



Jersey

**IMMIGRATION (CONTROL OF ENTRY  
THROUGH REPUBLIC OF IRELAND)  
(JERSEY) ORDER 2018**

**Official Consolidated Version**

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# IMMIGRATION (CONTROL OF ENTRY THROUGH REPUBLIC OF IRELAND) (JERSEY) ORDER 2018

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Jersey

## IMMIGRATION (CONTROL OF ENTRY THROUGH REPUBLIC OF IRELAND) (JERSEY) ORDER 2018

**THE MINISTER FOR HOME AFFAIRS**, in pursuance of section 9(2) and (6) of the Immigration Act 1971 as extended to Jersey with modifications by the Immigration (Jersey) Order 1993 and the Immigration (Jersey) (Amendment) Order 2017, orders as follows –

Commencement [[see endnotes](#)]

### 1 Interpretation<sup>1</sup>

In this Order –

“Act” means the Immigration Act 1971 (c.77) of the United Kingdom as extended to Jersey with modifications by the Immigration (Jersey) Order 1993 and the Immigration (Jersey) (Amendment) Order 2017;

“exempt work activity” means an activity listed in the Appendix to the Jersey Immigration Rules titled “Visitor: Permitted Activities”, except those activities listed in paragraphs PA(J) 1, PA(J) 2 and PA(J) 16.1 to PA(J) 18;

“Jersey” has the meaning given in Article 2 of the Immigration (Jersey) Order 1993;

“Jersey Immigration Rules” means the directions, as amended from time to time, given under sections 1(4A) and 3(2) of the Act;

“occupation or employment” includes the following activities in Jersey (whether paid or unpaid) –

- (a) undertaking employment;
- (b) doing any work for an organisation or business;
- (c) establishing or running a business as a self-employed person;
- (d) undertaking a work placement or internship;
- (e) undertaking any direct selling to the public;
- (f) fulfilling a contract to provide goods or services;

“permitted paid engagement” means an engagement listed in paragraph V(J)13.3 of the Appendix to the Jersey Immigration Rules titled “V(J): Visitor”;

“permitted payment” means a payment of a type listed in paragraph V4.6.(a) to (f) of the Appendix to the Jersey Immigration Rules titled “V(J): Visitor”, read without regard to the condition in paragraph V(J)4.6.(f) that the requirements of paragraphs V(J)13.1 to V(J)13.3 are met;

“visa national” means a person, including a stateless person, who in accordance with the Jersey Immigration Rules is required on entry into Jersey to produce a passport or other document of identity endorsed with a visa for his or her entry into Jersey.

## **2 Immigration control in respect of certain persons travelling through the Republic of Ireland**

- (1) This Article applies to –
- (a) any person (other than an Irish citizen) who arrives in Jersey on an aircraft which began its flight in that Republic if he or she entered that Republic in the course of a journey to Jersey which began outside the common travel area and was not given leave to land in that Republic in accordance with the law in force there;
  - (b) any person (other than a person to whom sub-paragraph (a) refers) who arrives in Jersey on a local journey from the Republic of Ireland if he or she satisfies any of the following conditions, that is to say –
    - (i) he or she is a visa national who has no valid visa for his or her entry into Jersey, save for a visa national to whom Article 3 applies,
    - (ii) he or she entered that Republic unlawfully from a place outside the common travel area,
    - (iii) he or she entered that Republic from a place in the United Kingdom or Islands (that is to say, the Channel Islands and the Isle of Man) after entering there unlawfully, or, if he or she had a limited leave to enter or remain there, after the expiry of the leave, provided that in either case he or she has not subsequently been given leave to enter or remain in the United Kingdom or any of the Islands,
    - (iv) he or she is an excluded person for the purposes of section 8B of the Act,
    - (v) he or she is excluded from the United Kingdom by an order under the Immigration (European Economic Area) Regulations 2016 (S.I. 2016/1052 of the United Kingdom).<sup>2</sup>
- (1A) In paragraph (1)(b)(v) the reference to an order under the Immigration (European Economic Area) Regulations 2016 (the “2016 Regulations”) is to –
- (a) an order made, on or after the commencement of Article 2 of the [European Union \(Repeal and Amendment\) \(Jersey\) Law 2018](#), under the 2016 Regulations as they have effect in the United Kingdom under the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (S.I. 2020/1209 of the United Kingdom); or
  - (b) an order made before that commencement under the 2016 Regulations, if that order continues in force in the United Kingdom under paragraph 2 of Schedule 3 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309 of the United Kingdom).<sup>3</sup>
- (2) In relation only to persons to whom this Article applies, the Republic of Ireland shall be excluded from section 1(3) of the Act (provisions relating to persons travelling on local journeys in the common travel area).

### **3 Recognition of certain 90 day visit visas issued by the Republic of Ireland**

- (1) This Article applies for the purposes of Articles 2 and 4 to a visa national who is a citizen of a country listed in paragraph (2), if that person –
- (a) has applied to the Republic of Ireland authorities for a visa to travel to the Republic;
  - (b) has made the application mentioned in paragraph (a) to the Republic of Ireland authorities based in the country, listed in paragraph (2), where the visa national is a citizen;
  - (c) has been granted a visa to travel to the Republic of Ireland by the Republic of Ireland authorities for the purpose of a stay of a period of 90 days or fewer, as a result of the application mentioned in paragraph (a), which is endorsed with the letters “BIVS”;
  - (d) has since been given permission by the Republic of Ireland authorities, endorsed on his or her passport, to land or be in the Republic of Ireland pursuant to the visa mentioned in paragraph (c); and
  - (e) is in possession of both the valid Irish visa mentioned in paragraph (c) and the valid endorsement from the Republic of Ireland authorities conferring permission to land or to be in the Republic mentioned in paragraph (d), at the time when he or she enters Jersey on a local journey from the Republic of Ireland.<sup>4</sup>
- (2) The listed countries are –
- (a) India;
  - (b) the People’s Republic of China.<sup>5</sup>

### **4 Restrictions and conditions**

- (1) Subject to paragraphs (2), (2A) and (2B), this Article applies to a person who does not have the right of abode in Jersey under section 2 of the Act and is not an Irish citizen, who enters Jersey on a local journey from the Republic of Ireland after having entered that Republic –
- (a) on coming from a place outside the common travel area; or
  - (b) after leaving Jersey whilst having a limited leave to enter or remain there which has since expired.<sup>6</sup>
- (2) This Article shall not apply to any person who arrives in Jersey with leave to enter or remain in Jersey which is in force but which was given to that person before his or her arrival or who requires leave to enter Jersey by virtue of Article 2 or section 9(4) of the Act.
- (2A) This Article does not apply to a person who has leave to enter or remain in Jersey, or may be granted that leave, by virtue of Appendix EU(J) to the Jersey Immigration Rules.<sup>7</sup>
- (2B) This Article does not apply to a person to whom Article 4A applies.<sup>8</sup>
- (3) A person to whom this Article applies by virtue only of paragraph (1)(a) shall, unless that person is a visa national without a valid visa for entry to Jersey and who is also a visa national to whom Article 3 applies, be subject to the restriction and condition set out in paragraph (4).
- (4) The restriction and condition referred to in paragraph (3) are that –

- (a) the period for which the person may remain in Jersey shall not be more than 6 months from the date on which he or she first entered Jersey; and
  - (b) the person must not engage in any occupation or employment except an exempt work activity, for which the person may receive a permitted payment.<sup>9</sup>
- (5) In relation to a person who is a visa national without a valid visa for entry to Jersey and who is also a visa national to whom Article 3 applies, the restriction and condition set out in paragraph (6) shall apply instead of the provisions contained in paragraph (4).
- (6) The restriction and condition referred to in paragraph (5) are that –
- (a) the period for which the visa national may remain in Jersey ends on the date of the expiry of the permission to land or to be in the Republic of Ireland mentioned in Article 3(1)(d); and
  - (b) the person must not engage in any occupation or employment except an exempt work activity, for which the person may receive a permitted payment.<sup>10</sup>
- (7) A person to whom this Article applies by virtue of paragraph (1)(b) (whether or not he or she is also a person to whom this Article applies by virtue of paragraph (1)(a)) shall be subject to the restriction and condition set out in paragraph (8).
- (8) The restriction and condition referred to in paragraph (7) are that –
- (a) the period for which the person may remain in Jersey shall not be more than 2 months from the date on which he or she first entered Jersey; and
  - (b) the person shall not engage in any occupation for reward or in any employment.<sup>11</sup>
- (9) Without prejudice to the generality of paragraph (2A), the restriction and condition set out in paragraphs (4) and (6) cease to apply to a person if this Article ceases, by virtue of paragraph (2A), to apply to that person.<sup>12</sup>

#### **4A Permitted paid engagement<sup>13</sup>**

- (1) Subject to paragraph (2), this Article applies to a person who does not have the right of abode in Jersey under section 2 of the Act and is not an Irish citizen, if that person –
- (a) enters Jersey on a local journey from the Republic of Ireland after having entered the Republic of Ireland –
    - (i) on coming from a place outside the common travel area, or
    - (ii) after leaving Jersey whilst having limited leave to enter or remain there which has since expired; and
  - (b) at the time of the person's entry to Jersey, intends, and has a previously arranged invitation, to undertake a permitted paid engagement in Jersey.
- (2) This Article does not apply to a person who –
- (a) arrives in Jersey with leave to enter or remain in Jersey which is in force but which was given to the person before their arrival; or
  - (b) requires leave to enter Jersey by virtue of Article 2 or of section 9(4) of the Act.

- (3) Subject to paragraph (5), a person to whom this Article applies is subject to the restriction and conditions in paragraph (4).
- (4) The restriction and conditions are that –
  - (a) the period for which the person may remain in Jersey is not more than one month from the date on which the person entered Jersey;
  - (b) the person must not engage in any occupation or employment, except an exempt work activity or the permitted paid engagement referred to in paragraph (1)(b); and
  - (c) the person must not receive any payment for any occupation or employment, other than a permitted payment for undertaking that exempt work activity or permitted paid engagement.
- (5) The restriction and conditions in paragraph (6) apply to a person if –
  - (a) the person left Jersey at a time when this Article applied to the person; and
  - (b) without first leaving the common travel area, the person subsequently re-enters Jersey.
- (6) The restriction and conditions are that –
  - (a) the period for which the person may remain in Jersey is not more than 7 days from the date on which the person entered Jersey;
  - (b) the person must not engage in any occupation or employment, except an exempt work activity or a permitted paid engagement; and
  - (c) the person must not receive any payment for any occupation or employment, other than a permitted payment for undertaking that exempt work activity or permitted paid engagement.

## 5 Citation

This Order may be cited as the Immigration (Control of Entry Through Republic of Ireland) (Jersey) Order 2018.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Immigration (Control of Entry Through Republic of Ireland) (Jersey) Order 2018	<a href="#">R&amp;O.1/2018</a>	15 January 2018
Immigration (Control of Entry Through Republic of Ireland) (Amendment – End of Transition Period) (Jersey) Order 2020	<a href="#">R&amp;O.179/2020</a>	11 p.m. on 31 December 2020 ( <a href="#">R&amp;O.189/2020</a> )

### Table of Renumbered Provisions

Original	Current
5	spent, omitted
6	5

### Table of Endnote References

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<sup>1</sup> Article 1	<i>amended by R&amp;O.179/2020</i>
<sup>2</sup> Article 2(1)	<i>amended by R&amp;O.179/2020</i>
<sup>3</sup> Article 2(1A)	<i>inserted by R&amp;O.179/2020</i>
<sup>4</sup> Article 3(1)	<i>renumbered by R&amp;O.179/2020, amended by R&amp;O.179/2020</i>
<sup>5</sup> Article 3(2)	<i>inserted by R&amp;O.179/2020</i>
<sup>6</sup> Article 4(1)	<i>amended by R&amp;O.179/2020</i>
<sup>7</sup> Article 4(2A)	<i>inserted by R&amp;O.179/2020</i>
<sup>8</sup> Article 4(2B)	<i>inserted by R&amp;O.179/2020</i>
<sup>9</sup> Article 4(4)	<i>amended by R&amp;O.179/2020</i>
<sup>10</sup> Article 4(6)	<i>amended by R&amp;O.179/2020</i>
<sup>11</sup> Article 4(8)	<i>amended by R&amp;O.179/2020</i>
<sup>12</sup> Article 4(9)	<i>substituted by R&amp;O.179/2020</i>
<sup>13</sup> Article 4A	<i>inserted by R&amp;O.179/2020</i>