



Jersey

# **IMMIGRATION (WORK PERMITS) (JERSEY) RULES 1995**

## **Official Consolidated Version**

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Showing the law from 1 January 2019 to Current



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# IMMIGRATION (WORK PERMITS) (JERSEY) RULES 1995

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Jersey

## **IMMIGRATION (WORK PERMITS) (JERSEY) RULES 1995<sup>1</sup>**

**THE HOME AFFAIRS COMMITTEE**, in exercise of the powers conferred by section 1(4) of the Immigration Act 1971 of the United Kingdom, as extended to Jersey by the Immigration (Jersey) Order 1993, makes the following Rules

Commencement [[see endnotes](#)]

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### **1 Application of Rules**

- (1) These Rules apply in relation to a person not having the right of abode in Jersey seeking leave to enter or remain in or variation of leave to enter or remain in Jersey for the purpose of employment subject to a condition that the person holds a work permit.
- (2) The entry into and stay in Jersey of persons not having the right of abode is regulated in accordance with directions given by the Lieutenant-Governor under section 1(4A) of the Immigration Act 1971 of the United Kingdom as extended to Jersey by the Immigration (Jersey) Order 1993.
- (3) In these Rules, any reference to an entrant shall be construed as a reference to a person in relation to whom these Rules apply.

### **2 Application for work permit**

- (1) An application for a work permit shall be made to the Minister by the person wishing to employ the entrant.
- (2) An application shall be made in such form, contain such information and be accompanied by such particulars and such fee as the Minister may from time to time require.

### **3 Issue of work permit**

- (1) In determining whether or not to issue a work permit, the Minister shall have regard to the matters described in paragraph (2), and may have regard to the matters described in paragraph (3).

- (2) The matters to which the Minister shall have regard are –
  - (a) the extent to which the vacancy exists;
  - (b) the manner in which and the extent to which the vacancy has been advertised, and the period for which the vacancy has been advertised;
  - (c) the availability of persons not requiring a work permit who have a level of experience or training adequate for the vacancy;
  - (d) the wages and conditions of service offered for the vacancy, and the wages and conditions of service applicable to the majority of persons similarly employed in Jersey;
  - (e) the entrant's knowledge of the English language; and
  - (f) the economic situation of Jersey.<sup>2</sup>
- (3) The matters to which the Minister may have regard are –
  - (a) the work experience and character of the entrant; and
  - (b) any provision made by the person wishing to employ the entrant for housing the person.

#### **4 Form and terms, etc. of work permit**

- (1) A work permit shall be issued in such form as the Minister from time to time determines.
- (2) A work permit shall authorize the employment of the entrant by the applicant for the work permit in a specified post for a specified period of time.
- (3) Subject to paragraph (4), the period of time specified in a work permit shall not exceed –
  - (a) in the case of seasonal or other short term employment, 9 months; and
  - (b) in any other case, 3 years.
- (4) The Minister may, in exceptional circumstances, authorize a period of employment not exceeding 5 years.
- (5) Where an entrant does not, within the period of 3 months commencing on the day a work permit is issued, take up the specified post, the work permit shall cease to have effect upon the expiry of that period.<sup>3</sup>
- (6) Subject to this Rule, the Minister may issue a work permit subject to such conditions, restrictions and requirements as the Minister considers appropriate.

#### **5 Citation**

These Rules may be cited as the Immigration (Work Permits) (Jersey) Rules 1995.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Immigration (Work Permits) (Jersey) Rules 1995	<a href="#">R&amp;O.8845</a>	1 August 1995
States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005	<a href="#">R&amp;O.47/2005</a>	9 December 2005
Immigration (Work Permits) (Amendment) (Jersey) Rules 2012	<a href="#">R&amp;O.11/2012</a>	1 March 2012

### Table of Renumbered Provisions

Original	Current
5	spent, omitted from this revised edition
6	5

### Table of Endnote References

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- <sup>1</sup> *These Rules have been amended by the States of Jersey (Amendments and Construction Provisions No. 7) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- <sup>2</sup> *Rule 3(2) amended by R&O.11/2012*
- <sup>3</sup> *Rule 4(5) amended by R&O.11/2012*