STATUTORY INSTRUMENTS

2025 No. 1138

IMMIGRATION

The Immigration (Guernsey) Order 2025

Made - - - - 15th October 2025

Coming into force in accordance with article 1(1)

At the Court at Buckingham Palace, the 15th day of October 2025

Present,

The King's Most Excellent Majesty in Council

His Majesty, in exercise of the powers conferred upon Him by section 86(4) of the Immigration Act 1971(**a**), section 170(7) of the Immigration and Asylum Act 1999(**b**) and section 86(4) of the Nationality and Borders Act 2022(**c**) is pleased, by and with the advice of His Privy Council, to order as follows.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Immigration (Guernsey) Order 2025 and comes into force on the day specified by regulations made by the States of Guernsey Committee for Home Affairs; and different dates may be specified for different provisions and for different purposes.

(2) In this Order—

"the 1971 Act" means the Immigration Act 1971,

"the 1999 Act" means the Immigration and Asylum Act 1999,

"the 2022 Act" means the Nationality and Borders Act 2022,

"Guernsey" means the Bailiwick of Guernsey, and

"relevant Act" means the 1971 Act, the 1999 Act, the Nationality, Immigration and Asylum Act 2002 or the 2022 Act.

(3) For the purposes of construing provisions of a relevant Act as part of the law of Guernsey, a reference to an enactment which extends to Guernsey is to be construed as a reference to that enactment as it has effect in Guernsey, unless the context requires otherwise.

Extension of the 2022 Act to Guernsey

2.—(1) Each provision of the 2022 Act specified in column 1 of Schedule 1 to this Order is extended to Guernsey with any modifications specified in column 2 of the schedule.

(2) Schedule 2 to this Order sets out the provisions of the 2022 Act as extended to Guernsey.

(**a**) 1971 c. 77.
(**b**) 1999 c. 33.
(**c**) 2022 c. 36.

(3) In case of any conflict between Schedule 1 and Schedule 2, the former prevails.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE 1

Article 2(1)

Extension and modification of provisions of the Nationality and Borders Act 2022

Column 1	*Column 2*
Provision	*Modifications*
Section 70 of the 2022 Act.	For this section, substitute the following section— "**70. Visa penalty provisions: application of UK Immigration Rules to the Bailiwick** (1) Subject to subsections (2) and (3), immigration rules making visa penalty provision under section 70 of this Act, as it has effect in the United Kingdom, have effect in and in relation to the Bailiwick as if they were rules made under section 3(2) of the 1971 Act. (2) The Committee may at any time by Order— (a) disapply subsection (1) in relation to any of those rules; or (b) modify the application of subsection (1) in relation to any of those rules, including providing for any or all of those rules to have effect in the Bailiwick subject to modifications specified in the Order. (3) Subject to subsection (4), and unless the context or an Order under subsection (2) requires otherwise, a reference in those rules— (a) to entry clearance is to be construed as a reference to entry clearance within the meaning given by section 33(1) of the 1971 Act; (b) to immigration officers is to be construed as a reference to immigration officers appointed for the purposes of the 1971 Act; (c) to the United Kingdom is to be construed as a reference to the Bailiwick; (d) to the Secretary of State is to be construed as a reference to the Committee; and (e) to any of the Immigration Acts is to be construed as a reference to that Act as it has effect in the Bailiwick.

	(4) Any amount of money payable under a visa penalty provision is to be paid into the Consolidated Fund of the United Kingdom. (5) For the avoidance of doubt, the Guernsey Statutory Instruments (Registration) Ordinance, 1949 applies to an Order under subsection (2). (6) For the avoidance of doubt, a reference in this section to the 1971 Act is a reference to that Act as it has effect in the Bailiwick. (7) In this section— "the Bailiwick" means the Bailiwick of Guernsey; and "the Committee" means the States of Guernsey Committee for Home Affairs.””
Section 75 (except subsection (5)) of the 2022 Act.	In section 75(2) of the 2022 Act— (a) in section 11C as inserted in the 1971 Act— (i) for subsection (1), substitute the following subsection— "(1) In this Act— "an ETA" means an authorisation in electronic form to travel to the Bailiwick; "any other British CTA territory" means the United Kingdom, the Bailiwick of Jersey or the Isle of Man; "the Bailiwick" means the Bailiwick of Guernsey; and "the Committee" means the States of Guernsey Committee for Home Affairs."; (ii) in subsections (2), (3) and (4), for "United Kingdom" in each place where the expression occurs, substitute "Bailiwick"; (iii) in subsection (5)— (A) for "United Kingdom" in each place where it occurs, substitute "Bailiwick"; (B) for "of the Islands" in paragraph (a), and "island" in paragraph (b) and the part of that subsection following paragraph (b), respectively, substitute "other British CTA territory"; and for "Secretary of State", substitute "Committee"; and

(iv) in subsection (6)(d)(ii), for "United Kingdom", substitute "Bailiwick";

(b) in section 11D as inserted in the 1971 Act—

(i) in its heading, for "the Islands", substitute "other British CTA territories";

(ii) in subsection (1)—

(A) for "Secretary of State", substitute "Committee";

(B) for "United Kingdom", substitute "Bailiwick"; and

(C) for "of the Islands" and "island" respectively, substitute "other British CTA territory";

(iii) in subsection (2)—

(A) for "United Kingdom" in each place where it occurs, substitute "Bailiwick";

(B) for "of the Islands" in paragraph (c), substitute "other British CTA territory"; and

(C) for "Secretary of State" in paragraph (d), substitute "Committee"; and

(iv) for subsections (3), (4), (5) and (6), substitute the following subsection—

"(3) For the avoidance of doubt, the Guernsey Statutory Instruments (Registration) Ordinance, 1949 applies to regulations under subsection (1).";

(c) immediately after section 11D as inserted in the 1971 Act, insert the following section—

"**11E Arrangements for functions to be carried out by Secretary of State**

(1) The Committee may arrange for the Secretary of State to carry out any function in relation to ETAs conferred on any person ("the decision-maker") by immigration rules under section 11C or regulations under section 11D.

(2) A function carried out by or on behalf of the Secretary of State under an arrangement made under subsection (1) is for all purposes

carried out by the decision-maker under the rules or regulations concerned; and every decision taken or other thing done by or on behalf of the Secretary of State under such an arrangement has the same effect as if taken or (as the case may be) done by the decision-maker.

(3) An arrangement under subsection (1)—

(a) may be varied or terminated at any time by the Committee, but without prejudice to anything done under the arrangement or to the making of a new arrangement; and

(b) does not prevent the performance of the function by the decision-maker concerned.

(4) For the avoidance of doubt, the decision-maker may be the Committee.

(5) This section has effect for the removal of any doubt and is not to be construed as impliedly invalidating anything done in conformity with any other enactment or rule of law, either before or after this section comes into force."

In section 75(3) of the 2022 Act, in section 24A(1)(a) of the 1971 Act as amended, for "Kingdom", substitute "Guernsey".

In section 75(4) of the 2022 Act—

(a) for "place insert—"; and

(b) for the definition of "an ETA", substitute—

"places, insert the following definitions in the appropriate order—

""any other British CTA territory" or "other British CTA territory" has the meaning given by section 11C;"
""the Bailiwick" has the meaning given by section 11C;"
""the Committee" has the meaning given by section 11C;" and
""an ETA" means an authorisation in electronic form to travel to the Bailiwick;"

Section 76 of the 2022 Act.

In section 76(1) of the 2022 Act, for "(8)", substitute "(6)".

In section 76(2) of the 2022 Act—

(a) in relation to the substituted section 40(1) of the 1999 Act—

(i) for "Secretary of State", substitute "States of Guernsey Committee for Home Affairs ("the Committee");" and

(ii) for "United Kingdom", substitute "Bailiwick of Guernsey"; and

(b) in relation to the substituted section 40(1C)(a), for "United Kingdom" in each place where it occurs, substitute "Bailiwick of Guernsey".

For section 76(4) of the 2022 Act, in relation to section 40(4) of the 1999 Act, substitute the following subsection—

"(4) For subsection (4), substitute the following subsection—

"(4) No charge shall be payable on the basis that Case 1 applies in respect of any individual if the owner provides evidence that the individual produced an immigration document of the kind mentioned in subsection (1A) to the owner or an employee or agent of the owner when embarking on the ship or aircraft for the voyage or flight to the Bailiwick of Guernsey.""

In section 76(5) of the 2022 Act—

(a) in section 40(4A) of the 1999 Act as inserted—

(i) in paragraph (a), for "United Kingdom", substitute "Bailiwick of Guernsey"; and

(ii) in paragraphs (b) and (c), immediately after "Secretary of State" in each place where the expression occurs, insert ", the Committee or an immigration officer";

(b) in section 40(4B) of the 1999 Act as inserted—

(i) in paragraph (a)—

(A) immediately after "Secretary of State", insert ", the Committee or an immigration officer"; and

(B) for "United Kingdom", substitute "Bailiwick of Guernsey"; and

(ii) in paragraph (b), immediately after "Secretary of State", insert ", the Committee or an immigration officer".

For section 76(6), (7) and (8) of the 2022 Act, in relation to section 40 of the 1999 Act, substitute the following subsection—

"(6) For subsections (5), (6), (7), (8), (11) and (13), substitute the following subsections—

"(5) For the purpose of subsection (4) or (4A)(a), an owner shall be entitled to regard a document as—

(a) being what it purports to be unless its falsity is reasonably apparent; and

(b) relating to the individual producing it unless it is reasonably apparent that it does not relate to him.

(6) For the purposes of this section an individual requires an entry clearance if under the immigration rules he requires an entry clearance for entry into the Bailiwick of Guernsey.

(7) In this section "immigration document" means—

(a) a passport; and

(b) a document which relates to a national of a country other than the United Kingdom and which is designed to serve the same purpose as a passport.

(8) The Committee may by Order substitute a sum for the sum in subsection (1).

(9) An Order under subsection (8) must be laid before a meeting of the States of Deliberation as soon as possible and, if at that or the next meeting the States of Deliberation resolve to annul it, ceases to have effect, but without prejudice to anything done under it or to the making of a new Order.

(10) For the avoidance of doubt, the Guernsey Statutory Instruments (Registration) Ordinance, 1949 applies to an Order under subsection (8).""

SCHEDULE 2

Article 2(2)

Provisions of the Nationality and Borders Act 2022 as extended to Guernsey

Provision as extended to Guernsey

"**70. Visa penalty provisions: application of UK Immigration Rules to the Bailiwick**

(1) Subject to subsections (2) and (3), immigration rules making visa penalty provision under section 70 of this Act, as it has effect in the United Kingdom, have effect in the Bailiwick as if they were rules made under section 3(2) of the 1971 Act.

(2) The Committee may at any time by Order—

(a) disapply subsection (1) in relation to any of those rules; or

(b) modify the application of subsection (1) in relation to any of those rules, including providing for any or all of those rules to have effect in the Bailiwick subject to modifications specified in the Order.

(3) Subject to subsection (4), and unless the context or an Order under subsection (2) requires otherwise, a reference in those rules—

(a) to entry clearance is to be construed as a reference to entry clearance within the meaning given by section 33(1) of the 1971 Act;

(b) to immigration officers is to be construed as a reference to immigration officers appointed for the purposes of the 1971 Act;

(c) to the United Kingdom is to be construed as a reference to the Bailiwick;

(d) to the Secretary of State is to be construed as a reference to the Committee; and

(e) to any of the Immigration Acts is to be construed as a reference to that Act as it has effect in the Bailiwick.

(4) Any amount of money payable under a visa penalty provision is to be paid into the Consolidated Fund of the United Kingdom.

(5) For the avoidance of doubt, the Guernsey Statutory Instruments (Registration) Ordinance, 1949 applies to an Order under subsection (2).

(6) For the avoidance of doubt, a reference in this section to the 1971 Act is a reference to that Act as it has effect in the Bailiwick.

(7) In this section—
"the Bailiwick" means the Bailiwick of Guernsey; and
"the Committee" means the States of Guernsey Committee for Home Affairs."

"**75. Electronic travel authorisations**

(1) The Immigration Act 1971 is amended in accordance with subsections (2) to (4).

(2) After Part 1 insert—

“Part 1A
Electronic Travel Authorisations
11C. Electronic travel authorisations

(1) In this Act—
“an ETA” means an authorisation in electronic form to travel to the Bailiwick of Guernsey;
“any other British CTA territory” or “other British CTA territory” means the United Kingdom, the Bailiwick of Jersey or the Isle of Man;
“the Bailiwick” means the Bailiwick of Guernsey; and
“the Committee” means the States of Guernsey Committee for Home Affairs.

(2) Immigration rules may require an individual of a description specified in the rules not to travel to the Bailiwick from any place (including a place in the common travel area), whether with a view to entering the Bailiwick or to passing through it without entering, unless the individual has an ETA that is valid for the individual’s journey to the Bailiwick.

(3) The rules may not impose this requirement on an individual if—

(a) the individual is a British citizen, or

(b) the individual would, on arrival in the Bailiwick, be entitled to enter without leave.

(4) In relation to an individual travelling to the Bailiwick on a local journey from a place in the common travel area, subsection (3)(b) applies only if the individual would also be entitled to enter without leave if the journey were instead from a place outside the common travel area.

(5) The rules may impose the requirement mentioned in subsection (2) on an individual who—

(a) travels to the Bailiwick on a local journey from a place in any other British CTA territory, and

(b) has leave to enter or remain in that other British CTA territory,

only if it appears to the Committee necessary to do so by reason of differences between the immigration laws of the Bailiwick and that other British CTA territory.

(6) The rules must—

(a) provide for the form or manner in which an application for an ETA may be made, granted or refused;

(b) specify the conditions (if any) which must be met before an application for an ETA may be granted;

(c) specify the grounds on which an application for an ETA must or may be refused;

(d) specify the criteria to be applied in determining—

(i) the period for which an ETA is valid;

(ii) the number of journeys to the Bailiwick during that period for which it is valid (which may be unlimited);

(e) require an ETA to include provision setting out the matters mentioned in paragraph (d)(i) and (ii);

(f) provide for the form or manner in which an ETA may be varied or cancelled;

(g) specify the grounds on which an ETA must or may be varied or cancelled.

(7) The rules may also—

(a) provide for exceptions to the requirement described in subsection (2), and

(b) make other provision relating to ETAs.

(8) Rules made by virtue of this section may make different provision for different cases or descriptions of case.

11D. Electronic travel authorisations and other British CTA territories

(1) The Committee may by regulations make provision about the effects in the Bailiwick of the grant or refusal under the law of any other British CTA territory of an authorisation in electronic form to travel to that other British CTA territory.

(2) Regulations under subsection (1) may in particular make provision about—

(a) the recognition in the Bailiwick of an authorisation granted as mentioned in subsection (1);

(b) the conditions or limitations that are to apply in the Bailiwick to such an authorisation;

(c) the effects in the Bailiwick of such an authorisation being varied or cancelled under the law of any other British CTA territory;

(d) the circumstances in which the Committee or an immigration officer may vary or cancel such an authorisation (so far as it applies in the Bailiwick).

(3) For the avoidance of doubt, the Guernsey Statutory Instruments (Registration) Ordinance, 1949 applies to regulations under subsection (1).

11E. Arrangements for functions to be carried out by Secretary of State

(1) The Committee may arrange for the Secretary of State to carry out any function in relation to ETAs conferred on any person ("the decision-maker") by immigration rules under section 11C or regulations under section 11D.

(2) A function carried out by or on behalf of the Secretary of State under an arrangement made under subsection (1) is for all purposes carried out by the decision-maker under the rules or regulations concerned; and every decision taken or other thing done by or on behalf of the Secretary of State under such an arrangement has the same effect as if taken or (as the case may be) done by the decision-maker.

(3) An arrangement under subsection (1)—

(a) may be varied or terminated at any time by the Committee, but without prejudice to anything done under the arrangement or to the making of a new arrangement; and

(b) does not prevent the performance of the function by the decision-maker concerned.

(4) For the avoidance of doubt, the decision-maker may be the Committee.

(5) This section has effect for the removal of any doubt and is not to be construed as impliedly invalidating anything done in conformity with any other enactment or rule of law, either before or after this section comes into force."

(3) In section 24A (deception), in subsection (1)(a)—

(a) after "obtain" insert "— (i)";

(b) after "Guernsey" insert ", or" and the following subparagraph—

(ii) an ETA."

(4) In section 33 (interpretation), in subsection (1), at the appropriate places, insert the following definitions in the appropriate order—

"any other British CTA territory" or "other British CTA territory" has the meaning given by section 11C."
"the Bailiwick" has the meaning given by section 11C;"
"the Committee" has the meaning given by section 11C;"
"an ETA" means an authorisation in electronic form to travel to the Bailiwick;"

(5) In section 126 of the Nationality, Immigration and Asylum Act 2002 (compulsory provision of physical data), in subsection (2), before paragraph (a) insert—

"(za) an ETA (within the meaning of section 11C of the Immigration Act 1971 (electronic travel authorisations)),""
"**76. Liability of carriers**

(1) Section 40 of the Immigration and Asylum Act 1999 (liability of carriers in respect of passengers) is amended in accordance with subsections (2) to (6).

(2) For subsection (1) substitute—

"(1) The States of Guernsey Committee for Home Affairs ("the Committee") may charge the owner of a ship or aircraft the sum of £2,000 where—

(a) an individual who would not, on arrival in the Bailiwick of Guernsey, be entitled to enter without leave arrives by travelling on the ship or aircraft, and

(b) at least one of the Cases set out in subsections (1A) to (1C) applies.

(1A) Case 1 is where, on being required to do so by an immigration officer, the individual fails to produce an immigration document which is valid and which satisfactorily establishes the individual's identity and the individual's nationality or citizenship.

(1B) Case 2 is where—

(a) the individual requires an entry clearance,

(b) an entry clearance in electronic form of the required kind has not been granted, and

(c) if required to do so by an immigration officer, the individual fails to produce an entry clearance in documentary form of the required kind.

(1C) Case 3 is where—

(a) the individual was required not to travel to the Bailiwick of Guernsey unless the individual had an authorisation in electronic form ("an ETA") under immigration rules made by virtue of section 11C of the Immigration Act 1971 that was valid for the individual's journey to the Bailiwick of Guernsey, and

(b) the individual did not have such an ETA."

(3) Omit subsection (2).

(4) For subsection (4), substitute the following the following subsection—

"(4) No charge shall be payable on the basis that Case 1 applies in respect of any individual if the owner provides evidence that the individual produced an immigration document of the kind mentioned in subsection (1A) to the owner or an employee or agent of the owner when embarking on the ship or aircraft for the voyage or flight to the Bailiwick of Guernsey."

(5) After subsection (4) insert—

"(4A) No charge shall be payable on the basis that Case 2 applies in respect of any individual if the owner provides evidence that—

(a) the individual produced an entry clearance in documentary form of the required kind to the owner or an employee or agent of the owner when embarking on the ship or aircraft for the voyage or flight to the Bailiwick of Guernsey,

(b) the owner or an employee or agent of the owner reasonably believed, on the basis of information provided by the Secretary of State, the Committee or an immigration officer in respect of the individual, that the individual did not require an entry clearance of the kind in question,

(c) the owner or an employee or agent of the owner reasonably believed, on the basis of information provided by the Secretary of State, the Committee or an immigration officer, that an entry clearance in electronic form of the required kind had been granted, or

(d) the owner or an employee or agent of the owner was unable to establish whether an entry clearance in electronic form of the required kind had been granted in respect of the individual and had a reasonable excuse for being unable to do so.

(4B) No charge shall be payable on the basis that Case 3 applies in respect of any individual if the owner provides evidence that the owner or an employee or agent of the owner—

(a) reasonably believed, on the basis of information provided by the Secretary of State, the Committee or an immigration officer in respect of the individual, that the individual was not required to have an ETA that was valid for the individual's journey to the Bailiwick of Guernsey,

(b) reasonably believed, on the basis of information provided by the Secretary of State, the Committee or an immigration officer, that the individual had such an ETA, or

(c) was unable to establish whether the individual had such an ETA and had a reasonable excuse for being unable to do so."

(6) For subsections (5), (6), (7), (8), (11) and (13), substitute the following subsections—

"(5) For the purpose of subsection (4) or (4A)(a), an owner shall be entitled to regard a document as—

(a) being what it purports to be unless its falsity is reasonably apparent; and

(b) relating to the individual producing it unless it is reasonably apparent that it does not relate to him.

(6) For the purposes of this section an individual requires an entry clearance if under the immigration rules he requires an entry clearance for entry into the Bailiwick of Guernsey.

(7) In this section "immigration document" means—

(a) a passport; and

(b) a document which relates to a national of a country other than the United Kingdom and which is designed to serve the same purpose as a passport.

(8) The Committee may by Order substitute a sum for the sum in subsection (1).

(9) An Order under subsection (8) must be laid before a meeting of the States of Deliberation as soon as possible and, if at that or the next meeting the States of Deliberation resolve to annul it, ceases to have effect, but without prejudice to anything done under it or to the making of a new Order.

(10) For the avoidance of doubt, the Guernsey Statutory Instruments (Registration) Ordinance, 1949 applies to an Order under subsection (8)."

(7) In consequence of the amendments made by this section—

(a) for the heading of section 40 of the Immigration and Asylum Act 1999 substitute "Charge in respect of individual without proper documents or authorisation";

(b) for the italic heading before section 40 of that Act substitute "Individuals without proper documents or authorisation"."

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Bailiwick of Guernsey, with modifications, sections 70, 75 and 76 of the Nationality and Borders Act 2022.

These provisions, as extended and modified—

(a) give effect to UK Immigration Rules providing for visa penalties (subject to disapplication or modification by Order of the Committee for Home Affairs,

(b) provide for Electronic Travel Authorisations to be required for travel to the Bailiwick of Guernsey, and

(c) amend provisions in the Immigration and Asylum Act 1999 (previously extended to the Bailiwick of Guernsey with modifications) relating to the liability of carriers.

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£8.90

http://www.legislation.gov.uk/id/uksi/2025/1138

ISBN 978-0-34-827614-5

