

A guide to Guernsey's population management regime following the new Employment Permit Policy

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Date / [May 2024](#)

The Population Management (Guernsey) Law, 2016 (**the Law**) requires everyone who lives and/or works in Guernsey (and who is aged 16 or over) to hold either a valid Population Management Permit or a Population Management Certificate evidencing that they are lawfully housed and/or working on the island. A separate immigration Work Permit is also required for those who require immigration permission to enter Guernsey for employment purposes.

Up until April 2023, two separate policies with different criteria governed immigration Work Permits and Population Management Employment Permits. However, to streamline the process and to enable businesses to look further afield to fill job roles, a new Employment Permit Policy (**the New Policy**) has been introduced. It became effective on 3 April 2023 and now means that Work Permits will be issued through the Population Management Employment Permit scheme as a combined single permit. This is in addition to any immigration visa requirements which will remain separate from this process.

Immigration

Persons from the following list are permitted to enter and stay in Guernsey without requiring specific permission (*i.e.* a visa) from the local immigration authority, the Guernsey Border Agency (the **GBA**):

- British or Republic of Ireland citizens;
- those who have indefinite leave to enter or remain in the Bailiwick of Guernsey, UK, Bailiwick of Jersey or Isle of Man;
- Commonwealth citizens with the Right of Abode in the UK;
- those with permission to enter or remain under the UK Youth

Mobility Scheme;

- Commonwealth citizens with valid leave to enter on the basis of a grandparent born in the Bailiwick of Guernsey, UK, Bailiwick of Jersey or Isle of Man; or
- those covered by an EU Settlement Scheme operated by the Bailiwick of Guernsey, UK, Bailiwick of Jersey or Isle of Man, holding 'Pre-Settled Status' or 'Settled Status'.

Employees not on this list will require a visa to enter Guernsey for employment purposes.

The requirement for a visa can be waived if the employment is intended to last for 6 months or less and the prospective employee is from the EU, EEA, Switzerland or a national from one of the non-visa countries listed under the new policy. In these circumstances, the employer, however, must still apply for a Work Permit for the prospective employee.

Permits

By way of background, Guernsey's housing market is split into two categories - the Local and the Open Market. The Local Market is by far the biggest and in broad terms is limited to Local people or people holding the requisite Certificate or Permit. The Open Market is much smaller but is generally open to most people.

A Certificate is linked to a person's housing status and/or the length of time they have resided in Guernsey. A Permit is linked to a person's specific employment for a specific employer, or to a person's family relationship to another Certificate or Permit holder. Both Certificates and Permits can have conditions attached to them, such as an obligation on the individual to reside at a certain address/with a particular

person, or to remain in a certain job role.

Employment permits

There are four main types of employment permit:

1. Short Term Employment Permits (STEPs)

- STEPs are issued for specific jobs to cover a local labour force shortage.
- STEPs are issued for up to 1 year and, under the New Policy, where issued after 2 April 2023, are renewable up to a maximum of 3 years' aggregate residence.
- STEPs will be conditional upon a particular full-time job and a particular employer.
- (Previously, STEPs were renewable up to a maximum of 5 years. This will generally still continue to apply to those holding a STEP on or before 2 April 2023, although if they leave Guernsey, this type of policy will no longer be available to them.)
- After the 3 year limit under the New Policy, the STEP holder must take a recognised break in residence from Guernsey (and the UK Common Travel Area if immigration permissions are held) which is equal to or greater than their last period of residence.
- STEP holders can live in Open or Local Market accommodation, but it must be shared with the property householder (i.e. on a lodgings basis). STEP holders cannot accommodate others, so family members are not permitted.

2. Long Term Employment Permits (LTEPs)

- LTEPs are issued for specific jobs where there is a recognised shortage of people with the required skills and/or qualifications in the local labour force and there is a continuous shortage of those skilled workers both in Guernsey and the UK.
- LTEPs are issued for up to 8 years and will be conditional upon a particular full-time job and a particular employer.
- LTEP holders can live in Open or Local Market accommodation and can accommodate dependant family members.
- LTEP holders can expect to become Established Resident Certificate holders (see below) upon expiry of the LTEP.
- If the prospective LTEP holder requires immigration permission, a visa will be granted for an initial 3 year period. Any extension to the visa must be applied for prior to the 3 year expiry date.
- Pathway LTEPs can also be issued where a business or an employee is working towards the LTEP criteria, for example, where a business is being set up or an employee is working towards a relevant professional qualification. A Pathway LTEP will be issued for a shorter period than 8 years. If the criteria is met within this time, the remaining balance of 8 years can be expected to be issued via another LTEP.
- Limited LTEPs are also available for skilled roles not specifically listed in the New Policy but where it would be unreasonable to expect the holder to live on a lodgings basis. Limited LTEPs will generally be issued for up to 3 years, with no expectation of it being renewed.

3. Seasonal Employment Permits (SEPs)

- SEPs are issued for specific jobs to cover a local labour force shortage.
- SEPs are only issued for up to 9 months, after which time the holder must leave Guernsey (and the UK Common Travel Area if immigration permissions are held) for a minimum of 3 months before they can return. This arrangement can continue indefinitely.
- SEP holders can live in Open or Local Market accommodation, but it must be shared with the property householder (i.e. on a lodgings basis). SEP holders cannot accommodate others, so family members are not permitted.

4. Open Market Employment Permits

- Part A (private family homes)

Owners of Open Market family homes can employ full-time household staff on a 'live-in' basis, who will then be able to work for the householder. However, under the New Policy, this will only apply if they do not require a work visa (see above). If the employee does require a work visa, a SEP, STEP or a LTEP must be applied for as the visa will be assessed against the New Policy. Part A employees can house immediate family members with their employer/landlord's permission and with the appropriate permit but will not build up any rights to live in Local Market accommodation no matter how long they live/work there.

- Parts B & C (hotels and nursing / residential homes)

Employees not requiring a work visa (see above) can live and work in Open Market hotels/nursing homes provided they remain living on site. Again, under the New Policy, this will only apply if they do not require a work visa (see above). If they do, a SEP, STEP or a LTEP must be applied for as the visa will be assessed against the New Policy. Parts B & C employees cannot accommodate others and will not build up any rights to live in Local Market accommodation throughout their employment.

Removal of Medium Term Employment Permits (MTEPs)

Prior to the New Policy, MTEPs could be issued for up to 5 years for a range of roles where there was a recognised shortage of suitably skilled/qualified workers locally. Most, but not all, roles which attracted an MTEP were also eligible for an LTEP for the same role, or a more senior version thereof. Under the New Policy, MTEPs are being removed from the Law. Those currently holding a MTEP can continue to do so until its expiry, provided they continue to comply with the MTEP conditions. In addition, job roles previously only eligible for MTEPs may now be available for LTEPs under the New Policy.

Making an employment permit application

Employment Permit Applications are made online via the Employer Portal through the States of Guernsey website. When making an application for the first time, an employer will be requested to complete an Employer's Assessment. Employers will have to update and resubmit this assessment every three years. Questions will be asked in relation to the Employer's

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business activities, its direct economic benefits to the island, its environmental and reputational impact and the support it offers to its employees and the local community.

The business will be scored on its responses and if the assessment threshold is met, employers will be able to automatically access Permits for job roles specified within the New Policy. If the threshold is not met, permits can still be applied for, but they will be assessed on a case-by-case basis. If a job role is not in the New Policy, an 'out of policy' STEP or LTEP application will need to be submitted, together with additional information and supporting material, which will then be considered on a case-by-case basis.

There is a small fee associated with making an Employment Permit Application, ranging from £700 for a LTEP (for an in-policy application) to £120 for a STEP (in-policy application). These fees may increase from time to time.

Residence Permits

Residence Permits will be issued to persons wishing to live in Guernsey who have a close family connection to a lawful householder e.g. the spouse/child of an Employment Permit holder, or to those who have built up residency rights on the Local Market. There are three main types of Resident Permit as follows:

1. Family Member Resident Permit (FMRP)

- A FMRP can be applied for where a person wishes to live with their immediate family in Guernsey, where the family member is either an Employment Permit holder, or an Established or Permanent Resident. The holder of a FMRP would be able to remain on island for the duration of their family member's Employment Permit provided they continue to reside with the family member. Such Permit holders are not householders themselves and so cannot accommodate others.

2. Discretionary Resident Permit

- Discretionary Resident Permits replaced the old compassionate housing licences. They have a variable duration – expiry may be linked to a certain date or event and they will be renewable in some circumstances.
- Discretionary Residence Permits can be issued to cover either temporary or long term residence in either Open or Local Market accommodation and they can have a wide range of conditions.

3. Open Market Family Member Resident Permit

- Open Market Family Member Resident Permits allow immediate (or extended in relation to Part A properties) family members to live with their family member indefinitely provided the family member continues to be a lawful Open Market householder. Such Permit holders will not be householders themselves and so will not be able to accommodate others.
- These permits will also allow for lodgers to reside with the lawful Open Market householder for up to 5 years.

Certificates

Certificates are issued to lawful householders (persons who have a right to live and work anywhere in Guernsey). There are three main types of Certificate:

1. Open Market Certificates (Parts A, B, C, D)

- Subject to secure immigration status, any person can live and work in Guernsey indefinitely if they live in a Part A, B, C or D dwelling on the Open Market register and they are the owner/lessee of that dwelling. Open Market Certificate holders can accommodate immediate family members (Part A Certificate holders can also house extended family members).

2. Established Resident Certificate

- Once a person has lived lawfully on the Local Market for 8 years (usually by holding an LTEP or as a family member of an LTEP holder) they will be issued with an Established Resident Certificate. Provided the person does not leave Guernsey for the next 6 years, they will then be entitled to a Permanent Resident Certificate. Established Resident Certificate holders can live in either Open or Local Market accommodation and will not have any conditions/restrictions in relation to employment (whereas they would have been tied to a particular job under their LTEP).
- Established Resident Certificate holders can accommodate immediate family members.

3. Permanent Resident Certificate

- Once a person has held an Established Resident Certificate for 6 years, they will be issued with a Permanent Resident Certificate. This will remain valid for life and will enable the holder to return to Guernsey regardless of any periods spent away from the island.
- Permanent Resident Certificate holders can live in either Open or Local Market accommodation and will generally have no conditions/restrictions in relation to employment or who can be accommodated by them.
- Permanent Resident Certificates have replaced Status Declarations under the old regime – therefore local residents with a "birth right" to live in Guernsey will be issued with Permanent Resident Certificates.

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