

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS  
BY DEPUTY M.R. HIGGINS OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 12TH SEPTEMBER 2017**

**Question**

Will the Minister advise members –

- (a) of the procedure for dealing with cases of illegal immigration;
- (b) of the procedure followed to assess claims for political asylum;
- (c) whether there is a process for returning an illegal immigrant to the UK if they arrived in the Island from there?

**Answer**

- (a) There are detailed procedures for dealing with persons found to be in breach of certain sections of the Immigration Act 1971, as extended by the Immigration (Jersey) Order 1993, which may result in a person becoming liable to removal.

These include people who:

- require leave to enter or remain in Jersey but do not have it (such as overstayers, illegal entrants and those refused leave at a port of entry);
  - are found to be breaching a restriction or condition of their visa to enter or remain in Jersey;
  - seek or obtain leave by deception;
  - are family members of a person being removed.
- (b) The Lieutenant-Governor of Jersey, in exercise of powers conferred upon him by the Immigration Act 1971, as extended by the Immigration (Jersey) Order 1993, has directed that the practice to be followed in the administration of the Immigration Acts for regulating entry into and stay of persons in Jersey are set out in a document referred to as the Jersey Immigration Rules. Within these Rules are provisions which provide a comprehensive framework for assessing and determining claims for asylum in Jersey.

Note: Members will recall that, on 21st June 2017, the Assembly agreed to transfer the Lieutenant Governor's functions and powers under the Immigration Acts (as extended to Jersey) to the Minister for Home Affairs. At the time of writing, the Order in Council to enact this change has not yet been made or registered in the Royal Court. It is expected that the change will come into effect before the end of the year.

- (c) Persons encountered at a port of entry having arrived from the UK and where their presence is considered unlawful in accordance with Schedule 4 Paragraph 4 of the Immigration Act 1971, as extended by the Immigration (Jersey) Order 1993, may be refused entry and detained pending their removal to back the UK.