

SCHEDULE

Article 2

Modifications of Part 1 and sections 7 and 10 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 as they extend to Jersey

1. For section 1 (Repeal of the main retained EU law relating to free movement etc.), substitute—

“Repeal of section 7 of the Immigration Act 1988

1 Section 7 of the Immigration Act 1988 is repealed.”

2. In section 2 (Irish citizens: entitlement to enter or remain without leave)—
 - (a) in subsection (2), in section 3ZA (inserted in the Immigration Act 1971)—
 - (i) for “United Kingdom” in each place it occurs, substitute “Bailiwick of Jersey”;
 - (ii) for “Secretary of State” in each place it occurs, substitute “Minister”;
 - (b) in subsection (4) for “integration with UK law of immigration law of the Islands”, substitute “integration with Jersey law of immigration laws of the United Kingdom, Guernsey and the Isle of Man”.
3. Omit section 3 (Protection claimants: legal routes from the EU and family reunion).
4. For section 4 (Meaning of “the Immigration Acts” etc.) substitute—

“Meaning of the Immigration Acts etc.

4.—(1) In section 33 of the Immigration Act 1971 (Interpretation) after subsection (1) insert the following subsection –

“(1A) A reference to “the Immigration Acts” in this Act or in any other provision having effect in the Bailiwick of Jersey is a reference to the Immigration Acts of the United Kingdom as they have effect for the time being as extended to Jersey.””

(2) In section 167(1) of the Immigration and Asylum Act 1999, omit the definition of “the Immigration Acts”.”.

5. In section 5 (Consequential etc. provision)—
 - (a) in subsection (1) for “Secretary of State may by regulations made by statutory instrument make such provision as the Secretary of State” substitute “Minister may by Order make such provision as the Minister”;
 - (b) for subsection (2) substitute—

“(2) The power to make an Order under subsection (1) may (among other things) be exercised to modify any provision extended by, or made by or under, an Order in Council on or before the appointed day extending legislation of the United Kingdom to Jersey.”;
 - (c) in subsection (3) for “regulations” substitute “an Order”;
 - (d) in subsection (4) —
 - (i) for “Regulations” substitute “An Order”;
 - (ii) for “coming into force of the repeal of section 7(1) of the Immigration Act 1988 by paragraph 1 of Schedule 1”, substitute “appointed day”;
 - (iii) for “that Act”, substitute “the Immigration Act 1988”; and
 - (iv) for “the United Kingdom”, substitute “Jersey”;
 - (e) in subsection (5)—
 - (i) for “Regulations” substitute “An Order”;

Status: This is the original version (as it was originally made).

- (ii) for “primary legislation passed before, or in the same Session as, this Act” substitute “the Immigration Acts having effect in Jersey on or before the appointed day”;
 - (f) for subsection (6) substitute—
 - “(6) The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders made by the Minister under subsection (1).”;
 - (g) omit subsections (7), (8), (9) and (10).
6. In section 7 (Interpretation)—
- (a) omit the definition of “domestic law”;
 - (b) insert the following definition—
 - “appointed day” means the day on which article 2 of the Immigration (EU Withdrawal) (Jersey) Order 2020 comes into force;”;
 - (c) for the definition of “Minister of the Crown” substitute—
 - “the Minister” means the Minister for Home Affairs;”;
 - (d) omit the definition of “primary legislation”.