

SCHEDULE 2A

Article 4

Provisions of the Immigration Act 1988 as extended to Jersey

Commencement Information

II Sch. 2A comes into force in accordance with **art. 1(1)**

Provision as extended to Jersey

Restriction on exercise of right of abode in cases of polygamy.

2.—(1) This section applies to any woman who—

(a) has the right of abode in Jersey under section 2(1)(b) of the principal Act as, or as having been, the wife of a man (“the husband”)—

(i) to whom she is or was polygamously married; and

(ii) who is or was such a citizen of the United Kingdom and Colonies, Commonwealth citizen or British subject as is mentioned in section 2(2)(a) or (b) of that Act as in force immediately before the commencement of the British Nationality Act 1981; and

(b) has not before the coming into force of this section and since her marriage to the husband been in Jersey.

(2) A woman to whom this section applies shall not be entitled to enter Jersey in the exercise of the right of abode mentioned in subsection (1)(a) above or to be granted a certificate of entitlement in respect of that right if there is another woman living (whether or not one to whom this section applies) who is the wife or widow of the husband and who—

(a) is, or at any time since her marriage to the husband has been, in Jersey; or

(b) has been granted a certificate of entitlement in respect of the right of abode mentioned in subsection (1)(a) above or an entry clearance to enter Jersey as the wife of the husband.

(3) So long as a woman is precluded by subsection (2) above from entering Jersey in the exercise of her right of abode or being granted a certificate of entitlement in respect of that right the principal Act shall apply to her as it applies to a person not having a right of abode.

(4) Subsection (2) above shall not preclude a woman from re-entering Jersey if since her marriage to the husband she has at any time previously been in Jersey and there was at that time no such other woman living as is mentioned in that subsection.

(5) Where a woman claims that this section does not apply to her because she had been in Jersey before the coming into force of this section and since her marriage to the husband it shall be for her to prove that fact.

(6) For the purposes of this section a marriage may be polygamous although at its inception neither party has any spouse additional to the other.

Changes to legislation: There are currently no known outstanding effects for the The Immigration (Jersey) Order 2021, SCHEDULE 2A. (See end of Document for details)

Provision as extended to Jersey

(7) For the purposes of subsections (1)(b), (2)(a), (4) and (5) above there shall be disregarded presence in Jersey as a visitor or an illegal entrant and presence in circumstances in which a person is deemed by section 11(1) of the principal Act not to have entered Jersey.

(8) In subsection (2)(b) above the reference to a certificate of entitlement includes a reference to a certificate treated as such a certificate by virtue of section 39(8) of the British Nationality Act 1981.

(9) No application by a woman for a certificate of entitlement in respect of such a right of abode as is mentioned in subsection (1)(a) above or for an entry clearance shall be granted if another application for such a certificate or clearance is pending and that application is made by a woman as the wife or widow of the same husband.

(10) For the purposes of subsection (9) above an application shall be regarded as pending so long as it and any appeal proceedings relating to it have not been finally determined.

(11) This section does not apply to a woman who applied for a certificate of entitlement in respect of the right of abode mentioned in subsection (1)(a) before 1st August 1993.

Short title and interpretation.

12.—(1) This Act may be cited as the Immigration Act 1988.

(2) In this Act “the principal Act” means the Immigration Act 1971 and any expression which is also used in that Act has the same meaning as in that Act.

Changes to legislation:

There are currently no known outstanding effects for the The Immigration (Jersey) Order 2021, SCHEDULE 2A.