

WORK PERMIT APPLICATION FORM



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States of Guernsey Home Department

Immigration Act 1971 as extended to the Bailiwick

Work permits will be issued or refused on behalf of the Home Department Board by officers of the Immigration & Nationality Division acting in accordance with the Board's work permit policy working under the direction of the Chief of the Guernsey Border Agency.

Guidance Notes for Employers on how to apply for a work permit in all sectors excluding Hospitality

These guidance notes are to help you, the employer, apply for a work permit in order to employ a non European Economic Area (EEA) national who needs permission to work in the Bailiwick of Guernsey. The form must be completed and signed by you, NOT the prospective employee. Work permits will be issued only to skilled/qualified workers and allows up to a maximum of 4 years continuous employment. Employment beyond 4 years is not normally permitted. If you are seeking to employ a person beyond 4 years, please contact the Immigration and Nationality Division.

If you are applying to extend an existing work permit please use the work permit extension form.

If you are applying to employ a person who is already in the Bailiwick of Guernsey as the holder of an approved work permit, please note that the person does not have permission to start employment with you until a decision on this application has been made.

PLEASE READ ALL THE FOLLOWING NOTES BEFORE COMPLETING THE APPLICATION. APPLICATIONS THAT ARE INCOMPLETE OR NOT CORRECTLY COMPLETED WILL BE RETURNED TO YOU

- Only an employer based in the Bailiwick of Guernsey can apply for a work permit
- The work permit application should be in respect of a named person to do a specific job on a full time basis.
- Permit free workers DO NOT need a work permit. A **'permit free worker'** is a person who is an EEA (European Economic Area) national, a national of Switzerland, or who has settled status in the United Kingdom within the meaning of the Immigration Act 1971.

- Work permits will not be considered for those who are in the United Kingdom, Channel Islands or Isle of Man at the time of application, and have an employment prohibition on their stay (e.g.: visitor). Such persons must be outside the United Kingdom, Channel Islands and Isle of Man before any application is made, and must remain so whilst it is being considered.
- Work permits issued for a period of 6 months or less will not be extended. A period of at least 3 months must be spent outside the United Kingdom and Islands before another such permit can be considered for the same person.

RECRUITMENT OF A PERMIT FREE WORKER

In considering an application for a work permit the Board will take into account steps taken to recruit permit free workers. All jobs must be advertised locally, for example, at the Social Security Department Job Centre, in the local press or by using a local recruitment agency. The job must also be advertised in the European Economic Area in the most appropriate medium that provides the best way of reaching suitably qualified permit free workers.

Any advertisement must include the following:

- Job Title;
- the main duties and responsibilities of the job;
- the qualifications and experience needed;
- an indication of the salary package or salary range or terms on offer.

Any one of the following will be accepted as advertising in the EEA

Newspaper advertising; this should normally be in a suitable national newspaper, which is also available in the European Economic Area. The Times or Sunday Times, The Financial Times, The Daily Telegraph or Sunday Telegraph, The Independent or Independent on Sunday, The Guardian, The Observer are all likely to be acceptable depending on the vacancy.

Professional or trade journal; This is acceptable provided the journal is relevant to the job and readily available to anyone who wants to obtain a copy.

Recruitment Agency; If the employer decides to use a recruitment agency to place an advertisement they should justify why this is the most appropriate method to use to recruit within the EEA. They will also need to provide a letter from the agency used to confirm that they have conducted a recruitment search on their behalf. This should detail what methods they have used, as well as the results of their search.

Internet; This may be acceptable in some cases, but employer should justify why this is the most appropriate method to use to recruit within the EEA and that the website which has been used is the most appropriate place to advertise the job.

The employer should allow at least 3 weeks from the date the advertisement first appeared or recruitment process commenced before submitting a work permit application.

Evidence of advertising or recruitment process must be produced. Details of the responses the employer has received to all advertising or other recruitment methods used must also accompany any application. This should include the total number of people who responded, the number short-listed for interview and full reasons why no permit free worker was suitable for the post

ENGLISH LANGUAGE REQUIREMENT (please note - this came into effect on 01 January 2013)

In all cases, (except for short term legacy policy permits), the potential work permit holder must have an adequate command of the English language. The English language requirement will assume to be met if the prospective employee is a national of a majority English speaking country as set out below.

Majority English Speaking Countries: Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Jamaica, New Zealand, St Christopher (Kitts) and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, the United States of America

If you wish to employ a national who is not a national of one of the above Countries, and for further information regarding the English language requirement please see separate 'English Language Requirement' leaflet. If you require a copy of this leaflet, please contact the Immigration & Nationality Division.

Other requirements

PASSPORTS:

- You **MUST** enclose a copy of the biodata (photo page) of the prospective employee's passport, and that of any dependant included in this form.
- If the prospective employee is in the United Kingdom, Bailiwick of Jersey or Isle of Man you **MUST** provide a copy of each page of their passport, and that of any dependant included in this form, that shows an immigration stamp / visa, and any relevant paperwork from that authority (eg Home Office paperwork if in UK)

HOUSING CONTROL (Guernsey only)

- Please note that a decision on this application cannot be made until this Division is satisfied that the States of Guernsey Housing Department has approved or will approve the issue of a housing licence or other 'Right to Work' document. Evidence of this **must** be submitted with this form. We must also be satisfied that any such permission allows the prospective employee to accommodate any dependants included in this form. We would strongly recommend that you contact the States of Guernsey Housing Department if you have not already done so – telephone: 715790 or e-mail: housing.control@gov.gg

VISA'S / ENTRY CLEARANCES

- A work permit holder requires a valid entry clearance for entry in this capacity where he/she holds a work permit valid for more than 6 months, regardless of nationality. However, please note that some nationalities require a visa for entry to the United Kingdom, Channel Islands and Isle of Man for whatever purpose, including circumstances where a work permit may have been issued for 6 months or less. A work permit does not replace the necessity for a visa regardless of its validity. The relevant entry clearance application must be made to a British Consular representative designated for accepting such applications – for further information please refer to www.ukvisas.gov.uk . We would strongly advise that no travel arrangements are made until the issue of such an entry clearance has been authorised and placed in the prospective employees passport.
- Any accompanying dependants (eg: spouse / children) **MUST** hold a valid entry clearance for entry in this capacity. The relevant entry clearance application must be made to a British Consular representative designated for accepting such applications. We would strongly advise that no travel arrangements are made until the issue of the visa has been authorised and placed in the passport. **Please note work permit dependants are not permitted if the work permit holder is in employment for 12 months or less.**

OTHER INFORMATION

- This form **MUST** be accompanied by the original criminal record declaration form (form CR1) – photocopies or e-mails are not acceptable.
- Work permits will not be issued to those who have an adverse immigration record or who pose a security, criminal or immigration threat to the United Kingdom or Islands (Bailiwicks of Guernsey and Jersey and the Isle of Man).
- Work permit applications cannot be submitted by fax or e-mail.

Applications that do not comply with all of the above will not be accepted and will be returned to you.

How long will it take to consider the application?

There will be cases where we will need to obtain further information from within the Bailiwick or from establishments overseas. When you submit the application we should be able to give you an estimate as to how long it will take. Travel should not be booked until a decision on this application has been made. There is no guarantee that a permit will be issued just because an application has been made. **FOR THE REASONS SET OUT ABOVE PLEASE ALLOW A MINIMUM OF 6 WEEKS BEFORE CONTACTING THIS OFFICE WITH REGARD TO THE PROGRESS OF SUBMITTED APPLICATIONS.**

How long will the permit be valid for?

The period for which the permit will be valid will be such that permanent settlement does not result and will, therefore, allow continuous employment for a maximum period of 4 years or less. Work permits will be issued on the clear understanding that settlement cannot be gained through employment. Time spent in the United Kingdom, Bailiwick of Jersey or the Isle of Man will be taken into account in calculating this period.

Cost of work permit applications

For employment of 1 month or less = £50

For employment of more than 1 month = £300

(Cheques should be made payable to The States of Guernsey)

Please note that work permits issued for 6 months or less WILL NOT be extended

Where do I submit the completed application form?

Guernsey Border Agency
Immigration and Nationality Division
New Jetty
White Rock
St Peter Port
Guernsey
GY1 2LL

For further information please contact us:

Telephone: 01481 741420

Facsimile: 01481 723442

E-mail: immigration@gba.gov.gg

A copy of the current Home Department work permit policy can be found here:

www.gov.gg

Home Department – Guernsey Border Agency – Immigration and Nationality – Employment.

BAILIWICK OF GUERNSEY WORK PERMIT APPLICATION FOR EMPLOYMENT

Please tick as appropriate:

☐

NEW WORK PERMIT

☐

CHANGE OF EMPLOYMENT (for persons currently in the Bailiwick of Guernsey as the holder of an approved work permit)

DETAILS OF PERSON TO BE EMPLOYED

1. Surname / Family Name (as it appears on their passport)	2. First Names
3. Name at birth, if different, plus any other name by which the person has been known	
4. Sex (Male or Female)	5. Date of Birth Day Month Year
6. Place of Birth	7. Nationality
8. Passport Number	9. Passport issuing Authority
10. Date of Issue	11. Date of Expiry
12. Current residential address	13. Where will they reside in Guernsey?

14. Has the States of Guernsey Housing Department approved the issue of a ‘housing licence’ or other ‘right to work’ document in respect of the above named?

☐ YES – please enclose evidence

☐ NO – your attention is drawn to the ‘Housing Control’ section of the guidance notes

15. Is the person currently in the Bailiwick of Guernsey, Jersey, United Kingdom or Isle of Man?

☐ NO

☐ YES – please provide details below:

Date of arrival into the United Kingdom and Islands: _____

Current immigration permission (eg, Guernsey / Jersey work permit holder, UK Tier 1, UK Tier 2, employment etc) please include expiry date of any such permission

You must enclose copies of the prospective employee’s passport and any related visa pages as described in the passport section of the guidance notes

16. Has the prospective employee *ever* worked in the United Kingdom and Islands (Bailiwicks of Guernsey and Jersey, and the Isle of Man)?

☐ NO

☐ YES: Please give details below

Previous immigration permission in UK and Islands: _____

Date of departure from UK and Islands: _____

You may be asked to provide evidence of the prospective employee’s date of departure from the UK & Islands.

17. Will the person be accompanied by any dependants?

☐

NO

☐

YES (please give details below)

Full Name	Date of Birth	Nationality	Relationship to Employee

EMPLOYER'S DETAILS

18. Full name of employer in Bailiwick of Guernsey

19. Full business address in the Bailiwick of Guernsey

20. Establishment where prospective employee will be based if different to that given in 19.

21. Name of contact in organisation who is dealing with this application

22. Position in organisation

23. Telephone Number

24. Fax Number

25. E-mail address

RECRUITMENT OF A PERMIT FREE WORKER

Please give details and supporting evidence to show what advertising you have undertaken to recruit a permit free worker to fill the post.

26. Please explain how you advertised for the post – eg Newspaper, Job Centre etc

27. Date(s) of the advertisement(s)

28. If you used a different recruitment method, please give details and explain why you considered this to be more appropriate?

29. Details of the people who applied:

Number of applicants _____ of which _____ were permit free workers

Number shortlisted _____ of which _____ were permit free workers

30. Please give specific reasons why you did not employ any of the permit free workers that applied for the post – including those that were not shortlisted. You may submit this information by letter if necessary

DETAILS OF EMPLOYMENT

31. How long do you need to employ the person in the Bailiwick of Guernsey? – please state maximum period required (not exceeding 4 years).

From _____ To _____


‘OR’

for _____ Months / Years

32. What will their job title be? (NOTE: This will appear on the work permit)

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33. Please describe the main duties and responsibilities of the post - further details can be submitted by letter if necessary



QUALIFICATIONS AND EXPERIENCE

34. Please give details of the persons higher education, vocational, or professional qualifications and membership – this can be submitted by letter if necessary

Qualifications & Date	Subject	Awarding Body / Place of Education

Professional memberships:

35. What high level or specialist skills and experience does this person have which are needed for this job?

36. How has the person demonstrated that they meet the English language requirement? – evidence is required to accompany this application (**please note – this requirement came into effect on 01 January 2013**)

37. What will their normal hours of work be?

_____ Hours per week

38. Please give details of remuneration package (including any benefits such as accommodation and health cover)

39. Has the employee been provided with a written statement of the proposed terms and conditions of employment?

☐

YES

☐

NO

If you have answered NO, your attention is drawn to the Conditions of Employment (Guernsey) Law 1985(as amended), which lays a duty on employers to give employees a written statement of particular specified terms of employment.

CHECKLIST

- ☐ Have you enclosed evidence to support attempts made to recruit a permit free worker?
- ☐ Does the prospective employee meet the English language requirements?
- ☐ Have you provided the necessary evidence to support the English language knowledge of the prospective employee? – please refer to the separate ‘English language requirement’ leaflet for further information **(please note – this requirement came into effect on 01 January 2013)**
- ☐ Have you contacted the States of Guernsey Housing Department regarding a housing licence or other ‘right to work’ document in respect of the prospective employee and any dependants included in this form?
- ☐ Have you enclosed copies of the photo page of the prospective employee’s passport and that of any dependants included in this form?
- ☐ If the prospective employee is currently in the United Kingdom and Islands have you enclosed copies of each page of the prospective employee’s passport, and that of any dependants included in this form?
- ☐ Have you enclosed the application fee?
- ☐ Have you enclosed the original CR1 form signed by the prospective employee?
Photocopies, scans or e-mails are not acceptable.
- ☐ Have you signed the declaration?

Employer Declaration and Indemnity Agreement

This declaration must be signed by the employer in the Bailiwick of Guernsey, whose name appears on this application ("the Employer").

Name of person you wish to employ: _____

- The Employer warrants that the person signing this Agreement is duly authorised by the Employer to make this application and to sign this Agreement on the Employer's behalf.
- The Employer hereby applies to the States of Guernsey Home Department for permission to employ the person named on this application
- The details given in this application are true and complete to the best of the Employer's knowledge and belief. The Employer understands that if the Employer knowingly fail(s) to provide any relevant information, or the Employer provide(s) information which is false or misleading, the matter may be referred to the appropriate authorities.
- The Employer knows of no suitable 'resident worker' who will be displaced or excluded as a result of the employment of the person who is the subject of this application.
- The Employer understands that the Guernsey Immigration and Nationality Division ("the Division") may carry out any necessary checks on additional paperwork submitted in support of this application.
- The Employer understands that all the information provided with this application will be treated in confidence but agrees that it may be disclosed to the other States Departments and relevant authorities to enable them to carry out their functions. Any disclosure will only be made subject to the provisions of the Data Protection (Bailiwick of Guernsey) Law 2001 and the Data Protection Principles and Registration details therein.
- The Employer understands that the States of Guernsey may contact any Government authority, including police, judicial and State authorities in all countries in which the person has resided, to seek the release to the insular authorities of all records and information they may possess on the person's behalf concerning investigations, arrests, charges, trials, convictions and sentences.
- **The Employer hereby promises and undertakes to pay the States of Guernsey on demand firstly all monies which are due to the States of Guernsey from the employee and which are unpaid by or on behalf of the employee on the date of demand, and which fall due in the period starting on the date of commencement of the employee's employment with the Employer and ending on the date of issue by the Division to another employer of a work permit in respect of the employee; and secondly all costs of repatriating the employee.**
- The Employer also promises and undertakes to effect and maintain medical health insurance in respect of the employee during the period set out above.

Your name _____

Your Signature _____ Date _____

Position _____

For and on Behalf of (the employer in Guernsey) _____

For Official Use Only:

	YES	NO	COMMENTS
HOUSING (applicant)			
HOUSING (dependants)			
ADVERTISING			
ENGLISH LANGUAGE			
W			
P			
F			
PERMIT ISSUED			

PERMIT DETAILS:

Number: _____

Date of issue: _____

Duration of permit: _____

REFUSAL DETAILS:

Date of refusal: _____

Reasons for refusal: _____

IO _____