



**Application for Exemption from the requirements of
Section 12(1) of the Immigration, Asylum & Refugee Act
under the provisions of Section 12(2) of the Act**

IMPORTANT NOTES:

It is advisable that you check the Guidance Notes on this form carefully before completing this application, as there are a number of documents that need to be provided in order to properly evaluate your submission.

Fill in the form in **CAPITAL LETTERS** using a biro and writing only within the boxes. Your application may be delayed and/or declined if it is incomplete, you make a mistake or you do not enclose the necessary documents.

WARNING - To give false information on this form (or in support of it) knowingly or recklessly is a criminal offence and any exemption from immigration restrictions granted in consequence of such an application is liable to be revoked.

Acceptance of this application form does not imply that exemption will be granted.

Applicants must meet the statutory 5-year residence requirement on date of application or 3 years if applying on grounds of marriage and residence.

Please note that the originals of all the following documents must be produced together with official translations into ENGLISH, on submission of application:-

1	Applicant's current Passport	X
2	Applicant's Civilian Registration Card	X
3	Applicant's Birth Certificate	X
4	Applicant's Certificate of Good Conduct (Available from the Royal Gibraltar Police, New Mole House)	X
5	Applicant's Residence Certificate (Available from the Immigration Section at Civil Status & Registration Office)	X
6	Proof of Income Tax and Social Insurance Contribution Payments (Copies of <u>current</u> tax code, or copy of accounts if self-employed)	X
7	Certificate of Tax <u>Compliance</u> and Tax <u>Assessment</u>	X
8	Proof of Registration in the Register of Property Occupation (Procured from Land Property Services)	X
9	Copies of Utility Bills (Electricity & Water utility bills for the qualifying period)	X
10	Applicant's Marriage Certificate (only applicable if applying on grounds of marriage)	X
11	Applicant's spouse Birth Certificate (only applicable if applying on grounds of marriage)	X
12	Applicant's children(s) Birth Certificate (if applicable)	X
13	Livre du Famille (if applicable)	X
14	Proof of Pension (if applicable)	

Please state the Date and Reference Number of any previous application or correspondence:

Date:

D	D		M	M		Y	Y	Y	Y
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Reference Number:

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If your application is successful, do you intend to live in Gibraltar?

Please cross (x) the relevant box

Yes	X	No	X
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If your application is successful, do you intend to apply for naturalization?

Please cross (x) the relevant box

Yes	X	No	X
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SECTION 1 - Personal Details

1.1 Title: - please cross (x) the relevant box

(Please state)

212	Title: please cross (x) the relevant box								(Please state)	
Mr	X	Mrs	X	Miss	X	Master	X	Other		

1.2 Full name as stated in passport:

[illegible]

1.3 All other names:

[illegible]

1.4 Name at birth if different from above:

[illegible]

1.5 Date of change to present name:

D	D		M	M		Y	Y	Y	Y
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1.6 Reason for change: (e.g. marriage, adoption, deed poll)

[illegible]

1.7 Date of birth:

D	D		M	M		Y	Y	Y	Y
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1.8 Place of birth:

[illegible]

1.9 Country of birth:

[illegible]

1.10 Present Nationality:

[illegible]

1.11 Current Civilian Registration Card Number:

[illegible]

1.12 Telephone Number: (Home)

[illegible]**Telephone Number: (Mobile)**[illegible]

1.13 Email Address:

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SECTION 2 - Marital Status

2.1 Full name of spouse, as stated in passport or identity card:

[illegible]

2.16 Previous spouse's nationality:

2.17 Date of previous marriage:

2.18 Place of previous marriage:

2.19 Date for the ending of your previous marriage:

2.20 Place for the ending of your previous marriage:

2.21 Reason for the ending of your previous marriage:

2.22 Date of any other marriage(s) (if applicable):

SECTION 3 - Children

Additional children to be included in a separate sheet.

Are any of the children at school in Gibraltar? **YES/NO** If so, please give the name of school(s) and periods attended in respect of each child:

4

SECTION 7 - Good Character Requirement (Personal History)

This section asks about any criminal convictions, any civil judgements or civil penalties made against you and details of any involvement you may have had in war crimes, genocide, crimes against humanity or terrorism. If you fail to answer all of these questions as fully and accurately as possible, your application may be refused.

The Department of Immigration & Home Affairs will carry out criminal record checks on all applicants. You must give details of all unspent and spent criminal convictions. This includes road traffic offences but not fixed penalty notices (such as speeding or parking tickets) unless they were part of a sentence of the court. This includes all drink-driving offences.

7.1 Have you been convicted of any criminal offence in Gibraltar or in any other country?

Please cross (x) the relevant box

Yes	☒	No	☒
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If YES, please give details below for each criminal conviction, starting with the most recent one. If you have received more than two convictions, please photocopy this page and enclose it with the form.

<u>Criminal Conviction No 1</u>	
Country were convicted:	
Nature of offence:	
Sentence given:	
Date of sentence: length of the prison sentence imposed?	If you were sentenced to a period of imprisonment, what was the
<u>Criminal Conviction No 2</u>	
Country were convicted:	

Nature of offence:

Sentence given:

Date of sentence:
length of the prison sentence imposed?

If you were sentenced to a period of imprisonment, what was the

7.2 Do you have a civil judgement against you or any civil penalty under the Gibraltar Immigration Act?

Please cross (x) the relevant box

Yes	☒	No	☒
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If YES, please give details of each civil judgement or any civil penalty under Gibraltar Immigration Act, starting with the most recent one. If you have received more than two civil judgements and/or civil penalties under Gibraltar Immigration Act, please photocopy this page and enclose it with the form.

Judgement or Civil Penalty No 1:

Date of judgement or civil penalty:

Country where judgement was made:

Judgement or Civil Penalty No 2:

Date of judgement or civil penalty:

Country where judgement was made:

7.3 Are your details recorded by the Royal Gibraltar Police in respect of certain sexual offences (i.e. on the "sex offenders register"), or are you subject to a notification order, a sexual offences prevention order, a foreign travel order, or a risk of sexual harm order (or equivalent order made in the United Kingdom, a British overseas territory or any other country)?

Please cross (x) the relevant box

Yes	☒	No	☒
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7.4 Have you ever been charge in any country with a criminal offence for which you have not yet been tried in court?

Please cross (x) the relevant box

Yes	☒	No	☒
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7.5 In times of peace or war have you ever been involved in, or suspect of involvement in, war crimes, crimes against humanity or genocide?

Please cross (x) the relevant box

Yes	☒	No	☒
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7.6 Have you ever been involved in, supported or encouraged terrorist activities in any country?

Please cross (x) the relevant box

Yes	☒	No	☒
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7.7 Have you ever been a member of, or given support to an organisation which has been concerned in terrorism?

Please cross (x) the relevant box

Yes	☒	No	☒
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7.8 Have you ever, by any means or medium, expressed views that justify or glorify terrorist violence or that may encourage others to terrorist acts or other serious criminal offences?

Please cross (x) the relevant box

Yes	☒	No	☒
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7.9 Have you ever engaged in any other activities which might indicate that you may not be considered a person of good character?

Please cross (x) the relevant box

Yes	☒	No	☒
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7.10 If you have answered YES to any of the seven previous questions you must provide further details:

SECTION 8 - Referee

This part is to be completed by your referee who should read the guidance notes to confirm that they are eligible.

WARNING:- Your attention is drawn to the warning at the head of this form.

I of (full address).....
(referee's full name in BLOCK LETTERS)
..... born on...../...../.....am a British Overseas
Territories Citizen aged 25 or over and on the electoral register.
I am not the relative, solicitor or agent of:
(name of applicant)
I have known the applicant personally foryears and I confirm that he/she is of good character. I am willing to give full details of my knowledge of the applicant. I support his/her application for naturalisation as a British Overseas Territories Citizen.
Daytime telephone number:
Email:

Signature:
(referee)

Date:

SECTION 9 - Declaration

I
(Applicant's full name in BLOCK LETTERS)

Declare that, to the best of my knowledge and belief, the information given in this application is correct; I know of no reason why I should not be granted British Overseas Territories citizenship. I promise to inform the Department of Immigration & Home Affairs in writing of any change in circumstances which may affect the accuracy of the information given whilst this application is being considered.

I understand that the information given by me will be treated in confidence, held and used in accordance with the General Data Protection Regulation 2018. This information may be shared and submitted for checking against records held by other Government departments, agencies, authorities and the police.

I authorise the Ministry of Employment, the Ministry of Finance, the Borders & Coastguard Agency, the Housing Department, the Income Tax Department, the Department of Social Security, the Office of Fair Trading, the Department of Education & Training, the Gibraltar Law Courts, the Gibraltar Health Authority and the Royal Gibraltar Police to provide the Department of Immigration & Home Affairs with any information relevant to this application, and with any information needed to check the information I have provided. I understand that any information provided to the Department of Immigration & Home Affairs in connection with this application may be used by them for the purpose of their statutory functions.

I agree that the relevant bodies may disclose personal information obtained as part of their statutory function



I also declare that my intention is to make Gibraltar my permanent home and that I do/do not hold residency in any other country.

I understand that I may be liable for prosecution if I have knowingly or recklessly provided false or incomplete information.

Signed:

Date:

Declaration to be completed when applying on grounds of marriage and residence

We.....&.....residing at.....
(Name of Applicant and Spouse/Partner in BLOCK LETTERS)

..... declare that we are still married/civil partners and in a relationship, and currently continue to live together at the above address.

Signed: (Applicant) Date:

Signed: (Spouse/Civil Partner) Date:

For third-parties submitting the application on behalf of the applicant

Iresiding at
(Full name in BLOCK LETTERS)

.....certify that I have read to the individual whose name appears on this application (applicant) all the questions and statements on this application. I further certify

that the applicant certifies that he/she has read, or has had read to him/her, all the questions and statements on this application and that he/she understands all the questions and statements on this application. The answers and information furnished in this application are true and correct to the best of the applicant's knowledge and belief.

Signed

Date.....

Application for Exemption - Guidance Notes

INTRODUCTION

These Guidance Notes on Exemption from the Requirements of Section 12(1) of the Immigration, Asylum and Refugee Act under the provisions of Section 12(2) of the Act provide information in relation to the application you are making.

Further details are available upon request from the Passport Section, Department of Immigration & Home Affairs, Leanse Place, Gibraltar.

HOW TO APPLY

An application form must be completed in full and submitted along with all the corresponding documents. Some of the information you provide on this form will be stored on a computer which is registered under the Data Protection Act.

Acceptance of the application form does not imply that Exemption will be granted.

Exemption is the **first stage** in the Naturalisation process and applicants who wish to apply for Naturalisation must be able to: -

- Make simple conversation in English about themselves and their family and way of life
- Communicate sufficiently in English to deal with everyday situations such as travelling, shopping, visiting the doctor's surgery or a child's school, and conducting dealings with officials.

PROCESSING OF APPLICATION

To initiate the process you will, in the first instance, need to complete the pertinent application form and submit it together with the required supporting documentation.

Applications will not be processed unless all the supporting documentation has been submitted. You may do this by attending our offices in person or by submitting the application by post.

In the case where original documents cannot be provided, certified true copies of certificates bearing an original seal of the court or registry that issues the certificate or certified true copies of the original by Notary Public or other person entitled in law to certify the authenticity of the document are acceptable.

If you have any doubts at all about which documents to present, whether the documents that you have will be acceptable or any other queries, we would strongly advise that you contact us to discuss this before you attend our offices. If you cannot meet the requirements, we may not be able to proceed with your application or this may be delayed.

As part of the process you will be called to attend an interview and may be asked to provide further documentary evidence in support of your application for exemption from immigration control under Section 12(2) of the Immigration, Asylum and Refugee Act. Please note that knowledge of English is a statutory requirement and therefore the interview will be conducted in English.

Should your application fail on your inability to communicate satisfactorily in English, this office will be unable to accept a further application before a period of six months. On submission of this new application the applicant is required to re-submit all the relevant documents necessary in support of the new application.

ISSUES THAT MAY DELAY THE PROCESSING OF YOUR APPLICATION

On occasions, the processing of your application may be delayed because of a number of issues.

The delays could be the result of:

- A high volume of application forms awaiting processing at the time
- False or misleading information provided in the application form
- An incomplete application form
- Insufficient supporting documentation

This office will contact you as soon as a delay in the process has been identified so that this may be addressed as soon as possible.

GOOD CONDUCT

You must satisfy the Department of Immigration & Home Affairs that you are of good character and have shown respect for the rights and freedoms of Gibraltar, observed its laws and fulfilled your duties and obligations as a resident of Gibraltar. Checks will be carried out with other Government Agencies and Authorities to ensure that the information you provide is correct.

If you are not honest about the information provided and you are exempted based on incorrect or fraudulent information, you will have the exemption revoked and it is a criminal offence to make a false declaration knowing it is untrue.

If you have a conviction in Gibraltar or overseas, within the relevant sentence based threshold you are unlikely to be exempted. Similarly, if you have been charged with a criminal offence and are awaiting trial or sentencing, you are advised not to make any application for exemption until the outcome is known.

BREACH OF IMMIGRATION LAW

To meet the residence requirements, you should not have been in breach of immigration law during the residential qualifying period. You should have been here legally. This means you must have had the necessary permission under the immigration laws to be in Gibraltar.

You may be refused if you have been in breach of immigration laws during the residential qualifying period. This is especially relevant if you came to Gibraltar as an asylum seeker and your application for refugee status and any appeals were refused during this period.

If you came to Gibraltar as an asylum seeker and/or as an illegal entrant (for example if you entered Gibraltar clandestinely), you must have evidence that you were here legally during the residential qualifying period. You may be in breach of immigration laws during the residential qualifying period if you had exhausted all your appeal rights and had not left Gibraltar, even if you were subsequently given indefinite leave to remain as a concession. If you were not covered by temporary leave to remain during the full residential qualifying period while appeals were under consideration, then your application will fail on breach of immigration conditions.

Just because you were given indefinite leave to remain does not mean that we will automatically disregard the time you were in breach of immigration laws during the residential qualifying period. Any immigration offences will also be considered as part of the Good Character requirement.

RESIDENT

You must have been physically and uninterruptedly present in Gibraltar for either 3 years or 5 years, depending on the basis of your application, before the Department of Immigration & Home Affairs receives the application.

For example, if you are applying on the basis of marriage or civil partnership with a British Overseas Territories Citizen and your application is received on 20/3/2017 you should have been physically present in Gibraltar uninterruptedly since 21/3/2014. Failure to renew your civilian registration card when necessary will signify that there has been a break in your residency requirement and your application **will be rejected**, even though you might submit proof of your continuity in your rented accommodation/residential property during the break.

Most applications that fail do so because applicants have applied even though they cannot satisfy the residence requirement to be present in Gibraltar at the beginning of the residential qualifying period.

ACCOMMODATION

Should you be residing in Government rented accommodation you must satisfy the Department of Immigration & Home Affairs that you have permission from the Landlord (Government) to reside at such an address. Permission from the tenancy holder will not suffice. Therefore, a letter from the Housing Department stating that you have permission to reside at the property must be submitted at the time of application, along with copies of utility bills for the qualifying period.

Should you be residing in privately rented accommodation you must satisfy the Department of Immigration & Home Affairs that you have a rental agreement with the owner, landlord or an authorised agent on behalf of the owner for the property in which you are residing. Additionally, you must also submit copies of utility bills for the qualifying period.

If you are residing in your own property, you must provide the deeds for the property, along with copies of utility bills, service charges and rates for the qualifying period.

If you have lived in different properties throughout the qualifying period you must submit the pertinent documentation for the various properties.

REFEREE

The referee must be a Member of the Gibraltar Parliament, Justice of the Peace, Minister of Religion, a professionally qualified person (for example, Doctor, Engineer, Lawyer, Teacher), Bank Officer, Established Civil Servant, Police Officer or a person of similar standing who has known you personally for at least **five** years if you are applying on grounds of residence in Gibraltar, or **three** years if you are applying on grounds of marriage and residency to a British Overseas Territories Citizen (Gibraltar). A relative should not countersign.

DEFINITIONS

For the purposes of answering questions 7.3 to 7.9, the following information provides guidance on actions which may constitute war crimes, crimes against humanity, genocide, or terrorist activities.

This guidance is not exhaustive. The full definitions of war crimes, crimes against humanity and genocide can be found in Schedule 2 of the International Criminal Court 2007 at www.gibraltarlaws.gov.gi/articles/2007-28o.pdf . It is your responsibility to satisfy yourself that you are familiar with the definitions and can answer the questions accurately.

War crimes

Grave breaches of the Geneva Conventions of 12 August 1949 committed against persons or property including willful killing, torture, extensive destruction and appropriation of property not justified by military necessity, unlawful deportation, the intentional targeting of civilians and the taking of hostages.

Crimes against humanity

Acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. This would include offences such as murder, torture, rape, severe deprivation of physical liberty in violation of fundamental rules of international law and enforced disappearance of persons.

Genocide

Acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

Terrorist activities

Any act committed, or threat of action, designed to influence a government or intimidate the public and made for the purpose of advancing a political, religious or ideological cause and that involves serious violence against a person; that may endanger another person's life; creates a serious risk to the health or safety of the public; involves serious damage to property; is designed to seriously disrupt or interfere with an electronic system.

Organisation concerned in terrorism

An organisation is concerned in terrorism if it commits or participates in acts of terrorism; prepares for terrorism; promotes or encourages terrorism (including the unlawful glorification of terrorism); or is otherwise concerned in terrorism.

ENQUIRIES & FURTHER INFORMATION

In Person

The Department of Immigration & Home Affairs is located at Leanse Place, 50 Town Range Gibraltar and our counters are open from 08:30am to 01:00pm Monday to Friday.

Via Telephone

Our telephone number is 00 (350) 200 51727 and our lines are open from 08:00pm to 3:30pm Monday to Thursdays and from 08:00am to 03:00pm on Fridays.

Via Email

Our email address is passport.diha@gibraltar.gov.gi

IMPORTANT

Finally, please note that the information above is intended as a general guide to the basic legal requirements. It is not exhaustive, and does not cover every situation. When you apply for exemption, a member of staff will discuss your own circumstances, the requirements that will apply to you, and the documents that you will need to provide.