Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020

Guidelines on determining ‘compassionate grounds’

Introduction

The Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020 allow persons who meet the residency requirements but who would not ordinarily qualify for return to the Island, having left (or who need to leave) following the closure of the Island’s borders on 27 March 2020, to now travel and return back to the Island on ‘compassionate’ grounds.

These guidelines aim to assist in the determination of applications for exemptions to the entry restrictions based on compassionate reasons what qualifies as ‘compassionate’.

It is important to note that an exemption to return to the Island on compassionate grounds does not override any restrictions that may be imposed by any other jurisdiction in terms of movement. Individuals must make their own enquiries to ensure that they will be able to undertake the travel required within other jurisdictions.

Compassionate reasons

It is recognised that people may be in considerable difficulty or distress, often as a result of circumstances that are not of their own making. Each case is therefore carefully considered on its own merits, having regard to the likely impact of a decision to decline the return as well as other options open to the person making the request.

Exemption to travel on compassionate grounds can be granted for reasons of bereavement, or urgent domestic circumstances. These vary widely, and can include caring for sick relatives or dependants.

Non-Exhaustive examples that may be considered under compassionate grounds

- Residents who left the Island after the border closed on 27th March 2020, or need to leave in future, to care for sick/dying relatives or to attend their funeral/administer their estate and who then need to return home
- Residents who left the Island after 27th March 2020, or need to leave in future, for urgent personal reasons (separation/divorce/emergency off-Island veterinary care/care of immediate family e.g. son/daughter/grandchildren), and who then need to return home
- Residents who left the Island after 27th March 2020 and have unexpectedly become ill themselves, therefore needing to return to the Island to seek treatment (but not meeting the threshold to be repatriated using the Patient Transfer Service)
- Residents who need to accompany resident minors to or from the UK to share custody between parents
- Cases where there is deemed to be a risk to the life of the individual (this risk should be referred for a clinical professional view wherever it is possible to do so)
Compassionate exemptions are generally intended to be issued on a one off basis, for example custody sharing is not intended to facilitate regular exchanges of minors between parents. In cases such as these, the DHSC advises that a child should stay where they are, so long as they are safe. However, the Regulations make provision for situations where an individual needs, for example, to attend multiple funerals of close family members.

Those exempted to return to the Island having left for compassionate reasons will be required on return to the Island to follow any such Direction that is issued by DHSC, as per any other returning residents.

As noted earlier, the examples in these guidelines are not intended to be exhaustive.

In all cases the reason for the decision are carefully documented and the individual will be contacted by telephone to give an explanation for the decision. If a request is declined, it is open to the person to be reconsidered, if the circumstances change or worsen.

Cabinet Office

11 May 2020