

Subsidiary Legislation made under ss. 13 and 43(7).

Residency Regulations 2026

LN.2026/166

Commencement **14.7.2026**

ARRANGEMENT OF REGULATIONS

Regulation

PART 1 PRELIMINARY

1. Title.
2. Commencement.
3. Interpretation.
4. Implementation purpose.

PART 2 APPLICATIONS FOR RESIDENCE IN GIBRALTAR

5. Residence Permits.
6. Applications for residence permit.
7. Employees.
8. New employers.
9. Self-employed individuals.
10. Students.
11. Crown Servants and Members of HM Armed Forces.
12. Existing residents.
13. Permanent residents.

PART 3 POWERS TO ISSUE RESIDENCE PERMITS

14. Governor's power to order issue of residence permit.
15. Government's power to order issue of residence permit.
16. International obligations.
17. International protection.

PART 4

VALIDITY, RENEWAL AND TERMINATION OF RESIDENCE PERMITS ETC.

- 18. Validity and renewal of residence permits.
- 19. Refusal to issue or renew and revocation of residence permit.
- 20. Refusal to issue or renew and revocation of residence permit – Schengen Checks.
- 21. Fees.
- 22. Penalty for non-registration.

PART 5

FAMILY MEMBERS

- 23. Family members qualifying for a residence permit.
- 24. Unmarried partner of a Gibraltarian.

PART 6

APPEALS

- 25. Residency Appeals Tribunal.

PART 7

REPEALS, SAVINGS AND CONSEQUENTIAL AMENDMENT

- 26. Repeals.
- 27. Savings provision – Withdrawal Agreement.
- 28. Transitional rule for civilian registration cards.
- 29. Consequential amendment.

In accordance with the powers conferred on it by sections 13 and 43(7) of the Treaty on Gibraltar and the European Union Act 2026, the Government has made the following Regulations–

PART 1
PRELIMINARY

Title.

1. These Regulations may be cited as the Residency Regulations 2026.

Commencement.

2. These Regulations come into operation on 14th July 2026.

Interpretation.

3. In these Regulations –

“Authority” means the Director of the Department of Immigration and Home Affairs;

“average gross annual earnings in Gibraltar” is a reference to the most recent average gross annual earnings in Gibraltar as recorded in the Employment Survey Report, rounded up to the nearest £500, as published by Notice in the Gazette;

“civilian registration card” means the cards described in regulation 5(4)(b), (c) or (d) of the Electronic Identity Card Regulations 2015;

“employee” has the same meaning as in the Employment Act, subject to regulation 7;

“identity card” means the card issued under Schedule 1(2) of the Civilians Registration Act;

“Gibraltarian” has the same meaning as in the Gibraltarian Status Act;

“regulated business” has the same meaning as in section 36 of the Fair Trading Act 2023;

“residence permit” means a residence permit issued under Part 2;

“self-employed individual” means a person pursuing a gainful activity for their own account who is not an employed person;

“Schengen authorities” has the same meaning as in section 28(2) of the Treaty on Gibraltar and the European Union Act 2026;

2026-11 Treaty on Gibraltar and the European Union

2026/166

Residency Regulations 2026

“Treaty on Gibraltar and the European Union” has the same meaning as in section 5 of the Treaty on Gibraltar and the European Union Act 2026.

Implementation purpose.

4. These Regulations are made for the purposes of giving effect to and facilitating the implementation of Article 45 of the Treaty on Gibraltar and the European Union and section 43 of the Treaty on Gibraltar and the European Union Act 2026.

PART 2

APPLICATIONS FOR RESIDENCE IN GIBRALTAR

Residence Permits.

5.(1) A person may apply for a residence permit in accordance with this Part.

(2) A residence permit issued in accordance with these Regulations grants the holder the legal right to reside in Gibraltar.

(3) The holder of an identity card shall not be required to hold a residence permit.

Applications for residence permit.

6.(1) A person may apply for a residence permit—

- (a) as an employee, in accordance with regulations 7 and 8;
- (b) as a self-employed individual, in accordance with regulation 9;
- (c) as a student, in accordance with regulation 10;
- (d) as a member of His Majesty’s forces or such other person described in regulation 11, in accordance with regulation 11;
- (e) as an existing resident under the Immigration, Asylum and Refugee Act, in accordance with regulation 12; or
- (f) as a permanent resident, in accordance with regulation 13.

(2) An application must be made in the form specified by the Authority.

(3) No right to reside in Gibraltar is granted during the period during which the application is being processed.

Employees.

7.(1) A person qualifies for a residence permit as an employee if they satisfy the Authority of the following–

- (a) they have an employment contract of a period of no less than one year under which the applicant's gross annual earnings are no less than the average gross annual earnings in Gibraltar;
 - (b) their employer–
 - (i) is trading in Gibraltar;
 - (ii) is fully licenced under the Fair Trading Act 2023 or, in the case of a regulated business, is regulated or supervised under another enactment by an authority in Gibraltar;
 - (iii) has complied with all due payments and filings relating to the business or required by law;
 - (c) they have evidence of a purchase or rental agreement relating to a property in Gibraltar (which for the purposes of the application may be conditional on the grant of a residence permit under these Regulations);
 - (d) they are 55 years of age or under; and
 - (e) they are fully vetted by the relevant authorities of the country in which the person was most recently habitually resident.
- (2) The requirement under subregulation (1)(c) is not to be treated as satisfied if–
- (a) the agreement pertains to a vessel (unless the person was residing on such vessel prior to the commencement of these Regulations);
 - (b) the property is not intended for use as the person's primary residence;
 - (c) in the case of a rental agreement–
 - (i) the agreement is for a period of less than 12 months;

2026-11 Treaty on Gibraltar and the European Union

2026/166

Residency Regulations 2026

- (ii) the property is a holiday rental;
- (iii) the agreement is not entered into in good faith, on genuine commercial terms and evidencing a bona fide landlord and tenant relationship.

(3) The Chief Minister may waive the requirement in subregulation (1)(a) or (d) if the person—

- (a) is of good character; and
- (b) it is in the interests of Gibraltar for them to be issued with a residence permit due to the person—
 - (i) possessing skills that are important to the economic development and growth of Gibraltar; or
 - (ii) belonging to a sector or industry where there exists a demonstrable shortage of labour or skills,

and the Chief Minister may exercise this discretion in respect of a whole sector or industry.

(4) The Authority may waive the requirement in regulation 7(1)(a) in relation to a person's gross annual earnings if the person—

- (a) is under the age of 30; and
- (b) does not meet that requirement,

where the Authority is satisfied that the person's employer has paid to the Government, by way of deposit, an amount equivalent to—

- (i) the total employee and employer social insurance contribution as would be payable if the person's remuneration were equal to the average gross annual earnings in Gibraltar; and
- (ii) an amount equivalent to 25% of the average gross annual earnings in Gibraltar.

(5) Where a deposit is paid in accordance with subregulation (4) the employer shall, in respect of each year during which the person is under the age of 30, pay to the Government a deposit of the kind described in that subregulation.

(6) If the Authority is satisfied that the requirements of this regulation are met, it shall issue the person with a residence permit.

(7) This regulation is subject to regulation 8.

New employers.

8.(1) Where a person is applying for a residence permit under regulation 7 and the employer has been trading under a licence issued under the Fair Trading Act 2023 for less than a year or, in the case of a regulated business, has been regulated or supervised under another enactment by an authority in Gibraltar for less than a year, the Authority shall not consider an application unless the employer has effected an advance payment to the Government in the form of a deposit equivalent to the total sum of–

(a) the total employee and employer social insurance contribution as would be payable under the contract of employment for the first year of employment; and

(b) an amount equivalent to 25% of the average gross annual earnings in Gibraltar.

(2) The deposit referred to in subregulation (1) may be applied by the Government at its discretion to set-off against any liabilities owed to the Government by the employer under any enactment and any amount remaining shall be returned upon the cessation of the business.

(3) An employer may apply for and, the Government may reduce, the total amount to be paid as a deposit under subregulation (1) if it considers–

(a) there is a legitimate and justifiable reason in the interests of Gibraltar; or

(b) the number of employees for which an employer would have to pay deposits would be so great that it would stifle the business.

(4) An application under subregulation (3) may be made in such form as may be specified by the Government.

(5) The Government may issue guidance relating to the deposit referred to in subregulation (1), in particular regarding–

(a) circumstances where the deposit may be reduced due to the number of employees being employed;

(b) circumstances where the deposit may be returned sooner than upon cessation of the business;

(c) how deposits may be set-off against any amounts owed to Government.

(6) In the event that an application for residence for an employee is unsuccessful, any deposit paid in respect of that employee will be refunded to the employer by the Government within 30 days.

(7) Where an applicant is successful and a deposit paid further to subregulation (1) has been applied by the Government to set off any liabilities, the employer may be required to pay such further amount to top up the amount as the Government may direct and such a payment must be effected within 30 days.

Self-employed individuals.

9.(1) A person qualifies for a residence permit as a self-employed individual if they satisfy the Authority that—

- (a) their average gross annual earnings are no less than the average gross annual earnings in Gibraltar;
- (b) they have evidence of a purchase or rental agreement relating to a property in Gibraltar (which for the purposes of the application may be conditional on the grant of a residence permit under these Regulations);
- (c) they are 55 years of age or under;
- (d) they are eligible, if required, to apply for a licence issued under the Fair Trading Act 2023 or, in the case of a regulated business, to be regulated or supervised under another enactment by an authority in Gibraltar;
- (e) they are fully vetted by the relevant authorities of the country in which the person was most recently habitually resident.

(2) The requirement under subregulation (1)(b) is not to be treated as satisfied if—

- (a) the agreement pertains to a vessel (unless the person was residing on such vessel prior to the commencement of these Regulations);
- (b) the property is not intended for use as the person's primary residence;
- (c) in the case of a rental agreement—
 - (i) the agreement is for a period of less than 12 months;
 - (ii) the property is a holiday rental;

- (iii) the agreement is not entered into in good faith, on genuine commercial terms and evidencing a bona fide landlord and tenant relationship.

(3) The Chief Minister may waive the requirement in subregulation (1)(a) or (c) if the person—

- (a) is of good character; and
- (b) it is in the interests of Gibraltar for them to be issued with a residence permit due to the person—
 - (i) possessing skills that are important to the economic development and growth of Gibraltar; or
 - (ii) belonging to a sector or industry where there exists a demonstrable shortage of labour or skills.

(4) The Authority shall not process an application in accordance with this regulation from a person who has not previously been registered as a self-employed individual unless the person has provided an advance payment to the Government in the form of a deposit equivalent to the sum of—

- (a) the total social insurance contribution for the first year of self-employment; and
- (b) an amount equivalent to 25% of the average gross annual earnings in Gibraltar.

(5) The deposit referred to in subregulation (4) may be applied by the Government at its discretion to set-off any liabilities owed to the Government by the applicant under any enactment and any amount remaining shall be returned upon the cessation of the business, subject to subregulation (6).

(6) An applicant may apply for a reduction in the amount referred to in subregulation (4) and the Government may reduce the total amount to be paid by way of deposit if it considers there is a legitimate and justifiable reason to do so in the interests of Gibraltar.

(7) The Government may issue guidance relating to the deposit referred to in subregulation (4), in particular regarding—

- (a) circumstances where the deposit may be returned sooner than upon cessation of the business;
- (b) how deposits may be set-off against any amounts owed to Government.

2026-11 Treaty on Gibraltar and the European Union

2026/166

Residency Regulations 2026

(8) If the Authority is satisfied that the requirements of this regulation are met, it shall issue the person with a residence permit.

(9) In the event that an application for residence under this regulation is unsuccessful, any deposit paid further to this regulation shall be refunded to the applicant by the Government within 30 days.

(10) Where an applicant is successful and a deposit paid further to subregulation (4) has been applied by the Government to set-off any liabilities, the Government may demand that further sums be paid to top up the deposit as the Government may direct and such a payment must be effected within 30 days.

Students.

10.(1) A person qualifies for a residence permit as a student if they satisfy the Authority that they have been accepted for enrolment at the University of Gibraltar on a full-time academic course.

(2) If the Authority is satisfied that the requirement of this regulation is met, it shall issue the person with a residence permit.

Crown Servants and Members of HM Armed Forces.

11.(1) A person qualifies for a residence permit if they are—

- (a) a member of His Majesty's forces posted to Gibraltar or a person in the employment of the Ministry of Defence;
- (b) a person employed in the service of the Government of Gibraltar;
- (c) a Crown Servant posted to Gibraltar; or
- (d) an entitled dependent of a person described in paragraph (a), (b) or (c).

(2) If the Authority is satisfied that the person meets the description set out in subregulation (1)(a), (b), (c) or (d), it shall issue the person with a residence permit.

(3) A residence permit issued under this regulation shall be valid for such period as the Authority may determine and the Authority shall consider the length of any intended tour of duty when making such a determination and the permit shall be renewable on the same basis on application.

(4) For the purposes of this regulation—

“Crown Servant” has the same meaning as in section 12 of the Official Secrets Act 1989 of the United Kingdom;

“entitled dependent” means a person recognised as a qualifying dependent under the applicable policies of the United Kingdom Government department, agency or body by which the Crown Servant is employed, as amended from time to time.

Existing residents.

12.(1) Notwithstanding regulation 26, a person who has been issued a residence document under the Immigration, Asylum and Refugee Act and holds a valid civilian registration card shall qualify for a residence permit under the same conditions that applied under the relevant provisions of that Act prior to the repeal of those provisions by regulation 26, subject to the requirement in subregulation (2) being met.

(2) A person shall qualify under this regulation if they can demonstrate that they have been continuously and lawfully residing in Gibraltar for 6 months immediately preceding the application.

(3) For the avoidance of doubt, nothing in this regulation shall confer any entitlement to acquire permanent residence in Gibraltar under the Immigration, Asylum and Refugee Act or otherwise.

(4) The Authority may waive the requirement in subregulation (2) in cases where an absence from Gibraltar is due to an important reason such as military service, pregnancy, childbirth, serious illness, study, vocational training or an overseas posting.

(5) If the Authority is satisfied that the requirements of subregulations (1) and (2) are met, it shall issue the person with a residence permit.

(6) A residence permit issued under subregulation (5) shall be valid for such period as the Authority may determine and shall be renewable on the same basis on application.

(7) Notwithstanding subregulations (1) and (2), the Chief Minister may, in his absolute discretion, issue a residence permit under the same conditions that applied under Part IV of the Immigration, Asylum and Refugee Act prior to its repeal to a person who—

- (a) was resident in Gibraltar immediately before the coming into force of these Regulations; and

2026-11 Treaty on Gibraltar and the European Union

2026/166

Residency Regulations 2026

- (b) was not in possession of a valid residence document or valid civilian registration card on the commencement of section 55NA (Temporary suspension of residency rights and the issue of documentation) of that Act.

(8) A residence permit issued under subregulation (7) shall be valid for such period as the Chief Minister may determine and shall be renewable on the same basis on application.

(9) In this regulation, a “residence document” means a—

- (a) permit of residence;
- (b) registration certificate; or
- (c) residence card,

issued under the Immigration, Asylum and Refugee Act.

Permanent residents.

13.(1) A person who has been issued a document certifying permanent residence or a permanent residence card under the Immigration, Asylum and Refugee Act shall qualify for a residence permit.

(2) Permanent residence in Gibraltar may be lost through the absence from Gibraltar for a period of 2 years.

(3) For the purposes of subregulation (2), the Authority may allow absences from Gibraltar due to an important reason such as military service, pregnancy, childbirth, serious illness, study, vocational training or an overseas posting.

(4) If the Authority is satisfied that the requirement of subregulation (1) is met, it shall issue the person with a residence permit.

(5) A residence permit issued under this regulation shall be valid for such period as the Authority may determine and shall be renewable on the same basis on application.

PART 3

POWERS TO ISSUE RESIDENCE PERMITS

Governor’s power to order issue of residence permit.

14.(1) The Governor may order the Authority to issue a residence permit in any particular case to any person—

- (a) entitled to privileges and immunities under the Diplomatic Privileges (International Organisations) Act;
- (b) entitled to consular privileges and immunities in Gibraltar by any law or otherwise; or
- (c) a family member of a person described in paragraph (a) or (b).

(2) A residence permit issued under this regulation shall be valid for such period as the Governor may determine.

(3) In this regulation “family member” means the persons described in regulation 23(1) and the Governor may in his discretion direct that a person not so described is to be deemed a family member for the purposes of this regulation.

Government’s power to order issue of residence permit.

15.(1) The Government may order the Authority to issue a residence permit in any particular case to any person who, in the opinion of the Government—

- (a) is of good character; and
- (b) it is in the interests of Gibraltar for that person to be issued with such a permit.

(2) For the purposes of subregulation (1), the “interests of Gibraltar” means—

- (a) where issuing a residence permit is expected to generate wider economic or reputational benefits for Gibraltar and would not give rise to any material demand on public resources;
- (b) where not issuing a residence permit would cause extreme hardship;
- (c) where issuing a residence permit would contribute to the cultural, educational or social development of Gibraltar or support the wellbeing and needs of established groups or institutions (including religious institutions);
- (d) any other compelling public interest.

(3) The power to issue a residence permit under this regulation may be exercised in relation to a family member of the person.

2026-11 Treaty on Gibraltar and the European Union

2026/166

Residency Regulations 2026

(4) A residence permit issued under this regulation shall be valid for such period as the Government may determine.

(5) The powers set out in subregulation (1) and (3) may be exercised directly by the Authority in relation to permits not exceeding 12 months.

(6) In this regulation “family member” means the persons described in regulation 23(1) and the Chief Minister may in his discretion direct that a person not so described is to be deemed a family member for the purposes of this regulation.

(7) The Government may issue guidance on the circumstances that would amount to extreme hardship under this regulation.

International obligations.

16.(1) Where it is a requirement of an international obligation binding on Gibraltar for a residence permit to be issued, or the issue of a residence permit is necessary to facilitate compliance with a requirement of an international obligation binding on Gibraltar, the Authority must issue the residence permit.

(2) A residence permit issued by the Authority under this regulation shall be valid for the period necessary to satisfy the international obligation referred to in subregulation (1).

International protection.

17.(1) Where a person has been granted international protection under the Asylum Regulations 2008, the Authority must issue a residence permit.

(2) A residence permit issued by the Authority under this regulation shall be valid for the period determined by the Authority and shall be renewable automatically on application unless the international protection status is revoked under those Regulations.

PART 4

VALIDITY, RENEWAL AND TERMINATION OF RESIDENCE PERMITS ETC.

Validity and renewal of residence permits.

18.(1) Unless otherwise stated in these Regulations, a residence permit shall be valid for a period of one year.

(2) On application for renewal of a residence permit a person must satisfy the Authority that the following requirements continue to be met–

- (a) if the person is an employee, the requirements set out in regulation 7 (with the exception of regulation 7(1)(d));
- (b) if the person is self-employed, the requirements set out in regulation 9 (with the exception of the requirement in regulation 9(1)(c));
- (c) if the person is a student, the requirement set out in regulation 10.

(3) For the avoidance of doubt, with the exception of regulation 7(5), requirements relating to the payment of a deposit shall not be required in respect of a renewal.

Refusal to issue or renew and revocation of residence permit.

19.(1) The Authority may–

- (a) refuse to issue;
- (b) refuse to renew; or
- (c) revoke,

a residence permit if the refusal or revocation is justified on grounds of public policy, public security or public health or if the person fails to disclose accurate and complete information in their application or fails to notify the Authority of any material change in circumstances.

(2) The Authority may–

- (a) refuse to renew; or
- (b) revoke,

a residence permit if –

- (i) the holder has ceased making payments of social insurance or income tax, unless such payments have ceased due to an absence from work due the holder exercising a right to maternity leave, being seriously ill, or being on a period of study or vocational training or during a period of unemployment not exceeding 16 weeks;
- (ii) the holder has ceased to meet a condition on which the permit was granted under these Regulations;
- (iii) the Authority is satisfied, on reasonable grounds, that the holder has harboured an illegal immigrant;

- (iv) the Authority is satisfied, on reasonable grounds, that the holder has assisted illegal migration;
 - (v) the Authority is satisfied, on reasonable grounds, that the holder has engaged in address or residence fraud.
- (3) If, in the circumstances described in subregulation (2)(i), the person can satisfy the Authority that payments have been deducted from their salary for those purposes, the Authority shall not refuse to renew or revoke that residence permit on that ground.
- (4) Where a decision is taken under this regulation on the grounds of public policy or public security, it shall be taken in accordance with the following principles–
- (a) the decision shall comply with the principle of proportionality;
 - (b) the decision shall be based exclusively on the personal conduct of the person concerned;
 - (c) the personal conduct of the person concerned shall represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society;
 - (d) matters isolated from the particulars of the case or which relate to considerations of general prevention cannot justify the decision.
- (5) In the case of a decision under this regulation taken on the grounds of public health –
- (a) a disease that does not have epidemic potential as defined by the relevant instruments of the World Health Organisation, or is not a notifiable disease to which section 174 of the Public Health Act applies or tuberculosis of a nature to which section 171 of that Act applies, shall not constitute grounds for the decision; and
 - (b) if the person concerned is in Gibraltar, diseases occurring after the three month period beginning on the date on which the person arrived in Gibraltar shall not constitute grounds for the decision.
- (6) In order to ascertain whether the person concerned represents a danger to public health, section 5(1)(f) of the Immigration, Asylum and Refugee Act shall apply save that–
- (a) that section shall not be applied as a matter of routine and may only be applied where there are serious grounds that it is necessary for the purposes of ascertaining whether the person is suffering from a disease referred to in subregulation (5);

- (b) that section only applies within three months of the person's arrival in Gibraltar;
- (c) the person shall not be charged a fee for the medical examination; and
- (d) the person shall not be required to submit to medical treatment.

(7) A decision taken under this regulation in respect of a person who has been issued a document certifying permanent residence or a permanent residence card under the Immigration, Asylum and Refugee Act may only be made on serious grounds of public policy or public security or in circumstances where Authority is satisfied, on reasonable grounds, that the holder has engaged in address or residence fraud.

(8) A residence permit will automatically be revoked 16 weeks after a notice of termination of terms of engagement is filed with the Department of Employment, unless the Authority is satisfied that the person has a new employment contract that meets the relevant requirements under these Regulations.

(9) Where the Authority has refused to renew or revoked a residence permit under subregulation (2)(iii), (iv) or (v), the person who held that permit shall not be eligible to apply for a residence permit under these Regulations for a period of 5 years beginning on the date on which the permit was refused or revoked, unless the Chief Minister in his absolute discretion directs that an application may be made sooner.

Refusal to issue or renew and revocation of residence permit – Schengen Checks.

20.(1) The Authority must refuse an application for the issuance or renewal of a residence permit if, in accordance with section 47(4) and (5) or 48(6) and (7) of the Act, the Schengen authorities inform the Authority of their objection to the issuance or renewal of a residence permit due to the applicant being considered, in accordance with the Schengen acquis, to be a threat to public policy, internal security, public health or the international relations of any of the Member States, including on the basis of an alert issued in the Schengen Information System.

(2) If an application is refused in accordance with subregulation (1), the Authority shall provide the applicant with the contact details of the relevant Schengen authorities so that they may request information regarding the decision, the grounds for objecting and the remedies available.

Fees.

21.(1) The fee for an application for the issue of a residence permit shall be £250.

2026-11 Treaty on Gibraltar and the European Union

2026/166

Residency Regulations 2026

(2) The fee for a renewal of a residence permit shall be £20.

(3) The fees set out in subregulation (1) and (2) shall also apply in respect of each family member who is included in a person's application.

Penalty for non-registration.

22.(1) A person who is found to be residing in Gibraltar without a valid—

- (a) residence permit issued under these Regulations; or
- (b) until such time as a Notice is published in accordance with regulation 28(1), a civilian registration card,

is liable to an administrative penalty of £2500 and shall be treated as an unauthorised person under section 59 of the Immigration, Asylum and Refugee Act.

(2) The penalty must be paid within 28 days of the date on which the notice imposing it takes effect, unless an extension is granted by the Authority.

(3) A penalty imposed under these Regulations may be enforced in the same manner as if it were a civil debt owed to the Authority.

(4) A person may appeal the decision to issue an administrative penalty under this regulation to the Supreme Court.

(5) An appeal must be made within 28 days of the date on which the notice imposing the penalty takes effect.

(6) The court may allow an appeal to be made outside the time set out in subregulation (5) in exceptional circumstances, if the court considers that it would be unjust not to do so.

PART 5 **FAMILY MEMBERS**

Family members qualifying for a residence permit.

23.(1) The following family members qualify for a residence permit if included in a person's application under regulation 7, 9 or 10—

- (a) their spouse or civil partner;

- (b) the children of the person, their spouse or civil partner who are under the age of 18;
- (c) the children of the person, their spouse or civil partner who are over the age of 18 and are undergoing full-time education.

(2) The Chief Minister may, in his discretion, direct the Authority to allow a person not described in subregulation (1) to be deemed a family member for the purposes of this regulation.

(3) Each family member over the age of 18 included in a person's application under regulation 7, 9 or 10 must satisfy the Authority that they are fully vetted by the relevant authorities of the country in which the person was most recently habitually resident.

(4) If a person includes their spouse or civil partner in an application made under regulation 7 or 9, the person must provide the Government with an advance payment in the form of a deposit equivalent to the sum of the total social insurance contribution as would be payable under the person's contract of employment for the first year of employment.

(5) Subject to the requirements of this regulation, the Authority shall grant a residence permit to every family member included in an application if the main application under regulation 7, 9 or 10 is successful.

Unmarried partner of a Gibraltarian.

24.(1) An unmarried partner of a Gibraltarian shall qualify for a residence permit if the Authority is satisfied that they are in a durable relationship of at least two years at the time of the application.

(2) For the purposes of this regulation, a "durable relationship" means a genuine and subsisting relationship akin to marriage, and the Authority shall not be satisfied that a relationship is durable unless there is evidence of an established and ongoing personal relationship between the parties which is not based solely or primarily on remote or online communication.

(3) If the Authority is satisfied that the requirements of this regulation are met, it shall issue the person with a residence permit.

PART 6 APPEALS

Residency Appeals Tribunal.

2026-11 Treaty on Gibraltar and the European Union

2026/166

Residency Regulations 2026

25.(1) There is established the Residency Appeals Tribunal (“the Tribunal”).

(2) The Tribunal shall consist of a Chair and four other members appointed by the Chief Minister.

(3) A person aggrieved by a decision of the Authority under these Regulations (other than a decision relating to regulation 14, 15 or 20)–

(a) refusing an application for the issue or renewal of a residence permit; or

(b) revoking a residence permit,

may appeal to the Tribunal within 7 days of being notified of the decision.

(4) An appeal under this regulation shall be made in such manner as the Chair of the Tribunal may determine.

(5) An appeal shall be determined on the basis of written representations unless the Chair of the Tribunal considers it necessary to hear the appellant.

(6) The Tribunal may affirm, vary or reverse the decision of the Authority and shall give reasons for arriving at the decision.

(7) The Tribunal may consider any appeal under these Regulations which is made out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.

PART 7

REPEALS, SAVINGS AND CONSEQUENTIAL AMENDMENT

Repeals.

26. Subject to regulation 12 and 27, the following provisions of the Immigration, Asylum and Refugee Act are hereby repealed–

(a) sections 18 to 34;

(b) Part IV.

Savings provision – Withdrawal Agreement.

27.(1) Nothing in these Regulations affects the residence rights of a person to whom the provisions of the withdrawal agreement, the EEA EFTA separation agreement or the Swiss citizens’ rights agreement apply and accordingly the provisions in Part IV of the Immigration,

Asylum and Refugee Act continue to have effect in relation to that person as if these Regulations had not been made.

(2) In subregulation (1), “withdrawal agreement”, “EEA EFTA separation agreement” and “Swiss citizens’ rights agreement” have the same meaning as in section 3(1) of the European Union (Withdrawal Agreement) Act 2020.

Transitional rule for civilian registration cards.

28.(1) In this regulation “transitional period” means the period beginning on the date of commencement of these Regulations and ending on such date as the Authority may by Notice in the Gazette appoint.

(2) Where, during the transitional period, a person qualifies for the issue or renewal of a residence permit under these Regulations, the Authority may issue to that person a civilian registration card.

(3) A civilian registration card issued under subregulation (2)–

(a) shall be treated for all purposes as a residence permit issued under these Regulations;

(b) shall be subject to the provisions of these Regulations as if it were such a permit.

(4) The Civilians Registration Act and any regulations made thereunder shall have effect, in relation to a card issued under subregulation (2), with such modifications as are necessary to give effect to this regulation.

(5) Notwithstanding any provision of the Civilians Registration Act or regulations made thereunder, the fees payable in respect of a civilian registration card issued under subregulation (2) shall be such fees as are prescribed in these Regulations in respect of a residence permit.

Consequential amendment.

29.(1) The Civilians Registration Act is amended in accordance with this regulation.

(2) In Schedule 1 –

(a) in paragraph 1, delete subparagraph (c);

(b) in paragraph 2, for “(a), (b) or (c)” substitute “(a) or (b)”.