

THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5263 GIBRALTAR Thursday 30th October 2025

B. 21/25

BILL

FOR

AN ACT to amend the Gibraltarian Status Act and the Immigration, Asylum and Refugee Act; and for connected matters thereto.

ENACTED by the Legislature of Gibraltar.

Short title.

1. This Act may be cited as the Gibraltarian Status and Immigration (Amendment) Act 2025.

Commencement.

2. This Act is deemed to have come into operation on 30th October 2025.

Amendments to Gibraltarian Status Act.

3.(1) The Gibraltarian Status Act is amended in accordance with the provisions of this section.

(2) In section 2 omit the definition “Gibraltarian by birth”.

(3) In section 5-

(a) in subsection (1)-

(i) in paragraph (b) for “entitled to be” substitute “who is or was”,

(ii) in paragraph (c) for “entitled to be registered under paragraph (a) or (b) of this subsection and whose parent or grandparent” substitute “who is or was registered under paragraph (a) or (b) of this subsection and whose parent”,

(iii) in paragraph (d) for “entitled to be” substitute “who is or was”,

(iv) in paragraph (e) after “Part II” insert “and is under the age of 18”,

(v) in paragraph (f) omit “or grandparent”,

(vi) in paragraph (g) for “entitled to be” substitute “who is or was”,

- (vii) in paragraph (i) for “entitled to be” substitute “who is or was”;
 - (b) in subsection (2) for “under paragraph (a) or (b) of subsection (1) shall not be deprived of his right to be registered by reason only of the birth of his parent or grandparent” substitute “under paragraph (a) or who is or was registered under paragraph (b) of subsection (1) shall not be deprived of his right to be registered by reason only of the birth of his parent”;
 - (c) omit subsection (3).
- (4) After section 8(2) insert-
- “(3) The reference in subsection (2) to a child is a reference to a person who is under the age of 18.”.
- (5) After section 8A(2) insert-
- “(3) The reference in subsection (2) to a child is a reference to a person who is under the age of 18.”.
- (6) In section 9-
- (a) in paragraph (a) for “or Gibraltar or Great Britain is his country of origin” substitute “Gibraltar is his country of birth or is a British Citizen by virtue of his birth in the United Kingdom”;
 - (b) in paragraph (f) for “ten” substitute “twenty”.

Amendment to Immigration, Asylum and Refugee Act.

4. In section 55N of the Immigration, Asylum and Refugee Act on each occasion the words “five years” appear, substitute “ten years”.

Savings provision.

5.(1) The amendment made by section 4 does not apply to a person to whom the provisions of the withdrawal agreement, the EEA EFTA separation agreement or the Swiss citizens’ rights agreement apply and section 55N of the Immigration, Asylum and Refugee Act continues to have effect as if that amendment had not been made.

(2) In subsection (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.

EXPLANATORY MEMORANDUM

This Bill amends the Gibraltarian Status Act and the Immigration, Asylum and Refugee Act.

The amendments to the Gibraltarian Status Act include amendments to the eligibility criteria for Gibraltarian status under section 5. Section 9 is also amended in paragraph (f), where the qualifying residency period under that paragraph increases from 10 to 20 years.

Section 55N of the Immigration, Asylum and Refugee Act is amended to increase the period of qualifying period under that section from 5 to 10 years. This amendment does not apply to a person who is within scope of the withdrawal agreement, the EEA EFTA separation agreement or the Swiss citizens' rights agreement.

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