

STATES OF JERSEY



MIGRATION CONTROL POLICY (P.137/2020): SECOND AMENDMENT

Lodged au Greffe on 16th February 2021
by Deputy J.H. Perchard of St. Saviour
Earliest date for debate: 2nd March 2021

STATES GREFFE

MIGRATION CONTROL POLICY (P.137/2020): SECOND AMENDMENT

1 PAGE 2, PARAGRAPH (b) –

For the words “a common policy on population” substitute the words “, by the end of December 2021, a common policy on population (as outlined in ‘Migration and Population Data’ (P.120/2020), adopted as amended by the Assembly on 4th November 2020) that is reviewed and updated annually based on the prior year’s population growth and that includes annually updated infrastructural, educational, health-related, environmental and social requirements of any projected population growth”.

2 PAGE 2, PARAGRAPH (c) –

For sub-paragraph (vii) substitute the following sub-paragraph –

“(vii) to provide for an independent statutory, expert, gender-balanced panel, the members of which are actively sought from across the globe and who have proven expertise in small island populations (defined as populations of 500,000 or less), to research and advise on population matters;”.

3 PAGE 2, PARAGRAPH (c) –

Before sub-paragraph (viii) insert the following new sub-paragraph and re-designate subsequent sub-paragraphs accordingly –

“(viii) to ensure that the panel established in accordance with sub-paragraph (vii), as one aspect of its wider research, will engage with a representative sample (that is, reflecting the common characteristics of the Jersey population) by way of consultation;”.

DEPUTY J.H. PERCHARD OF ST. SAVIOUR

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

- (a) to agree that action should be taken to provide more responsive controls on the number of migrants who acquire the right to settle permanently in Jersey and to remove the automatic ‘graduation’ from one CHWL permission to another;
- (b) to request the Chief Minister to bring forward amendments to the States of Jersey Law 2005 to require the Council of Ministers to develop, by the end of December 2021, a common policy on population (as outlined in ‘Migration and Population Data’ (P.120/2020), adopted as amended

by the Assembly on 4th November 2020) that is reviewed and updated annually based on the prior year's population growth and that includes annually updated infrastructural, educational, health-related, environmental and social requirements of any projected population growth;

- (c) to request the Chief Minister to bring forward the following amendments to the Control of Housing and Work (Jersey) Law 2012 (CHWL):
- (i) to introduce a 9 month CHWL permission that does not lead to permanent residential status;
 - (ii) to introduce a 4 year CHWL permission that does not lead to permanent residential status;
 - (iii) to introduce a 10 year CHWL permission that may lead to permanent residential status;
 - (iv) to introduce a long-term CHWL permission that does provide permanent residential status;
 - (v) to require the applicant for a new permit to make a declaration of any unspent criminal convictions;
 - (vi) to introduce enhanced identity requirements for all CHWL cards issued to new residents;
 - (vii) to provide for an independent statutory, expert, gender-balanced panel, the members of which are actively sought from across the globe and who have proven expertise in small island populations (defined as populations of 500,000 or less), to research and advise on population matters;
 - (viii) to ensure that the panel established in accordance with sub-paragraph (vii), as one aspect of its wider research, will engage with a representative sample (that is, reflecting the common characteristics of the Jersey population) by way of consultation; and
 - (ix) to provide for a Committee of States members to hold responsibility for determining applications under the CHW law that fall outside formal guidelines.

REPORT

The purpose of the expert panel is to provide expert advice on the development and implementation of Migration Controls. Since the adoption of my proposition calling for a complete Population Policy to be brought to the Assembly during this political term, it has become apparent that this Assembly wants a clear vision from Government of the future of our Island's population size and management for the long-term future.

PART 1

Part 1 of my amendment makes explicit the definition of the common population policy, aligning it with that which was outlined in P.120/2020: 'Migration and Population Data' and as adopted by an overwhelming majority of this Assembly on 4th November 2020. The effect of this is to ensure that the data referred to as 'sustainability data' in P.120/2020 is required not just in the policy approved for the end of this year but must also feature in subsequent population policies.

PART 2

Part 2 of my amendment asks that the Assembly approve two important criteria for the overall make-up of the expert advisory panel: gender balance and small-island expertise.

Gender equity

It is widely accepted that in order to improve diversity in any context, whether an expert panel, board, organisation or other group, targeted intervention is required.

The meritocratic 'best person for the job' line often used to object to targeted interventions has been widely debunked as a nonsense.

This argument is, unsurprisingly, often used by those who have themselves benefitted from centuries of positive discrimination towards their own characteristics. It is understandable that some find the idea of redressing this imbalance threatening, but we have to be honest with ourselves about the real reasons for unequal representations at the most senior levels. We need to address them so that we no longer positively discriminate against any particular group at the expense of others.

When it comes to an expert panel advising on the future of the population of the island, we need a panel who are, to some degree, representative of the community. I have already agreed a change from my original amendment to reduce the restrictions I had placed in terms of the diversity of the panel. This is as far as I could go with the compromise sought by Government. Any less than this, would not have been a compromise at all but a complete abandonment of my attempt to improve diversity.

I have settled for the bare minimum and, yet, the Assistant Minister still, I gather, intends to fight the amendment. This is neither collaborative nor demonstrates any willingness to compromise.

We are already woefully behind the business community and the corporate world when it comes to addressing diversity at the senior level. When it comes to gender parity, we should be leading, not dragging our feet.

Small-island expertise

Jersey, along with other small-island communities around the world, faces unique challenges when it comes to managing the space, people, size and resources. We need to have a position on the number of people the island can hold, not just in terms of housing but in terms of the demand for schools, road usage, amenities, land, resources, cars, the natural environment. What we also need are controls that are appropriate to the vision that comes with the Population Policy.

Therefore, it is essential that those advising on such controls have a particular understanding of the specific challenges of managing the population of a small-island community. Therefore, it is my view that the members of the expert advisory panel have proven expertise in small-island population controls. For the purposes of this proposal, I have used '500,000 people or less' as a benchmark for what constitutes a small-island population. I have based this on the population size used by the Commonwealth Parliamentary Association to define 'small branch jurisdiction' in their 2021-2023 Strategic Plan.

PART 3

Part 3 of my proposition calls for the expert panel to consult, as part of the research they will be undertaking, with a representative sample of the population, that being a sample whose characteristics proportionately reflect those of the wider population. The rationale for this is obvious: the views of the population, on matters pertaining to Migration Controls, need to be captured in such a way so as not to favour nor discriminate against any particular characteristic or group.

Financial and manpower implications

The only manpower implication here is that seeking specialists in small-island populations and ensuring gender equality does, indeed, require some effort. There are no financial implications of this amendment.