

STATES OF JERSEY



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

Lodged au Greffe on 23rd October 2020
by Deputy J.H. Perchard of St. Saviour

STATES GREFFE

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

1 PAGE 2, PARAGRAPH (b) –

After the words “to develop” insert the words “by the end of December 2021”.

2 PAGE 2, PARAGRAPH (b) –

After the word “population” insert the words –

“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”.

3 PAGE 2, PARAGRAPH (c)(vii) –

After the words “expert panel” insert the words –

“that is representative of the population in terms of age, gender and ethnicity and includes locally resident expert advisors”.

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 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 panel that is representative of the population in terms of age, gender and ethnicity and includes locally resident expert advisors to research and advise on population matters; and
- (viii) 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 this amendment is to ensure that the Migration Control Policy is aligned to the Population Policy before the next election rather than having an ‘interim policy’ put forward to be followed by another new population policy following the 2022 election (as stated in the Chief Minister’s foreword to the report of [P.137/2020](#)).

Part (a)

Part (a) of P.137/2020 is unchanged by this amendment.

Proposed change of Part (b)

This amendment calls for the planned Population Policy to be presented to the States Assembly by the Council of Ministers before 31st December 2021, giving the Government a year to implement the I.T. and other infrastructural requirements of the proposed migration controls.

In the Chief Minister’s foreword to the report of p.137/2020, he writes:

“If approved by the States Assembly, the legal, administrative and technological tasks set out in this proposition can be substantially completed during 2021.”
(p.3)

Given this, and the urgent need for a population policy, I think it is fair and reasonable to ask for said policy to be presented in a year’s time.

In addition, this part of the amendment asks that the Population Policy should be updated annually based on the prior year’s population growth. It also asks that the population policy includes estimates of the infrastructural, educational, health-related, environmental and social requirements of any population growth projected in the annual review of the policy.

Part (c)

Paragraphs (i) - (vi)

Paragraphs (i) - (vi) of p.137/2020 is unchanged by this amendment.

Paragraph (vii): proposed change

This amendment adds the requirement that the advisory panel proposed in p.137/2020 should be made up of locally resident experts and be representative of the Jersey population in terms of age, gender and ethnicity. This is, indeed, harder to achieve, but I do not believe an unreasonable nor impossible request. It may require a more robust recruitment process and for those carrying out the appointments to look beyond the obvious or usual candidates, but these excuses should not stop us from having a representative panel.

When it comes to how the population should be monitored, allowed to grow, or otherwise, it is vital that the people advising the Government have an understanding of the impact on the public of their advice and understand the Public’s concerns and perceptions of the population size and spread at any given time. Residents are best

placed to develop this understanding and we are very fortunate to have many qualified individuals living in Jersey who would be capable of serving on this Panel.

Part (viii)

Part (viii) of p.137/2020 is unchanged by this amendment.

Financial and manpower implications

There are no additional financial or manpower implications of this amendment.