

2.3 Deputy J.A. Martin of St. Helier of the Chief Minister regarding powers to veto who, from Romania and Bulgaria, may come to live and work in Jersey:

Would the Chief Minister inform Members whether Jersey will have any powers to veto who from Romania and Bulgaria may come to live and work here after these countries join the E.U. (E.U.uropean Union) and assuming the U.K. will maintain its open door policy?

Senator F.H. Walker (The Chief Minister):

All U.K. nationals have the right to enter and establish themselves in Jersey by virtue of the Immigration (Jersey) Order 1993, which extends to the Island the Immigration Act 1971 as amended. These arrangements are the legal basis on which Islanders have access to the common travel area of the British Islands and Ireland. In accordance with Protocol 3, Jersey is not permitted to discriminate between U.K. nationals and other E.U. nationals. So, by extension, all current and future E.U. nationals will also have the right to live and establish themselves in Jersey. It is very unlikely that Jersey would be able to introduce any form of border controls which are different from those which the United Kingdom may choose to introduce. It is very likely any differences of substance would lead to the Island having to withdraw from the common travel area, which would not be in the best interests of Islanders generally in my view. The migration policy which the States have adopted recognises these difficulties and is designed to allow for monitoring and some regulation of numbers of immigrants into the Island. I should add that there are very strong indications that the U.K. will not maintain an open door policy, at least in the immediate future, for Romanians and Bulgarians if they become E.U. nationals next year. At this stage though we have no information on what type of restrictions could be applied.

2.3.1 Deputy J.A. Martin:

It is refreshing to hear that our new immigration policy is a monitoring scheme and not a controlling scheme. Could the Minister inform us when a unique scheme of unique numbers will come into force? Has the Minister considered approaching the U.K. Government to give our concerns about us being a small island and them maintaining their open door policy and the effects that would knock on to this Island?

Senator F.H. Walker:

The migration policy will be brought to the States next year as always planned and as agreed by the States when we debated the principle. We have not, at this point, so far as I am aware, approached the U.K. Government in relation to the extension of the E.U.. But I take the Deputy's point, it is something that at the next opportunity, which will be in the near future, we can raise. As I have said in my answer, it is very

unlikely that any differences will be possible or desirable between Jersey and U.K. controls.

2.3.2 Deputy K.C. Lewis of St. Saviour:

Recently, Sir, the Minister for Economic Development instructed the building industry to provide proof that they tried to recruit local labour before recruiting outsiders. How does the Chief Minister square this with future laws currently out to consultation making it illegal to discriminate against anyone on the grounds of ethnic origin? Will this mean the phasing out of the 5-year rule and does he not think that the case for work permits is growing?

The Deputy Bailiff:

Stretching the limits of relevance for the question.

Senator F.H. Walker:

The work permit issue is, of course, going to be debated later in the business plan debate. I believe that what the Minister for Economic Development is doing is entirely what Members of this House would wish him to do which is, while establishing economic growth and while not undermining economic growth, to seek to establish job opportunities and improve job opportunities for local people. I would have thought that would have been entirely welcome.

2.3.3 Deputy G.P. Southern:

Does the Chief Minister not agree that under the current system, and under migration policy to be introduced in 2007, we have no control over the population of migrants coming to the Island?

Senator F.H. Walker:

I do not. The States approved, as recently as June last year, a new migration strategy which is in the process of being implemented and the States, or a vast majority of the States, considered itself very satisfied with the new measures brought in to control population.

2.3.4 Deputy J.A. Martin:

I really must ask the Chief Minister to be clear. Is the immigration policy that is now being worked on a controlling immigration policy or a monitoring device, because you are telling us we have no control over the borders and we must follow the U.K. on their open door policy if they maintain their open door policy, or are you saying we will ...

The Deputy Bailiff:

Through the Chair, please.

Deputy J.A. Martin:

Sorry, Sir. Or is the Chief Minister saying, Sir, that we can control who comes to live and work here, because he is contradicting himself today?

Senator F.H. Walker:

This was all made abundantly clear in a debate. I am sad that the Deputy has obviously forgotten the major points of that debate. The fact is that controls can be implemented through the control of a number of people entering employment in the Island, which is the case now and will most certainly continue to be the case in an enhanced form when the new migration policy is implemented.

2.3.5 Deputy J.B. Fox of St. Helier:

Could the Chief Minister give us some assurance that he will bring this subject up at the British Irish Council? There is a lot of concern in other small Island jurisdictions, having just returned from the Commonwealth Parliamentary Conference, on the question of immigration and not just the legal possibilities but the illegal ones as well. I think this needs to have a broader discussion forum on this before anything is likely to hit us in any great numbers. I think it would be useful if I could have that reassurance.

Senator F.H. Walker:

I assume the Deputy is referring to potential immigrants from Romania and Bulgaria?

Deputy J.B. Fox:

And beyond, Sir.

Senator F.H. Walker:

Indeed. Sir, yes, I will raise that at the British Irish Council, although I do not think that is necessarily the most effective body to raise it. I believe there are other more direct ways of communicating our view on this matter than through the British Irish Council but I do agree there might be a valuable debate that would give other small jurisdictions within the BIC the opportunity to express their views as well.

2.3.6 Deputy J.A. Hilton of St. Helier:

There is obviously a tremendous amount of concern about the number of people who potentially could enter Jersey and take up employment from the E.U.. Can the Minister clarify for me that under the negotiated agreement on the relationship between the Island and the E.U., as set out in Protocol 3, the Island has the right and power to introduce controls on E.U. nationals in the way of work permits if it should so choose?

Senator F.H. Walker:

We do have that power providing we applied the same controls to U.K. residents as well as other E.U. citizens and I cannot conceive that that would be overall to the advantage of Jersey residents because that would mean reciprocal controls and restrictions applying to the movement of Jersey residents in and out of the U.K., and potentially even Guernsey and the other Channel Islands. We have got to keep a balance in these matters and I believe that at the moment, subject to any changes the U.K. may make, we are in the best balanced position that Jersey can be. To suggest that we should move independently will mean that we are considered to be independent in such matters and the common travel area will almost certainly be closed to us, with huge disadvantages to Jersey residents.

2.3.7 Deputy J.A. Martin:

Can I just press the Chief Minister on a date for implementation of our new immigration monitoring process?

Senator F.H. Walker:

As I said, it is more than a monitoring process and I am not going to let the Deputy get away with that one. That was, again, debated in the migration debate last year. I cannot give the Deputy an exact date at this point but we are on schedule to bring the detail of the policy back to the States early in 2007 as always agreed.

The Deputy Bailiff:

Two final questions from Deputy Le Claire and Deputy Hilton.

2.3.8 Deputy P.V.F. Le Claire:

Very interesting answers this morning. I would just like to ask the Chief Minister if in the situation as he sets out, if Jersey decided to adopt work permits across the board for E.U. nationals, we would be restricted from the rights to the common travel area. I am just wondering if the Chief Minister is aware, I certainly am not, if those restrictions currently apply to Guernsey because they have work permits and I am just wondering whether or not they are restricted in their access to the common travel area as he suggests we would be?

Senator F.H. Walker:

I believe the question that I answered was addressed on border controls which is a totally different scenario, which Guernsey most certainly do not have.

2.3.9 Deputy J.A. Hilton:

Relating to my previous question, I was just trying to point out that it was my understanding that the Island does retain the right to introduce work permits if it should so choose because Members were questioning whether we could control E.U. nationals, or U.K. citizens if it comes to that, coming in and seeking employment within the Island. Following on from that, I just wanted to say that it is my understanding that the Isle of Man have used a work permit system to control and safeguard jobs for Man's workers since the early 1970s and it is certainly not my understanding that that has affected the rights of Isle of Man residents to access employment within the U.K..

Senator F.H. Walker:

It is important we draw a distinction between work permits and border controls. Work permits are not a border control. Yes, Jersey could have work permits if it wished but the States specifically rejected that idea, that proposal, when it debated the migration strategy just last June. Now, we are going to have an opportunity to debate later an amendment from Deputy Le Hérissier which is to ask for a review of the situation. But I think the States needs to be careful here and remember that we have had a full debate on this issue and the States, by a big majority, agreed the migration policy, as proposed by the then Policy and Resources Committee, was an infinitely better way to proceed in terms of controlling migration than were work permits.