

3.1 Deputy J.A. Martin of St. Helier of the Chief Minister regarding the Romania and Bulgaria joining the EU

In his reply to my question on 12th September regarding whether Jersey had any powers to vet who from Romania and Bulgaria may come and live and work in Jersey, the Chief Minister agreed the Island could contact the U.K. Government to raise its concerns. Would the Minister inform Members of the progress and outcome of his discussions as these 2 countries will join the E.U. (European Union) on 1st January 2007?

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

There have been no direct discussions as yet with the U.K. Government on this issue and nor do I see a pressing need for such discussions. However, the British Irish Council is undertaking a work stream on migration and Jersey will be participating fully. This work would include the whole range of migration issues faced by us and other members of the British Irish Council. Jersey - and this is repeating I think something I have said in earlier answers - Jersey already restricts access to its labour market through the Regulation of Undertakings Law. We do not currently, however, discriminate between the various nationalities of the European Union. Legal advice is being sought as to the extent to which this is possible should it be desirable. It should be noted however that Regulation of Undertakings controls already in place operate successfully, with 83 per cent of jobs currently being occupied by people classified as locally qualified. These controls will continue to be applied rigorously and the fact that citizens of 2 more countries could theoretically have access to Jersey will make no difference to the numbers of job licences issued.

3.1.1 Deputy G.P. Southern of St. Helier:

Surely, if we are to rely on the issuing of R.U.D.L. (Regulation of Undertakings and Development) licences we will be at severe risk of contravening the Human Rights Law, which the Chief Minister is about to introduce, if we were to discriminate against Members of these 2 particular countries.

Senator F.H. Walker:

That is why we have sought legal advice and there are currently no plans to discriminate against these 2 countries. Nor currently do we believe is necessary to do so.

3.1.2 Deputy J.A. Martin:

I am very disappointed in the Minister's answer that the government have had no contact with the U.K. Government, because we are now 6 weeks away from 1st January. The U.K. are in strong debate about what they are going to do about Bulgaria and Romania and in questions to me before, Sir, he said we cannot do anything different to what the U.K. do. Does he even know, Sir, exactly what the U.K. are planning to do with these 2 countries and what restrictions they are putting on them at this moment, Sir?

Senator F.H. Walker:

No, Sir, and nor do the U.K. Government.

3.1.3 Deputy J.J. Huet of St. Helier:

Is the Minister aware, Sir, that we now have growing in Jersey a large black economy whereas many people are coming here with no jobs but are going around knocking on doors and getting jobs at half the price of what local or residents would be paid, and this is growing daily. I know it is growing daily because I am well aware, I hear it from the Community Board that I sit on.

Senator F.H. Walker:

There is much apocryphal evidence in this respect but no factual evidence. But I would also remind the Deputy that when the new migration policy is introduced - which is in the course of preparation - that everyone who wishes to have a job in Jersey will have to be registered, and that will be a requirement as approved by the House some time ago.

3.1.4 Deputy J.J. Huet:

Is the Minister saying that he does not realise that people are coming here and working without going to anybody for permission to get a job, and they are working? No matter what the Minister says these people are working here without permission. Is he not aware of this?

Senator F.H. Walker:

If they are working in contravention of the licence issued to the company for whom they are working in terms of how many non-residentially qualified people they may employ then the company is breaching the Regulation of Undertakings Law and I know that if that is brought to the attention of the Population Office then action will be taken.

3.1.5 Deputy J.J. Huet:

Another supplementary. Is the Minister not aware that we are not talking about companies employing these people? These people are going freelance, if that is the correct word. They are not being employed by companies but they are gaining employment freelance.

Senator F.H. Walker:

All I can say to that is if the Deputy has any evidence of this then she should immediately bring it to the attention of the Population Office.

3.1.6 Deputy P.V.F. Le Claire of St. Helier:

The United Kingdom Government, I believe, were looking at whether or not they could apply restrictions on access to the 2 new countries that are accessing to the European Union through the types of labour opportunities they were able to access. So, for example, they were looking - and are looking - at certain grades of individuals that they would permit to enter the country under certain circumstances; it might be nurses, it might be doctors, *et cetera*. Given that preface to this question, may I ask the Chief Minister what vein of legal advice he has sought in respect of the legal advice that he has sought; when will that legal advice be forthcoming to the Chief Minister; and will the Chief Minister be willing to circulate that to all States' Members when he receives it?

Senator F.H. Walker:

I do not know when the legal advice will be forthcoming. Certainly it has been sought and I think the Deputy is well aware that there are considerable curtailments on how far certain legal advice can be shared. But we await the legal advice on what Jersey's position might be should the U.K. decide to discriminate against these 2 new members of the E.U.

3.1.7 Deputy P.V.F. Le Claire:

May I ask a supplementary, Sir? I believe the Chief Minister kindly indicated in the last part of his question that that was the vein of the legal advice that was sought, but I am not quite clear: could I be 100 per cent clear on this? What is the specific vein of legal advice that has been requested?

Senator F.H. Walker:

The legal advice that is being sought is whether it is possible for Jersey to discriminate against Bulgaria and Romania should the U.K. Government decide finally that they will do so.

3.1.8 Deputy G.P. Southern:

Should the U.K. Government decide to institute a quota system surely we will have to otherwise we shall be known as the backdoor entry into the U.K.

Senator F.H. Walker:

The Deputy yet again completely misunderstands the position. I do not think I should have to repeat the fact that that will not happen but we are seeking legal advice on our position should the U.K. finally decide to discriminate. To the best of my knowledge they have not yet decided if they are going to do that definitely and, if so, how. But we await those developments, and that is precisely why we have sought legal advice.

3.1.9 Deputy G.P. Southern:

If I may, Sir. The Chief Minister assures us that that will not happen. Can the Minister tell us what steps he is taking to ensure that will not happen?

Senator F.H. Walker:

I think I have already fully answered that in my earlier answer.

3.1.10 Connétable T.J. du Feu of St. Peter:

I am somewhat disappointed with the answers and I have got to ask a very simple question. When will the Chief Minister take this subject really seriously?

Senator F.H. Walker:

I cannot remember if the Connétable... yes, he was in the States when we debated the migration policy which was brought by me as President of the Policy and Resources Committee. That migration policy will ensure for the first time ever that everyone coming to work in Jersey will be registered. How much more seriously we can take the matter than that I am really not sure. If the Connétable has any thoughts on that subject I would be very pleased to hear them.

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

The Chief Minister keeps referring about people going to work. For the first time in many years, as I live in the middle of town, I get numerous - or not numerous - a number of knockings on my door with people seeking a place to live which has not happened for a long time. In the past we have people coming to the Island with no jobs and there has been nothing in our legislation or rules that prevents people from coming here to live. There are rules that restrict working conditions and we will have an immigration policy, but it is not here and it will not be here on 1st January 2007. Is the Minister, at this time, or any of the departments that he is responsible for, considering what they might do if suddenly this Island is flooded with people coming to live here without a job and how they propose to look after these people which they will have to do...

The Bailiff:

Deputy, I think that is probably long enough for your supplementary question.

Senator F.H. Walker:

The Attorney General has repeatedly advised the Policy and Resources Committee, the Council of Ministers and, on a number of occasions, this House that border controls are not legally possible, and they are not. That is the position that we have - possibly with regret - to accept. What we are doing, what we can do and what we are doing is severely restricting the number of job licences given to non-residentially qualified people. Now why would the Island be flooded with a large number of people who cannot work in Jersey? That does not seem to me to be a very attractive option for them and so long as we maintain a very strict rationing on those job licences I see no chance of Jersey being flooded with the sort of immigrants that the Deputy is referring to.

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

As Members are aware, Sir, year on year there are more and more countries joining the European Union. Coming up we have Romania and Bulgaria, in the not too distant future, Turkey. Every year 2 or 3 countries are joining the European Union. Does the Chief Minister not believe that we are now morally obliged to revisit protocol 3 and remove this anomaly from Jersey people's passports that prevent them from living and working in Europe?

Senator F.H Walker:

Again, this has been discussed on numerous occasions and I have always accepted the attraction of seeking to renegotiate protocol 3 in that respect. The problem with doing that is that if we open negotiations on protocol 3 there will no doubt be other issues which would be put to us for changes which Jersey will not find remotely attractive, and certainly the low level of inconvenience it caused to Jersey residents with the passport issue in no way, in my view, or all my colleagues' view or our advisers' view, justifies the risk - and it is a risk - of seeking to reopen negotiations or reopen the structure, and renegotiate protocol 3.

The Bailiff:

I am afraid I must curtail supplementary questioning. I will take 2 more questions. I saw Deputy Troy and finally from Deputy Martin who will close the questioning.

3.1.13 Deputy P.N. Troy of St. Brelade:

At the beginning of question time, Sir, the Chief Minister said that he had not had any discussions with the U.K., then later he said that to his knowledge the U.K. had not had made up their mind on the issue of discrimination. Where, can I ask, Sir, is he getting his intelligence from? Is it from national newspapers; would it not be better to make contact with the U.K. and start asking them questions about their policy?

Senator F.H. Walker:

I said there had been no direct discussions as yet with the U.K. Government but officials are in touch with the U.K. Government by normally the D.C.A. (Department of Constitutional Affairs) on a virtual daily basis, and would be made very well aware immediately of any immediate changes or any changes on the scale suggested here if the U.K. did decide to implement restrictions on citizens of Bulgaria and Romania.

3.1.14 Deputy J.A. Martin:

Deputy Troy did touch on something I was going to ask. I do find the Chief Minister's answer, Sir, somewhat naïve. He is talking about people... civil engineers in Bulgaria who earn 120 Euros a month, why would they not want to come to Jersey? And they are coming. We have been told in the last few months we have 700 more people employed. We have 13,000 more people registered with I.T.I.S. (Income Tax Instalment System); who are these people? Many of them are Polish; I do not have a problem. I do have a problem, Sir - like the Constable of St. Peter - that I want this taken seriously and I want a guarantee today, like the Minister did in September, that he will take steps proactively and contact someone that we are allowed to speak to in the U.K. Government and find out exactly where their position is and where it leaves us on 1st January. Our immigration policy is a monitoring device; it will not be introduced until at least June or July next year and we could already have another 2,000 or 3,000 immigrants in Jersey. I really want this question... and I want to know when we will get an answer that he will contact the U.K. Government and take this seriously.

Senator F.H. Walker:

We are taking this extremely seriously and I do agree that we will make contact with the U.K. Government. But the basic point is it will not make any difference whatsoever to the numbers of people coming into Jersey whether or not restrictions are placed on residents of Romania and Bulgaria. It will not make any difference whatsoever because it is the total number that is controlled irrespective of which particular country they may come from.

The Bailiff:

Well, I am afraid that supplementary questions on that question must be drawn to a close.