

### **2.3 Deputy K.C. Lewis of St. Saviour of the Minister for Home Affairs regarding the proposed implementation of e-Border controls.**

Will the Minister be resisting the proposed implementation of e-Border controls between Jersey, the United Kingdom and France?

#### **Senator B.I. Le Marquand (The Minister for Home Affairs):**

There are 2 separate matters which I have been considering recently, e-Borders is one of those, which is a U.K. (United Kingdom) initiative to identify suspect persons applying to travel to the U.K. prior to their arrival. Its purpose is to provide protection from terrorists and other criminal elements and it should be welcomed. Jersey was asked in February 2008 whether it intended to enter fully into the e-Border scheme so that the same protections and exchange of information could apply to us and that was agreed in principle in March 2008. It is necessary for Jersey to agree to be part of the e-Border system so that we can remain part of the common travel area. Further details as to what precisely is proposed are only just becoming apparent and indeed more details became apparent last Friday.

#### **2.3.1 Deputy K.C. Lewis:**

The common travel area has existed since the 1920s enabling people to move freely between Jersey and the United Kingdom without being subject to immigration controls. Clause 46, now 48, of the Borders Immigration and Citizenship Bill abolishes the common travel area in its present form. As we are British subjects in a Crown dependency this is an infringement of our civil liberties and a breach of our human rights. Does the Minister not agree?

#### **Senator B.I. Le Marquand:**

Article 46, now 48, of the law referred to is not e-Borders. That is in fact the second matter that I have been considering recently. I am not happy that we have been, in that law, placed in the same position as Southern Ireland but have received assurances at a meeting which I attended Monday of last week as to exactly what is intended by the U.K. There are now going to be further discussions in terms of firming up so that we get assurances that the inconvenience to local people will be minimised. There is no intention to put in place a passport control or anything of that nature for people coming from Jersey entering the U.K. The intention is that if this information of people who come into the common travel area who the U.K. do not want there, that they would be able to individually deal with them.

#### **2.3.2 Deputy J.M. Maçon of St. Saviour:**

Does the Minister have those assurances in written form?

#### **Senator B.I. Le Marquand:**

There are letters setting that out but it is intended to make the confirmation of that more formal than that.

#### **2.3.3 The Deputy of St. John:**

With the meeting with the United Kingdom Government last week **[Interruption]** was the Minister fully au fait and up to speed with everything that was going on which I am sure he was ... but given the Chair's interjections now for the third time, I will try and get this out. Given the meeting that I had in the U.K. on Thursday, along with 12 other colleagues...

**The Deputy Bailiff:**

Deputy, I am interrupting because as an experienced former Member you must know that you speak in the third person. [Approbation]

**The Deputy of St. John:**

Yes, I am well aware but I was thrown after the first one because the Chair interjected and therefore it has thrown me ever since. That being the case I have forgotten what the question was going to be. [Laughter] Is the Minister fully up to speed and was he given all the information by the U.K. Government prior to his meeting last week because it would appear from what we were told within our meeting that Jersey have been left out of the loop in certain areas to do with the border.

**Senator B.I. Le Marquand:**

I am sorry, this is getting even more confused because I have tried to explain there are 2 quite separate things: there is e-Borders, which is an information exchange arrangement, and there is separately from that Article 46, now 48, of the law mentioned by Deputy Lewis. They are quite separate things. I am fully up to speed on both of those.

**2.3.4 Deputy K.C. Lewis:**

I just find it quite bizarre that Northern Ireland and Southern Ireland, which are technically 2 separate countries, will not need any e-Border controls but people from Northern Ireland will. According to the U.K. Government website, we need not worry because this restriction only applies to people travelling by sea or by air. Have I missed something? My question also is will there be any restrictions between the Channel Islands?

**Senator B.I. Le Marquand:**

Well, I do not know precisely what the arrangements are for Northern Ireland. I had not understood that e-Borders would operate as between Northern Ireland and the U.K. but I could be wrong. No, neither of these 2 arrangements, neither the e-Borders nor the statutory change, will affect arrangements between the Islands.