

2.11 Deputy M.R. Higgins of the Attorney General regarding the existence of statutory powers to prevent journalists/TV teams/writers from entering Jersey:

Will Her Majesty's Attorney General advise Members whether statutory powers exist to prevent journalists, TV teams and writers from entering Jersey and, if so, what these are?

The Attorney General:

There are no statutory powers that prevent a person from entering Jersey merely because he is a journalist, a member of a TV crew or a writer. If such a person, because he is not a British or an E.U. (European Union) national, requires a visa to come to the common travel area of which Jersey is a part and wishes to operate in Jersey, then he will be required to make that clear on his visa application to the United Kingdom Border Agency. The application will then be referred to Jersey under the United Kingdom Immigration Rules. The Customs and Immigration Service will deal with that referral by applying the Lieutenant Governor's directions made under the Immigration (Jersey) Order of 1993, which follow very closely the United Kingdom Immigration Rules. The directions provide for journalists and TV crews working for overseas media to be given entry to Jersey for 6 months. The directions also allow for a writer to visit Jersey for 2 years but not for the purposes of journalism. They also allow general visitors to carry out research for the purpose of later publication. Any person may be denied entry for failing to fulfil the grounds of general application for a visa. This has nothing to do with their position as a journalist, a member of a TV crew or a writer however.

2.11.1 Deputy M.R. Higgins:

Can I ask the Attorney-General if these powers have ever been used, in other words, have directions ever been issued through the Lieutenant Governor's office to the U.K. authorities?

The Attorney General:

As I mentioned, the Lieutenant Governor has issued directions. I am aware that any application is considered by offices of the Customs and Immigration Department but I cannot give the Deputy any information as to what kind of directions or what kind of decisions have been made under that.

2.11.2 Deputy T.M. Pitman:

Could the Attorney General just clarify something that I think he just said: that permission could be contained in one of these visas for an ordinary member of the public to do research to later publicise that material? What is the difference between that and if I then decided to write a book? Sorry, I am just not clear. It seems to me that there are 2 categories and they are very blurred.

The Attorney General:

The category that provides for someone to come over to act as a journalist or a member of a TV crew for an overseas media is within that category of directions by the Lieutenant Governor relating to people coming in for business purposes. There is a general category of people who can come in and there is nothing to stop them conducting research for subsequent publication.

2.11.3 Deputy M. Tadier:

There is an expression I think which says a whistleblower is never sacked for the reason that he is sacked. Can it also be said that when somebody is refused entry to a jurisdiction, it may not always be for the reason given?

The Attorney General:

It may be said by some people. It would not be said by me.

2.11.4 Deputy M.R. Higgins:

Just following up on my second question. In terms of powers, although the Attorney-General would not tell me when they have been used, have they been used and have they been used in the last 24 months to 36 months and, if so, how many times?

The Attorney General:

I am sorry. I was not deliberately trying not to answer the Deputy's question. I simply do not know the answer to it.