

2020.02.25

4 Deputy K.F. Morel of the Minister for Home Affairs regarding the impact on Jersey's immigration system of any such system introduced in the United Kingdom: (OQ.50/2020)

Is it the Minister's assessment that Jersey will be able to design its own immigration system suited to Jersey's needs and will not be required to adopt any system that the U.K. chooses for itself?

Connétable L. Norman of St. Clement (The Minister for Home Affairs):

The simple answer is, yes, of course. We already have an immigration system designed and suited to Jersey's needs and we will continue to do so and develop it as necessary and appropriate. Just as an example, last year the hospitality pilot scheme started, through which I have allowed a limited number of low skilled non-E.E.A. (European Economic Area) nationals to come and work in Jersey. This is a Jersey scheme, specifically Jersey and is not replicated in the United Kingdom and in simple terms the answer is yes.

3.4.1 Deputy K.F. Morel:

We have heard noises from the U.K. about the points-based system and minimum salary levels in order for people to be admitted to the U.K. as migrants. If the U.K. were to adopt those systems, would Jersey have to adopt similar systems as well, with regard to minimum salary levels and points based?

The Connétable of St. Clement:

No, we do not. Because of our membership with the Common Travel Area, our immigration laws have to align with the United Kingdom and the other Crown Dependencies and indeed Ireland, who are part of the Common Travel Area. But that does not mean that we replicate the schemes of the United Kingdom. We have to align with them, but we do not have to replicate. Jersey has its own rules and we have different demographics, different requirements from other parts of the Common Travel Area and that is recognised by the Justice Committee in the United Kingdom and that will continue to be the case after whatever policy the United Kingdom bring into force.

3.4.2 Deputy M.R. Higgins:

I am pleased the Minister mentioned the Common Travel Area; could he tell Members at the moment what we have to comply with, as we are part of the Common Travel Area and whether we will have to comply with them in the future?

The Connétable of St. Clement:

The Common Travel Area is an agreement between the United Kingdom, the Irish Republic and the Crown Dependencies, which allows free movement of people between those jurisdictions, based on an aligned immigration system, which we all adhere to. That is very important, because if we were not part of the Common Travel Area we would have difficulty ... not difficulty but there are different arrangements in travelling to other parts of the Crown Dependencies and the United Kingdom, like perhaps passport controls and that is something we want to avoid, I think, almost at all costs.

3.4.3 Deputy M.R. Higgins:

If we have to comply with the Common Travel Area and the U.K. lays down certain things, how exactly can we differ from what they have laid out? In other words, anyone who comes into the U.K.

under their scheme would be allowed to come to Jersey, is that not the case? Therefore, no matter what our scheme is, they would still be able to come to Jersey.

The Connétable of St. Clement:

Yes, indeed. There is free movement of people between the jurisdictions of the Common Travel Area, but the right to work and reside is something totally different.

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

When the U.K. leaves the E.U. (European Union) finally, is it the case that our border, instead of being a border with the E.U., will be subject to U.K. border rules, because it gives access to work and to live in the U.K.?

The Connétable of St. Clement:

Our border will continue to be Jersey's border ruled by Jersey, maintained by Jersey and policed by Jersey. There will be no other jurisdiction responsible for border controls in our ports, whether it is the harbour, or the airport.

3.4.5 Deputy G.P. Southern:

Can the Minister give the details of the type of alignment with U.K. rules that will be required?

The Connétable of St. Clement:

It is not a matter of rules. We make our own rules, based on similar immigration legislation that we have with other members of the Common Travel Area. We make our own immigration rules, as I explained before, depending on our requirements, on our demographics and our requirements for labour.

3.4.6 Deputy S.M. Ahier:

Does the Minister accept that no matter what migration policy this Chamber adopts, that every person who arrives through the harbour and the airport should be recorded in a database, so that an accurate population figure can always be maintained?

The Connétable of St. Clement:

That would be lovely, would it not? But the truth is that we have a free movement of people currently between Europe and the Common Travel Area, but this will be reduced as a Common Travel Area after 31st December this year. Free movement means that we do not ask for passport control or I.D. (identification) from people travelling to and from members of the Common Travel Area. While it would be a nice thing to do, perhaps even a useful thing to do, it would make travel between the Common Travel Area and ourselves much more difficult than it is.

3.4.7 Deputy J.M. Maçon of St. Saviour:

So, despite the citizens, through their passports can continue to enjoy the arrangements of the British Common Travel Area, therefore, on the other side, it means that if Jersey were to so choose it could indeed adopt a U.K. points-based system, could it not?

The Connétable of St. Clement:

Yes, Jersey is master of its own destiny in that area.

3.4.8 Deputy R.J. Ward:

Given that we adopted an E.U. assessment scheme and had very little choice in that, is it not the case that we will have very little choice in our immigration laws, given our connection with the U.K. is growing as we move away from Europe?

The Connétable of St. Clement:

Yes, I am not sure if I quite understand the question and how that relates to the settled status scheme. People who have settled status will be able to remain in Jersey and have free access to the Common Travel Area. Our immigration rules will be our immigration rules. Unless there is some change in the agreement of the exit of the United Kingdom from the European Union, passports and I.D. will be required and people coming to work from the E.U. will also require work permits and visas and that will apply throughout the Common Travel Area.

3.4.9 Deputy R.J. Ward:

In which case, can I ask the Minister which parts of the U.K. immigration scheme he does not feel is appropriate for Jersey?

The Connétable of St. Clement:

We are not and I am not simply going to lift the U.K. immigration rules and apply them to Jersey. Jersey has its own rules, its own requirements, its own needs, its own demographics, its own requirements for labour and that is what will control the rules that I introduce, if there is any need to change any of the rules that we currently have.

3.4.10 Deputy C.S. Alves:

Is the Minister able to inform the Assembly whether those who have settled status will, therefore, be required to have a passport to come back to the Island after 31st December, or if we are able to implement some rules so that they can just use their I.D. cards? Because, at the moment, that is an extra cost to immigrants and it does not have the same period of validity as the I.D. card does.

The Connétable of St. Clement:

The indications are that all travellers from outside of the Common Travel Area, including us, me, will require a passport to re-enter the Island.

3.4.11 Deputy C.S. Alves:

As we are able to govern by our own rules, is the Minister willing to look at that, because that is an extra cost to those who have settled status, who are immigrants? It is also an extra level of complexity, because it is not always as simple to get a passport as it is to get an I.D. card and yet they have the same identification numbers.

The Connétable of St. Clement:

I accept there may be challenges indeed for the travel companies as well, but I think it would be very difficult to give people with settled status enhanced rights over other residents.

[10:30]

3.4.12 Deputy K.F. Morel:

Has the Minister received, or is he aware of other Ministers receiving, any communications from the United Kingdom Government suggesting that they would wish for us to adopt some elements of the immigration policy that they are currently considering?

The Connétable of St. Clement:

I am not aware of such a scenario.