

21.04.20

11 Senator S.Y. Mézec of the Minister for Home Affairs regarding the E.U. Settled Status scheme (OQ.99/2021):

What approach will the Minister adopt in respect of E.U. nationals who have settled legally in Jersey but who do not apply for the E.U. settled status scheme by the deadline of 30th June 2021?

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

I am grateful to the Senator for the question because it reminds us and also any E.U. nationals who are resident in the Island that we are in the final weeks now of the grace period. It is essential that those who settled here before 2021 need to apply for the scheme. If, subsequent to 30th June, E.U. nationals who have not applied for settled status are found, they will be dealt with on a case-by-case basis, basically sympathetically, positively and helpfully. If there are reasonable grounds why a person has made that late application that will be dealt with positively. Every person will be carefully examined and helped to ensure that they obtain their status.

3.11.1 Senator S.Y. Mézec:

I thank the Minister for his answer. The last part of it gets at what I wanted to address with a supplementary question, which is about whether the Minister has the intention of adopting an approach that is open and will have the leniency that it may require from time to time when there may well be good reasons that people have not signed up to the settled status scheme. Will he be content adopting an approach, which is not going to instil fear in people if they sign a form wrong or if they make a mistake, completely innocently, that their future in Jersey will not be jeopardised by that?

The Connétable of St. Clement:

That is right, that is the absolute intention and has been from the very beginning. Those E.U. nationals who do not have British nationality and have been here for some time, or even have not been here for some time, delighted for them to remain and live with us. It is just important that they do have immigration permission to remain lawfully in the Island. We will do everything we can to help any late applications to achieve that.

3.11.2 Deputy R.J. Ward:

Can the Minister confirm that the real issue for anyone who does not apply for settled status may well be if they leave the Island and try to return? Can he outline what his actions will be in those circumstances?

The Connétable of St. Clement:

The real issue for someone who does not have settled status is that they will have difficulty in accessing work; they will have difficulty in accessing free healthcare; they will have difficulty accessing benefits; and of course they will also have difficulty travelling, particularly back from an E.U. country, into the Common Travel Area. Because they will have no right to entry unless they have a work permit and a visa, unless they are coming as a visitor. So, yes, there are potential difficulties for those who do not make application. But I see no reason why people should not make application. It is not a difficult process. It is a free process and it ensures their absolute right to be here.

3.11.3 Deputy R.J. Ward:

Can the Minister confirm from his answer, was he suggesting that anyone who does not have settled status may have trouble accessing healthcare, *et cetera*, on-Island, as is current, regardless of the length of time that they have been on-Island? Can I infer that from his answer?

The Connétable of St. Clement:

Yes, you can. If someone is living here illegally, which could be the case, they do not have the same rights as those who are living here legally.

3.11.4 Deputy G.P. Southern:

It appears to me that the Minister is making up policy on the hoof. Because I certainly, for one, have never heard that someone who is not signed up for settled status will have free medical care withdrawn from them, no matter how long they have been here. This seems like, if true, a very big sledgehammer to crack a very little nut. This is heavy-handed treatment of foreign nationals.

The Bailiff:

Deputy Southern, that was supposed to be a question. That was an invitation for a question, Deputy, not for a statement.

Deputy G.P. Southern:

Does the Minister not agree?

The Connétable of St. Clement:

The Minister agrees that we should give every encouragement, every help, every assistance to those E.U. nationals who have not yet applied for settled status to do so, so that there is no risk of the situations that I described just now coming to fruition.

3.11.5 Deputy G.P. Southern:

In the end of achieving this coverage, does the Minister have any idea how many people are still outstanding not having completed the required forms?

The Connétable of St. Clement:

No, I do not. Originally when we started this process we had estimated there would be around about 20,000 who would need to apply for settled status. Currently, there are over 16,000 who have applied. But, of course, the 20,000 was very much an estimate because we have no idea how many E.U. nationals have dual nationality, we do not know how many of those who were here when we did that estimate have left the Island. So it is impossible for us to tell how many are outstanding. The numbers applying have now reduced to a trickle.

3.11.6 Deputy K.F. Morel:

In previous answers to questions on this topic, the Minister had suggested or said that authorities would take an understanding approach to people who had not applied in time. Particularly where it was seen that it was an oversight on their part or they found it difficult to access the necessary resources. Can the Minister confirm that this is still the case or will the Minister be taking a hard-line approach to people who have not applied for settled status and be treating them as illegal aliens in the Island? Can he confirm which of these 2 approaches he will be taking?

The Connétable of St. Clement:

I wish the Deputy had listened to the first part of my answer. I said anybody who has not applied by the end of June of this year will be treated sympathetically, positively and helpfully. Reasonable grounds for not having completed are not limited but might include children, they might include people who have been ill, they might include people who have limited access to I.T. So the answer is we are going to be, and continue to be, have been sympathetic, positive and helpful.

3.11.7 Deputy K.F. Morel:

While the Minister said that he did not know how many people were left to apply, can he categorically state to the Assembly what efforts he will be making to ensure that as many or 100 per cent of those who are eligible to apply are aware of their need to apply?

The Connétable of St. Clement:

We have been trying very hard since the decision was made for the United Kingdom to leave the E.U. Our Communications Unit are working very hard at this time, redoubling their efforts to encourage those outstanding residents to make application before the end of June. We are doing that through media releases, through social media, again through the consuls. Of course one of the problems is we do not know who they are so we cannot make personal approaches. But hopefully the message is getting through. The fact that we do have so many applications now, the fact that there is only a trickle of new applications coming through, I believe we must be almost there. I stress again, the object of the Customs and Immigration Service is to be helpful and sympathetic.

3.11.8 The Connétable of St. Brelade:

Given that the definition of residency varies with various different laws, would the Minister identify whether those who have not applied for E.U. settled status would be classified as residents or not?

[11:30]

The Connétable of St. Clement:

Anyone who is not a British or Irish national who does not have settled status would be living in the Island, no matter how long they have been here, illegally if they did not apply for settled status. That is my understanding.

3.11.9 The Connétable of St. Brelade:

Could I ask the Minister to clarify that answer because it is what I might describe as a grey area?

The Connétable of St. Clement:

I can get further legal advice but the Immigration Law is quite clear that anyone who is not a British or Irish national will need Immigration permission to remain lawfully in the Island. This has been the position from day one.

3.11.10 Deputy C.S. Alves of St. Helier:

Is the Minister aware of the delay in processing and confirming some of these settled status applications? As I have had numerous constituents who have done applications ranging from 2019 to the last 16 months who have not been contacted and have had to chase up their application to ensure that it has been processed.

The Connétable of St. Clement:

Yes, I am aware of that. We have been able to put in about a fivefold increase in resource to try to catch up. But the important thing that people must understand, as long as they have made

application for settled status, they are entitled to be here. We have also now created an online facility where any individual who wishes to can put in their information and produce a document, which would indicate the fact that they have applied for settled status or indeed have been granted settled status, which they will be able to show to an employer, a landlord or healthcare professionals if they should need it.

3.11.11 Deputy C.S. Alves:

So the Minister is quite confident and can give assurances that these delays will not continue and that, bearing in mind some of these individuals will have English as a second language and are having to chase them up themselves, so can the Minister just confirm that he is confident that these delays will not continue?

The Connétable of St. Clement:

I very much hope that they will not continue but, as I said just now, the important thing, as long as the application has been made, there will be no difficulty for those individuals.

3.11.12 Senator S.Y. Mézec:

Could the Minister outline when he believes a person who did not sign up for E.U. settled status scheme, perhaps perfectly innocently, when that person, through going about their day-to-day life, would be likely to suddenly find out that was a problem for them? I mean instances like could it happen when they attempt to book an appointment with a doctor? Could it happen when they attempt to get their child registered for secondary school after primary school was finished? When are those moments likely to bring them up on a system where they would then have to be dealt with?

The Connétable of St. Clement:

That is an interesting question and one that is a bit difficult to answer. Certainly when travelling, particularly back from Europe into the E.U. Probably when applying for social benefits. But I think travel is the most likely time where people might suddenly find difficulty getting back to the Island.