

STATES OF JERSEY



MANAGING MIGRATION: NEW MECHANISMS– PART 1, THE POPULATION REGISTER AND JERSEY NAMES AND ADDRESS INDEX

**Presented to the States on 12th December 2007
by the Chief Minister**

STATES GREFFE

MANAGING MIGRATION: NEW MECHANISMS

PART 1

The Population Register and Jersey Names and Address Index

A consultation document presented by the Chief Minister

on behalf of

The Migration Advisory Group

The Assistant Minister, Chief Minister's Department – Chairman

The Minister for Economic Development

The Minister for Housing

Consultation period: 12th December 2007 – 15th February 2008

THE PURPOSE OF THIS DOCUMENT IS TO CONSULT ON:

- (a) proposals for individual registration to manage migration
- (b) proposals to establish a Jersey Names and Address Index

SUMMARY

In June 2005, the States approved new mechanisms and policies to **monitor and regulate migration** in a fair and transparent manner.

This will be achieved by issuing licences to businesses defining the number of people they can employ, and linking this to the ability to access local housing. By controlling access to employment and housing – and by recording accurately the names and addresses of all residents on a Population Register – migration can be regulated, and accurate population statistics maintained to plan future services.

It is vital to manage migration to secure a balance between economic growth and the demands placed on the Island's infrastructure and resources; in particular, its housing and environment.

Under these proposals, **all newcomers to Jersey will register for the Population Register at either the Social Security Department or Cyril Le Marquand House** and, at the same time they will be registered for Social Security and issued with a **single simple registration card**. This will display their name, Social Security number and residential status. It will replace the existing Social Security card. This card will be used when accessing housing and employment.

The registration card will **not** include a photograph or any other sensitive personal information. Over time, these cards will be issued to existing residents.

As well as managing migration, the 2005 policy document^[1] suggested that the Population Register could be used to provide better public services:

“...this proposal will have enormous potential as a basis for sharing basic, non-sensitive information, streamlining the administration of public services in Jersey and generating significant benefits and convenience for all the residents of the Island.”

The Migration Advisory Group considered this suggestion and concluded that it would be hugely beneficial for all States departments to have access to accurate name and address information on a “Jersey Names and Address Index”. The public will then be able to change their details or address at a single location, without having to inform other departments.

The new mechanism to manage migration will be introduced in two parts:

- The first part is outlined in this paper, and deals with the simple registration process that Islanders and newcomers will complete.
- The second part, to be published in 2008, will deal with the rules covering the residential status of people and their properties, and the ability of businesses to operate and employ staff.

SEEKING YOUR VIEWS

We would welcome your views on the proposals outlined in this document.

Some particular questions you may like to consider are:

1. Do you support the idea of a combined registration card showing only your name, residential status and Social Security number; **or** would you prefer the card to carry more information?
2. Do you agree that allowing name and address information to be shared between States departments and Parishes will result in a better public service?

4. Would you like the States and Parishes to share even more information to improve services?
5. Would you be satisfied if the States used the information it already holds to create the new Jersey Names and Address Index, **or** would you rather provide the information afresh?
6. Do you think the registration procedures for new arrivals will be effective?

HOW TO RESPOND

This consultation paper can be found on the States of Jersey website at:

www.gov.je/ChiefMinister/PublicConsultations

If you would like a paper copy of the document, please contact us by telephone, e-mail or post, using the details provided below.

Comments on the proposals in the Consultation Paper can be:

- e-mailed to: managingmigration@gov.je
- posted back to Managing Migration: New Mechanisms, Population Office, 3rd floor, Jubilee Wharf Esplanade, St. Helier, Jersey JE4 0UT.

If you have any queries on the consultation process you can call 448931.

Responses must be received by Friday 15th February 2008

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Confidentiality: Responses will be used to produce aggregate information, although unless marked “Confidential”, opinions given in responses, including those submitted with no name or address, may be quoted in any published report produced to demonstrate views that have been expressed during the consultation process. Names will not be quoted. Responses will only be attributed to a named individual or organisation if the respondent has given express permission.

WHAT HAPPENS NEXT?

All comments received as a result of this consultation will be collated by the Population Office and presented to the Migration Advisory Group. A Report setting out the results of the consultation will then be published.

Depending on the results of the consultation, 2 new Laws, the first part of the Migration (Jersey) Law 200-, and the Names and Address (Jersey) Law 200-, will be lodged with the States in the summer of 2008.

CONTENTS

	<i>Section</i>	<i>Page</i>
	Summary	4
	Seeking your views	5
	How to respond	5
	What happens next?	6
	Introduction	8
ection A	Registering on the Population Register	
	A1 Individual Registration	10
	A2 The Combined Registration Card	11
ection B	Jersey Names and Address Index	
	B1 Why the Index will be created	13
	B2 What information the Index will contain	13
	B3 The need for a separate Law	14
	B4 How you will be recorded on the Index	14
	B5 How the Index will be created	14
	B6 How information will be kept accurate	15
	B7 How information will be kept secure	16
	B8 How access will be granted	17
ection C	New Migration Mechanisms, Part 2, and Timetable	
	C1 The benefits of the new mechanisms	18
	C2 An individual's residential status	18
	C3 A property's residential category	19
	C4 Business licenses	19
	C5 The implementation timetable	20

INTRODUCTION

Jersey has one of the highest standards of living in the Western world. Its buoyant economy means it is in the enviable position of being able to spend very considerable sums of money on essential services such as health, education and support for the less well-off.

To maintain the provision of these services at current levels **Jersey needs to maintain its healthy economy**. This means it must maintain a resident population with enough people of the right age, and with the right skills, to drive its key industries.

At the same time, **the States has to control population changes** so that we can manage the impact of change on the resources and infrastructure of the Island, protect our environment and maintain its attractiveness.

The “Imagine Jersey 2035” consultation process sets out to inform the public of these issues, encouraging debate about the kind of island community we want in the future. **The policies as outlined in this paper will ensure that the States has at its disposal the most effective mechanisms and tools to manage migration** in support of the results of “Imagine Jersey 2035”.

This paper sets out Part 1 of the new mechanisms to manage migration – individual registration and a Jersey Names and Address Index – and seeks the views of the public.

On a practical level, the new policies will be built around a licensing regime which will:

1. Introduce 3 categories of residential status for individuals: ‘entitled’; ‘licensed’, and ‘registered’
2. Require all businesses to have a licence, and limit the number of staff who can be employed in each residential category
3. Limit who can live in each unit of property according to their residential status
4. Introduce a Population Register using the new residential categories
5. Create a single Population Office to manage the new policies fairly, transparently and with minimal bureaucracy.

Significant steps in implementing the new controls have already been taken:

- (i) The Migration Advisory Group was formed in December 2005 to direct the Population Office. It is chaired by the Assistant Minister, Chief Minister's Department. Other members include the Minister for Economic Development and the Minister for Housing.

The Group meets frequently to direct the joined-up development and application of the Regulation of Undertakings and Housing Laws, and the development of the new mechanisms to replace these Laws.

- (ii) The Population Office was established in March 2006, merging into a single office, and under rationalised processes, the management and administration of the Regulation of Undertakings and Housing Laws.

All applications from businesses – for Regulation of Undertakings licences and “j” consents – are dealt with by a single team in the Population Office, with the licensing of employees balanced against available housing stock.

These two developments provide a structure that can manage migration in a balanced manner over the medium term. This document sets out the next steps.

Section A considers the registration processes for individuals for the purposes of managing migration. In particular, it considers when and how newcomers to the Island will have to register and what they will receive by way of a registration card. It also outlines how over a period of time all residents, including children, will be required to register, and how adults will be issued with a single card.

Section B looks at establishing a Jersey Names and Address Index, and outlines how it will improve the efficiency of the States and drive better customer service. It explains how the Index will be created and used. It also sets out the limited information that will be held, illustrates that no sensitive or personal data will be included [2], and explains how information on the Index will be maintained.

Most importantly, Section B explains the safeguards that will be put in place to ensure privacy and confidentiality and highlights that the Jersey Names and Address Index is a **new and important development** on which public comment is invited and on which a States debate is required.

Section C outlines the approved principles of the new migration mechanisms, in particular, the residential status that will be assigned to people and property, and how business licences will be issued. This section **does not set out any new policies, but simply acts as a reminder**. Consultation on these policies will take place in 2008. This section also sets out a timetable for the introducing the new mechanisms.

SECTION A: REGISTERING ON THE POPULATION REGISTER

A1. INDIVIDUAL REGISTRATION

All newcomers wishing to reside in the Island will be required to register with the Population Office and Social Security Department at either Cyril Le Marquand House or the Social Security Department. Once registered, an individual will be issued with a combined Population Office and Social Security registration card.

- All newcomers to the Island will have 'registered' residential status, meaning they are not able to access housing or employment that is protected for 'entitled' or 'licensed' persons. This residential category will account for the majority of individuals registering.
- Other new arrivals may be employed as licensed or essential employees giving them access to controlled housing. These people will present evidence of this from their employer when registering and will be registered as 'licensed'.

This residential status will be granted at the time of registration. Only in more complex circumstances will reference be needed to more specialist staff from the Population Office. The number of complex cases is expected to be small, with the vast majority of newcomers being able to register without complication.

- At the time of this joint registration, an individual will be recorded automatically on the Jersey Names and Address Index. This will be made clear at the time.

Those already resident in the Island will be registered automatically. Residents will not need to do anything until they need the new combined card to move house or change job. If they have not done this by 2014, only then will they be asked to register in person and be issued with the combined card. This will ensure that the registering and issuing of cards to 70,000 existing adult residents can be achieved smoothly.

Any individual who is resident when the new Laws come into effect will automatically retain whatever residential status they have at that time.

A2. THE COMBINED REGISTRATION CARD

The current Social Security Card is a good example of a card that is issued at the time of arrival on the Island, and having one is mandatory before a person can commence work in most cases. Therefore the Migration Advisory Group believes it logical to extend the use of the Social Security card to incorporate the Population Office registration requirement to have such a card.

In making this proposal, the Migration Advisory Group is aware that employers currently retain the Social Security Card, whereas the Population Office Registration Card will need to be retained by the individual to access housing as well as employment. However, this situation can be readily resolved.

It will be necessary for individuals to register in person to obtain a Registration Card because it is important that people verify their identity to a high standard.

As noted by the Data Protection Commissioner in the “Formal response to the Consultation Paper: Monitoring and Regulation of Migration”:

“... the issue of identity fraud and identity theft must be addressed. To do this successfully, it must involve verification of identity to a high level and minimise the fraudulent assumption of an individual’s identity”.

Customs and Immigration have introduced more stringent control checks based on U.K. procedures designed to establish the passport as the ‘gold standard’ identity document.

Individuals will be required to produce a passport when registering to identify themselves. Where no passport exists, and this would be rare, other procedures will be developed.

It is proposed that the unique identifying number should be the Social Security number, as all individuals registered have one and it does not seem sensible to create another sequence. However, it has been noted that in the “*Formal response to the Consultation Paper: Monitoring and Regulation of Migration*” the Data Protection Commissioner commented that “*the format of the number should not reveal anything about the individual*”. Further, that “*having the number on the face of the card runs the risk that it will become widely known and perhaps used by others for the provision of services. The potential collateral impact of the use of the Social Security Number should not be underestimated*”.

The Migration Advisory Group appreciates these comments, and has noted them. However, it is difficult to operate an effective scheme without a reference number of some kind being included on the registration document if it is intended to establish someone as unique. Further, while a unique reference could be one additional piece of information for a fraudster to use, it is insufficient in itself to gain anything of substantive value, and Social Security numbers are already provided on the existing cards and on payslips.

It is important to note that **the new Registration Card is not intended for use as an identity card**. It is intended to demonstrate social security, housing and employment status only. It will not be used to manage access to any other public service or entry into the Island.

This narrow purpose is reflected in the very limited amount of information on the card.

The purpose of the card is simply to provide information on Social Security and Residential Status to employers and landlords. A photograph is not deemed essential to achieve this purpose, as other forms of photographic ID are readily available, e.g. passport, driving licence. Including a photograph on the card might increase the risk of

identify theft by giving the card additional currency and value.

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It is recommended that the registration card contains only:

- **Name**
- **Social Security number**
- **Residential status**

A photograph will not be included on the registration card.

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The registration card will not have any electronic or biometric features. This reflects the clear and limited uses of the card as set out above.

SECTION B: JERSEY NAMES AND ADDRESS INDEX

B1. WHY THE INDEX WILL BE CREATED

A considerable amount of name and address information is already stored in numerous and separate States computer systems, but the details may vary. Customers also have to notify different departments when they change address or their basic details. The Migration Advisory Group has concluded that this is not satisfactory.

This name and address information should be brought together in one place and verified as an accurate personal record. This will enable the States to provide a more effective and joined up service to Islanders.

The benefits of the Jersey Names and Address Index

- Improve customer service through the streamlining of government processes
- Cut “Red Tape” and enable individuals to update their basic personal information held by the States in one visit
- Improve the accuracy of the basic information held by the States
- Reduce the cost of maintaining numerous databases by eliminating duplication

B2. WHAT INFORMATION THE INDEX WILL CONTAIN

It is proposed that the Jersey Name and Address Index would record the following information only:

	Information held
1.	Surname
2.	Forename(s)
3.	Salutation
4.	Date of Birth
5.	Place of Birth
6.	Gender
7.	Unique Customer Reference – Social Security Number
8.	Unique Property Reference – Address

This information would be maintained and be available to States departments and the Parishes *for the purposes of improved public administration and better customer services*, and would **not** be used for any additional purposes such as crime prevention and detection, security or border control.

B3. THE NEED FOR A SEPARATE LAW

In order to comply with the requirements of Data Protection and Human Rights legislation, and general good practice, the Jersey Names and Address Index would be established in Law. This Law would specify:

- the purpose of the Index
- how it will be created

- how the information will be collected
- how access will be granted
- processes by which the data will be maintained
- mechanisms to ensure correct use of the information
- sanctions in case of breaches of the Law.

B4. HOW YOU WILL BE RECORDED ON THE INDEX

Under the Social Security Law registration is already compulsory for the majority of Island residents. In addition, the new Migration Law will require compulsory registration for all Island residents in order to manage migration.

By registering under these Laws at either Cyril Le Marquand House or the Social Security Department, an individual will be registered under the Jersey Names and Address Index Law. They will not have to do anything more.

B5. HOW THE INDEX WILL BE CREATED

It is proposed that the Jersey Names and Address Index would be created by taking relevant data from other key States databases and automatically comparing and matching it.

This in-house ‘alignment’ approach will be completed in time for the Jersey Name and Address Index to be in place at the same time as the new legislation to implement the new migration controls go live in 2009. Extensive verification procedures will take place to ensure that the information on the Index is accurate and complete.

One of the most complete databases of names held by the States is the Social Security database. Although there are some exceptions, almost all Island residents over the age of 16 are recorded by the Social Security Department. More recently, the Department has started to register children on its records so, although the under-16 records are incomplete, a start has been made. It is acknowledged that no existing States of Jersey database will contain a full list of all Island residents. This is why a comprehensive alignment process, involving the matching of names and addresses from a number of the larger departmental databases, is proposed. This will match the Social Security database with other basic name and address information to be drawn from a number of different systems, including –

- Health and Social Services
- Housing Department
- Income Tax
- Population Office

In addition, all addresses will be aligned with the Jersey Land and Property Index, which is an accurate and up-to-date record of all Island property addresses.

This process will create a basic set of name and address information that is more accurate and current than that held presently on any individual database anywhere within the States.

The Migration Advisory Group considered the alternative option of starting with a blank database, as preferred by the Data Protection Commissioner, which would be populated either over time as people interacted with the States or through an active registration process. However, after receiving expert technical advice from the States Information Services division, it was felt that this would take too long, cost too much, and would not be the most efficient method of creation. The Migration Advisory Group considered that as the States already holds this information in various places, it would not be appropriate to collect it again – indeed, to do so would

inconvenience the public unnecessarily. Finally, it was considered that significant Data Protection issues would be unlikely to arise as:

- Only the thin level of personal data in the proposed Index will be transferred from existing databases, and no further personal data will be processed.
- This will be established in Law, after public consultation and full States debate.

B6. HOW INFORMATION WILL BE KEPT ACCURATE

The Jersey Names and Address Index, once created, will be kept accurate, complete and up to date by the constant interaction of the public with the States:

- Changes in basic details, such as change of address, once notified to other States departments, will be updated on the Index.
- New arrivals will be under a duty to register upon arrival before they can get either a job or a place to live.
- Births, deaths or marriages recorded by the Superintendent Registrar of Births, Deaths and Marriages, will be updated on the Index.
- Individuals will comply with legal obligations in the Migration and Social Security legislation requiring them to notify these departments of any changes to their personal data.
- Details of individuals moving house or employment will be verified following personal notification to a States department, or employers' returns to the Population Office and Social Security Department.
- Individuals leaving the Island and ceasing residency will be required to notify the Population Office. If people do not do this, and no activity occurs between that individual and the States for a specified length of time, then the individual will be flagged as a potential leaver, and a confirmation process started. The quarterly combined Social Security and ITIS returns will be a powerful tool in identifying people who have left the Island, as will the Manpower Returns under the new Migration Law.

B7. HOW INFORMATION WILL BE KEPT SECURE

The information on the Jersey Names and Address Index will be managed centrally and stringent security controls will be in place to secure the data from unauthorised use. In particular:

- The data will **not** be made available to the public and will only be available to those States employees whose job requires it
- Individuals will be able to look at their **own** record on demand and upon proof of identity. They will also be entitled to a paper copy of their record. They will not be entitled to see anyone else's record. ^[3]

The Chief Minister's Department will be responsible for the safe retention of all the information stored on the Jersey Names and Address Index.

Administrators working in the Customer Services Centres at Social Security and Cyril Le Marquand House will be appointed data processors of the Index. They will be accountable through their line management structure to a

director, who will in turn be accountable to a senior officer in the Chief Minister's Department, and then to the Chief Minister who will be the Data Controller.

The Jersey Names and Address Index Law will include provisions for compliance and internal audit procedures, including random checks of who has accessed the information and when. The Law will grant the Data Controller power to suspend a department's access to the Jersey Names and Address Index.

As an additional security measure, the Law will grant specific powers to the Data Protection Commissioner enabling them to request access to audit records and to review the management process, controls and procedures at any time to ensure they are in accordance with the terms of the Jersey Names and Address Index Law and the highest security practices and standards.

B8. HOW WILL ACCESS BE GRANTED

States departments and Parishes will be able to access information held on the Jersey Names and Address Index after obtaining States approval by Regulation.

To gain access to the Index a Minister will need to lodge a Regulation on behalf of their department which provides a detailed and comprehensive description as to why access is required and to which data fields, the legal basis for the processing, and to what use the name and address data will be put.

This process is designed to secure public confidence and understanding, and compliance with data protection and human rights legislation, which require that individuals must know which elements of their personal data are to be used, by whom and for what purpose.

SECTION C: NEW MIGRATION MECHANISMS, PART 2, AND TIMETABLE

C1. THE BENEFITS OF THE NEW MECHANISMS

The new mechanisms will:

- provide an effective method of monitoring the total number of people in Jersey and regulating migration;
- remove the need for individuals to obtain housing consent for every property transaction, e.g. when moving house;
- introduce a single point of contact for housing, social security and employment so there is less bureaucracy and processes are much simpler and easier to understand;
- promote social fairness and inclusion by allowing more people to gain access to a wider range of accommodation;
- bring more flexibility to businesses to allow employers to attract/retain key staff and allocate job licences according to their needs;
- simplify processes for businesses – paperwork will be reduced as the manpower and social security employer returns will be combined;
- give the States improved information on population for planning future policy.

To allow the general public, businesses, and other organisations in the community to participate in consultation, and to adapt in a systematic way to the new legislation and regulatory processes, the new Migration Law will be drafted in a number of different sections.

This paper deals with Part 1 of the new mechanisms; sections C2– C4 below outline Part 2 of the new mechanisms, which will be consulted upon in 2008.

C2. AN INDIVIDUAL'S RESIDENTIAL STATUS

All individuals will have a residential status:

- 'Entitled' would relate to a person locally qualified through a period of residence – and so entitled to live in any property and gain any employment position. It is proposed that individuals will be entitled after 10 years' residence in Jersey;
- 'Licensed' would relate to someone who is an "essential" employee under the new Migration Law and therefore authorised to live in any property;
- 'Registered' would relate to all other residents who can only live in uncontrolled accommodation.

C3. A PROPERTY'S RESIDENTIAL CATEGORY

All properties will be issued with a residential category:

- 'Controlled' would relate to a property that can be occupied by a person classed as 'entitled' or 'licensed';

- ‘Uncontrolled’ would relate to a property that can be occupied by a person of any residential status.

C4. BUSINESS LICENCES

- All businesses will continue to be required to register before they begin trading, and will only be registered subject to meeting criteria around the Island’s integrity, and demands on its resources, infrastructure, and environment.
- Each business will need a staffing licence to employ people within each residential category. In this way, employment, particularly the ability to employ licensed and registered persons, will be strictly controlled. Within the terms of their licences however, business will allocate their licences as they consider best suits their needs, giving some employees access to controlled housing.
- This system of licensing is similar to the current Regulation of Undertakings Law, which will be repealed on the introduction of the new Migration Law. The new rules are intended to be more transparent and will involve less bureaucracy.

All the above will be consulted upon further in 2008 – when proposals for ‘Part 2’ of these new mechanisms to manage migration will be set out in detail.

C5. THE IMPLEMENTATION TIMETABLE

DECEMBER 2007 – FEBRUARY 2008

- Consultation on proposals for the Population Register and Jersey Names and Address Index.

SPRING 2008

- Issue Report on results of consultation on Population Register and Jersey Names and Address Index.

SUMMER 2008

- Debate on Migration Law Part 1 (Population Register) and Jersey Names and Address Index Law.
- Consultation on Migration Law Part 2 (Individual Residential Status, Business Licensing and Housing Registration provisions).

2009

- Debate on Migration Law Part 2
- Implement Jersey Names and Address Index and new Migration Law.

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^[1] P.25/2005: “Migration: Monitoring and Regulation”.

^[2] Data Protection (Jersey) Law 2005: Part 2.

^[3] Other than, for example, parents, carers, etc.