
STATES OF JERSEY



CONTROL OF HOUSING AND WORK (JERSEY) LAW 2012: GUIDANCE – TEMPORARY ABSENCE

Presented to the States on 26th June 2013
by the Chief Minister

STATES GREFFE



Population Office

Control of Housing and Work (Jersey) Law 2012

Guidance

Temporary Absence

This guidance is issued under Article 2(3) of the Control of Housing and Work (Jersey) Law 2012 (“Law”) and relates to the effect on a person’s residential and employment status of any temporary absence from Jersey.

There are many reasons why an individual may have a break in residence and/ or cease to be resident in the Island as their sole or principal place of residence. The purpose of these guidance notes is to cover some of those situations. However, individuals are advised to contact the Population Office in advance of any absence or break in residence if they are in doubt, or to seek clarification dependent upon their own personal circumstances.

As a general rule, unless you are Entitled, the only permitted breaks in residence which will not affect your entitlement are normal holiday periods of no more than 4-6 weeks in duration in any 12 month period.

Time spent in full time education outside of the Island (i.e. University)

Where an individual leaves the Island for the purposes of entering full-time education outside of the Island under the age of 25 years, provided that their parents remain permanently resident in the Island for the duration of their education and the individual returns to the Island during each term break, this time will be deemed to be continuous residence in the Island for the purposes of qualifying under the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2012.

Evidence will be required from the University confirming the dates of attendance, that the course was full-time and that Jersey was the individual’s recorded home address for the period in question.

Travelling

The Population Office may consider allowing residence completed by an individual, who has been an established continuous resident of the Island for a minimum period of at least 5 years, to be frozen where the individual then goes travelling for one single

period of no more than 12 months, provided that they return to Jersey at the end of their travels.

Having satisfied itself that it has been a bona fide extended holiday (e.g. passport stamps, travel tickets, personal belongings retained in Jersey) and that home has not been established elsewhere, the period of residence completed up to the point that the individual left to go travelling may effectively be “banked”, and their residence would be deemed to recommence when they resumed permanent residence in the Island.

The individual would then be required to make up, in terms of residence, the difference between the residence completed prior to the extended holiday, and the period of residence required in order to become Entitled for Work or Entitled under the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2012 at the time of their return.

If you are not Permanently Entitled and intend to go travelling, the Population Office must be informed beforehand if you want the above treatment to apply.

Secondment

Where an employee is seconded to another jurisdiction by their employer for a period of time, normally not to exceed a maximum period of 2 years, and that employee returns to the Island and to the same employer, the Population Office may be prepared to “bank” the period of residence completed in the Island immediately prior to the secondment.

A strong business case must be made in advance, and the Population Office will then confirm the position.

Having satisfied itself that it would be a bona fide secondment, the period of residence completed to date would be frozen when the employee leaves the Island, and would be deemed to recommence when they resumed permanent residence in the Island, subject to written evidence that they had recommenced employment with the same local employer.

The employee would therefore only be required to make up, in terms of residence, the difference between the residence completed prior to the secondment, and the period of residence required in order to become Entitled for Work or Entitled under the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2012 at the time of their return.

If you are not Permanently Entitled and intend to go on secondment, the Population Office must be informed beforehand if you want the above treatment to apply.

Permitted Breaks in Residence once Entitled (if not permanently Entitled)

Once a person has gained Entitled status, they are permitted breaks in residence from Jersey for a period, or aggregate periods, not exceeding 5 years. Should an Entitled person leave the Island for a period, or aggregate periods of more than 5 years, this will lead to loss of Entitled status and the individual will revert to Registered status, unless otherwise determined by the Population Office.

Permanently Entitled

Once a person has been granted Permanently Entitled status, they cannot lose that status, irrespective of any future absence or break in residence from the Island.