

STATES OF JERSEY



MIGRATION: MONITORING AND REGULATION (P.25/2005) – SHADOW SCRUTINY PANEL REPORT (S.R.5/2005) – RESPONSE OF THE POLICY AND RESOURCES COMMITTEE

**Presented to the States on 21st June 2005
by the Policy and Resources Committee**

STATES GREFFE

REPORT

Background

On 8th February 2005, the Policy and Resources Committee lodged the Proposition P.25/2005 *Migration: Monitoring and Regulation*. At the same time, the Committee also published a comprehensive report R.C.6/2005 *Population Policy: Provision of Information and Alternatives*, which described the different policy options considered over the last 6 years by the previous and the present Committee, the advantages and disadvantages of the options, the data and expert advice used and the rationale for the policy proposals.

Subsequently, on the request of Deputy G.P. Southern, the Committee agreed to defer requesting a debate the Proposition to enable a Shadow Scrutiny Panel review of the proposals, in the belief that a focused scrutiny would provide States members with an informed and constructive analysis of the policy.

The report of the Shadow Scrutiny Panel was published on 2nd June 2005. A forum on the migration policy, to which all States members were invited, was held on Monday 6th June, to provide a further opportunity for informal discussion of the policy and the and scrutiny review.

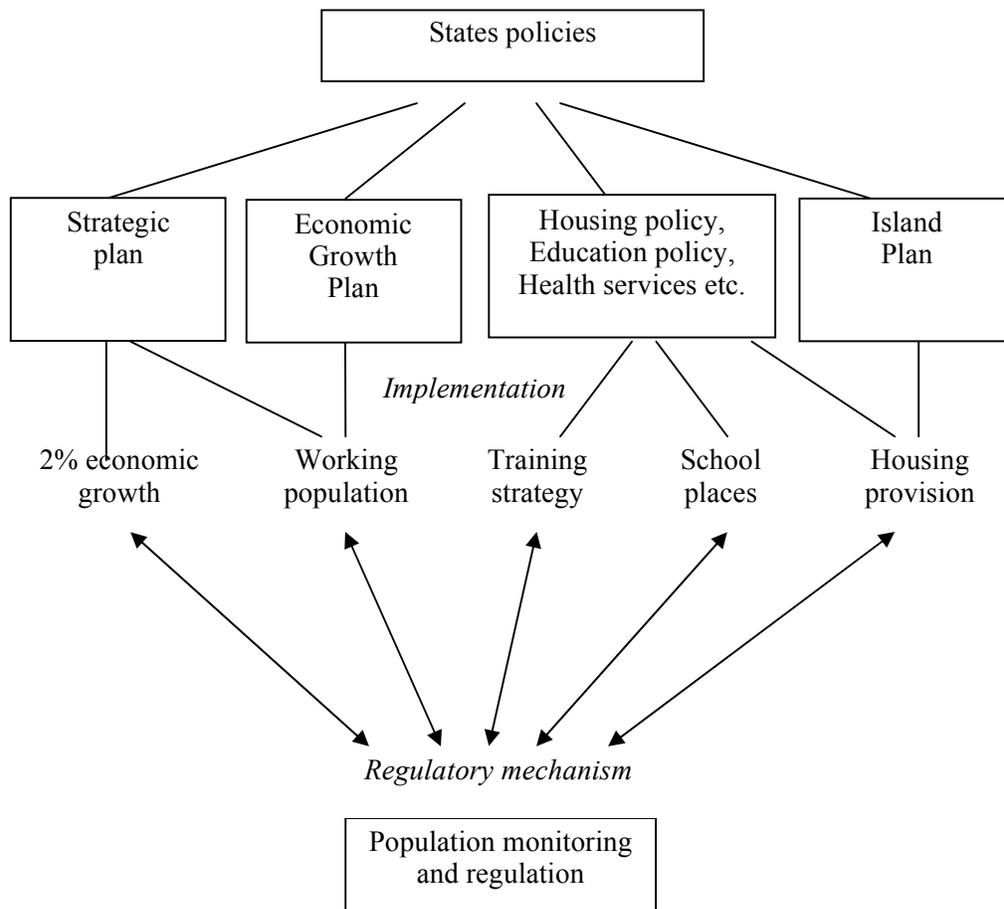
It is emphasized that the Policy and Resources Committee fully supports the contribution of a proper scrutiny process to ensure a balanced evaluation of policy options, to enable constructive criticism of policy proposals and to help inform a States debate on the issues involved.

Response

It was clear from the terms of reference of the Panel that it would have an extremely wide remit, extending well beyond the content of the migration proposals outlined in P.25/2005. This was anticipated, since there is obvious strategic linkage between the States Strategic Plan 2005-2009 (P.81/2004) and the Economic Growth Plan (P.38/2005), both of which have been adopted by the States, and the mechanism for implementing a migration policy as outlined in P.25/2005.

However, it is vital to appreciate that the proposed mechanism for monitoring and regulation of migration is an instrument that may be used in different ways, either to increase or decrease the constraints on migration, *but only in accordance with the previously approved policies of the States*.

It is evident from the Scrutiny Panel report that there is a need for further explanation in this regard. To clarify this point, the strategic linkage is illustrated in the diagram below –



From the above diagram, it is apparent that, whilst the States may adopt a number of strategic policies, and agree their implementation arrangements, without a suitable mechanism for population monitoring and regulation, it will be exceedingly difficult to ensure effective implementation or achieve a balance between the different elements involved.

However, it is emphasized that the migration proposals in P.25/2005 are a regulatory mechanism, not the driving policy. In this respect, it would have been clearer to have referred throughout the report to a ‘migration mechanism’, rather than a ‘policy’.

A relevant analogy would be to compare the migration policy to a thermostat that monitors and regulates the central heating system of a home. The thermostat can be set higher or lower, and the heating turned on or off depending on the desired temperature, but the thermostat itself does not determine the setting, which depends on other considerations.

Key findings

The key findings of the Scrutiny Panel report focus largely on different issues related to the States Strategic Plan 2005-2009 (P.81/2004) and the Economic Growth Plan (P.38/2005) which, as has previously been stated, have already been adopted by the States. These findings include a number of views that have also previously been addressed as part of the States debate on the Economic Growth Plan.

Three relevant findings are included in the report, including concern that individual licenses allocated to employees might be ‘rolled on’ by employers who wish to retain existing staff. Apart from the fact that this policy

would be consistent with the provisions of the new Employment (Jersey) Law 2003, it is considered equitable that more “(j)” category employees should be able to gain greater long-term security of employment and accommodation, which does not in itself immediately increase the population but avoids a constant turnover of new short-term contracts. However, it is likely that a proportion of these licensed employees, and their dependants, will eventually gain entitled status, and after 10 years will aim to access the housing market. The key policy issue, therefore, is to manage the allocation of licenses to ensure that this does not eventually exceed the supply of accommodation. This is achievable by continual monitoring employment and housing to maintain the balance, through the mechanism of the proposed migration policy, and controlling the issue of new employment licenses.

The Policy and Resources Committee fully supports the finding that the drive for improved social equity in housing should encompass the low wage sector as well as those who are higher paid, and would endeavour to pursue this within the migration policy.

The Scrutiny Panel was also unclear how the new migration policy would have the capacity to keep the number of low-wage migrants to a minimum. The explanation is that the migration policy proposals will include, for the first time, effective regulation of all jobs and, in particular, the number of ‘registered-only’ jobs typically taken up in the past by low-wage migrant employees.

Recommendations

The Policy and Resources Committee’s response to the Scrutiny panel recommendations is as below –

- *‘the establishment of new niche high value financial services business [should be] carefully monitored to determine the actual ratios of imported skills to local recruitment to determine whether they are successful in practice in developing opportunities for local employment and upskilling.’*

This recommendation is supported.

- *‘the Statistics Unit should be asked to carry out a research project to determine much more precisely the future recruitment requirements of the finance industry.’*

This recommendation is supported.

- *‘If maximum use of the local workforce to meet job growth is to be achieved.... appropriate forms of government intervention should be initiated to promote the return of women to the workforce and to delay early retirement.’*

This recommendation is supported.

- *‘The Panel is of the opinion that the new population office should not come under the Minister for Economic Development.’*

The Policy and Resources Committee has lodged an Amendment with regard to this recommendation.

- *‘The Panel believes that it is essential to publish a set of criteria for the consideration of housing hardship cases and that such cases should be heard by an independent review panel and not the housing minister.’*

This recommendation is supported in principle, although it is a matter for the Housing Committee to consider.

- *‘... the level of employment protection and compensation in respect of unfair dismissal need to be reviewed.’*

This recommendation is supported in principle, although it is a matter for the Employment and Social Security Committee to consider.

- *'there should be no debate of the migration policy until new housing requirement figures, containing a full range of immigration scenarios, are integrated into the new Planning for Homes document.'*

The new figures will have little relevance to the debate on a *mechanism* for monitoring and regulating migration, but in any case are due to be released in the very near future.

Conclusion

The focus of the Scrutiny Panel report has little direct relevance to the implementation of a *mechanism* for the regulation and monitoring of migration, and the Policy and Resources Committee cannot endorse the rationale for most of the scrutiny findings which appear to be based on a different view of the previously agreed States Strategic Plan and the Economic Growth Plan.

However, in principle, the Committee has no major concerns about the recommendations of the Scrutiny Panel as set out in its report, apart from the final recommendation to delay the debate which has already been resolved by the States.