

# STATES OF JERSEY



## POPULATION AND MIGRATION (S.R.14/2019): RESPONSE OF THE CHIEF MINISTER

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Presented to the States on 22nd January 2020  
by the Chief Minister

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STATES GREFFE

**POPULATION AND MIGRATION (S.R.14/2019): RESPONSE OF THE  
CHIEF MINISTER**

<b>Ministerial Response to:</b>	S.R.14/2019
<b>Ministerial Response required by:</b>	3rd January 2020
<b>Review title:</b>	Population and Migration
<b>Scrutiny Panel:</b>	Corporate Services

**FINDINGS**

	<b>Findings</b>	<b>Comments</b>
1	In developing a Migration Policy, the Migration Policy Development Board (“MPDB”) is giving consideration to the “tax-break even point” for Jersey residents.	Correct.
2	The Migration Policy Development Board was unable to commission an economic analysis on the net economic impact of migrants in Jersey, due to the scale and cost of such a piece of work.	<p>Advice was sought from Statistics Jersey on such an analysis. They advised that the deterministic calculation of an individual’s economic impact, whether a migrant or non-migrant, would not provide any meaningful results.</p> <p>The principal reasons underpinning this assessment are –</p> <ul style="list-style-type: none"> <li>• such an analysis would need to incorporate an extremely wide range of permutations regarding the projected life experiences of people, at both an individual and household level</li> <li>• such assumptions would be based on past, not current or future, behaviours.</li> </ul> <p>This exercise would not only be resource intensive, but the resulting outputs would be statistically unreliable, constrained by the uncertainty in the underlying assumptions. Furthermore, the timescale for conducting such an analysis would be considerably beyond the time constraints of the MPDB.</p> <p>A more meaningful approach to undertake stochastic modelling of individuals’ life experiences would be even more resource intensive and time consuming. Furthermore, the results of such an approach would have an increased level of uncertainty due to the implicit random nature of such modelling.</p>

	Findings	Comments
3	<p>The Migration Policy Development Board did not reach out to relevant stakeholders during its formation, and only contacted a very limited number to invite onto the Board.</p>	<p>The MPDB’s role is not to determine government policy but to provide the Chief Minister with advice. To undertake this advisory role the Chief Minister looked for a diversity of knowledge and experience on the Board and invited the following to take up positions on the Board –</p> <ul style="list-style-type: none"> <li>• Assistant Chief Minister Connétable C.H. Taylor of St. John – Chair of Housing and Work Advisory Group (“HAWAG”) and knowledge of housing control, business licensing and the <a href="#">Control of Housing and Work (Jersey) Law 2012</a>.</li> <li>• Minister for Social Security Deputy J.A. Martin of St. Helier – member of HAWAG, access to services, and the impact of any proposals on that area, form a part of the Board’s considerations;</li> <li>• Minister for the Environment Deputy J.H. Young of St. Brelade – housing, Island Plan and the environment form a part of the Board’s considerations;</li> <li>• Senator S.C. Ferguson – declared interests in supporting the ageing community and the impacts of an ageing demographic form a part of the Board’s considerations, Chair of CSSP Migration: Control of Housing and Work (<a href="#">S.R.9/2011</a>).</li> </ul> <p>At its first meeting (refer to the minutes for MPDB meeting on 7th March 2019 at <a href="http://www.gov.je/migrationpolicy">www.gov.je/migrationpolicy</a>), the initial Board agreed that a good spread of experience and knowledge would be desirable and asked for a further backbencher to be invited to join the Board, along with laypersons Dr. Michael Oliver (previously Economic Advisor to Corporate Services) and representatives of the Institute of Directors and Chamber of Commerce.</p> <p>The terms of reference of the policy development boards require that where a non-Executive Member is asked to participate they must be a member of Scrutiny, but not on the Scrutiny Panel which would ordinarily be scrutinising the policy developed by the Board (in this case this precluded members of the Corporate Services Panel). Hence, invitations to join the Board were sent to 15 States members. Of those invited, 2 put themselves forward to join the Board. It was</p>

	<b>Findings</b>	<b>Comments</b>
		agreed to invite Deputy R.E. Huelin of St. Peter and he accepted the invitation.
4	There is a lack of representation of the agricultural industry on the Migration Policy Development Board.	To keep the Board to a manageable size it has not been possible to have representatives from all industries. The Chair has experience of this sector having been a dairy farmer and Treasurer – Agriculture of the RJA&HS until 2017. Representatives from the dairy, potato growers, and Jersey Farmers’ Union have met with the Board during the consultation period.
5	The diversity of the Migration Policy Development Board was not satisfactorily considered during the Board’s establishment.	See response to Finding 3. The Board was selected based upon knowledge, experience and enthusiasm. The Board was opened up to lay members in order to get a wider understanding of the issues and to include the views of those who are not currently politicians. The Chair does not discriminate by age, gender or nationality.
6	When the Chair of the Migration Policy Development Board was asked about concerns regarding the Board’s lack of diversity, his answer was unsatisfactory and did not appear to present a sufficient understanding of the problem.	See response to Finding 5.
7	The Migration Policy Development Board expects to engage in public consultation in October/November 2019 and has published an interim report that includes 4 hypothetical new work permissions that could be used for consultation.	The Board met with a number of stakeholders throughout October and November, including representatives from industry, the environment, charitable sectors and the Polish and Portuguese community.
8	There is a noted lack of policy progress and immediacy regarding the work of the Migration Policy Development Board.	The MPDB’s role is not to determine government policy but to provide the Chief Minister with advice.  This is an important piece of work for the island, which is why it was highlighted for a Policy Development Board, and it is important that the required time was given to consider the inter-related and complex issues required to produce migration controls that will give the government the ability to strike the right balance between having a sustainable economy, a balanced population and meeting its environmental needs.
9	Some stakeholders, specifically those representing a vast range of sectors,	The MPDB’s role is not to determine government policy but to provide the Chief

	<b>Findings</b>	<b>Comments</b>
	were concerned that policy ideas will be proposed prior to consultation with them.	Minister with advice.
10	The timing of the consultation conflicts with the peak time of year for retailers, which is likely to make it difficult for them to engage.	The Board met with multiple stakeholders throughout October and November. This included representatives from the retail sector. No concerns were raised to the Board regarding the timing of these meetings.
11	It is clear that there is no set vision guiding the Board's work towards the development of a new migration policy.	The importance of these matters for the Island, and the potentially divisive nature of a debate on population and migration controls, required that time be given to allow the relevant research and engagement to be undertaken. The gathering of this information and feedback has allowed the Board to gain a much better understanding of the inter-related issues prior to making its recommendations. The Board does not feel that it would have been appropriate to enter into these considerations with a pre-conceived idea of what the solution was.
12	The Board does not appear to have given a satisfactory level of consideration towards the use of academic research papers and similar reports.	The Board has given consideration to a number of papers, reports and migration systems in other jurisdictions.
13	The Migration Policy Development Board have outlined four hypothetical new work permissions, which would reframe Jersey's current migration system.	See response to Finding 14.
14	The new proposals put forward by the Migration Policy Development Board do not appear to have considered the human rights implications as set out in international conventions.	<p>The interim report presented a hypothetical system of work permissions which were designed to create discussion around possible options for changes to Jersey's current system of migration controls. These were described within the report as follows –</p> <p><i>They are examples of the type of changes that could be made. They are not firm proposals. Please note that these are purely hypothetical work permissions. They are not policy proposals and all contain weaknesses. They are not proposed as a future migration control system but are designed as a starting point to stimulate conversation, challenge the thinking of the Board, gauge the potential impact upon different sectors and businesses, and to judge the potential effectiveness of different levers.</i></p>

	<b>Findings</b>	<b>Comments</b>
		<p>As such, these were not put forward as firm proposals.</p> <p>The Board is taking full account of the <a href="#">Human Rights (Jersey) Law 2000</a> and the ratification by Jersey of the UN Convention on the Rights of the Child, in the drafting of its final recommendations, and is in regular receipt of advice on this legislation.</p>
15	<p>The consultation process for the Island Plan has been started before a population policy has been agreed that sets out what an acceptable level of population for the Island is.</p>	<p>Noted. Population and migration were identified as key strategic issues in the recent Island Plan consultation document, and the findings from that consultation make frequent reference to population.</p> <p>The States Assembly as a whole will be required to debate and agree the level of migration control that it wishes to enforce and any population targets it wishes to adopt. In the period before this debate the Island Plan Review will progress based on a range of future population scenarios. Once the Assembly has agreed a position, the Island Plan will dovetail with it and a draft Plan will be brought forward for further consultation.</p>
16	<p>Having taken evidence from a number of Ministers, it is clear that they do not hold a uniform stance on population and migration, and do not agree which direction a new migration policy should go in.</p>	<p>At the time of the CSSP hearings (July 2019) the Board had not completed its research and consultation phases. The Council of Ministers has undertaken 2 workshops in the last few months to discuss the interrelationships between the work of the MPDB and other workstreams.</p> <p>The Board is tasked with making recommendations to the Chief Minister. The Chief Minister will take forward appropriate proposals to the Council of Ministers for discussion and approval.</p>
17	<p>From the submissions that we received from members of the public, there are concerns over the rise in population in Jersey, and a desire for a reframing of the existing controls on migration in Jersey due to the Island's high population density.</p>	<p>Noted.</p>

## RECOMMENDATIONS

MPDB = Migration Policy Development Board

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
1	Clarity is needed on how the Island measures the value of residents, including how we define, measure and monitor different kinds of contributions. Defining the value of a resident purely in economic terms poses a risk to how they are treated, and the social value of vital industries and vocations should be considered as much as the economic value.	CM, Assist. CM	A	It is agreed that any recommendations on the revision of migration controls should acknowledge the fiscal, economic and social value of the type of work undertaken.	January 2020
2	The Migration Policy Development Board should aim to engage and seek the views of members of all economic sectors in the Island.	Assist. CM	A	The Board met with a number of stakeholders throughout October and November, including representatives from a wide range of industries, the environment, charitable sectors and the Polish and Portuguese community.	Completed
3	A symposium or similar event should be organised for the Migration Policy Development Board, to allow them to interact with all relevant economic sectors and stakeholders and gain a stronger understanding of their respective views on population and migration. States Members who are not members of the Board should also be allowed to attend to enhance their understanding in tandem with the Board.	Assist. CM	Neither accept nor reject	In addition to meetings with representatives from individual sectors, the Board organised a workshop attended by representatives of each of the sub-committees of the Chamber of Commerce.  The MPDB has sought to be transparent in its considerations and all reports produced, information gathered and matters discussed by the MPDB have been published at <a href="http://www.gov.je/migrationpolicy">www.gov.je/migrationpolicy</a> . The Board's interim report collates all the reports considered by the Board to	Completed

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
				provide a comprehensive view of the subject.	
4	The Migration Policy Development Board should examine its diversity and aim to become more aware of its limitations in this area.	Assist. CM	R	The Board is now coming to the conclusion of its work. The inclusion of further parties at this time would likely delay the recommendations of the Board and impact the timelines of interrelated workstreams and a States debate on migration controls.	
5	The Migration Policy Development Board should aim to include the voices of children and young people in its work.	Assist. CM	Neither accept nor reject	The Board is now coming to the conclusion of its work. The inclusion of further parties at this time would likely delay the recommendations of the Board and impact the timelines of interrelated workstreams and a States debate on migration controls.  The Board is not undertaking a full public consultation but has focused its recent work on gathering technical feedback from local businesses as well as community and environmental groups on the possible options for and impacts of migration control mechanisms.  See response to Recommendation 6.	
6	The Migration Policy Development Board should seek advice from the Children's Commissioner to ensure that the new migration policy takes account of the needs of children and young people.	Assist. CM	A	The Board met with, and received written submissions from, the Children's Commissioner during the consultation period.	Completed
7	The Migration Policy Development Board	Assist. CM	R	See response to recommendation 4.	

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
	should consider adding a younger voice to the Board.				
8	The Migration Policy Development Board should examine its consultation period and consider the challenges of undertaking it in the run-up to Christmas or consider consulting the retail industry separately.	Assist. CM	R	The Board met with multiple stakeholders throughout October and November. This included representatives from retail. No concerns were raised to the Board regarding the timing of these meetings.	
9	The Migration Policy Development Board should consider the introduction of English language classes for people arriving into Jersey to aid in ensuring a progressive integration.	Assist. CM	A	This has been considered by the Board.	Completed
10	The Migration Policy Development Board should consider how the Housing and Work Advisory Group should operate in the future.	Assist. CM	A	This has been considered by the Board.	Completed
11	The Migration Policy must be published and debated at least 2 months before the Island Plan is debated.	CM, Assist. CM	A	The final report of the MPDB will be submitted to the Chief Minister in January 2020. Subject to input from the Chief Minister and the Council of Ministers, it is anticipated that a policy debate on the proposed migration controls will take place before Summer 2020 which presently dovetails with the Island Plan schedule. The Island Plan itself is due to be debated in 2021.	Summer 2020
12	The 2 studies on Jersey's urban and landscape and seascape character that are being conducted by the Minister for the	Assist. CM	R	The Minister for the Environment was included as a member of the MPDB in order to assist the Board with its considerations of the	

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
	Environment should be shared with the Migration Policy Development Board, to better-inform the Board of the environmental impact of population and migration in Jersey.			environmental impacts of population and possible migration controls.	
13	The Board should review all evidence submitted to our scrutiny review. The Board should ensure that it can demonstrate a broad stakeholder base.	Assist. CM	A	Agreed and done.	Completed
14	The Migration Policy Development Board should update its Scoping Document and Terms of Reference to include a commitment to examining the human rights implications of a new Migration Policy.	Assist. CM	R	All government bodies and panels have a duty to take full account of the <a href="#">Human Rights (Jersey) Law 2000</a> and the ratification by Jersey of the UN Convention on the Rights of the Child.	
15	The Migration Policy Development Board should consider the impact of population and migration on children and young people in Jersey, including the impact of any future policy measures.	Assist. CM	A	This has been, and is being, considered by the Board.	January 2020

### **ASSISTANT CHIEF MINISTER'S CONCLUSION**

I am grateful to the Corporate Services Scrutiny Panel (CSSP) for its detailed review of this important subject. The comments raised by the CSSP have been carefully considered by the Board.

As with all projects it is right to review the work carried out and to reflect on the processes used. This will allow for future Policy Development Boards to evolve their processes and set up procedures.

I would like to thank all members of the Migration Policy Development Board for the effort and commitment that they have given. I would like to extend special thanks to the lay members of the Board for the valuable knowledge and insights that they have

brought. All of the lay members' posts are honorary and the Board's work has required a significant investment of their time.

The Board looks forward to presenting its recommendations to the Chief Minister in January 2020 and trusts that its work will help inform a future debate on responsive migration controls for Jersey.