

Population and Migration

Corporate Services Scrutiny Panel

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Foreword

We are in dire need of a new Population and Migration policy. There is no doubt that the introduction of such a policy, when it comes, will be welcome. However, in addition to simply having this policy, the content will be of paramount importance to the future economic success of businesses, the environmental sustainability and state of the island, and the mental health and political engagement of Islanders.

The overriding impression causing most concern to the Panel is that discussions had so far with the Migration Policy Development Board seem to suggest that the Board is not being led by a clear, unanimous vision for the population of Jersey over the next five, ten, fifty or one hundred years. Frequently, during our review, Ministers expressed the view that the current rate of growth of the population is not sustainable, and the Environment Minister and Chief Minister, to give two examples, have both expressed the view that allowing the population to reach 200,000 is not an option. However, despite being willing to verbally draw this line in the sand, no-one has yet been brave enough to state the Government's limit.

It is apparent from our work that rather than being led by their own clear decision regarding the number of people the island can hold, the Policy Development Board are intending to be led by the population fluctuations themselves and build policy around what happens, which we find an obscure approach. As detailed later in the report, it became particularly apparent during our hearing with the Board that 'success' in terms of the number of people entering the island had not been considered by the Board. Irrespective of whether we opt for further growth or not, it is imperative that whatever happens to the population size is the result of a well-informed decision, based on a vision of the future, that is enacted through policy. We are not yet confident that this will happen.

The Policy Development Board simply must start by defining Jersey's limits (whatever they deem them to be) in terms of the population and then seek to solve the problems that arise from living in a very small place to ensure we are still able to attract and welcome talent to the island, still able to fund and implement excellent public services, still able to provide high quality healthcare and outstanding education, whilst maintaining green space, not overcrowding, not increasing the number of vehicles on the roads and not damaging the environment. Both the built and natural environment will be heavily impacted by a continuation of the average population growth we have seen over the last four years, and the Board must give serious consideration to how far they deem this acceptable and what measures they wish to take to support their position.

Another point of concern which is of a similar nature to the lack of clear vision is the confusion over what is or is not to be produced by the Board this year. This is dealt with in more detail within this report, but needless to say, it is essential that the Board, if it is going to diverge from what is written in the scoping document, needs to gain clarity among its members before going any further. 'Findings', 'ideas' or 'draft policy' were not distinguished from one another during our hearing with the Board and, when pressed for clarity, it was not apparent which we can expect to be proposed prior to public consultation. This, inevitably, brings into question the processes leading up to whatever is produced as, obviously, obtaining 'findings' will be carried out in a way that is different to developing 'ideas' or producing 'draft policy'.

Given that there is some uncertainty around what is to be produced, it is important that I outline the Panel's concerns should it be the latter. The proposing of policies – tentative or otherwise – prior to consultation has been met with some reservation from stakeholders who rightly state

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that policy development needs to be as informed as possible; in other words, consultation should come before policy development.

Of slight concern to the Panel is the assertion that “an ageing population means we need to import more skilled workers”¹. The concern here is that this comment is found in the Board’s scoping document; conclusions to reviews should not be included within the scope of a review, but, rather, should be the result of evidence. Secondly, the Board asserts that there will be no impact on public services as the population ages. This, if true, would, of course, be welcome, but, in the Panel’s view, is not supported by evidence, especially as the Board has stated that it has not yet carried out any impact modelling of an increasing population and when no target or vision for the population size and how it will function has been provided.

The current status of children who move to Jersey with their parents or guardians is unsettling. We cannot put children first in this island if we do not monitor how many children enter the island each year. We currently do not know, upon point of entry, how many people are moving to Jersey as we only know how many licenses are issued, not how many people accompany those license-holders. It is pleasing that the Chair of the Board has committed to changing this in order to take better care of children. The Panel urges the board to request the evidence we received in private from the Children’s Commissioner which demonstrates the barriers in the current policy that can, and in some cases, already do have a negative impact upon children and families.

The attitudes sometimes expressed in our hearings towards those coming to Jersey to work in manual jobs for shorter periods of time were, in the Panel’s view, unhelpful and on occasion, simply unpalatable. We were told, on the topic of language learning support for migrants that there is ‘little point in a language test because they are working in a community on a farm’. A comment was also made regarding “low-skilled people who perhaps do not need to speak English to do the job...”². The insinuation that we have no interest in supporting farm workers/low-skilled workers to assimilate, integrate, access and understand services and their rights is, to put it mildly, one which the panel urges the Board not to include in its policy. We must develop support for those who come here to work to encourage integration, assimilation and to ensure that they understand their employment and living rights and can access services, irrespective of how long they have been here or how long they intend to stay.

The term ‘diversity’ needs to be understood by the Board before the recommendation to improve it can be carried out. Following this education, the Board must address its lack of diversity. In addition to political membership, members from outside of the States of Jersey were invited to join the Board. It was not possible to apply for membership. The Board is not diverse in terms of age, gender or ethnicity and this was firmly criticised at least three times across our different hearings. The Children’s Commissioner has the capacity to advise the Board on how to best capture the voices of children, to avoid a tokenistic approach and to ensure that young people are given the tools they need to engage meaningfully in the development of policy. We expect the Board to approach her for these reasons.

Finally, of huge concern to the Panel is the lack of research currently undertaken into other ways of dealing with an ageing population in relation to population sizes. The scrutiny panel has carried out some high level academic research in order to assist the Board in widening its view on the feasibility of tackling the dependency ratio without solely or necessarily increasing the number of younger working age people within the Island. During the hearing, two academic journals were recommended to the Board: *Population Studies* and *Population Research and*

¹ [Public Hearing with the Migration Policy Development Board, p.25](#)

² [Public Hearing with the Migration Policy Development Board, p.31](#)

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Policy Review. We have also attached a bibliography of research the Panel has done during this review. This list is by no means exhaustive nor does it necessarily cover all aspects of migration that need to be considered, but it does include a wide range of research that points to solutions not yet considered by the Board. At the time of writing, the Board had not yet carried out any academic research into population policy alternatives; it absolutely must.

Given the efforts of this Panel to carry out academic research and provide the Board with relevant papers, it would be remiss of the Board to not review this academic literature. The journal articles provided by scrutiny are relevant, innovative and evidence-based. The Board must develop the work we have started by carrying out further academic research into policy alternatives.

In Summary:

- In the scoping document, the Board has included a conclusion regarding the need to import more skilled workers which is not supported by evidence.
- The Board asserts that there will be no disruption to or diminution of access to public services as the population increases, despite the fact that no impact modelling has yet taken place.
- Children must be given a voice and the Board must develop a better understanding of and address its own lack of diversity.
- We must treat all migrants as members of our society; this means we must do our utmost to help newcomers settle in Jersey and help them overcome barriers to integration.
- The starting point for the Board has to be to develop a vision, with input from the public, for the future population size of the island; research and consultation with stakeholders can then be used to identify the best way to achieve that vision.

In conclusion, whilst the Panel appreciates that the Board is at the early stages of its work, we are concerned that this policy is not being led by a clear vision for the future population of Jersey. At present, it seems that there is not an agreed upon view from the Government on what it wants to achieve in terms of the population size. This issue has been discussed for decades; it is time for the leadership to make a serious attempt to truly tackle what is often cited as an impossible issue before being lost among more immediate policy concerns.

It is a time for clarity, innovation and decisive, evidence-based action.



Deputy Jess Perchard,

Lead Member of the Corporate Services Scrutiny Panel for this Review

Executive Summary

The Corporate Services Scrutiny Panel's review was established to analyse the Government's approach to delivering a new migration policy for Jersey, and to gain a greater understanding of the views of both the public and relevant stakeholders.

Our report outlines statistics for the current population and rate of migration in Jersey and considers future trends. Alongside this, we have considered the structure and remit of the Migration Policy Development Board, which was established by the Chief Minister in February 2019 to "develop comprehensive migration policy proposals", and its ability to achieve this goal. We have also considered the views held by Ministers, relevant stakeholders, and members of the public, and analysed the Interim Report released by the Board on the 24th October 2019.

We wrote to Ministers and Stakeholders to obtain further information on their views and policy positions on this issue. We held eight public hearings with these groups. We also held a hearing with, and received submissions from, the Migration Policy Development Board. Many of the findings and recommendations that we make in this report are directly related to the work and structure of the Board.

Alongside this, we engaged with the public on social media through numerous posts on Facebook, Twitter and LinkedIn, and were able to receive a range of comments from Islanders regarding their views on Population and Migration in Jersey. All evidence that we have received has been published on the Scrutiny website.

In relation to the work of the Migration Policy Development Board, we have noted several issues that we believe must be addressed for a suitable migration policy to be delivered. This includes a lack of representation of major Island industries, a failure to satisfactorily consider the diversity of members of the Board, and an overall lack of progress within the timeframe provided to them.

We have therefore made a number of recommendations for the Board to consider. The Board should reflect on both its diversity and adding a younger voice to its membership, include a commitment to examining the human rights implications of a new Migration Policy, and commit to including the voices of children and young people in its work. We have also recommended that the 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.

Overall, we found that stakeholders were keen to be consulted on these issues and wanted to have their say. The Board should aim to engage and seek the views of members of all economic sectors in the Island and do more to interact with these stakeholders.

Findings and Recommendations

FINDINGS

- i. **FINDING 1** – In developing a Migration Policy, the Migration Policy Development Board is giving consideration to the “tax-break even point” for Jersey residents. [[page 14](#)]
- ii. **FINDING 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. [[page 14](#)]
- iii. **FINDING 3** – 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. [[page 16](#)]
- iv. **FINDING 4** – There is a lack of representation of the agricultural industry on the Migration Policy Development Board. [[page 16](#)]
- v. **FINDING 5** – The diversity of the Migration Policy Development Board was not satisfactorily considered during the Board’s establishment. [[page 17](#)]
- vi. **FINDING 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. [[page 18](#)]
- vii. **FINDING 7** – The Migration Policy Development Board expects to engage in public consultation in October/November 2019, and has published an interim report that includes four hypothetical new work permissions that could be used for consultation. [[page 22](#)]
- viii. **FINDING 8** – There is a noted lack of policy progress and immediacy regarding the work of the Migration Policy Development Board. [[page 22](#)]
- ix. **FINDING 9** – Some stakeholders, specifically those representing a vast range of sectors, were concerned that policy ideas will be proposed prior to consultation with them. [[page 23](#)]
- x. **FINDING 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. [[page 23](#)]
- xi. **FINDING 11** - It is clear that there is no set vision guiding the Board’s work towards the development of a new migration policy. [[page 24](#)]
- xii. **FINDING 12** – The Board does not appear to have given a satisfactory level of consideration towards the use of academic research papers and similar reports. [[page 26](#)]
- xiii. **FINDING 13** – The Migration Policy Development Board have outlined four hypothetical new work permissions, which would reframe Jersey’s current migration system. [[page 29](#)]

- xiv. **FINDING 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. [[page 29](#)]**
- xv. **FINDING 15: 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 island is. [[page 36](#)]**
- xvi. **FINDING 16 – 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. [[page 37](#)]**
- xvii. **FINDING 17 – 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. [[page 39](#)]**

RECOMMENDATIONS

- xviii. **RECOMMENDATION 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. [[page 14](#)]**
- xix. **RECOMMENDATION 2 – The Migration Policy Development Board should aim to engage and seek the views of members of all economic sectors in the Island. [[page 16](#)]**
- xx. **RECOMMENDATION 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. [[page 16](#)]**
- xxi. **RECOMMENDATION 4 – The Migration Policy Development Board should examine its diversity and aim to become more aware of its limitations in this area. [[page 18](#)]**
- xxii. **RECOMMENDATION 5 – The Migration Policy Development Board should aim to include the voices of children and young people in its work. [[page 19](#)]**
- xxiii. **RECOMMENDATION 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. [[page 19](#)]**
- xxiv. **RECOMMENDATION 7 – The Migration Policy Development Board should consider adding a younger voice to the Board. [[page 19](#)]**

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- xxv. **RECOMMENDATION 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. [\[page 24\]](#)**
- xxvi. **RECOMMENDATION 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. [\[page 26\]](#)**
- xxvii. **RECOMMENDATION 10 – The Migration Policy Development Board should consider how the Housing & Work Advisory Group should operate in the future. [\[page 27\]](#)**
- xxviii. **RECOMMENDATION 11: The Migration Policy must be published and debated at least 2 months before the Island Plan is debated. [\[page 36\]](#)**
- xxix. **RECOMMENDATION 12 – The two studies on Jersey’s urban and landscape and seascape character that are being conducted by the Minister for the 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. [\[page 36\]](#)**
- xxx. **RECOMMENDATION 13 – The Board should review all evidence submitted to our scrutiny review. The Board should ensure that it can demonstrate a broad stakeholder base. [\[page 38\]](#)**
- xxxi. **RECOMMENDATION 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. [\[page 45\]](#)**
- xxxii. **RECOMMENDATION 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. [\[page 46\]](#)**

Introduction

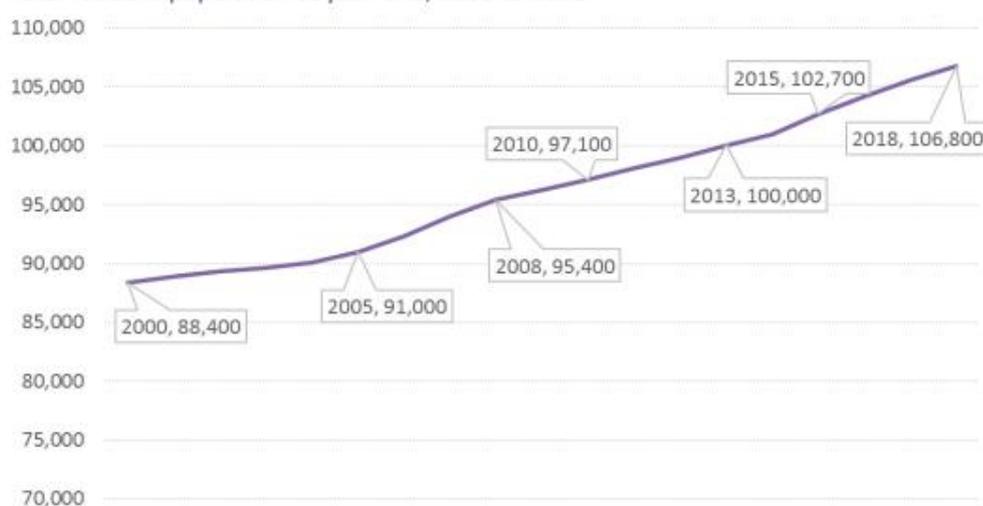
1. The future of Jersey's population and the Government's implementation of a new Migration Policy have been areas of priority for us since our first meeting in June 2018. At that time, we discussed the scope of a possible review into population and migration but, given the possibility of the new Council of Ministers publishing a Migration Policy proposed by their predecessors, it was sensible to await their actions. We learned in July 2018 that this policy was to be withdrawn and a Policy Development Board was to be formed in order to develop and bring forward a new Migration Policy.³
2. Given that a policy board had been announced, it was clearly necessary for the Panel to pause our work until the Board's work programme was clear. The Government's Policy Development Board started its work in March 2019, and, naturally, the Panel's scrutiny of the board's work started shortly after this time.
3. Once the Board had published its terms of reference and scope, we agreed that it would be appropriate to undertake a short review of the Board's structure, remit and planned work. This has allowed us to obtain feedback from stakeholders on the Government's approach to developing what we hope to be a comprehensive and sustainable Migration Policy and for the Panel to report back to the Board with recommendations before the latter starts its consultation in Autumn 2019.
4. Our review window was decidedly short in order to avoid overlapping with the consultation of the Policy Development Board. Our aim is to proactively direct the board towards desirable stakeholders, helpful research and identify potential gaps in their proposed approach in advance of their main body of work. An unfortunate consequence of this was that the tight deadlines posed difficulties for some stakeholders.
5. Having said that, we found that stakeholders were keen to be consulted on population and migration issues and wanted to be able to have their say.
6. Given the nature of the concerns around the ageing population, it was essential to us that the views of children were captured. We are grateful to the Children's Commissioner for attending a hearing with us and enabling us to capture some of the ways in which an increasing population, or the experience of being a migrant child, could impact the well-being and health of children. In our attempt to engage a younger demographic, we circulated details of our review to groups and school contacts who might better reach young people, but the limited timescale and restricted scope of the review made it difficult to actively engage with them. We would expect that the Policy Development Board will include meaningful consultation with children and young people as part of its work.
7. In this report, we present statistics pertaining to Jersey's population and inward migration, provide context to the issues commonly discussed in relation to these policy areas, we examine the structure and remit of the Policy Development Board, and, finally, set out some of the views and comments we received from Ministers, industry bodies, other stakeholders, and members of the public.

³ The Chief Minister told us in a [quarterly public hearing on 17th July 2018](#) that he expected a policy development board would be formed to look at population and migration (p.18).

Context and Relevant Statistics

8. According to the [Jersey Resident Population 2018 Estimate](#)⁴, the resident population of Jersey at year-end 2018 was 106,800.
9. Changes to Jersey's resident population are caused by two factors:
 - Natural growth: The number of births minus the number of deaths;
 - Net migration: The difference between the number of people moving into and out of the Island, i.e. the number of people arriving minus the number of people leaving.
10. During 2018, the resident population was estimated to have increased by 1,200 people. This included:
 - An net inward migration of +1,100 across the year;
 - A natural growth (number of births minus number of deaths) of +100.
11. The rate of natural growth has declined since 2011 (when it reached 390) and, in 2018, the rate was the lowest it has been since 2002.
12. The total net inward migration in 2018 of 1,100 was comprised of:
 - 400 net inward 'licensed' employees and their dependents
 - 700 net inward 'registered' employees and their dependents⁵
13. Overall, this represents a resident population increase of 11,400 over the last 10 years, as demonstrated by the following graph^{6 7}:

Figure 1: Total resident population at year-end, 2000 to 2018



⁴ Published by Statistics Jersey, 21 June 2019

⁵ [Jersey Resident Population 2018 Estimate, Published by Statistics Jersey 21 June 2019](#)

⁶ [Jersey Resident Population 2018 Estimate, Published by Statistics Jersey 21 June 2019](#)

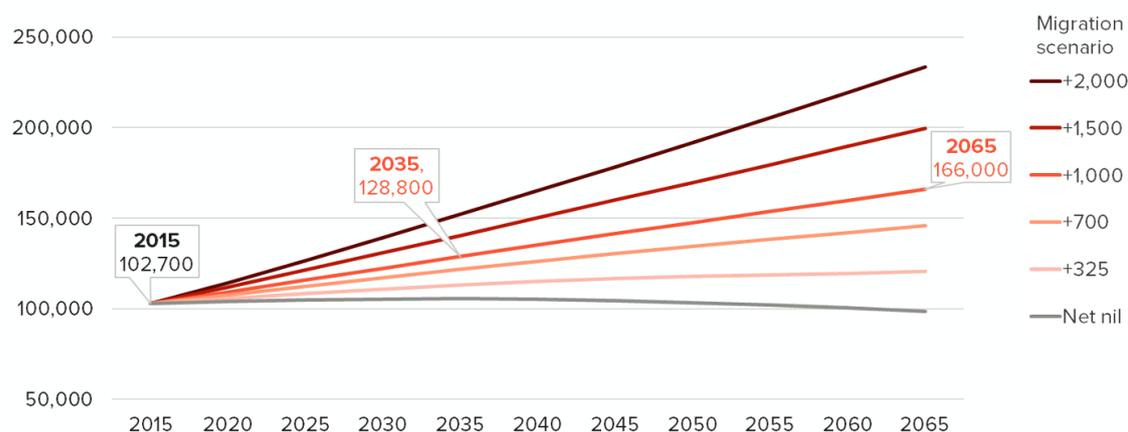
⁷ See reference point 2

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Future Trends and Potential Infrastructure Requirements

14. [Population Projections](#), published by Statistics Jersey in 2016, provide a range of different projected population sizes from 2015 to 2016 under different levels of net migration, as seen in the following graph. If net migration averages 1,000 people each year, Jersey's population would reach 128,800 in 2035 and 166,000 in 2065, as demonstrated below⁸ (net migration over the last 4 years has actually been higher than this, at an average of 1,275 per year)

Total projected population size from 2015 to 2065 under different levels of net migration



Source: States of Jersey Statistics Unit

15. A [report](#) published by the previous Corporate Services Scrutiny Panel in 2018 focused on two projections; an inward migration rate of 700, and another of 1,000 (including their dependents), as shown in the following table⁹:

	700	1,000
2025	112,500	115,700
2035	121,800	128,800
2065	145,800	166,000

Figure 3: Inward Migration scenarios

16. The report outlined the possible infrastructure requirements using these projections. In the event of an inward migration rate of 700 per year, the report found that an additional 185 Le Marais high-rises and 6 new primary schools may be required by 2035.
17. In the event of an inward migration rate of 1,000 per year, the report found that an additional 230 Le Marais high-rises and 10 new primary schools would be required by 2035.

⁸ [Jersey Resident Population 2018 Estimate, Published by Statistics Jersey 21 June 2019](#)v

⁹ [S.R.7/2018 Migration Policy report, 9 April 2018](#)

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18. It is important to emphasise that even the higher scenario of +1,000 net migration a year is less than then the average experienced over the last 4 years. Should net migration continue at these levels, then the infrastructure requirements would be greater.
19. Later in this report, we present evidence from the Children, Young People, Education and Skills Department about how it tracks predicted capacity requirements for schools and how additional capacity is provided for in the school system.

Calculating the Tax Break-Even Point

20. In April 2019, the Government published a report called [Estimating government receipts and expenditure for Jersey households](#). This report was prepared by Statistics Jersey and analysed the amount of taxes paid by Jersey households, compared to the cost per household of providing government services.
21. The report took a number of illustrative households¹⁰ and calculated the tax break-even point for that household across levels of income in increments of £5,000, up to £150,000 income. The tax break-even point is the income level at which a household pays more in tax than the Government services it uses. This is sometimes referred to as the *net contributor* point.
22. The report found that for a single adult, the tax break-even point was £27,000 annual income. For a single adult with 1 child, the tax break- even point was £57,000. For a couple, both working, with 3 children, the tax break-even point was an £132,000 annual income.¹¹
23. These figures take into account income tax, social security, Goods and Services Tax (GST) and Impôts duties (alcohol, tobacco, fuel duties etc). These are set against the costs of providing education, health care, income support and other States funded services, together with the Social Security top-up (called supplementation) which is paid by the Government for most people earning below approximately £51,480.
24. The Chair of the Policy Development Board told us that the report was extremely useful, but that other issues also need to be considered:

Chair, Migration Policy Development Board:

It is an extremely useful document and it will in some areas be very useful, particularly when we are examining the value of an incomer, of any resident... We now know for the first time where the breakeven point is for somebody coming into the Island...

...One then has to look at other issues, for example, if they are health workers they are certainly not going to reach those sort of levels, but they are vitally needed... as with children's officers and so on. But I think it is information that perhaps needs to go out into the public domain so that if you want to bring an

¹⁰ The household types covered single adults; couples; households with children; and residency status (recently arrived in the Island or 5 year resident)

¹¹ [See pages 30-40 of the Estimating government receipts and expenditure for Jersey households report](#)

*accountant to the Island who is going to join one of the accountancy firms, this is a very useful figure.*¹²

25. The Chamber of Commerce raised some concerns about the report, as it only examines the economic contributions of workers, and not the social contribution, particularly in lower paid sectors:

Chief Executive Officer, Jersey Chamber of Commerce:

*Chamber found it quite distressing when there was a report that was commissioned that looked at the income and expenditure, which looked at the value of people in terms of cold tax of what they paid. I think that it was bandied around very much that for a couple with one child they would have to earn £85,000 to be a positive contributor to the Island. Chamber wrote to the Chief Minister at the time and said that we were deeply distressed that that piece of work could be taken out of context. I think that it is a pretty unsavoury thing because there are people both in public and private sector in work who earn much less than that who are an extraordinarily valuable contribution to the Island, and it should be recognised and it was not recognised in that report.*¹³

26. The report looked at all workers in Jersey, irrespective of their residency status. It was suggested to us that there is a need for specific analysis of the economic impact of migrants:

Chief Executive, Jersey Business:

*Just looking down the list, you asked the question are there any other issues in relation to population growth that the government should be focusing on, I think critically it is what I said earlier, the net economic impact of migrants and a proper analysis of that. That it is not prejudiced or headline numbers. You have to go below the numbers to understand what they are really telling you. I want to see a really good piece of work on that.*¹⁴

27. We noted that the minutes of the Policy Development Board show that the Board had requested a report along these lines. When we asked about this in a public hearing, we were told that this piece of work was very difficult and would require large investment. Statistics Jersey was unable to undertake the work and it would require external support from a consultant to complete it.¹⁵
28. **FINDING 1 – In developing a Migration Policy, the Migration Policy Development Board is giving consideration to the “tax-break even point” for Jersey residents.**
29. **FINDING 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.**
30. **RECOMMENDATION 1 – Clarity is needed on how the Island measures the value of residents, including how we define, measure and monitor different kinds of**

¹² [Public Hearing with Migration Policy Development Board, p.10](#)

¹³ [Public Hearing with the Chamber of Commerce, p.17](#)

¹⁴ [Public Hearing with Jersey Business, p.13](#)

¹⁵ [Public Hearing with Migration Policy Development Board, p.9](#)

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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.

Structure and Remit of the Policy Development Board

31. The Migration Policy Development Board was formed via [Ministerial Decision](#) on 13th February 2019.
32. The Board agreed its [Terms of Reference](#) and [Scope](#) during its first meeting on 7th March 2019.
33. The Board's purpose was defined as: 'To develop comprehensive migration policy proposals which will deliver more responsive controls over who can live, work and access public services in Jersey¹⁶.

Board Membership

34. The Board is chaired by Assistant Chief Minister Constable Christopher Taylor and consists of four States Members and three lay-members¹⁷. They are:
 - Minister for Social Security, Deputy Judy Martin;
 - Minister for the Environment, Deputy John Young;
 - Senator Sarah Ferguson;
 - Deputy Rowland Huelin;
 - Dr Michael Oliver;
 - Murray Norton, Jersey Chamber of Commerce;
 - John Shenton, Institute of Directors.
35. The minutes of the Board confirm that it agreed to invite representatives of the Institute of Directors and Jersey Chamber of Commerce to join the Board. It is not clear whether other stakeholders were considered or approached, although other stakeholders we spoke to had not been approached to join the Board¹⁸.
36. In the hearing with the Chamber of Commerce, its Chief Executive explained that his organisation represents a large number of businesses on the island:

Chief Executive Officer, Jersey Chamber of Commerce:

The Chamber, as I am sure you know, is the largest independent business organisation in the Island by a long way and if you are representing that breadth of employee workforce then it was really important that we had a say in the way that policy was being developed.¹⁹

¹⁶ [Migration Policy Development Board Terms of Reference, p.1](#)

¹⁷ [Migration Policy Development Board Webpage](#)

¹⁸ We put this question to Jersey Business, Jersey Farmers' Union and Jersey Finance

¹⁹ [Public Hearing with the Chamber of Commerce, p.2](#)

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37. The Chief Executive was positive about the involvement of lay-members on the Board and suggested that this should be extended to the Housing and Work Advisory Group (H.A.W.A.G), which makes decisions on residency and employment applications.²⁰
38. The Chief Executive Officer, however, acknowledged that his organisation did not represent the agricultural industry and therefore that industry was not represented on the Board.
39. The Jersey Farmers' Union also highlighted the apparent lack of consideration for agriculture in the Board's scoping document:

Deputy J.H. Perchard:

...We will start by asking various parties whether you have made any contributions so far to the work of the Migration Policy Development Board. Have you been invited to make a submission?

President, Jersey Farmers' Union:

No. Well, as far as agriculture goes we have not and I do not know if we will be because I notice that ... I think it is on page 3: "As a result of our actions during our term of office we will support and strengthen our financial services sector, support and strengthen our tourist industry." Agriculture does not even get a mention.²¹

40. **FINDING 3 – 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.**
41. **FINDING 4 – There is a lack of representation of the agricultural industry on the Migration Policy Development Board.**
42. **RECOMMENDATION 2 – The Migration Policy Development Board should aim to engage and seek the views of members of all economic sectors in the Island.**
43. **RECOMMENDATION 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.**
44. The Minister for the Environment told us that due to his ministerial workload, he had not been able to give as much priority to the work of the Board as he would have liked. As a result, he had only been able to attend 2 meetings of the Board (out of 8). He also told us that he anticipated making a greater contribution to the Board's policy development work:

²⁰ [Public Hearing with the Chamber of Commerce, p.3](#)

²¹ [Public Hearing with the Jersey Farmers' Union, p.3](#)

Minister for the Environment:

Looking at the programme of work, I think it was always intended that the policy development work, which is where I think I can make the biggest contribution, would be later in the process. But there is a mismatch on the timetable, which I suppose might be one of the reasons why I did not establish it, give it the priority that maybe, if the timetable had been more urgent and we would have been policy setting now, I think I would have been full-on...²²

Diversity

45. We were concerned about the lack of diversity on the Board. We asked Constable Taylor about this:

Senator K.L. Moore:

Was any consideration of the average age or diversity of the board taken into account when selecting the membership?

Chair, Migration Policy Development Board:

Personally, no, because I do not look for different gender or age. I am not discriminatory in any way. I look at a person as a person and I judge them on that ability in that person, so I think we have a very balanced board.²³

46. The Chief Executive of the Chamber of Commerce told us that he was concerned that the Board was not as generationally diverse as it could be:

Chief Executive Officer, Jersey Chamber of Commerce:

I am looking around to hear the voice of somebody that perhaps is in their 20s or 30s, because I think that is really relevant. You get a lot of people talking about what young people want without being one of those young people, so I think that that is maybe a point that could be made.²⁴

47. The Chief Executive of Jersey Business made a similar suggestion and also highlighted the lack of representation of Jersey's different communities:

Chief Executive, Jersey Business:

...I would be quite brave and get someone who is perhaps relatively new into business, who has recently left school or what have you, who has some experience of the real world. I think that would be quite refreshing. I also think in terms of communities, it probably does not represent our full range of communities.²⁵

48. **FINDING 5 – The diversity of the Migration Policy Development Board was not satisfactorily considered during the Board's establishment.**

²² [Public Hearing with the Minister for the Environment, p. 2](#)

²³ [Public Hearing with Migration Policy Development Board, p.8](#)

²⁴ [Public hearing with the Chamber of Commerce, p.6](#)

²⁵ [Public Hearing with Jersey Business, p9](#)

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49. **FINDING 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.**
50. **RECOMMENDATION 4 – The Migration Policy Development Board should examine its diversity and aim to become more aware of its limitations in this area.**

Voice of Children

51. Noting the lack of age diversity on the Board, we asked the Children’s Commissioner about how the views of children and young people could best be represented on the Board. She told us that children have the right to a voice and that the Government should be considering how children can participate in the development of laws and policies:

Deputy J.H. Perchard:

Last week, during public hearings with a variety of stakeholders, several of them mentioned the lack of diversity on the board and in particular the absence of younger voices on the board. Is that a particular concern of yours?

Commissioner for Children and Young People Jersey:

Yes, it is. As you know, under the United Nations Convention on the Rights of the Child, Article 12, children have a right to have a voice. It is not a “nice to have” and we would like to support all of Government and broader to be considering how children can participate in a variety of processes so that they are involved in the development of laws and policies but also day-to-day practice. That is something that my office would be happy to advise on...²⁶

52. The Commissioner told us that she had not been asked to sit on the Board, but in the future, it will be a legal requirement under the Commissioner for Children and Young People (Jersey) Law to consult her on any legislation that may impact on children and young people. She also warned against adopting a “tokenistic” approach to involving young people and emphasised the importance of providing feedback to children afterwards²⁷.
53. We note that the Interim Report of the Policy Development Board outlines that the Children’s Commissioner will now “meet the Board” to discuss and advise on the impact and engagement of their work in regards to children and young people²⁸. However, we believe that a formal appointment would be the most suitable arrangement.
54. We also note that the Interim Report published by the Board on the 23rd October 2019 only includes reference to the Children’s Commissioner in regards to including these voices, rather than working directly with children and young people.

²⁶ [Public Hearing with the Children’s Commissioner, p.3](#)

²⁷ [Public Hearing with the Children’s Commissioner, pp.3-4](#)

²⁸ [Migration Policy Development Board Interim Report, p.12](#)

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55. **RECOMMENDATION 5 – The Migration Policy Development Board should aim to include the voices of children and young people in its work.**
56. **RECOMMENDATION 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.²⁹**
57. The Minister for Education also told us that it was important that the Board listened to children:

The Minister for Education:

...I would expect them - I think they have all signed up for the children’s pledge - to put the children first, so I would expect somewhere in this population policy to have the voice of the child. How they would do that, I am happy for them to have a conversation, put on a conference or we create a group of children, whether that is through the Youth Service, whether that is through Education, that they can have a discussion with or question to ask them what they think and how that involves the development of the policy...³⁰

58. The Board’s terms of reference refer to consulting with local businesses. However there is no mention in the terms of reference or scoping document of engaging children and young people in the Board’s work.
59. **RECOMMENDATION 7 – The Migration Policy Development Board should consider adding a younger voice to the Board.**

Work Programme

60. The Board published a Project Scope on the 21st March 2019, which set out the project assumptions, purpose of the project, governance, draft timescales, engagement, and project risks.
61. The Board held 8 meetings in the period March to June 2019 ([minutes published on the Government of Jersey website](#)) and received presentations from officers regarding the following:
 - [Immigration Controls and Work Permits](#);
 - [Household expenditure](#);
 - [Current and projected population in Jersey](#);
 - [Migration systems in other jurisdictions](#);
 - [Social Security](#);
 - [Impact of Skills](#); and
 - [The Island Plan & Housing](#).

²⁹ We note that the Board’s Interim Report references the Board’s intention to meet with the Children’s Commissioner to discuss the impact of migration controls and advise on engagement with children and young people ([p.12](#)).

³⁰ [Public Hearing with the Minister for Education, p.20](#)

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62. The Board is supported by the Director-General, Strategic Policy, Performance & Population Department and other Government officials as required.
63. The Board is due to report to the Chief Minister and Council of Ministers in April 2020 on its findings. This will be followed by a debate by the States Assembly in Autumn 2020.
64. The Board's work is broadly split into 3 phases:
 - March to August 2019 – Research and policy development
 - October to December 2019 – produce draft policy options and consult stakeholders
 - Jan – April 2020 – Review consultation findings and publish report³¹

4. DRAFT TIMESCALES¹

- Ministerial Decision signed to approve a Migration Policy Development Board (MPDB) – 8th February 2019
- MPDB established – 7th March 2019
- Research & policy development – March-August 2019
- Brexit – 31st October 2019
- Produce draft policy options – October/November 2019
- Consult invited stakeholders on policy options – November - December 2020
- Review consultation findings – January 2020
- Draft report – February/March 2020
- Submission to Council of Ministers – March 2020
- Final report published – April 2020
- States debate on proposals – Autumn 2020

Project Board Deliverable:
The Board will produce a report outlining proposals for lodging in the Autumn States Sitting 2020.

65. Following the publication of the Board's Interim report, the timetable has been updated. 'Targeted consultation' is set to take place between October and November 2019, with a report to be published in March 2020 and a debate following in Spring 2020³²:

³¹ [Migration Policy Development Board Project Scope](#)

³² [Migration Policy Development Board Interim Report, p.12](#)

6. Proposed timetable

- Ministerial Decision to approve a Migration Policy Development Board (MPDB) – 8th February 2019
- MPDB established – 7th March 2019
- Research & policy development – March-September 2019
- Interim report published - October 2019
- Brexit – 31st October 2019?
- Targeted consultation – October - November 2019
- Review consultation findings – December 2019
- COM report published – March 2020
- States debate on COM proposals – Spring 2020

66. Constable Taylor confirmed the timescales in a public hearing and explained that the Board would be publishing its initial findings in autumn 2019:

Chair, Migration Policy Development Board:

*The report will be published in quarter 1, 2020. The findings will be essentially thoughts that we have that can go out to consultation with the interested parties, because you have to have something for them to consult on.*³³

67. Through our public hearings with the Chair of the Board, it appears that the first six months of the Board's work involves gathering evidence from departments and carrying out research, in order to present 'findings' to key stakeholders with whom the Board will then consult.³⁴

68. The scoping document of the Board states that it will produce a 'draft policy' in September/October 2019, however, during the hearing with the Chief Minister, there seemed to be confusion from the Board's Chair³⁵ regarding exactly what is to be produced this year:

Assistant Chief Minister:

*What we will do is present our findings in the autumn. **There will not be any policy in it** [our emphasis]. It is a case of what the findings are and therefore we will go out to consultation at that stage with industry, with various public bodies, in order to develop the necessary policies.*³⁶

69. In further questioning, it became apparent that the terms 'findings', 'ideas' and 'policy' were all being used by the Board, but there was a lack of clarity regarding the difference between them and what it actually intended to publish in the Autumn:

Deputy J.H. Perchard:

Your scoping document for your board says that you will produce a draft policy in September/October this year followed by review consultation findings and

³³ [Public Hearing with Migration Policy Development Board, p.4](#)

³⁴ [Public Hearing with Policy Development Board, p.3, 4, 22](#)

³⁵ Note: The Board's Chair was appearing in his capacity as Assistant Chief Minister during this hearing.

³⁶ [Public hearing with the Chief Minister, p.4](#)

then draft a report in February/March. Is this still accurate: the draft policy for September/October, draft report February/March?

Assistant Chief Minister:

Yes, effectively.

Senator K.L. Moore:

I think you just said you would producing your findings not policy.

Assistant Chief Minister:

There will be some policies in it because obviously that is what we need to...

Senator K.L. Moore:

But you just said there would not be any policies in it.³⁷

70. When pushed further in the same hearing, it was confirmed that there would be 'tentative' policy proposals put forward for consultation:

Senator K.L. Moore:

Without wanting to labour the point, when you go out to consultation you will be going out to consultation for your findings; are there any policies involved in those?[...]

Assistant Chief Minister:

We will be asking [the public] to comment on the ideas and the findings that we have from the research that we are doing.

Senator K.L. Moore:

So no proposed policies?

Assistant Chief Minister:

There will be tentative proposals and suggested policies.³⁸

71. On the 19th October 2019, the Board published an Interim Report, summarising its research into migration controls and how changes could be used to reduce Jersey's reliance on inward migration. The report also contains a hypothetical system of work permissions, which are discussed in greater detail on page 28 of this report, but are described as "examples" and not "firm proposals"³⁹.
72. **FINDING 7 – The Migration Policy Development Board expects to engage in public consultation in October/November 2019, and has published an interim report that includes four hypothetical new work permissions that could be used for consultation.**
73. **FINDING 8 – There is a noted lack of policy progress and immediacy regarding the work of the Migration Policy Development Board.**

³⁷ [Public hearing with the Chief Minister, p.4](#)

³⁸ [Public hearing with the Chief Minister, p.5](#)

³⁹ [Migration Policy Development Board Interim Report, p.16](#)

74. We heard from Jersey Business that they would prefer to be consulted *before* the Board published its initial findings:

Chief Executive, Jersey Business:

I would hope, in terms of process, before they get to policy recommendations they do that level of consultation among business bodies, but I am not sure from the timeline whether that is proposed...⁴⁰

...As I look at the timetable that the policy panel propose, it appears that the first stage of external information where they go out to bodies like ourselves, is post the policy recommendations, the...policy options. I think it is actually important to gather the whole information that comes from the Statistics Office, it comes from reviews externally, it comes from the business leaders and the sector representatives and then you pull those together in terms of: "Well, what does that look like as a policy recommendation" but also identifying where the gaps are...⁴¹

75. **FINDING 9 – Some stakeholders, specifically those representing a vast range of sectors, were concerned that policy ideas will be proposed prior to consultation with them.**

76. The Head of Retail at Jersey Business also expressed frustration that consultation would take place in November-December, which is a peak trading time for retailers:⁴²

Head of Retail, Jersey Business:

I think also timeline wise what is currently proposed is the consultation period is November, December. I do not think many businesses can do a consultation during their peak. From the perspective of the retail industry [it is] basically saying: "Do not get involved", sorry, that is strongly worded but that really frustrated us...⁴³

77. **FINDING 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.**

78. The Chief Executive of the Chamber of Commerce (who is a member of the Migration Policy Development Board) told us that while it is important not to make a "kneejerk reaction," businesses cannot afford to wait for a new migration policy:

Chief Executive Officer, Jersey Chamber of Commerce:

...That said, from a business perspective, businesses cannot afford to wait. There are businesses that we have spoken to this week...that have said to us: "We are in crisis right now and if you are going to have to wait until 2021 we will be out of business by then because we cannot find people now, and if we

⁴⁰ [Public Hearing with Jersey Business, p.3](#)

⁴¹ [Public Hearing with Jersey Business, p.7](#)

⁴² [Public Hearing with Jersey Business, p.7](#)

⁴³ [Public Hearing with Jersey Business, p.7](#)

cannot find people now, how are we supposed to exist for the next 1½ years until you have a policy that then plays out over the next 4 or 5 years?...⁴⁴

79. He went on to say that although he was ‘comfortable’ with the indicative timing of a States debate in Autumn 2020, the effects will not be felt until 2021 and that some ‘triage on business’ might be needed between now and 2021.⁴⁵
80. **RECOMMENDATION 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.**
81. **FINDING 11 - It is clear that there is no set vision guiding the Board’s work towards the development of a new migration policy.**
82. We asked the Board Chair how the effect of the migration policy in controlling migration levels would be measured. We were told that Statistics Jersey would measure the number of people annually that come into the Island, but that “it will be the public of the Island that judge it”. When pushed for a definition of success, the Chair told us that he “did not know at the moment”.⁴⁶
83. To date, no modelling has been carried out in order to establish the effect of future migration on the island, however, the Chair of the Board reassured the Panel that this ‘obviously is a piece of work that needs to be done in due course.’⁴⁷
84. The Board’s Scoping Document states that ‘an ageing population means we need to import more skilled workers’. We were concerned to see such a statement at the outset of a review, rather than potentially appearing as a finding at the conclusion of the review, backed by suitable evidence. The Board’s Chair and the Chief Minister gave us contradicting evidence on this point:

Deputy J.H. Perchard:

I just want to know, apart from increase in the population size, what else is the board looking at in order to tackle the problem of the dependency ratio which, as you say, is a fact?

Assistant Chief Minister:

As you say, the dependency ratio is a fact. The only way we can alter that is by increasing the [number of] younger working age [people] within the Island.⁴⁸

85. Later, in the same hearing:

⁴⁴ [Public Hearing with Jersey Chamber of Commerce, p.5](#)

⁴⁵ [Public Hearing with Jersey Chamber of Commerce, p.5](#)

⁴⁶ [Public Hearing with the Migration Policy Development Board, p.6](#)

⁴⁷ [Public Hearing with the Migration Policy Development Board, p.13](#)

⁴⁸ [Public Hearing with the Chief Minister, p.13](#)

Deputy J.H. Perchard:

I would like to read something from a submission that we have had as part of this review, which captures what I was trying to get at before, which is: “The ageing demographic will not be helped by a high net migration. It will just mean there will be more old people to care for in the future.”

The Chief Minister:

I think you are right.⁴⁹

Integration & English Language Support

86. The potential for requiring migrants to take an English language test was discussed publicly by some board members during our review. In addition to introducing tests, we asked the Chair of the Board whether they were considering any ongoing support for migrants to help them integrate into the island, including ongoing English language support.

Deputy J.H. Perchard:

Is the board considering offering support to those who wish to come and learn the English language as part of a migration strategy to attract certain workers from certain areas?

Chair, Migration Policy Development Board:

Interesting question. I do not know at the moment and it is not something that has been brought up.⁵⁰

87. Later on in the hearing, the Chair explained that support was dependent on how long workers were likely to be on Island:

Deputy J.H. Perchard

...I asked the question mostly because the idea of a language test in order to gain entry is quite evocative of a certain motion. For those people who are here whose English perhaps is not completely fluent already, they might feel somehow they are less valued by a policy that means any new entrants cannot come in if they are of the language proficiency that these people are. In addition to be looking at testing, we should also perhaps be looking into ways in which we can support. That was my question.

Chair, Migration Policy Development Board:

Yes. I think if one is looking at manual workers who are coming into say agriculture, where they are coming on probably an 8, 9, 10-month permit, there is little point in a language test because they are working on a farm within a community on the farm. At the present moment there is not that need anyway.

⁴⁹ [Public Hearing with the Chief Minister, p.15](#)

⁵⁰ [Public Hearing with the Migration Policy Development Board, pp.30-1](#)

Deputy J.H. Perchard:

Sure. But in your documents the board rightfully considers: “ways in which we can support migrants who come and help them integrate into our society.”

Chair, Migration Policy Development Board:

Yes.

Deputy J.H. Perchard:

My proposition to the board is given that you are considering English language tests, have you also and would you also consider support in that area?

Chair, Migration Policy Development Board:

I think it is logical.... it depends entirely on whether it is a manual worker or whether it is somebody higher up the pay scale.

Deputy J.H. Perchard:

Sure, but in terms of integrating into society, which is one of your aims in your documents, that should not be relevant, whether someone is a minor worker or not.

Chair, Migration Policy Development Board:

Yes, but then it also relates as to how long they are likely to be here.⁵¹

88. **RECOMMENDATION 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.**

Academic Research

89. There is a large amount of academic research on the topic of population and migration control. We have listed a selection of relevant articles in the [appendix of this report](#).
90. A number of research papers present alternative perspectives on migration, particularly in relation to the often-stated need to increase the working age population to support the ageing population (known as the dependency ratio).
91. We were not convinced that the Board had fully considered the amount of literature and research papers that are available or the alternative options to increasing the working age population. We recommend that the Board gives further consideration to this.
92. **FINDING 12 – The Board does not appear to have given a satisfactory level of consideration towards the use of academic research papers and similar reports.**

⁵¹ [Public Hearing with the Migration Policy Development Board, p.31](#)

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Control of Housing and Work Law

93. Jersey's current migration controls are contained within the Control of Housing and Work Law, under which the Housing and Work Advisory Group (H.A.W.A.G) sits. A number of stakeholders referred to the law and H.A.W.A.G in their submissions.
94. The Control of Housing and Work Law sets out the rights of individuals to work in Jersey and access housing. It also sets out requirements for businesses wishing to employ different categories of workers. The Housing and Work Advisory Group makes decisions on employment licences, hardship cases and other aspects of the law.
95. The Chair of the Migration Policy Development Board, Constable Chris Taylor, is also Chair of H.A.W.A.G. The other members of H.A.W.A.G are the Minister for Children and Housing and the Minister for Economic Development, Tourism, Sport and Culture. The Chief Minister may appoint other members of the Group (including other States Members).
96. Decisions of the Chair in relation to residential and employment status applications are published as [ministerial decisions](#) on the government's website. Policy guidance as to the application of the law is published and updated from time to time (most recently in [May 2019](#)). However, there is very little other information published about H.A.W.A.G, its meetings or its members.
97. We have highlighted comments from the Children's Commissioner, Jersey Business and the Chamber of Commerce elsewhere in this report in relation to the operation of the Law and H.A.W.A.G.
98. These include concerns about the negative impact of the law on children and young people⁵², the rules around hardship cases⁵³ and the removal of employment licences from businesses.⁵⁴
99. These comments may all be instructive both for the Policy Development Board and H.A.W.A.G. to consider as new policy is developed.
100. **RECOMMENDATION 10 – The Migration Policy Development Board should consider how the Housing & Work Advisory Group should operate in the future.**

Interim Report

101. The Migration Policy Development Board published an interim report outlining the work and evidence it had so far accumulated on the 24th October 2019, alongside its "core principles". The Panel did not receive advance communication on its publication.
102. The Interim report sets out the work that the Board has so far conducted on developing new migration policy proposals, including a summary of the research it has undertaken.
103. The Interim Report also notes the Board's intention to amend either the Control of Housing and Work Law or its operation to be used to create a more "responsive" migration system, whilst maintaining transparency, providing clear guidance to

⁵² [Public Hearing with the Children's Commissioner, p.5](#)

⁵³ [Public Hearing with the Children's Commissioner, p.5](#)

⁵⁴ [Public Hearing with Jersey Business, p.10](#)

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employees, employees and dependents, and working “seamlessly” with the Jersey Customs and Immigration Service.⁵⁵

104. The Control of Housing and Work Law contains appears to be a primary focus of the Board’s work, with pages 10 and 11 of the Interim Report containing a number of potential enhancements to this law.
105. Appendices 2-16 of the Interim Report consists of reports and presentations provided to the Board during its meetings, which have previously been made publicly accessible on its webpage. Appendix 1 is the most relevant to the continuing work of the Board, since it outlines a previously-unpublished set of four hypothetical work permissions.
106. The Board notes that the four categories are not proposed as a “future migration control system” but are instead designed to “stimulate conversation” and all contain “weaknesses”⁵⁶, although we also note that the updated timetable indicates that the Board’s policy development stage has been completed. The four hypothetical work permissions are as follows:
 1. W: Temporary, generally low-skilled, for labour shortages. Permits would last for nine months in any 12 and would be able to reapply after 3 months away from the Island. Accommodation would be confined to staff accommodation, purpose-built hostels, or lodging and families would not be allowed. Workers would be required to pay a health surcharge for health services during the first year.⁵⁷
 2. X: Medium-level skills shortages. Employment would last for up to four years with applicants able to reapply after a year away from the Island. Partners will be permitted entry and individually registered children. They would be allowed to buy or rent any property, but they would be required to pay a health surcharge for health services during the first year.⁵⁸
 3. Y: High-income, critical-skilled areas. Employment would last for up to four years with applicants then able to apply for classification Z. Partners will be permitted entry and individually registered children. They would be allowed to buy or rent any property, but, as with W and X categories, they would be required to pay a health surcharge for health services during the first year. The report describes these as placing “the most pressure on long-term resource”.⁵⁹
 4. Z: Acquired following X or Y status Migrants have “demonstrated significant commitment to the Island”. Full access to health services and no restrictions on partners or individually registered children. They may buy or rent any property, but this permission will be lost in the event of a prolonged leave of absence from the Island.⁶⁰

⁵⁵ [Migration Policy Development Board Interim Report, p.10](#)

⁵⁶ [Migration Policy Development Board Interim Report, p.16](#)

⁵⁷ [Migration Policy Development Board Interim Report, p.17](#)

⁵⁸ [Migration Policy Development Board Interim Report, p.18](#)

⁵⁹ [Migration Policy Development Board Interim Report, p.19](#)

⁶⁰ [Migration Policy Development Board Interim Report, p.20](#)

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107. The Children's Commissioner has raised concerns about the proposal. In a response to the Board's report, the Commissioner criticised the "vagueness" of the report warned and that these hypothetical categories are not tethered to either the UN Convention on the Rights of the Child or the European Convention on Human Rights⁶¹, although we note that the Interim Report argues that the control of access to employment and/or housing to preserve and maximise the benefits of limited resources is "UN Human Rights Compliant".⁶²
108. The Children's Commissioner's response further notes that the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families also calls for the rights of migrants and their families to be protected.⁶³
109. **FINDING 13 – The Migration Policy Development Board have outlined four hypothetical new work permissions, which would reframe Jersey's current migration system.**
110. **FINDING 14 – The new proposals put forward by the Migration Policy Development Board do not appear to have fully considered the human rights implications as set out in international conventions.**

Evidence from Ministers

111. Population and migration issues cross over most government departments and ministerial remits. We were therefore interested to find out what work is already taking place across government both to plan for changing demographics and to contribute to the development of a new population and migration policy.
112. We invited, and received replies from, every Minister about the work taking place in their areas. We also held public hearings with the Chief Minister, Minister for Health and Social Services, Minister for the Environment and the Minister for Education.
113. It was clear from evidence we received, that most Ministers had not yet been contacted by the Board (other than those who were members of the Board), but the majority expected to engage with the Board in the coming months.

Health

114. The Minister for Health and Social Services told us that it was predicted that between 2016 and 2026, 112.2 extra staff will be needed in the health service. This figure rises to 266 extra staff by 2036.⁶⁴

⁶¹ [Response from the Children's Commissioner](#)

⁶² [Migration Policy Development Board Interim Report, p.8](#)

⁶³ [Response from the Children's Commissioner](#)

⁶⁴ [Public Hearing with the Minister for Health & Social Services, p.3](#): *The figures are taken from the Future Hospital business case. The Minister explained in his [submission to the Panel](#): "we must be cautious about placing reliance on the above figures as we know the situation is being reviewed as part of the 'Our Hospital' project. However, they give an idea of the pressures we are likely to face in terms of the requirement to import more skilled workers into our medical and care sectors, including physical and mental health and social care settings."*

115. The Minister also explained the importance of a population policy to healthcare provision and staff recruitment:

The Minister for Health and Social Services:

...an increase in population invariably results in demand growth within the health and social care system and it is often felt most immediately within the acute Hospital...⁶⁵

...The inability to attract suitably qualified and experienced clinical/medical experts required to deliver the anticipated service needs is a key risk, which population policy, licenses and key worker housing will need to address.⁶⁶

116. We asked the Minister about the pressures on the health system arising from the increasing population:

The Minister for Health and Social Services:

The pressures come more in the ageing demographic, so people who are already here and are living longer because, thank goodness, we can keep them living and healthy and curing illnesses so that they do enjoy, we hope, a good old age. But they come to the stage where they are living with a number of conditions and those need to be managed and the numbers of those people are growing, so it is there that the pressures take effect in the short to medium term. I suppose looking at the longer term, the people that have been coming in in recent years as young people are going to grow old, so there will be a greater number with those sort of long-term conditions or frail and just needing support and assistance. So we must plan for that occurring.⁶⁷

117. The Minister identified that the “inability to attract suitably qualified and experienced clinical/medical experts required to deliver the anticipated service needs’ as a ‘key risk’ which ‘population policy, licenses and key worker housing will need to address.”⁶⁸

118. In a public hearing with the Minister, it was clarified that his department was focused on recruiting locally, and that they were exploring other methods of supporting an ageing population:

The Minister for Health & Social Services

‘I think wherever we can we would recruit locally. Purely on economics that is the better option, the cheaper option, so we train locally where we can. But there will always be skills that we cannot train locally...’⁶⁹

‘...if we can look at other ways of supporting an ageing population ... a great deal of faith is being placed in technology, for example, and there are definitely ways that would help staff to manage an increasingly ageing population.’⁷⁰

⁶⁵ [Public Hearing with Minister for Health and Social Services, p.3](#)

⁶⁶ [Submission from the Minister for Health and Social Services](#)

⁶⁷ [Submission from the Minister for Health and Social Services](#)

⁶⁸ [Submission from the Minister for Health and Social Services](#)

⁶⁹ [Public Hearing with the Minister for Health and Social Services, p.3](#)

⁷⁰ [Public Hearing with the Minister for Health and Social Services, p.5](#)

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119. The Minister was also questioned about how his department intends to tackle the problems raised by an ageing population:

Deputy J.H. Perchard:

...My question to you... specifically through a health lens: what creative and innovative policies are being discussed aside from simply growing the middle-aged population to deal with the ageing demographic in health?

The Minister for Health & Social Services

Yes, aside from bringing people in, as it were.

Deputy J.H. Perchard

Well, aside from bringing in permanent residents who will then become part of the next ageing population.

The Minister for Health & Social Services

Yes, I do not think we regard that as the go-to answer...

...I think it is about different ways of delivery; it is about involving more people, involving community groups, parishes and indeed families. I think we have all got to understand that families have responsibilities in this or should do and should be involved in the care of elderly members of families. I mentioned briefly technology as well, which I think has a great role to play in, for example, just monitoring people at home....⁷¹

...we want to keep people living independently in their own homes.⁷²

Education

120. In both written and oral evidence, the Minister for Education stressed the importance of the post-16 education strategy currently under development, as a way of reducing reliance on inward migration and training the resident workforce to the skill levels required by local employers.⁷³

Deputy S.M. Ahier:

Minister, how do you expect the policies put forward by the migration board to affect the work of the Education Department during the coming years?

The Minister for Education:

I would imagine that there will be or I would hope there will be a bigger focus on the need for us to recognise the need to skill up not only children that are

⁷¹ [Public hearing with the Minister for Health & Social Services, p.9](#)

⁷² [Public Hearing with the Minister for Health & Social Services, p.10](#)

⁷³ [Submission from the Minister for Education](#)

coming through our education system and the 16-to-25 bracket but looking at the reskilling of our current population as things like artificial intelligence come in and enabling them to be able to work across industries. I think it has been known that the world of work will look very different in the next 20 years, so it is trying to pre-empt that and encourage a change set in skills and recognising that in some areas there will not necessarily be just one job. There will be a multiplier of jobs that may be accessible in terms of fewer hours, flexible working, different skillsets, and we need to try to ensure that we put in place the right toolkits for our population who currently reside here and are born here so that they can go into the world of work and support the economy going forward.⁷⁴

121. In a written submission, the Minister outlined the key issues for her policy area in regard to Jersey's migration policy and population as being:

The skilled local workforce, productivity, identifying the skills and labour gaps, plus educating and training the resident workforce to the skill levels required by local industries...

The statutory provision of education to all school age children is relevant as is access to Higher Education Funding and opportunities for lifelong learning on island...

Population and Migration both have a significant impact on parts of my policy and likewise there are many areas of my policy which can contribute to the policy options of migration and population...⁷⁵

122. In oral evidence, the Director of Young People, Further Education, Skills and Learning explained how her department is ensuring that people have the skills required by employers:

Director of Young People, Further Education, Skills and Learning

...What we are looking at is ensuring that we have the right skillset for the population in Jersey to be able to access the jobs that currently exist as well as being able to develop people to have the right skills for the jobs that we do not know yet what are for the future...

...there is a longer-term plan for us to be able to develop the provision that is available on Island for our people to be able to access the jobs that we currently allow a licence for recruitment...

...providing opportunities for people to upskills, reskill, learn new skills is absolutely crucial to reduce the migration in some respects...giving better advice and giving better information [to young people] about what career opportunities there are would have an impact on migration.⁷⁶

123. In our review of the 2019 Budget last year, we heard concerns from teaching unions about difficulties in recruiting staff due to the cost of living in Jersey. We asked the

⁷⁴ [Public hearing with the Minister for Education, p.4](#)

⁷⁵ [Submission from the Minister for Education](#)

⁷⁶ [Public hearing with the Minister for Education, p.3, 4, 10, 11](#)

Minister about teacher recruitment and she told us that the cost of living in Jersey was a concern, along with wellbeing:

The Connétable of St. Martin:

What are the problems schools face in recruiting new staff?

The Minister for Education:

The things that I get fed back are areas like the cost of living in Jersey, the high cost of living especially for families who come here. There is the issue of classroom-based incidences. If you look at the teacher survey that we have, it identifies some of the concerns that teachers have around not only the children's emotional wellbeing but their own wellbeing as teachers. The demands of the curriculum in the schools can be particularly overwhelming coupled with the emotional mental health side of things...⁷⁷

...I think our biggest issue in Jersey is housing. That is part of the reason why we have got such a high cost of living over here. There is no one silver bullet that is going to fix this. This has been an issue since the 1950s, the 1960s. This has been mentioned time and time again...⁷⁸

124. The Minister also suggested that there was a societal and cultural problem with how the teaching profession is valued, particularly when the finance industry in Jersey offers a well-paid and less stressful alternative career path:

The Minister for Education:

It is how people are seen or valued. I go back to this kind of western model that we have, which is very much in Jersey we have got this huge disparity between low income and high income in terms of the finance industry... It would be easier for a teacher, doing the things that they have to do and see first-hand in a classroom on a day-to-day basis, not just in a classroom but work they are having to take home and over the weekends and during the holidays to keep up with the pace and the change that is happening in the world, not just in education, to turn round and say: "Do you know what, I do not need this hassle. I am going to go and work in the finance industry in Jersey because it is less hassle and I will probably get paid more and that means my cost of living ... it is easier to keep up with the cost of living and I have less pressure and less stress in my life compared to what I am dealing with at the moment." We need to try to reconfigure that.⁷⁹

125. The Minister explained that it was harder to recruit to specialist secondary school subjects such as science, technology, engineering and maths.⁸⁰

126. In a scrutiny report in 2018, our predecessor Panel found that, on current levels of inward migration, Jersey would need to build an additional 10 new primary schools by 2035.

⁷⁷ [Public hearing with the Minister for Education, p.6](#)

⁷⁸ [Public hearing with the Minister for Education, p.8](#)

⁷⁹ [Public hearing with the Minister for Education, p.9](#)

⁸⁰ [Public hearing with the Minister for Education, p.9](#)

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127. We heard from the Education Department that they monitor birth rates, which provides a lead-in time for building capacity in the system:

Deputy S.M. Ahier:

Sorry, do you mind if I just pick up on the birth rate? The birth rate in 2012 was 1,123 and in 2018 was 933, a decrease of 190. Are you factoring that into your calculations?

Officer Responsible for Demographic Planning and Sites:

The other thing that is interesting to look at is that the birth rates that are published are birth rates for January to January. Of course, for schools it is September to August, so that figure you gave in 2012 is slightly higher. For the school year it was 1,164, so what we did to cater for those children is we built additional forms. We had a lead time to do that so we have that capacity in the system. Those children are currently in year 2. For 2012 and 2010-11 we saw above average numbers. Those children are moving through the system and we are now seeing the opposite.⁸¹

128. It was also explained that the approach is to add extra classes to existing schools, rather than building new schools:

Officer Responsible for Demographic Planning and Sites:

So we have the space but it is important the approach we took was not to build new schools so we could have some elasticity. Obviously if you build a new school and it is half empty it is going to cost you an awful lot of money. If you invest in schools so they can expand and shrink then as the population expands and shrinks, it is a far more efficient way of doing things, plus you are investing in your infrastructure as opposed to having a separate, half-empty school.⁸²

Environment

129. The Minister for the Environment, who is a member of the Migration Policy Development Board, told us that, he did not feel that “Jersey, as a special place as it is, with its wonderful environment, can cope with uncontrolled migration.”⁸³

130. When asked about the prospect of the Island’s population reaching 200,000, the Minister told us that open-ended economic growth cannot be accommodated in the Island and that government needs to have a firmer hand of control on migration:

The Minister for the Environment

I find that prospect [of the population reaching 200,000] scary. I hope my children and grandchildren do not have to face that... We cannot, I believe,

⁸¹ [Public hearing with the Minister for Education, p.16](#)

⁸² [Public hearing with the Minister for Education, p.16](#)

⁸³ [Public hearing with the Minister for the Environment, p.3](#)

*accommodate open-ended economic growth. Economic growth at any cost is something I do not want to see. It is about finding where we draw that line, where we can get best gain between the needs of our community and the environment.... Whether that is a cap, whether it is new rules, but it needs to have a firmer hand of government control on it, and that is what I want to see. The planning system is part of that.*⁸⁴

131. He also noted that, as a member of the Policy Development Board, his pre-election views on population control had not changed:

The Minister for the Environment:

*I think I should just say to the board, that my pre-election position was that I supported the introduction of work permits because nothing has changed my view that I do not feel that Jersey, as a special place as it is, with its wonderful environment, can cope with uncontrolled migration.*⁸⁵

132. The Minister told us that he would have preferred to have adopted the policy proposed by the previous Council of Ministers as an interim measure⁸⁶, and expressed disappointment at having to develop the Island Plan in a “policy vacuum”:

Senator K.L. Moore:

What projections, in terms of population, are you using when the Island Plan work is being worked up?

The Minister for the Environment:

‘...My suggestion [...] was it could be adopted as an interim measure while any enhancement of the detail in the policy was worked up. [...] I recognise that we needed to establish priorities for migration that we would need and want to have. I certainly have never been in the view that we could effectively end migration. [...] Which industries are more important, which type of skills do we most have, what is our training programme to be able to ensure whether longer term we can prepare our young people to take on those roles? [...] It is those questions that I am looking to make sure are answered in this new policy...’⁸⁷

...I personally think that we cannot continue with the current, what does appear to me, uncontrolled rate of migration. But what I cannot answer is how we can be more selective in terms of ... I think it has to be based on an economic assessment. In other words, what economic benefit do we receive directly into the Island in our public services and economy? That is the work that I am expecting the group to do...’⁸⁸

133. The Minister also explained that the new Island Plan, due to be debated and approved by the States Assembly in 2021, must “plan for and respond to the need of our population.”⁸⁹ In the context of the Island Plan, he also told us that he was not happy that he will have to wait until the Spring of 2020 for the Migration Policy Development Board

⁸⁴ [Public hearing with the Minister for the Environment, p.13](#)

⁸⁵ [Public hearing with the Minister for the Environment, p.3](#)

⁸⁶ [Public hearing with the Minister for the Environment, p.3](#)

⁸⁷ [Public hearing with the Minister for the Environment, p.3](#)

⁸⁸ [Public hearing with the Minister for the Environment, pp.7-8](#)

⁸⁹ [Written submission from the Minister for the Environment](#)

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to complete its work: ‘I would have liked the clarity to come from the migration policy group earlier before we start into the phase of drafting the Island Plan.’⁹⁰

134. The Panel notes recent comments in relation to the ongoing Island Plan consultation regarding the lack of a migration policy:

The Minister for the Environment:

“..What we have here is 2 processes and they will have to come together. I think my concern is that I would have liked the clarity to come from the migration policy group earlier before we start into the phase of drafting the Island Plan. I accept the fact that those judgments have to be made and they will have to be made before we publish the draft plan...”⁹¹

135. We note that the Board’s Interim Report contains the statement that the adoption of a new migration policy by the States Assembly will allow the Island Plan process “to take account of the proposed outcomes of the new policy”⁹², although it is not clear from the Interim Report how this will be delivered.

136. **FINDING 15: 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 island is.**

137. **RECOMMENDATION 11: The Migration Policy must be published and debated at least 2 months before the Island Plan is debated.**

138. As part of the development of the new Island Plan, we were told that an economic framework was being developed and that 2 key studies (character appraisals) have been commissioned in relation to St Helier and the Island’s countryside and seascape⁹³ which will help assess the impact of development on different parts of the Island.⁹⁴

139. **RECOMMENDATION 12 – The two studies on Jersey’s urban and landscape and seascape character that are being conducted by the Minister for the 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.**

Other Ministers

140. The Minister for Children and Housing explained how the migration policy would involve his policy areas and overlap with the work of the Housing Policy Development Board:

The levels of inward migration will have a direct bearing on the demand for housing in Jersey. I expect to be contacted by the Board towards the end of July where we can discuss common policy options and approaches as both

⁹⁰ [Public Hearing with the Minister for the Environment, p.8](#)

⁹¹ [Public Hearing with the Minister for the Environment, p.8](#)

⁹² [Migration Policy Development Board Interim Report, p.9](#)

⁹³ [Public Hearing with the Minister for the Environment, p.4](#)

⁹⁴ Email from Director of Strategy and Innovation, 9th August 2019

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issues have to work cohesively together in order for both boards to be successful...

...I am also interested in the boards approach to the impact future policies will have on migrant children and their families.⁹⁵

141. The Minister for Infrastructure told us in a written submission that officers from the Growth, Housing and Environment Department have already started to engage with policy officers working on the new population and migration policy:

Work has already started on looking at the carrying capacity of our infrastructure, to identify where we can reasonably accommodate any future population increases, and where we are likely to face challenges. We also need to consider, of course, the impact on our transport network, and congestion...⁹⁶

142. We heard from the Minister for Economic Development, Tourism, Sport and Culture about ongoing work on a new economic framework that would link in with the migration policy:

Migration has a significant impact on areas for which I am responsible, and likewise there are many areas of my policy which can contribute to the policy options available to the group. This is why the work of the Migration Board is taking place alongside the work on our new economic framework, with officers coordinating our approach to this work. This means that issues which matter tremendously to me, such as productivity, inflation and the costs of living, how we develop skills locally, and how we more generally ensure we have sufficient labour for businesses to deliver economic growth, can be properly considered and incorporated.⁹⁷

FINDING 16 – 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.

Evidence from Industry and Members of the Public

143. As part of our work, we invited key stakeholders and members of the public submit their views on population and migration in Jersey.

144. We received a number of written submissions (all of which are published on our [website](#)), as well as a number of comments on social media.⁹⁸

⁹⁵ [Written submission from the Minister for Children and Housing](#)

⁹⁶ [Written submission from the Minister for Infrastructure](#)

⁹⁷ [Written submission from the Minister for Economic Development, Tourism, Sport and Culture](#)

⁹⁸ Social media comments were primarily on Facebook (For example: <https://www.facebook.com/statesofjerseyassembly/photos/a.175259416175857/895800034121788/?type=3&theater>). We also used Twitter, LinkedIn and Instagram to gather comments and views.

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145. Some of the evidence we received concerned policy aspects of population and migration. We have provided a high level summary below and would recommend that the Policy Development Board reviews all of the submissions and evidence on our website.
146. The majority of responses we received were from the key industries and businesses directly affected by population and migration control. However, we invited a wide range of stakeholders to contribute to our work and would recommend that the Board does the same.
147. It appears from the Board's published papers, that it has not yet scoped specific stakeholders. It will be important that it actively engages with as broad a range as possible to ensure that all views are heard and considered. While it will understandably be important to hear from businesses, the tourism and hospitality industry and agriculture, it is equally important to consider the impact on the environment, transport and infrastructure of population growth.
148. Following the publication of the Interim Report, we note that the Board now intends to meet with representatives from "agriculture, hospitality, finance, utilities and small businesses" alongside "environmental groups and representatives of charities and minority community groups"⁹⁹.
149. **RECOMMENDATION 13 – The Board should review all evidence submitted to our scrutiny review. The Board should ensure that it can demonstrate a broad stakeholder base.**

Members of the Public

150. Overall, the members of the public who submitted their views expressed concern at the growing population in Jersey, and expressed a desire for action to be taken on it, with one submission describing it as the "most important issue that the States face at the moment"¹⁰⁰.
151. We also heard, "My main concern is that I do not wish Jersey to become like Hong Kong. It already seems too crowded, with too much development."¹⁰¹
152. Concerns were raised over infrastructure, with one submission describing continued population increases as leading to "more people more vehicles more blockage of roads, pressure for parking, pollution"¹⁰².
153. A number of people were supportive of work permits being introduced. Some people highlighted that this would help alleviate the problem of relying on continued migration to support the ageing population¹⁰³ (described in one submission as a "Ponzi scheme"¹⁰⁴).

⁹⁹ [Migration Policy Development Board Interim Report, p.11](#)

¹⁰⁰ [Submission – Andy Howell](#)

¹⁰¹ [Submission – Andy Howell](#)

¹⁰² [Submission – Diane Rolland](#)

¹⁰³ [Submission – James Marshall](#), [Submission – Andy Howell](#)

¹⁰⁴ [Submission – Andy Howell](#)

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154. We received a submission that commented on the anti-immigration rhetoric from some Islanders and criticised the “look after our own” approach advocated by some¹⁰⁵, arguing that it lacks respect for humanity as a whole.
155. **FINDING 17 – 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.**

¹⁰⁵ [Submission – Allison Cross](#)

POPULATION GROWTH

WHAT DO THE PUBLIC THINK?

Introduce a work permit system that allows people to work here when they are needed. The permits should be limited in time and not used to accrue citizenship which is then used as a back door into the Island and UK/EU. Train local people and hire them in jobs that are available by giving them preference to non residents.

(Facebook)

I understand the opinion of many people in Jersey with regards to migration is a "look after our own first" approach, however, I think this is a sad and narrow minded view without respect for how fortunate we are relative to others. It lacks respect for humanity as a whole.

(Written Submission)

There needs to be immediate change as companies are being strangled by lack of staff. There is no locally qualified pool of people to choose from. You have to let more people in.

(Twitter)

We need to have some balance as we cannot build on every scrap of land as there will come a time when we will need to be self sustaining and there will be no resources to do this due to the size of population and lack of arable land.

(Facebook)

Whilst the government of the Island continues to maintain an open door policy then standards of living will go from bad to worse. The Island cannot accommodate more and more people in the hope that it will create more tax revenues. This is a fallacy and the government knows but will not admit to it.

(Written Submission)

I can't tell you how disappointed I was when the CM tore up the proposed population policy and I am even more disappointed that nothing has yet been proposed to deal with our ever increasing population.

(Written Submission)

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Jersey Farmers' Union

156. In their submission to the Panel, the Jersey Farmers' Union (JFU) argued that the Government has *“failed significantly over the last ten years”* to reduce reliance on inwards migration. The JFU were also concerned that *“our staff are being taken by other Industries who can afford higher wages.”*¹⁰⁶

157. In their submission, the JFU requested that *“the Panel should consider whether the ten year residency period qualification is still appropriate in view of all the other constraints the Island is facing.”*¹⁰⁷

158. The JFU were particularly supportive of the introduction of work permits, which were proposed in the migration policy published by the last government:

President, Jersey Farmers' Union:

*From the agricultural industry point of view we were very happy with most of that because as far as seasonal labour the industry has always done better when we have had work permits in place.*¹⁰⁸

159. During the hearing, the JFU President estimated that permanent employees in the agriculture sector totalled around *“50 per cent local people”* (i.e. with more than five years residency), with smaller farms consisting of *“nearly all local people”*¹⁰⁹. However, there is still a need for a seasonal influx of workers during specific parts of the year.

160. The JFU also raised concerns over the loss of land for agriculture in order to build housing, stating that, *“if you have got 1,200 people coming in a year it puts pressure on finding land for housing”*¹¹⁰.

161. The President of the JFU suggested that compulsory English tests for migrants arriving in Jersey would be *“over the top”* for seasonal workers¹¹¹.

Jersey Hospitality Association

162. We received a written submission from the Jersey Hospitality Association (JHA) and also attended a meeting of their committee.

163. In their submission, the JHA told us that *“reducing the reliance on inward migration would be a sensible way forward.”* However, they noted that the ability to bring in seasonal staff was important for their industry¹¹².

164. They also emphasised the contribution that the hospitality industry makes to the quality of life of Jersey residents:

¹⁰⁶ [Written submission from the Jersey Farmers' Union](#)

¹⁰⁷ [Written submission from the Jersey Farmers' Union](#)

¹⁰⁸ [Public Hearing with Jersey Farmers' Union, p.3](#)

¹⁰⁹ [Public Hearing with Jersey Farmers' Union, p. 10](#)

¹¹⁰ [Public Hearing with Jersey Farmers' Union, p. 13](#)

¹¹¹ [Public Hearing with Jersey Farmers' Union, p. 14](#)

¹¹² [Written submission from the Jersey Hospitality Association](#)

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“the quality of life afforded to residents by hospitality be taken into account. The industry delivers more value to those living and working in Jersey than the traditional measures of GVA”¹¹³

165. They also told us that that a new migration policy could “put pressure on recruiting essential employees as it becomes another hurdle for staff to overcome”.¹¹⁴

166. The JHA also stressed the importance of not using financial measures to measure the contribution of an industry to the Island and highlighted that the hospitality industry had always used migrants, but that this was reducing:

We emphasise the need to not use a financial measure to gauge importance of industry or where the restrictions are put in place. Historically, the island has used migrants to staff its industry. 50 years ago the figure was 80%, now it is about 30%. We are moving strongly towards a more local staffing measure, but we do still rely on outside skill and labour coming into the island to staff our facilities. If we lost this workforce, and the ability to operate our hospitality venues, the level of life we enjoy, from food and drink offerings, to attractions, and importantly connectivity off island would be lost.¹¹⁵

Jersey Finance

167. Jersey Finance told us that the finance industry employs more than 13,700 people, accounting for almost a quarter (23%) of all jobs and directly contributing two fifths (40%) of total GVA.¹¹⁶

168. They explained the importance of maintaining a workforce with right skills:

“For Jersey to retain its position and to further grow the industry, the Island needs to ensure it has a workforce with the right skills to service the ever-changing needs of the sector’s clients...To complement the home grown talent entering and working within the industry, if Jersey is to remain at the forefront of global finance, then we need to ensure we can continue to import certain specialist skills that are otherwise unavailable.”¹¹⁷

169. They went on to say that for “various reasons including cost and existing affinity with the Island” the default intention was to recruit from on-island. However, that was not always possible due to the nature of many roles requiring previous experience or the requirement to ensure a sufficient percentage of “suitably qualified” employees.¹¹⁸

170. They highlighted the work done by employers to train and up-skill staff in the local economy, recognising that if companies are able to fill vacancies with locally qualified people, there will be less demand for off-island recruitment.

¹¹³ [Written submission from the Jersey Hospitality Association](#)

¹¹⁴ [Written submission from the Jersey Hospitality Association](#)

¹¹⁵ [Written submission from the Jersey Hospitality Association](#)

¹¹⁶ [Written submission from Jersey Finance](#)

¹¹⁷ [Written submission from Jersey Finance](#)

¹¹⁸ [Written submission from Jersey Finance](#)

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171. Jersey Finance also pointed us to a report they have commissioned into productivity in the financial services sector in Jersey, noting that “*productivity is very much connected to population and improved productivity should translate to reduced reliance on immigration to grow the economy*”.¹¹⁹

172. When asked about the prospect of time limited work permits in a public hearing with the Panel, Jersey Finance had concerns about the impact on recruitment in their sector:

Chief Executive Officer, Jersey Finance:

*...if you restrict that in time and say: “Well, you can come but you have to be gone in 3 years”, well, people will not invest. They will not change their lives to come and make a real contribution and they will not disrupt their families... I would argue that the policy that we have here means that people come here and can feel part of the community very quickly and make a contribution and have an interest in the community.*¹²⁰

173. In their written submission, they also referred to the difficulties in focusing solely on the net migration statistics (1,100 in 2018 made up of 400 ‘licensed’ employees and 700 ‘registered’ employees):

*These figures are important in the ongoing debate on population management. However it is also important to look beyond the numbers. We cannot control death or birth, we appear to have limited control over the population arriving as ‘registered staff’, so the only group whose influx can truly be controlled are the ‘licensed’ skilled staff. From these figures, however, it is not clear that stopping licences would control the population. It would, however, affect business and tax take.*¹²¹

Jersey Chamber of Commerce

174. The Chamber of Commerce are one of two non-States bodies that are represented on the Migration Policy Development Board, the other being the Institute of Directors.

175. They pointed out that they represent a broad range of industries with a broad range of views on migration: “*There are similarities but there are also marked differences in what they perceive to be the answer to migration*”.¹²² They noted that there will be winners and losers from any migration policy:

Chief Executive Officer, Jersey Chamber of Commerce:

...there will be some that will benefit more than others by whatever policy is decided upon, but one thing is certain that business is crucial to this Island. Without it we have nothing and so we have to support business while at the

¹¹⁹ [Written submission from Jersey Finance](#)

¹²⁰ [Public Hearing with Jersey Finance, p.5](#)

¹²¹ [Written submission from Jersey Finance](#)

¹²² [Public Hearing with Jersey Chamber of Commerce, p.7](#)

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*same time acknowledging that we cannot continue at a rate of population growth that we are at the moment.*¹²³

176. Chamber also stressed the importance of non-finance businesses to the island:

President, Jersey Chamber of Commerce:

*If they do not get the people they cannot grow, they cannot invest, the businesses go under, and they are all the industries that do not necessarily bring in the wealth to the Island but they do bring in the fact that people want to live here. What we do not want to be is somewhere like Hong Kong where you have got a financial centre and that is about it. You do not have anything else. If you lose your fisheries and your artisan little bakeries and what have you, it becomes a very different place to live.*¹²⁴

Jersey Business

177. Jersey Business described migration policy as “*probably one of the most important pieces of work for Jersey plc*”, and that, for their sectors, “*it is what all our clients talk about in terms of their ability to have skilled resource to match their business needs and future potential requirements and the challenges that it faces.*”¹²⁵

178. They told us that although they had not been approached by the Migration Policy Development Board, they had started consulting their members about vacancy rates and the “touch points” in their businesses.¹²⁶

179. The Head of Retail for Jersey Business explained to us that recent government policies to remove employment licences had caused problems as no notice had been given:

Head of Retail, Jersey Business:

*...So in retail we have had 27 per cent of our licences stripped in the last 2½ years. So 325 licences have been removed from businesses where they were not actively being used. That is a complex thing. Those licences would have very much been actively used as we come through our seasons but that is 78 more than any other industry... There was no real feel of the industry that they knew this was coming and they were not prepared.*¹²⁷

180. Overall, for Jersey Business, the biggest challenge for employers in Jersey was recruitment and finding the right resources and skills:

Chief Executive, Jersey Business:

For the businesses it is probably the number one issue and concern we get, whereas wherever else you go in the world it is typically: “How do I grow the

¹²³ [Public Hearing with Jersey Chamber of Commerce, p.16](#)

¹²⁴ [Public Hearing with the Chamber of Commerce, p.16](#)

¹²⁵ [Public Hearing with Jersey Business, p.2](#)

¹²⁶ [Public Hearing with Jersey Business, p.6](#)

¹²⁷ [Public Hearing with Jersey Business, pp.10-11](#)

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business?” in Jersey it is a case of: “I think I know how I can grow this business but unless I have confidence I can resource that business I will keep where I am now. I am doing quite well, thank you very much.” So we potentially are missing a significant uplift in our G.V.A. (Gross Value Added) because businesses will not do the investment because their biggest concern is not the business model, it is: “How can I get the skilled resources?”¹²⁸

Children’s Commissioner

181. The Children’s Commissioner told us that children and young people can influence the work of the Policy Development Board and should be involved. She told us about children’s responses to a [survey that she ran in 2018](#):

The Children’s Commissioner:

“They talked about real and pressing issues. They talked about poverty, they talked about access to mental health support, they talked about schooling and just how difficult it was. These were children from a very young age. I think, first of all, it is very clearly about let us make sure we are asking and in terms of engagement, yes, I think children and young people will have some very clear ideas just how to make this legislation better in terms of supporting outcomes for children, because the Government have made a promise to children, not just through the U.N.C.R.C. but in your children’s plan. Many of you have signed a pledge and the work of this board needs to understand how will it help to contribute to those outcomes in that children’s plan.”¹²⁹

182. The Commissioner also drew attention to the need to consider the impact of migration on public services:

“Part of your thinking must be around the impact on public services, so if population size grows then the impact on public services needs to be thought through. We need to make sure that the Government can effectively meet the needs and demands of those that work here. I think that children and families would have a clear view about making sure that whoever comes to the Island, whether it is somebody like me who has moved here on a licence, whether it is somebody who has come perhaps to work in the hospitality industry or on the farms, but whoever it is that they are welcomed and they have access to the support that they need and are able to become part of the community.”¹³⁰

183. The Commissioner also told us that the focus of Jersey’s current migration controls “has been very much on the adult entitlement, the entitlement to work, entitlement to live somewhere and entitlement to access income support. We need to switch the thinking around, be thinking about human rights... If we look at it in that different perspective, if we look at it from a child’s rights approach, I think we are going to start to change the culture and think about all children differently.”¹³¹

184. **RECOMMENDATION 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.**

¹²⁸ [Public Hearing with Jersey Business, p.10](#)

¹²⁹ [Public Hearing with the Children’s Commissioner, p.6](#)

¹³⁰ [Public Hearing with the Children’s Commissioner, p.7](#)

¹³¹ [Public Hearing with the Children’s Commissioner, p.10](#)

185. Commenting on the migration policy proposed by the last Government, the Commissioner welcomed the inclusion in those proposals of an integration strategy, saying: “The Island relies on people to come to the Island and we want to welcome that but we want to make sure that through a good quality integration strategy everybody can grow together and have that community where everybody’s voice is heard.”¹³²
186. She gave us some examples of good initiatives already being run, such as Portuguese classes run after school and, equally, children teaching their language to English-speaking children which “*helps raise their self-esteem and profile.*”¹³³
187. The Commissioner gave us some examples from her casework of the difficulties that children and families face under Jersey’s current migration system. For confidentiality reasons, she could not go into the detail of specific cases.

The Children’s Commissioner:

*A theme throughout the casework has been around the Control of Housing and Work (Jersey) Law and how that has had a negative impact on children and young people... cases that have come my way show that decisions, particularly those relating to hardship applications, are not necessarily taken in the best interests of the child. That has not been the primary consideration. The consideration has been around the adult entitlement to live somewhere, to work somewhere. It has not been around the children who are with them and their right to access an adequate standard of living.*¹³⁴

188. The Commissioner also explained that problems with migration affected all categories of migrants, both licensed and registered.

*...I can only talk through the casework, those families that have come to us and asked for support. That is around families where one partner has a licence, the relationship breaks up and then the other partner finds themselves with children with nowhere to live because they are no longer entitled to stay and, therefore, can only access unqualified housing, and indeed there are employment issues around some of that as well. Equally, we have, through our casework, had families come to us who are suffering real hardship because they have been on the Island less than 5 years and, therefore, are not entitled to any income support. They struggle to pay for their children to go and see the doctor. They are living in unqualified housing, which the quality of some of that is not up to standard. It is not what we would call an adequate standard of living. Those are the sorts of issues that I am seeing raised and those issues could be addressed through any new policy and legislation in this area.*¹³⁵

189. **RECOMMENDATION 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.**

¹³² [Public Hearing with the Children’s Commissioner, p.7](#)

¹³³ [Public Hearing with the Children’s Commissioner, p.8](#)

¹³⁴ [Public Hearing with the Children’s Commissioner, p.5](#)

¹³⁵ [Public Hearing with the Children’s Commissioner, p.9](#)

Appendix

Corporate Services Scrutiny Panel

Deputy Jess Perchard, St. Saviour No. 3
(lead member for this review)



Senator Kristina Moore - Chair



Deputy Steve Ahier, St. Helier No. 3 – Vice Chair



Connétable Karen Shenton-Stone, St. Martin



Connétable Richard Vibert, St. Peter



Population and Migration

Terms of Reference

To hold the Government of Jersey to account for delivery of a new Migration Policy for the Island and to identify the key areas and issues that the policy needs to take account of.

We will do this by:

1. Examining the terms of reference and planned work programme of the Migration Policy Development Board
2. Considering and commenting on the proposed timeline for delivery and implementation of a new Migration policy
3. Identifying how Ministers are contributing to the development of the new policy, with regard to the areas that fall within their remit

Listening to the views of organisations, individuals and interest groups on the Government's plans and the challenges in relation to population and migration that they are currently facing.

Public Hearings

We held 9 public hearings as part of the review:

- *Public Hearing with the [Chief Minister on the 25th June 2019](#)*
- *Public Hearing with the [Minister for Health & Social Services on the 28th June 2019](#)*
- *Public Hearing with the [Minister for the Environment on the 1st July 2019](#)*
- *Public Hearing with the [Migration Policy Development Board on the 3rd July 2019](#)*
- *Public Hearing with the [Jersey Farmers' Union and Jersey Finance on the 5th July 2019](#)*
- *Public Hearing with the [Jersey Chamber of Commerce on the 5th July 2019](#)*
- *Public Hearing with [Jersey Business on the 5th July 2019](#)*
- *Public Hearing with the [Minister for Education on the 9th July 2019](#)*
- *Public Hearing with the [Children's Commissioner on the 11th July 2019](#)*

Transcripts for the public hearings can be accessed via the States Assembly [website](#).

Webcasts for the public hearings can be accessed via the [States Assembly webcast site](#).

Population and Migration

Evidence Considered

We received evidence from a number of public stakeholders. A full list can be found below, with links to their submissions. All submissions were published on our [website](#):

- [Chief Minister – May 2019](#)
- [Paul Troalic – June 2019](#)
- [Allison Cross – June 2019](#)
- [Sarah Jordan – June 2019](#)
- [James Marshall – June 2019](#)
- [Phil Wells – June 2019](#)
- [Diane Rolland – June 2019](#)
- [Philip – June 2019](#)
- [Andy Howell – June 2019](#)
- [Minister for Health & Social Services – June 2019](#)
- [Minister for Children & Housing – June 2019](#)
- [Minister for International Development – June 2019](#)
- [Jonathan Renouf – June 2019](#)
- [Jersey Finance – June 2019](#)
- [Minister for Infrastructure – June 2019](#)
- [Minister for the Environment – June 2019](#)
- [Minister for Social Security – July 2019](#)
- [Jersey Hospitality Association – July 2019](#)
- [Minister for Education – July 2019](#)
- [Jersey Farmers' Union – July 2019](#)
- [Minister for Economic Development, Tourism, Sport & Culture – July 2019](#)

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