

Chief Minister



19-21 Broad Street | St Helier
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Senator Steve Pallett
Chair, Migration and Population Review Panel

BY EMAIL

24 February 2022

Dear Chair,

Response to the Migration and Population Review Panel's questions of 17 Feb 2022

Thank you for your letter dated 17 February 2022 and I am glad that the private briefing given to the Panel by the Government officers was beneficial.

I look forward to meeting the Panel on 28 February 2022 to talk through the P.13/2022 – Draft Control of Housing and Work Law (Amendment) (Jersey) Law 202- (CHW Amendments) in more detail.

Please find responses to the questions you provided below:

1. *When will further details of the costs to businesses of the new permit system be released? Will this be at the time of the secondary legislation?*

A Fees Order, outlining fees under the Control of Housing and Work Law (Jersey) Law 2012 will form part of the consideration within the drafting of the secondary legislation. There will be a range of Regulations and Orders covering all aspects of the legislation.

Regulations will be brought to the Assembly for debate, and details of Orders, including the Fees Order will be published. An Appointed Day Act will be required to bring all this legislation into force.

The range and level of fees will be discussed with stakeholders during 2022 and will be set at a level to ensure that the enhanced migration control system achieves full cost recovery.

2. *When is the earliest that the Population Advisory Council would be able to provide any advice to the Council of Ministers?*

The Population Advisory Council is established by Article 48A of the CHWL Amendment. The Appointed Day Act to bring the amended law into force is likely to be lodged towards the end of 2022. Once the Law is in force the Chief Minister may appoint the Council. The Council will then be available to provide advice to Ministers.

3. *Will a separate Children's Rights Impact Assessment (CRIA) be produced on the regulations?*

Yes – a CRIA of the Regulations will be undertaken prior to lodging.

4. *Will a separate assessment of the regulations be conducted in relation to compliance with human rights legislation to which Jersey is a signatory?*

Yes – an ECHR review of the Regulations will be undertaken prior to lodging.

5. *What further consultation is taking place with businesses and business organisations ahead of the presentation of the secondary legislation and the regulations which will introduce the permits?*

The draft CHW Amendments provide a framework within which the changes which were mandated by the Assembly when it approved P.137/2020, can be implemented. I will continue to maintain an open dialogue with businesses and business organisations on the draft Regulations and the proposed CHW statutes that will be outlined within the secondary legislation.

6. *Will the terms of reference for the Population Advisory Council be presented to the States Assembly for approval and when will these be available?*

Article 48A of the CHW Amendments outlines the constitution and statutory functions of the Population Advisory Council (the Council), and these will require approval by the Assembly as part of the primary law amendment currently lodged. Subject to the approval of the Assembly, the Chief Minister is then responsible for any additional provisions required in respect of the administration of the Council.

7. *Will the terms of reference for the Housing and Work Control Panel be presented to the States Assembly for approval and when will these be available?*

Article 48 of the CHW Amendments outlines the constitution and statutory functions of the Housing and Work Control Panel (the Panel), and these will require approval by the Assembly as part of the primary law amendment currently lodged.

The Panel's functions are then to be set by agreement between the Chief Minister and the Panel, or in default of such an agreement the Chief Minister will determine what functions are to be allocated to it.

Article 48(8) continues to allow the Panel, in a similar manner to the current Housing and Work Advisory Group, to determine its own procedures, within the scope of Article 48 and to the extent that the Chief Minister directs.

I trust the above answers are of assistance with your review.

Yours sincerely,



Deputy Rowland Huelin
Assistant Chief Minister