

# 2018-2022

## Legacy Report:

Migration and Population  
Review Panel

5 May 2022

S.R.12/2022



States of Jersey  
States Assembly



États de Jersey  
Assemblée des États



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## Chair's Foreword

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Migration and population control have been matters of concern for many years for Islanders, businesses and States Members.

The challenges faced by the Island over the course of this political term – the pandemic, Brexit and more recently the instability caused by the war in Ukraine – have put increasing pressure on Jersey's ability to retain an adequate workforce to service the local economy. In turn, any future policy will need to consider how to balance meeting these demands with minimising the consequences for our environment and infrastructure.

It will be for the next States Assembly and government to decide what, if any, controls need to be brought forward but we believe it's important that any future policy is adequately scrutinised and as such we recommend that the next Scrutiny Liaison Committee seriously considers re-establishing the Migration and Population Review Panel after the general election.

The Panel has been disappointed that better progress was not made during the last four years in implementing both migration controls and a clearly defined population policy.

However, it is now important that, as any future policy is developed, all local business sectors are properly consulted to ensure their needs are fully understood, to ensure that economic growth is not stifled, productivity can be improved, and inward migration is limited to necessity.

Finally, I would like to thank my political colleagues and our dedicated scrutiny officers for their hard work and support during an interesting but busy time for the Panel.

**Senator Steve Pallett**

**Chair**

**Migration and Population Review Panel**



# Introduction

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Scrutiny panels and the Public Accounts Committee (PAC) work on behalf of the States Assembly (Jersey's parliament). They examine and investigate the work of the Government.

Parliamentary Scrutiny acts as an important inspection system of the Government. It is the way that the States Assembly holds Ministers to account for their decisions and actions.

This helps improve government policies, legislation and public services. If changes are suggested, Scrutiny helps to make sure that the changes are fit for purpose and justified.

Scrutiny panels are appointed by the States. Alongside the five standing Scrutiny Panels (which investigate the work of specific Ministers) and the Public Accounts Committee, there are a number of review panels. Review Panels are set up with the agreement of the Scrutiny Liaison Committee to review particular proposals, issues or projects which may cross a number of Ministerial portfolios and departments or are large enough and/or contentious enough to benefit from the attention of a dedicated panel.

The Migration and Population Review Panel was established in January 2021. Its remit has been to review migration and population propositions brought forward by Ministers.

The work undertaken by the Panel has encompassed an examination of proposals for migration controls, a review of the first Common Population Policy and the primary legislation which will enable the migration controls to be established.

This report contains a brief overview of reviews conducted by the Panel, the methods that have been used to collect evidence and to engage with the community and the comments and amendments prepared by the Panel. While the terms of reference for each review dictated its purpose, the Panel's over-arching aim throughout has been to examine the Government's rationale at each stage and to closely monitor its progress.

The Panel is Chaired by Senator Steve Pallett and the members are Deputy Steve Ahier and Deputy Graham Truscott.

# Reviews

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The Panel has conducted three reviews. Two have resulted in reports being presented to the States Assembly and one in a Comments Paper.

The work of the Panel was split into two distinct projects. One was the over-arching population policy and the second the migration controls which would be put in place to support the aims of the population policy.

## Reports

The reports which resulted from the Panel's reviews are outlined here in chronological order.

[S.R.6/2021](#) - P.137/2020 Migration Control Policy (Phase 1)

### Overview

The first phase of the Panel's work was to deliver a high-level assessment of the suggested amendments (contained in [P.137/2020](#)) to the Control of Housing and Work (Jersey) Law 2012 which provides the Island's current controls regarding access to employment and housing for adults who are legally resident in Jersey. The Panel considered the migration and population reports of the Migration Policy Development Board and Corporate Services Scrutiny Panel and views held by Ministers, relevant stakeholders and members of the public.

In particular, the Panel examined the rationale behind:

- The new housing and work permissions
- Enhanced identity requirements
- The loss of automatic graduation between different levels of permission
- The creation of an independent, statutory expert panel
- A committee of States Members.

One of the themes which became clear during the review was that there was a lack of understanding about how the new work permits would work alongside immigration rules and whether the costs of new regulation would have financial implications for some businesses.

Throughout this review, the debates which followed and the Panel's review of the Common Population Policy, the most dominant concern was the lack of robust data to support the rationale for the specific migration controls or for a comprehensive population policy.

The Panel included in its recommendations that clarity be provided in these areas to ensure that States Members – and the public – were fully aware of the relationship between the immigration and work permit requirements.

### Conclusion

The Panel made a number of recommendations, the central focus of which was to ensure that suitable data was available to inform decision-making on policy and that the impact of Brexit and Covid-19 on the migration policy were fully understood.

The Panel included in its recommendations that clarity be provided in these areas to ensure that States Members – and the public – fully understood the relationship between migration and work permit requirements.

## Overview

The Common Population Policy P.116/2021 was lodged on 10<sup>th</sup> December 2021 and scheduled for debate on 8<sup>th</sup> February 2022 following a request from this Panel to push back the debate to allow sufficient time for Scrutiny to do its work.

The Panel acknowledged that, like many other significant projects, the Covid-19 pandemic response had a profound impact on Government resources during the time that officers were developing the population policy.

As had been the case with the Panel's first review of the Migration Control Policy, it was clear that the data needed to inform a fully-fledged policy had not yet been collected and analysed. This included analysis of the information collected as part of the Census 2021 and data on the impact of the pandemic and Brexit.

The Panel formed the view that the document lodged for debate did not fulfil the commitments of the States Assembly. It also did not provide any certainty or clarity for the community or for businesses. Instead, the inaugural Common Population Policy was limited to laying the groundwork for future policies and left decision-making and commitment to action to future Governments.

For instance, while the stated goal was to reduce reliance on net inward migration, there was no clarity on how this would be achieved.

One of the over-riding themes of the submissions made to the Migration and Population Review Panel – and the collective view of the Panel itself – is that P.116/2021 is an ambition for a policy rather than a policy in its own right. It did not meet the public expectation of a long-awaited population policy.

The document outlined the complexity of the task and noted the number of reviews, projects and actions which would need to be addressed but did not seek to draw conclusions about how the work would be done.

The Panel was also of the view that the proximity of the end of the Government's term of office meant that it was unable to commit to the progression of the various actions contained within the policy.

## Conclusion

The primary conclusion of the Panel was that rather than producing a Common Population Policy, the Council of Ministers had provided a synopsis of the existing challenges and a continuation of the current situation in lieu of a policy

The Panel acknowledged that the Government's position was that the Common Population Policy was the first phase of a policy which would be revised by future Council of Ministers. It also accepted that it was useful that Government had drawn together the varied projects which would need to be implemented to help Jersey face the challenge of achieving a sustainable population level.

The Panel expressed disappointment and frustration that after four years – which began with a commitment from the Council of Ministers that population management was a top priority – little in the way of tangible action had been offered.

## Comments papers

[P.13/2022 Com.](#) Draft Control of Housing and Work (Amendment)(Jersey) Law 202-

The Draft Control of Housing and Work (Amendment) (Jersey) Law 202- [P.13/2022] was lodged by the Chief Minister on 21st January 2022.

The amendment made changes to the primary legislation governing the rights of individuals to housing and work in Jersey and established a framework for regulations and guidelines which would seek to provide the means to control Jersey's migration. In the absence of the Regulations and the guidelines which will dictate the course of decision-making on the allocation of permits, the Panel made the decision not to undertake a full formal review but issued Comments on the proposition to cover specific areas of concern.

The Panel examined:

- The purpose and structure of the Control of Housing and Work Law amendment.
- The guidelines and decision-making process
- The membership of the Housing and Work Control Panel
- The establishment of the Population Advisory Panel
- Housing entitlement
- Compliance structures
- Access to healthcare

In reviewing the amendment, the Panel again reached the conclusion that as the end of a term of another Government approached, Jersey remained without meaningful migration controls. The Panel acknowledged that there had been progress and the amendment provided a framework but that action would be dependent on the priorities of the next Government.

## Amendments

[P.137/2020 Amd. \(3\)](#) - Migration control policy - Withdrawn

The Panel lodged an amendment which had sought to bring the approval of the membership of the proposed Independent Panel of experts to the States Assembly.

Following discussions and assurances provided by Ministers the amendment was withdrawn.

## Hearings

The Panel held 11 Public Hearings between 4 February 2021 and 28 February 2022. Witnesses have included the Chief Minister and Assistant Chief Minister, Government officers, the Children's Commissioner, the President of the Jersey Farmers Union, the Jersey Disability Partnership and the Jersey Hospitality Association.

## Letters

The Panel has sent and received 21 letters which have been published on the Scrutiny section of the States Assembly website. The letters provide updates have sought clarification on a number of issues related to migration control and the progress of the population policy and associated reviews.

## Briefings

Over the course of the Panel's work, it has received briefings, both private and public, from lobby groups, senior Government officers, its own advisers and Ministers. The purpose of the briefings has been to ensure that the Panel has up-to-date and relevant information about the project.

## Suggestions for future work

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It will be a matter for the Scrutiny Liaison Committee, as constituted following the General Election on 22 June 2022, to decide how any future scrutiny of migration controls and population policy is conducted. However, the Migration and Population Review Panel has suggested to the current Committee that there is a direct successor to this Panel to ensure that an appropriate level of scrutiny continues.

As outlined above, the regulations and guidelines which will establish meaningful migration controls are still to be brought before the States Assembly.

The Panel strongly recommends that the future Regulations and guidelines are considered for scrutiny by a future Panel.

The timeline for the presentation of the secondary legislation and the next iteration of the Population Policy (at the time of writing) are provided below.

### **Timeline – Population Policy and Control of Housing and Work Law amendments**

#### **Q2 2022**

- Drafting of secondary legislation/regulations for CHWL
- Development of data reporting process

#### **Q3 2022**

- New CoM to develop next steps for Population Policy
- Testing of new IT systems

#### **Q4 2022**

- New CoM Population Policy published as part of GP2023
- Implementation of IT system
- Lodging of subordinate CHW legislation
- Development of policy guidelines

## Panel Membership

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Senator Steve Pallett  
(Chair)



Deputy Steve Ahier



Deputy Graham  
Truscott

