

Katie Griffiths
Migration and Population Review Panel
States of Jersey – States Assembly

By Email

1st February 2021

Dear Katie,

On behalf of Friends of Africa, Jersey – I would like to say that we appreciate the opportunity to make a written submission on the proposed amendments to the Control of Housing and Work (Jersey) Law 2012. We acknowledge the incremental effort that the States Assembly is making in including organisations like ours, in the policy making process.

However, it would be remiss of me not to highlight that the timeframe that we have been given to review and respond to a 379-page policy document is unacceptable. Our team is made up entirely of volunteers and we all have demanding day jobs. It is unfair that we have not been given an opportunity to thoroughly review the document nor engage the wider membership of our community in order to collate empirical data to support our response.

Nevertheless, we have prepared this response on the basis of personal experiences from our leadership team, and general anecdotal evidence that we have gathered over the years.

Our Position on the Proposal

1. We agree with the rationale underpinning the proposed amendments to the Control of Housing and Work (Jersey) Law 2012. In particular, we understand and agree that:
 - Jersey is a small island with finite land, facing an increasing population that is primarily driven by net inward migration.
 - the current model of economic growth, one that is mainly driven by an increasing permanent population, is not sustainable.
 - Jersey needs a framework by which to control the rate of net inward migration.
2. We are of the opinion that the proposed amendments are not entirely fair and equitable, and there is likely to be some unpalatable and unforeseen consequences. I will expand on these in a separate section below.
3. We believe that the proposed amendments in their current form will succeed in making Jersey a less desirable destination for globally mobile migrant workers with alternative options.
 - There will be an unfair package of rights and benefits, which will result in migrant workers feeling undervalued and hinder their integration into the local community.
 - The quality of life for migrant workers, especially those on short term CHWL permissions will be worse in comparison to that of the permanent population under these rules, even though the migrant workers contribute to the States' tax revenues.

- This disparity will deter all but the most desperate migrant workers, and that introduces a greater risk of adverse selection and moral hazard in the migration framework, with the least desirable workers being the most highly motivated to enter Jersey.
4. We are in full support of the following:
 - Criminal record checks and identity validation
 - Coordinated common population policy
 - Increased customer focus (for businesses and workers), to reduce confusion in the application and migration permission process.
 5. We agree with the strategic priorities set out in the proposal. Namely:
 - the legal framework to provide more responsive migration controls
 - the political structure to support the decision-making needed to create and maintain an agreed population policy
 - the administrative systems needed to operate a simple and effective application process.

Key Concerns

- There should be no tax-paying migrant workers that are unable to access healthcare, which is relatively expensive. The alternative might be to reduce the tax rate for these migrant workers on the basis that they would be funding their own healthcare, etc.
- Seasonal workers that return to Jersey over multiple seasons, would still never have the right of benefiting from their tax contributions, despite having potentially worked the equivalent of several years - in cumulative terms.
- There is information asymmetry between the States, the employers and the migrant workers. If migrant workers were fully aware and understood the implications of their likely CHWL permissions, they may choose not to apply or negotiate better employment terms. This is true in general but is especially the case with the seasonal workers.
- If the workers understood all the items that might be deducted from their salary (e.g. taxes, accommodation) and general living costs in Jersey, they may realise that there would not be much remaining to show for the season's work.
- There must not be any form of discrimination against migrant workers that have needed to attend hospital, when they choose to submit future applications for CHWL permissions.
- The travel costs for a seasonal worker coming from poorer countries such as Kenya is prohibitively high. Many may have financed the move to Jersey with debt.
- There is an imbalance of power between employers and migrant workers. The policy should address the fact that a migrant worker may not feel empowered or able to flag cases of workplace discrimination or other serious issues for fear of losing their job and CHWL permissions.
- Limitations around family members coming to visit a migrant worker in Jersey may have unintended consequences. For example
 - It makes integration and mental health more difficult for isolated workers

- It indirectly discriminates against female workers, who are less likely to be able to leave their children behind in order to take up work in Jersey
 - It favours younger, single men and women without children or elderly dependents.
- Has any consideration been given to situations of a family breakdown or domestic abuse, etc – whereby the entire family's CHWL permissions are dependent on a single family member?
- The expert population panel should be made of up a diverse group of individuals, in terms of race, ethnicity, age, religion and gender.

Questions

We would appreciate a response to the following questions:

1. Were other minority community groups / charities invited to provide a response to the policy proposal?
2. If so, please confirm whether they were also given such a limited timeframe in which to respond?

Yours Sincerely,

Sam Aderounmu
Friends of Africa, Jersey