



2<sup>nd</sup> February 2021

Senator Steve Pallett  
Chair, Migration and Population Review Panel  
Scrutiny Office  
Morier House  
St Helier  
JE1 1DD

Dear Senator Pallett

Thank you for your letter of 21<sup>st</sup> January 2021 giving the Jersey Farmers' Union the opportunity to comment on the Island's Migration Control Policy.

**Question 1 – Whether you agree with the rationale underpinning the proposed amendments to the Control of Housing and Work (Jersey) Law 2012?**

All islanders, irrespective of the industry they belong to, are clearly aware that previous population targets set by government have been repeatedly broken. Successive government reports show that if the population increases at the current rate it will hit 150,000 people in the not too distant future. Government also recognises that closing the borders completely is impossible for two main reasons, firstly, we are in the CTA and secondly, we will always need some specialists, for example a surgeon. So the only way that the Island can get control of migration is through a strict CHWL.

**Question 2 – Whether you believe the proposed amendments are fair and equitable?**

The question of whether the amendments are fair and equitable is more complex as we believe they must be considered along with the Work Permit Policy. The Agricultural industry has broadly three categories of employee:

- Local/entitled full time staff
- Migrant/ registered staff, usually in the island for 10 or 11 months a year. This group includes main tractor drivers or herdsman
- Migrant seasonal workers who are in the island for 6 to 9 months.

The first category are largely unaffected by the new proposals.

The second category are the category where the impact will be felt the most. At the moment in 2021 most of these staff will have applied for settled status and will be able to continue under a four year permit. The problem will arise when that ends. Will the agricultural industry be able to get that four year permit extended? If skilled staff had to leave for 12



months it is highly unlikely we would see them again. It should be noted that the vast majority of these staff have accommodation provided so it has little impact on housing, one reason for the controls.

The third category are affected by the controls in two ways. Firstly, the nine month permit comes with a requirement to work up to nine months, then leave for three months before returning. This gives no flexibility for the employer or employee. At the moment some staff come from mid-January till mid-July, return home, and come back mid-October for the standing. This is possible under the new rules, but they would be unable to return the following January because of the 3 month rule. Also, the return in October would be regarded as a new contract so the cost of a new work permit and visa would need to be met. In fact all these proposals come with added cost which certainly our industry could do without.

The enhanced identity requirements will presumably include health and criminal checks which we fully support. Also, the establishment of an expert panel would seem fundamental to any policy decisions. It is vitally important that there is a panel ready to consider cases that fall outside the guidelines. One other matter mentioned in the report is the question of healthcare. At the moment the six month rule that prevents anyone claiming any free healthcare provision other than A&E until they have paid six months Social Security contributions. It is felt that this is not unreasonable, however what is totally unfair is that a seasonal worker who has perhaps returned to the Island year after year, for perhaps 10 years, would have made in that time 90 months of contributions yet on his return in year 11 is still unable to claim if he had to visit the hospital. Surely in any new policy this injustice should be addressed

**Question 3 – Whether you believe that the proposed amendments will succeed in structuring migration in Jersey against clear strategic priorities?**

Our understanding of the key strategic policy concerned is to reduce reliance on inward migration. The proposals are obviously a step in the right direction but must be coupled with investment in training and productivity. The agricultural industry has succeeded in getting some government support in a productivity fund. This enables farming businesses to invest in machinery and techniques to reduce labour and increase efficiency.

**Question 4 – Whether you agree with these priorities?**

Yes

**Question 5- What key concerns you may have regarding the proposed amendments.**

We have many concerns but the main one is cost. It is likely that the pre-settled status enjoyed by most of our current workforce will soften the financial blow of these new regulations, but in time the bulk of our seasonal workforce will have to pay for a work permit costing £115 and a visa costing £245. If we can persuade the staff themselves to pay it, no problem, but our seasonal staff have other places they can work, so the employer may end up paying. £360 does not sound a lot, but multiply it by 20 as some of our businesses will do, it's £7200! It is estimated the largest business will be paying in excess of £100,000. But remember also that the nine month limit means that those businesses who are year round will need to fork out this sort of figure four times in three years. Surely it should be possible to reduce charges for those staff returning for the second or third time. Also if someone has paid for a work permit, should they be paying again for a Social Security registration card?

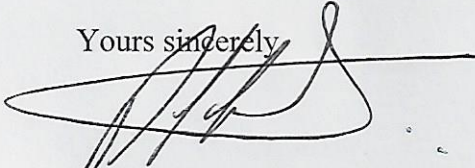
The other main concern is that there must be a clear path for someone to move from 9 month to 4 year then 10 years. In the case of agriculture (where accommodation is provided) surely



this could be agreed? The semi-permanent migrant staff who hold key roles in our businesses all started as low skilled manual workers. But these individuals displayed something in their early time in Jersey which made their employer select them for training in skills such as tractor driving or herdsman. In the future this will become increasingly difficult if they cannot be kept for more than 9 months. It is disappointing that in the latest Work Permit Policy neither of these skills are recognised as critical.

Agriculture can be, in some cases, a 24/7, 365 day of the year occupation, so whilst in the last census 2011 there were 490 Jersey people in the industry attracting many more is difficult. In the past we have relied on migrant labour and so we will in the future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Le Maistre', written over a horizontal line.

Peter Le Maistre  
**President**