

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY G.P. SOUTHERN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 12th FEBRUARY 2019**

Question

What assurances, if any, can the Chief Minister give to members that the data kept by the government on European Union nationals residing in Jersey is sufficiently accurate to ensure that those who have been resident for a minimum period of 5 years will not be wrongly subject to deportation or refused entry upon their return to the Island?

Answer

The Chief Minister can give complete assurance that Settlement Scheme applications will not be refused solely as a consequence of limited government data. The question posed covers a number of specific areas of the scheme which are highlighted below and provide further clarity on this issue.

1. The data available to settlement scheme caseworkers will come from 6 different areas of Social Security data, but it is not expected that this data will be sufficient to evidence residency for all applicants to the scheme. As such an application will not be refused purely on the basis that shared Social Security data does not demonstrate a requisite period of residence. The use of such data is being used in order to simplify the application process for the majority of applicants, removing the need for many to have to submit any supporting evidence of residency.
2. Those who indicate, via the application form, that they have been resident for a period longer than is evidenced by Social Security data will be able to provide separate evidence to support their claim, from an inexhaustible list. However information from landlords, employers, parishes, utility companies, doctors and dentists could all be used to support such claims.
3. This procedure is in compliance with UK's draft Withdrawal Agreement; *"the competent authorities of the host state shall help the applicants prove their eligibility and avoid any errors or omissions; they shall give the applicants the opportunity to furnish supplementary evidence and to correct any deficiencies, errors or omission;"*
4. There are two types of leave which will be granted to applicants, settled status to those that have more than 5 years residence and pre-settled status to those resident for less than 5 years. Therefore, in even a 'no deal' scenario, as long as caseworkers are satisfied that a person arrived in Jersey prior to 30th March 2019, they will be eligible for pre-settled status, which is leave to remain for a 5 year period. Once 5 years residency has been acquired those with pre-settled status will be able to apply for settled status, which is indefinite leave to remain. In summary an EU national does not need to have acquired a 5 year period of residency in order to be granted leave to remain under the scheme.
5. It should be recognised that the settlement scheme is in place following an enabling piece of legislation and as such, where necessary, caseworkers will be assisting applicants to fulfil the residency requirements.

Entitlements in Jersey to housing, work, healthcare, social security and education are all on the basis of time resident in Jersey and not on the basis of nationality. This will not change for those that are granted settled status.