

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY M.R. HIGGINS OF ST. HELIER
QUESTION SUBMITTED ON MONDAY 17th MAY 2021
ANSWER TO BE TABLED ON MONDAY 24th MAY 2021**

Question

Will the Minister advise members whether the application process for Settled Status in the Island requires applicants to agree to criminal record checks where such checks were not undertaken before the applicant came to the Island, and whether the process requires applicants to make a legal declaration of past criminal offences if they have come from a country from where the results of criminal record checks cannot be obtained (with their right to remain being invalidated if such a declaration were found to be false in future); and if the process does not require these actions, will the Minister explain why not?

Answer

Applicants to the Jersey Settlement Scheme are subject to local criminal record checks. As part of their application applicants are also asked to declare all previous criminal convictions in any other jurisdiction.

The majority of applicants to the Settlement Scheme will not have been subject to such checks prior to arriving in Jersey, by virtue of the rights of free movement that EEA nationals enjoyed prior to Brexit.

In the event that applicants are found to have made a false declaration, their case will be reviewed by an Immigration Officer and a decision taken regarding their status on a case by case basis.

A person needs to have received a sentence which would result in them being considered for deportation in order to fail the criminality test. This is normally a custodial sentence of 12 months or more. There has only been one refusal, so far, due to failing the criminality test.

If an applicant declares convictions from another jurisdiction that are potentially serious, they are required to provide a criminal record report produced by authorities from the relevant jurisdiction.