



## STATES OF JERSEY

### Corporate Services Scrutiny Panel Migration and Population Sub-Panel

WEDNESDAY, 25th NOVEMBER 2009

**Panel:**

Senator S.C. Ferguson (Chairman)  
Deputy C.F. Labey of Grouville  
Deputy T.A. Vallois of St. Saviour  
Deputy D.J. De Sousa of St. Helier

**Witnesses:**

Senator P.F. Routier (Chairman, Migration Advisory Policy Group)  
Connétable L. Norman of St. Clement (Migration Advisory Policy Group)  
Senator T.J. Le Main (Migration Advisory Policy Group)  
Mr. P. Bradbury (Director, Population Office)  
Mr. M. Heald (Assistant Chief Executive)  
Ms. M. Cavey (Project Officer, Migration Advisory Policy Group)

**Also in Attendance:**

Mr. P. Boden (Panel Adviser)  
Mr. W. Millow (Scrutiny Officer)

**Senator S.C. Ferguson (Chairman):**

Welcome to this meeting of the Corporate Services Migration and Population Sub-Panel. Now, the health warning is in front of you. Anyone who has not been to a meeting, if you could just read it. It talks about matters of privilege and so on.

**Senator P.F. Routier:**

Has it changed since the last time I was here?

**Senator S.C. Ferguson:**

No, there might be a rude message ... no. **[Laughter]** Please, for the purposes of the lady doing the transcribing, if you could say who you are and what your title is.

**Senator P.F. Routier (Chairman, Migration Advisory Policy Group):**

Certainly. I will start. Senator Paul Routier, Chairman of the Migration Advisory Policy Group.

**Connétable L. Norman of St. Clement (Migration Advisory Policy Group):**

Len Norman, member of the Migration Advisory Group.

**Mr. P. Bradbury (Director, Population Office):**

Paul Bradbury, Director of Population Office.

**Senator T.J. Le Main (Migration Advisory Policy Group):**

Senator Le Main, member of the Migration Advisory Group.

**Ms. M. Cavey (Project Officer, Migration Policy):**

Melanie Cavey, Project Officer in Migration Policy.

**Mr. M. Heald (Assistant Chief Executive):**

Mick Heald, Assistant Chief Executive.

**Deputy D.J. De Sousa of St. Helier:**

Deputy De Sousa, Deputy of St. Helier.

**Deputy T.A. Vallois of St. Saviour:**

Tracey Vallois, Deputy of St. Saviour.

**Deputy C.F. Labey of Grouville:**

Carolyn Labey, Deputy of Grouville.

**Senator S.C. Ferguson:**

Senator Sarah Ferguson, Chairman.

**Mr. P. Boden (Panel Adviser):**

Peter Boden, adviser to the Scrutiny Panel.

**Mr. W. Millow (Scrutiny Officer):**

William Millow, Scrutiny Officer.

**Senator S.C. Ferguson:**

He does not normally speak, but you never know. **[Laughter]** It seems a little unfair to leave you out. Anyway, if we can start, what is your response to the submissions you have received as part of the public consultation?

**Senator P.F. Routier:**

Well, certainly we have been very pleased with the number of responses we have had. In all, we had 51 respondents and touching on about 300 different issues. What we are doing is we are preparing a findings report which is being developed at the present time. I think we have shared with you some of the responses already, and there are other individual responses as well which we are working through and putting into a document which will be separated out into the various topics so that we can look at it. That is being finalised at the present time. I think we are due to get a copy of the draft report on 16th December for us to consider over Christmas, and then once we have looked at ... once the panel has had an opportunity to study it properly, we will then be publishing the report.

**Senator S.C. Ferguson:**

Have you got any initial reactions to what you have had in?

**Senator P.F. Routier:**

It is probably a bit early to comment on those, really, because they are so wide and varied. There is obviously some from legal people. There is one I can think of, for instance, definitions of some of the legal entities and the companies which are involved, how they would be treated under the new legislation, the financial vehicles which are used and how they would be treated.

**The Deputy of Grouville:**

Do you have a date in mind for the publication?

**Ms. M. Cavey:**

Of the report?

**The Deputy of Grouville:**

Yes.

**Ms. M. Cavey:**

Well, it is probably early January by the time it has gone to ...

**Senator P.F. Routier:**

Once we have had an opportunity to ...

**Deputy D.J. De Sousa:**

You mentioned that you have received 51 responses to the consultation. We have received some of the submissions. Is there any chance that we could have some idea of when the panel could see the remaining submissions?

**Senator P.F. Routier:**

I would have thought right away.

**Ms. M. Cavey:**

The document that the panel saw yesterday I am due to send to William today and it has the remainder of the submissions in there. You will also be getting actual copies of the submissions as well, but they have yet to be put together.

**Deputy D.J. De Sousa:**

Wonderful, thank you.

**Senator P.F. Routier:**

We are actually very pleased with the responses, it has been good.

**Senator S.C. Ferguson:**

Super. What are your next steps in relation to part 2 of the migration legislation?

**Senator P.F. Routier:**

Well, the law drafting is going on at the present time with the main areas of focus, so that is happening. We expect to receive the first draft just before Christmas, but while

... so we can have a look at that. But then while that is going on, we will be feeding in more drafting instructions in response from the findings that we have ... if we have seen something that is of particular interest within the consultation which we want to react to, we will be filtering that into the Law Draftsman to see how that would work within the law. Obviously because it is a 2-way process, as you are aware, with the Law Draftsman to ... because there might be a reasonable idea and we have to ensure that it works within the law. But it is an ongoing process with them so we are working with them. We would anticipate the publication of a draft law in February and then onwards we would then ... hopefully that would fit in with your timescale to scrutinise things because we are aiming for a debate in I think it is June of next year.

**Senator S.C. Ferguson:**

Obviously the sooner the better, so when would you envisage we can have both the report that we just talked about and the draft legislation?

**Senator P.F. Routier:**

Well, the report we should have in January some time and then the law, the first effort at a draft law, would be in February.

**Deputy T.A. Vallois:**

That is on both parts of the migration legislation?

**Senator P.F. Routier:**

That is just on part 2. We have done part one.

**Deputy T.A. Vallois:**

Okay. Will they be coming together to the House in June?

**Senator P.F. Routier:**

Yes.

**Senator S.C. Ferguson:**

At the moment there is no ... you have not envisaged any changes to part one?

**Senator P.F. Routier:**

Not as yet, no.

**Deputy D.J. De Sousa:**

With the submissions that you have had, you said a lot of them have been positive. Have people come up with some ideas that you really had not thought about that you are going to be looking to implement into the legislation?

**Senator P.F. Routier:**

Again, I think it is a bit early to come to a conclusion because we have not actually sat down ... we have looked at some of the responses generally yesterday and we still need to think about them in further depth, really.

**Deputy D.J. De Sousa:**

So there is nothing that seems to be coming out time after time that seems a good idea that you may not have considered?

**Senator T.J. Le Main:**

I would suspect the photographs.

**Senator P.F. Routier:**

Possibly.

**Senator T.J. Le Main:**

Photographs is the main one.

**Deputy D.J. De Sousa:**

Are they mainly for that?

**Senator T.J. Le Main:**

For that, yes.

**Senator P.F. Routier:**

Yes.

**The Connétable of St. Clement:**

I do not think we ... we have not as yet come across any show stoppers. That is not to say we will not, but at the moment from our initial trawl through the responses there is nothing there which is going to cause us enormous problems.

**Senator P.F. Routier:**

Yes, but Terry is right, certainly a lot of people have commented that they see no reason why a photograph should not be on it, but I think that is one of your later questions anyhow so ...

**Senator T.J. Le Main:**

It is accepted that a lot of countries now are using that sort of system, French and all that, with photographs and it is an added security.

**Mr. P. Boden:**

That will inevitably raise the debate again, will it not, regarding I.D. (identification) card versus registration card?

**Senator T.J. Le Main:**

Yes.

**Senator P.F. Routier:**

Yes. Initially, when we went ... our initial findings were in the middle of last year ... or no, whenever it was when we first took over, the beginning of this year, that we did not feel a photograph was necessary for the system to work because they could back it up with passport identification. No, it was the other way round. We went to say that we thought a photograph should be there and we have shared that with the Council of Ministers and they came back with the other argument, and so our latest position ... our current position today, if you ask us, is no photograph but ...

**Senator T.J. Le Main:**

It can be added later.

**Senator P.F. Routier:**

The legislation does allow for it to be added. It is going to be a matter of public opinion to a certain extent. The system can work without it. It is just a matter of whether you feel having a photograph on the card strengthens it or not, really.

**The Deputy of Grouville:**

So if I used Sarah's card, how do you know it is me or Sarah?

**Senator P.F. Routier:**

Well, you are supposed to use a passport to back it up. You are supposed to have the 2 documents. If you are doing a transaction of some sort, accessing housing or leasing a property or whatever, you would show both things, the passport and the card.

**Deputy D.J. De Sousa:**

But if you are only going to use a number, how are you going to identify that that card is that number user? You can have a passport and a number, but there is nothing to tie the 2 together, so people could still use somebody else's card.

**Senator T.J. Le Main:**

Well, the person accepting the card would have to be a bit blind, I should think.

**The Connétable of St. Clement:**

Terry, I think there is a misunderstanding here. The name of the person will be on the card. The name of the registered person will be on the card.

**Deputy D.J. De Sousa:**

Oh, right.

**Senator T.J. Le Main:**

Yes. They would have a passport with it as identification.

**The Deputy of Grouville:**

It is not a missed opportunity, the fact that someone has to bring their alternative identification along with them all the time, a driving licence, passport?

**The Connétable of St. Clement:**

You are pushing an open door here. [Laughter]

**Senator T.J. Le Main:**

We are on board with it.

**The Connétable of St. Clement:**

Paul, Terry and I have no problems with photographs on the cards.

**Senator T.J. Le Main:**

No, not at all.

**The Connétable of St. Clement:**

In fact, if you remember last time we came and saw you, we told you that we had actually recommended it and that was a key ...

**Senator T.J. Le Main:**

I wanted one in 1999 or 1989 with Social Security.

**The Deputy of Grouville:**

So it is your colleagues on the Council of Ministers that are ...?

**Senator P.F. Routier:**

No, I think it is a balanced issue because I think we will all be aware that even the ... for instance, if you look at the current driving licences, they are not even secure themselves because people can alter them. So it is a matter of if you are going to have a photograph on it and using that as a ... if you were just to rely on that one item, they can be altered, the current driving licences. I know from personal experience. Oh, sorry ... [Laughter]

**Senator S.C. Ferguson:**

From your experience of Social Security, how many fake or duplicate Social Security cards ... did you have any idea what the scale of the problem was?

**Senator P.F. Routier:**

No, I have not, because that was doing a different thing.

**Mr. P. Boden:**

The issue is defining quite clearly what the purpose is at the outset, and if you define the purpose of the card as just to provide evidence of somebody's status, then that is what the card will provide. But if you are enshrining in the legislation that the purpose of this card is for identification purposes, that is a slightly different card. That becomes an I.D. card.

**Senator T.J. Le Main:**

A full Social Security card, the idea of a person using that is basically to not pay tax because they gain nothing at Social Security because the payment ... a pension is paid against the contributions of a card.

**Senator S.C. Ferguson:**

Yes, but we are obviously talking about photos, no photos, and if you do not have a photo on, as Deputy Labey said, it is easier to duplicate the card or use somebody else's card. The same with the Social Security card; that is just a name and a number.

**Mr. P. Bradbury:**

Just to pick up on a couple of points, in terms of the issue of a Social Security card now, you are required to prove who you are to a high standard. Over many, many years that may not have been the case, but certainly for a good few years it has been.

**Senator S.C. Ferguson:**

No, it was not. [Laughter]

**Mr. P. Bradbury:**

But in terms of what this card is for, your adviser is right, it is a narrowly defined purpose, which is to access housing and work only, not as a general identification card, and the panel have satisfied themselves that the use of the passport is adequate for those purposes. There may be merits in putting a photo on, but certainly it is adequate for our purposes to have a card with no photo, with a passport to support it. That is the position the group have come to.

**Mr. P. Boden:**

You could almost dispense with the card. The card is a ... because the card becomes a simple piece of plastic, there is no technology in the card, it is easily lost, easily copied, you potentially ... why have a card? Is there not some other form of mechanism for validating? Why have a card if it is such a simple piece of technology that is being used?

**Mr. P. Bradbury:**

Where we are today is we are saying the card will have the Social Security number on, so it will have a unique number on it, and it will have the residential status on it. I imagine we could look at a passport and it has a unique number on it, but it does not have a residential status on it. So the card does have some attributes, so that is why we think they both need to be used together.

**The Deputy of Grouville:**

One just to identify the residential status ...

**Senator P.F. Routier:**

The passport would not give you that.

**Mr. P. Bradbury:**

It gives a person as unique and gives their residential status and the passport proves that it is their card.

**The Deputy of Grouville:**

So that is all it is going to do, is just residential status?

**Mr. P. Bradbury:**

Yes, in order to access work and housing.

**Ms. M. Cavey:**

It will also replace the Social Security card as well so it will have that ...

**Mr. P. Bradbury:**

Yes, but again that is for work purposes, but yes.

**Ms. M. Cavey:**

I think that goes back to that is what the adviser is saying, that there is ... because that card is being replaced, there is that additional factor attached to it as well.

**Mr. P. Boden:**



Any change in the ... by adding the photograph, you are actually ... potentially you are changing the purpose of the card, which would need to change ... that will need to change the detail of the legislation as to precisely what that card was trying to achieve.

**Mr. P. Bradbury:**

The group has considered various pros and cons of the card because there are real issues that if you put a photo on a card you get a value, which means potentially more use for fraud; potentially you then get function creeping in in terms of use for other services. So, equally, there is an argument to say you do not need to use an extra form of identification passport, but equally there is an argument to say why create an extra means of identification, i.e. the card? So, the group is considering that response.

**Senator P.F. Routier:**

It is very balanced, but it really is ...

**The Deputy of Grouville:**

You said that in times gone past, which I think we all recognise here, that anyone could go and pick up a passport without ... certainly without showing your passport ...

**Senator P.F. Routier:**

You mean Social Security card.

**The Deputy of Grouville:**

Social Security, sorry, without any rigorous form of proving your identity. But you are going to be using the Social Security records, are you not? What is it called? Nessie, as a basis. So, how are you going to sift that out so that people that have registered in the name of Mickey Mouse and Donald Duck and that in times gone past are not then getting their card?

**Mr. P. Bradbury:**

In terms of the new law, as soon as you change job or house you need to come and get a new card, so you have to then prove who you are. So if somebody has got a Social Security card now, they will not be able to use that in the future to access work and housing. They will need a new card with their residential status on it. So it is at that point we will make them produce a passport.

**Deputy D.J. De Sousa:**

So, every time you change job ...?

**Mr. P. Bradbury:**

When you first change job or house ... the proposal is from day one we are not going to require every adult in Jersey ... not going to require them to come and get a card. We are going to require new arrivals in Jersey to get the combined card and then existing residents when they change job or house, i.e. when they need a card, to come and get one. So at that point ...

**Deputy D.J. De Sousa:**

What if you do not?

**Deputy T.A. Vallois:**

Up until 2014, was it not?

**Mr. P. Bradbury:**

We originally said 2014, but that provision is not in the law any more. The law just enables us to bring forward a regulation or the Ministers to bring forward a regulation because this card has a very specific purpose, as your adviser said. It is to access work and housing and, therefore, at that point you need the card.

**The Connétable of St. Clement:**

If they do not, they will not be able to get a job and they will not be able to get housing of any description.

**Senator P.F. Routier:**

At some stage in the future the ...

**Deputy T.A. Vallois:**

Unless they are already in employment, already in a house.

**Senator P.F. Routier:**

Yes.

**Deputy T.A. Vallois:**

They do not have a card. They have already got ... but how does that work with the controlling of population side of things with our Strategic Plan? Because then we will not know the amount of people, having a population register, so how does that work?

**Senator P.F. Routier:**

Well, to our mind, there are going to be very few people who do not get a card at some stage. I know we originally had the 2014 date as being the cut-off period. I think it will be a judgment that is made in the future about, okay, we will set a date and call people in. But our current thinking is that it will gradually happen that people will all be either paying Social Security, going to the doctor, using some service or other where they will need that card to gain access to that service. So we will get them at some stage. I think what we are trying to avoid is on day one 90,000 people turning up and wanting a card.

**Deputy T.A. Vallois:**

No, I understand that, but what I am saying is that there are certain people that will have a job they have had for years and will continue in that job, and they also have their own house. They will not need to change house. They will not need to get a new job ...

**Senator P.F. Routier:**

But we will know them because they are paying Social Security. They will be known to us.

**Senator T.J. Le Main:**

They will be known to us through pensions and whatever.

**Deputy T.A. Vallois:**

Do you have a separate register?

**Mr. M. Heald:**

No, when we create the data from day one we will be using people we know about that government interacts with, so it is not that we will not know that they are here, it is just they will not have a card.

**Deputy T.A. Vallois:**

Okay. So you are going to have a register and then there is the cards separately that go out to the people?

**Mr. M. Heald:**

Yes, that is the method.

**Mr. P. Bradbury:**

The initial database will be created using a range of States databases, so not just Social Security but D.V.S. (Driver and Vehicle Standards) and income tax, and those databases will be merged together. We can then do a comparison with things like the electoral roll and the parish rates register. So we will do procedures to make sure we have a complete and accurate register from day one. As we then issue cards, there is an opportunity to verify that data. Just to put some statistics on that, approximately 8,000 to 9,000 people change house every year and another 6,000 change job every year, so there is quite a high volume of card issuing to existing residents. So within a short space of time you will get many, many residents through your door, the majority of residents through the door.

**The Deputy of Grouville:**

Why have you decided to use these particular existing registers: Nessie, tax and D.V.S.? Why not use something like the census in 2011?

**Mr. P. Bradbury:**

There is a role for the census in this in that we will be comparing the data on the census at an aggregate level with the population register. So we will be able to confirm that both sources give an overall total of the same number of people in Jersey and then we will be able to analyse it by age group, gender, parish, so we will be able to do a like for like comparison to make sure that we have the same number of people in each register.

**Mr. P. Boden:**

So your understanding is the census remains a completely independent method of data collection?

**Mr. P. Bradbury:**

The advice we have had from the head of statistics is that the census should remain a separate bit of data collection, so we will compare on an aggregate basis but not on an individual basis.

**The Connétable of St. Clement:**

It would be a validation of ... in fact, putting the 3 organisations together plus the census will be a great validation of the accuracy of all of them. I cannot wait to see the 3 of them come together to see how they compare. It will be fascinating.

**The Deputy of Grouville:**

Have you spoken to the Statistics Unit to see if there is any other form of information that you could collate?

**Mr. P. Bradbury:**

Yes. We had a number of meetings with the Statistics Unit and our current position, which is the census is standalone other than we check it at an aggregate level, is based upon their advice. So, yes.

**Mr. M. Heald:**

It is based on national ... Peter probably knows, national rules about how censuses are run.

**Mr. P. Boden:**

Just international best practice is to keep independence of survey and census from the population registers.

**Mr. P. Bradbury:**

There is an argument which the Statistics Unit put forward, which seems a good one to me, which is if you do create these things separately, the census and the register, you can then have 2 datasets which you can compare. If one relies on the other, you have no comparative exercise. So you can create both, compare and you can validate both that way.

**Mr. P. Boden:**

I think the difficulty that you have is actually creating a register. When we had these conversations probably 2 years ago, there were 2 things that were being created. One was called the population register; the other was called the Jersey name and address index. So the index was going to be the central facility from which the Population Office would use that and then create the population register. The population register would be the index plus the residential qualifications, residential status. That has changed. Now what we have is a single Jersey name and address register, so the population register has disappeared, really, from the legislation. I do not think we make reference to a population register. We made reference to a Jersey name and address register, but not to a population register. I am just intrigued to know whether that is ... is that actually stepping back from having a population register which is a definitive count of the population, or is that a ...?

**Senator P.F. Routier:**

I had not thought about that consciously, about that happening.

**Mr. P. Boden:**

Right, that is okay.

**Mr. M. Heald:**

There was no stepping back from having a population register

**Senator P.F. Routier:**

No, that was not certainly ...

**Mr. P. Boden:**

Okay. So from that ...

**Senator P.F. Routier:**

It is probably just a title rather than ...

**Mr. P. Boden:**

Yes, because one of the important by-products of what we are trying to achieve here is to provide the data to administer a migration law to better control population using these statistics, but also to have better population statistics. That was one of the requirements, was it not? Everybody wants to have better population statistics, a real time view of what the population of Jersey is, and that is ... I think that is the challenge, is getting to that point using the strategy that is being adopted by taking all these databases and merging them all together to come up with a new population register. That is actually quite challenging. I think that is an undertaking that the Population Office will have to do. Coming up with definitive population statistics which people will expect I think is probably more difficult than what anybody realises, because what is a definitive population? Which is why it is so important to take the census, when the census output is produced, to actually validate the register against the census, not the other way. You cannot use the register to validate the census. You use the census ... to try and validate what is on the register in terms of the totals.

**Senator P.F. Routier:**

Well, comparing ... which way round you go about it. I take your point, but they are both going to be standalone matters, the census is one thing and the register that we are pulling together is another matter. Obviously, even the census itself is never 100 per cent, is it? So it is a matter of comparing the 2 and seeing what is what, really.

**Mr. P. Boden:**

Yes, it is just this issue that when we have had feedback from various ... the Imagine Jersey events and other events like that, people have often made the comment about better population statistics. If the expectation out there is that this will provide better population statistics, then that is what the expectation will be, is that, well, you have a register, can you not provide us with better population statistics as a result? That is just trying to ...

**Senator T.J. Le Main:**

They are not too bad, the statistics, at the moment.

**Mr. P. Boden:**

The Statistics Unit provide good statistics, good data, but this has come from what is perceived to be a better source. The register will provide a better source of population statistics. Well, if that is what the intention is then that is what it needs to provide.

**Senator P.F. Routier:**

Yes.

**Mr. P. Boden:**

I think that is the challenge.

**Senator P.F. Routier:**

Whether there was ... not that we have thought of any, and I do not know if anybody else in the room has given any thought to it, we are dragging the information in from the sources we are aware of: Social Security, D.V.S. and income tax. It is a matter of what other source there would be to ...

**The Deputy of Grouville:**

There is a perception out there, because I think we have established this is to monitor the population, but I think there is a perception that this is going to control the population.

**Senator P.F. Routier:**

This particular piece of work is monitoring. It is the legislation which the ... I think you are talking to the Chief Minister later on this afternoon about population issues. What we are putting in place is hopefully a mechanism which is going to enable decisions to be made about whether the Island wants to control it or not.

**Deputy T.A. Vallois:**

It does actually state in the Strategic Plan it is for control: "Implement new mechanisms to control the population through the migration policy."

**Senator S.C. Ferguson:**

So is it perhaps ...

**Senator P.F. Routier:**

Well, this will be the mechanism to do it.

**Deputy T.A. Vallois:**

So, that is the Chief Minister's Department, that area?

**Senator P.F. Routier:**

Yes.

**Senator S.C. Ferguson:**

So, are we perhaps being politically incorrect or correct calling it a register of names and addresses when we are really intending it to be a population register?

**Ms. M. Cavey:**

Can I just perhaps explain? I think what happened with the change of terminology, if you like, was a law drafting issue because after the consultation on part 1, which dealt with the population register and the migration policy first stages, we did go backwards and forwards with the Law Draftsman as to what we were going to call this register and there are a couple of different versions of the law while we struggled to do it the most efficient way, the way we would record people's names and the information. It was decided in the end you would have these 2 laws, the standalone names and

address register law which actually had no recording mechanism in it. The recording mechanism is found in the migration law. So there was to be no reference to a register of any description in the migration law. There was only the recording mechanism in it, but the actual register data was to be in the standalone law. That really I think historically is how we stripped it out into just one database of names and address information that was commonly referred to, which departments would access, and the separate migration policy which deals with registration, and one of the things that can happen with that registration data is that it goes on to compile the names and addresses register.

**Mr. P. Bradbury:**

The reason it is now called the register of names and addresses is a law drafting point. When we came to draft the law that is what best described the law that we drafted, but equally, it is a register of the population of Jersey, the resident population of Jersey. It is just terminology.

**Senator S.C. Ferguson:**

What impact on the development of the legislation has been had by the approval of the rental deposit scheme? It was mentioned in the debate as being a problem. Now, whether that was a ...

**Senator T.J. Le Main:**

There is no scheme in place yet.

**Senator S.C. Ferguson:**

No, but it was ... you said that there was a problem.

**Senator P.F. Routier:**

I cannot recall it being ... who said it was a problem?

**Senator S.C. Ferguson:**

I am not sure whether it was the Minister or the Assistant Minister. [Laughter]

**Senator T.J. Le Main:**

Well, the Minister was not there.

**Senator P.F. Routier:**

I think from our point of view with developing the migration legislation, it is probably just a work ... fitting it into the work that the officers have to do. It has created obviously a lot more work, but we are still maintaining our timescale. We are not going to fall back on the timescale thanks to the work these guys are doing.

**Senator T.J. Le Main:**

They are going to try and meet the timescale.

**Senator P.F. Routier:**

Yes. We filtered it into the work plan.

**Senator T.J. Le Main:**

It may not happen.

**Senator P.F. Routier:**

So, hopefully if that was what he was referring to, I do not know, but ...

**Senator S.C. Ferguson:**

We were just curious.

**Senator T.J. Le Main:**

In my view, there is a huge problem with the scheme for people who want to immediately recover their deposits if they have to go away, or at the end of the lease when they need to recover and pay immediately virtually a deposit for something else, they are not going to be able to recover their monies right away.

**Senator S.C. Ferguson:**

Yes, but they should not come into the use of the card.

**Senator T.J. Le Main:**

Well, I am just saying that ...

**Senator S.C. Ferguson:**

We just could not see where it fitted in.

**Senator T.J. Le Main:**

It does not fit in with the card.

**Senator S.C. Ferguson:**

It is just the fact that your officers have to do twice as much work.

**Senator P.F. Routier:**

Yes.

**Senator S.C. Ferguson:**

Oh, that is all right. There are weekends to work.

**Senator P.F. Routier:**

That is all right then, is it not?

**Senator S.C. Ferguson:**

How do you envisage that the use of the register will be managed and the quality of data assured?

**Senator P.F. Routier:**

Who are you looking at there?

**Senator S.C. Ferguson:**

Any of you.

**Senator P.F. Routier:**

No, I will answer. I will answer. Obviously, it is governed by legislation in the first place, so we have got to make sure that what we have is correct and people have



access to check to make sure that it is right. There is going to be a commissioner who oversees the register and if anybody has any concerns about it they can apply to the commissioner to ensure that the data is correct. The political responsibility obviously is going to rest with the Chief Minister. As far as we can say, I mean, the best practice across all the States data is going to be maintained and we are going to do the best the States can do to ensure that it is secure.

**The Deputy of Grouville:**

Again, I know I picked this up when we had the PowerPoint presentation last time we met; has any more thought been given to deregistration and how people are going to do that, or be willing to do that? Why not just leave the Island? Why bother deregistering?

**Senator T.J. Le Main:**

That is the one that somebody just leaves and they do not tell you.

**Senator P.F. Routier:**

The way we have been looking at that is it is the majority of people - there might be somebody out there who we are not going to be aware of - at some stage are going to access ... either get a prescription or go to the doctor or do something that triggers their identity within the community. If they have not done that for quite some time, question marks will be ... something will be flagged up and we will have a trawl through to see if they are still within the Island.

**The Deputy of Grouville:**

So is that not a huge amount of work? I mean, how do you go about doing something like that? If somebody has not picked up a prescription for 3 years you then start to delve into ...

**Mr. P. Bradbury:**

I think it is quite straightforward ... it is relatively straightforward for a programmer to programme into a system if you have got an individual in your database and nothing happens with them for a period of time that name goes on the report. Thereon you just need the resources and the time to review that. So that is the main principle. Bearing in mind that that report will, in particular, focus on people who are not working or do not come up on the combined return, but equally people who do not access G.P.s (general practitioners) or any other Social Security service. So, we think it is a quite powerful thing that if somebody does not touch the surface of the States they go on a list and we can review them for being in Jersey or not. But we are keen to think about other mechanisms to incentivise people to make notification to us; points at the airport, points at the harbour. As far as officers are concerned, we are continuing to review the options with a view to recommending to Ministers any additional procedures we can devise.

**Deputy D.J. De Sousa:**

Carolyn quite rightly put forward an idea that maybe if there was a charge on the card and points at the airport and the dock where you could put your card through and get your money back, is it a consideration that you would seriously give to it? Because it would save in manpower hours because if people thought they were going to get their money back they would put their card in before they left, for sure.

**The Connétable of St. Clement:**

I think you make a valid point, but I think you have also got to remember that people can leave the Island but they are still legitimately entitled to work, to buy property or to rent property. Just because they have gone away does not mean they are not entitled to have a card. What we will know, because of the tie-up with the ... I mean, if you are in work you are on the register. If you are in work you are paying Social Security, so you are on the register that way. If you are paying Social Security you are almost certainly paying I.T.I.S. (Income Tax Instalment Scheme), so you are on the register that way. When that person disappears from all of those 3 systems, the Population Office will know and that will be flagged up that that person is almost certainly not here any more, but he might well be entitled to come back next week or ... certainly next week, a year's time, 5 years' time, and carry on. I mean, I could leave tomorrow and come back in 20 years' time and ... well, if I were to be younger - you know what I mean - come back in 20 years' time ...

**The Deputy of Grouville:**

How is it monitoring who is here?

**The Connétable of St. Clement:**

Well, we know they are not here. It will be on the register they are not here. In fact, all it means is we have not got that they have still got their card, but we know they are not here because they are not any of those databases.

**The Deputy of Grouville:**

Well, they might be paying tax here even though they are not physically here, so they would be counted as a member of this population.

**Senator P.F. Routier:**

But if they were here they should be paying Social Security if they were of that age. Taxes ...

**Senator S.C. Ferguson:**

Unless they are working in the black economy.

**Mr. P. Boden:**

They will not be on any databases.

**Senator P.F. Routier:**

No, and they will not have filled in a census form either.

**The Connétable of St. Clement:**

They will not go the doctor, they will not get a prescription. You will always find an oddball somewhere, will you not?

**Senator P.F. Routier:**

One of the positive things that came out of ... something I do recall in the responses we have had is from the hospitality sector who have seasonal staff. They are keen to help us to, at the end of the season, tell us who has left and who is coming back in the

following season, so that was a very positive thing which was very helpful to ensuring that ... you will have seen that, possibly, if you read the responses that we have had.

**Deputy D.J. De Sousa:**

Employers have to apply to the Regulations of Undertakings to take people on and they still will for their licences. Often, employers increase the number of staff that they could take on, apart from the manpower returns that they do twice a year. Is there any way that with issuing licences they could also be asked to notify the department in some way other than waiting for the return of people leaving their employ? Because say you employ 10 people and you suddenly have a big job on, you want to take on 20, you may not need those 20 people, but it is still going to be in the regulations that you can employ them.

**Senator P.F. Routier:**

What we need to, I think, remind ourselves is that it is the combination of the manpower returns, the Social Security returns as well. So, the Social Security returns are going to ... they have a section on it ...

**Deputy D.J. De Sousa:**

That is every 3 months.

**Senator P.F. Routier:**

Yes, at the moment, but we are talking about if ... we are possibly looking at linking it with I.T.I.S., which is a monthly thing; I.T.I.S. is monthly. If we can co-ordinate those 3 things into one return it will be a lot prompter in the way we get returns.

**Senator S.C. Ferguson:**

What do you envisage will be the costs associated with the implementation of this, to the States ...

**Senator P.F. Routier:**

To the States?

**Senator S.C. Ferguson:**

... to businesses and to the individual?

**Senator P.F. Routier:**

Well, to the States, I mean, there is obviously a one-off cost right at the outset to establish this, but there are going to be some savings as well in manpower. The overall establishment, we are looking at a total cost of, including what we have already spent, £72,000. We have already spent £693,000, that is including a contingency as well. In saying that, we have already ... in the £72,000 we have spent we are saving £30,000 a year in a member of staff because that was ... we reorganised the way that the Reg of Uns is monitored and dealt with, so we have got a mechanism there. We are monitoring it through technology as opposed to having somebody sitting there. That has saved us £30,000 a year. All the other changes, we are looking at an annual saving of probably about £64,000 a year with the new system. So, if you write that ... you could write that off after 10 years, perhaps, the initial ...

**Senator S.C. Ferguson:**

Is that net of the running costs of the new system and the old system, the £64,000?

**The Deputy of Grouville:**

And the commissioner?

**Mr. P. Bradbury:**

The overall costs of running the system are projected to be lower than what they are now. There are some key reasons for that. We currently process (j) cat applications every time a new (j) cat post-holder arrives in Jersey and every time that post-holder then leaves a new application is required from the business. In future, we are going to give the businesses quotas of these types of employees and therefore we are going to have substantially less work in processing the applications in that. The manpower return process will also be more efficient because we will have a combined return, which will come in electronically and will not have to be inputted, so there will be savings there as well. Housing classifications will also be a lot simpler, so we will not have (a) to (h), (a) to (j) and Regulation 1 any more; we will just have qualified housing. So all that simplification creates savings. On the other hand, there is clearly a bit more work in terms of maintaining a register, for example, for exits. So we are not asking for any more staff to perform these functions; in fact, there are savings, which is the £64,000, which the Minister just mentioned.

**Senator S.C. Ferguson:**

But you are planning a commissioner?

**Senator P.F. Routier:**

The Data Protection Commissioner who is just going to subsume those duties.

**The Deputy of Grouville:**

I thought you were talking about an independent commissioner to oversee this.

**Senator P.F. Routier:**

The Data Protection Commissioner.

**The Deputy of Grouville:**

The same person?

**Senator P.F. Routier:**

The same person, yes.

**Mr. P. Boden:**

I just wanted to ask the question, can you administer the system without having a completed population register? I do not want to use the term “population register”, but I have. Can you administer it without having a completed population register, if you understand my question?

**Senator P.F. Routier:**

I will let you answer that.

**Mr. P. Bradbury:**

I mean, the system ... if the control of the overall population, in terms of achieving the Council of Ministers' objective and the States' objective, is around managing access to work and housing, yes we can because that is about issuing a card and getting a business permission to employ somebody.

**Mr. P. Boden:**

Because it is related to this transition issue that if it becomes law next year it is the point at which the new system can start administering the new system. I mean, is there a huge amount of data-cleansing activity that needs to be done before you could start administering a system, or from day one can you start administering the system from existing datasets that you have got?

**Mr. P. Bradbury:**

We scheduled 11-12 months after the debate to implement the system, including data cleansing. So we have got an expectation that on day one of the point of the law coming in, Appointed Day Act, we would have a complete population register. So we are working on that assumption. But, equally, the control of the overall numbers of people who can work in Jersey is the key element of managing migration and that would be the business licence and the card in order to access business, or in order to access work.

**Deputy D.J. De Sousa:**

Would it not have been simpler, easier and quicker to have just gone with completely new, clean data instead of trying to cleanse data and use it? Because you are going to have some duplications. Would it not have been better, cheaper and easier to just start with new data on the onset and go and build it up?

**Senator P.F. Routier:**

I think that was looked at originally, was it not? But it came down on the side of ... It was before my time, so I will let you answer it.

**Mr. P. Bradbury:**

We budgeted approximately £24,000 for temporary staff for 6 months to analyse the data that does not match between the databases. When we did the analysis it would have been substantially more to collect that data from 90,000 individuals. So, yes, there is a big difference in cost between using existing data and preparing databases than going out and collecting it again.

**Deputy D.J. De Sousa:**

So it is cheaper to use ...

**Mr. P. Bradbury:**

It is cheaper to use existing databases, yes.

**The Deputy of Grouville:**

To go back to the adviser's point as well, the implementation date of the law will not be straight away; it will come into force. The Appointed Day Act will be once the systems were in place, once the data has been cleansed and so forth.

**Mr. P. Boden:**

I was trying to get to the point of which ... at what point is the data clean? That is difficult. I know that it is almost impossible to define, but is there a point where you could start administering the system, you could start using the data, without it being perfectly clean? That is the issue. That is just the issue. Potentially the cleansing and verification process may take longer than anticipated.

**Senator S.C. Ferguson:**

Anything to do with computers usually does.

**Senator P.F. Routier:**

As Paul has already said, we put aside sort of 6 months of 2 people cleansing the data, which will happen as soon as we can possibly get it done.

**The Deputy of Grouville:**

Can I go back to the ... This system is going to be run by the Population Office, is it?

**Mr. P. Bradbury:**

Yes.

**The Deputy of Grouville:**

But the Data Protection Commissioner will ... how is she going to fit into this? I am confused.

**Senator P.F. Routier:**

Well, the same as she does for data protection generally, I suppose. If somebody has a matter that anybody feels that they have a concern about the way the data is being held or looked after or needs adjusting, they make an application to the Data Protection Office to have that looked at, really.

**The Deputy of Grouville:**

So if you have got concerns about population you will ...

**Senator P.F. Routier:**

Well, not about the population, but if it is about the data itself it would be the Data Protection Officer.

**Mr. P. Boden:**

Her job is to be the independent regulation. She is there to ensure that the data that is collected on the individual is accurate and is used appropriately so that she is there to regulate the use of the data in that perspective.

**Mr. P. Bradbury:**

She will be reporting to the States every year on those matters, on the confidentiality and security of the data and as and when any complaint arises as well. So the legal power is for her to do that one.

**Mr. P. Boden:**

But her responsibility would not be to ...

**The Deputy of Grouville:**

Oversee the population?

**Mr. P. Boden:**

No, and also to query the quality of population statistics that might come from ... that is not the issue. It is the individual level data, data that is recorded from you that is in there to make sure that it is used appropriately and is it as accurate as possible.

**Senator S.C. Ferguson:**

Going back to costs, which I normally usually hang around on, have you worked out how much it is going to cost businesses?

**Senator P.F. Routier:**

Well, probably in their own way they run their businesses they are going to be perhaps pleased about the combination of the returns, the manpower returns, the I.T.I.S. and Social Security, so they are going to have some savings there in manpower. The issue with regard to applying for licensed employees, there is going to be an annual charge for each licensed employee. The level of that has not been settled yet, but it is around £125, £150, that sort of level. So, if you think of already some of the largest employers, perhaps 50 staff ... it depends what the average of their salaries are, but the licence equivalent of a (j) is probably a ...

**Deputy T.A. Vallois:**

That will apply to the States as well then, will it not?

**Senator P.F. Routier:**

Sorry?

**Deputy T.A. Vallois:**

That will be charged to the States as well, will it not?

**Senator P.F. Routier:**

I presume so. Do the States have a ... have we thought that one through?

**Mr. P. Bradbury:**

The charge will apply to the States, yes.

**Senator S.C. Ferguson:**

For each department? They will pay for every (j)?

**Mr. P. Bradbury:**

Yes, but equally the Population Office will be receiving that money. So our objective is not to generate revenue out of the other parts of the States; it is just to have a level playing field.

**Mr. P. Boden:**

You do have an issue, do you not, with the agriculture and hospitality, I think. They have a particular issue, looking at some of the feedback sheets. There is the additional costs, which may result on an annual basis from people coming and going.

**Senator P.F. Routier:**

We do not intend raising the charge on those, no.

**Deputy T.A. Vallois:**

Not at all?

**Senator P.F. Routier:**

Not at all, no. It is just the licensed (j) cat people, we are looking at raising an annual licence for them. But for the agriculture and hospitality we would not be ...

**Senator T.J. Le Main:**

There is always an opportunity to have exemptions, perhaps on health, for nurses maybe. But I am not sure ...

**The Connétable of St. Clement:**

We are talking about (j) cats, basically?

**Senator P.F. Routier:**

Yes, (j) cats.

**The Connétable of St. Clement:**

Whoever employs a ... whoever is going to licence a (j) cat will attract a fee of £125 or £150. That is all we are talking about; no other charges.

**Senator T.J. Le Main:**

I am not sure I agree with that. I think that ...

**Senator S.C. Ferguson:**

Well, you can discuss it at panel meetings. [Laughter]

**Senator T.J. Le Main:**

I think if you are talking about family nursing for (j) cat nurses and health then there ought to be ... there should be something in there for some consideration.

**Senator P.F. Routier:**

We will take that up at our next meeting, Senator.

**Senator T.J. Le Main:**

Yes, that is fine. I just thought you ought to know my feeling on that.

**Senator S.C. Ferguson:**

It is not going to cost the individual anything?

**Senator P.F. Routier:**

No, in fact individuals are probably going to be a little bit better off if they transact for a property. If they are looking for a consent for housing they have currently got to pay £50. That no longer will be the case.

**Deputy T.A. Vallois:**



Can I ask for migration, the part 2 of it, is there anything substantially different to what we already do? Because it seems to me a majority of it is just tidying up basically what we have been doing for the last 20, 30, 40 years.

**The Deputy of Grouville:**

I am not even sure it is tidying up. I think it is ...

**Deputy D.J. De Sousa:**

It is giving it a different name.

**The Deputy of Grouville:**

The terminology has changed, but I cannot see an awful lot of change in the system.

**Senator S.C. Ferguson:**

I mean, can you really say that it is a better system?

**Senator P.F. Routier:**

I think it is. It is going to give us far better information than we have ever had before in our lives.

**The Deputy of Grouville:**

How?

**Senator P.F. Routier:**

Because we will have up-to-date information. Although the stats units are very good [Laughter] we will be able to collate information a lot quicker and be able to make decisions in a more ... because we meet on a fortnightly basis to make decisions about people wanting to employ people and for housing issues. We need to have up-to-date information and this is going to give us that.

**Deputy T.A. Vallois:**

This particular part 2, is it a case of just unifying and tidying up the systems that we already have in place, or is there something in it that is more to do with up-to-date modern standards or ... I mean, is it pretty much the same, just tidier? That is what I mean. Because I know you have got up-to-date information ...

**Senator P.F. Routier:**

Yes, I know what you ... I can see that ...

**Deputy T.A. Vallois:**

... I can understand that point, but what I am saying is ...

**Senator P.F. Routier:**

Well, that is going to be the issue, as far as the public are concerned. They want us to make effective ... they want us to control the population. The only way we can do that is having good information to be able to make those decisions and at the current time we do not have all the information we really need.

**The Connétable of St. Clement:**

You are not changing anything in the sense that Mr. Smith is still working for Joe Bloggs. He is still living in the same flat. He is still paying Social Security. He might still have a car, he might still ... But what you are getting is information about everybody in the Island which gives it the information that the States will need to decide on what the immigration policy should be and how it would be implemented. It is making sure that you have got up-to-date, accurate and verifiable information.

**Mr. P. Boden:**

If that is what the main benefit of this is going to be then you have to make sure that that is delivered. That is important. But the expectation will be that this is producing better population statistics.

**Senator T.J. Le Main:**

But if we focus more into a one-stop-shop, currently the Housing Minister has an input, he has an input and it is going to be focused into one spot.

**Mr. P. Boden:**

We have got better population statistics at the moment - Duncan has just arrived. I mean, Duncan is responsible for statistics, population statistics for Jersey, and that is ... there is an overlap there between what is currently being produced as definitive population statistics and a new set of definitive population statistics, which will be coming from the Population Office.

**Mr. P. Bradbury:**

I mean, the statistical side is very important, but in addition, it is important to not lose sight of what has been achieved since with migration policy, so including the single Population Office, so we have got that; that is important. It included the 10-year qualification period and we are now down to 11, compared to 15 at the time. So those things have been done. As far as consultation is concerned, the tidying up or the simplification you mentioned has been very welcome from businesses and property agents in particular because it is complex at the moment for (a) to (h), (h) to (j) and all businesses ...

**Mr. P. Boden:**

I will just make the point if people continued to ask that question: "Is it any different?" then there needs to be a combined response that you have just given there as to why it is different. If the response is: "It is going to produce better population statistics" then that is a little bit narrow and it may be a little bit dangerous. It needs to be slightly broader than that in terms of what it will provide. It is better than what exists at the moment. You have just raised a number of issues, which are seen to be improvements, as a result of putting these new practices in place. It has to be much more than just providing better statistics.

**The Deputy of Grouville:**

And different names because, to my mind, you are proposing "entitled", "registered" and "licensed" from "qualified", "(j) cat" and "unqualified."

**The Connétable of St. Clement:**

The Housing Law will disappear. If this comes into force the Housing Law will disappear, so there will be no (j)s, so you have got to have something else.

**The Deputy of Grouville:**

Yes, I know, so you are just calling it something else; you are calling them “licensed”, “qualified”. You are calling “entitled” ...

**The Connétable of St. Clement:**

(j) is just a colloquialism.

**The Deputy of Grouville:**

I know. What is the difference? What is the big difference between what you are proposing, the terminologies that you are proposing, the sort of “entitled”, “licensed” and the third one [Laughter] ...

**Senator P.F. Routier:**

I will let you struggle.

**The Deputy of Grouville:**

Thank you. Or what we have got now in “qualified”, “unqualified” or “(j) cat”?

**Mr. M. Heald:**

In a sense, did we have that debate in 2005 when P.25 was agreed? Because what we are trying to do is implement P.25, which was a decision of the States around what the migration policy should be.

**The Deputy of Grouville:**

Yes, okay, but I am asking what is the difference between ...

**Deputy D.J. De Sousa:**

Between the terminology.

**The Deputy of Grouville:**

... the terminology that we have now to what is being proposed?

**The Connétable of St. Clement:**

(j) cat has been a slang, basically.

**The Deputy of Grouville:**

Yes, other than the terminology, what is different?

**Mr. P. Bradbury:**

As far as the business is concerned, it is the fact that they do not have to make 500 applications per year, which is how many (j) applications we get every single year.

**Deputy T.A. Vallois:**

So there will be less red tape?

**Mr. P. Bradbury:**

So, it is less bureaucracy for them. I do not think they are quite so concerned about the titles; they would like it clear. What they are concerned about is the workload

involved for them. I know it will be less workload for the businesses. I think it will be simpler in property as well.

**The Connétable of St. Clement:**

We probably still need to have 3 different types of people; well, 3 different qualifications.

**Deputy D.J. De Sousa:**

Categories?

**The Connétable of St. Clement:**

Yes, because those types of people exist. We want people to come into the Island, we have got people who already live here, so we have got to ... and we are still treating them differently. You know, so I mean ...

**The Deputy of Grouville:**

I agree, but I just wondered other than the names that we call them from this to that, what else is different? You have just explained the firms will be given a quota, so is that the biggest difference, I guess?

**Senator T.J. Le Main:**

What currently happens is the firms are churning over (j) cats for specific management posts or specific posts every 3-5 years, churning them over. They will now have a complement of (j) cat licences to fill those posts.

**Deputy D.J. De Sousa:**

So they just give a licence to an employee and when that employee goes they take it back and get another, yes?

**Senator T.J. Le Main:**

But the employer ...

**Senator P.F. Routier:**

It has got to be the same type of job.

**Senator T.J. Le Main:**

The employer will not be able to use the (j) cat post to reward someone as a friend working in the back office to buy a house or to accommodate.

**Deputy D.J. De Sousa:**

How will you regulate that?

**Senator T.J. Le Main:**

That will be down to the officers to sort that out because ...

**Ms. M. Cavey:**

I think there is one thing we have not really touched on and I think it is vital to all of us and that is the laws we are currently dealing with. There is a lot of confusion in practitioners' minds, as well as the laymen minds, as to what the laws mean. The Housing Law is not an easy law to understand. R.U.D. (Regulation of Undertakings

and Development) is not that easy either. I think if you look back to the date of them, these laws are going back 60, 70 years old, some of them. I think we are looking to review about 5 pieces of legislation, which are dated between 1949 and 1969, I think it is. So if we can manage to pool 5 pieces of legislation into maybe 2 pieces and modernise and streamline and all the other benefits you have been describing, I think that is quite a benefit, aside from all the details we have been addressing.

**Senator S.C. Ferguson:**

Super. I am sorry, we are going to have to ... we are running slightly over time.

**Senator T.J. Le Main:**

You can call us again.

**Senator S.C. Ferguson:**

We can perhaps continue that on another occasion, if we can, and you can come up with a cast-iron reason for why this is going to be better. Thank you very much indeed, gentlemen.

**Senator P.F. Routier:**

Thank you very much. Thank you.