

3.2 Deputy J.A. Martin of St. Helier of the Chief Minister regarding the appeals process under the new migration policy:

Following the introduction of a new housing control appeals process where requests for appeal are firstly dealt with by the Assistant Minister and then if any further evidence is found by an appeal to the Minister, would the Chief Minister inform Members if a similar process will continue when the Population Office is established and a new migration policy introduced?

Senator T.A. Le Sueur (The Deputy Chief Minister):

The Population Office has already been established and it has been in place since September 2005, and its responsibilities currently include the Housing Law and Regulations. The policy in respect of the migration policy and the Population Office has not yet been fully established although I would imagine it will build on the strengths and weaknesses of any of the existing housing appeals. That policy will come to the States towards the end of this year or early 2007, and at that time States Members will have a full opportunity to examine the appeals process, which we are determined should be a robust appeals process, and express their view at that time about whether any changes to the existing system are required.

3.2.1 Deputy G.P. Southern:

Does the Minister agree with my understanding of a decision already made by this House that, in fact, as far as the Population Office was concerned, appeal will be through the Chief Minister himself?

Senator T.A. Le Sueur:

The responsibility for the Population Office rests with the Chief Minister, however the procedures within the department will be discussed as a policy matter by this House and the appeals procedure will form part of that discussion.

3.2.2 Deputy J.A. Martin:

This gives me quite a bit of concern because under the new Population Office and the immigration policy will the Minister not agree that a licensed person will lose their job and then lose their accommodation. The specifics of the new policy - or the current policy - says it can be taken to Royal Court when there is a specific property involved. I think if this is not addressed very shortly all the people on licenses will be living in an (a) to (h) specific property that can be addressed under human rights or even under the laws in Jersey. So I really think that the Minister should be looking at this policy. I am surprised it has not already been introduced or looked at with the law coming back to the States at the end of the year.

Senator T.A. Le Sueur:

I am not sure of the exact question there, Sir. But certainly the intention is that the whole policy in regards to licence and registered persons should be considered at the same time as the appeals process to ensure that those people who might - I do not think there is any clear evidence that they always will be - if they were prejudiced in respect of their accommodation, that prejudice ought to be dealt with under appeal at the same time as a policy is introduced. That is the intention of the population policy and that would be debated by this House.

Deputy J.A. Martin:

No, under the population policy that was discussed in this House, the person who lost their licence only had one course and that was to appeal for unfair dismissal. Now it does not matter whether they prove that they were unfairly dismissed. There is no right to reinstatement in Jersey under the employment law. They will therefore lose their accommodation. Is this being addressed under the new appeals procedure?

Senator T.A. Le Sueur:

There is an existing procedure in place already, Sir, in respect of housing accommodation. The appeals procedure was clearly set out by the Housing Minister in a letter to all States Members last week, and that procedure is in place until it is superseded by a different appeals procedure.

3.2.3 Deputy G.P. Southern:

Does the Minister accept that there is a vital need for a robust and independent means of appeal and one which is seen to be robust and independent by employees - or whoever - residents on the Island, in order that they should have faith in the system that we are involved in introducing?

Senator T.A. Le Sueur:

An appeals systems has to be robust and it has to be seen to be well managed, and I have no doubt that we shall ensure that that appeals procedure put in place will indeed be robust and well managed.