

STATES OF JERSEY



ANNUAL BUSINESS PLAN 2007 (P.92/2006): THIRD AMENDMENT

**Lodged au Greffe on 25th August 2006
by Deputy R.G. Le Hérissier of St. Saviour**

STATES GREFFE

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In paragraph (a)(i) after the words “pages 8 to 10 of the Annex” insert the words –

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“except that in Objective 2, on page 8 of the Annex, after the existing performance/success criteria, insert the following new item –

Report by the end of 2007 on the situation facing Jersey residents who do not have the automatic right to work and settle in European Union countries, with recommendations.”

DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR

REPORT

When the agreement was reached on Jersey's relationship with the (then) European Common Market, one of the outcomes was that residents of the Island who did not have a connection with the United Kingdom through a parent or a grandparent or through having been ordinarily resident in the U.K. for 5 years did not have an automatic right to settle and work in European Community (now European Union) countries.

This has been a running sore to such persons. While no formal register exists of who they are and what the total is, it is thought about 5,000 people are affected by this restriction. Predominantly because of increasing travel and residence in the U.K. through university and college studies (time which counts for the residence requirement) it is thought this number is in gradual decline.

On one level, it could well be argued that, as Jersey chose not to become a full member of the (now) European Union, it is perfectly reasonable that residents should be denied freedom to work and settle in the Union.

However, there is a major inequality in the sense that most incomers to Jersey are from E.U. countries and have a right to enter Jersey in the sense that we are part of the UK/Irish Immigration area and anyone entitled to enter the U.K. is, by extension, entitled to enter Jersey – albeit with restrictions on Housing and to compete in a Labour Market where job numbers and types are regulated (albeit to varying degrees of effectiveness).

The result is that we have ended up, despite so-called restrictions, as an open labour market in terms of E.U. nationals.

Unfortunately, the group (colloquially referred to as those with “stamps in their passports”) are denied reciprocal rights in E.U. member countries.

The conditions restricting their right to movement are contained within Protocol 3 of the U.K.'s Act of Accession.

Apparently, it is the case that Protocol 3 can only be renegotiated with the agreement of all E.U. members and there is a considerable reluctance to do so, given a fear that it could raise all sorts of other issues which might prove detrimental to the Island's interests.

In a recent session of the Assembly, at Question Time, the Chief Minister suggested that informally it was possible for people affected by the “stamp” to settle and work in the E.U. and, as such, this was not as big a problem as people like myself were suggesting.

This verges on the irresponsible. Essentially, we are telling people to take a risk in terms of two of the most critical decisions of their lives, i.e. where they live and work. Would we so advise newcomers to Jersey? No. We would expect them to fully comply with whatever laws and regulations were in place.

Conclusion

The rigidity of Protocol 3 has left this group unable to enjoy rights available to the majority of Jersey's population. It has ended up in a very bizarre situation where E.U. residents have full entitlement to enter Jersey but where a significant group of local residents cannot enjoy reciprocal rights.

There may be no easy way out of this. However, I would ask the Chief Minister to report on the matter with an open mind.

Financial and manpower statement

As this amendment only seeks to ask the Chief Minister to investigate this issue and report back there are no additional resource implications other than the work involved in preparing the necessary report.