

STATEMENT ON A MATTER OF OFFICIAL RESPONSIBILITY

6. Chairman of the Corporate Services Population and Migration Sub-Panel will make a statement on the Sub-Panel's recent review

6.1 Deputy S. Power of St. Brelade (Chairman, Corporate Services Population Migration Sub-Panel):

Members will be aware that I chaired a review of the main provisions of the Control of Housing and Work (Jersey) Law 2013 and that produced 24 findings and 14 recommendations. I do want to thank Senator Routier and his team for responding so quickly to our review and to have set what looks like a record time for a Ministerial response to a Scrutiny review, in this case 2 weeks. I do not intend to go through much of the report now as it will come before the Assembly this week. It is however clear from the response that a degree of urgency is attached to this Ministerial Decision and it is evident that the Chief Minister's Department is keen on getting these provisions passed by this Assembly. However, reading through the Ministerial responses to the review, I must advise Members that I think that a degree of urgency is also needed in the actions to follow through by the Population Office if it is to carry out what we regard as urgent implementation of key recommendations. This Assembly will want to see effective and forceful action immediately put into place following the likely approval of these provisions, and the most important of these are increasing the period of qualification from 5 years to 10, having an immediate and effective enforcement team and any suggestion that one full-time employee and a part-time employee or 2 full-time employees and a part-time employee will be adequate to enforce this new law and resident working population will be a serious underestimate, reducing the proposed days of grace from 90 days to 30 days quickly, prioritise the consultation and implementation of photographic I.D. (identification) on the registration card in the next 12 months. An immediate public information process should be commenced and properly resourced to allow wide public acceptance and understanding of the registration process and understanding of the new law, making sure a refund system is included in these proposals so that some measure of an exit poll is introduced to help monitor population levels more effectively. Frequent and random enforcement checks must be carried out from the earliest stage and the Population Office must be resourced for this. The public must be regarded as a valuable resource in reporting any non-compliant activity and encouraged to carry out a whistle-blowing policy. All of these areas identified in this statement are part of the findings and recommendations of the review. I conclude this statement by saying that unless the resources available to the Population Office are substantially increased the effectiveness of the naming of this register enforcement, accuracy and other matters will not work. As a result the States will not see any real improvement in the Island's ability to manage net inward migration. The leniency that was associated in the past with the enforcement of the old Regulation of Undertakings Law will no doubt be repeated unless this new law is introduced as an effective tool in controlling net inward migration. The public are sceptical of the ability of the States to regulate and control immigration and there is therefore a great deal of interest in watching the pattern of net inward migration for the next decade. The accuracy and reliability of measuring population based on the new law and register will be tested in the next 12 months and will be found to be either a useful tool or lacking in any improvement on previous experience unless immediate and urgent action is based on these findings and recommendations.

[12:15]

The Deputy Bailiff:

Following the statement the time for questions. Deputy Maçon.

6.1.1 Deputy J.M. Maçon:

May I begin by congratulating the Chairman and his panel on an excellent report, though will the Chairman agree and acknowledge that some of their recommendations were made in the previous report under the chairmanship of Senator Ferguson in that they should accept no delay

from the Executive in implementing these recommendations as they have had them for almost 2 years now?

Deputy S. Power:

All of the sub-panel are aware of haemorrhaging of time and that is why I emphasise in this statement today to focus on specific aspects of the implementation of these provisions. Unless the Population Office get up to speed immediately, and that includes the Migration Advisory Group, there will be further loss of time in the implementation of what we regard as 14 key recommendations and I am very hopeful that because of the speed at which this report has been accepted, this review has been accepted, that everyone concerned with the enforcement of this law is now ready to do this.

6.1.2 Deputy R.G. Le Hérissier:

Would the Chairman - and again congratulations - outline why the panel did not recommend work and residence permits and did the panel come to any conclusion as to how to avoid the current system of first and second-class citizens in respect, for example, of accommodation?

Deputy S. Power:

Jersey is a jurisdiction that is represented by the U.K. within the E.U. (European Union). As such, we studied the work permit system in the Isle of Man and while they do have a work permit system, it is less than perfect. For instance, if a recent arrival has 3 part-time jobs, that person needs 3 work permits. My own view is that the States has chosen the path to go down to this, what I regard as complex route, and it was my sub-panel that had to review a law that is essentially already passed. So we were reviewing the provisions of that law, not the work permit system. Some of the points the Deputy makes, it makes good sense but in this particular case it is not an option.

6.1.3 Deputy R.G. Le Hérissier:

Just a clarification, would the Chairman accept that there is indeed, should the States be so minded, provision for work permits within the regulations, individual work permits?

Deputy S. Power:

There are some provisions which would make it extremely difficult to enforce. But the whole emphasis of the control of Housing Market Law is to regulate employment and the right to housing. I omitted to answer the Deputy's second part of the question, that is, almost 20 per cent of the Island are unqualified, will be registered for housing and work and that is where we see the problem.

6.1.4 Senator A. Breckon:

In his statement, the Chairman of the sub-panel mentions leniency and the enforcement of the Regulation of Undertakings Law. Can the Chairman say so, whether he found any evidence of any regulation of that particular law at all apart from occasional prosecutions for employees for non-return of yearly return?

Deputy S. Power:

To be fair to the Population Office, their emphasis in enforcing the Regulation of Undertakings Law, shortly to be extinguished, was that it was essentially in manpower returns and in areas such as statistics gathering and areas like that. They did not simply have the resources or, in my opinion, the inclination to follow the prosecution route and as a result of that the interpretation of the Regulation of the Undertakings Law was regarded as very lenient.

6.1.5 Deputy M. Tadier:

With particular regard to the recommendation of increasing the period of qualification from 5 to 10 years, will the Chairman advise what human rights advice was taken on that and what the implications for doing that was?

Deputy S. Power:

We felt that our recommendations to increase the qualification period from 5 years to 10 years was a reflection of reducing the qualifications from 10 years to 5 years, and in our opinion we did not seek any further European Convention on Human Rights advice.

6.1.6 Deputy J.H. Young:

In the second page of the Chairman's statement, the Chairman refers to the need for additional resources being available to the Population Office. Could the Chairman advise us how much additional resources are required, what is known about that and whether any of the Ministerial response gives him confidence that such resources will be available to achieve this implementation?

Deputy S. Power:

It is clear that having one full-time employee and one part-time employee to be increased to 2 full-time employees and one part-time employee will not allow the Population Office to administer the provisions that are being proposed here today. We did not estimate the total number of staff that would be needed but if effective random checks are to be carried out across the Island, if sufficient monitoring of the car ferry ramps morning and evening, if sufficient checks are to be carried out at the airport, we feel that the Director of the Population Office will have to do this urgently and immediately and bring it to the Assistant Minister who is responsible for this area, but we did not quantify it.

6.1.7 Senator P.F. Routier:

May I add my congratulations to the Chairman and his panel for carrying out this work in the timetable that was agreed? The sub-panel have made some good recommendations at which the Migration Advisory Group are accepting. I just really wanted to pick up on a couple of things that have just come out in some of the questioning now. The Chairman mentioned that the Population Office did not have the inclination to prosecute but does the Chairman accept that the current outdated laws do not allow for easy compliance, because once something is found out often the person has left the Island or whatever, but the new legislation will enable immediate compliance now. The second part of the question would be can the Chairman confirm whether he and his panel will be supporting the regulations we are debating at this sitting?

Deputy S. Power:

The whole question of being able to comply and enforce the old Regulation of Undertakings Law is largely down to a resource issue and even in my own time at the Housing Department, the enforcement was one part-time individual who was able to go out of the office and one full-time person who was on the administrative side. So that was the old system. It will not be possible to enforce and create compliance at this level unless there is a complete change in the approach and in the resources with regard as to how this law is applied. The second part of the question with regard to whether the sub-panel will support this, it is for individual sub-panel members to decide, but most of the key findings and recommendations have been accepted, and I will be happy to say now that I will.

The Deputy Bailiff:

I am afraid that brings the 10 minutes for questions to an end. Apologies to those Members who have questions outstanding.