

3.12 The Deputy of Grouville of the Chief Minister regarding a review of Islanders' rights to work in the European Union:

Given the Chief Minister's announcement that the rights of E.U. nationals currently resident in the Island would be "grandfathered", what reciprocal rights, if any, will the Chief Minister seek at post-Brexit negotiations for Jersey residents, especially those Islanders with a stamp in their passports denying them an automatic right to work in the European Union?

[15:45]

Senator I.J. Gorst (The Chief Minister):

As I mentioned in my answer to the Deputy's earlier question, negotiations over the terms of the U.K.'s future immigration arrangements with the E.U. will not formally start until after the U.K. has triggered Article 50. Again, as I said on 28th June, the overarching objective of the Government for the forthcoming Brexit negotiations is to preserve the benefits that we currently enjoy under the arrangements with the E.U. Freedom of movement falls away when the U.K. leaves the E.U. and whatever arrangements that will have been negotiated for all Jersey citizens will come into effect. We will be seeking to ensure that those new arrangements are for the benefit of all Jersey citizens.

3.12.1 The Deputy of Grouville:

Why cannot Jersey, as a self-governing jurisdiction or indeed collectively with the Crown Dependencies, devise our own measures for free movement in the common travel area before Article 50 is invoked?

Senator I.J. Gorst:

We do already overlay our own controls. We often discuss whether those controls are suitable in this Assembly and I said when I made a statement, I think at the last States sitting, that I envisaged that we will continue to lay over our own controls but if we want to change the common travel area or our relationship with the common travel area, if we want to change our relationship with regard to free movement of people, these are things which would need to be negotiated. We are not in the E.U. The U.K. is the sovereign state which is undertaking the negotiations. We find ourselves in the same position as the other Crown Dependencies and the devolved administrations in this regard, but we are taking part in those groups which are considering what it is that the United Kingdom Government will seek to negotiate. Of course during that negotiation process we will then, I imagine, be thinking about the controls that we would wish to overlay, which may need to change.

3.12.2 Deputy M. Tadier:

I suppose another way to phrase this question, which is slightly different to the first question that was asked, is: can the Chief Minister ensure that those Jersey people with a stamp in their passport will have an equal right to go and pick potatoes and do hard manual labour in Eastern Europe for a minimum wage and also have the right to live in substandard accommodation in those countries, continuing in the future just as those Europeans have that right to when they come to Jersey? And also not be able to claim a benefit for 5 years when Jersey people go and live in Europe ...

The Deputy Bailiff:

Deputy, this is turning into a speech which is not within the ambit. Do you have a direct question for the Chief Minister?

Deputy M. Tadier:

I think that is the question, Sir. We are talking about equality in terms of rights. Will those rights afforded to those Europeans who come and enjoy such privileges in Jersey be afforded to those other Jersey systems on those same conditions?

Senator I.J. Gorst:

The Deputy is trying to make a point but I think he is pointing to history. Many industries which benefit from the free movement of people overlaid because of the common travel area have, over many years, improved the accommodation that they provide, improved the rights. We now have minimum wage legislation as well. I think the Deputy is pointing to history rather than current experience in that regard albeit there are some improvements to be made, and I know the Minister for Housing is minded and is aware of those and is bringing forward improvements in that regard. The point, I think, of the Deputy's initial question is that we will be seeking to get a fair and equal deal for all Jersey citizens.

3.12.3 Deputy M. Tadier:

Does the Minister recognise that of course it is a delicate area in which to tread? If we look to the U.K. we know that, for example, there is not fairness when it comes to the rights of Jersey people to work in the U.K. who have an absolute right to go and work, live and claim benefit in the U.K. whereas U.K. residents who come to Jersey have to wait 5 years for their work qualifications, 10 years for residency rights, and unable to claim benefits for 5 years. That these whole issues can be up for question when we are looking at renegotiating a relationship either with the E.U. directly or with the U.K., and that of course these negotiations are important. They need to be handled very sensitively.

The Deputy Bailiff:

I am sorry, I am not sure I understood what the question was, Deputy.

Deputy M. Tadier:

I suspect the Chief Minister may have.

The Deputy Bailiff:

I am not sure that helps the Assembly.

Senator I.J. Gorst:

I recognise that these are controversial issues, which is why I made the point that I do not imagine we will find ourselves in any situation other than a similar approach to the one that we have now, which is a renegotiated position that the United Kingdom Government has delivered with an overlay of our own controls and legislation as well. We know that one of the renegotiated positions that the United Kingdom Government made with Europe was around an emergency break on benefits to other E.U. citizens. They are delicate, they are difficult but what we seek to deliver is a fair deal for the benefit of all Jersey citizens.

3.12.4 The Deputy of Grouville:

It is indeed about rights and equal rights and the point of my question was to have the Chief Minister's assurance that when he goes into negotiation that we have his assurance that he will fight robustly for Jersey residents' rights as we have not enjoyed since 1973.

The Deputy Bailiff:

That brings us to question 13 ...

Senator I.J. Gorst:

Would you like me to answer?

The Deputy Bailiff:

I beg your pardon, Chief Minister.

Senator I.J. Gorst:

The Deputy makes a very good point and the answer is yes, we will. It is critically important. We are working on the premise of course that without any renegotiation in this particular area all United Kingdom citizens would have the equivalent stamp in their passport that some Jersey citizens now have. I do not think that that would be an acceptable position for the United Kingdom Government and it certainly cannot be an acceptable position for Jersey Government going forward.