

STATES OF JERSEY



MIGRATION: MONITORING AND REGULATION

Lodged au Greffe on 8th February 2005
by the Policy and Resources Committee

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to refer to their Act dated 7th October 2003 in which they charged the Policy and Resources Committee, in consultation with other Committees as appropriate, to bring forward for approval detailed proposals on migration policy and supporting regulatory systems, and –

- (a) to agree in principle that the States should monitor and regulate the factors that govern migration in the context of the overall population to ensure a balance between economic growth and the demand for and supply of labour, accommodation, infrastructure and resources of the Island, and promote greater social inclusion, as set out in section 3 of the report of the Policy and Resources Committee dated 18th November 2004;
- (b) to agree in principle to –
 1. integrate the policy for housing consent, monitoring employment and regulation of undertakings and development to simplify and streamline the processes involved, as detailed in section 5.1 of the said report;
 2. have only three categories of registration –
 - (i) those who are **entitled**, comprising persons who qualify as local (a-h) under the Housing (General Provisions) (Jersey) Regulations 1970, as amended;
 - (ii) those who become **licensed**, either through gaining a licensed job, including persons who are currently described as (j) category, or (k) category under the 1970 Regulations; and
 - (iii) those who are **registered-only**, equivalent to those who currently do not qualify under the 1970 Regulations;
with aligned criteria to access both employment and accommodation, as detailed in section 5.2 of the said report;
 3. link access to accommodation to employment for those who are described as licensed and registered-only in (2) above, as detailed in section 5.3 of the said report;
 4. create a register of the Island population in the three categories: entitled, licensed or registered-only, as detailed in section 5.4 of the said report;
 5. monitor migration and regulate the factors that govern migration through a system of job licensing for employers and overall control of employment, as detailed in section 5.5 of the said report;
 6. designate a single office by July 2005, working with the Housing, Economic Development, Employment and Social Security, and Environment and Public Services Committees, to amalgamate the functions of housing consent, Regulation of Undertakings and Development and Social Security registration;
- (c) to charge the Policy and Resources Committee, in consultation with the Economic Development, Housing, Home Affairs and Employment and Social Security Committees, to bring forward the necessary legal and other measures to give effect to the above for consideration by the States.

POLICY AND RESOURCES COMMITTEE

- Notes:
1. **Comments of the Housing Committee**
The Housing Committee supports the proposals set out in the report and proposition of the Policy and Resources Committee on migration policy. As well as the general drive to reduce inequity by lowering, in stages, the residential qualifying period for newcomers from 15 to 10 years, the Committee welcomes the intention to grant more housing licences to those who are fully contributing to the economy. In addition, the proposed integration of the functions of housing consent and the administration of the Regulation of Undertakings and Development Law, operating from a single office, should improve efficiency and reduce bureaucracy.
 2. **Comments of the Economic Development Committee**
The Economic Development Committee is fully supportive of the principles outlined in the report and proposition and looks forward to playing a full and active part in the implementation of these proposals.
 3. **Comments of the Employment and Social Security Committee**
The Employment and Social Security Committee supports the principle described in paragraph (a) of the

proposition that the States should monitor and regulate the factors that govern migration. The Committee recognises the unique position of the Social Security registration and contribution collection system and believes that there is merit in considering whether it is practical to build on this system to monitor employment. With a number of initiatives being discussed, the Committee believes it important that changes that affect business should be co-ordinated to avoid undue disruption to personnel and payroll procedures and that in all cases data protection issues are fully considered. The Committee appreciates that further more detailed work needs to be done prior to implementing an appropriate mechanism. Finally the Committee will co-operate with the lead Committee, Policy and Resources, in the development of future policy within a realistic plan and timescale.

4. **Comments of the Home Affairs Committee**

The Home Affairs Committee noted the report, Monitoring and Regulation of Migration, and agreed that, whilst the document fulfilled its allotted task, it did not address the issue of bed-sit accommodation which was thought not to be conducive to good order. In addition, the Committee expressed reservations as to large-scale immigration problems in Jersey since it was recognised that (even with strict monitoring and regulation) it would be difficult to keep an accurate check on the true population growth.

5. The comments of the Environment and Public Services Committee are to follow.

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REPORT

1. Purpose of the report

The introduction of a new and comprehensive migration policy involves 3 parts–

- (i) approval of an overall population policy, as described in the States of Jersey strategic plan for 2005 to 2010, adopted by the States on 29th June 2004 (set out below);
- (ii) proposals for a mechanism to monitor and regulate the factors that govern migration, as described in this report; and
- (iii) a further framework to determine the policy criteria for managing migration which will be brought forward once the economic growth plan has been agreed.

The States of Jersey strategic plan for 2005 – 2010 states^[1] –

“It is recognised that population issues are a major concern to Islanders. To maintain a balance between economic growth and the size of the resident population, a compromise is required. It is therefore proposed that:

- *Population growth be allowed only to support the economy*
- *The aim should be for economic growth of 2% per annum in real terms*
- *This should support full employment for local people*
- *Sustainable growth in inward migration would be supported when:*
 - *it supports economic growth and increases tax revenue*
 - *skilled people are necessary to support industries that would employ local people*
- *Numbers of low wage immigrant workers should be kept to a minimum*
- *The working population should be allowed to grow by no more than 1% per annum over the next 5 years.*”

It has also been stated on a number of occasions that the majority of the increase in working population will be from within the existing population, without requiring substantial inward migration.

On 20th April 2004 the Policy and Resources Committee published a *consultation paper*, or ‘green paper’, on the monitoring and regulation of Migration^[2]. The aim of that paper was to promote Island-wide consideration of the principles and options relating to the development of new mechanisms for monitoring and regulating the factors that influence migration. The extent of consultation is described and a summary of responses are included in Appendix 2.

The purpose of this current report is to summarise the responses to the consultation, to describe the recommended mechanism for monitoring and regulating inward migration and to put forward firm proposals in this regard for consideration by the States.

The report also includes more information on possible implementation arrangements, which need to be phased over a 5-year period, and outline resource consequences.

These proposals provide, for the first time, a means by which the States can effectively implement their policies on migration in future.

They will considerably increase the States ability to govern migration, either to reduce the overall level or allow it to increase within set limits. However, they do not themselves prescribe a set level of net inward or outward migration or determine the total population number.

The proposals describe a mechanism for more effective regulation of inward migration, whilst reducing complexity and streamlining the existing systems. They will create better information on the whole resident population; enable the States to plan and manage migration; influence the demand for and supply of accommodation and effects of migration on the Island’s infrastructure and resources; support sustainable economic growth; and provide the opportunity for greater social equity in the accommodation market.

In summary, this migration policy aims to –

- create a mechanism by which the States can effectively manage the factors affecting net migration, either inward or outward, according to their agreed policies (for example, the strategic plan for 2005-2010);
- provide improved information on the total population, including the number of inhabitants and their residential status;
- enable the States to effectively monitor and manage the demands on accommodation, the environment and infrastructure of the Island;

- develop closer alignment between migration policy and the economic, social and environmental policies of the Island;
- allow the States over time to reduce the unacceptable disparity between those who have housing rights and those who are not 'qualified';
- promote a business environment that is flexible and efficient, which is attractive to business and fairer to their employees;
- preserve the rights and opportunities of existing residents, whilst recognising the benefits of and duties towards newcomers to the Island;
- reduce bureaucracy affecting individuals and businesses, minimise complexity and streamline the existing systems for housing consent, regulation of undertakings and manpower control.

However the new policy will **not** –

- determine the total numbers of residents that are appropriate for Jersey;
- lead to immediate transformation of the housing or employment markets – any changes will be gradual and carefully managed over a period of years;
- fuel an unmanaged influx or exit of people to or from Jersey;
- promote uncontrolled development or exploitation of the housing market;
- disadvantage any existing inhabitants, with regard to either their housing or employment rights;
- harm the civil liberties, human rights, privacy or data protection rights of any individuals.

2. Background

The issue of inward migration has been tackled by the States over many years, going back to the surge in the Island's population following the Second World War. The measures introduced to regulate migration have included successive variations on the Housing (Jersey) Law 1949, and the 1970 Housing Regulations and, in more recent years, the Regulation of Undertakings and Development (Jersey) Law 1973. These have been the mainstay of policy for many years and, whilst they have served the purpose in the past, there is a need to modernise and improve the approach in response to increasing social inequity, changing patterns of migration and to ensure that Jersey businesses remain competitive in the wider economic environment.

The current legislation and policies were explained in previous reports, particularly the consultation paper published in April 2004.

On 7th October 2003, the States adopted the proposition on *Migration Policy* P.102/2003, as amended, by a large majority of 41 votes to two. They agreed that systems should be developed to monitor inward migration to the Island, and a review should be carried out of the existing policy and regulatory systems with a view to proposing new arrangements.

In particular, the States –

- *agreed, in principle, that having regard to paragraph 2.1 of the report of the Policy and Resources Committee dated 8th July 2003, all inward migration by persons wishing to establish themselves by living or working in the Island, and who did not have links with the Island which would enable them to qualify currently under Regulation 1(1)(a)(h) of the Housing (General Provisions) (Jersey) Regulations 1970, as amended, should be monitored and regulated;*
- *charged the Policy and Resources Committee, in consultation with the Housing, Home Affairs, Economic Development and Employment and Social Security Committees; and with other committees as appropriate, with reviewing the Housing (Jersey) Law 1949, the Housing (General Provisions) (Jersey) Regulations 1970, the Lodging Houses (Registration) (Jersey) Law 1973 and the Regulation of Undertakings and Development (Jersey) Law 1973, together with other related legislation, with a view to giving effect to paragraph (a) above by bringing forward proposals for a new Migration Policy and supporting regulatory system(s) by 31st March 2004;*
- *agreed, in principle, that such new Migration Policy and supporting regulatory system(s) should be developed to meet the basic objectives outlined in paragraph 5.5 of the report of the Policy and Resources Committee dated 8th July 2003.*

The States further agreed, as stated in paragraph 5.5 of the report mentioned above, that proposals should ensure–

- there are definitions of persons who are considered to be ‘residents’ which differentiate between those persons who are ‘entitled’ (by virtue of familial or other connections with the Island) and those who may be ‘licensed’ (as essential persons) to live or work in the Island;
- there is regulation by licence of all ‘non-entitled’ persons wishing to establish themselves by living or working in the Island;
- subject to initial registration, all ‘entitled’ residents are free from ongoing regulation;
- there is a licensing scheme which can be operated effectively and efficiently by a single authority through a ‘one-stop-shop’ access point.

The consultation paper published in April 2004 outlined the findings of the Migration Policy Steering Group^{[3][3]}, established following the States debate on 7 October 2003. The outcome of the consultation process is considered later in this report.

3. Objectives

The main purpose of the proposals is –

To enable the States to monitor and regulate the factors that govern migration in the context of the overall population to ensure there is a balance between economic growth and the demand for and supply of labour, accommodation, infrastructure and resources of the Island, and promote greater social inclusion.

It is also necessary to understand the existing population mix at any one time, to have systems that enable the Island’s government to facilitate the planning and provision of housing, acceptable public services, and to manage the Island’s economy and pressures on the infrastructure.

The States of Jersey Strategic Plan 2005 to 2010^{[4][4]} observes that –

“Like most small and prosperous jurisdictions, Jersey has a relatively high population density, although less than neighbouring Guernsey...”

The aim is to manage population changes over the next five years in order to promote economic growth and the creation of jobs for local people. The strategy would ensure that growth in inward migration is only supported where it creates wealth to fund the Island’s public services or to support industries which employ local people.”

Population growth does place increased demands on the infrastructure of the Island, especially accommodation. It is recognised that the most significant reason for population change in Jersey is the ageing of the population, indicated by the difference between birth and death rates^{[5][5]} and an increase in the dependency ratio^{[6][6]}. Another reason for population change is the result of net inward migration^{[7][7]}.

Migration control represents one mechanism by which the demands of the total resident population may be more closely balanced with the resources and infrastructure, particularly housing, available within the Island. Another mechanism involves successful planning and development of the appropriate facilities, without placing heavy demands on the construction industry or on the rural environment.^{[8][8]}

Nevertheless, it should also be recognised that there is some benefit from ‘economy of scale’, in that additional demands of any population growth are not reflected in a directly proportionate increase in demands on, for example health services or education facilities. In fact, it is essential for a sustainable community to maintain a certain critical size for some infrastructure services to remain viable within the Island, rather than for these to be provided off-Island.

An analysis of the population’s residential and accommodation status is collected as part of the census report^{[9][9]}, but is only available every 5 years– see [Appendix 4](#)

Some of the issues arising include environmental, economic, social and legal obligations, as follows –

(a) *Balancing the desire for economic growth with a need to maintain the attractiveness of the Island*

The States Strategic Plan 2005 to 2010^{[10][10]} identifies one of its aims “to create a strong and competitive economy”. This involves the creation of real terms economic growth of at least 2% per annum in order to fund the Island’s services and provide employment for local people.

The strategic aim to create a strong and competitive economy does not, however, imply massive immigration. As stated previously, it is intended the *working population* should be allowed to grow by no more than one per cent per annum over the next 5 years, and the majority of this increase should create employment opportunities for the

existing population.

The environmental effects and infrastructure requirements of any residential development will continue to be actively managed within the context of the Island Plan and existing planning policies.

(b) *Maintaining social equity and inclusion*

The States Strategic Plan 2005 to 2010 also aspires to ensure that Jersey is a community where people –

- *benefit from equality in access and opportunity;*
- *are free from discrimination, and*
- *are supported to become self-sufficient wherever possible.*

In support of this aspiration, the strategy also includes an aim to “enable the provision of good standard, secure and affordable accommodation for all”^[11] through –

- ensuring that adequate numbers of entry level dwellings are provided;
- introducing new policies which will ensure more equality in entitlement to accommodation.

It is evident that some inward migrants experience significant hardship due to access restricted to a narrow range of accommodation as well as higher rental costs in certain sectors –

“In recent years, the standard of accommodation offered in the registered lodging house sector has also improved significantly to comply with new requirements set by the Housing Committee. ... However, there remains anecdotal evidence (e.g. the findings of the ecumenical ‘Springboard’ project and the latest report of the Lodging Inspector) that a significant number of lower income group residents are continuing to live in expensive and/or unsuitable conditions.”^[12]

An aim of the proposals is therefore to ease the imbalance in the opportunities to access good, secure and affordable accommodation that currently exists between those who are ‘residentially qualified’ and those who are not. This aim should be achieved, as permitted by economic constraints and the availability of housing, by gradually increasing the number of people in licensed employment and thereby reducing the number whose access to accommodation is limited by registered-only employment.

(c) *Ensuring the rights of free movement of people*

All British citizens and certain Commonwealth citizens have the right of abode in Jersey and are free to live in and come and go into and from Jersey without let or hindrance, except as may be required under the Immigration Act or as otherwise may be lawfully imposed on any person. Also, all nationals of other E.E.A. Member States (E.U. member States plus Iceland, Norway and Liechtenstein), do not need leave to enter or remain in Jersey – if they do so in circumstances in which they would be entitled to enter or remain in the U.K.

If a new migration policy and regulation systems were to amount to control over these rights, it would be inconsistent with the law, as presently in force. Control of immigration at the point of entry could not be introduced for British, certain Commonwealth and E.E.A. nationals without change to existing international law, which would be extremely difficult and would require the agreement of all affected parties.

In short, the international legal position in which Jersey exists prohibits –

- the introduction of immigration or border controls in relation to U.K., E.E.A. and certain Commonwealth citizens;
- taking measures which would amount to control over the rights of such citizens to come and live in the Island;
- the Island from treating U.K. citizens differently from citizens of other E.U. states and E.E.A. citizens – in relation to their rights to establish themselves in the Island, and;
- taking actions which might not be consistent with the U.K. Immigration Act as extended to Jersey, Article 4 of Protocol 3 and European Court judgements relating thereto.

Another aim of the proposals is to uphold these existing international commitments regarding the rights of free movement of people.

4. Consultation

In April 2004, the Policy and Resources Committee published a consultation paper to seek views from States members, businesses and other organisations, and the public on the options outlined.

The consultation proposals had been based on the premise that unmanaged migration to Jersey was not an option if the overall Island population was to be compatible with the Island's size and infrastructure. It was essential to have some mechanism to influence migration; however, border controls were not a legally feasible option, and whilst the existing housing controls had some effect, they also had a number of shortcomings. The consultation paper outlined a new approach, including an Island-wide population register, amalgamation of various regulatory functions into a single office, and access to accommodation for inward migrants linked to their employment status.

Responses, including oral comments at public meetings and discussion groups and written submissions, were received from a wide cross-section of the community – professional and voluntary organisations, church groups, businesses including those involved in the property and accommodation market, private individuals and States Committees and departments. In total, the views of some 200 individuals and organisations have been considered.

An important factor in developing the proposals has been the extent to which they will achieve the needs of each of the stakeholders. It is considered the mechanisms being proposed should, to the maximum extent possible, fulfil the requirements of all the different stakeholders.

A summary of the consultation feedback is included as [Appendix 2](#). A full report on the consultation is available from the Policy and Resources Department on request.

In general, whilst there was inevitably a spectrum of views, the consensus was strongly supportive of the main proposals. The main areas of concern were indicated by opposite views on the process of regulating migration through licensing employment and about the detailed mechanism for allocating licences to individual businesses. Data protection issues were raised in connection with a population register; however, it has been agreed with the Data Protection Registrar that any detailed proposals will be fully compliant with the data protection principles and legislation.

All the views expressed have been carefully considered and, as a result, the proposals have been revised to reflect these views and, as far as possible, achieve a position that on balance seeks to satisfy these different interests to the greatest extent. The overriding requirement, however, has been to develop proposals that will be an effective means of monitoring and regulating inward migration.

5. Migration proposals

Summary

The key proposals are to –

1. integrate the policy for housing consent, monitoring employment and regulation of undertakings and development to simplify and streamline the processes involved;
2. have only three categories of registration –
 - those who are **entitled**, comprising persons who qualify as local (a-h) under the Housing (General Provisions) (Jersey) Regulations 1970, as amended;
 - those who become **licensed**, either through gaining a licensed job, including persons who are currently described as (j) category, or (k) category under the 1970 Regulations; and
 - those who are **registered-only**, equivalent to persons who currently do not qualify under the 1970 Regulations;with aligned criteria for access to both employment and accommodation;
3. link access to accommodation to employment for those who are described as licensed and registered-only in (2) above;
4. create a register of the Island population in the three categories: entitled, licensed or registered-only;
5. monitor migration and regulate the factors that govern migration through a system of job licensing for employers and overall control of employment;
6. designate a single office by July 2005, working with the Housing,

Economic Development, Employment and Social Security and Environment and Public Services Committees, to amalgamate the functions of housing consent, Regulation of Undertakings and Development and Social Security registration;

7. to charge the Policy and Resources Committee, in consultation with the Economic Development, Housing, Home Affairs and Employment and Social Security Committees, to bring forward the necessary legal and other measures to give effect to the above for consideration by the States

In outline, the mechanisms will be as follows –

- All residents (but not tourists) must be registered in order to gain access to employment, accommodation and some public sector services.
- All accommodation will remain classified as controlled, i.e. restricted for purchase or lease by eligible persons, or uncontrolled, i.e. lodgings and staff accommodation, and certain ‘loophole’ properties – e.g. inherited property.
- All employers will be allocated (as part of a regular business planning process) a total manpower quota – consisting of a maximum number of registered-only (equivalent to non-residentially qualified) and licensed (equivalent to (j) category) posts^{[13][13]}, and the total balance made up of entitled employees.
- All new residents, after becoming registered, will be able to take up a limited range of employment and can access uncontrolled accommodation – either lodgings or staff accommodation.
- Any person will be eligible to apply for a job that has been allocated a licence and, on gaining such a job, will be registered as ‘licensed’ and shall be able to rent accommodation in the controlled sector.
- All people who would currently be classified as local (a)-(h) under the Housing Regulations, will be registered as ‘entitled’ – and eligible to be appointed to any job and to rent or purchase any property in Jersey.
- It is intended that, as economic circumstances and the availability of housing permit, more licences would be allocated to enable more existing residents to have better access to a range of accommodation.
- It is intended, over a number of years, to reduce the period for residential qualification from 15 years towards a policy that all residents will become entitled after 10 years residence.
- The States will manage inward migration through regulating overall employment.
- A single office will amalgamate some of the Housing, Regulation of Undertakings (RUDL) and Social Security registration functions.
- The single office, together with the Housing, Economic Development and Environment and Public Services Committees, will seek to balance housing demand and the supply of accommodation.

These proposals are generally similar to those put forward in the consultation paper, although some details have been revised as necessary in the light of the consultation feedback.

5.1 Integrate the systems for housing consent, monitoring employment and regulation of undertakings and development to simplify and streamline the processes involved

It is proposed that, in principle, that there should be greater consistency and alignment between the current Housing legislation and Regulation of Undertakings and Development Law (RUDL). This would enable increased clarity for the public, and less bureaucracy (for example, standardizing the existing definitions of ‘locally qualified’, i.e. currently 5 years residence for employment/15 years for housing). There is logic in suggesting that an entitlement to employment should go hand-in-hand with access to controlled accommodation.

It is proposed that both the Housing consent functions and RUDL will be harmonized and integrated into a simplified single process, based on a common set of criteria, administered by one office.

Consideration has been given to whether the existing controls could be dismantled entirely and replaced with another system. It is concluded that in the short term the development of migration monitoring and regulation systems should be carried out within the existing legal framework. However, in the longer term, it would be better to incorporate the present effective housing and employment controls within a new single system.

The need to retain some security for the resident population against an open and free market outweighs the perceived advantages of doing away with controls at this time. However, the housing controls should move towards becoming an

accommodation monitoring and regulating system focused on the overall numbers and categories of accommodation, rather than directly regulating individual property transactions. In this way it is intended to remove much of the on-going regulation that currently applies, especially to those who are ‘entitled’ residents.

Flexibility over a period of time could enable the criteria for persons to become ‘entitled’ and ‘licensed’ to be modified as the States may decide. This maintains the opportunity for the States to address some of the inequities of the existing systems and to effectively manage migration in future, depending on the changing social and economic pressures and demands on the Island’s resources.

Steps will also be taken to reduce the administrative burden on businesses by amalgamating into a single process the periodic reporting required on employment, i.e. the RUDL manpower returns and Social Security employer’s returns.

5.2 Have only three categories of registration –

- those who are **entitled**, comprising persons who qualify as local (a)-(h) under the Housing (General Provisions) (Jersey) Regulations 1970, as amended;
- those who become **licensed, either** through gaining a licensed job, including persons who are currently described as (j) category, or (k) category under the 1970 Regulations; and
- those who are **registered-only**, equivalent to those who currently do not qualify under the 1970 Regulations;

with aligned criteria for access to both employment and accommodation.

Instead of the existing 14 Housing categories, it is proposed that a person would be registered within one of only 3 categories: ‘entitled’, ‘licensed’ or ‘registered-only’.

The category will be determined by a person’s birth in Jersey or close family connection with the Island, and period of residence, employment status or other criteria (as explained below), which will then enable them to access certain accommodation and public sector services.

Those who are born in Jersey or have a close family connection with the Island, i.e. generally parents or children, would become entitled after 10 years’ residence (which need not be continuous). An entitled person would be eligible to take up any employment within the Island and would have access to all accommodation.

The most significant change considered, apart from the categories themselves, is the possibility of a person who is initially ‘registered-only’ to gain employment in the ‘licensed’ category on the basis of appropriate qualifications or experience. This would not depend on the person’s period of residence in Jersey (i.e. not as the current ‘5-year rule’ applies under RUDL).

The number of individuals who would immediately fall into each category can be estimated from the 2001 census data (see Appendix 4). However, the aim is that over a period of time, as circumstances permit, a number of people would in future move from the ‘registered-only’ category into the ‘licensed’ group.

The question of (k) category housing licences is the subject of a separate review. However, it is intended that these proposals for ‘licensed’ registration should include appropriate arrangements for wealthy immigrants in accordance with the existing States policy and economic objectives.

At present, a person may gain ‘residential qualification’ after 15 years’ continuous residence in the Island. It is hoped in future to gradually reduce this, over a period of years and subject to housing constraints, towards a policy that after 10 years’ continuous residence, whether as ‘registered-only’ or ‘licensed’, a person would be able to re-register as ‘entitled’ and may occupy, purchase or lease any accommodation and gain any employment. However, to maintain a balance between the demand for and supply of accommodation, it is clear that it will not be possible to achieve this change immediately.

In summary, the 3 categories could in future be defined as follows –

Registration category	Access to employment	Access to accommodation
Entitled	Full access to any employment – posts allocated for ‘entitled’, ‘licensed’ or ‘registered’ persons. Entitled to establish an undertaking – <ul style="list-style-type: none"> • <i>After 10 years’ residence</i> • <i>Spouse or partner living with an entitled person – entitled for employment purposes</i> 	Permitted to purchase or lease any property (except first-time buyer property restricted to eligible buyers) <ul style="list-style-type: none"> • <i>After 10 years’ residence for all individuals</i> • <i>Spouse or partner of an entitled person – individually entitled for housing purposes after 10 years’ residence</i> • <i>Child of an entitled person –</i>

	<ul style="list-style-type: none"> • <i>Child of an entitled person – treated as entitled for employment purposes.</i> 	<i>individually entitled for housing purposes after 10 years.</i>
Licensed	<p>Employment only in any licensed job (<i>although able to seek registered employment</i>)</p> <ul style="list-style-type: none"> • <i>No residence period requirement</i> • <i>Spouse or partner^[14] [14] or child of a licensed person – treated as entitled for the purpose of employment only, during the period of licensed employment.</i> <p><i>Gradual reduction in residence requirement to become entitled from 15 years to 10 years*. Currently those continuously resident for the previous 5 years are able to establish an undertaking. This will be reviewed.</i></p>	<p>Eligible to lease any property for duration of employment only</p> <ul style="list-style-type: none"> • <i>No residence period requirement</i> • <i>Spouse or partner or child of a licensed person – treated as licensed for accommodation purposes whilst resident with the licensed person.</i> <p><i>Gradual reduction in residence requirement to become entitled from 15 years to 10 years*. Discretionary ‘hardship’ concession for loss of licensed employment – to allow time to seek a new licensed job or find alternative registered accommodation.</i></p>
Registered-only	<p>Employed in jobs allocated for ‘registered-only’ persons (<i>although able to apply for licensed jobs</i>)</p> <ul style="list-style-type: none"> • <i>Requirement to provide evidence of registration</i> • <i>No residence period requirement.</i> <p><i>Gradual reduction in residence requirement to become entitled from 15 years to 10 years*.</i></p>	<p>Permitted access non-controlled accommodation only (lodging or staff accommodation)</p> <ul style="list-style-type: none"> • <i>Individuals with no local connection and not appointed to a ‘licensed’ post</i> • <i>Gradual reduction in residence requirement to become entitled from 15 years to 10 years*.</i> • <i>Child of a registered-only person – becomes entitled for housing purposes after 10 years.</i>

** It is emphasized that the proposal to move towards a 10-years’ continuous residence requirement to become entitled, for all licensed and registered-only people, cannot be achieved immediately and, as circumstances permit, would need to be introduced gradually over a number of years. An indication of the numbers involved is provided in [Appendix 6](#).*

The above classification would help in moving towards a fairer and more effective system for monitoring and control of migration.

Children

It is considered equitable that a child, who is not Jersey-born, of a registered-only person should be treated (in the same way as a Jersey-born child) as registered-only for accommodation purposes, until they have completed a total of 10 years’ continuous residence and then may become individually entitled.

Children of a licensed person would, while they remained living with their parent who is in licensed employment, be treated as licensed for accommodation purposes until they could become licensed through their own employment, or entitled in their own right after 10 years’ continuous residence.

For employment purposes, providing they become resident before the age of 21 years, a child of any resident would be entitled to access any job (as soon as they are old enough to go into employment). This would avoid the situation, for example, where a child who comes to Jersey as a teenager with his/her parent(s) would be unable to take up all types or employment, unlike his/her peers.

Spouses and partners

A spouse or partner of an entitled or licensed person would be classified as entitled for employment purposes, for the duration of the marriage or relationship. However, the Committee would have discretion to consider granting continuation of that classification in cases of hardship arising, for example, through marriage breakdown.

It should be noted that, for the purpose of the migration policy, it is proposed that any established partner relationship would be treated as if it were a marriage relationship.

Loss of entitlement gained through residence period

At present, the housing qualifications of Jersey-born persons with 10 years' residence are retained for life; whilst housing qualifications gained by residence alone or through marriage may be lost after a period of absence of 5 years. If current policy continued, entitlement gained through a period of continuous residence (to be reduced from 15 years to 10 years over a period of time) would similarly be lost after a 5-year absence.

It is proposed that in future, residence entitlement gained by continuous residence might be lost after an absence equal to the total period of residence – i.e. a minimum absence of 10 years would be permitted, but those who can demonstrate a longer period of residence, in total, would be permitted the longer period of absence before losing their residence entitlement.

5.3 Link access to accommodation to employment for those who are described as licensed and registered-only

All residential properties listed on the existing Island-wide land and property index would be classified as one of only 2 main groups, either:

- 'uncontrolled' accommodation, i.e. accommodation that all residents may occupy (typically, lodging houses and staff accommodation);
- 'controlled' accommodation, i.e. all other accommodation, that only an entitled person may purchase in their own name; or a licensed person may lease or may occupy through company ownership.

There would be no distinction in future, for example, between (a)-(h) or (a)-(j) housing. However, a sub-category of controlled accommodation would remain applicable to first-time buyer properties.

Access to residential accommodation, and some public sector services, will be linked to an individual's employment category. For example, a licensed person's lease on a controlled property should ordinarily only be for the duration of the employment contract.

It would be an offence for a person to occupy controlled accommodation to which they were not eligible. However, as at present, discretion would exist in exceptional circumstances or hardship to grant an extension or period of grace to occupy such accommodation.

Entitled

The entitled category will encompass a wide range of persons currently given housing consent under the existing Housing Law and Regulations, i.e. (a)-(h) categories. Entitled persons will be able to purchase a property in their own name.

Licensed

The rights of licensed individuals to occupy controlled accommodation would depend on employment in a 'licensed' post.

A person will, only for the duration of their employment contract in a 'licensed' post, be able to rent accommodation that is not available to a registered-only person. Consideration will be given to the appropriate level of employment protection for 'licensed' employees, and the obligations of the employer regarding the employee's accommodation if a contract was terminated prematurely.

Those who are licensed will be able to progress to purchase property in their own name after 10 years' residence.

A licensed person should also be allowed to occupy and have a financial interest in a property owned by a company, either through their employer or direct beneficial ownership^{[15][15]}, although their occupation should be restricted to the period of their employment and they would have no right to own the property directly until they are entitled, after 10 years. Direct beneficial ownership has previously been available for senior appointments within the public sector, and it is now proposed that, subject to further legal opinion, it would be equitable for this to be extended to the private sector.

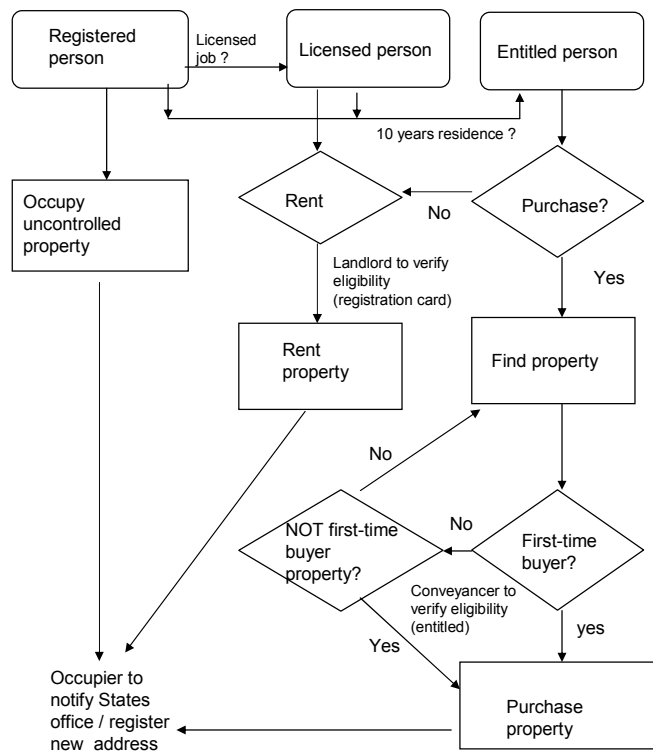
Registered-only

Those who have been registered for less than 10 years, and therefore not entitled, and those who are not employed in a 'licensed' post, could occupy uncontrolled accommodation, for example lodging houses.

After 10 years, a registered person will be able to progress to entitled status. This would make significant progress in increasing equity and alleviating social hardship for those who are seeking to become established in Jersey. However, the changes would need to be phased in over a period of years to take into account the cost implications (for example, if some of the additional numbers who gained entitled status after 10 years would be eligible for rent subsidy).

The above criteria for access to accommodation linked to employment are illustrated on the next page.

Access to accommodation



Transitional arrangements

During the transitional period, people currently in the Housing Regulations (a)-(h) category would be registered as entitled, and existing Housing (j) category persons would be treated as licensed for the duration of their (j) category employment. However, it is envisaged that, as soon as possible, the Housing categories would be simplified to the new registration categories.

At present the ordinary residence requirement for housing 'qualification' is 15 years; it is suggested that *over a number of years* this could be gradually reduced to the same 10-year residence requirement for all. The effect of a reduction in the housing residence requirement on the potential demand for housing is illustrated in Appendix 6. However, not all those who would become eligible to purchase would do so, for personal financial reasons. Whilst this reduction could only be achieved over a time period, in the longer term it would ensure consistency with, for example, a current (j) category employee.

5.4 Create a register of the Island population in the 3 categories– entitled, licensed or registered-only

- Everybody (including dependants) who wishes to live or work in Jersey will become registered with the States.
- Registration will be much more than a mechanism to count the population – it will be the gateway into the labour market and the accommodation market in Jersey, giving the individual rights and access to certain public sector services in return for the responsibility of providing accurate information.
- Registration will be worthwhile and valuable to the individual and therefore proof of identity would be a necessary part of the registration process.
- The States will provide each individual with unique evidence of registration which will have to be presented when accessing public services, employment opportunities and accommodation.

Development of a register

Legislation would be necessary to define the circumstances and categories in which people should register, to set out evidence for registration and the information that might be contained on a register. The basic concept would be for a once-only registration process with individual information being amended as necessary (e.g. marriage, address change etc). The link between the individual, the information and any evidence of registration would be a unique number.

Using the unique number also allows for monitoring to take place through social security contribution returns, which have the only link between individuals and their employers through this unique number. There is no other system that links employers to employees, and vice versa.

The unique registration number would also provide a link between the population register and other, confidential, departmental databases to enable more streamlined and effective administration of information throughout the public sector whilst protecting the privacy of individuals.

To maintain an accurate register, it would be necessary to provide a facility to individuals, except those who are classified as entitled, to notify the States whenever they changed jobs or residential accommodation, incorporate information derived from births, marriage and deaths registration and to up-date the register periodically by removing non-active records, i.e. those who had left the Island.

It is likely that registration could provide wider benefits for residents, beyond the original purpose of monitoring migration, including providing evidence of identity and streamlining the process for members of the public giving basic name and address information. For those who wish to, this could be helpful in interaction with States departments – for example, receiving health care, education or social security benefits, voting or paying income tax.

However, it will be necessary to remove an individual's registration when there is good reason to believe they are no longer resident in Jersey. Experience elsewhere indicates that systems are able to ensure the register could be maintained with a reasonably high level of accuracy.

Monitoring employment

In simple terms, the registration system is reliant on employers being authorised through the Regulation of Undertakings legislation and their manpower quota being defined both totally and into different employee/resident categories. Self-employed people would be similarly authorised.

Individuals, both employed and non-employed, would need to register when they arrived in Jersey in order to get a job or accommodation, but their employee categorisation would be determined by their employer, who would be required to inform the States. For example:

- an individual would first register before finding a job and have a unique number allocated prior to taking up employment. They could then remain registered-only or, if they were successful in gaining a licensed position, might become licensed through their employment and the employer would notify the States to amend their registration categorisation accordingly;
- or the employee categorisation would be determined by the employer before the individual comes to Jersey, prior to the start of any contract of employment. The employer would then need to notify the States to have the employee registered in the appropriate category.

Obviously, those people who are Jersey-born, have a close family connection or can demonstrate 10 years' continuous residence would be categorised as entitled.

Monitoring accommodation

The registration system would also use a classification of addresses to monitor occupation of property, for example based on the existing Island-wide land and property database.

A complete list of all addresses in Jersey is already available. Every address would need to be classified (e.g. controlled, first-time buyer) and so allow registration information about categories of employee/resident and accommodation to be collated against declared addresses.

All changes of accommodation would be notified to the States, and the property classification would then be checked against registered status – i.e. registered-only, licensed or entitled – to verify eligibility to occupy the property. A lodger in a private home, however, would be eligible to stay at the property by evidence of an entitled or licensed person also in occupation at the same address.

Setting up the register

Recognising the importance of the interaction between employer, employee and the States which is uniquely captured in the Social Security contribution system, there is a potential to use existing systems in accordance with strict data protection requirements, suitably amended to monitor the labour market and therefore, in some part, population. A new social security system will be implemented in January 2005 which builds on the existing databases that hold employer

and individual information separately but linked through a unique number.

Preliminary investigations have shown that the requirements of the Regulation of Undertakings and Developments Law are almost completely met by the information on Social Security employers. A few additional pieces of information added to the employer record and the individual record would allow employee categorisation to be monitored through contribution returns. A review of the process of registration for both employers and individuals would be a worthwhile exercise to see if an existing system can be adapted to fit to the satisfaction of all parties, including Data Protection. A schematic of a potential registration and monitoring system is contained in [Appendix 1](#).

More efficient government

It is also envisaged that the register should be the single population index, with a facility for each individual to notify the States when the details change – for example, so that relevant States departments will be aware when a person changes address. Address details would also link with the existing database of property (i.e. classified as ‘controlled’ property, or ‘uncontrolled’ registered lodging houses and staff accommodation) to ensure that a person is occupying accommodation that they are permitted to.

It is evident that there are significant data protection issues arising. The kind of contact information to be held would be: name, address, date and place of birth, gender, residence status and a unique reference number. Importantly, the register would only provide a core set of information, and it would not be possible for one States department to access the records held by another department unless this was specifically authorised, or otherwise in accordance with Data Protection legislation.

It is considered, however, that this proposal will have enormous potential as a basis for sharing basic, non-sensitive information, streamlining the administration of public services in Jersey and generating significant benefits and convenience for all the residents of the Island.

The Data Protection implications of these proposals require further detailed consideration, involving the advice of the Jersey Data Protection Registrar. However, it has been agreed that the arrangements will be reviewed in collaboration with the Registrar to ensure they are fully compliant with the existing Data Protection principles and legislation, including relevant safeguards to prevent the misuse of information.

These population registration arrangements are similar to those being proposed in a number of other jurisdictions, for example –

- the United Kingdom as part of the Citizen Information Project^[16] led by the Office for National Statistics;
- the Government of Ireland in the ‘Reach’ project^[17] to develop a strategy for the integration of public services and e-government;
- Guernsey, who have a working group looking at the possibility of a Central Citizen Database (CCDOG).

All these projects are dealing with similar issues relating to data protection and citizens’ rights, whilst promoting improved information about the overall population and better access to public services.

5.5 Monitor migration and regulate the factors that govern migration through a system of job licensing for employers and overall control of employment

The proposed system of job licensing is derived from the existing RUDL and Housing Law, but these disconnected arrangements will be superseded by a more integrated approach, using the same criteria for both housing and employment purposes and administered by a single office.

A policy should be agreed on the allocation of licences that is consistent with the States strategic plan, the economic growth strategy and the available residential accommodation. It is proposed that licences should normally only be allocated to employers who make a significant contribution to the Island, either socially or economically, and when there are insufficient entitled residents who are suitably qualified, experienced or skilled to fill the posts.

Under the existing RUDL^[18], overall employment within the Island will be controlled and, in agreement with individual employers through 3-year business plans, an approved number of licences, registered-only and entitled employees will be allocated to each business. This involves considering individual undertakings’ business objectives and reaching agreement on staffing establishments for a future period (generally 3 years) in accordance with State objectives.

The licence allocations and number of non-licensed employees would be adjusted by negotiation depending on, for example, business development opportunities, the economy or housing supply.

An agreed number of licences would be allocated to specific businesses (not individuals or specific jobs), and must only be used by that business; they cannot be retained by an individual when that person leaves the job, and they cannot be traded between businesses. Any unused licences could be re-deployed by the business to another employee, or would be withdrawn and may be re-allocated to another business.

Businesses would have the freedom to make appropriate employment decisions about individuals within States policy and subject to appropriate employment protection for existing employees. It will be important that new employment protection legislation is in force, for example to ensure that employment of an existing 'licensed' person could not be terminated unfairly prior to completion of the employment contract^{[19][19]}. An employee who has been employed in a job that has been allocated a licence would have a right to remain registered as 'licensed' for the duration of the contract.

It is believed these proposals will provide additional flexibility to operate without excessive government interference, in an environment that is more attractive to businesses and fairer to employees, yet within strictly managed overall States manpower controls and population policies.

Statistics gathered on the employment market will also assist by providing information on how many posts are vacant, any particular skills needed in the short to medium term, and by using such information to shape future local training programmes and migration policy.

It is recognised that it is the employment market which has the greatest direct effect on inward (and outward) migration and must remain at the forefront of the Island's attempts to monitor and, as necessary control, population.

The mechanisms for the Regulation of Undertakings and Development (Jersey) Law should cover all businesses within the Island. Self-employed individuals would, as at present, seek consent to establish a new undertaking, and all new businesses will need to apply for a permit to commence trading.

It is proposed, in effect, to harmonise the Housing Regulations and the RUDL '5-year rule' which currently allows all those who have been resident for over 5 years to take up any employment. In future, only those who are entitled, after 10 years residence, will be allowed to take up all types of employment. Those who had been resident for less than 10 years will be permitted to take up a job available to those who are registered only or seek a job that has been allocated a licence.

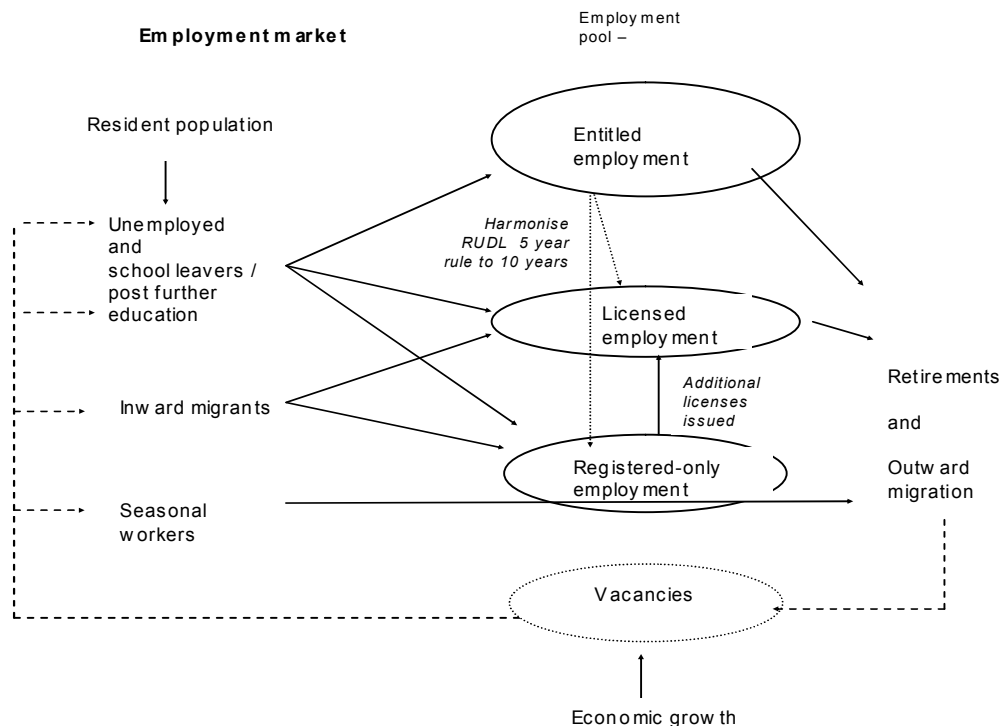
The transitional arrangements described below ensure that nobody who is currently employed would be disadvantaged by this change.

Monitoring

Monitoring compliance will be achieved by quarterly employers' returns to the States, comprising an amalgamation of the existing Social Security and RUDL returns. The regulatory impact of the reporting requirements is likely to be less than the existing returns, and by amalgamating the reporting and enabling electronic submissions, it is proposed to reduce the burden on businesses.

Impact on employment

The overall effects of the proposals on the employment market are illustrated below.



The diagram represents the dynamic effects of the migration proposals on overall employment within Jersey. Recruitment of school leavers inputs into any of the 3 categories of employees within the employment pools– entitled employees, licensed employment and registered-only employment; inward migrants input into licensed employment or registered-only employment; whilst seasonal workers pass through the registered-only pool.

Workers leave all 3 employment pools by retirement or outward migration which, together with economic growth, will create vacancies to provide employment opportunities for existing residents. Where permitted under the business planning process, additional registered-only and licensed employment may be allocated where there is no existing local recruitment opportunity.

The proposal to reduce the residence requirement to become entitled, from 15 years to 10 years, will not increase the number of people eligible to take up any employment as these people could already be engaged under the current RUDL '5-year rule'.

The allocation of additional licenses to businesses, in line with the Island's economic needs, will move a number of individuals from registered-only employment into licensed employment, and so increase the number of employees in the licensed pool.

However the effect of progressively harmonising the RUDL '5-year rule' with the 10-year entitlement requirement (as discussed below) has an opposite effect. Over a period of years, the residence requirement for entitled employment would increase from 5 years to 10 years, which will reduce the number of employees eligible to take up any job.

This reduction in the entitled employment pool will not affect eligibility for entitled accommodation which will become harmonised at 10 years.

Transitional arrangements

Harmonising the criteria for employment with those for accommodation, a person who is currently permitted under the RUDL '5-year rule' to take up any employment after 5 years' residence, would in future be restricted to licensed or registered-only employment until they become entitled after 10 years.

However, this change would be balanced by the greater flexibility available for any person, regardless of their period of residence, to apply for a job that has been allocated a license.

In order to ensure nobody would be disadvantaged by this change, it would be necessary to freeze the '5-year rule' so that a set date (5 years previous) would determine those who were entitled to access any employment. Thus, the residence period to access any employment would be increased over a period of 5 years, until this reached 10 years (the same as the entitled housing criterion). Thereafter, access to any employment would remain harmonised with the entitled housing category.

So, for example, an existing resident person who has already been in Jersey for 5 years and has employment in accordance with the RUDL '5-year rule' could remain eligible for any such employment, and could then become fully entitled after 10 years' residence. However, from a certain date, a person who had not been resident for 5 years would remain eligible only to seek licensed or registered-only employment, even when they subsequently gain 5-9 years' residence, until they become entitled after 10 years' residence.

5.6 Designate a single office by July 2005, working with the Housing, Economic Development, Employment and Social Security and Environment and Public Services Committees, to amalgamate the functions of housing consent, Regulation of Undertakings and Development and Social Security registration

A single office would be set up, by July 2005, amalgamating the relevant functions of Housing, Regulation of Undertakings and Development and Social Security registration. The office should then become the one corporate point of contact for all population registration information.

The office would have lead responsibility for monitoring migration through the population register, and for implementing migration and population policies approved by the States. The intention is to achieve far greater policy co-ordination and more efficient implementation than is presently possible with the involvement of separate Departments.

The single office would enable the employment and accommodation management systems to be brought together and to design the integrated resident registration system. In addition, it would be necessary to maintain existing statistical information gathered, for example, for the Statistics Unit for the purpose of manpower reporting and monitoring the economy. In doing this, full regard will have to be given to data protection rules, in consultation with the Data Protection Registrar, to ensure that all of the systems can share information sufficiently to meet the needs of the States whilst appropriately protecting individual privacy.

Transitional arrangements

A relatively simple way forward would be to physically locate the existing staff in one office. The arrangement would lead to greater administrative efficiency, improved information flow and, from the public's perspective, simplify the existing complex arrangements.

There would be close working between officers of the Housing Department and Economic Development department to deliver the new migration mechanisms. This will enable existing policies for the granting of housing consent to be closely aligned with the new licence arrangements.

The functions of the Economic Development Committee under the RUDL, and the housing consent functions of the Housing Committee under existing Housing Law, would initially provide the legal framework, administered through a single office, to implement the proposals to regulate employment and allow access to controlled accommodation for those in licensed employment.

During this transitional period, existing policies of the Housing and Economic Development Committees will be reviewed and procedures and legislation amended to achieve the new objectives as soon as possible, through close collaboration between the relevant departments.

Meeting social policy objectives

There was a view that the proposals were focused on economic issues, rather than social policy objectives, and that there was insufficient attention to social housing needs.

However, the migration proposals, together with the economic strategy, will address the social policy issues regarding migration in relation to economic development, employment and training opportunities, and the availability of accommodation for the existing residents and migrant population.

The single office would retain close partnerships with other departments, for example the Employment and Social Security Department, in relation to ensuring maximum employment opportunities for the existing resident population and promoting training by employers for local school-leavers; with the Housing Department regarding provision of category (a) housing or first-time-buyer homes; and with the Planning Department regarding residential development within the Island.

The aim of the Departments, working together, will be to ensure that these social policy objectives are effectively balanced against the goals of economic growth, environmental sustainability and population size.

In summary, the roles of the single office would be as follows –

- implementing and monitoring population registration;
- monitoring migration and population trends;
- monitoring the current availability and future supply of residential accommodation;

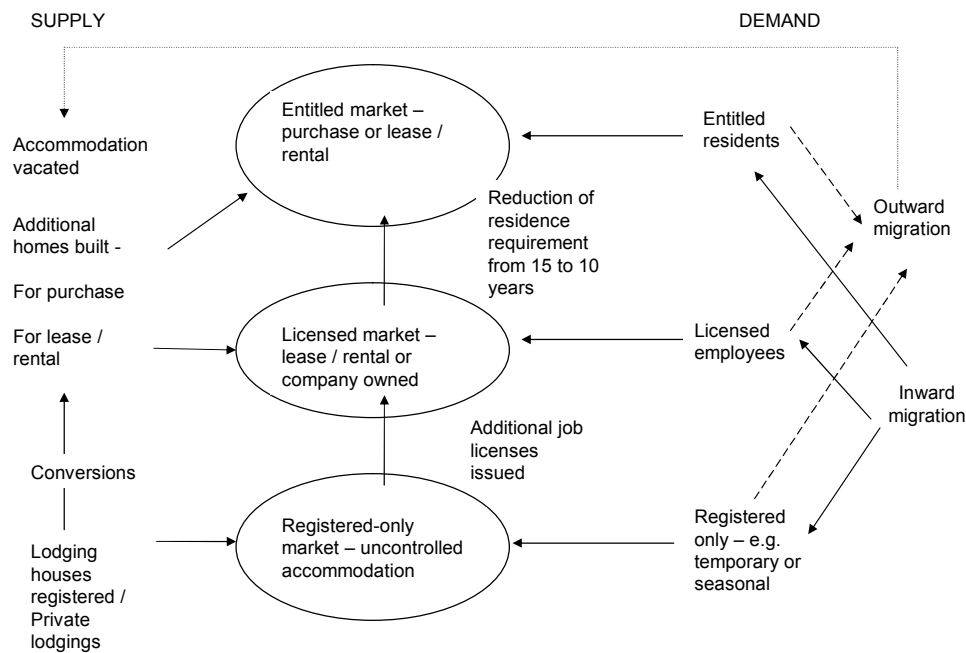
- allocation of licences to employers, whilst endeavouring to ensure the consequent requirement for accommodation does not exceed the overall availability;
- authorising the establishment of new businesses, where appropriate;
- working with other departments to balance economic and social policy objectives including employment opportunities, training, and access to accommodation for existing residents.

Balancing the demand for and supply of accommodation

It is proposed that by control of employment licences and reduction of the residence requirement for entitlement, over time, from 15 years to 10 years, a greater proportion of residents will in due course be able to gain licensed and entitled status. Whilst some people will continue to occupy uncontrolled accommodation, more will gain access to controlled rental accommodation.

This will require carefully planned development and management of accommodation supply, taking into account the Island's social and economic needs, migration trends and the effects on the accommodation market.

The effects of the proposals on the overall housing supply and demand are illustrated below.



The above diagram illustrates the dynamic effects of the migration proposals on the supply of and demand for residential accommodation in Jersey.

The supply of additional controlled residential accommodation becoming available can be managed through the planning process, within the strategic policies of the States^{[20][20]}. The construction of new homes will increase the supply, either for purchase by those in the entitled category or for lease by entitled residents and licensed employees. Some property will be restricted to entitled first-time buyers.

In addition, new lodging houses and lodgers in private homes (up to 5 per unit at present) add to the uncontrolled accommodation market, mostly for registered-only residents (although licensed and entitled residents will be eligible to occupy this accommodation too).

The demand for purchase and lease of accommodation will be increased, over a period of time, by reduction in the residence requirement to 10 years. The demand for leased accommodation may be managed through controlling the allocation of additional licences to businesses, in proportion with the accommodation supply and in conjunction with the States strategy for economic growth. Licence allocations, together with the natural increase in the indigenous population, will also influence the net inward or outward migration.

Effects of migration on the demand for accommodation

It is estimated^{[21][21]} that 77% of the adult population (some 55,000 individuals, or about 31,000 households^{[22][22]}) are presently 'residentially qualified' under the existing Regulations (a)-(h). Approximately 800 households are (j) category qualified, and approximately 140 (k) category consents have been granted, together making up about 2% of all households. Of the (a)-(k) population, approximately 1,700 individuals (living in around 1,000 households) arrived in the Island within the previous 5 years.

The remaining 21% of the adult population, or about 15,000 individuals, are presently 'non-qualified'. Whilst nearly 4,000 of these may occupy accommodation as the partner of a qualified person, the remaining 11,000 generally live in around 4,500 households – as lodgers in registered lodging houses or private dwellings, staff accommodation, etc. Of the latter, approximately 5,000 individuals (some 2,000 households) arrived in the previous 5 years.

The effects of the proposals on the housing market therefore need to be carefully monitored and managed in the context of the overall projected availability of housing over the next few years^{[23][23]} (see [Appendix 5](#)). A further housing needs survey will be carried out at the end of 2004. However, in the present environment it is considered that any changes would be manageable and could be effectively controlled through the mechanisms proposed.

Effect of entitled status

The existing 31,000 households that have 'residentially qualified' heads would be classified as entitled. It is anticipated that a reduction in the period required to achieve entitled status from 15 to 10 years could, over a period of several years result in a further 1,800 householders^{[24][24]} (See [Appendix 6](#)) becoming entitled to purchase property if they wished to do so. However, there is evidence from previous reductions in the period for 'housing qualifications' from 20 years to 15 years that the demand for property would be considerably less than this, as many might continue living in uncontrolled or staff accommodation for economic reasons.

Effect of licence allocations

Initially, it is envisaged that employers with the existing (j) category consents would be allocated licences for those employees. However, it is likely that over a period of several years a further number of licences will be issued to businesses, according to their business needs and the States economic objectives.

It should be noted that these additional licences would be allocated to businesses only in accordance with the States strategic plan, and ordinarily only if there was evidence of a particular skills requirement and that there was no opportunity to fill a vacancy from within the entitled employment market.

The potential of the proposals to increase the number of people in rental accommodation and the costs of rent rebate subsidy has also been considered by the Housing Committee. It is suggested that, in conjunction with the introduction of the new income support system proposed by the Employment and Social Security Committee, there will be *no eligibility for rent subsidy for licensed people*. There are strong arguments that such a subsidy is not an efficient means of managing the cost of rental accommodation and leads to increased costs, and should be replaced by alternative benefits targeted to those in need.

5.7 Charge the Policy and Resources Committee, in consultation with the Economic Development, Housing, Home Affairs and Employment and Social Security Committees, to bring forward the necessary legal and other measures to give effect to the above for consideration by the States

As indicated previously, the introduction of a new and comprehensive migration policy involves 3 parts –

- (i) approval of an overall population policy, as proposed in the Policy and Resources Committee's strategic plan for 2005 to 2010, and adopted by the States on 29th June 2004;
- (ii) proposals for a mechanism to monitor and regulate inward migration, as described in this report; and
- (iii) a further framework to determine the policy criteria for regulating migration which will be brought forward once the economic development policy has been agreed.

Some of the requirements to introduce the current proposals will include the development of new procedures, based on business process re-engineering of the systems presently operating separately in the Housing, RUDL and Employment and Social Security Departments. Many of these would be uncontroversial and administrative in nature; however any significant policy issues or matters with resource implications would need to be referred to the States.

Legislative measures will also be needed, including:

- a registration law to introduce a register of the whole population. This will be an extensive piece of legislation, which would probably not be completed before the end of 2005;
- legal provisions to ensure population registration is fully compliant with data protection legislation, to enable more

effective use to be made of identifying information across all States Departments, without compromising the privacy of sensitive or personal information that is held within any particular Department. Further discussion is required on the data protection principles involved and the legal requirements;

- amendments to the existing Housing Regulations and RUDL, in due course, to streamline and simplify the existing arrangements.

An outline implementation plan, with an indication of timescales and resources, is included in section 7 below.

6. Benefits and risks of the proposals

The benefits of the proposals can be considered under 3 headings –

Benefits for individuals

- A population register that provides basic identity information for all public sector services, avoiding the need to repeatedly provide the same information to different departments on several occasions.
- A single point of contact for changes in identifying information – for example, so that a change of address notified to the States would automatically update all other States departments appropriately.
- A simple process for maintaining evidence of residence in Jersey, so that entitlement for employment and accommodation purposes would be easily established.
- Direct links with the registration of births, marriages and deaths, to update official records and to ensure that appropriate and timely correspondence, for example, regarding family benefits or pensions are directed to individuals.
- Eventually, personalised official forms, provided with name and address details etc. already filled in.
- Opportunity for all registered residents to gain a job that has been allocated a licence, and therefore a better range of accommodation, based on their skills and qualifications instead of an arbitrary residence period.
- Improved opportunity to become entitled and thus eligibility to greater security of tenure through property purchase.
- Increased equity between those who are entitled by birth or family connection, and those who gain entitlement by residence.

Benefits for the States

- To enable the States to effectively implement the population policy as adopted in the strategic plan for 2005 to 2010.
- Achieve more effective balance in the demand for and supply of residential accommodation.
- To have current information on the whole resident population, to assist in planning and managing the economy and providing public sector services.
- Current and up-to-date contact information on residents to assist in providing more individually-tailored services and efficient administration of interactions between individuals and the States.
- More effective mechanisms for monitoring and, if necessary, regulating inward migration through the allocation of employment licences to businesses.
- More effective mechanisms for monitoring and managing the demand for rental and purchase accommodation.
- More effective control over the economy in response to changing circumstances and needs, through selective allocation of licences, in conjunction with review of individual business plans, according to the priorities for economic productivity, social benefits, training and employment needs.

Benefits for employers

- Increased flexibility to recruit and retain staff in licensed employment, according to their skills and qualifications, within an agreed licence quota.
- Competitive advantage over employers in other jurisdictions due to transparency and flexibility of the proposed licensing arrangements.

- Process for 3-year business plans to be agreed to enable transparent application of policies affecting recruitment and business development.
- Scope for negotiation of additional licences, according to business development needs and within States economic policies.
- Opportunity to attract and retain employees into a job that has been allocated a licence, and to offer improved accommodation either through lease *or company-owned property purchase*.
- Reduced bureaucracy through more streamlined systems and integrated monitoring by a single employer's manpower return.

Risks

Whilst considering the benefits of the proposals, it is also necessary to evaluate any possible risks that might arise. Possible issues to be considered include –

- A possibility that businesses might consider the regulatory systems and criteria burdensome (although this would be less than at present – as discussed in section 5.5), or lack of confidence in the process, which might discourage them from establishing in Jersey or lead them to consider transfer to another jurisdiction.
- A perception by individuals that Jersey is excessively regulated and, therefore, not a desirable place to live and work – leading to difficulty in recruitment from outside the Island, or outward migration of existing residents.
- A public or political perception that the proposals would be ineffective; that they could have unacceptable adverse consequences for the existing population; that they might lead to undesirable environmental change; they would place an unacceptable burden on the Island's infrastructure; or that they could lead to unsustainable migration changes – leading to lack of support for the proposals.

7. Implementation plan

As part of the overall migration policy, described in 5.7 above, the implementation plan for a mechanism to monitor and regulate inward migration will involve a number of stages:

- to bring together the separate functions currently located in different States departments into a single office;
- organisation of the processes of establishing a population register, and monitoring and regulating migration through employment licensing;
- implementing new policy and procedures within the existing legislative framework;
- reviewing and revising the existing Housing regulations and Regulation of Undertakings and Development Law as appropriate to harmonise the legal provisions.

If approved, it is proposed the implementation programme could commence early in 2005, and would need to extend over a transitional period of at least 5 years.

Resources

The resource implications of the proposals have been tentatively identified as follows –

- amalgamation of current functions to form a single office should be possible by re-deployment of current manpower resources, bringing these staff together within existing States premises;
- additional resources are likely to be required temporarily during the initial project – for example, specialist advice in business process re-engineering – to achieve early efficiency improvements;
- whilst it is intended that the population register could be based largely on the Social Security registration system, software and other system modifications will be required, which will have revenue implications. Further evaluation of these costs is required.

These various implementation stages can be listed as follows –

Time scale	Practical issues	Policy implementation	Legal matters
2005	Approval of migration proposals – by January 2005	Agree policy for the allocation of licences to businesses, and for existing employees where	Review immediately necessary amendments to existing Housing Regulations and RUDL

	<p>Business process re-engineer the RUDL and Housing consent processes</p> <p>Identify premises for a new office</p> <p>Deploy existing manpower resources</p> <p>Training and education – staff, public and employers</p> <p>Introduce new policies and procedures, as far as possible, within existing legal framework</p>	<p>appropriate – <i>subject to approval of States economic policy</i></p> <p>Closer working of officers to achieve the role of the new office</p> <p>Commence harmonization of RUDL 5-year rule (over 5 years)</p> <p>Commence reduction of residence requirement to 10 years (over the next 5 years)</p> <p>Initiate policy review – to ensure it continues to meet objectives</p>	<p>– to harmonise RUDL 5-year rule</p> <p>– to reduce 15-year residential qualification period</p> <p>Prepare drafting for Registration Law</p> <p>Review Data Protection issues/requirements to ensure DP compliance</p> <p>Amend Social Security legislation – registration</p>
2006	<p>Set up infrastructure for a population register – IT systems etc.</p> <p>Commence registration – 3 categories</p>	<p>Consider and implement, if appropriate, additional business processes</p> <p>– e.g. income tax linked to employer’s returns</p>	<p>Introduce new Registration Law</p>
2007 – 2009	<p>Total population register</p>	<p>Implement additional related policy developments to improve effectiveness and efficiency of States administration</p> <p>Comprehensive migration/population policy, and further initiatives in place and operating efficiently</p>	<p>Review and revise the current RUDL and Housing Regulations to harmonize the legal provisions</p> <p>New migration/population legislation in force</p>

8. Conclusions and summary

The Policy and Resources Committee considers that, for the first time, the States can effectively implement their policies on migration. By adopting these policies, they can considerably increase their ability to govern overall migration, either to reduce the level or allow it to increase within their set limits.

The States can develop and maintain an integrated approach to monitoring and regulating the factors that govern migration, by –

- developing basic information on the whole resident population, to assist in planning and managing population changes and to help plan and provide adequate public services;
- continuing to exert high level influence over the overall number of jobs available within the economy in the best interests of the Island, and the setting a maximum number of non-local employees;
- introducing a job licensing process as the principal mechanism of a migration policy, to eventually replace ‘permissive’ access to accommodation, and ensuring access to accommodation is closely linked to individuals’ employment and period of residence;
- using information gathered in relation to migration, from the population register and other linked databases, to provide intelligence for employment, skills and training programmes, and for the Housing Department and private sector housing providers on present and future accommodation requirements;
- if deemed desirable, revising the controls on the overall number and/or category of persons granted access to employment and housing through modifying the criteria for gaining licences.

It is recognised that, whatever influences the States may decide to apply on migration in future, there needs to be a measured approach to change and the introduction of more overt population management systems, based on improved information on the population demographic mix, the composition of the workforce, the available employment and housing resources.

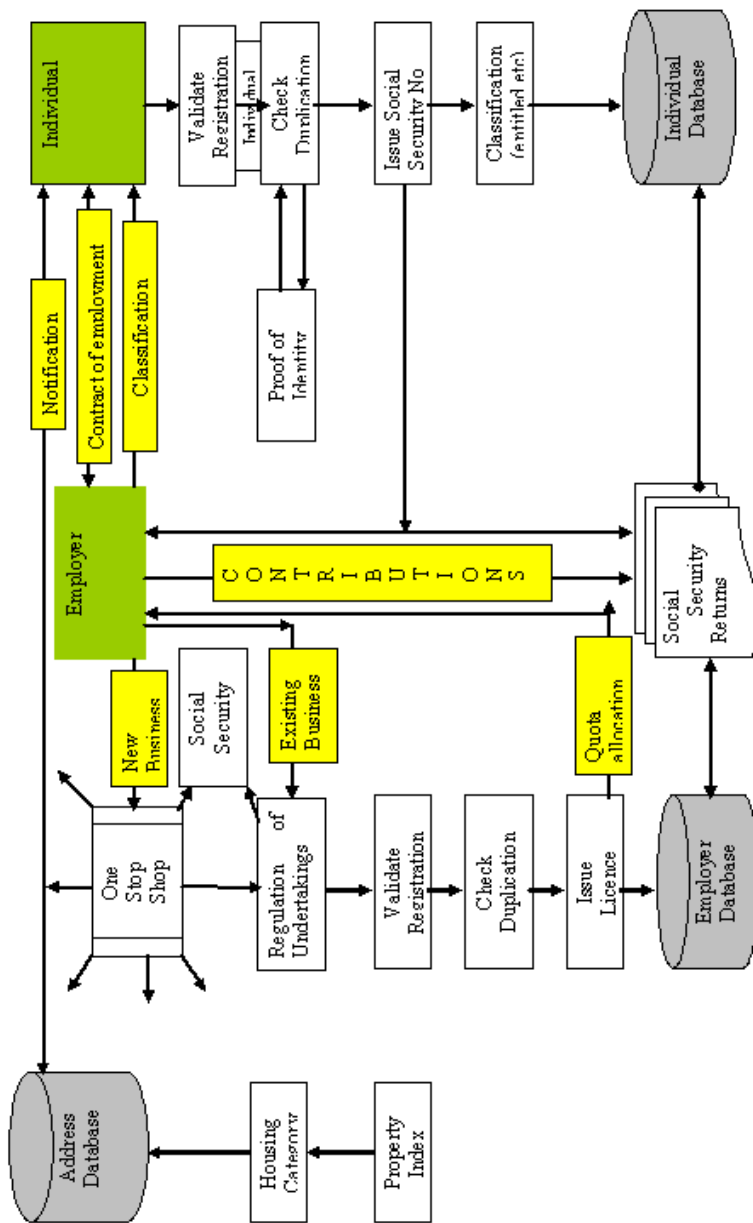
In addition, certain policy changes would need to be considered, for example –

- in conjunction with the introduction of the new income support system proposed by the Employment and Social Security Committee, there will be *no eligibility for rent subsidy for licensed people*;
- proposals to attract and retain employees in licensed employment, and to offer improved accommodation either through lease or *company-owned property purchase*.

Whilst the policy proposals outline an overall approach to monitoring and regulating the factors that govern migration, further detailed operational arrangements will need to be determined and, most importantly, the decision processes by which the policy will be implemented and the economic, environmental and social criteria will be applied in relation to allocation of employment licences.

A step-by-step approach will ensure that arrangements are introduced in an effective and transparent manner, allowing sufficient consultation and gaining broad consensus at each stage. This will allow the States to consider each policy proposal on an individual basis, as part of a developing programme of coordinated policy across a broad range of initiatives.

REGISTRATION SCHEMATIC DIAGRAM



SUMMARY OF CONSULTATION RESPONSES

An Island-wide consultation on the migration proposals was conducted, which commenced on 20th April 2004 and was extended to the end of June 2004. During this period, the proposals received wide-ranging media coverage including full-page spreads and several articles in the local newspaper, television and radio news coverage. A series of newspaper notices were also published, together with 35 advertisements broadcast on commercial radio, to promote the public meetings. Invitations to attend public meetings were also sent out to over 300 individuals who had participated in the 'Imagine Jersey' consultation.

The migration consultation paper was available free of charge from a number of States offices, and was published on-line on the States website. The key proposals were also effectively reported and accurately summarised for the public in the newspaper.

Three public meetings were held in local halls, with variable attendances, and further meetings were held at St. Thomas Church and with professional organisations. Views were also received in writing by letter and e-mail, including an on-line feedback form on the website, and several further discussions were arranged. Views were received from private individuals, voluntary and charitable groups, businesses and professional organisations. States members also received a briefing and provided their initial views on the proposals.

In total, the detailed responses of some 200 individuals and organisations were received. Their comments were too many and too diverse to list individually in this report. However, they have been condensed below to provide a balanced and representative indication of the range of opinion, both negative and positive.

The migration working group has listened to the views expressed and has focused the proposals in a number of areas, for example:

- as far as possible, to free-up government controls, so that entitled people should not be the subject of regulation any more than is necessary;
- to provide greater access to a better range and more affordable accommodation for all residents;
- to clarify how the regulation of migration through employment should be implemented in practise;
- the current rent rebate scheme should not be extended to new categories of licensed employees;
- to ensure that employment protection and hardship provisions were sufficient to protect the rights of existing employees, particularly when their accommodation status was dependent on licensed employment;
- the migration proposals should include a requirement to develop explicit criteria for the allocation of licences to employers;
- the proposed 10-year qualifying period for entitled status could be reviewed and further reduced in future if the States decided this was desirable;
- once someone had gained entitled status by residence, to ensure that this could only be lost after a considerable absence, or never;
- to consider extending the option of company-owned property purchase equitably for licensed employees in both the public and private sectors;
- to promote training and employment opportunities for younger residents, where this is possible instead of facilitating inward migration.

Responses to the consultation questions are summarised below.

Principles

1. Do you agree with these principles as the basic assumptions on which a migration policy should be developed? If not, which do you disagree with, and why?

General agreement, although it was felt the economic, social and strategic necessity to address migration issues should be emphasized.

Further detail was requested on the practical mechanisms to streamline the system.

Some views were expressed that the proposals built on the existing system and were not sufficiently different to make Jersey more attractive for business growth.

2. Are there any other key principles (not detailed implementation arrangements) that you think should be included?

Additional proposals were mainly intended to enhance the position of residents or migrants:

- the entitled category should not be regulated as far as employment is concerned;
- lodging house and uncontrolled accommodation should be affordable and better quality;
- licensed employees should have greater access to purchase property;
- Jersey people should have greater opportunities, training etc. to enable them to replace migrant employees.

Option 1 – A population register

3. Do you support the concept of resident registration, possibly with a legal requirement to register, in order to provide comprehensive up-to-date information on population? If not, what alternative options would you propose?

A comprehensive resident registration system was strongly supported and it was felt it would be valuable for monitoring and managing migration.

There was general acceptance that this must be enforceable by Law.

It was recognised that a system could be built from the existing Social Security register.

The main concerns were about the practical problems of developing and maintaining an accurate register for it to be sufficiently useful. A number of examples were given that could give rise to possible difficulties; for example, when a person leaves the Island permanently, or temporarily (e.g. a student), without informing the States administration.

4. Do you consider access to employment, accommodation or some public sector services should be controlled? If so, which of these do you think should be controlled?

It was widely agreed that it was necessary to control employment as the principle means of regulating migration.

However, whilst most respondents accepted a need to also regulate access to accommodation, they believed there should be sufficient flexibility to ensure the Island remained attractive to businesses and that competitive advantage was not lost due to housing restrictions. There was a view that all persons in licensed employment should be permitted to purchase property.

Regulating access to some public sector services must ensure that immediately necessary services, e.g. urgent medical treatment, were not affected. It was widely felt that all registered persons should have equal access to public sector services.

Option 2 – A Single Office

5. Do you agree with the establishment of a single office – amalgamating the relevant functions of Housing, Regulation of Undertakings and Development and Social Security registration? If not, what alternative would you propose?

There was universal agreement that a single Office should be established by amalgamating existing functions.

It was felt that this could improve administrative efficiency.

There was a view that migration and population policy development should remain a corporate responsibility of Policy and Resources.

6. Are there other functions which you think the single office should carry out?

Although not an immediate priority, it was suggested additional functions of the single office could include:

Maintaining and supplying information to other States Departments for the purposes of identification, income tax administration, electoral registration, driving licensing, and births/deaths registration.

Option 3 – Migration control through ‘macro’ level regulation of employment

7. Do you consider that overall regulation of employment at a macro level is an appropriate mechanism for the control of migration? If not, what alternative mechanisms do you consider more appropriate?

This question raised a number of important issues –

- (1) The proposal is too restrictive:

- Macro level control of employment numbers was accepted by most, providing it was at a sufficiently high level to permit employer flexibility.
 - There was a view that direct control of employee numbers was too detailed or ‘micro’, even if employers had complete discretion on individual appointees, resulting in inability to adapt to changing market circumstances.
 - Some felt that this would be direct government control and too restrictive on businesses, which should only be influenced by indirect measures such as taxation.
- (2) The proposal is too flexible:
- Alternatively, concern was expressed that flexibility for employers might lead to misuse in the allocation of licenses to employees.
 - Some were concerned that satisfying the demands of employers to recruit non-locally would lead to unmanaged growth.
- (3) The mechanism needs to be clarified:
- It was felt regulation should focus only on registered and licensed employment – entitled people should not be regulated in any way.
- [Note: this option was considered, but not supported as it is necessary to set a cap on total employment in order to effectively regulate inward migration].*
- It was not clear whether or how the existing RUDL system would achieve the objectives – how would license numbers be agreed?
- [Note: It is proposed that licence numbers would be agreed within the overall States economic policy, as part of the on-going review with each business of their 3-year business plans. Numbers could be either increased or an agreement reached on a mechanism for reduction by ‘natural wastage’].*
- There was a view that licenses should be tradeable, applied for by tender or purchased from the States.
- [Note: this option was considered, but not supported.]*
- It was not clear how temporary, part-time, dependants and semi-retired people would be affected.

8. Do you agree that employers should only be required to submit one return which contains Employment and Social Security and RUDL information?

The view, on the whole, was that there was merit in reducing bureaucracy, but some felt this was not a priority issue.

There was concern in some quarters that a new system might involve greater information requirements to monitor employment and maintain an accurate population register.

Option 4 – Managing housing demand and supply

9. Do you consider it desirable for a greater proportion of the population currently occupying uncontrolled accommodation to be able to access rental/lease accommodation? If not, why?

There was strong support in principle that the quality of accommodation available for registered people should be improved – either by increased access to rental/lease property or by improving lodging accommodation standards (although it is accepted that standards in some lodging houses are now better than in the past).

A concern was expressed that increased access to rental property could have major cost implications for the Rent Rebate Scheme – although it is not certain that this would remain in its present form.

There were differences in the views expressed between meeting the aspirations of local people versus new migrants. On one hand it was considered that established people should have better access to accommodation; on the other hand that new migrants who were contributing to the economy should be given the same rights.

The position of first-time buyers should be protected – whether local or from outside the Island where appropriate.

It was suggested people in licensed employment should be able to ‘buy’ property – possibly through company ownership arrangements, thus freeing up more rental accommodation and moderating rental costs. This was felt to be essential by some to attract the necessary staff to support a prosperous economy.

Concern was expressed about persons in licensed employment who retired or lost their job, for reasons beyond their control, who might then lose their right to rent/lease property or occupy company-owned property. It was felt there must

be some period of grace or hardship allowance made.

[*Note: this point was accepted – see paragraph 5.5*]

10. To what extent is it appropriate for the Island’s government to manage the market for accommodation – or should market forces be unrestrained?

It was generally felt that direct government control of housing or rental subsidies was not appropriate – although managing the demand for accommodation through effective migration controls was desirable.

The role of government should be to manage the supply of new accommodation – of a type appropriate for the demand – through planning and development processes.

Option 5 – Three categories of registration and employment

11. Do you agree with a simplified 3-category classification system to incorporate the existing housing categories? If not, what other categories, if any, would you propose?

There was widespread support for a 3-category system (although some did not appreciate the necessity for the ‘registered’ group to meet international obligations).

It was suggested that:

- the entitled category should include people awarded permanent (j) category housing consent– e.g. medical practitioners, senior officials;
- licences should be limited to not longer than 5 years, although renewable. Anything longer should be considered a permanent (j) category (entitled).

The criteria for allocating licenses were questioned – should this be based on some fair and objective measure of ‘essentialness’ or be determined by businesses according to employment market considerations?

There were some views that residents should become entitled after 5 years.

12. Should a Jersey-born person, or their spouse or child, be required to reside in Jersey for 10 years (as at present) to become registered as ‘entitled’? If not, what other period, if any, would you propose?

There was extensive support for the view that the ‘qualifying period’ to gain entitlement should be the same for Jersey-born people, new migrants and dependants or spouses.

It was felt the qualifying periods should be cumulative – i.e. the period should not be lost by absence to gain experience working elsewhere for a time.

Most accepted that a 10-year period would be appropriate – although some suggested only 5 years.

13. Should individuals in the ‘registered’ category be able to progress into employment in a ‘licensed’ post if they have the appropriate qualifications or experience, no matter how long they have been resident in Jersey?

Consistent support was expressed for the view that any registered person should be able to take up licensed employment, if they were suitably qualified or experienced to do so, and thus gain licensed accommodation status.

14. Should a ‘licensed’ person be able to progress to become ‘entitled’ after 10 years– or what other period would you propose?

There was universal agreement that a licensed person should be able to progress to become entitled after a period of time.

Many agreed with a 10-year period, although a significant number of people thought 5 years was a more appropriate period. Even though they might be entitled to buy property after that time, many could not do so because of the cost – but having the option was felt to be important.

It was suggested that the prospect of purchasing property after 5 years, for those who earned enough to afford to do so would help to attract the necessary qualified people to Jersey and promote economic growth.

15. Should a ‘registered’ person be able to progress to become ‘entitled’ after 10 years– or what other period would you propose?

There was strong agreement that a registered person should be able to progress to become entitled after a period of time.

Many agreed with a 10-year period, although a significant number of people thought 5 years was a more appropriate time period (as in the previous response).

16. Once a person is registered as ‘entitled’ should they be liable to lose their entitlement due to absence from the Island – and if so, after how long?

There was wide agreement that, once a person had gained entitlement, this should not be lost by absence. If entitlement could be lost, most agreed that this should be a long period of absence – say 10 or 15 years.

Option 6 – Access to accommodation linked to employment

17. Is it appropriate that the employment category should determine access to different types of accommodation – i.e. uncontrolled, lease/rental or purchase?

There was general agreement with the principle of linking employment with accommodation rights.

Concern was expressed about the consequences of losing licensed employment – for example, whether the remaining lease obligation might rest with the employer or the employee.

[Note: It was considered that, on balance, it would be better for the liability for an outstanding lease period to lie with the employer, thus acting as an incentive for them to retain an employee for the duration of the contract period. However, the employer might be permitted to allow a dismissed employee, for example, to stay in the accommodation until a replacement is made.]

There was also concern about the legal position – human rights and employment legislation.

18. Should certain exceptions apply to the licensed category – to allow property purchase?

Most felt it was necessary to allow access to purchase property for certain senior/essential people in licensed employment, possibly based on individual merit or family circumstances.

The option of purchase through company ownership was felt to be a useful mechanism.

Others considered this unnecessary providing a person could become entitled and purchase after 5 years.

Whatever is decided, it was considered there should be consistency between the public and private sectors.

19. Is it reasonable to restrict access to rental/lease accommodation to the duration of a ‘licensed’ person’s employment – and this will be lost on completion / termination of the employment contract?

Whilst most replies have accepted there should be a linkage between employment and accommodation, the majority considered (perhaps inconsistently) that the loss of rental/lease property on the termination of an employment contract was unreasonable.

In general, it was felt necessary to provide some, if limited, security of tenure and that there should be greater consideration of the family circumstances and possible hardship allowance.

There was a view that such arrangements were incompatible with the expectations of employees in the modern world.

20. Should a ‘licensed’ person become able to purchase property after 10 years– or if not, what other period is appropriate, if any?

There was general agreement that a person in licensed employment should be able to purchase property on becoming entitled – that is, after a cumulative period (either as registered or in licensed employment) of 10 years.

Some felt that 10 years was too long– and progress towards 5 years would be more appropriate.

A view was expressed that all persons in licensed employment should be permitted to purchase immediately (possibly through company ownership?)

21. Should a ‘registered’ person become able to purchase property after 10 years– or if not, what other period is appropriate, if any?

There was general agreement that a person in the registered category should be able to become entitled and purchase property after a cumulative period of 10 years.

Some felt that 10 years was too long– and progress towards 5 years would be more appropriate.

Option 7 – Simplifying the control mechanisms

22. Do you agree the existing Regulation of Development and Undertakings Law (RUDL) or Housing Regulations should be simplified and streamlined – or if not, what would you propose?

This was unanimously agreed.

23. **Is it desirable that the existing ‘5-year rule’ (residence requirement) for employment under the RUDL should be replaced with access to ‘licensed’ employment based on the qualification or experience of an employee (an employee requirement)? If not, what alternative would you propose, if any?**

It was unanimously agreed that the employer should have flexibility to allocate licensed employment (within the agreed quota of licences) based on the qualifications or experience of the employee.

MIGRATION POLICY STEERING GROUP MEMBERS

Senator P.F.C. Ozouf – Chairman
 Senator L. Norman
 Senator M. Vibert
 Deputy D. Crespel
 Deputy B. Fox
 Deputy J. Reed
 Deputy G. Southern
 Deputy P. Troy
 Deputy M. Taylor
 Deputy P. Rondel
 Deputy S. Ferguson (until February 2004)
 Senator P. Routier (from February 2004)

MIGRATION WORKING GROUP MEMBERS

Bill Ogley	Policy and Resources (Chairman)
Andrew Mallet	Policy and Resources (until December 2003)
Mike Entwistle	Policy and Resources (from December 2003)
William Bailhache	H.M. Attorney General
Eric Le Ruez	Housing
Peter Connew	Housing
Bevan Anthony	Economic Development
Wayne Gallichan	Economic Development
John Noel	Home Affairs
Tom Gales	Employment and Social Security
Mick Heald	Education, Sport and Culture
Stephen Chiang	Policy and Resources

Total resident population

The 2001 Jersey census provided information on the residential qualifications of the Island's resident population and their year of arrival in Jersey.

This included figures for all adults (aged 16 and over) and for children^{[25][25]}, together with the numbers of heads of household and other adult household members in each of the following categories –

- (a)-(h) qualified;
- (j) and (k) qualified^{[26][26]};
- non-qualified partners of qualified residents^{[27][27]};
- all other non-qualified residents.

People who had arrived in the Island prior to 1982 as residentially non-qualified or as (k) category, and had remained in continuous residence since then, would have acquired (a)-(h) qualification under the Housing Law in effect at the time of the 2001 Census (the "19-year rule"). Similarly, (j) category residents who had arrived prior to 1991, and remained in continuous residence, would have acquired (a)-(h) qualification.

The information in the 2001 census is expanded upon in this chapter. As an overall summary –

- 79% of the Island's adult population (aged 16 and over) were (a)-(k) residentially qualified *in their own right*;
- 21% of the Island's adult population were, therefore, not residentially qualified; one-quarter of these were partners of residentially qualified people;
- 77% of the adult population were (a)-(h) residentially qualified;
- 42% of the adult population acquired (a)-(h) qualification by birth;
- fewer than 2% of the adult population were (j) or (k) category.

Table 3.1 provides a more detailed breakdown of residentially qualified and non-qualified residents in terms of tenure, for all persons and also for "recent arrivals". The latter are defined as people who had arrived in Jersey on or after 1st January 1996, that is, during the approximate 5-year period prior to the 2001 Census. Figures are presented for heads of household, other adult household members, people living in communal accommodation, and children aged 15 and below.

**Table 3.1: Residential qualification by tenure:
for the total resident population and for recent arrivals**

	Total	Recent arrivals
Heads of Household		
Qualified (a)-(k)		
Owner-occupier (a)-(h)	17,803	230
Tenant of the States, housing trust/assoc. or Parish (a)-(h)	5,017	41
Tenant or occupier of private accommodation (a)-(h)	7,075	227
Tenant or occupier of tied, i.e. staff, accommodation (a)-(h)	408	18
Occupier of private accommodation (j)	782	574
Occupier of private accommodation (k)	99	18
Total qualified	31,184	1,108
Non-qualified		
Lodger in a registered lodging house	1,269	614
Lodger in a private dwelling	1,539	584
Occupier of tied, i.e. staff, accommodation	1,292	724
Licensee of a whole dwelling	149	70
Owner occupier	129	52
Total non-qualified	4,378	2,044
Sub-total	35,562	3,152
Other Household Members		

Qualified (a)-(k)		
Locally residentially qualified (a)-(h)	23,438	313
Approved residentially qualified (j)-(k)	240	149
Total qualified	23,678	462
Non-qualified		
Partner of qualified person (a)-(h), (j) or (k)	3,800	1,233
Non-qualified	6,177	3,077
Total non-qualified	9,977	4,310
Children	15,581	1,191
Sub-total	49,236	5,963
Residents of Communal Establishments		
Qualified (a)-(k)		
Locally residentially qualified (a)-(h)	1,261	17
Approved residentially qualified (j)-(k)	88	76
Total qualified	1,349	93
Non-qualified		
Partner of qualified person (a)-(h), (j) or (k)	24	7
Non-qualified	932	627
Total non-qualified	956	634
Children	83	5
Sub-total	2,388	732
Overall Totals		
Qualified	56,211	1,663
Non-qualified	15,311	6,988
All (including children)	87,186	9,847

Characteristics of the total population

Of the residentially qualified heads of household –

- 57% were owner-occupiers (a)-(h);
- 16% were tenants in social-rented accommodation (a)-(h);
- 23% resided in private rented accommodation (a)-(h);
- 1% resided in tied, i.e. staff, accommodation (a)-(h);
- 2.5% were qualified as essentially employed ((j) category);
- 0.3% were qualified on grounds of significant economic or social benefit to the community ((k) category).

Some 35% of non-qualified heads of household were residing as lodgers in private dwellings; the remaining non-qualified households were divided almost equally between staff accommodation (30%) and registered lodging houses (29%). There were also small numbers of non-qualified households residing as licensees of dwellings and as owner-occupiers.

The age distribution of the adult population (aged 16 and over) in terms of residential qualification is presented in Table 3.2; the age recorded is that on Census day.

Table 3.2: Age distribution (on Census day) of the adult population by residential qualification
(Figures are rounded independently to the nearest 10; + indicates a non-zero number less than 6.)

Heads of household

Age/years	Qualified (a)-(h)	(j) category	(k) category	Non-qualified
16-19	100	0	0	60
20-24	720	10	0	510
25-29	1,600	80	0	840
30-34	2,390	160	0	1,010
35-39	3,080	170	+	780
40-44	3,100	140	10	490

45-49	3,110	100	10	260
50-54	3,310	80	20	190
55-59	2,530	30	10	100
60-64	2,500	10	20	70
65 and over	7,880	+	30	70
Total	30,300	780	100	4,380

Other household members and residents of communal establishments

Age/years	Qualified (a)-(h)	Approved (j)-(k)	Partners	Non-qualified
16-19	2,990	+	20	550
20-24	2,590	20	130	1,260
25-29	1,540	80	530	1,530
30-34	1,700	70	920	1,390
35-39	1,980	50	840	990
40-44	2,160	40	580	500
45-49	2,160	30	300	280
50-54	2,220	20	200	210
55-59	1,720	10	120	130
60-64	1,580	+	70	80
65 and over	4,060	+	100	190
Total	24,700	330	3,820	7,110

Children aged 15 years and below: 15,660.

Considerably more than half (57%) of the residentially non-qualified were between 16 and 34 years of age; only a quarter (25% of the (a)-(h) residentially qualified were in this age band; 97% of persons aged 65 and over were (a)-(h) qualified.

Recent arrivals

Table 3.1 indicates that between 1st January 1996 and Census day (11th March 2001) 9,847 people had established residency in Jersey (that is, had arrived and remained), and had formed 3,152 private households. These “recent arrivals” represent one component of a continuous movement of persons into and out of the Island – a dynamic “Ebb and Flow” migration process which is described in detail in the latter part of this chapter.

The 9,847 recent arrivals constituted 8,651 adults and 1,196 children aged 15 and below.

Of the adults, approximately four-fifths (81%) were not residentially qualified. The remaining 19% were (a)-(k) residentially qualified, with almost equal proportions of (a)-(h) and (j)-(k) categories.

1,240 persons (14% of all recently arrived adults) were non-qualified partners of (a)-(k) qualified residents. Thus, almost a quarter (24%) of all recently arrived adults were either residentially qualified through previous connection with the Island (a)-(h) or were partners of qualified persons.

Of the 3,152 heads of households who had recently arrived 1,108 were residentially qualified (a)-(k); over half of the latter were approved (j) category (574, representing 52% of qualified heads), while 18 were (k) category. Heads of household possessing (a)-(h) qualification (516) constituted about one-sixth (16%) of all recently arrived heads, and fewer than half (47%) of the qualified heads.

In total, approximately 800 (j) category residents arrived between 1st January 1996 and 2001 Census day, comprising heads of household, other household members and residents of communal establishments.^{[28][28]} The annual arrival figure may be gauged from the most recent complete calendar year, 2000, during which there were approximately 240 (j) category arrivals.

Almost two-thirds (65%) of the recently arrived heads of household were residentially non-qualified. New households established by this group were almost equally distributed between registered lodging houses, private lodgings and staff accommodation.

The place of birth of all recent arrivals, adults and children, is presented in Table 3.3.

Table 3.3: Place of birth of recent arrivals

Place of birth	Heads of household	Others (including children)	Total
Jersey	265	269	534
Irish Republic	194	443	637

Elsewhere in British Isles	1,738	3,589	5,327
Portugal/Madeira	547	1,171	1,718
France	58	185	243
Other E.U./E.E.A	68	234	302
Elsewhere	282	804	1,086
Total	3,152	6,695	9,847

Of the recent arrivals –

- more than half (54%) were born in the British Isles (excluding Jersey and the Irish Republic);
- a sixth (17%) were born in Portugal (including Madeira);
- 6% were born in the Irish Republic;
- 5% were Jersey-born.

Table 3.4 shows the age distribution of the recent arrivals in terms of residential qualification; age recorded is that on Census day.

Table 3.4: Age distribution (on Census day) of the recent arrivals by residential qualification
(Figures are rounded independently to the nearest 10; + indicates a non-zero number less than 6.)

Heads of household

Age/years	Qualified (a)-(h)	(j) category	(k) category	Non-qualified
16-19	+	0	0	50
20-24	30	10	0	440
25-29	90	80	0	550
30-34	110	120	0	380
35-39	90	110	+	230
40-44	60	110	+	160
45-49	30	70	+	90
50-54	40	60	+	80
55-59	30	20	+	30
60-64	10	10	+	20
65 and over	30	0	+	20
Total	520	570	20	2,040

Other household members and residents of communal establishments

Age/years	Qualified (a)-(h)	Approved (j)-(k)	Partners	Non-qualified
16-19	30	+	10	350
20-24	30	20	110	1,030
25-29	50	70	280	1,000
30-34	70	40	290	540
35-39	60	30	180	280
40-44	30	20	140	170
45-49	20	10	90	110
50-54	10	10	50	90
55-59	10	10	40	40
60-64	10	+	20	30
65 and over	20	0	20	70
Total	330	220	1,240	3,700

Children aged 15 years and below: 1,200

Of the total number of recent arrivals, considerably more than half (59%) were in the age range 16-34 years; children aged 15 and below accounted for a further 12% of all recent arrivals. Hence, almost three-quarters (71%) of all recent arrivals were aged 34 years and below.

In terms of residential qualification, more than half (55%) of the residentially non-qualified recent arrivals (including non-

qualified partners) were young adults between 16 and 29 years of age. In contrast, about one-quarter (26%) of the (a)-(h) qualified recent arrivals were in this age range.

Table 3.5 shows the employment status of the recent arrivals at the time of the 2001 Census in terms of the public and private sectors.

Table 3.5: Employment of the recent arrivals by primary sector
(Figures are rounded independently to the nearest 10 and hence sub-totals may not add to totals; + indicates a non-zero number less than 6.)

Heads of household

	Public sector	Private sector	Not employed
<u>Residentially qualified</u>			
Partner-occupier (a)-(h)	30	150	60
Partner of the States, housing trust/assoc. (a)-(h)	10	20	10
Partner or occupier of private accommodation (a)-(h)	50	140	40
Partner or occupier of tied (staff) accommodation (a)-(h)	+	20	0
Partner-occupier of private accommodation (j)	180	390	0
Partner-occupier of private accommodation (k)	0	10	10
Total qualified	270	720	120
<u>Non-residentially qualified</u>			
Partner in a registered lodging house	20	580	20
Partner in a private dwelling	30	510	40
Partner-occupier of tied (staff) accommodation	20	690	10
Partner-in-charge of a whole dwelling	+	60	+
Partner-occupier	+	30	20
Total non-qualified	80	1,870	90
Sub-total	350	2,590	210

Other household members and residents of communal establishments

<u>Residentially qualified</u>			
Partner-occupier of residentially qualified (a)-(h)	50	170	110
Partner-occupier of residentially qualified (j)-(k)	130	90	10
Total qualified	180	260	120
<u>Non-residentially qualified</u>			
Partner-occupier of residentially qualified (a)-(h), (j) or (k)	140	750	350
Partner-occupier of non-residentially qualified	140	3,100	460
Total non-qualified	270	3,860	810
Sub-total	450	4,120	930
<u>Overall totals</u>			
Residentially qualified	440	990	230
Non-qualified	350	5,730	910
All	790	6,720	1,140

In compiling these figures, the States Trading Committees^{[29][29]} have been *included* in the public sector. The category “Not employed” encompasses all recently arrived adults who were not working in the week prior to Census day, and includes people who were seeking work or between jobs, home-makers, the retired, adults in full-time education, and the long-term ill or disabled.

Some 87% of recently arrived adults were employed at the time of the Census.

Approximately 9 out of 10 of the recent arrivals who were employed were engaged within the private sector.

The public sector accounted for –

- approximately 10% of all employed recent arrivals;
- almost a third (31%) of employed recent arrivals who were residentially qualified;
- only 6% of employed recent arrivals who were not residentially qualified.

Almost a third (32%) of recently arrived (j) category heads of household were employed in the public sector.

If it is assumed that the (j)-(k) category of employed non-heads of household were actually (j) category, then it may be estimated that approximately 40% of all (j) category recent arrivals were employed in the public sector (including Trading Committees).

About one in 7 residentially qualified recent arrivals were not employed at the time of the Census; a similar proportion of non-qualified recent arrivals were not employed.

Tables 3.6 and 3.7 show the occupation group and industrial sector of employment for those recent arrivals who were employed at the time of the Census.

Table 3.6: Occupation group of employment for the recent arrivals

OCCUPATION	Recent arrivals	% of all employed recent arrivals
Managers and Senior Officials	1,010	13
Professional Occupations	670	9
Associate Professional and Technical	950	13
Administrative and Secretarial	1,120	15
Skilled Trades Occupations	900	12
Personal Service Occupations	400	5
Sales and Customer Service Occupations	520	7
Process, Plant and Machine Operatives	150	2
Elementary Occupations	1,790	24
All employed recent arrivals	7,510	100

Almost a quarter (24%) of those recent arrivals who were employed were engaged in Elementary occupations; a further 15% were in the Administrative and Secretarial group.

Approximately one in 8 employed recent arrivals were working as Managers or Senior Officials; a similar proportion were in the Associate Professional and Technical occupations.

Table 3.7: Industrial sector of employment for the recent arrivals

Industry	Recent arrivals	% of all employed recent arrivals
Agriculture and fishing	650	9
Manufacturing	160	2
Construction and quarrying	570	8
Electricity, gas and water	40	+
Wholesale and retail trades	920	12
Hotels, restaurants and bars	1,390	19
Transport, storage and communications	210	3
Computing	90	1
Financial and legal activities	1,770	24
Miscellaneous business activities	260	3
Education, health and other services	1,460	19
All employed recent arrivals	7,510	100

(+ indicates a non-zero percentage less than 1)

A quarter of recent arrivals who were employed were working in the Financial and legal activities sector.

Hotels, restaurants and bars and Education, health and other services each accounted for almost a fifth of employed recent arrivals.

The ebb and flow migration process

The arrival of persons into Jersey is one facet of a complex 2-way process; large numbers of people are entering the Island and leaving the Island all the time, constituting a dynamic “ebb and flow” of migrants.

Several categories of migrant may be identified –

- long-term residents;
- short-term residents (who leave after one to 5 years);
- seasonal workers (present in the Island for less than one year).

The seasonal workers are currently estimated from the Manpower Survey data to be of order 4,000 persons per year in each direction.

The figures for the total number of arrivals in calendar year 2000 (adults and children) indicates that **the ebb and flow, excluding short-term seasonal workers, is of order 2,500 persons per year in each direction.**

Furthermore, the pattern in the annual totals who have remained indicates that of the 2,500 arrivals each year, some 700 leave after one to 2 years of residency and a further 450 leave after 2 to 5 years.

The average annual *net* migration is then the difference between two much greater numbers, the ebb and the flow. The net migration between the 1996 and 2001 Censuses is determined as the residual of the inter-censal population change once natural effects (births and deaths) and the respective undercounts have been taken into account.

The average annual net migration between 1996 and 2001 is estimated as 55 persons per year entering the Island.

The pattern of migration to Jersey over the past 5 years is thus built up of some 4,000 seasonal workers coming and going within one year; about 2,500 transient residents coming each year and going after a longer period; and a net inward migration component of about 55 people a year.

Population projections

In order to produce future projections of the Island’s resident population, it is necessary to account for the above migration dynamics, as well as the natural growth of the on-Island population.

The model for projecting the population (undertaken by the U.K. Government Actuary’s Department) assumes that any *net* migration (whether immigration or emigration) occurs in the 16-25 year age band for: residentially non-qualified, unmarried (single, divorced or separated), economically active persons without dependants.

The veracity of this assumption is borne out by the 2001 Census figures for the most recent complete calendar year, 2000, during which –

- 2,534 persons arrived in Jersey and had remained at the time of the 2001 Census;
- 802 were in the age range 16 to 25 years;
- 712 of which were residentially non-qualified (and not partners of (a)-(k) qualified residents);
- 618 of which were not married (i.e. were single, divorced or separated) and had no dependants;
- 587 of which were economically active (including unemployed).

Hence, the modelling assumption is true of 82% of residentially non-qualified transient migrants in the 16 to 25 year age band.

PERIOD OF RESIDENCE AND RESIDENTIAL QUALIFICATION
Data from Jersey census 2001

Reduction in residential requirements for housing – as at 2001

Number of households (heads) years residence	(a)-(h)	(j) – 10 yrs	non- qualified	total residentially qualified	total additional heads of households
15+	28,366	115	358	28,839	0
14+	28,569	115	502	29,186	347
13+	28,786	115	679	29,580	741
12+	28,984	115	844	29,943	1,104
11+	29,155	115	1042	30,312	1,473
10+	29,291	115	1268	30,674	1,835
9+	29,396	141	1464	31,001	2,162
8+	29,494	185	1634	31,313	2,474
7+	29,566	237	1819	31,622	2,783
6+	29,667	310	2060	32,037	3,198
5+	29,767	386	2339	32,492	3,653

[1][1] *Strategic Plan 2005 – 2010, page 8, States of Jersey, July 2004.*

See <http://www.policyandresources.gov.je/content/pdf/strategicplan2005-2010.pdf>

[2][2] See <http://www.statesassembly.gov.je/documents/reports/34200-13500-2142004.htm>

[3][3] *Members of the Migration Policy Steering Group and Working Group are listed in Appendix 3.*

[4][4] *Strategic Plan 2005 to 2010, p.14, States of Jersey, July 2004.*

[5][5] *Population Update, Statistics Unit, June 2004.*

[6][6] *The dependency ratio means the number of people in the population under working age and post-retirement age divided by the number of working age,
i.e.: $\frac{(\text{Population under working age}) + (\text{Population over working age})}{\text{Working age population}}$*

The dependency ratio was 0.53 in 2001 – see 2001 Census report, Chapter 2.

[7][7] *The term ‘net inward migration’ means the excess of inward migration over outward migration – the result of the ‘ebb and flow’ of people in both directions. The 2001 census indicated that some 2,500 longer-term residents (excluding short-term seasonal workers) come and go from the Island each year. It should be noted that in 2000-2002 there was an estimated net inward migration of less than 100 people per year, and in 2003 the estimated net outward migration was almost 300 people. Population Update, Statistics Unit, June 2004.*

[8][8] *See Planning for Homes 2004; Environment and Public Services and Housing Committees, August 2004.*

[9][9] *2001 census report – Chapter 3.*

[10][10] *Strategic Plan 2005 to 2010, p.9-10, States of Jersey, July 2004.*

[11][11] *Ibid. p.19.*

[12][12] *Planning for Homes 2004; p.9; Environment and Public Services and Housing Committees, August 2004.*

[13][13] *It is emphasized that wherever a reference is made to a ‘licensed post’ this simply means one of a fixed quota of jobs allocated to an employer, which is open to any applicant. It does not relate to any particular position, as this will be decided by the employer – normally for a specialised or skilled role. However, once an appointment has been made, that employee will be designated only for the duration of the appointment as ‘licensed’ for the purpose of manpower monitoring reports and for accommodation purposes.*

[14][14] *It is proposed that, for the purposes of the migration policy, any established partner relationship other than a spouse should be treated as if they were a spouse. This represents a change in the existing policy for RUDL purposes.*

[15][15] *The concept of company-owned property has been accepted as a mechanism whereby a person may acquire security of tenure and a financial interest in the investment value of a property, as a beneficial owner of the company, but without outright property ownership which might impart a legal right of occupancy irrespective of residence/employment status.*

[16][16] See www.statistics.gov.uk/cip/default.asp

[17][17] See <http://www.reach.ie/>

- [18][18] *The Regulation of Undertakings and Development (Jersey) Law 1973, as amended, will continue to operate in the short term as the principal legal framework for implementing the policy, although it is envisaged the Law may be replaced later if experience of the new arrangements indicates this is necessary.*
- [19][19] *A new Employment (Jersey) Law 2003 was approved by the States in July 2003, and is yet to be brought into force.*
- [20][20] *For example, 'Planning for Homes 2004' R.C.36/2004.*
- [21][21] *2001 census data – Statistics Unit (see Appendix 4).*
- [22][22] *Excludes those living in communal establishments.*
- [23][23] *Planning for Homes 2004, R.C.36/2004.*
- [24][24] *This figure is estimated from 2001 census data.*
- [25][25] *Individuals aged 15 or below do not possess residential qualifications per se.*
- [26][26] *It is not possible to determine the precise individual numbers of (j) and (k) category people who were other household members or residents of communal establishments as the sum of (j) and (k) categories for such persons was recorded by the Census.*
- [27][27] *Non-qualified partners of qualified residents do not possess residential qualifications in their own right, but can jointly purchase property if married.*
- [28][28] *As indicated previously, it is not possible to determine the precise individual numbers of (j) and (k) category people who were other household members or residents of communal establishments as the sum of (j) and (k) categories for such persons was recorded by the Census.*
- [29][29] *Jersey Post, Jersey Telecom, Harbours and Airport.*