

**Minister for Home Affairs  
Department for Justice and  
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09 January 2019

Deputy Kirsten Morel  
Chairman  
Brexit Review Panel  
States Greffe: Scrutiny  
Morier House  
St Helier  
JE1 1DD

*Kirsten*  
Dear Deputy Morel

Thank you for your letter of 20<sup>th</sup> December 2018. I am pleased to respond to the subjects you have raised.

**Plans for border policing after Brexit, including relevant preparations for a Day 1 No Deal scenario**

The UK Government has recently re-confirmed its intention to maintain the Common Travel Area (CTA).<sup>1</sup> Accordingly, Jersey will continue to benefit from the free movement of persons within the CTA post Brexit.

As a member of the CTA, Jersey works closely with the other CTA jurisdictions in order to maintain a robust immigration control to all passengers arriving from outside the CTA. Specifically, Jersey will continue to benefit from the immigration border control equipment and data in use across the CTA.

The Panel will be aware that there has been a recent increase of migrants attempting to enter the UK illegally using small craft to cross the Channel. Although this has not extended to Jersey, the Jersey Customs & Immigration Service (JCIS) have plans in place to deal with such incidents and have remained vigilant to this threat over the past two years.

JCIS, supported by the Police, will therefore provide the same high level of border controls post Brexit as are in place at present. The only technical difference will be that EU citizens, who currently enter Jersey from outside the CTA by 'exercising EU treaty rights' will be

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<sup>1</sup> <https://www.gov.uk/government/publications/travelling-in-the-common-travel-area-if-theres-no-brex-it-deal/travelling-within-the-common-travel-area-and-the-associated-rights-of-british-and-irish-citizens-if-there-is-no-brex-it-deal>

granted an immigration 'leave to enter', post Brexit. The legal basis for this process will be aligned to that of the UK and other CTA jurisdictions. Contingency plans are in place to effect this legal change in time for a Day 1 No Deal scenario, should that be necessary. In order to manage the workload resulting from Brexit and maintain the border control, JCIS is recruiting to replace retiring Officers.

**The plans for sharing of intelligence between European and Jersey agencies after Brexit, particularly in the case of a Day 1 No Deal scenario**

Intelligence moving between Europe and Jersey passes via UK intelligence agencies. The UK intelligence services have made it clear that they wish to maintain the links they currently have with their European counterparts after Brexit. The Brexit Team has a dedicated resource that is in close and frequent liaison with the relevant agencies in the UK to ensure Jersey will benefit, and be included, in any intelligence sharing arrangements that are agreed post Brexit.

In preparation for a no deal scenario the UK have set up the International Crime Coordination Centre, which will provide support on a policing function basis and will be available to all Police Forces, including Jersey. It will cover matters including manhunts, missing people/property, police cooperation and judicial cooperation.

**The implementation of the Settled Status Scheme and the availability of references from their originating countries, for immigrants to Jersey**

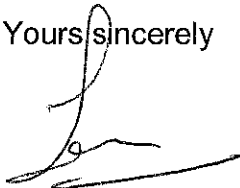
The Jersey EU Settlement Scheme is planned to open in early 2019. The scheme will be managed by JCIS caseworkers and will allow for all EU citizens resident in Jersey to apply for settled status. Settled status, or Indefinite Leave to Remain (ILR), will allow those EU citizens to continue to live and work in Jersey after Brexit.

The scheme does not require applicants to provide references from their originating country but does require a declaration of any previous criminal history from any jurisdiction. This same declaration is in place currently for those non-EU nationals who apply for ILR.

Where there is a need for specific detail of a person's foreign criminal history, it is possible for the applicant to acquire their own criminal antecedence from that country to support their application.

I will ask my Private Secretary to contact your Scrutiny Officer in order to arrange a private briefing to discuss these matters further.

Yours sincerely



**Connétable Len Norman**  
Minister for Home Affairs