

Senator Steve Pallett
Chair, Migration and Population Review Panel
States Greffe: Scrutiny
Morier House
St Helier
Jersey
JE1 1DD

8th February 2021

Dear Senator, Pallett,

Ref: 'Migration and Population Review Panel Review of Migration Control Policy (Phase 1)'

Thank you for your letter entitled 'Review of Migration Control Policy Phase 1' sent on behalf of the Migration and Population Review Scrutiny Panel and received on the 21st January 2021.

Ideally any review of migration and population would be done with the benefit of a detailed economic strategy that in turn detailed sector by sector plans and anticipated skills gaps. This would then allow in conjunction with a skills/ education plan, to assess what gaps we need to use positive skilled migration to support the wider economic and social eco system. Without this we run the very serious risk of damaging future economic prospects and long term investment decisions from inward economic investors.

Given the short timeframe for this review, we have not had an opportunity to consult as widely as we normally would for a consultation of this nature, as this has coincided with the start of the Covid-19 Safe Winter Exit Strategy, which we have also been supporting. However, the responses below reflect the insight's we have gained from working and consulting with businesses across Jersey's core industries with regard to the impact of Brexit on goods and trade and has highlighted separate issues caused by the Post Brexit immigration policy.

Before discussing the migration policy, there are areas in the post Brexit immigration policy that will directly affect the number of available workers in Jersey. Historically Jersey has had a steady flow of EU workers who come to the island for seasonal work or entry level positions. They fall in love with the island and choose to stay, becoming part of our community. Post Brexit, none of these workers on 9 month or 3-year work permits will be allowed to automatically graduate to entitled to work status through their time on the island. It is important therefore, to establish the reduction that this change will have on resident population before deciding if tighter controls are needed to be implemented in the control housing and work Law (CHWL).

We must also recognise that our population has risen through net migration at a time (pre Covid-19) when the island held an extremely low unemployment rate. More workers came to

Jersey because businesses needed their skills due to a shortage of entry level workers on island. If Jersey significantly reduces the number of migrant workers settling in Jersey, we need to help businesses become more efficient, by investing in technology, training, and workplace skills development.

We have set out the key areas of the proposition and added comments below,

a. What action should be taken to provide more responsive controls in the number of migrants who acquire the right to settle permanently in Jersey and to remove the automatic 'graduation' for one Control of Housing and Work permission to another.

It is clear the current CHW system is not achieving its intended outcome of limiting the number of islanders receiving settled status. The data in the proposition outlines that this is occurring due to the automatic graduation in the system, so the desire to remove it is understandable. It also outlines that 27% of permissions held by businesses are not being utilised and there is disparity in the number businesses hold comparative to each other, even across the same industry.

In the proposition document there is a suggestion of naming all the CHWL permissions so that better visibility is created. This would show how often a permission is re-applied to different individuals during the three years that a business has a permission. Creating a data base to record this information and other CHWL data would give clarity as to the current usage of permissions and inform if removal of automatic graduation is needed to create tighter controls.

When considering if automatic graduation should be removed, data in these areas should also be collated and reviewed:

- The percentage of EU migrants gaining permanent rights to stay, pre- and post-Brexit.
- The roles migrants move into when they finally settle. It is important to understand where skills shortages would be felt as its common for migrants to move across industries and into higher skilled roles once they progress from entitled to work status to residential qualifications.
- How will business be supported to plan their future workforce and succession planning with more fixed term contacts to consider and how will this effect productivity?
- What criteria would be needed to meet non-automatic graduation applications, and at what point during a permission could an application be made to ensure continuity between permissions?
- Removing graduation turns roles into temporary fixed term contacts. Those contracts are harder to recruit for. How would this effect the attractiveness of Jersey to migrants?

b. That the Chief Minister bring forward amendments to the States of Jersey Law 2005 to require the Council of Ministers to develop a common policy on population.

A clear common policy for population is essential to enable a planning trajectory.

c. That the Chief Minister bring forward amendments to the Control of Housing and Work (Jersey) Law 2012 which:

- i. introduce a 9-month CHWL permission that does not lead to permanent residential status.**
- ii. introduce a 4-year CHWL permission that does not lead to permanent residential status.**

iii. introduce a 10-year CHWL permission that may lead to permanent residential status.

iv. introduce a long-term CHWL permission that does provide permanent residential status.

See above replies per graduation. Whilst businesses would obviously like as long a term as possible for a CHWL permission, a four-year permission is not in line with immigration permissions. This would add another layer of complexity for businesses to navigate and for government who wish to create a cohesive “one stop” application for work permit and CHWL permissions.

v. introduces enhanced identity requirements for all CHWL cards issued to new residents.

This is a sensible idea, along with creating named CHW permissions and an accompanying database. Data on how many migrant workers are in the island, in what roles and where they have migrated from is needed to give essential insight as to the skills gaps in the local workforce. It will also inform how the new immigration controls have affected our available workforce and establish if current CHW law should be amended.

vi. establish an independent, statutory, expert panel to research and advise on population matters; and vii. provide for a Committee of States Members to determine applications under the CHW law that fall outside formal guidelines.

An independent panel to research and advise on any controls on population under development would be valuable during such uncertain, challenging times for business. Industry experts from all sectors, particularly those that rely on CHWL permissions as a large part of their workforce should be included on the panel.

A committee to determine applications that fall outside of formal guidelines is welcome, with some flexibility granted to them to prevent long lead times for decisions. Rather than this panel be 100% political however we would suggest only a majority of members be politicians, with a minority membership from the business community.

Lastly most businesses are small and as a result they do not have capacity to take time out of work to read long proposition documents and supporting work. When key areas of change are being debated, such as this one, it is important that Government creates resources to make consultation more widely accessible. YouTube videos with presented summaries of key changes, along with timelines for implementation and any further information would create better engagement with Businesses. This would lead to a more rounded understanding of the need for change, and earlier identification of issues and opportunities.

The above answers as set out around the proposition, cover the areas outlined as of particular interest in the five questions sent to scrutiny.

Yours sincerely



Graeme Smith
Chief Executive Officer