

STATES OF JERSEY



Jersey

DRAFT CONTROL OF HOUSING AND WORK (RESIDENTIAL AND EMPLOYMENT STATUS) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 17th February 2025
by the Chief Minister
Earliest date for debate: 1st April 2025**

STATES GREFFE

REPORT

Executive Summary

The proposed Draft Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 202- (the “Regulations”) support the States Assembly’s previous approval of the Draft Control of Housing and Work (Amendment) (Jersey) Law 202- (the “Amendment Law”) [P.13/2022](#). The Amendment Law and these Regulations form part of a broad project to provide more responsive migration controls as a key control mechanism within the common population policy.

These Regulations reflect the changes made to the [Control of Housing and Work \(Jersey\) Law 2012](#) and, if adopted, would replace the [Control of Housing and Work \(Residential and Employment Status\) \(Jersey\) Regulations 2013](#).

Subject to approval of the Regulations, Ministerial Orders will be prepared in respect of exemptions and fees under the Law, detailed guidance will be developed and operational systems updated, with the aim of lodging an Appointed Day Act to bring the Amendment Law into force during 2025.

Introduction

The Draft Control of Housing and Work (Amendment) (Jersey) Law 202- (P.13/2022) was lodged on 20 January 2022 and the principles were adopted by the States Assembly on 30 March 2022. These Regulations form part of the secondary legislation needed to allow the Amendment Law to come into force.

The Regulations aim to maintain existing migration controls within the Control of Housing and Work legislation and are drafted so that they:

- Are easy to understand – using simpler language and structure;
- Modernise considerations of relationships and family units;
- Provide for increased transparency in making future changes;
- Allow for digital solutions in supplying and demonstrating a status under the Amendment Law.

In particular, these Regulations maintain the basic structure of existing controls. Significant external factors mean that the policy decisions taken by the Assembly in 2021 no longer meet the needs of the local population. The findings of the Migration Policy Development Board: final report [R.20/2020](#), and the debate of [P.137/2020](#) were made ahead of the publication of the March 2021 census figures and against the backdrop of a much higher predicted population. Population projections for 2019 estimated a total population of 107,800 in 2019, whilst the actual 2021 census showed a total population of 103,267. The P.137/2020 debate was also held ahead of a full understanding of the impacts of Brexit (January 2020) and the Covid-19 pandemic (January 2020 – August 2023).

Richer data from Statistics Jersey now show us that at the end of 2023 Jersey’s overall population has remained relatively stable in the last 5 years (since 2018). A marked difference from the high levels of population growth seen in the 5 years prior to 2018. These statistics also show that Jersey has required inward migration to maintain its working age population, which has also remained stable over the last 5 years.

In taking these impacts into account these draft Regulations maintain a similar structure to the existing CHWL statuses. They do not remove automatic ‘graduation’ or provide time limited statuses. The draft Regulations do not take forward any requirement for an individual to make a declaration of any unspent criminal convictions when applying for a CHWL status. It is considered that Jersey’s position within the Common Travel Area would make any such requirement futile for British citizens.

These draft Regulations take the opportunity to update the Regulations by being more generous in some areas and to better reflect a wider range of relationships and family units.

Any person holding a CHWL status under the current Law will continue to gain housing and employment qualifications in line with their current status whilst they remain living in Jersey.

As much of the detail contained within the current primary legislation has been brought into the Regulations, a separate ECHR review has been undertaken. This meets a commitment in the Human Rights Notes on the Draft Control of Housing and Work (Amendment) (Jersey) Law 202-, ‘to ensure that such secondary legislation as is made in due course is compliant’.

Upon debate and approval of these draft Regulations, the intention is to prepare Ministerial Orders and clear guidance, update operational systems, and to liaise with businesses, before returning to the States Assembly with an Appointed Day Act for approval later in the year.

The Regulations

The draft Regulations are designed to provide a clear framework of how a person achieves a status under the Amendment Law, how a status can be lost or revoked, and the access each status gives to occupy accommodation, enter into property transactions, and to access work in Jersey. Overall, the existing statuses are maintained in the new Regulations, but the opportunity is taken to update some areas, simplify the structure and language of the Regulations and provide additional rights in some areas.

Key changes included in the Regulations include:

Part 1: Interpretation

Eligible partner & Enduring relationship: Regulation 1 provides a definition of an ‘eligible partner’ to include a person in an ‘enduring relationship’, as well as a marriage or civil partnership. An ‘enduring relationship’ is a relationship similar to a marriage or civil partnership that lasts for a continuous period of at least 2 years.

Part 2: Residential and employment status

Part 2 sets out the details of the CHW statuses. Each status is covered by a separate ‘division’, which clearly sets out how that status is achieved and, where applicable, how it is lost.

Regulation 2: Permanent Entitled status utilises ‘school leaving age’, in place of ‘attained the age of 16’. This aligns with the [Social Security \(Jersey\) Law 1974](#), [Employment \(Jersey\) Law 2003](#), [Education \(Jersey\) Law 1999](#) and [Children \(Jersey\) Law 2002](#).

Regulation 5: Entitled status on economic or social grounds utilises the Housing and Work Control Panel (the ‘Panel’), as a direct replacement for the Housing and Work Advisory Group, as the body that recommends Entitled Status on economic or social grounds. This is the route used to support CHW applications from high net-worth individuals.

Regulations 7: Loss or revocation of Entitled status, and Regulation 11: Loss or revocation of Entitled For Work Only status, introduces an ability for the Minister, by Order, to increase or

decrease the period of absence that leads to the loss of an Entitled or Entitled For Work Only status.

Regulation 9: Entitled for Work Only status on grounds of relationship provides changes to ensure that an ‘eligible partner’ is able to maintain their Entitled For Work Only status should their partner lose their eligible status (e.g. be made redundant) or that partner no longer be ordinarily resident in Jersey (e.g. following a breakdown of the relationship).

Regulation 10: Entitled for Work Only status on hardship grounds introduces a new status that gives the Minister more flexibility to assist people in exceptional situations. This status would allow a person to work in any role but would not give them access to Qualified accommodation.

Regulation 11: Loss or revocation of Entitled for Work Only status more clearly sets out the period of time where a person who is absent and not ordinarily resident in Jersey loses their Entitled for Work Only status. This introduces a new continuous or aggregate period of more than 12 months after which the status is lost.

Regulation 14: Allocation of Licensed for Lease Only status is a new status that more clearly sets out a current operational practice of issuing a Licensed status with a lease only condition. This clarification is beneficial to the holder of the status, an employer or a landlord.

Regulation 16: Standard status is a new name for the current Registered status. This name change helps to prevent confusion between a Registered person and Registered accommodation. There is no policy change to this status.

Part 3: Appropriate status to occupy accommodation, enter specified transactions and work

Part 3 sets out the ability each CHW status gives to occupying accommodation, buying and leasing property and working in Jersey.

Schedule 1 paragraph 2 introduces the ability for a person with an Entitled For Work Only status to be able to occupy qualified accommodation when they live with an eligible partner, who holds licensed or entitled status.

Regulation 20: Appropriate status to occupy dwelling accommodation Schedule 1 paragraph 2 introduces the ability for a person with an Entitled For Work Only status to be able to occupy qualified accommodation when they live with an eligible partner, who holds licensed or entitled status. The new format in Schedule 1 makes it easier to understand who can occupy Registered and Qualified accommodation.

Regulation 21: Schedule 2 provides details of the status needed to enter into different types of transaction. These rules are substantially the same as the current law but now set out in sections. The new format in Schedule 2 makes it easier to understand who can do each type of transaction.

Regulation 22: Appropriate status for work sets out (for the purposes of Article 24(1) and (2) of the Amendment Law) the statuses that are appropriate for a person to work in Jersey. This regulation maintains the existing restrictions in respect of each status.

Regulation 23: Exemption from requirement to have appropriate status permits the Minister, by Order, to exempt certain persons from the need to have a CHW status.

Part 4: Miscellaneous

Regulation 24: Transition from existing status to new status moves people who have Registered status, directly before the Amendment Law comes into force, to Standard status. Persons who have built up a period of ordinary residency whilst holding Registered status will continue to have that time considered towards Entitled For Work Only, Entitled and Permanent Entitled status within the Regulations.

Financial and staffing implications

There are no immediate additional financial or workforce implications as a direct result of the making these Regulations.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

Human Rights

The draft Regulations are considered European Convention on Human Rights compliant.

EXPLANATORY NOTE

These Regulations, if adopted, would replace the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013 (the “2013 Regulations”) to reflect changes made to the Control of Housing and Work (Jersey) Law 2012 (the “Law”) by the Control of Housing and Work (Amendment) Jersey Law 2022 (the “Amendment Law”).

Part 1 contains *Regulation 1*, an interpretation provision that defines terms used in these Regulations. Terms that are defined in the Law have the same meaning in the Regulations.

Part 2 provides for the different residential and employment statuses.

Division 1 provides for Permanent Entitled status.

Regulation 2 provides that a person fulfils the conditions for Permanent Entitled status if they have been ordinarily resident in Jersey for a continuous period of 30 or more years, or for a lesser period if they were born in Jersey or moved to Jersey as a child or young person.

Regulation 3 provides that a person with Permanent Entitled status cannot lose that status, except as provided in *Regulation 18*.

Division 2 provides for Entitled status.

Regulation 4 provides that a person fulfils the conditions for Entitled status if they have been ordinarily resident in Jersey for a continuous period of 10 or more years and do not have Permanent Entitled status.

Regulation 5 provides that Entitled status can be granted to a person if the Housing and Work Control Panel recommends that granting the status is justified on economic or social grounds and is in the best interests of the community.

Regulation 6 provides that Entitled status can be granted to a person if a determining officer is satisfied that granting the status would avoid causing hardship (other than just financial hardship) to the person or to any other person ordinarily resident in Jersey.

Regulation 7 provides for situations in which a person loses Entitled status. A person with Entitled status (under any of Regulations 4 to 6) loses that status if they are absent from Jersey for 5 or more years (either continuously or in aggregate) and not ordinarily resident in Jersey during the absence. In addition, a person who is granted Entitled status under Regulation 5 or 6 loses that status if a condition of the grant ceases to be satisfied.

Division 3 provides for Entitled for Work Only status.

Regulation 8 provides that a person fulfils the conditions for Entitled for Work Only status if they have been ordinarily resident in Jersey for a continuous period of 5 or more years and do not have another status, except for Standard status.

Regulation 9 provides that a person also fulfils the conditions for Entitled for Work Only status if they have, or in the previous 5 years have had, an eligible partner. A person has an eligible partner if their spouse, civil partner or “enduring relationship” partner is ordinarily resident in Jersey and has a status other than Standard status or Entitled for Work Only status under Regulation 9.

Regulation 10 provides that Entitled for Work Only status can be granted to a person if a determining officer is satisfied that granting the status would avoid causing hardship (other than just financial hardship) to the person or to any other person ordinarily resident in Jersey.

Regulation 11 provides for situations in which a person loses Entitled for Work Only status. A person with Entitled for Work Only status (under any of Regulations 8 to 10) loses that status if they are absent from Jersey for 12 months or more (either continuously or in aggregate) and not ordinarily resident in Jersey during the absence. In addition, a person who is granted Entitled for

Work Only status under Regulation 10 loses that status if a condition of the grant ceases to be satisfied.

Division 4 provides for Licensed status.

Regulation 12 allows a business to allocate Licensed status to a person who does not have Permanent Entitled status or Entitled status. The allocation must comply with the business's staffing licence and the requirements of Regulations or Orders made under Article 27 of the Law.

Regulation 13 provides that a person with Licensed status loses that status if the employment for which the status was allocated ceases, or if a condition of the allocation ceases to be satisfied.

Division 5 provides for Licensed for Lease Only status.

Regulation 14 allows a business to allocate Licensed for Lease Only status to a person who does not have Permanent Entitled status or Entitled status. The allocation must comply with the business's staffing licence and the requirements of Regulations or Orders made under Article 27 of the Law and must be made subject to a condition that the person does not enter into a specified transaction described in Article 18(1)(a) of the Law (usually the purchase of land).

Regulation 15 provides that a person with Licensed for Lease Only status loses that status if the employment for which the status was allocated ceases, or if a condition of the allocation ceases to be satisfied.

Division 6 provides for Standard status.

Regulation 16 provides that person fulfils the conditions for Standard status if they do not have any other status under these Regulations.

Division 7 contains general provisions about the residential and employment statuses.

Regulation 17 allows conditions to be imposed on the grant of a status under Regulation 5 (Entitled status on economic or social grounds) if the condition is recommended by the Housing and Work Control Panel. In addition, conditions may be imposed on the grant of a status under Regulation 6 (Entitled status on grounds of hardship) or 10 (Entitled for Work Only status on grounds of hardship) if the condition is recommended by the Housing and Work Control Panel or at the discretion of a determining officer.

Regulation 18 allows a determining officer to revoke the allocation or grant of a status to a person, except for Standard status, if the allocation or grant was made in error or if the person applies for the revocation.

Regulation 19 provides that, except in exceptional circumstances, a person who loses their status or whose status is revoked has Standard status following the loss or revocation.

Part 3 specifies the appropriate status for occupying accommodation, entering into specified transactions and working in Jersey.

Article 17(1) of the Law provides that a person must not occupy, as their ordinary residence, a unit of dwelling accommodation unless 1 or more of Article 17(1)(a) to (e) are satisfied. Article 17(1)(a) allows a person to occupy a unit of dwelling accommodation as their ordinary residence if they have the appropriate status to do so. *Regulation 20* introduces *Schedule 1*, which sets out which statuses are the appropriate statuses for the purposes of Article 17(1)(a) of the Law. For accommodation that has "Registered" status under the Law, any status under these Regulations is an appropriate status. For accommodation that has "Qualified" status under the Law, the appropriate statuses are Permanent Entitled status, Entitled status, Entitled for Work Only status (but only if occupying jointly with an eligible partner who has the appropriate status), Licensed status and Licensed for Lease Only status.

Article 19(2) of the Law provides that a person must not enter into a specified transaction unless they have the appropriate status to do so. *Regulation 21* introduces *Schedule 2*, which sets out which statuses are the appropriate statuses for the purposes of Article 19(2) of the Law. To enter into a lease of a "Registered" unit of dwelling accommodation, any status under these Regulations

is the appropriate status. To enter into a lease of a “Qualified” unit of dwelling accommodation, the appropriate statuses are Permanent Entitled status, Entitled status, Licensed status (but only if intending to occupy the accommodation as their ordinary residence) and Licensed for Lease Only status (but only if intending to occupy the accommodation as their ordinary residence, and not if the lease is a registered contract). To purchase land, the appropriate statuses are Permanent Entitled status, Entitled status and Licensed status. In addition, Entitled for Work Only status and Licensed for Lease Only status are the appropriate status to purchase land, but only if the person intends to occupy the land as their ordinary residence with an eligible partner who has the appropriate status and is a party to the transaction.

Article 24(1) of the Law provides that, with 2 exceptions, a person must not work in Jersey unless they have the appropriate status to do so. Article 24(2) of the Law prohibits a business from employing a person who does not have the appropriate status. *Regulation 22* sets out which statuses are appropriate for the purposes of Article 24(1) and (2) of the Law. A person with Permanent Entitled status, Entitled status or Entitled for Work Only status has the appropriate status for any work. A person with Licensed status or Licensed for Lease Only status has the appropriate status for the work for which the status is allocated. A person with Standard status has the appropriate status to carry out work for a business if allowed by the business’s staffing licence. In addition, the Minister can provide, by Order, that a person with Licensed status, Licensed for Lease Only status or Standard status has the appropriate status for other work.

Article 2(1) of the Law requires a person to have an appropriate status for the purposes of residence and work in Jersey unless an exemption applies. *Regulation 23* allows the Minister, by Order, to make exemptions from this requirement.

Part 4 contains miscellaneous provisions.

Regulation 24 provides that a person who has a status immediately before the Amendment Law comes into force retains that status until it expires, is revoked, or the person applies for and is granted a new status. The exception is people with Registered status, who will move to Standard status when the Amendment Law comes into force.

Regulation 25 allows the Minister to make Orders under Articles 24(6)(a) to (c) and 27(5) of the Law (these relate to licences granted to businesses under Part 7 of the Law).

Regulation 26 repeals the 2013 Regulations, as well as other Regulations and Orders made under the Law that would otherwise be repealed by the commencement of the Amendment Law.

Regulation 27 states the title of these Regulations and provides for them to come into force at the same time as the Amendment Law.



Jersey

DRAFT CONTROL OF HOUSING AND WORK (RESIDENTIAL AND EMPLOYMENT STATUS) (JERSEY) REGULATIONS 202-

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Jersey

DRAFT CONTROL OF HOUSING AND WORK (RESIDENTIAL AND EMPLOYMENT STATUS) (JERSEY) REGULATIONS 202-

Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES make these Regulations under Articles 2(6), 5(1), 17(1)(a), 19(3), 24(6), 27(6) and 44 of the [Control of Housing and Work \(Jersey\) Law 2012](#) –

PART 1

INTERPRETATION

1 Interpretation

In these Regulations –

“eligible partner”, in relation to a person (“Person A”), means another person who –

- (a) is married to, in a civil partnership with or in an enduring relationship with Person A;
- (b) has –
 - (i) Permanent Entitled status;
 - (ii) Entitled status;
 - (iii) Entitled for Work Only status under Regulation 8 (but not under Regulation 9 or 10);
 - (iv) Licensed status; or
 - (v) Licensed for Lease Only status; and
- (c) is ordinarily resident in Jersey;

“enduring relationship” means a relationship that –

- (a) is similar to a marriage or civil partnership; and
- (b) has existed continuously for the last 2 years;

“Entitled status” means the status –

- (a) for which the conditions are specified by Regulation 4; or
- (b) that is granted under Regulation 5 or 6;

“Entitled for Work Only status” means the status –

- (a) for which the conditions are specified by Regulation 8 or 9; or
 - (b) that is granted under Regulation 10;
- “Jersey born” means –
- (a) a person born in Jersey; or
 - (b) a person born elsewhere if –
 - (i) immediately before the person’s birth (or any period of medical care relating to the birth), a parent of the person was ordinarily resident in Jersey; and
 - (ii) both the person and the parent are ordinarily resident in Jersey immediately following the birth (or any period of medical care relating to the birth);
- “Law” means the [Control of Housing and Work \(Jersey\) Law 2012](#);
- “Licensed status” means the status allocated under Regulation 12;
- “Licensed for Lease Only status” means the status allocated under Regulation 14;
- “parent” –
- (a) in the definition of “Jersey born”, does not include an adoptive parent; but
 - (b) in Regulation 2(1)(c)(iii), includes an adoptive parent;
- “Permanent Entitled status” means the status for which the conditions are specified by Regulation 2;
- “Qualified”, in relation to a unit of dwelling accommodation, means dwelling accommodation that is in the Qualified category under Part 5 of the Law;
- “Registered”, in relation to a unit of dwelling accommodation, means dwelling accommodation that is in the Registered category under Part 5 of the Law;
- “Standard status” means the status for which the conditions are specified by Regulation 16.

PART 2

RESIDENTIAL AND EMPLOYMENT STATUSES

DIVISION 1 – PERMANENT ENTITLED STATUS

2 Permanent Entitled status

- (1) A person fulfils the conditions for Permanent Entitled status if –
 - (a) the person is Jersey born and has been ordinarily resident in Jersey for a continuous period or aggregate periods of 10 or more years;
 - (b) the person has been ordinarily resident in Jersey for a continuous period of 10 or more years, starting before the person reached school leaving age;
 - (c) the person –
 - (i) was ordinarily resident in Jersey at any time before the age of 20;
 - (ii) has, before the age of 40, been ordinarily resident in Jersey for a continuous period or aggregate periods of 10 or more years; and

- (iii) has a parent who, at the relevant time, had Permanent Entitled status or Entitled status; or
 - (d) the person has been ordinarily resident in Jersey for a continuous period of 30 or more years.
- (2) A person who is below school leaving age is not disqualified from being granted Permanent Entitled status (despite the definition of “person” in the Law excluding people below school leaving age).
- (3) In paragraph (1)(c)(iii), “relevant time” means –
 - (a) if the parent has died, the date of death; or
 - (b) if the parent is alive, the end of a period referred to in paragraph (1)(c)(ii).

3 Permanent Entitled status cannot be lost

A person who has been granted Permanent Entitled status cannot lose that status or have it revoked, except as provided for under Regulation 18.

DIVISION 2 – ENTITLED STATUS

4 Entitled status on grounds of long-term residence

A person fulfils the conditions for Entitled status if the person –

- (a) has been ordinarily resident in Jersey for a continuous period of 10 or more years immediately before the date of their application for Entitled status; and
- (b) does not have Permanent Entitled status.

5 Entitled status on economic or social grounds

- (1) This Regulation applies if the Panel recommends to a determining officer that granting a person Entitled status is justified –
 - (a) on economic or social grounds, or both; and
 - (b) as being in the best interests of the community.
- (2) A determining officer must grant the person Entitled status unless the officer is satisfied that there are reasons (such as the withdrawal of the application) why the Panel’s recommendation cannot be given effect.
- (3) If a person who is granted Entitled status under paragraph (2) also fulfils the conditions for Permanent Entitled status under Regulation 2 or Entitled status under Regulation 4 –
 - (a) the person may choose to have the other status by giving notice in writing to a determining officer; and
 - (b) on confirmation by the officer of receipt of the notice, the person ceases to have Entitled status under this Regulation and instead has the other status.

6 Entitled status on grounds of hardship

A determining officer may grant a person Entitled status if the officer is satisfied that granting the status is justified in order to avoid hardship (other than solely financial

hardship) that would be caused to the person or to any other person ordinarily resident in Jersey if the status were not granted.

7 Loss or revocation of Entitled status

- (1) A person loses Entitled status if, after the status is granted, the person is –
 - (a) absent from Jersey for a period (continuously or in aggregate) of more than 5 years; and
 - (b) not ordinarily resident in Jersey during the period of absence.
- (2) A determining officer may revoke a person’s Entitled status if –
 - (a) the status was granted under Regulation 5 or 6; and
 - (b) the grant was made subject to a condition that ceases to be satisfied.
- (3) The Minister may, by Order, amend this Regulation to –
 - (a) increase the period of absence from Jersey that leads to a person losing their status; or
 - (b) decrease the period of absence from Jersey that leads to a person losing their status, but only in respect of a person who is granted the status after the Order comes into force.

DIVISION 3 – ENTITLED FOR WORK ONLY STATUS

8 Entitled for Work Only status on grounds of long-term residence

A person fulfils the conditions for Entitled for Work Only status if the person –

- (a) has been ordinarily resident in Jersey for a continuous period of 5 or more years immediately before the date of their application for Entitled for Work Only status; and
- (b) does not have Permanent Entitled status, Entitled status, Licensed status or Licensed for Lease Only status.

9 Entitled for Work Only status on grounds of relationship

- (1) A person fulfils the conditions for Entitled for Work Only status if –
 - (a) the person –
 - (i) has an eligible partner; or
 - (ii) within the previous 5 years, has ceased to have an eligible partner because of a relevant event and has been ordinarily and continuously resident in Jersey since the relevant event; and
 - (b) the person does not have Permanent Entitled status, Entitled status, Licensed status or Licensed for Lease Only status.
- (2) In this Regulation, “relevant event” means –
 - (a) the death of the eligible partner;
 - (b) the end of the relationship between the person and the eligible partner (which, in the case of a marriage or civil partnership, means the dissolution of the marriage or civil partnership);

- (c) the eligible partner ceasing to have a status required by clause (b) of the definition of eligible partner; or
- (d) the eligible partner ceasing to be ordinarily resident in Jersey.

10 Entitled for Work Only status on grounds of hardship

A determining officer may grant a person Entitled for Work Only status if the officer is satisfied that granting the status is justified in order to avoid hardship (other than solely financial hardship) that would be caused to the person or to any other person ordinarily resident in Jersey if the status were not granted.

11 Loss or revocation of Entitled for Work Only status

- (1) A person loses Entitled for Work Only status if, after the status is granted, the person is –
 - (a) absent from Jersey for a period (continuously or in aggregate) of more than 12 months; and
 - (b) not ordinarily resident in Jersey during the period of absence.
- (2) A determining officer may revoke a person's Entitled for Work Only status if –
 - (a) the status was granted under Regulation 10; and
 - (b) the grant was made subject to a condition that ceases to be satisfied.
- (3) The Minister may, by Order, amend this Regulation to –
 - (a) increase the period of absence from Jersey that leads to a person losing their status; or
 - (b) decrease the period of absence from Jersey that leads to a person losing their status, but only in respect of a person who is granted the status after the Order comes into force.

DIVISION 4 – LICENSED STATUS

12 Allocation of Licensed status

- (1) A business may allocate to a person Licensed status if –
 - (a) the business has a valid staffing licence that permits the business to allocate the status to the person;
 - (b) the status is allocated in accordance with the terms of the staffing licence, and in accordance with any Regulations or Orders made under Article 27 (specific conditions of a staffing licence) of the Law;
 - (c) the person satisfies the conditions specified in the staffing licence; and
 - (d) the person does not have Permanent Entitled status or Entitled status.
- (2) The business must make the allocation of Licensed status subject to the conditions (if any) specified by the staffing licence.

13 Loss of Licensed status

A person who has Licensed status loses that status if –

- (a) the person ceases to be employed by the business to carry out the work for which the status was granted; or
- (b) the allocation of the status is made subject to a condition and the condition ceases to be fulfilled.

DIVISION 5 – LICENSED FOR LEASE ONLY STATUS

14 Allocation of Licensed for Lease Only status

(1) A business may allocate to a person Licensed for Lease Only status if –

- (a) the business has a valid staffing licence that permits the business to allocate the status to the person;
- (b) the status is allocated in accordance with the terms of the staffing licence, and in accordance with any Regulations or Orders made under Article 27 (specific conditions of a staffing licence) of the Law;
- (c) the person satisfies the conditions specified in the staffing licence; and
- (d) the person does not have Permanent Entitled status or Entitled status.

(2) The business must make the allocation of Licensed for Lease Only status subject to –

- (a) the condition that the person must not enter into a specified transaction described in Article 18(1)(a) of the Law unless the person has the appropriate status under Schedule 2, paragraph 4(c) of these Regulations; and
- (b) the conditions (if any) specified in the staffing licence.

15 Loss of Licensed for Lease Only status

A person who has Licensed for Lease Only status loses that status if –

- (a) the person ceases to be employed by the business to carry out the work for which the status was granted; or
- (b) the allocation of the status is made subject to a condition and the condition ceases to be fulfilled.

DIVISION 6 – STANDARD STATUS

16 Standard status

A person fulfils the conditions for Standard status if the person does not have any other status under these Regulations.

DIVISION 7 – GENERAL PROVISIONS ABOUT RESIDENTIAL AND EMPLOYMENT STATUSES

17 Power to impose conditions

- (1) If the Panel recommends making the grant of a status under Regulation 5, 6 or 10 subject to a condition, the determining officer who grants the status must make the grant subject to the condition recommended by the Panel, unless the determining officer is satisfied that there are reasons why the recommendation cannot be given effect.
- (2) A determining officer may make the grant of a status under Regulation 6 or 10 subject to a condition described in paragraph (3).
- (3) A condition imposed on the grant of a status under Regulation 6 or 10 may include –
 - (a) a limit as to duration of the status, whether expressed as a period of time or by reference to a particular event;
 - (b) a condition relating to the family role or responsibilities of the person to whom the status is granted;
 - (c) a condition relating to the person’s work; and
 - (d) a condition relating to where the person must or must not reside.
- (4) A determining officer –
 - (a) may amend or revoke a condition; and
 - (b) must amend or revoke a condition if the amendment or revocation is recommended by the Panel (unless the determining officer is satisfied that there are reasons why the recommendation cannot be given effect).

18 Revocation of status

A determining officer may revoke the allocation or grant of a status, other than Standard status, to a person if –

- (a) the determining officer is satisfied that the allocation or grant was made in error; or
- (b) the person applies to the Minister for the allocation or grant to be revoked.

19 Consequences of loss or revocation of status

- (1) A person who loses their status or whose status is revoked has Standard status following the loss or revocation, unless paragraph (2) applies.
- (2) If the Minister is satisfied that exceptional circumstances justify doing so, the Minister may –
 - (a) maintain the person’s existing status; or
 - (b) grant the person a status other than Standard status.

PART 3

APPROPRIATE STATUS TO OCCUPY ACCOMMODATION, ENTER SPECIFIED TRANSACTIONS AND WORK

20 Appropriate status to occupy dwelling accommodation

Schedule 1 sets out the appropriate status, for the purposes of Article 17(1)(a) of the Law, for a person to occupy a unit of dwelling accommodation as their ordinary residence. (For other situations in which a person may occupy a unit of dwelling accommodation as their ordinary residence, see Article 17(1)(b) to (e) of the Law.)

21 Appropriate status for specified transactions

Schedule 2 sets out the appropriate status, for the purposes of Article 19(2) of the Law, for a person to enter into a specified transaction.

22 Appropriate status for work

- (1) This Regulation sets out the appropriate status, for the purposes of Article 24(1) and (2) of the Law, for a person to work in Jersey.
- (2) A person has the appropriate status for any work if the person has –
 - (a) Permanent Entitled status;
 - (b) Entitled status; or
 - (c) Entitled for Work Only status.
- (3) A person with Licensed or Licensed for Lease Only status has the appropriate status for the work for which the status is allocated.
- (4) A person with Standard status has the appropriate status to carry out work for a business if –
 - (a) the business's staffing licence allows a person with Standard status to carry out the work; and
 - (b) at the time the person is engaged to carry out the work, the business has not exceeded the number of people with Standard status that the staffing licence allows the business to employ to carry out the work.
- (5) The Minister may, by Order, provide that a person with Licensed, Licensed for Lease Only or Standard status also has the appropriate status for –
 - (a) a particular type of work; or
 - (b) work for a particular business or type of business.

23 Exemption from requirement to have appropriate status

The Minister may, by Order, provide that a person of a specified description is exempt from the requirement to have an appropriate status under the Law.

PART 4

MISCELLANEOUS

24 Transition from existing status to new status

- (1) If, immediately before the relevant date, a person has Registered status under the Law, the person loses that status and gains Standard status.
- (2) If, immediately before the relevant date, a person has any other status under the Law, the person retains that status until –
 - (a) the status expires (if the status is time-limited);
 - (b) the status is revoked, or the person no longer fulfils the conditions for the status, under the Law as in force immediately before the relevant date; or
 - (c) the person applies to the Minister for a different status and is granted that status.
- (3) In this Regulation, “relevant date” means the date on which the Control of Housing and Work (Amendment) (Jersey) Law 2022 comes into force.

25 Orders for the purpose of Part 7 (controls on working) of the Law

The Minister may, by Order, make any provision that may be made by Regulations under Article 24(6)(a) to (c) and Article 27(5) of the Law.

26 Repeals

- (1) The following Regulations are repealed –
 - (a) the [Control of Housing and Work \(Residential and Employment Status\) \(Jersey\) Regulations 2013](#);
 - (b) the [Control of Housing and Work \(Transitional and Consequential Provisions\) \(Jersey\) Regulations 2013](#);
 - (c) the [Control of Housing and Work \(Transitional and Consequential Provisions\) \(No. 2\) \(Jersey\) Regulations 2013](#).
- (2) The following Orders are repealed –
 - (a) the [Control of Housing and Work \(Exemptions\) \(Jersey\) Order 2013](#);
 - (b) the [Control of Housing and Work \(Fees\) \(Jersey\) Order 2013](#);
 - (c) the [Control of Housing and Work \(Guidance on Temporary Absence and Significant Ownership\) \(Jersey\) Order 2013](#);
 - (d) the [Control of Housing and Work \(Temporary Exemption\) \(Jersey\) Order 2021](#).

27 Citation and commencement

These Regulations may be cited as the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 202- and come into force at the same time as the Control of Housing and Work (Amendment) (Jersey) Law 2022.

SCHEDULE 1

(Regulation 20)

APPROPRIATE STATUS TO OCCUPY DWELLING ACCOMMODATION

1 Appropriate status to occupy Registered dwelling accommodation

A person has the appropriate status to occupy a Registered unit of dwelling accommodation as their ordinary residence if the person has –

- (a) Permanent Entitled status;
- (b) Entitled status;
- (c) Entitled for Work Only status;
- (d) Licensed status;
- (e) Licensed for Lease Only status; or
- (f) Standard status.

2 Appropriate status to occupy Qualified dwelling accommodation

A person has the appropriate status to occupy a Qualified unit of dwelling accommodation as their ordinary residence if the person has –

- (a) Permanent Entitled status;
- (b) Entitled status;
- (c) Entitled for Work Only status, but only if occupying the accommodation jointly with an eligible partner who has Permanent Entitled status, Entitled Status, Licensed status or Licensed for Lease Only status;
- (d) Licensed status; or
- (e) Licensed for Lease Only status.

SCHEDULE 2

(Regulation 21)

APPROPRIATE STATUS FOR SPECIFIED TRANSACTIONS

1 Appropriate status to lease Registered dwelling accommodation

A person has the appropriate status to enter into a lease of a Registered unit of dwelling accommodation (regardless of whether the lease is by registered contract) if the person has –

- (a) Permanent Entitled status;
- (b) Entitled status;
- (c) Entitled for Work Only status, but only if the person intends to occupy the accommodation as their ordinary residence;
- (d) Licensed status, but only if the person intends to occupy the accommodation as their ordinary residence;
- (e) Licensed for Lease Only status, but only if the person intends to occupy the accommodation as their ordinary residence; or
- (f) Standard status, but only if the person intends to occupy the accommodation as their ordinary residence.

2 Appropriate status for registered contract to lease Qualified dwelling accommodation

A person has the appropriate status to enter into a registered contract to lease a Qualified unit of dwelling accommodation if the person has –

- (a) Permanent Entitled status;
- (b) Entitled status; or
- (c) Licensed status, but only if the person intends to occupy the accommodation as their ordinary residence.

3 Appropriate status for ordinary contract to lease Qualified dwelling accommodation

A person has the appropriate status to enter into a lease of a Qualified unit of dwelling accommodation, other than by registered contract, if the person has –

- (a) Permanent Entitled status;
- (b) Entitled status;
- (c) Licensed status, but only if the person intends to occupy the accommodation as their ordinary residence; or
- (d) Licensed for Lease Only status, but only if the person intends to occupy the accommodation as their ordinary residence.

4 Appropriate status to acquire land under contract for sale or transfer of land

A person has the appropriate status to acquire land under a contract for the sale or transfer of land if the person has –

- (a) Permanent Entitled status;
- (b) Entitled status;
- (c) Entitled for Work Only or Licensed for Lease Only status, but only if –
 - (i) the person has an eligible partner who has Permanent Entitled status, Entitled Status or Licensed status;
 - (ii) the person's eligible partner also acquires the land under the contract –
 - (A) as a joint purchaser or transferee, if the eligible partner has Licensed status; or
 - (B) in any capacity, if the eligible partner has Permanent Entitled status or Entitled status; and
 - (iii) the person and the eligible partner intend to occupy the land as their ordinary residence; or
- (d) Licensed status, but only if the person intends to occupy the land as their ordinary residence.