

2015.07.14

4.6 Deputy P.D. McLinton of St. Saviour of the Chief Minister regarding people arriving to live and work in Jersey:

Given that many jurisdictions require people arriving to live and work in their country to agree to leave when their work permit expires; have enough money to care for themselves and their family; obey the law, have no criminal record, not be a danger to the country's security, and be in good health on arrival, has consideration been given to introducing similar measures in Jersey and, if not, why not?

Senator P.F. Routier (Assistant Chief Minister - rapporteur):

We have considered these issues over many years: who can come to Jersey, what checks we can and should perform and what services they can access. I would be more than happy to spend some time with Members again exploring all these because I think they need to be revisited so perhaps we could organise a meeting in the autumn to set that up. I do sympathise with those who would like to see more controls, for example, in relation to criminal records and in many ways I feel the same way about the topic. However, Members will not be surprised that complex legal constitutional and administrative considerations are involved such as our place as part of the British Isles, our relationships with the European Union and the administrative burden we place on government and businesses. I am very happy that I ought to send out an invitation to Members to discuss this very soon.

4.6.1 Deputy P.D. McLinton:

I appreciate the Assistant Minister's offer of a get-together to sort this thing out but I indeed did get a list of reasons why we cannot. I am going to hopefully give you some reasons why we can. I draw the Assembly's attention to the Immigration (Work Permits) (Jersey) Rules 1995 revised in January 2013. If Sir will indulge I will just set up the next question: "Application of Rules. These Rules apply in relation to a person not having the right of abode in Jersey seeking leave to enter or remain in or variation of leave to enter or remain in Jersey for the purpose of employment subject to a condition that the person holds a work permit."

[10:30]

There is a section 3: "The matters to which the", in this case "Minister for Home Affairs ..."

The Deputy Bailiff:

Deputy, really, you have to come to a question. You cannot read out a large tract of legislation and then base a question upon it.

Deputy P.D. McLinton:

Okay, I beg your pardon. Absolutely. The Minister for Home Affairs apparently has a regard to "the work experience and character of the entrant." In that one statement there, that implies we do have control, as a Minister for Home Affairs can take that control over the character of the entrant of a person into our Island. I was wondering if the Assistant Minister had any thoughts on that.

Senator P.F. Routier:

The Deputy has highlighted the issue with regard to people who are non-E.U. (European Union) citizens who want to enter into the United Kingdom and the British Isles for which the Immigration Service do carry out those checks. That is obviously a separate piece of legislation which they need to abide by from the Control of Housing and Work (Jersey) Law 2012 which we have. We obviously have different arrangements for people who live in the British Isles or Europe; we do not have that same sort of control as that does for the Immigration Service. So it is something that I want to discuss more with people to see what can be done but we do to a certain extent value our relationship we have with the British Isles. If we start putting controls in for people coming from

the British Isles into Jersey we might have the same issues with regard for us to visit the U.K. So it is a real difficult balance to strike. I would not want to upset our ability just to go off to England at any time we wished without having to go through Immigration. So there is a difficult balance to be struck there.

The Deputy Bailiff:

Can I just remind Members that both questions and answers should be succinct otherwise we are not going to get through a sufficient number of questions today? Deputy Tadier.

4.6.2 Deputy M. Tadier:

I do enjoy coming for a good session of Assistant Ministers' questions to other Assistant Ministers. It is an interesting new mutation that is taking part in this Assembly. Does the other Assistant Minister who is answering the questions take exception, as I do, to nothing less than the Assistant Minister for Health and Social Services asking questions in which he talks about people coming to this Island being in good health on arrival and linking that intrinsically with their ability to do a job? Because I find it particularly distasteful to suggest that somebody coming over with a disability, bearing in mind we are going to have a discrimination law, who may be diabetic, have fibromyalgia, carpal tunnel syndrome, depression, all sorts of illnesses which may be difficult to detect but do not in any way impinge on their ability to do a high-functioning job, let us say, in the finance industry.

The Deputy Bailiff:

Do you have a question, please, Deputy?

Deputy M. Tadier:

That is not a good basis on which we should be basing these kind of decisions and could send out a very damaging message about what type ...

The Deputy Bailiff:

Could you please ask your question, Deputy? Could you please ask your question?

Deputy M. Tadier:

Does the Assistant Minister agree it could send out a very damaging message from a Minister in Government to be putting these kind of questions about what type of Island we want to be living in?

Senator P.F. Routier:

I take the point the Deputy is making but I am sure that the questioner, the original questioner, did not have that in mind with regard to people with disabilities. I think probably his thoughts may have come about through other jurisdictions who have different systems of immigration that require people to enter their country to have health insurance before they arrive and to have those sorts of things in place but I do take the point. I do not expect that the questioner did have the intent as to what Deputy Tadier has implied about him; just a general view of how some controls can be made with regard to people coming to our Island.

4.6.3 Deputy J.A. Hilton of St. Helier:

I was just wondering if the Assistant Minister knows whether Jersey has ever tested the notion that we can refuse entry to somebody from the U.K. because of their criminal record. I do not believe that we have ever taken a test case. Is he able to tell us whether we have?

Senator P.F. Routier:

I am not aware that we have tested that decision.

4.6.4 Deputy J.A. Hilton:

A supplementary. Has the department ever considered taking legal advice on that basis because I am not quite sure why we can deport people who are convicted of serious offences in the Royal Court but we cannot turn people back at our border?

Senator P.F. Routier:

I can recall when the Control of Housing and Work legislation was being formed that we took advice on all aspects of those sorts of topics. It was something that we looked at very carefully and I am very happy to look at that again but certainly it is an issue which I know other jurisdictions have attempted.

4.6.5 Deputy J.A. Martin:

I absolutely defend Deputy McLinton's right to ask this question because to me it is going back to my question 4: will we look at an alternative population policy? It is all very good the Assistant Minister says he wants to sit down with us. I follow on from Deputy Hilton's question: when will somebody at our top table go and sit down with the U.K. and find out how far we can test them? I asked this of the Chief Minister when it was Senator Frank Walker and nothing has changed. Who is going to get a better deal for Jersey under the new rules? Thank you.

Senator P.F. Routier:

The Deputy asks an interesting question about whether we want to go into negotiations with the United Kingdom with regard to our relationship with them. It is something which is very, very difficult to attempt to do. We have a relationship with the U.K. which I would be cautious about trying to upset because it could reverse on us and we could be in a worse place. But certainly I will discuss it within the Council of Ministers and see where that takes us.

Deputy J.A. Martin:

So to be clear, no one at the moment is talking to the U.K. on population in Jersey?

Senator P.F. Routier:

That is correct.

4.6.6 Deputy P.D. McLinton:

Just on the record, I am very happy if we do not have to receive U.K.'s criminals that we do not have to send them out. So I am very happy on that level, so let us talk. I would also like to thank the Assistant Minister for defending me against Deputy Tadier's accusations, quite rightly, with looking at other jurisdictions and how they run their country. Yet again, the Deputy dashes to the worst-case scenario at every occasion which ...

The Deputy Bailiff:

This is a final question, Deputy, not a final speech.

Deputy P.D. McLinton:

The final question is: I look forward for a timetable from the Assistant Minister and an actual commitment we will take a moment in which we can all sit down and discuss this. So please could he give us a date in the reasonably near future when we can discuss this further?

Senator P.F. Routier:

I will certainly do that and I welcome the interest on this topic. An invitation will go out very soon.