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**Private & Confidential**

Senator Steve Pallett  
Chair, Migration and Population Review Panel  
States Greffe: Scrutiny  
Morier House  
St Helier  
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Dear Senator Pallett

**RCN response to proposed amendments to the Control of Housing and Work (Jersey) Law 2012**

Thank you for the opportunity to provide a written submission to the proposed amendments to Jersey's Migration Control Policy (MCP).

The RCN's full response is as detailed below, and we would welcome further opportunities to shape the current legal and operational framework in the interests of fair and sustainable workforce planning.

Rationale for the Proposals

With regards to the rationale underpinning the proposed amendments to the Control of Housing and Work (Jersey) Law 2012, we believe that the provision of derogations from the proposed immigration law may assist with overcoming the shortage of occupations such as nursing and nursing support workers. These amendments could assist with attracting as well as retaining qualified health sector staff on the island.

The proposed amendments could assist migrant workers, but only if there is a clear and concise route to permanent residence. At present, the proposed amendments to the Control of Housing and Work (Jersey) Law 2012 provide that a long-term route *may* grant permanent status and a '10 year' route will grant permanent status. Further explanation and clarity as to the distinction between these two routes to permanent status would be necessary to provide a fair and transparent framework.

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The RCN represents nurses and nursing, promotes  
excellence in practice and shapes health policies



### Equity and Fairness

The proposed amendments should have at their heart Jersey's obligations to the European Convention on Human Rights (through the Human Rights (Jersey) Law 2000).

As such, we recommend that there is an explicit ability for migrant workers to continue to allow their families to reside with them. This ability for the main permit holder to live with their families whilst working in Jersey would provide a strong incentive for the worker to remain on the island and as such, sectors such as nursing would benefit from retaining much needed skilled professional staff.

Further, where a migrant has become subject to a decision that negatively impacts their ability to live and work on the island, there should be a clear right for that migrant to challenge that decision in the exercise of a right to a fair hearing. We recommend that Jersey establishes an independent judicial system that can hear such cases.

### Strategic Alignment

The precise strategic priorities are not as clearly stated in the proposed amendments as they could be. The draft MCP notes that an ageing population will put pressure on Jersey's health services, and makes estimates of the future demand for doctors, nurses, paramedics, social workers and the need for 'many more' care workers.

Given the anticipated demand for health workers – we are looking for a greater degree of detail and clarity on *how* the new MCP will ensure migrant health workers are encouraged and assisted to enter the workforce under the new system.

### Attracting and Retaining Skill Professionals

We are pleased to note on Page 24 that professions 'currently covered by 'licensed' permissions will typically receive a 10-year permission immediately', and note that this includes nurses, social workers and doctors.

Although this gives a good indication of what *may* happen, we would like to see greater clarity on *how* 10-year status will be determined, and for which professions. This would strengthen the policy considerably and give our members confidence in supporting these proposals.

We would recommend making an explicit commitment that nurses – and other health workers, including social care workers who are not referenced in the list given – will receive a 10-year permission immediately. This will ensure migrant nurses are aware of their status and allow Jersey to recruit and retain key health and care workers. We recommend including social care workers in this group given the anticipated shortage of social care workers identified in the MCP.

Greater clarity for nurses and health care workers more broadly would also be welcome on Page 26, with regard to the pathways outlined in the immigration system. This refers to skilled worker routes and sectors that experience labour shortages but does not identify how this will apply to specific professions, including nurses and social care workers on Jersey. Outlining how nurses and other health workers are currently classified would give a better indication of how key workers will be prioritised in future. For example, as either shortage occupations, skilled workers, essential workers or a combination of these categories.

Further clarity on migrants' rights (Page 35) – particularly in terms of how migrants and health workers specifically should be exempt from charges to access health care – should also be considered. The rising cost of living is already a matter of some concern for our

members on the island. Anything which increases costs to migrants is likely to undermine the aim to attract skilled professional staff.

Further clarity on incentives in general would strengthen the MCP. The high cost of living should be considered and factored into incentives for essential workers who may receive incomes below the skilled worker threshold.

We would also expect greater clarity in terms of family members' and children's rights, and whether these are the same as the main visa holder. Page 26 refers to children who have moved to Jersey 'at a young age'. The MCP should be much more specific, so potential migrants can make fully informed decisions aware of the implications for their family members.

Another point to consider is making clearer how the current immigration infrastructure will be updated in order to accommodate the changes set out in the new policy. Outlining the plans for establishing the infrastructure, how it will be implemented, monitored, and reviewed would be useful.

With the introduction of photographic resident permits, the report notes civil liberty concerns with placement of a photograph on the permit (page 31). As such, the provision of anti-discrimination guidance to employers underpinning photographic resident permits is recommended.

We understand the context of these changes in that the Migration Policy Development Board final report (January 2021) identified several economic as well as demographic developments in Jersey. These developments included an increase in economic growth during the past six years, coupled with a rise in worker migration and a growing ageing population. Further to this, the UK's exit from the European Union and the changes to freedom of movement, have impacted Bailiwick territories like Jersey that has in many ways incorporated much of the UK's Immigration legal provisions (e.g. the Immigration Act 1971) into their own local legislation.

We appreciate the opportunity to shape the proposed changes to the Migration Control Policy and look forward to a constructive partnership in meeting the health and care needs of the Islands population.

Yours sincerely



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