
Discussion paper – Migrants' access to services

1. Introduction

Migrants form a valued part of the Island. New residents and businesses help to drive our economy, diversify our community and provide a range of opportunities for all of those living in Jersey. The Government recognises that any failure to support the integration of new migrants into our society exacerbates income equality and hinders economic growth, as it hinders individuals achieving their full economic potential.

The Government of Jersey's Common Strategic Policy 2018-22 (CSP) commits to creating a sustainable vibrant economy and skilled workforce for the future, whilst reducing inequality, and protecting our environment.

The following sections of the CSP are specific to migration policy:

'CSP 3.5.9.1 Develop and implement a migration policy which enables migration to be targeted and deliver the greatest economic and social gain'.

CSP 4.2.2, to 'Provide clear rights to new residents as part of an agreed migration policy'.

Many migrants, especially those with shortage skills such as nursing, care workers, and doctors are operating in a global market where multiple jurisdictions are competing for their services. Migrants often look to compare the packages available to them in each potential destination.

Therefore, the services that a migrant can access need to be clear, fair, logical, and well communicated. It is right that a migrant considering moving to work in Jersey is fully aware of the services that they can, or cannot access, prior to their arrival. This also goes some way to ensuring that migrants are an integral part, and feel a valued member, of the community in which they will be working.

Migrants are brought to Jersey by a vacuum of required skills and/or labour shortages which are not met by the domestic workforce.

The contribution a migrant makes to the Jersey economy, society and the local community will be determined by their personal skills, circumstances and preferences, as well as their contribution to the public finances.

This paper discusses the access that migrants currently have to services and some of the considerations that can be given to the access of each service.

This paper considers three of the four main areas of public services where barriers to access may exist: health, education, and benefits. (Access to housing is a matter being considered by the Housing Policy Development Board).

This paper relates specifically to discretionary work migration, which is the migration of individuals for work over which policy has direct and immediate oversight. Considerations are also given for the potential access of services for their immediate family (partner and dependent children). It does not

cover other categories of migration, for example extended non-dependent family members or refugees.

2. International Background

Migrants for the purposes of this report are classified as those individuals, not born in Jersey, who come to Jersey to live and work. Therefore, this category includes all British, Irish, EEA and 3rd country nationals¹, and their immediate family, who leave their country of birth and come to work in Jersey.

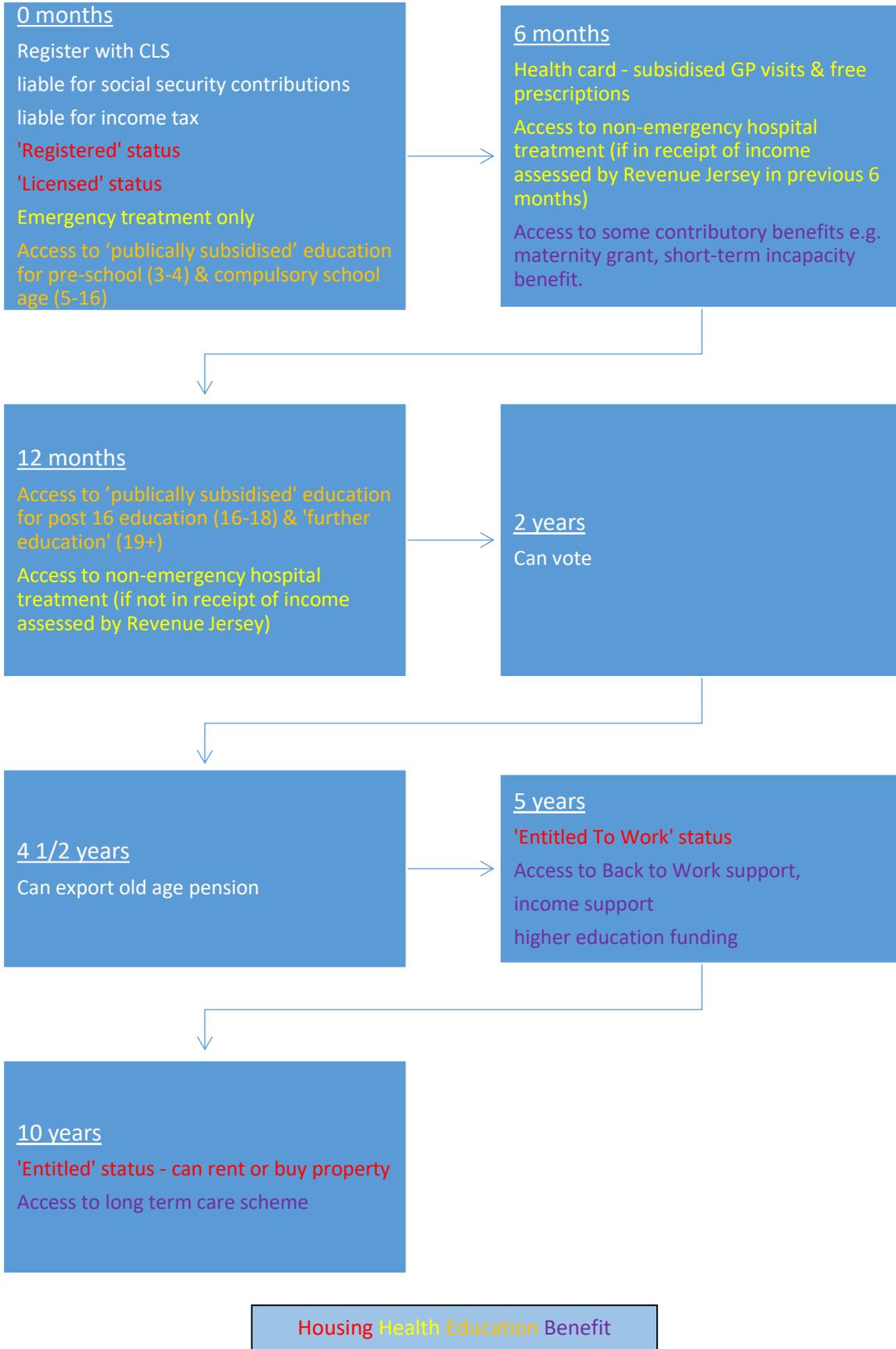
The UK, Channel Islands, Isle of Man and the Republic of Ireland collectively form the Common Travel Area (CTA). The CTA is established as a matter of law to facilitate the principles of free movement of British and Irish citizens between the UK, Republic of Ireland and the Islands. There are no formal immigration border controls in the CTA.

Currently EEA nationals and their family members enjoy free movement and are able to enter, live and work in the Crown Dependencies through Protocol 3 to the UK's Act of Accession.

British and Irish nationals currently have free movement within the CTA, EEA nationals have free right of movement within the EEA and Jersey, whilst 3rd country nationals are controlled by the Immigration Rules.

¹ Nationalities that are not an EEA country.

Time required to access services



3. Health²

3.1 Current situation

Jersey is not part of the NHS and has different rules to the UK, other Channel Islands and other countries. When first moving to Jersey migrants have to pay for most healthcare, including visits to the doctor, non-emergency treatment at the hospital, and other related costs, including travel costs.

After six months a migrant can apply for a Health Insurance Fund (HIF) health card. The health card gives discounted GP visits and GP prescriptions. It does not give access to free or discounted health care at the hospital or elsewhere. These rights are set out in Health Insurance Jersey) Law 1967³.

The Government of Jersey has a 'Residents & non-residents charging policy'⁴ whose primary purpose is to deter people travelling to Jersey with the intent of accessing free health care and treatment and to ensure that free access to health services is an appropriate, fair and reasonable use of Government funds. This policy is a non-statutory scheme which governs access to free hospital services.

It takes account of external agreements – including Reciprocal Health Agreements in place between Jersey and other countries – and provides for appropriate exemptions to charges.

This policy was developed by the Health department with a view to ensuring the best interests of Jersey residents and taxpayers are taken into account, placing significant emphasis on the expectation that those receiving free care and treatment are making an ongoing social and/or economic contribution to the Island.

This policy is based upon a person's CHWL status, with some exceptions, and is complicated.

Many workers in the hospitality and agricultural industries come to Jersey over many years but only work for periods of 6-9 months. Each time they return to the island their 6 month 'qualification period' for hospital services starts again. These migrants may therefore have paid more than 6 months of income tax payments on previous trips, but are only able to access emergency hospital treatment for the first 6 months of each return stay. Those migrants that have completed a 6 month qualifying period previously and have a Health Insurance Fund health card are able to access discounted GP visits and GP prescriptions.

Principle for discussion: everyone living in Jersey should have access to appropriate and timely healthcare. All Jersey residents make co-payments to cover some aspects of their health care but all major costs should be covered by a service that is free at the point of use or included in a compulsory insurance scheme.

Under the current rules, migrants could face significant healthcare costs during their first year in Jersey. Others may avoid necessary treatment on the grounds of cost.

² Health costs when moving or returning to live in Jersey

<https://www.gov.je/health/travelling/pages/movingreturning.aspx>

³ Health Insurance Jersey) Law 1967 <https://www.jerseylaw.je/laws/revised/Pages/26.500.aspx>

⁴ Residents and Non-residents Charging Policy

<https://www.gov.je/SiteCollectionDocuments/Health%20and%20wellbeing/P%20Resident%20and%20Non%20Resident%20Charging%20Policy%2020140829%20MM.pdf>

3.2 Options for migrant access to healthcare

3.2.1 Compulsory private health insurance

Migrants could be required to have approved health insurance before they are allowed to register under the Control of Housing & Work (Jersey) Law 2012.

Whilst migrants only have access to emergency treatment for the first 6 months it is possible that any emergency treatment during that period could lead to significant expenditure.

Any emergency treatment is also likely to lead to non-emergency costs that will be the requirement of the migrant to pay.

Private health insurance to cover the first 6 months would ensure that all migrants had access to necessary healthcare and would allow the Government of Jersey to recoup costs for an individual during that period.

The requirements to have insurance can be placed on the individual or on their employer.

In higher risk industries, such as agriculture, the issuance of a short term work permit could be tied to the requirement for the employer to have private health insurance to cover the treatment and repatriation of their workers should access to health services be required.

The employer may see requiring the employer to pay for insurance as an employment tax, and a disincentive to employ staff. It could also be seen as an incentive to increase productivity or to invest in automation to complete the same tasks with less staff.

Passing the cost of insurance to the employer or workers could mean that those migrants who do not work (e.g. immediate family members) are able to access services without paying.

Private health insurance could be expensive to purchase in the open market, particularly for lower paid workers. A requirement to purchase private health insurance would likely have more impact on lower earning migrants. Some higher paid workers may already have health insurance cover included in their overall contract of employment.

Partners (with or without a legal relationship) and dependent children could also be required to have compulsory private health insurance. The definition of dependent children would also need to be agreed, to consider the treatment of young adults (for example aged under 25) who still form part of the worker's household.

To ensure that everybody contributes equitably other charges could be applied to all users of the health services, including non-working migrants.

3.2.2 Healthcare surcharge

A migrant could be required to pay a compulsory surcharge in advance to be able to access medical treatment on arrival. This could be levied on the individual or the employer.

The UK require non-EEA citizens applying for visas over 6 months to pay an upfront health surcharge in order to be issued with a visa for over 6 months. This fee is dependent upon the length of the visa given. Presently the fee is £400 per year, for example £2,000 for a 5 year visa. This charge applies separately to each family member, so for instance a family of 4 people applying for a 5 year visa would pay an £8,000 health surcharge.

This charge applies even if a migrant holds private health insurance.

This charge could be relatively easily applied to 3rd country nationals as a requirement of the issuance of a visa by the Jersey Customs and Immigration Service (applicants for visas to the Channel Islands are currently exempt as they do not belong to the NHS).

Alternatively, the surcharge could be applied to the employer as part of a work permit fee. This could be set at a level to cover costs, or to dissuade applications for permits in certain sectors.

As with the private insurance option, any surcharge option would need to consider the coverage of partners, dependent children and dependent young people.

A healthcare surcharge would probably be set at a level below the cost of private health insurance.

Higher earning employees with private insurance included in their employment package would still be required to pay the surcharge. As such this option places less pressure on lower earning employees and their employers.

3.2.3 Extended 'qualifying' period

The 6 month 'qualifying' period to apply for a health card and receive free hospital treatment could be extended to a longer period.

This option could be combined with options 3.2.1 or 3.2.2 so that new migrants were required to support their own costs of healthcare through private insurance or a government surcharge for an agreed period of time - for example 12 or 24 months.

3.2.4 Provide equal access to all health services

The existing hospital guidelines do provide immediate access to hospital services for licensed employees and their immediate family.

A new system could provide immediate access to some groups and require other groups to fund costs through insurance/surcharge.

A further option would be to provide immediate access to all groups on day one. This option would increase existing health costs.

3.3 Summary of options:

- **require private health cover from individual**
- **require private health cover paid for by employer, to cover individual and immediate family**
- **surcharge paid by individual**
- **surcharge paid for by employer, to cover individual and immediate family**
- **extend waiting time before access, to be covered by private insurance or surcharge.**
- **provide some access immediately, based on CHW status.**
- **Provide access to all from day one.**

4. Education

The table below shows the number of children starting at a Jersey Primary School over the last 10 years (all schools not just States' schools) compared to the number of children born in the corresponding academic year. (i.e. year of birth compared to those same cohort of children starting reception school in the school year when those children turn 5 years of age).

	Reception year school numbers	Birth numbers for corresponding academic year
2010	979	971
2011	1011	953
2012	1021	987
2013	1074	1008
2014	992	1004
2015	1036	1049
2016	1053	1047
2017	1163	1164
2018	1063	1031
2018 / 2019	1041	1032

The table suggests that there is very little or no pressure on the education system from migrant children at this age.

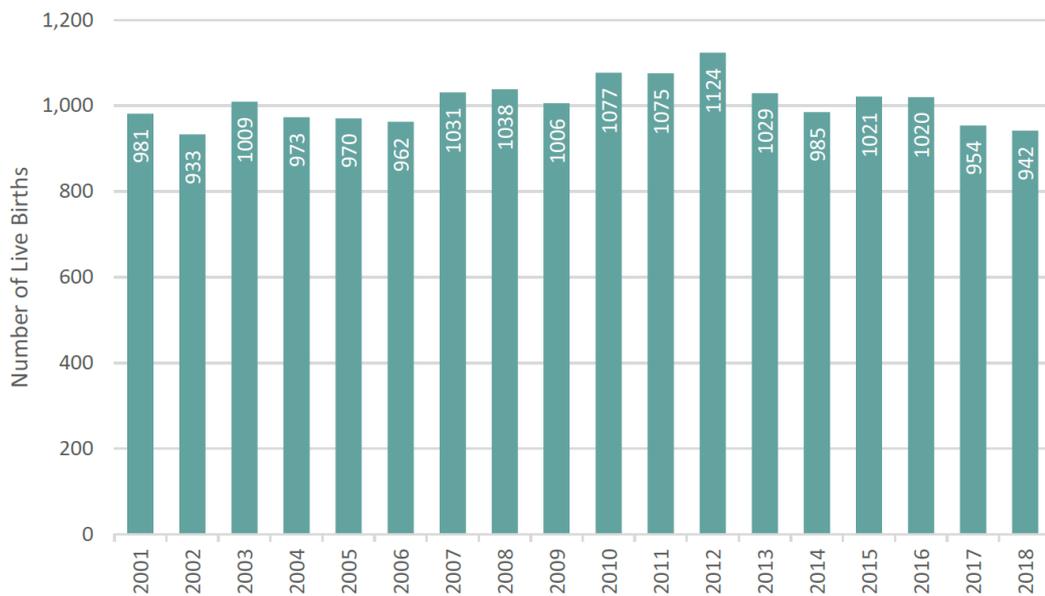
The net migration rate for children does not mirror the rate for adults and is almost net nil. Current trends suggest that the ratio of children to adults will reduce in the future.

There were 942 live births notified in Jersey during 2018; this was the lowest number of births recorded since 2002⁵.

⁵ Births, fertility & breast-feeding 2018

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20Birthsfertilitybreastfeeding2018%2020190321%20SJ.pdf>

Figure 1: Number of annual births per 1,000 people, 2001-2018



(Source: Births, fertility & breast-feeding 2018 – Statistics Jersey)

Government of Jersey policy⁶ exists to limit access to education to those children who are legally resident in Jersey:

Pre-school Education (3-4 years)

Access to publicly subsidised pre-school education is available to:

- British & EEA children
- Third Country Nationals holding the appropriate visa

Compulsory School Age (5-16 years)

Under the Education (Jersey) Law 1999 free access to compulsory age education is currently a legal requirement⁷.

Access to publicly subsidised compulsory education is available to:

- British & EEA children
- Third Country Nationals holding the appropriate visa

Post 16 Education (16-18 years)

Access to publicly subsidised post 16 education is available to:

- British & EEA students living with their parents or a family member who has parental responsibility for them

⁶ Policy - Access to publicly funded education

<https://www.gov.je/SiteCollectionDocuments/Education/P%20Access%20to%20Publicly%20Funded%20Education%2020160803%20KP.pdf>

⁷ Education (Jersey) Law 1999 <https://www.jerseylaw.je/laws/revised/pages/10.800.aspx#Toc128553375>

- British & EEA students moving from compulsory education within a Jersey school to post 16 education
- British & EEA students who have been ordinarily resident in Jersey for a minimum of one year
- Third Country Nationals holding the appropriate visa

Further Education (19+ years)

Access to publicly subsidised further education is available to:

- British and EEA students who are 'Entitled', 'Licensed' or 'Entitled to Work Only'
- British and EEA students who are 'Registered' and have been ordinarily resident in Jersey for a minimum of one year
- Third Country Nationals holding the appropriate visa and have been ordinarily resident in Jersey for a minimum of one year

Higher education grants⁸ are available to applicants who have lived in Jersey for long enough and meet the academic standard.

Dependent students: The student and parents must have been ordinarily resident in Jersey for five years up to 31 August before their first academic year.

Where a student has not been ordinarily resident for the required period solely because a parent is or was temporarily employed outside of Jersey, that period may be counted as ordinary residence. If a student has been resident for less than five years before the start of the course, they may also qualify if the student, or a parent they live with, has Entitled status. Parent and student also need to have been ordinarily resident for at least 12 months up to 31 August.

Independent students: The student must have been ordinarily resident in the island and have been so for five years immediately before 31 August as above. The one year rule also applies to students with Entitled status.

4.1 Options for migrant access to education

4.1.1 Remove access

A change in legislation could remove the requirement for free access to compulsory age education.

All children of compulsory school age should be able to access good education. However, options do exist as to how this is paid for, and by whom.

Free access to pre-school education could be removed until a certain qualifying time has been reached.

The integration of migrants into Jersey culture and society are improved by knowledge and use of the English language. There are also resource implications to having non-English speakers in compulsory age schools. Therefore non-English speaking children should not be discouraged from entering pre-school education.

Neither option in this section is recommended.

⁸ Higher Education Funding

<https://www.gov.je/SiteCollectionDocuments/Working%20in%20Jersey/ID%20Student%20Finance%202019-20%2020190313.pdf>

4.1.2 Restrict migrants from bringing dependents

A number of countries place a restriction on certain immigrant categories to prevent dependent family members joining them. For instance, short term work permit holders in the agriculture and hospitality industries in Jersey are currently restricted from having family members join them.

4.1.3 Education Surcharge

A migrant could be required to pay a compulsory surcharge in advance, for any compulsory age children accompanying them, in order to access publically subsidised education on arrival.

In all of the above points, this could restrict the ability for migrants to work, as they may need to provide childcare, and jars with the CSP commitment to put children first.

4.1.4 Free education

Access to education is free for all from day one, and the cost is accepted and borne by all.

4.1.5 Further considerations:

Whilst some concerns exist that migrant children are able to enter publically subsidised education system immediately on arrival, it is currently a legal requirement in Jersey to educate children of compulsory age, and there is no evidence that the system is being abused by migrant children.

The education of a migrant's children is an important consideration before a migrant commits to moving to Jersey to work. Any restrictions on education may dissuade a migrant from coming to the Island.

In order to reduce the Island's reliance upon inward migration in the future it is important that all children living in Jersey receive a good standard of education.

4.2 Summary of options:

- **restrict certain categories from having family members join them**
- **surcharge paid by individual**
- **access to all education is free from day one.**

5. Benefits & Financial Support⁹

- All workers are liable to pay income tax as soon as they arrive in Jersey . They are taxed at the maximum 20% ITIS rate until their income has been assessed.
- After 6 months of payments an individual can access some contributory benefits e.g. maternity grant, short-term incapacity benefit.
- After 2 years residency a person can vote.
- With a contribution record of at least 4 ½ years, a person can export their pension record anywhere in the world. With less than four and half years of contribution record, old age pensions can only be claimed in countries where there is a reciprocal agreement between Jersey and the other country.

⁹ Benefits & financial support

<https://www.gov.je/LifeEvents/MovingToJersey/LivingInJersey/Pages/Benefits.aspx>

- After 5 years residency a person becomes 'entitled to work' and can access further services such as back to work support and income support.
- After 10 years a person becomes 'entitled' and can access social housing and the long term care scheme¹⁰.

5.1 Options for migrant access to benefits and financial support

5.1.1 Employer arranges pension option

The Social Security system requires every adult working in Jersey to pay contributions. These create a contribution record which provides eligibility for an old age pension at state pension age. Once a worker has a contribution record of at least four and half years, the Jersey old age pension can be claimed from anywhere in the world. A contribution record of less than 4 ½ years can be used to claim a pension only if the migrant is living in the country that has a reciprocal agreement with Jersey.

Jersey currently has reciprocal agreements with:

Austria	Ireland	Portugal
Barbados	Isle of Man	Spain
Bermuda	Italy	Sweden
Canada	Jamaica	Switzerland
Cyprus	Netherlands	United Kingdom
France	New Zealand	USA
Guernsey	Northern Ireland	
Iceland	Norway	

Many migrants that work for less than 4 ½ years in Jersey in total , are making payments into the Jersey Social Security fund. Whereas they may qualify for some short-term benefits, the principal use of the fund is to provide old-age pensions. These make up 80% of the annual contributory benefit bill. In this situation the employer could be required to provide an option to make payments into a fund that would allow a pension to be accrued and transferred upon leaving the island.

5.1.2 Restrict access to benefits

Access to benefits could be restricted to migrants for a longer period (e.g. 4-7 years) or increased gradually over this period. This would increase the payments in to the system before claims can be made.

This might require migrants to make private arrangements to support themselves, or pay directly in lieu of accessing services.

5.1.3 Reduce the number of people making smallest contributions

Low skilled workers, who receive the lowest salaries, make the smallest contribution to tax and social security revenues. The number of low skilled migrants could be kept to a minimum, and where work permits are required should only be issued for the minimum amount of time required. Where the use of low skilled migrants is unavoidable and long-term, training to allow these

¹⁰ Subject to various conditions

individuals to access higher paid jobs or increases in the minimum wage could increase their contribution rate.

5.1.4 Migrants to be working or self-sufficient

Under current legislation the Free Movement Directive states that EU citizens (including their EU and non-EU family members) must be admitted to the UK and can reside for up to three months from the date of entry, provided they meet basic criteria, such as not being a risk to public policy, public security or public health.

After 3 months an EU national's right to remain in their host state becomes conditional. EU citizens wishing to stay beyond three months can generally only do so where they are exercising 'Treaty rights' – until they become entitled to permanent residence in the UK (usually after exercising Treaty rights in the UK for five years). Exercising Treaty rights in this context means they must be working, self-employed, a student, a self-sufficient person or the family member of an EU citizen who is exercising Treaty rights. The Directive is primarily implemented in UK law through the Immigration (European Economic Area) Regulations 2016.

'Not only can Member States seek to ensure that the above conditions are satisfied ... but the right to residency can be withdrawn if circumstances later change: due to unemployment if they are not permanent residents, lack 'sufficient resources', or have become an unreasonable burden on the social assistance system. The UK Government does not enforce controls over self-sufficiency as a matter of routine but they are enforced in some other Member States.'¹¹

The same holds true in Jersey. Therefore, EU citizens who do not meet the above criteria could be removed from the Island if they are considered to be an excessive burden. This option is not utilised by Jersey.

5.2 Summary of options:

- **allow all pensions to be exported**
- **exempt short-term workers from the social security fund (income into the fund would then drop). This option would require a control mechanism to stop a worker returning to Jersey after a maximum time period**
- **accept the current situation - it's a population-based fund and not everyone will benefit from the payments they make in (e.g. people who die before pension age)**
- **lengthen period before migrants can access benefits**
- **restrict number of low skilled migrants to a minimum**
- **train long term low skilled migrants to be able to access higher paid roles**
- **require migrants to be self sufficient**

¹¹ P.16 para 4 Policy options for future migration from the European Economic area: Interim report House of Commons, Home Affairs Committee
<https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/857/857.pdf>

6. Housing¹²

Housing is being considered by the Housing Development Board, and falls outside the remit of the Migration Policy Development Board.

However, the framework formed by the timings and categories of the Control of Housing & Work (Jersey) Law 2012¹³ (CHWL) may provide an opportunity to rationalise the entry points to all services.

The CHWL timings could be utilised as a framework to provide a clear system for accessing the other services discussed in this paper, whereby a certain permission gives access to a certain group of services. This rationalisation would give greater transparency for all migrants.

Residential and employment status	Definition	Housing
'Registered'	Someone who has lived in Jersey for less than 5 years, who is not essentially employed and who is not married to, or in a civil partnership with, someone who is 'Entitled', 'Licenced' or 'Entitled for Work'.	Can only lease 'Registered' (unqualified) property as a main place of residence.
'Licensed'	Someone who is an approved 'essential employee'.	Can buy, sell or lease any property, apart from first time buyer restricted or social rented housing, in their own name, for as long as they remain in full-time 'Licensed' employment. Can only have one property to occupy as a main place of residence. If 'Licensed' status is lost, they can no longer occupy Qualified property.
'Entitled for Work'	Someone who has lived in Jersey for the last five consecutive years, or is married to, or the civil partner of someone who is 'Entitled', 'Licensed' or 'Entitled for Work'.	Can buy any property jointly with an 'Entitled' or 'Licensed' spouse or civil partner. They can also rent 'Registered' (unqualified) property as a main place of residence in their own right.
'Entitled'	Someone who has lived in Jersey for 10 years.	Can buy, sell or lease any property.

6.1 Summary of options

- **Rationalise entry points to all services**

¹² Residential & employment statuses

<https://www.gov.je/Working/Contributions/RegistrationCards/Pages/ResidentialStatus.aspx>

¹³ <https://www.jerseylaw.je/laws/revised/Pages/18.150.aspx>

7. Conclusions

It is right to ensure that those accessing services have paid a fair amount of contributions in to the system that they are using.

‘When considering the contribution of each individual migrant, it must be remembered that today’s working adult, paying large amounts of tax, will become tomorrow’s state pensioner, with above-average healthcare costs. Today’s secondary-school pupil, educated at the expense of the taxpayer, will tomorrow contribute through the income taxes they pay once they enter the labour market. From the perspective of a policy-maker, therefore, what really matters is whether an additional migrant is likely to make a positive or negative net fiscal contribution over their entire time in the UK, from the day of arrival to the day they leave or the end of their life’ (*The Fiscal Impact of Immigration on the UK, MAC, June 2018*¹⁴).

The Government recognises that the failure to support the integration of new migrants into our society exacerbates income equality and hinders economic growth, as it hinders individuals achieving their full economic potential. As such, it has committed, through CSP 4.2.2, to ‘Provide clear rights to new residents as part of an agreed migration policy’.

Many migrants, especially those with shortage skills (such as nursing, care workers, and doctors) are operating in a global market where multiple jurisdictions are competing for their services. Migrants often look to compare the packages available to them in each potential destination.

Therefore, the services that a migrant can access need to be clear, fair, logical, and well communicated. It is right that a migrant considering moving to work in Jersey is fully aware of the services that they can, or cannot access, prior to their arrival. This also goes some way to ensuring that migrants are an integral part, and feel a valued member, of the community in which they will be working.