



## Customs and Immigration Service

### Report

To: Minister for Home Affairs

Submitted By: Senior Manager Immigration Policy

Date: 20/03/2023

Subject: Proposed changes to the Work Permit Policy

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#### Purpose of Report

To enable the Minister for Home Affairs to approve changes to the work permit policy by:

- Expanding the temporary 9-month agriculture route to incorporate landscape gardeners and tree surgeons.
- Introducing a new temporary 12-month hospitality route which can be renewed on an annual basis for a maximum period of 3 years.
- Introducing a temporary 6-month route for French nationals enrolled at a further or high education institution in France.
- Introducing a temporary 4-month route for overseas students on Tier 4 visas studying elsewhere in the Common Travel Area.

#### Background

Work Permits are a requirement under the Immigration (Work Permits) (Jersey) Rules 1995 and as such employers are required to apply for a work permit for those individuals who require immigration permissions to enter and remain in Jersey for work.

The current version of the Immigration Work Permit Policy was introduced at the end of 2020 to reflect changes brought on by the United Kingdom's exit from the European Union and the closing down of free movement to the Common Travel Area of EU nationals who have historically provided labour to Jersey.

The Policy sets out the criteria that must be met by employers applying to recruit skilled workers in Jersey on a temporary or longer-term basis.

Representations have been submitted by sub-sectors of Agriculture to enable them to employ temporary workers on a seasonal basis to assist in recruitment issues for landscape gardeners and tree surgeons.



The recommendation is to align with the existing temporary agriculture route whereby a permit is issued for a nine-month period followed by a three-month absence.

Representations have also been submitted on behalf of the hospitality sector by Jersey Hospitality Association and supported by Jersey Business and the Chamber of Commerce to introduce a longer temporary hospitality work permit route.

The recommendation is to retain the existing nine-month temporary hospitality route with a minimum three-month absence and to introduce a twelve-month renewable work permit route to a maximum period of three years followed by an absence equal to the amount of time spent in Jersey.

In addition to the established work permit routes there has been some pressure post-Brexit to find a solution to enable French students studying in France to work on placement in Jersey. Historically students from France had benefited from employment in the Island which was relevant to their course of study.

The recommendation is to introduce a temporary six-month work permit route for French students enrolled in France at a further or higher education institution to come to Jersey to take employment in a role that is directly relevant to their course of study. On the expiry of the work permit the student will be expected to return to France for a period equal to the amount of time that they spend in the Island.

The Immigration Rules prevent overseas students holding Tier 4 visas and enrolled in degree level courses elsewhere in the Common Travel Area taking employment in Jersey during their vacations.

The recommendation is to introduce a temporary four-month route to allow such students to work in Jersey on a part-time or full-time basis without the need of a work permit. Employers must seek authority from JCIS to employ without a permit and ensure that they comply with Control of Housing and Work legislation.

Updates to the work permit policy will provide more detail on the application criteria for these expanded and additional routes.

### **Recommendation**

It is recommended that the Minister for Home Affairs instructs the Jersey Customs & Immigration Service to make the appropriate amendments to the Work Permit Policy for agriculture, hospitality, and students. Amendments to the Policy to come into effect from 01/04/2023.

### **Senior Manager Immigration Policy**