



# Managing Guernsey's Population

The Public Response to the  
Consultation Document

June 2011



STATES OF GUERNSEY

Population Policy Group

This document and the Consultation Document are available to download from the States of Guernsey website at [www.gov.gg/population](http://www.gov.gg/population). Copies are also available for collection from the reception at Sir Charles Frossard House.

## FOREWORD

### FROM THE CHAIRMAN OF THE POPULATION POLICY GROUP

Earlier this year the Population Policy Group (PPG) published its consultation document, *Managing Guernsey's Population*, marking the beginning of a three month period of public consultation. The consultation process has drawn significant interest from a wide range of individuals and organisations.

Given that managing the Island's population is such a complex and wide ranging issue, the PPG is pleased that more than 350 responses to the consultation were received and that more than 800 people took the opportunity to attend the PPG's various public events. It is clear from the level of detail contained within the responses, that many people have given this issue a good deal of thought.

As part of its communication strategy, the PPG committed to producing this report summarising the response which has been generated through the consultation process. This provides a key reference point for the public as the work to develop a population management regime continues. It is not designed to tell you what the PPG thinks about the feedback – that is for another day – it is simply designed to provide an open and transparent review of the feedback which has been received.

The PPG has reviewed all of the feedback and is now in the process of considering what proposals it will recommend for the future. The wide and diverse range of views and opinions that have been expressed through the consultation will be used to good effect by the PPG going forward, and will therefore have a real influence on the development of a regime which will allow Guernsey to manage the size and make-up of its population in the future. It is too early to define exactly what impact the feedback will have, but the next report, which will be published in the last quarter of this year, should demonstrate how the feedback has influenced the development of future proposals.

The PPG is grateful to all of those who have engaged in this consultation and who have taken the time to think about the complex issues involved and share their views, either through the various events or through a formal response.



Deputy Bernard Flouquet  
Chairman – Population Policy Group

# INTRODUCTION

## Overview of the Consultation Process

The Population Policy Group (PPG) published its consultation document, *Managing Guernsey's Population*, on 20 January 2011. The consultation period was initially due to close after 10 weeks, but was subsequently extended by a further four weeks until 30 April 2011.

The PPG sent 60 copies of the consultation document to a wide range of community, business and professional organisations as part of the consultation launch.

A further 1,200 copies of the document were issued to members of the public on request. A website was launched providing access to read or download relevant documents, along with the facility to complete an on-line questionnaire. Paper copies of the questionnaire for completion by hand were also made available.

The PPG sought to offer respondents as wide a range of options for responding as possible and invited people to write to, or email, the Group with their views, or to complete all or part of the online questionnaire.

In order to raise awareness of the consultation process, the PPG sent a leaflet to all households informing them that the consultation was taking place and highlighting some of the key issues. This was coupled with a number of media releases and planned interviews, including a dedicated BBC Guernsey Sunday phone-in.

In addition, the PPG ran three drop-in question and answer sessions at the former Checkers supermarket and six public presentations at different venues across the Island. The PPG also accepted eight invitations from community, business and professional organisations to address members of those groups.

Approximately 830 members of the public took the opportunity to attend the drop-in sessions or presentations given by the PPG.

## Responses Received

The PPG received over 350 helpful and informative responses on the various proposals and options set out in the consultation document, including 23 responses from community, business and professional organisations.

Online Questionnaires	156
Emails	72
Letters	126
<b>Total</b>	<b>354</b>

## Analysing the Responses

This report contains a summary of all of the questionnaires, letters and emails which were received.

The PPG's consultation process sought to gauge people's views about the proposals and options set out in the consultation document. As expected, a wide and diverse range of responses were received which have come about based on different people's understanding of the subject and their own situation and experiences.

For this reason the report does not contain any "statistical" analysis showing how many people supported the various proposals, rather it tries to show the general level of support, or otherwise, for a particular proposal using a sliding scale as shown below.

The first example shows that a very high proportion of those who gave an opinion were in support / agreement with a particular proposal or option. However, the second example illustrates support from only around half of those offering an opinion.



Each section also contains a summary of the main points that were raised in response to each of the proposals and options discussed in the consultation document. This highlights where people disagreed with particular proposals or options and includes any alternatives that were suggested.



23 responses were received from community, business and professional organisations. The PPG is pleased that many of those organisations took the opportunity to canvas the views of their individual members, which have then been reflected in the consultation response. For this reason, it is important to note that many individuals may have contributed to what appears to be a single response. The PPG has made the responses from all of the organisations available in full, in order that the views of each can be seen in the context of their overall response<sup>1</sup>.

Some organisations have taken the opportunity to comment on only a small number of specific issues which have a particular bearing on the aims of their organisation. The PPG is very grateful to receive this input from those who have a deep understanding of some specific issues.

### Independent Review

As part of its Communications Strategy, the PPG wanted to provide independent confirmation that this feedback report provides an impartial summary of the responses received.

Jurat Reverend Peter Lane and Jurat Mike Tanguy kindly agreed to invest their time to carry out an independent review earlier this month on behalf of the Policy Council, and the text from their letter of comment is copied below.

*At the request of the Policy Council we have conducted an audit of the procedures whereby the responses from the general public to the Consultation Document on Managing Guernsey's Population (January 2011) have been received, individually studied, tabulated and now summarised.*

*In order to carry out the audit we have examined the replies that were received in completed questionnaires, by means of a letter and by email. In the light of what we have seen we have studied in detail the summary document produced and have suggested certain minor alterations, additions and clarifications which have now been incorporated into this official report of the responses received.*

*After careful investigation it is our belief that this summary document is a true and accurate representation of those responses.*

*Throughout this exercise we have been impressed by the diligence and desire for fairness shown by those involved in producing this balanced synopsis of the opinions expressed.*

Jurat Rev. Peter Lane  
Jurat Michael Tanguy  
16 June 2011

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<sup>1</sup> Available on the States of Guernsey website ([www.gov.gg](http://www.gov.gg)) or on request from Sir Charles Frossard House

## SUMMARY OF RESPONSES

There were no questions linked to Sections 1 - 9 of the consultation document, they are therefore not covered in this report

### SECTION 10 OBJECTIVES OF A NEW REGIME

#### Summary of what was set out in Section 10 of the Consultation Document

A new regime must have clear and transparent objectives, namely:

- a) Be effective in enabling the States to manage the size and make-up of the population.
- b) Be legally robust and designed to meet the Island's domestic and international obligations. Human Rights considerations and the Immigration regime are of particular significance in managing changes in the population level and are expanded on at various points in this document.
- c) Be capable of taking into account the objectives, policies and priorities of the States Strategic Plan and be flexible enough to take into account any changes in them.
- d) As far as possible, give the States the ability to respond quickly to the Island's changing economic, social and environmental demands without the need for changes in legislation.
- e) Be supported by an efficient and flexible administrative process that supports the Island in being an attractive place to live, to work and to do business. The process must not deter people from using it and it should avoid being unnecessarily complex and bureaucratic.
- f) Be capable of providing regular population statistics. This will allow the States to monitor changes in the population level and the extent to which the new regime is effective in managing changes in the population. Informed decisions can then be made on what policies need to be adjusted to take account of changes in the population.

- g) Ensure that the new regime is delivering what the community needs, there needs to be a good degree of transparency with well publicised policies, procedures and rules. The public need to be able to understand how and why decisions are being made.

## Summary of the Responses to the Consultation Document

### Question 10a

Do you agree with the objectives as described in paragraph 10.1 above? If not, which do you disagree with and why?



- 10.1 A large majority of respondents supported the proposed objectives for the new population management regime.
- 10.2 Most of the respondents supporting the list of objectives indicated their wish to see a transparent and open approach to how and when Permits are issued and a link with other States policy objectives.
- 10.3 Of the respondents who disagreed with the proposed objectives, a few questioned whether it was the role of government to attempt to manage the size and make-up of the population, particularly because the proposed Permits could only manage some aspects of population change i.e. births, deaths and the potential return of existing Qualified Residents would not be managed.
- 10.4 A few respondents sought an assurance that the objectives would be regularly reviewed and be flexible enough to allow Guernsey to respond to future changes in its environmental, social and economic circumstances. A few of the community, business and professional organisations also made this point in their responses.
- 10.5 A few respondents did not accept that Human Rights considerations and the Island's Immigration regime are of particular significance in managing changes in the size and make-up of Guernsey's population.
- 10.6 A handful of respondents felt that the objectives appeared to be biased towards those looking to settle in Guernsey in the future, rather than towards existing residents.
- 10.7 A small number of the community, business and professional organisations also suggested that one objective of the new regime should focus on encouraging



those who left Guernsey for educational and career reasons to return to Guernsey.

- 10.8 A small number of respondents were concerned that the proposed objectives were too vague to have any real impact on population management.
- 10.9 A few respondents felt that the objectives were reasonable but that they appeared to imply that Guernsey's population would continue to increase because of factors which were outside the control of the States, for example increasing life expectancy.

**Question  
10b**

Are there any other objectives, not covered by those listed above, which you believe that the new regime should be aiming to achieve? If so, please describe them.

- 10.10 Most respondents did not indicate any additional objectives.
- 10.11 Of the respondents who gave suggestions for other objectives, a few respondents suggested each of the following: measures to protect Guernsey's unique identity and cultural heritage; to provide greater protections for those people "born and bred" in Guernsey; to ensure that the new regime did not increase administration and associated costs; to provide a system that is simpler to understand and fairer to all than the current Housing Control regime; and to ensure that business and economic growth is not unreasonably restricted through the imposition of population limits.
- 10.12 The need for an objective focussed on allowing business and economic growth was raised by many of the community, business and professional organisations. A few of this group of respondents considered that it was essential to ensure that Guernsey had the resources needed to provide the right skill base for business to grow.
- 10.13 Several of the community, business and professional organisations that responded also felt that there should be an objective aimed at encouraging entrepreneurs and new businesses, especially where they would be wealth creating but have a "low footprint", to establish a base in Guernsey because this could help diversify the Island's economy.
- 10.14 Although this consultation process was not about the total number of people living in the Island, a small number of respondents suggested that Guernsey's population should be capped and, of these respondents, a few highlighted their desire for the current States resolution to maintain Guernsey's population at approximately 2007 levels to be retained.

- 10.15 Other suggestions for additional objectives were made by just a handful of respondents. These included a need to ensure that Qualified Residents could access affordable accommodation and, given the demographic challenges Guernsey is currently facing, whether the number of people above retirement age being allowed to settle in the Island should be strictly controlled.
- 10.16 A small number of the responses from community, business and professional organisations suggested that the objectives should include a policy to attract high net worth residents who could make a significant economic contribution to Guernsey.

**Question  
10c**

Are there any further comments that you wish to make in relation to what is covered in Section 10 of this Consultation Document?  
Please provide us with those comments.

- 10.17 A wide range of comments were included in response to this question, with several respondents using this question to raise issues that were not covered elsewhere in the questionnaire.
- 10.18 Several of the respondents felt that the objectives did not give sufficient weight to environmental and cultural issues. These respondents felt that greater emphasis should be placed on the impact on Guernsey's environment and cultural heritage and identity if the population continued to increase.
- 10.19 A few respondents were concerned that, while the proposed objectives set out in the consultation document made sense, the ability to deliver a population management regime which reflected these objectives and achieved positive outcomes in terms of the size and make-up of Guernsey's population was not achievable. A handful of respondents felt that, without introducing draconian measures, too many of the factors that have a significant influence on population changes were outside of the proposed regime.
- 10.20 A large number of respondents highlighted the complexity of the issues and that the proposed population management regime would have to grapple with competing objectives. Most of this group of respondents felt that the consultation document had made a good start at tackling these difficult issues.
- 10.21 A few respondents noted that Guernsey's public-funded services were delivered at a high standard compared with how much people paid in terms of direct and indirect taxes and Social Security contributions and that there was continuing pressure for more and better services, but no desire to see taxes increase. They noted that new services would also require additional staff. These respondents felt that without the size of the population increasing, public services would either have to reduce or cost more.

- 10.22 A few respondents felt that, because of the number of people that the new regime would actually manage; there would not be a significant benefit for the Island in population management terms when compared with the current regime.
- 10.23 A handful of respondents felt that the current Housing Control regime should be amended and more rigorously enforced rather than introducing a completely new regime. However, this group of respondents did not expand on how they believed this could be achieved.
- 10.24 A few respondents were concerned that, given Guernsey's various international obligations and, in particular, human rights legislation, it would always be difficult for Guernsey to have a Housing Control or population management regime that could effectively restrict population growth. These respondents therefore questioned what benefits may come from the proposals when weighed against any costs of moving away from the current Housing Control regime.
- 10.25 A small number of respondents felt that a population cap should be rigorously imposed to limit any further increase in the number of people living in Guernsey.
- 10.26 A handful of respondents considered that population increases were an inevitable consequence if Guernsey wanted its economy to continue to grow and for taxation rates to remain low. This point was also raised by a few of the community, business and professional organisations. A handful of these organisations felt that the objectives for the proposed population management regime may be effective in managing the rate of growth of Guernsey's population and so have some impact on the make-up of the population.

## SECTION 11 LEGISLATIVE AND POLICY FRAMEWORK


### Summary of what was set out in Section 11 of the Consultation Document

A new regime will need to be established in law, but it will be “driven” by policies set by the States. Those policies will be responsive to the Island’s needs as they change over time and the policies will be made public to ensure that the system is transparent.

### Summary of the Responses to the Consultation Document


#### Question 11a

Do you agree that population management policies should be determined by reference to the strategic objectives of the States? If not, how do you think they should be determined?

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- 11.1 There was very strong support for this proposal, including from the majority of community, business and professional organisations that commented on this question.
  - 11.2 A small number of respondents suggested that the proposal was satisfactory if the States objectives reflected a desire to protect the interests and rights of existing residents and sought to maintain a good quality of life in Guernsey.
  - 11.3 Other respondents were concerned that the States objectives were too heavily focused on economic growth and therefore did not sit comfortably with a desire to manage population growth.
  - 11.4 A few respondents expressed concerns that the population management policies could be determined by a small group of people and from behind “closed doors”.
  - 11.5 A few respondents sought an assurance that there would be public input into developing the policies and that the States itself would have the final say on the policies.

**Question  
11b**

Do you agree that population management policies should be published and made available to the general public? If not, why?

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- 11.6 There was near unanimous support for making the population policies public, including from the community, business and professional organisations that responded.
  - 11.7 A few respondents considered that this was essential for the new regime to have public confidence and to be shown to be open and transparent.
  - 11.8 A few respondents expressed concerns about perceived secrecy and confusion over the current Housing Control regime.

**Question  
11c**

Are there any further comments that you wish to make in relation to what is covered in Section 11 of this Consultation Document? Please provide us with those comments.

- 11.9 Many of the respondents reiterated their support for publishing the policies against which the decisions on Permits would be made. Several of this group of respondents felt that more accessible information on how decisions were made, and the factors that were taken into consideration, could allay some people's concerns about who is being allowed to settle in Guernsey and so could help to separate facts from myths.
- 11.10 A few respondents felt that, in addition to publishing population management policies, key terms and phrases should be clearly defined. The most frequently cited example by this group of respondents was the lack of a clear definition for "essential" when determining applications for employment-related Housing Licences under the current Housing Control regime.
- 11.11 A handful of respondents were concerned that publishing policies may restrict the ability of the States and the Statutory Official to be sufficiently responsive to changing situations. For example, a small number of these respondents were concerned that any delays in changing the policies underpinning the population management regime may serve to restrict the Island's ability to exploit new business opportunities and so be detrimental to Guernsey's wider economy.

11.12 A few respondents referred to aspects of the current Housing Control regime where they believed mistakes had been made and felt that, for the new population management regime to achieve its objectives, it was essential to learn from past mistakes.

11.13 A handful of respondents made a number of other policy-related suggestions but did not expand on how such policies could be effectively implemented. These included:

- Imposing a cap on the number of Employment Permits
- Refusing Permits to anybody with serious criminal convictions
- Requiring employers to ensure that any employees on Employment Permits left Guernsey when their Permit expired.



## SECTION 12 POLITICAL AND ADMINISTRATIVE RESPONSIBILITY

### Summary of what was set out in Section 12 of the Consultation Document


Setting policy will be the political responsibility of the States. A new Statutory Official will administer the population management regime in accordance with policy directions from the States.

The Policy Council, through a new Sub-Committee, will co-ordinate policy proposals on population related matters that will be considered by the States. The Policy Council will also act as the link between the Statutory Official and the States.

### Summary of the Responses to the Consultation Document

#### Question 12a

Do you agree that political responsibility for the new regime should rest with a Sub-Committee of the Policy Council? If not, what alternative would you propose?

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- 12.1 Most respondents agreed with this proposal.
  - 12.2 Many of the respondents who supported the proposal emphasised the need for a clear line of political accountability as a priority and saw the question of where that political responsibility should sit as a secondary issue. Several respondents, including the community, business and professional organisations, indicated their desire to see a clear separation between the determination of the population management policies and the decision making on particular applications.
  - 12.3 Of those who disagreed with the proposal, there was no clear consensus about where political responsibility should rest. A range of alternative suggestions were made, including establishing a new department, leaving responsibility with the Housing Department, transferring responsibility to the Commerce and Employment Department or the Home Department, and establishing a Sub-Committee of the Policy Council, but allowing any States Members to be appointed to that Sub-Committee.

- 12.4 A few respondents felt that political responsibility should rest with the States as a whole, rather than through a department or the Policy Council.
- 12.5 A handful of respondents who did not support the proposal indicated that they had no strong preference for which of the current States Departments should be given political responsibility but made it clear that they did not want to see a new Department created to take on this role.

**Question  
12b**

Do you agree that a Statutory Official should be established who would be responsible for day-to-day decisions under the new regime? If not, who do you think should have this responsibility?



- 12.6 There was strong support, including from the community, business and professional organisations, for establishing a Statutory Official with responsibility for day-to-day decision making.
- 12.7 Many of the respondents underlined the importance of separating those determining the population management policies from those making the decisions based on the application of these policies. A few respondents recognised the potential risks and difficulties if the same group of people responsible for setting the policies were also responsible for deciding cases in accordance with those policies. These points were also highlighted as important by many of the community, business and professional organisations that responded.
- 12.8 A few respondents supporting the principle of a Statutory Official favoured an independent committee being responsible for making such decisions rather than one individual. Of those expressing this view, a small number felt that appointing one Statutory Official to this role would be inappropriate given the complexity of cases they would need to deal with.
- 12.9 A small number of respondents indicated that they supported the proposal but only on the basis that costs, including staff numbers, were controlled.
- 12.10 Of those respondents who did not agree with the proposal, most felt that responsibility for such decisions should continue to rest with States Members and cited the importance of managing Guernsey's population as being the overriding reason for their view.

- 12.11 A few of the respondents who did not support a Statutory Official having responsibility for day-to-day decision making were concerned that the postholder would not have the same degree of accountability as at present, where the decisions are the responsibility of the States Members sitting on the Housing Department Board.

**Question  
12c**

Do you agree that an Advisory Panel, with members drawn from the community, would be a useful source of independent expertise to advise the Sub-Committee and the Statutory Official? If not, why?



- 12.12 There was strong support for this proposal, including from all of the community, business and professional organisations that answered this question.
- 12.13 Many respondents identified the need for those developing the policies to have a clear route for receiving comment and input from the community and business.
- 12.14 A large number of respondents also highlighted the wealth of knowledge and understanding in the community which could be drawn on to help inform population management policies which were right for Guernsey.
- 12.15 Many of those supporting the proposal highlighted the need to select the membership of the Advisory Panel carefully in order to give the widest possible representation of views. A few respondents were concerned that such an Advisory Panel could be dominated by business and therefore risk the voice of “ordinary” people being lost. Several respondents felt that people with strong Guernsey-based family connections should be represented on the Advisory Panel.
- 12.16 Several of the community, business and professional organisations felt that the membership of such a panel was fundamental to its effectiveness, and a few suggested that different panels should be established to provide advice on different aspects of the regime.
- 12.17 Of those who did not support the proposal, the reasons given included:
- Concerns about the cost of an Advisory Panel

- That those serving on the Advisory Panel would allow their own agendas to predominate
- The difficulty in identifying people to serve on the Advisory Panel who would not have conflicts of interest
- That it would be difficult to ensure that all aspects of life and business in Guernsey were represented, without the size of the Advisory Panel becoming unmanageable.

12.18 A handful of respondents were concerned that the Advisory Panel would be unelected and, in their view, the membership should be drawn from States Members.

**Question  
12d**

Are there any further comments that you wish to make in relation to what is covered in Section 12 of this Consultation Document? Please provide us with those comments.

- 12.19 A large number of the respondents answering this question restated points made in the earlier questions in this section.
- 12.20 Many of the additional comments focused on concerns about the cost of transferring day-to-day decision making from a States Department to a Statutory Official and the costs of establishing an Advisory Panel.
- 12.21 A few respondents suggested that there should be a mechanism for members of the public to make their concerns known to those responsible for developing the Island's population management policies.
- 12.22 A handful of respondents were concerned about the creation of a further statutory body and advisory group and questioned whether this was really necessary in a community the size of Guernsey.

## **SECTION 13** SYSTEM OF PERMITS

### **Summary of what was set out in Section 13 of the Consultation Document**

The proposed new regime will be managed using a system of Employment Permits and Residence Permits.

**There were no questions linked to Section 13 of the Consultation Document.**

## SECTION 14

## PERMITS FOR LONG TERM RESIDENCY

### Summary of what was set out in Section 14 of the Consultation Document

An individual who has lived continuously and lawfully in Guernsey for 7 years will have reached the *first milestone*. They will acquire the right to continue living in Guernsey permanently if they so choose and will be issued with a Permanent Residence Permit. (Open Market Residents are considered separately, in Section 18.)

An individual who has lived continuously and lawfully in Guernsey for 14 years will have reached the *second milestone*. They will be defined as a Qualified Resident and will be issued with a Qualified Resident Certificate. (Open Market Residents are considered separately, in Section 18.)

Once somebody has reached the *second milestone* and has become a Qualified Resident it is proposed that, if they then decide to move away from the Island, they will have the automatic right to return to live in Guernsey at a later point. This consultation seeks the public's views on whether or not that automatic right to return should be lost after a period of absence, if that period of absence is significant.

In certain circumstances, existing residents would have to obtain some form of Permit or Qualified Resident Certificate. Views on whether this requirement should extend to all existing residents are sought as part of this consultation.

In specific circumstances, certain periods of time spent off-Island will be considered in the same way as if the individual had been resident in the Island during that period, e.g. time spent in full time education.



## Summary of the Responses to the Consultation Document

### The First Milestone

#### Question 14a

Do you agree that a continuous period of residence of 7 years represents a reasonable point at which somebody should reach the *first milestone* and therefore be able to reside in the Island permanently if they so choose?



- 14.1 Respondents had mixed views about this proposal but there was general acceptance that a continuous period of residence of 7 years represented a reasonable point at which somebody should reach the first milestone i.e. after being resident in Guernsey for a continuous period of 7 years, someone should be able to remain in the Island permanently if they so choose.
- 14.2 A large majority of the community, business and professional organisations that commented on this proposal felt that it was appropriate for someone to reach the first milestone after a continuous period of residence of 7 years.
- 14.3 A small number of the respondents who agreed with the proposal indicated that their personal preference was for the period of continuous residence before the first milestone was reached to be longer than 7 years. However, they agreed with the arguments set out in the consultation document, including Guernsey's desire to want to behave as a fair and reasonable society and protect the human rights of all those living in the Island, and understood why 7 years was being proposed.
- 14.4 A handful of respondents who supported the proposal, agreed with the views expressed in the consultation document, namely that 7 years was a significant period of time in someone's life and sufficient time for somebody to establish close ties with a place and have put down roots in that place. These respondents agreed that after living in Guernsey for a continuous period of 7 years it was not unreasonable for people to expect to be able to remain permanently.
- 14.5 A few respondents who supported the proposal indicated that they felt that people's decisions about whether or not to settle permanently in a particular place were influenced by a very wide range of issues. On this basis, they suggested that to make the period of residence before somebody was able to remain in Guernsey indefinitely slightly longer would not deter many of those who move to Guernsey from doing so.

- 14.6 Many of the respondents who did not agree with the proposal did not provide any reason for their view. They simply expressed the view that a continuous period of residence of 7 years was too short for somebody to be able to reside permanently in Guernsey.
- 14.7 A few of the respondents who believed that 7 years was too short a period of residence for somebody to have a right to remain permanently in the Island expressed concerns about the impact that this change would have on overall population numbers.
- 14.8 A small number of respondents expressing concern about the proposal felt that they needed more information about how many Permits might be issued before deciding whether or not to support the proposal.
- 14.9 A few respondents felt that, based on 7 years continuous residence for somebody to become a Permanent Resident, the proposal did not strike a fair balance between the rights of those moving to Guernsey and those who were already living in Guernsey.
- 14.10 Other reasons given for not supporting the proposal included concerns about the potential impact on Guernsey's housing stock, in particular the cost of houses and the ability for locally-born people to find suitable accommodation, and concerns about employment opportunities for existing residents.
- 14.11 Several respondents felt that there should be different periods of continuous residence before attaining a Permanent Residence Permit for different groups of people, based on an individual's family links with Guernsey and reasons for moving to the Island.
- 14.12 Several respondents indicated that they only supported a first milestone being set at 7 years for somebody who was born in Guernsey, had Guernsey-born parents or had other strong family links with the Island.
- 14.13 A few respondents felt that the existing qualification period under the Housing Control regime for those coming to Guernsey on employment-related Housing Licences should be retained.
- 14.14 A few respondents favoured a shorter period of continuous residence before attaining a Permanent Residence Permit.

**Question  
14b**

**If no to Question 14a, what period between 5 and 8 years do you feel would be more reasonable? Can you explain your reasons?**

- 14.15 The number of respondents answering this question was relatively small – this was largely because a response was only sought where the respondent did not agree with the proposal for a 7 year period of residence before the first milestone was reached.
- 14.16 Many respondents who did not support the proposal for the first milestone expressed their view in response to the previous question (14a) that 7 years was too short a period of continuous residence, and did not repeat their point under this question.
- 14.17 Most of the respondents who indicated a preference for 5, 6 or 8 years did so without explaining the reasons for their choice.
- 14.18 A handful of respondents favoured reaching the first milestone after a period shorter than 5 years and gave the following reasons for their view:
- For those born in Guernsey or moving to the Island as children, 7 years represented a significant proportion of their lives
  - After 5 years residence somebody would have demonstrated sufficient commitment to Guernsey to be able to reside in the Island permanently if they chose to.
- 14.19 Several respondents felt that the period should be slightly longer than the 7 years proposed and suggested that by increasing it to 8 years it would still be possible to demonstrate Guernsey's desire to want to behave as a fair and reasonable society and protect the human rights of all its residents.
- 14.20 A few respondents felt that the 10 year period of residency should be required before the first milestone was reached. A small number of these respondents referred to the qualification periods in Jersey and the Isle of Man.
- 14.21 A small number of respondents indicated a preference for the first milestone, and therefore the ability to reside in the Island permanently if they so chose, to be achieved after 10 or 15 years residence.
- 14.22 A few respondents suggested that the first milestone should not simply be based on a period of residence. Suggestions for other factors which should be taken into account included any criminal offences, their contribution to Guernsey (e.g. through tax and Social Security contributions), and the

essentiality or importance of the post that they had come to Guernsey to take up.

**Question  
14c**

Once someone has reached the first milestone and acquired a Permanent Residence Permit (but has not yet become a Qualified Resident), do you agree that they should not have the right to return to Guernsey after a period of absence? If not, why?



- 14.23 A clear majority felt that somebody should not have the right to return to Guernsey after a period of absence where they had reached the first milestone and acquired a Permanent Residence Permit, but had not yet become a Qualified Resident.
- 14.24 Of those respondents supporting the proposal, a few suggested that there should also be exceptions so that the reason for a break in residence could be taken into consideration as well as an individual's family links with Guernsey or whether or not they were born in Guernsey. In other words, a break in residence after acquiring a Permanent Residence Permit, but before becoming a Qualified Resident, should not *automatically* mean that the individual could not return to Guernsey in the future.
- 14.25 A handful of respondents felt that 7 years contributing to Guernsey's economy and being part of the community should enable them to leave Guernsey with an option to return at a later date.
- 14.26 A small number of respondents suggested that if the period of absence was less than the 7 year qualifying period, an individual should be able to return to Guernsey without having to recommence the qualifying period.
- 14.27 A handful of respondents supported the proposal, except where somebody had close family members living in the Island. In these cases the respondents felt that the individual should be able to return at a later date.
- 14.28 A few respondents suggested that, while living away from Guernsey, an individual would be establishing roots elsewhere and therefore felt that they should no longer have an automatic right to return to Guernsey at a later date.
- 14.29 A few respondents expressed concern about the possible impact on overall population numbers if all those leaving Guernsey having acquired a Permanent Residence Permit were free to return at a later date.

- 14.30 A few of the community, business and professional organisations that responded to this question were concerned that the proposal might discourage people from moving away from the Island to gain further experience or knowledge because of the risk of losing the right to return in the future. These respondents were concerned that this proposal may have a negative impact on the development of business in the Island and therefore on Guernsey's economic prosperity.

### The Second Milestone

#### Question 14d

Do you agree with the proposal that somebody should reach the *second milestone* and acquire the status of Qualified Resident after a continuous period of residence of 14 years? If not, after what period of time would you propose?



- 14.31 Respondents had mixed views about this proposal but there was general acceptance that somebody should reach the second milestone and acquire the status of Qualified Resident after a continuous period of residence of 14 years. All of the community, business and professional organisations that answered this question supported this proposal.
- 14.32 A few respondents questioned whether the use of two milestones was unnecessarily complicated and suggested that it could become difficult to administer.
- 14.33 Of the respondents who did not support the proposal for somebody to become a Qualified Resident after a continuous period of residence of 14 years, a few respondents favoured a shorter period of 10 years and a handful felt that the period of residence should be longer, for example between 15 and 25 years.
- 14.34 A few respondents preferred to set the second milestone at 10 years for everybody, i.e. to be applied universally.
- 14.35 A handful of respondents indicated that, because they had not supported the proposal in Question 14a that after being resident in Guernsey for a continuous period of 7 years somebody should be able to remain in the Island permanently if they so choose, neither did they support the proposal for somebody to acquire the status of Qualified Resident after a continuous period of residence of 14 years.

- 14.36 A handful of respondents queried the distinction between somebody who holds a Permanent Residence Permit and a Qualified Resident and suggested that the distinction between the two milestones would, in practice, become artificial.

**Question  
14e**

Do you agree with the proposal that individuals should reach the *second milestone* and acquire the status of Qualified Resident after the same period of continuous residence regardless of the circumstances of the individual concerned? If not, what circumstances do you believe should make a difference and why?



- 14.37 Respondents had mixed views about this proposal but many respondents felt that individuals should reach the second milestone and acquire the status of Qualified Resident after the same period of continuous residence regardless of the circumstances of the individual concerned. A handful of the community, business and professional organisations addressed this question and they expressed the view that everybody should become a Qualified Resident after the same period of residence in Guernsey.
- 14.38 Of the respondents who agreed with this proposal only a few gave reasons for their agreement. The most frequently cited reasons included a simplification of the qualification routes under the current Housing Control regime, the removal of any discrimination between different groups of the population and the same qualification period applying where somebody moved from one qualification route to another.
- 14.39 Several respondents suggested that the point at which somebody reached the second milestone should not apply universally, i.e. the period of residence when somebody reached the second milestone should vary according to an individual's circumstances. The reasons for suggesting this varied and included that where somebody was born in Guernsey or had family links to the Island the first and second milestones should be achieved at the same time, i.e. after 7 years residence.
- 14.40 A handful of respondents suggested that where somebody was born in Guernsey or had family links to the Island, they should achieve their second milestone after between 7 and 14 years residence and where somebody had come to Guernsey for employment reasons the second milestone should be reached after a longer period of residence, with suggestions ranging from 14 to 25 years.




- 14.41 Several respondents indicated a preference for a 10 year qualification period for somebody who is born in Guernsey or has a strong family link with the Island. A few of these respondents indicated that their suggestion reflected the current provisions under the Housing Control regime, although they did not seem to be aware that some people with strong family links with the Island will not become Qualified Residents after 10 years under the current regime.
- 14.42 A few respondents felt that before somebody acquired the status of Qualified Resident there should be some form of assessment i.e. the transition from being the holder of a Permanent Residence Permit and becoming a Qualified Resident should not simply be determined by a period of continuous residence. This group of respondents made a number of suggestions for the factors that could be taken into account before somebody could become a Qualified Resident. These included taking into account the individual's place of birth and their family links, employment record, contribution to Guernsey (through taxes, voluntary work etc.), the need for their skills and their criminal record.
- 14.43 Several respondents were concerned that for a number of people the proposal would increase the length of time before they became Qualified Residents. Of the respondents making this point most suggested that this was unfair because those with the strongest Guernsey connections (e.g. through birth or family links) were being disadvantaged over those coming to Guernsey for employment and other reasons.
- 14.44 A handful of respondents suggested that somebody born in Guernsey should become a Qualified Resident at birth.
- 14.45 A few respondents suggested that there should be no qualification requirement for members of "long-standing Guernsey families" but these respondents did not indicate how this could be determined
- 14.46 A few respondents suggested that the proposed qualification periods should apply to Open Market residents.

## Rights to Return

14.47 The PPG received several letters and emails which solely addressed the issue of Rights to Return.


### Question 14f

Once someone has reached the *second milestone* and become a Qualified Resident, do you agree that they should have the automatic right to return to Guernsey if they choose to move away at some point? If not, why?

- 
- 14.48 Respondents largely supported this proposal, including most of the community, business and professional organisations.
- 14.49 Many of the views expressed in the letters and emails fully supported that once somebody had become a Qualified Resident they should have an automatic right to return to Guernsey if they choose to move away at some point in the future. Several respondents felt that for somebody born in Guernsey and with strong family links to the Island the right to return should never be lost.
- 14.50 Many of those supporting the proposal used the comments section to restate their strong support for Qualified Residents to have an automatic right to return, particularly where an individual was born in Guernsey or had strong family links to the Island.
- 14.51 A large number of the comments made under this question more directly related to the following question (Question 14g).
- 14.52 A small number of the respondents who felt that Qualified Residents should not have an automatic right to return to Guernsey suggested that the ability to return after a break in residence should depend on the route through which the individual had acquired Qualified Resident status.
- 14.53 A few respondents suggested that any automatic right to return should depend on the individual's reasons for leaving Guernsey. A handful of the responses from community, business and professional groups also made a similar point.

**Question  
14g**

If yes to Question 14f, do you believe that they should lose that automatic right to return if their period of absence is significant? If so, after what period of absence do you think that right should be lost? Why?

- 
- 14.54 The large majority of respondents to this question indicated that they disagreed with any proposal to remove a Qualified Resident's automatic right to return to Guernsey regardless of how long the individual may have lived away from Guernsey. Many reiterated their comments under Question 14f that such a change would be particularly unfair for Qualified Residents who had been born in Guernsey or had strong family connections with the Island.
- 14.55 A small number of respondents felt that the new population management regime should include a provision which restricted a Qualified Resident's automatic right to return after a period of absence.
- 14.56 A handful of respondents felt that, if all Qualified Residents had an automatic and enduring right to return, this could present difficulties for Guernsey both with regard to managing the population and funding public services, such as health care for older people and Social Security benefits.
- 14.57 A few respondents suggested that if all Qualified Residents retained an enduring and automatic right to return to Guernsey, the proposed population management regime would be no more successful than the current Housing Control regime because a majority of the population would be Qualified Residents and so not subject to the population management "tools".
- 14.58 Most of the respondents who felt that the automatic right to return for Qualified Residents could be lost after a break in residence felt that this should only apply when an individual had acquired it through an employment-related route, i.e. either as an Employment Permit holder or as a member of the family of an Employment Permit holder.
- 14.59 Of those respondents who felt that such a right could be lost, a few, including a handful of the responses from community, business and professional organisations, felt that the reasons for an individual's absence and for wanting to return to Guernsey should be taken into consideration when deciding whether a former Qualified Resident should be able to return to live in the Island. A handful of respondents suggested that there should always be a presumption to allow somebody to return when they had other family members living in Guernsey.

- 14.60 A few respondents, including a handful of the responses from community, business and professional organisations, who felt that an automatic right to return could be lost, gave a number of other suggestions regarding how this may be administered, including that
- If the break in residence was significant, e.g. in excess of 20 years, the former Qualified Resident should have to give his reasons for wanting to return, or show that his return would benefit Guernsey (e.g. through employment or tax contributions or to care for a family member)
  - The period of absence should be considered on a case-by-case basis and the decision on whether somebody could return to Guernsey after a break in residence should take account of how long they had lived in and away from Guernsey, their family connections to Guernsey and the reasons for their absence and their wish to return.
- 14.61 A few respondents suggested that there should come a time when a break in residence is so long that the links an individual has with Guernsey are less than those they have established elsewhere, and so it would not be unreasonable to remove their automatic right to return to Guernsey.
- 14.62 The periods of time suggested for when such a point may be reached varied from a break in residence of 14 years i.e. an equivalent time away from Guernsey to that needed to become a Qualified Resident, to one suggestion that only after a break in residence of 50 years the automatic right to return should be lost. A handful of community, business and professional organisations gave an indication of after what period of absence the right to return could be lost, and the suggestions varied from 3 years to 10 years.
- 14.63 A handful of respondents felt that the arguments for allowing somebody to become a Permanent Resident after a period of residence of 7 years should apply equally to a period of absence of 7 years. In other words, if living continuously in a place for 7 years is sufficient for somebody to establish their roots with that place to the extent that it would be unfair to require them to leave, the converse should equally apply i.e. after living somewhere else for a similar period, the individual would have established their roots in that place.
- 14.64 Of the respondents who felt that rights to return should never be lost for Qualified Residents, a few suggested that consideration should also be given to the position of those who had been born in Guernsey, but had left the Island with their parents before becoming qualified in their own right. These respondents felt that for many their strongest family ties may be with Guernsey and it would therefore be wrong to only permit them to return as part of their parents' household or through obtaining an Employment Permit.

**Question  
14h**


Do you agree that any existing Qualified Resident who is not currently resident in the Island, but who decides to return in the future, should be required to obtain a Qualified Resident Certificate for the purposes of monitoring? If not, can you explain your reasons?



- 14.65 There was strong support for this proposal, with respondents appearing to accept the need to monitor the number of existing Qualified Residents who were returning to the Island after a period of absence if the population management regime was to be successful. A few of the responses from the community, business and professional organisations addressed this question and most of those supported the proposal.
- 14.66 A small number of respondents indicated that their support for requiring any existing Qualified Resident who is not currently resident in the Island, but who decides to return in the future, to obtain a Qualified Resident Certificate was based on the fact that the consultation document indicated that the grant of the Qualified Resident Certificate would be a formality and no conditions would be attached.
- 14.67 A handful of respondents suggested that where somebody had become a Qualified Resident before the new population management regime came into operation; they should not have to apply for a Permit on their return to Guernsey after a period of absence.
- 14.68 A few respondents questioned whether this proposal would prove to be too bureaucratic and felt that the cost might outweigh any population monitoring benefits.
- 14.69 A few respondents questioned the need for this proposal and suggested that Social Security or other existing records could be used to monitor returning Qualified Residents.
- 14.70 A handful of respondents expressed the view that to introduce such a requirement would, in their view, be an infringement of an individual's right to privacy.

**Question  
14i**


Do you agree that any existing Qualified Resident who is, or wishes to be, employed in the Island, should be required to obtain a Qualified Resident Certificate? If not, can you explain your reasons?

- 
- 14.71 A large majority of respondents supported the proposal.
- 14.72 In explaining their reasons for supporting the proposal, a small number of respondents made a link to the current requirement for those working in the Island to obtain a Right to Work document to show that they were lawfully housed under the Housing Control regime.
- 14.73 While only a few of the community, business and professional organisations addressed this question, most of those felt that the proposal would provide a simple way for employers to establish whether somebody was entitled to fill a particular post.
- 14.74 Many respondents felt that without this requirement, it would be very difficult for employers to know with any certainty whether somebody was lawfully entitled to work without the need for an Employment Permit.
- 14.75 Of those supporting the proposal, a few queried how this would be administered and who would be responsible for checking the Certificates.
- 14.76 Of the respondents who disagreed with the proposal, the most frequently cited reason for disagreeing was based on the potential cost of administration.



**Question  
14j**

Do you believe that existing Qualified Residents, who are not currently required to obtain any document under the current regime (e.g. those who are not, and do not intend to be, in employment), should be required to obtain a Qualified Resident Certificate for the purposes of monitoring? Please explain your reasons.

- 
- 14.77 Respondents had mixed views about this proposal but there was general acceptance that existing Qualified Residents, who are not currently required to obtain any document under the current regime (e.g. those who are not, and do not intend to be, in employment), should be required to obtain a Qualified Resident Certificate for the purposes of monitoring. This view was echoed in the responses from community, business and professional groups.
- 14.78 A small number of respondents acknowledged the potential benefits of requiring everybody to hold a document, regardless of whether or not they require one under the current Housing Control regime, from a population monitoring perspective.
- 14.79 Many respondents felt that to require everybody, regardless of age, status and the length of time they had lived in Guernsey, to obtain a Qualified Resident Certificate was unnecessary and would be very costly to administer.
- 14.80 A few respondents felt that to introduce a universal requirement would cause offence to some long-standing Qualified Residents.
- 14.81 A few respondents suggested that anybody who was a Qualified Resident before the new population management regime came into force should be exempt from needing to hold a Qualified Resident Certificate, but everybody qualifying under the new regime should need to hold such a document.
- 14.82 A handful of respondents suggested that to require all Qualified Residents to hold a Certificate would prove very difficult to enforce and therefore did not support such a proposal.

## Periods of Time Spent Off-Island

### Question 14k

Do you agree with the proposed list describing those periods of time spent off Island which will be considered to be “ordinary residence”? If not, which do you disagree with and why? Are there any additions that you believe should be made to the list?



- 14.83 The proposals regarding periods of time spent off-Island were largely supported, including by most of the community, business and professional organisations.
- 14.84 Several respondents wanted to ensure that the list set out in the consultation document was not seen as exhaustive, because other situations could arise where it would be reasonable to disregard a break in residence when calculating somebody’s qualification periods.
- 14.85 Many respondents who suggested additions to the list indicated that their suggestions reflected their own or their family’s circumstances.
- 14.86 A few respondents gave examples of other circumstances which should be included on the suggested list. These included time spent in the Merchant Navy and time spent working in a voluntary or charitable capacity overseas.
- 14.87 A large number of respondents suggested that the provisions proposed for those serving in HM Forces should be extended to members of their immediate family (spouse and children, regardless of whether or not they were born in Guernsey). A number of these respondents referred to their personal circumstances as service personnel or as family members. All of the organisations representing service personnel also suggested that the concessions regarding breaks in residence should apply to the spouse and children of service personnel.
- 14.88 A few respondents referred to the residential qualification concessions for service personnel and their families under the Jersey Housing Control regime. That is, the spouse and children of somebody holding Jersey residential qualifications are deemed to be resident in Jersey, regardless of whether or not they are living in Jersey, while the Qualified Resident is serving in HM Forces and away from the Island.
- 14.89 A few respondents objected to the proposal that periods of time spent serving a prison sentence in a UK prison should count towards an individual’s residential qualifications, regardless of their circumstances.

- 14.90 A handful of respondents, in supporting the proposal, suggested that there should be a maximum period of absence for any agreed break in residence. Suggestions for what this period should be ranged from 3 to 5 years.
- 14.91 A few respondents suggested that provision should also be made for children of Qualified Residents who either left Guernsey with their parents before attaining residential qualifications in their own right or who were born outside Guernsey. These respondents argued that children in these circumstances had no choice over where they lived or where they were born but should have a right to settle in Guernsey at a later stage should they wish to, regardless of whether or not their parents moved back to Guernsey.

**Question  
14I**

Are there any further comments that you wish to make in relation to what is covered in Section 14 of this Consultation Document? Please provide us with those comments.

- 14.92 Most of the comments related to earlier questions, with a number of respondents taking the opportunity to restate their support for, or disagreement with, a particular proposal.
- 14.93 A handful of respondents questioned whether somebody could be effectively left “stateless” if an automatic right to return was removed. In other words, these respondents were concerned that if, for whatever reason, a Qualified Resident not living in Guernsey had to leave the place where they had settled, they may not be able to return to Guernsey because their period of absence from Guernsey had resulted in them losing an automatic right to return. The concern these respondents expressed related to whether it would be fair to prevent somebody in this position from returning to the place where they had previously established roots.
- 14.94 A few respondents felt that, while supporting the proposals set out in Section 14, they remained concerned that it would be costly to administer. For example the number of applications for “approved” breaks in residence may be high and so create a lot of new work. Similarly, determining whether or not somebody who had left Guernsey after attaining a Permanent Residence Permit, but before becoming a Qualified Resident, is able to return may also be time-consuming and so require additional staff resources.
- 14.95 Other respondents took the opportunity to query specific aspects of population management not yet covered in the proposals, particularly in respect of how the principles under Section 14 might apply to Open Market residents. Of those raising such queries, most were interested in how the new regime might affect the children of Open Market residents.

## SECTION 15

## EMPLOYMENT PERMITS

### Summary of what was set out in Section 15 of the Consultation Document

Level 1 Employment Permits will be issued for a period of 7 years to address persistent and enduring skills shortages where it is unlikely that those skills will be easily sourced, either on Island or globally, in the foreseeable future. If the circumstances of the Permit holder do not change during that 7 year period, they will acquire the right to continue living in Guernsey permanently if they so choose and will be issued with a Permanent Residence Permit.

Level 2 Employment Permits will be issued for a period of up to 4 years either

- (i) Where a post requires specific skills which are not available in Guernsey, but where that skills shortage is likely to be able to be met in the foreseeable future; or
- (ii) Where the skills required are held by Qualified Residents or Residence Permit holders, but the number of people resident in Guernsey with those skills is insufficient to fill the total number of posts requiring a similar or identical skill set.

In both cases, it should be possible, if required, to source a replacement Employment Permit holder with relative ease, because the skills required are not in short supply globally. Ordinarily, the holder of a Level 2 Employment Permit would not acquire any residence rights.

Level 3 Employment Permits will be issued for a period of up to 1 year to fill posts where there is not a need for a high level of skill, but where there is a need for additional manpower over and above that which can be sourced from within the Island. Such a Permit could be issued up to 3 times for the same person without any breaks in residence. The holder would acquire no residence rights.

## Summary of the Responses to the Consultation Document

### Question 15a

Do you agree with the proposals set out in paragraphs 15.5 and 15.15 – 15.18 for issuing Level 1 Employment Permits? If not, can you explain your reasons?



- 15.1 A large majority of respondents, including most of the community, business and professional organisations, supported the proposals for issuing Level 1 Employment Permits.
- 15.2 Several respondents questioned how posts attracting a Level 1 Employment Permit would be determined and a few of them expressed concern that this process could become very bureaucratic and potentially restrictive to changing employment and business needs.
- 15.3 A large number of the respondents supporting the proposals welcomed the fact that somebody coming to work in Guernsey under a Level 1 Employment Permit would know from the outset that after 7 years they and their family would be able to remain in Guernsey if they wished to do so. This point was also identified by many of the responses from community, business and professional organisations, with a few of these respondents stating that potential applicants would have greater certainty about the implications for them, their career development and their family's position from the outset.
- 15.4 A handful of the responses from community, business and professional organisations indicated that their support for the proposals was based on an assumption that posts which they identified as key to the sector they represented and "hard to fill" would attract a Level 1 Employment Permit.
- 15.5 A handful of respondents who supported the proposals felt that a Level 1 Employment Permit should be for 8 years because this would allow a Level 2 Employment Permit to be set at 5 years.
- 15.6 Of the respondents who did not support the proposals, most did not support reaching the first milestone after the 7 year qualifying period discussed in Section 14, believing it was too short. Because the length of the Level 1 Employment Permit is directly linked to the point at which the first milestone will be reached, their views on the length of that qualification period were also reflected here.

- 15.7 A few respondents questioned the impact on population numbers and job opportunities for Qualified Residents if a Level 1 Employment Permit holder was free to change employment after just 7 years residence. A few of these respondents were concerned that the proposals could potentially increase the need for Level 1 Employment Permits and about the potential difficulties there would be filling these posts, if the original Permit holder was able to move to another post after only 7 years.
- 15.8 A few respondents expressed concerns that the requirement to obtain the Employment Permit before taking up the post could result in delays in filling vacant posts.
- 15.9 A handful of respondents felt that the criteria for granting a Level 1 Employment Permit were too restrictive. Most of these respondents suggested that the need for continuity of service should also be on the list of criteria upon which a post would be judged as being eligible for a Level 1 Employment Permit. In addition, a few of these respondents felt that consideration should be given to the economic or strategic importance of the business or sector the individual would be working in.
- 15.10 A few respondents felt that other restrictions should be placed on Level 1 Employment Permit holders. The suggestions included limiting those who could accompany the Permit holder to spouse/partner and children and restricting their right to buy a house for the first 5 years they were in Guernsey.
- 15.11 A handful of respondents felt that the assessment process would be very subjective and so would not be any more transparent than under the current Housing Control regime. Of this group of respondents, most favoured some form of points-based approach for assessing whether a Level 1 Employment Permit should be granted.

**Question  
15b**

Do you agree with the proposals set out in paragraphs 15.7 – 15.10 and 15.19 – 15.22 for issuing Level 2 Employment Permits? If not, can you explain your reasons?

\*

- 15.12 Most respondents supported the general proposals for the issuing of Level 2 Employment Permits. \*However many of those raised concerns about the duration of the Permit as a specific point.

- 15.13 Several respondents referred to the cost and impact on personal and family life of moving to Guernsey and questioned whether prospective employees would decide that the upheaval would not be worth it for just a 4 year stay.
- 15.14 Concerns raised by many of the community, business and professional organisations included:
- The risk of not being able to attract the best candidate for a post if the Level 2 Employment Permits were for a maximum of 4 years
  - From their experience of employing people on 3 to 5 year Housing Licences, many employees started looking for their next post about 1 year before the Housing Licence expired, therefore a 4 year Level 2 Employment Permit may lead to increased staff turnover
  - The potential increase in recruitment costs if the duration of the Level 2 Employment Permit was shorter than the current 5 year Housing Licence
  - The loss of continuity of service or care if staff turnover increased.
- 15.15 A few respondents noted that many employees from outside the EU coming to work in the UK, and also in Guernsey, were granted a 4 year Work Permit under the Immigration regime and that the duration of these Work Permits did not appear to deter prospective employees.
- 15.16 Several respondents, while supporting the general principles for granting a Level 2 Employment Permit, suggested that they should be based on a 5 year stay and felt that this could be achieved by possibly increasing the duration of the Level 1 Employment Permit by one year, to 8 years.
- 15.17 A few respondents suggested combining the Level 1 and Level 2 Employment Permits and determining whether the individual could remain beyond 5 years on an assessment of their contribution to Guernsey and the ongoing difficulties of finding a replacement to fill the post.
- 15.18 A few respondents queried how procedures for issuing the Level 2 Employment Permits would work. A handful of respondents questioned what evidence employers would be required to provide to show their efforts to recruit a Qualified Resident and the provision of in-service training for existing staff to progress their careers.
- 15.19 A few respondents expressed concerns that the requirement to obtain the Permit before taking up the post could result in delays in filling vacant posts.
- 15.20 A handful of the community, business and professional organisations raised concerns that the proposals could place Guernsey at a competitive disadvantage compared with both Jersey and the Isle of Man, because they felt

that the Housing Control and Work Permit regimes operating in these two Islands offered a more attractive package to potential employees.

**Question  
15c**

Do you agree with the proposals set out in paragraphs 15.12 and 15.23 – 15.28 for issuing Level 3 Employment Permits? If not, can you explain your reasons?



- 15.21 There was strong support for the proposals for issuing Level 3 Employment Permits.
- 15.22 Many respondents recognised that Guernsey would have an on-going need for seasonal and temporary staff. This view was shared by many of the community, business and professional organisations.
- 15.23 A few respondents felt that the proposals for Level 3 Employment Permits would provide greater continuity of staff in the hospitality industry when compared with the current Short-term Housing Licence regime. These respondents felt that the option to renew annual Level 3 Employment Permits would enable hotels and restaurants to retain good staff for up to 3 years.
- 15.24 A few respondents felt that the proposals could prove difficult and costly to administer and questioned whether after 3 years in Guernsey, there was a risk of Level 3 Employment Permit holders wanting to stay indefinitely.
- 15.25 Several respondents felt that the current 9 month Short-term Housing Licences worked well and therefore could see no reasons for change.
- 15.26 Several respondents identified particular problems for the horticultural industry if the proposals were approved. These respondents based their comments on their experience of operating in the horticultural sector and explained that, because these businesses were seasonal, there were periods when they did not require any non-local labour, but equally they relied on staff returning for short periods of up to 9 months year in and year out. They felt that, unless there was provision within the proposals for the breaks in residence between Employment Permits to be less than the length of the Permit, the proposals would have a serious impact on the future viability of the horticultural sector.
- 15.27 A few of the respondents who identified particular problems for the horticultural industry if the proposals were approved suggested that the



current arrangements for Short-term Housing licences of 9 months, with the requirement for a break in residence of at least 3 months, should be retained for the horticultural sector. Their reasons for this suggestion included that the returning staff quickly settled back into the routine of work that they understood and that they could also train and supervise new staff. These respondents also highlighted their belief that the staff who, year on year, were returning to Guernsey to work on a Short-term Housing Licence had no desire to settle permanently in Guernsey. These views were also expressed in the responses from the organisations representing this sector of Guernsey's economy.

- 15.28 Several respondents noted the significant investment in accommodation that some employers of seasonal staff had made and suggested that different arrangements could be made for staff living in the employer's own accommodation, or where those staff were working in Guernsey for periods of less than one year.
- 15.29 A handful of respondents felt that Level 3 Employment Permits should be for 2 years rather than 1 year because they believed that this would be more attractive to potential employees.
- 15.30 A few respondents expressed concern that the posts for which Level 3 Employment Permits were likely to be available should be filled by people already resident in Guernsey who were registered as unemployed.

**Question  
15d**

Do you agree with the proposed application process as detailed in paragraphs 15.33 – 15.40? If not, can you explain your reasons?



- 15.31 A large majority of respondents, including most of the responses from community, business and professional organisations, supported the application process for Level 1 Employment Permits holders.
- 15.32 A few respondents questioned whether the application process would take too long and so could potentially have a negative impact on recruitment. These concerns were also echoed in a small number of the responses from community, business and professional organisations.
- 15.33 Other respondents suggested that the employer should have the right to choose the best candidate for the post without interference by the States.

- 15.34 Several of the respondents who added additional comments supported the introduction of English language assessments where appropriate and criminal conviction checks.
- 15.35 A handful of the community, business and professional organisations felt that criminal conviction checks should rest with the employer rather than the Statutory Official, i.e. the applicant should only be subject to criminal conviction checks relevant to their employment.
- 15.36 A few of the community, business and professional organisations that responded to this question also felt that greater emphasis should be placed on the employer's efforts to train existing residents to fill posts before granting any Employment Permits.

**Question  
15e**


Do you agree that holders of Employment Permits should be able to apply to change job, as long as the new post is also identified in the published policies as one which will attract an Employment Permit? If not, can you explain your reasons?



- 15.37 There was very strong support for this proposal, including from most of the community, business and professional organisations that answered this question.
- 15.38 A few respondents who supported the idea of there being a mechanism for the holder of an Employment Permit to change posts stressed that, as pointed out in the consultation document, the new employer would have to show that he was unable to recruit a Qualified Resident before allowing the Permit to be transferred.
- 15.39 Of the respondents who did not support the proposal, their reasons for disagreeing included the difficulty of recruiting a replacement post holder given that, in the case of Level 1 Employment Permit holders, there would be a global shortage of the particular skills. The impact on recruitment costs and the impact on job opportunities for Qualified Residents were also highlighted as concerns.
- 15.40 A handful of respondents felt that the holders of Employment Permits should not be able to change job except in exceptional circumstances, e.g. because they had been made redundant.

**Question  
15f**

Do you agree that anyone who has been issued with an Employment Permit should be able to hold more than one job if they are content to do so? If not, can you explain your reasons?

- 
- 15.41 There was strong support for this proposal.
- 15.42 A large number of the respondents acknowledged that the current regime allowed this, and there did not appear to have been a negative impact on unemployment numbers or job opportunities for Qualified Residents.
- 15.43 A handful of respondents wanted employers to show that there were no Qualified Residents willing to fill the post before employing an Employment Permit holder.
- 15.44 A few respondents suggested that additional jobs should be limited to those where an Employment Permit may otherwise be issued.
- 15.45 A few respondents expressed a concern that allowing additional jobs could reduce the opportunities for Qualified Residents specifically seeking part-time jobs.
- 15.46 A handful of respondents suggested that the provision to be able to hold more than one job should be withdrawn if the unemployment situation in the Island changes in the future.
- 15.47 A handful of the community, business and professional organisations answered this question and most of these supported the proposal. A few felt that there should be a limit on how many hours somebody could work in total.

**Question  
15g**

Do you agree with the proposals for the issuing of subsequent Permits as detailed in paragraphs 15.51 – 15.57? If not, can you explain your reasons?

- 
- 15.48 A large majority of respondents agreed with these proposals.

- 15.49 Many of the respondents agreeing with the proposals supported the need to limit the possibility of people attaining residential qualifications through acquiring a number of shorter term Employment Permits.
- 15.50 Of the respondents who disagreed, the reasons for doing so included that the proposals were too rigid, especially where Level 2 and 3 Employment Permit holders were concerned. These respondents highlighted the benefit of re-employing somebody who has already lived in Guernsey because they were likely to “settle in” more quickly.
- 15.51 Several respondents questioned how this could be administered without becoming overly bureaucratic or costly.
- 15.52 A few respondents were concerned that, if this proposal was not implemented, there was a risk of some Level 2 and 3 Employment Permit holders being able to argue that, because they had held a number of Employment Permits they had established sufficiently strong connections with Guernsey to have the right to remain in the Island permanently.
- 15.53 Most of the community, business and professional organisations that answered this question felt that the proposals were too rigid. These suggested felt that a 4 year break between successive Level 2 Employment Permits could have a negative impact on recruitment. A few of these respondents suggested that a 1 or 2 year break, before a second Level 2 Employment Permit was issued, would be more appropriate and would be without risk that somebody would be able to argue that they should be able to remain in the Island permanently.
- 15.54 A few of the community, business and professional organisations felt that the break between successive Level 3 Employment Permits should be between 6 and 12 months, rather than linked to the length of the Permit itself.

**Question  
15h**

Are there any further comments that you wish to make in relation to what is covered in Section 15 of this Consultation Document?  
Please provide us with those comments.

- 15.55 Several respondents took the opportunity to suggest the types of posts or roles which should be included under each of the Employment Permits. A small number favoured Level 1 Employment Permits for many teaching and nursing posts. Many of the community, business and professional organisations indicated that their support for the various proposals for Level 1, 2 and 3 Employment Permits was conditional on certain posts being afford particular Permits.
- 15.56 A few respondents suggested that there should be a mechanism for a Level 2 Employment Permit holder to transfer to a Level 1 Employment Permit based

on their performance in post i.e. that a Level 1 Employment Permit should be available as part of a performance management package.

- 15.57 A wide range of other comments were made and these included requiring the States to place greater emphasis on encouraging unemployed people to fill vacancies that might otherwise be filled by Employment Permit holders, and encouraging existing residents to train in some of the harder to fill areas and therefore reduce future reliance on Employment Permits.
- 15.58 A few respondents expressed concerns about the complexity of the proposed approach and how costly it could prove to be to administer.
- 15.59 A handful of the community, business and professional organisations felt that the 3 tiers for Employment Permits were unnecessarily complicated. A number of reasons were given for this view including the cost of recruiting new staff from off-Island to replace Level 2 and Level 3 Employment Permit holders whose Permits had expired, and the difficulty determining which posts should attract which level of Employment Permit.
- 15.60 A handful of respondents took the opportunity to raise concerns in areas not covered in the section, including the controls on those, primarily tradesmen, working in Guernsey for short periods of time who they felt were not contributing to the Island's economy.
- 15.61 A few respondents took the opportunity to give case examples of how they believed the present Housing Control regime was having a negative impact on the continuity of services, especially in teaching and health care, through the high turnover of staff on 3 and 5 year Housing Licences; failing to allow Guernsey to attract new businesses; and failing to facilitate the growth of existing ones.
- 15.62 A few respondents asked whether Open Market residents would need to obtain an Employment Permit in order to work and, if so, whether the same criteria would apply.
- 15.63 A handful of respondents suggested that there should be a "one stop shop" where Employment Permit holders could obtain their Permit and register with Income Tax and Social Security, obtain a Guernsey-issued driving licence, re-register their car, etc.
- 15.64 A few respondents felt that a greater onus of responsibility should be placed on those employing Employment Permit holders to ensure that they carried out all the required checks on their employees.
- 15.65 A few respondents used this question to highlight concerns they had over how they perceived the current Housing Control regime currently operates. A few of these respondents asked for the new population management regime to

address what they saw as failings with the current procedures for determining employment-related Housing Licences.

- 15.66 A handful of respondents were concerned that the proposals for the Level 1, 2 and 3 Employment Permits would result in an increase in Guernsey's population because of the changes in the duration of these Permits and, in particular, that all Level 1 Employment Permit holders would become Permanent Residents after 7 years in Guernsey.

## SECTION 16 RESIDENCE PERMITS – FAMILY CONNECTIONS


### Summary of what was set out in Section 16 the Consultation Document

Temporary Residence Permits would be issued to enable immediate family members to live with a Qualified Resident or the holder of a Permanent residence Permit or Employment Permit (other than a Level 3 Employment Permit).

### Summary of the Responses to the Consultation Document

#### Question 16a

Do you agree with the proposed definition of immediate family members as defined in paragraph 16.5? If not, why? Who would you define as an Immediate Family Member?

- 
- 16.1 There was strong support for the proposal, including most of the community, business and professional organisations that addressed this question.
  - 16.2 A large number of those supporting the proposal noted that they mirrored the current provisions and that there was little evidence of abuse of the current definition and of any negative impact on Local Market housing.
  - 16.3 Of the respondents who disagreed with the proposal, the majority questioned the inclusion of parents and grandchildren unless they were dependent on the Qualified Resident or Permit holder.
  - 16.4 Most of the respondents who disagreed with the inclusion of parents on the list of immediate family members linked their concerns to the potential cost of future health and social services by allowing these older family members to relocate with their children.
  - 16.5 A few respondents suggested that children should only be included if they were aged under 18 years, or they were older but still dependent on their parents.
  - 16.6 A few respondents felt that the definition of immediate family should be wider and allow for siblings, nieces and nephews.

- 16.7 A handful of respondents who felt that the definition of immediate family should be restricted to the spouse or partner and children, suggested that the Statutory Official should have discretionary powers to allow other family members where it would be unreasonable not to allow them to live with a Qualified Resident or Permit holder.

**Question  
16b**

Do you agree that the holders of Level 1 and Level 2 Employment Permits should be able to accommodate certain immediate family members, as defined in paragraph 16.5, within their household? If not, can you explain your reasons?




- 16.8 There was very strong support for this proposal.
- 16.9 Of the respondents who did not agree that the holder of Level 1 and Level 2 Employment Permit should be able to accommodate certain immediate family members, most indicated that their disagreement was based on the proposed definition of “immediate family” to include parents and grandchildren, rather than believing that these Permit holders should not be able to accommodate family members.
- 16.10 Many of the responses from community, business and professional organisations that addressed this question felt that, because Level 1 and 2 Employment Permits would only be issued where there were skills shortages that Guernsey could not otherwise fill, it was essential to make the “package” for prospective Permit holders as attractive as possible.
- 16.11 A few respondents suggested that there should be discretion to allow members of the immediate family to live independently in exceptional circumstances. Most of these respondents did not offer any suggestions for possible scenarios where such discretion should be exercised.




**Question  
16c**

Do you agree that the holder of a Level 3 Employment Permit should not be able to accommodate certain immediate family members? If not, why?

- 
- 16.12 A large majority of respondents agreed with this proposal and noted that similar provisions today for Short-term Housing Licence holders were not causing recruitment difficulties. Of the community, business and professional organisations that responded to this question most supported the proposal because they broadly reflected the current arrangements for Short-term Housing Licences.
- 16.13 Other respondents questioned what would happen if somebody on a Level 3 Employment Permit had a child while in Guernsey.
- 16.14 A few respondents were concerned that allowing Level 3 Employment Permit holders to be accompanied by family members could lead to a greater desire to settle permanently in Guernsey and place greater pressure on accommodation because some lodging houses may not be suitable for families.
- 16.15 A handful of respondents felt that Level 3 Employment Permit Holders should be allowed to accommodate certain family members but suggested that, for this group, family members should be limited to a spouse or partner and any dependent children.

**Question  
16d**

Do you agree that the holders of Permanent Residence Permits and Qualified Residents should be able to accommodate certain immediate family members as defined in paragraph 16.5 within their household? If not, why?

- 
- 16.16 There was strong support for this proposal. Only a handful of community, business and professional organisations answered this question and all of these supported the proposal.

- 16.17 Most of the respondents who disagreed with the proposal, reiterated their previous comments that the definition of “immediate family” should be limited to a spouse or partner and children.
- 16.18 A few respondents felt that there should be some flexibility to allow family members to live independently in certain cases.
- 16.19 A handful of respondents felt that requests for family members to live independently of the holder of a Permanent Residence Permit or a Qualified Resident would increase if the definition of “immediate family” included parents and parents-in-law and grandchildren.

**Question  
16e**


Do you agree that immediate family members should be required to continue to live within the household of the individual with whom they have the close relationship until that Family Member becomes a Qualified Resident? If not, can you explain your reasons?



- 16.20 There was strong support for this proposal, including from the community, business and professional organisations that answered this question. Several respondents limited their answer to their preferred definition of “immediate family” as set out in Question 16a.
- 16.21 A few respondents suggested that there should be provision for children to be able to live independently ahead of becoming Qualified Residents, but felt that such permission should be considered on a case-by-case basis.
- 16.22 A handful of respondents questioned the position of parents should they need residential or nursing care before becoming a Qualified Resident.
- 16.23 A few respondents suggested that family members, especially adult children, should be able to live independently on becoming a Permanent Residence Permit holder, i.e. after 7 years residence in Guernsey.

**Question  
16f**

Do you agree that every individual who is currently permitted to live in the Island under the existing provisions for “members of a household” should be required to obtain a Temporary Residence Permit under the new regime? If not, why?

- 
- 16.24 There was very strong support for this proposal.
- 16.25 Most of the respondents who supported this proposal and who gave their reasons felt that issuing members of the household a Temporary Residence Permit would assist in monitoring the size and demographic make-up of the population.
- 16.26 Of the respondents who disagreed, a few believed a Temporary Residence Permit should only be necessary where the individual wanted to work.
- 16.27 A handful of respondents felt that the proposal could create an unnecessary level of bureaucracy.

**Question  
16g**

Are there any further comments that you wish to make in relation to what is covered in Section 16 of this Consultation Document? Please provide us with those comments.

- 16.28 Of the additional comments received, most questioned the impact on overall population numbers from the proposed definition of “immediate family”, despite the fact that the proposed definition mirrors the definition under the current Housing Control regime.
- 16.29 A few respondents were concerned about the impact on Guernsey’s demographic profile of including parents in the definition.
- 16.30 A handful of respondents were concerned about the level of administration and the costs involved in implementing the proposals as set out in Section 16.
- 16.31 A few community, business and professional organisations queried whether, and if so when, family members accompanying Permit holders should be eligible for certain benefits, in particular Long-Term Care Benefit.

## SECTION 17

### RESIDENCE PERMITS – UNCONTROLLED PROPERTIES (STATES OWNED)


#### Summary of what was set out in Section 17 of the Consultation Document

The occupants of States owned properties would be subject to the same requirements as any other Island resident.

#### Summary of the Responses to the Consultation Document


##### Question 17a

Do you agree that any individual living in States owned properties should be subject to the same requirements as any other member of the community with regards to their requirement to obtain the relevant Permit? If not, why?

- 
- 17.1 There was very strong support for this proposal and many respondents questioned the existing rationale for making separate provision for States owned properties. While only a handful of community, business and professional organisations addressed this question, the majority of those who replied supported the proposal.
  - 17.2 A few respondents felt that where a States Department had dedicated staff accommodation there should be an exemption.
  - 17.3 A handful of respondents were concerned about the potential costs of issuing Permits to those living in States owned properties.
  - 17.4 A few respondents questioned whether such a change would have any direct impact on the population management objectives.
  - 17.5 Focussing on availability of Local Market housing rather than population management, a handful of respondents felt that no change was needed because those living in States owned accommodation were not competing with existing residents for Local Market housing. However, a few respondents appreciated that those individuals may want to move into the Local Market at some point in the future.

**Question  
17b**

Do you agree that the States, as an employer and a landlord, should be subject to the same population management requirements as any other employer or landlord in the Island? If not, can you explain your reasons?

- 
- 17.6 The vast majority of respondents supported this proposal, with several respondents believing that it was unfair for the States to be given greater freedoms than other employers.
- 17.7 A few respondents felt that there were grounds for making an exception for certain healthcare posts.
- 17.8 A handful of respondents questioned whether such a change was necessary from a population management perspective and were concerned that there would be added costs in issuing additional Permits.

**Question  
17c**

Are there any further comments that you wish to make in relation to what is covered in Section 17 of this Consultation Document? Please provide us with those comments.

- 17.9 Of the other comments received, some reiterated earlier points disagreeing with a system that did not distinguish between who the employer was or who owned the accommodation.
- 17.10 A handful of respondents suggested that there should be a specific Permit for those living in States owned accommodation rather than making these people subject to the same conditions for the various Permits set out in sections 14 and 15 of the consultation document.

## SECTION 18

### RESIDENCE PERMITS – UNCONTROLLED PROPERTIES (THE OPEN MARKET)

#### Summary of what was set out in Section 18 of the Consultation Document

From a population management perspective, an individual's impact on the population is the same regardless of the type of property in which they live. It does not matter where a person lives in the Island, what matters is simply that they do live here.

There are a number of assumptions and perceptions about Open Market residents and what they bring to the Island. Many of those perceptions are not correct.

This section raises the question of whether there should be provision in the new regime to allow an individual to live in the Island for any reason other than being a Qualified Resident, filling a skill or manpower shortage or having a close family connection.

The question of how the new regime should apply to residents of Open Market properties forms part of this consultation, hence there are no options or proposals for change at this time.

## Summary of the Responses to the Consultation

- 18.1 The PPG received a large number of letters and emails which addressed the single issue of how the Open Market should fit within the new population management regime.

### Question 18a

Do you believe that there should be provision in the new regime to allow an individual to live in the Island for any reason other than being a Qualified Resident, filling a skill or manpower shortage or having a close family connection? If so, for what reasons and why?

The consultation document included the following list of reasons which might be considered to be of relevance, but was only offered to assist respondents in their thinking.

- Economic contribution
  - Tax payable
  - Investment in property
  - Investment in local businesses
- Entrepreneurship
- Cultural enrichment
- Significant personal achievements
- Distinguished individuals
- Positive Island ambassadors



- 18.2 A large majority of the respondents, including from community, business and professional organisations, who answered this question supported provision being included in the new regime to allow an individual to live in the Island for reasons other than being a Qualified Resident, filling a skill or manpower shortage or having close family connections with the Island.
- 18.3 A handful of respondents felt that residence in Guernsey should be restricted to Qualified Residents and those coming to fill a skill or manpower shortage or with close family connections.
- 18.4 Many respondents referred to the benefits that Guernsey had gained, and continues to gain, through the existence of residents living in the Open Market. Of this group, many expressed their concerns about the potential negative

impacts for Guernsey and its economy of any significant changes to the current arrangements. These views were also reflected in many of the responses from community, business and professional organisations.

- 18.5 A small number of respondents indicated their opposition to any changes at all being made to the Open Market, i.e. they wanted the provisions regulating the Open Market to remain exactly the same under the proposed population management regime as they are under the current Housing Control regime.
- 18.6 Several respondents suggested that, because the current structure of the Open Market is the result of various States decisions over a number of years, there was a need for a general review. Several of these respondents felt that such a review might identify a need to alter some aspects of the current regime.
- 18.7 A few respondents felt that Part A (Private Houses and Flats) should be left unchanged but that Parts B (Hotels and Guest Houses), C (Residential and Nursing Homes) and D (Lodging Houses) should be reviewed and possibly be made the subject of greater controls.
- 18.8 The respondents who felt that Part A (Private Houses and Flats) should not be changed felt that the benefits that Open Market residents brought to the Island were significant and that those bringing the most benefit were resident in Part A. The benefits highlighted included:
- The taxes paid by those living in Part A
  - The contribution made by many Open Market residents to Guernsey's cultural life and to voluntary and charitable groups
  - The investments made in existing businesses
  - The creation of new business opportunities and employment.
- 18.9 Some of the benefits listed above were also identified in several of the responses from community, business and professional organisations.
- 18.10 Of the respondents who felt that the number of people living in Part B (Hotels and Guesthouses) of the Open Market needed to be reviewed, most were not aware that, apart from bona fide guests and the owner, only people directly employed in the hotel or guesthouse were able to live in a Part B property without being subject to "controls" under the current Housing Control regime.
- 18.11 Similarly, where respondents were concerned about the number of people living in Part D (Lodging Houses), they were unaware that, unless an individual was a Qualified Resident or the owner or manager, anybody living in a lodging house required a Housing Licence.



**As part of this question, respondents were asked if they felt that there should be a specific reason why somebody should be permitted to live in Guernsey in the Open Market.**

- 18.12 Several respondents felt that people who wanted to move to Guernsey, and could afford to do so, should be able to do so regardless of their circumstances. In other words, the existing route for those living in the Open Market should remain unchanged.
- 18.13 Many respondents favoured the introduction of some form of assessment of economic contribution for prospective Open Market residents. However, most of this group of respondents felt that any changes should not be retrospective, i.e. existing Open Market residents should not be subject to some form of economic assessment. A handful of the community, business and professional organisations felt that it was important for Guernsey's economy to benefit from the Open Market but distinguished this from the introduction of an assessment of economic contribution.
- 18.14 Most of the respondents who favoured some form of economic assessment did not indicate a preference for how that assessment should be made.
- 18.15 Several respondents suggested that contributions should be measured as widely as possible and should include tax paid, investment in property or local business and entrepreneurship, especially where this resulted in the creation of new businesses or jobs.
- 18.16 A small number of the community, business and professional organisations gave examples of the type of individual that should be permitted to live in Guernsey in the Open Market. These included those who could make a significant contribution to Island life either economically or some other way, and those who could provide capital and expertise to develop new businesses and help local businesses to develop.
- 18.17 A few of the respondents who were attracted to the principle of having some form of economic assessment for Open Market residents, expressed concerns about how any contribution thresholds might be set and monitored. A handful of respondents felt that the administration would be difficult and potentially very expensive.
- 18.18 Several respondents, including several community, business and professional organisations, questioned how contribution thresholds might be applied once somebody had already taken up residence in Guernsey. A handful of these respondents were concerned about changes in an individual's financial circumstances over time and what would happen if they could no longer meet an economic contribution threshold.
- 18.19 A few respondents queried how contribution could be measured where an Open Market resident's contribution was through establishing new businesses

or creating additional job opportunities. A handful of respondents asked the same question in respect of those Open Market residents making charitable contributions or who were regarded as positive Island ambassadors, distinguished individuals or people attaining significant personal achievements.

**Question  
18b**

**If yes to Question 18a, and if you have listed any which relate to economic contribution, do you believe that there should be a minimum level of contribution in order to be eligible to live here? Can you explain your reasons?**



- 18.20 A small majority of the respondents to this question felt that there should be a minimum level of contribution for those living in the Open Market. However, most respondents did not explain their reasons.
- 18.21 Most of the community, business and professional organisations that responded to this question felt that introducing specific criteria, economic or otherwise, would prove difficult to administer and might deter some potential residents who could prove to be very beneficial for Guernsey.
- 18.22 Of the handful of respondents that gave an indication of the level at which a minimum contribution should be set, most felt that anybody permitted to live in the Open Market should make a contribution (e.g. through taxes, Social Security contributions, etc.) which was equivalent to, or greater than, any costs to Guernsey's public services of their residence.
- 18.23 The other suggestions made by respondents were very mixed, with a handful of respondents suggesting one or more of the following approaches:
- To set a minimum contribution threshold: suggested thresholds ranged from £25,000 per annum to over £250,000 per annum
  - To set a minimum contribution threshold at an annual income of around the Social Security assessable income threshold
  - A few of the responses from the community, business and professional organisations suggested that those living in the Open Market should be deemed resident in Guernsey for tax purposes rather than setting a minimum income tax contribution level
  - Rather than introduce a minimum contribution, anybody permitted to live in the Open Market should have to agree to make his worldwide

income subject to Guernsey's Income Tax provisions or that total Income Tax payments should not be capped at a maximum level for Open Market residents

- To require Open Market residents to pay a fee to be allowed to live in Guernsey and that the fee should be set at a level that would only attract high net worth residents.

### Question 18c

Do you believe that the size of the Open Market population is sufficiently well managed due to the fact that there are only a limited number of properties available?



- 18.24 Of the respondents, who answered this question, most believed that the size of the Open Market population is sufficiently well managed because the number of properties on the Housing Register is limited. This view was reflected in most of the responses from community, business and professional organisations.
- 18.25 This group of respondents gave a number of reasons to explain their viewpoint. These included the restrictions on who could occupy Parts B (Hotels and Guesthouses), C (Residential and Nursing Homes) and D (Lodging Houses) and the provision in the Housing Control Law which meant that a Part A (Private House or Flat) property would be transferred to Part D (Lodging Houses), and so become the subject of greater Housing Controls, where it was being used as a lodging house rather than a private house.
- 18.26 However, although only a small minority of respondents disagreed that the limit on the number of Open Market properties sufficiently managed the size of the Open Market population, these respondents contributed most of the comments.
- 18.27 A few respondents felt that the size of Part A (Private Houses and Flats) was sufficiently well managed but expressed concerns about the numbers living in Parts B (Hotels and Guesthouses), C (Residential and Nursing Homes) and D (Lodging Houses).
- 18.28 A handful of respondents questioned at what point a Part A (Private House or Flat) property, which was being rented by a group of unrelated tenants, ceased to be a private house and should become a Lodging House registered on Part D of the Housing Register. A few respondents suggested that a Part A property

should automatically be deemed to be a Part D property if the number of unrelated people living in the property exceeded a certain number.

- 18.29 A handful of respondents favoured a cap on the number of unrelated people who could share a Part A (Private House or Flat) but made no reference to the Part A property becoming a lodging house. A small number of these respondents referred to the provisions under Jersey's Housing Control Law which places a limit on the number of non-qualified lodgers a Qualified Resident may accommodate.
- 18.30 A small number of respondents suggested that everybody living in the Open Market, except the owner and his immediate family, should have to apply for an Employment Permit before being able to work.
- 18.31 A few respondents suggested that by restricting the number of unrelated people who could share a Part A (Private House or Flat) property, the number of properties on the Housing Register could be increased without there being a negative impact on the overall population.

**Question  
18d**

Do you believe that it would be appropriate to place restrictions on who can be accommodated within a Part A Open Market property? If so, what restrictions would you propose and why?

- 18.32 Opinion was divided on whether restrictions should be placed on who could live in a Part A property (Private House or Flat).
- 18.33 Many of those who did not believe it would be appropriate to place restrictions on who can be accommodated within a Part A property referred to previous decisions and commitments of the States.
- 18.34 Several respondents felt that the freedom to accommodate anybody, without restriction, was a fundamental principle of the existing Open Market and that Part A property owners had paid a significant premium for this benefit. A few of these respondents felt that the introduction of such restrictions would be damaging to the attractiveness of investment in the Open Market in the future.
- 18.35 A few respondents commented that they felt the current absence of restrictions on who can be accommodated in a Part A property had proved advantageous for a number of now well-established Guernsey businesses and

therefore any future changes could make it harder for new businesses to establish themselves in Guernsey.

- 18.36 A few respondents were also concerned about the potential impact on existing businesses that currently relied on Part A properties for accommodating staff, if any restrictions were introduced.
- 18.37 The views expressed by the respondents who supported placing restrictions on who can be accommodated within a Part A property varied greatly.
- 18.38 Several respondents favoured restricting those who could be accommodated in a Part A property to the list of immediate family members suggested in Section 16 of the consultation document, i.e. the spouse/partner, children, parents, parents-in-law and grandchildren.
- 18.39 A handful of community, business and professional organisations addressed this question and their views were split between making no changes and limiting who can live in a Part A property to the householder's immediate family.
- 18.40 A few respondents suggested that restrictions should not be placed on Part A properties where the house was occupied by the owner, i.e. there should be a distinction between owner-occupied and tenanted Part A properties.
- 18.41 Several respondents expressed their concern that, without restrictions on who could be accommodated in a Part A property; there was a risk of the Open Market population rising if the number of such properties being occupied by groups of unrelated tenants increased.
- 18.42 A handful of respondents suggested that, where a Part A property was occupied by unrelated tenants, there should be a maximum number of occupants, but if the property was rented by a family unit there should be no restrictions on number.
- 18.43 A few respondents suggested that any restrictions should only be imposed when a Part A property changes hands after any changes to the Law, i.e. existing owners and residents should not be affected by any such changes unless they moved or the property was sold.
- 18.44 A few respondents suggested that the only restrictions on who could be accommodated in a Part A property should be linked to criminal record checks.
- 18.45 Several respondents felt unable to answer this question without more detailed information about who lived in Part A properties and what the impact of any changes might be.

**Question  
18e**

Are there any further comments that you wish to make in relation to what is covered in Section 18 of this Consultation Document?  
Please provide us with those comments.

**General Issues Raised**

- 18.46 A few respondents felt unable to make any meaningful comments because Section 18 did not include any clear proposals for the future of the Open Market.
- 18.47 A few respondents felt that, if restrictions were to be placed on those living in the Open Market, then provision should also be made for this group of residents to become Qualified Residents. Most of those who went on to suggest the point at which an Open Market resident should become a Qualified Resident felt that the 14 years proposed in Section 14 of the consultation document should apply. A handful of respondents felt that a longer period of between 20 and 25 years should be applied.
- 18.48 Several of the responses from community, business and professional organisations suggested the need for a clear States policy regarding the purpose of the Open Market and accepted that this may lead to changes to the existing structure of the Open Market. These respondents felt that a clear States policy might give more certainty to existing and future Open Market residents.
- 18.49 A few respondents suggested that changes to the Open Market should include introducing restrictions on property ownership. The suggestions included limiting Open Market residents to owning one Open Market property and prohibiting Open Market residents from buying Local Market properties.
- 18.50 A handful of respondents suggested that Open Market property transactions should only be permitted where document duty was paid on the full value of the house, i.e. it should not be possible to undertake such property transactions by share transfer.
- 18.51 A few respondents highlighted how the Open Market, as it exists today, had allowed them to grow new Guernsey-based business through allowing them to bring in key set-up staff. They considered that this had benefited Guernsey's economy and created new employment and training opportunities for existing Guernsey residents.
- 18.52 Several respondents highlighted the benefits Guernsey enjoyed through corporate sponsorship and charitable donations from businesses that had been able to establish themselves in Guernsey because of the existence of the Open Market.

- 18.53 A few respondents felt that Parts B (Hotels and Guesthouses), C (Nursing and Residential Homes) and D (Lodging Houses) should not be part of the Open Market, i.e. the Open Market should only include those properties inscribed on Part A of the Housing Register, i.e. private houses and flats.
- 18.54 Several respondents felt that everybody living in Parts B (Hotels and Guesthouses), C (Nursing and Residential Homes) and D (Lodging Houses) of the Open Market should be required to apply for an Employment Permit on the same basis as anybody else coming to Guernsey for employment.
- 18.55 A handful of respondents felt that the consultation document had not considered that many people living in the Open Market were of modest means. For example, people who had settled in the Open Market because they were attracted to Guernsey as a desirable place to live, but did not satisfy the various criteria for a Housing Licence.
- 18.56 A few respondents referred to Jersey's approach for assessing potential high net worth residents as possibly providing a model for Guernsey to adapt to attract new residents who could make a significant contribution to Guernsey's economy.
- 18.57 A small number of respondents suggested that, if any changes were to be made to the Open Market, these should include provision for this sector to grow, e.g. by allowing for properties to be added to the Housing Register.

### Comments about Data

- 18.58 Despite the consultation document pointing out that the data provided should not be used to measure wealth or economic contribution to the Island, a few respondents felt that the document provided an incomplete, and therefore misleading, picture of the contribution that the Open Market made to Guernsey's economy.
- 18.59 Several respondents questioned the inclusion of median income data. This group of respondents felt that it had not provided an accurate picture of the earnings of those currently living in the Open Market. Several respondents queried why Income Tax contributions had not been used.
- 18.60 A few respondents felt that the consultation document should have provided details of the other benefits that Open Market residents had brought to Guernsey. For example, through establishing new businesses, making charitable contributions and doing voluntary work.
- 18.61 A handful of respondents felt that there was a need for more evidence about the size, structure and economic value of the Open Market before it was possible to make any properly informed comments.

## Comments about the Consultation Process

- 18.62 Despite the fact that the Housing Control regime has always been time limited and subject to periodic review, several respondents expressed concerns about the impact the population management review was having on the viability of the Open Market. These concerns were echoed in a few of the responses from community, business and professional organisations.
- 18.63 A few of this group of respondents gave examples of the difficulties Open Market residents were experiencing. These difficulties included problems when trying to sell an Open Market property and the experience of potential Open Market residents who had decided to investigate other jurisdictions because of perceived uncertainties about the future of the Open Market.
- 18.64 Many of the respondents who expressed such concerns requested the States to issue a statement confirming that there would be no changes to the structure of the Open Market under the proposed population management regime.
- 18.65 A handful of respondents were of the opinion that there would be a risk to the States through loss of revenue should large numbers of Open Market residents move away from Guernsey or through compensation claims which, in their view, might be forthcoming due to loss of property value as a result.



## SECTION 19 UNFORESEEABLE CHANGES IN CIRCUMSTANCES


### Summary of what was set out in Section 19 of the Consultation Document

If the circumstances under which a person is permitted to live in the Island change, in certain situations the conditions under which the permission was originally granted may be changed to allow them to remain in the Island.

### Summary of the Responses to the Consultation Document


#### Question 19a

Do you agree that policies should be made public regarding what options might be available to Permit holders should they suffer an unforeseen change in their circumstances? If not, why?

- 
- 19.1 There was very strong support for making the policies in this area public.
  - 19.2 The comments made by the many respondents supporting the proposal included agreeing with the need for transparent and open policies; especially because such events invariably meant that things were already difficult and uncertain for those involved, and a need for the States to be seen to be compassionate.
  - 19.3 A few respondents referred to their own experiences and welcomed a more transparent approach.
  - 19.4 A few respondents expressed concerns that some people may use the policies to circumvent the population management regime and a handful of respondents felt that there needed to be appropriate safeguards to prevent people abusing the provisions.

**Question  
19b**

Do you agree with the proposed course of action described in each of the circumstances listed above? If not, which do you disagree with and why?

- 
- 19.5 A large majority of respondents agreed with the proposals.
- 19.6 A few respondents were concerned that some people may look to engineer their circumstances to enable them to remain indefinitely in Guernsey and suggested that cases should be considered on an individual basis to avoid any such abuses.
- 19.7 In relation to the care of children, a few respondents felt that provision should be made for maintaining wider family relationships (e.g. with step-brothers and sisters and grandparents) and so should not simply be linked to parental contact.
- 19.8 A handful of respondents suggested that the individual's application should be assessed as a whole before issuing a Temporary Residency Permit. However, these respondents did not indicate what criteria should be taken into consideration.
- 19.9 A handful of respondents suggested that economic contribution should be taken into account when deciding a case.

**Question  
19c**

Are there circumstances, other than those set out in this section, which you think should be covered under a clear and published policy? If so, please describe them and explain your reasons.

- 19.10 A few respondents suggested other circumstances where there should be a published policy. These included redundancy, relations (outside the definition for "immediate family") wanting to move to Guernsey to care for a Qualified Resident and to extend the category for victims of abuse to include victims of harassment.
- 19.11 Other suggestions included making the categories illustrative rather than exhaustive to allow for other circumstances where a degree of compassion should be exercised.

19.12 A few respondents, while supporting the broad principles set out in section 19 of the consultation document; felt that “relationship breakdown” needed to be carefully defined to ensure that people could not engineer their personal circumstances to circumvent the population management regime.

## SECTION 20 RESTRICTING WHERE AN INDIVIDUAL CAN LIVE


### Summary of what was set out in Section 20 of the Consultation Document

Restrictions on the occupation of property will apply to Level 3 Employment Permit holders and may be applied to the holders of Level 1 and Level 2 Employment Permits at the discretion of the Statutory Official to protect specific parts of the housing market.

### Summary of the Responses to the Consultation Document


#### Question 20a

Do you agree that provision should be included within the new regime to prevent Level 3 Employment Permit holders from living independently? If not, can you explain your reasons?

- 
- 20.1 Most respondents supported this proposal. This support was also echoed in most of the responses from community, business and professional organisations that chose to comment on this section.
  - 20.2 A few of the respondents supporting this proposal felt that limiting housing choices to shared accommodation was acceptable, because the post the Permit holder was filling was temporary.
  - 20.3 A range of reasons for disagreeing with the proposal were presented. These included a view that restricting the accommodation choices for one group of the labour market was unfair and potentially discriminatory and that, because most were only here for a short period, they would generally look for shared accommodation anyway so the impact on housing availability of removing the current restrictions should be minimal.
  - 20.4 A small number of respondents suggested that employers should be required to provide accommodation for Level 3 Employment Permit holders and that the standards of accommodation should be inspected.
  - 20.5 A handful of respondents felt that, because level 3 Employment Permit holders could live in Guernsey for up to 3 years, consideration should be given to allowing them more freedom to choose where they could live.

**Question  
20b**

Do you agree that, in general, there should be no restriction on where the holders of Level 1 and Level 2 Employment Permits may live? If not, what justification do you have?

- 
- 20.6 There was strong support for the proposal, including from the community, business and professional organisations that chose to comment on this section.
- 20.7 A large number of respondents, including several community, business and professional organisations, acknowledged the view expressed in the consultation document that many factors, not just TRP, determined what size and type of house somebody chooses as their home.
- 20.8 Several respondents supporting the proposal cited their own difficulties in finding a suitable property when taking up essential employment in Guernsey. A few respondents gave examples of people who had not taken up offers of employment because of difficulties in securing suitable accommodation under the current housing controls. Several of the responses from community, business and professional organisations also referred to the difficulties their members had experienced when recruiting key staff because of the application of controls on where someone can live under the current Housing Control regime.
- 20.9 A few respondents felt that it was unfair to require Level 1 and Level 2 Employment Permit holders not only to satisfy fairly rigorous criteria in order to be given the Employment Permit, but then also to impose restrictions on where they can live.
- 20.10 A small number of respondents supported the views expressed in the consultation document regarding the wide range of factors which influenced an individual's accommodation choices and so agreed that imposing restrictions based on size or price were unrelated to population management issues.
- 20.11 The small number of respondents who disagreed with the proposal indicated that they were concerned about the impact of such a change on Local Market house prices, especially at the lower end of the Local Market, if the current housing control restrictions were removed.
- 20.12 A few respondents supported the proposal in respect of Level 1 Employment Permit holders but felt that there should be greater restrictions on Level 2 Employment Permit holders, including possibly restricting them to rented or shared accommodation, i.e. preventing them from buying their own property.

Among the reasons given for this suggestion was that the Permit holder would be in Guernsey for a maximum of 4 years and therefore it was not unreasonable to require them to rent a property.

- 20.13 A handful of respondents felt that only Qualified Residents should be able to own Local Market properties.

**Question  
20c**

If yes to Question 20b, do you agree that there should be some provision for the Statutory Official to restrict where the holders of Level 1 and Level 2 Employment Permits can live, where there is an identified need to protect specific parts of the housing market for those Qualified Residents and existing licence holders who most need them? If not, why?



- 20.14 A significant proportion of respondents supported this proposal.
- 20.15 A few respondents suggested that Level 1 and Level 2 Employment Permit holders should be restricted from accessing social housing.
- 20.16 A few respondents urged caution when imposing housing restrictions and felt that if they were to be used they should only be used sparingly and their impact on the overall housing market carefully monitored. While only a handful of community, business and professional organisations answered this question, most of these expressed caution for the same reasons.
- 20.17 A small number of the respondents, who disagreed with the proposal, cited the difficulties and perceived unfairness of the current provisions.
- 20.18 A few respondents questioned whether such measures would be any simpler to apply than the current TRP-based approach.
- 20.19 Several respondents felt that to impose any restrictions was an unnecessary and artificial interference with somebody's housing choices.
- 20.20 A handful of respondents felt that the Statutory Official should have the power to restrict who could own a Local Market property and how many Local Market properties anybody who was not a Qualified Resident could own.

**Question  
20d**

If yes to Question 20c, do you agree that any restrictions placed on where the holders of Level 1 and Level 2 Employment Permits can live should be aimed at protecting the lower quartile of the housing market? Are there other objectives which you think such restrictions could be aimed at achieving?



- 20.21 Of those who responded to this question, a significant proportion expressed a wish to see some protection for first-time buyers. A few of the responses from community, business and professional organisations suggested that this approach might disadvantage those holding Level 1 and 2 Employment Permits who were not on high salaries, e.g. some teaching and healthcare staff.
- 20.22 A few respondents suggested that greater restrictions should be placed on Level 2 Employment Permit holders compared with Level 1 Employment Permit holders because such an approach would be beneficial to first time buyers and so reduce the need for any other measures.
- 20.23 A handful of respondents felt that most Employment Permit holders would look for housing which met their personal and family needs and so there was little need to further interfere with their housing choices.

**Question  
20e**

Do you believe that any of the “other options” outlined in paragraphs 20.23 – 20.38 provide any advantage over any of the others? Can you explain why?

- 20.24 Most respondents did not believe that the other options listed in paragraphs 20.23 to 20.38 provided a better and less administratively burdensome approach.
- 20.25 A few respondents favoured retaining a TRP-based approach and a handful of respondents preferred a move to a measure based on the number of bedrooms linked to the size of the family.
- 20.26 A few respondents restated earlier comments, in particular recognising that a Level 1 or Level 2 Employment Permit was only issued if there was nobody already resident in Guernsey to fill a post and therefore to impose further housing-related conditions was in some way inequitable.

**Question  
20f**

Are there any further comments that you wish to make in relation to what is covered in Section 20 of this Consultation Document?  
Please provide us with those comments.

- 20.27 A small number of respondents restated their concerns about the potential impact on house prices if housing controls were removed for Level 1 and Level 2 Employment Permit holders. The concerns were largely linked to the impact on first time buyers, especially amongst Qualified Residents.
- 20.28 A few respondents were concerned that housing controls could mean that some lower paid Level 1 and 2 Employment Permit holders would be discouraged from moving to Guernsey. A handful of respondents felt that any form of housing controls could lead to Employment Permit holders being directed to properties that were bigger than they required and that this could have a negative impact on particular parts of the housing market.



## SECTION 21 CRIMINAL CONVICTIONS

### Summary of what was set out in Section 21 of the Consultation Document

Criminal conviction checks will form part of the application process for all Permits to live in Guernsey.

### Summary of the Responses to the Consultation Document

#### Question 21a

Do you agree that criminal conviction checks should be included as part of the application process for a Permit to live in Guernsey? If not, why?

- 21.1 There was very strong support for this proposal. Although only a handful of community, business and professional organisations addressed this question, most of those supported the proposal. However, a few suggested that the employer should be responsible for carrying out appropriate criminal conviction checks.
- 21.2 A few respondents were concerned that such checks would be too intrusive or might be costly to administer.

#### Question 21b

If yes to Question 21a, do you agree that criminal conviction checks should apply to *everybody* requiring a Permit, regardless of their circumstances? If not, who do you think should be exempt and why?

- 21.3 There was near universal support from respondents for the proposal that everybody requiring a Permit should have to agree to a criminal conviction check.

- 21.4 A handful of respondents were concerned that criminal conviction checks might delay the processing of applications and a few respondents felt that decisions on whether or not a Permit should be issued because of a pre-existing criminal conviction should rest with the Police rather than the Statutory Official.

**Question  
21c**

Are there any further comments that you wish to make in relation to what is covered in Section 21 of this Consultation Document?  
Please provide us with those comments.

- 21.5 Most respondents did not make any additional comments. However, the additional comments that were received included a handful of respondents questioning what level of criminal behaviour might lead to a Permit being refused, whether returning Qualified Residents would have to provide a criminal records check, and what would happen if a Permit holder committed a serious offence while on a Permit.
- 21.6 A small number of respondents felt that the time and cost of checking everybody applying for a Permit would outweigh the benefits of any intelligence collected.

## SECTION 22 OTHER CONDITIONS

### Summary of what was set out in Section 22 of the Consultation Document


There will be no restriction on the work that the holder of a Temporary Residence Permit can undertake and no conditions restricting access to public services.

There will be provision in the new Law to place a maximum age limit on applicants for Employment Permits which could be activated by the States in the future if there is a need to do so.

### Summary of the Responses to the Consultation Document

#### Question 22a

Do you agree that there should be no maximum age restriction for Employment Permit holders, but that this should be built into the new regime as a condition which could be applied at some point in the future, if there is a legitimate reason for doing so? If not, can you explain why?

- 
- 22.1 There was strong support for this proposal. However, a few respondents expressed concern that it may be perceived to be discriminatory.
  - 22.2 A few respondents identified a tension between the demographic arguments set out in the consultation document and the need for an employer to be able to select the best candidate for a post.
  - 22.3 A handful of respondents felt that, if age was to be a factor when determining whether or not to issue an Employment Permit, it should be based on economic contribution, e.g. through income tax and Social Security contributions, rather than solely the individual's age. In other words, somebody in their 50's taking up a very highly paid job should not be treated less favourably than a younger person taking up a less well paid post.
  - 22.4 A few community, business and professional organisations addressed this question. Most felt that age restrictions were unnecessary because the key objective of an Employment Permit was to recruit the best candidate and therefore age was not an important consideration.

**Question  
22b**


Do you agree that employment options for family members should remain unrestricted within the new regime? If not, why?



- 22.5 A large majority of respondents agreed with the proposal.
- 22.6 A few respondents wanted to limit unrestricted employment options to the Permit holder's spouse and children.
- 22.7 A small number of respondents expressed concerns about the potential impact on employment opportunities for existing Qualified Residents. A range of suggestions were made by a handful of respondents including limiting family members to posts that attracted an Employment Permit and linking employment options with unemployment rates, i.e. if unemployment rates rose, employment options for family members should be reconsidered.
- 22.8 A few respondents felt that there should be a requirement for employers to favour existing Permanent Residence Permit holders and Qualified Residents ahead of Temporary Residence Permit holders.
- 22.9 A handful of respondents indicated some support for restricting the employment options of family members, but concluded that such a restriction would be difficult to administer and any resultant benefit to the employment prospects of existing Permanent Residence Permit holders and Qualified Residents would be questionable.

**Question  
22c**

Do you agree that it would be inappropriate for the population management regime to define who can and cannot have access to certain public services? If not, can you explain your reasons?

- 
- 22.10 There was significant support for the proposal that any conditions linked to restricting access to public services were not matters for a population management regime and should be addressed by the Departments responsible for those services.
- 22.11 Of the small number of respondents who felt that the population management regime should define who can and cannot have access to certain public services, a number of suggestions were given for how this could be achieved. The suggestions included linking access to public services to an individual's income tax or Social Security contributions, requiring Permit holders to have private medical cover for the first few years of their time in Guernsey and limiting access to specific benefits, e.g. unemployment benefit.
- 22.12 A handful of respondents questioned whether such restrictions were possible because of the various benefit-related reciprocal agreements Guernsey had with other jurisdictions.

**Question  
22d**

Are there any other conditions which you believe should be applied to certain groups of people in order to benefit the Island in general? If so, which conditions should be applied to whom, and for what reasons?

- 22.13 Very few respondents included examples of other conditions which could be applied to certain groups of people.
- 22.14 Amongst the suggestions received were for Permit holders to pay higher rates of tax, restricting incapacity and unemployment benefits and restricting access to higher education grants.
- 22.15 A small number of respondents suggested that there should be a condition not to commit any criminal offence and for the Permit to be revoked if this condition was broken.

**Question  
22e**

Are there any further comments that you wish to make in relation to what is covered in Section 22 of this Consultation Document? Please provide us with those comments.

- 22.16 All of the additional comments related to one or more of the above questions.

## SECTION 23 ESTABLISHING AN APPEALS REGIME


### Summary of what was set out in Section 23 of the Consultation Document

A person will be able to appeal against decisions of the Statutory Official at an Appeals Tribunal.

### Summary of the Responses to the Consultation Document

#### Question 23a

Do you agree that an applicant should be able to appeal against a decision of the Statutory Official to an independent Appeals Tribunal? If not, what appeal mechanism would you propose?

- 
- 23.1 There was very strong support, including from community, business and professional organisations, for the proposal for an individual to be able to appeal against a decision of the Statutory Official to an independent Appeals Tribunal.
  - 23.2 It is apparent from the responses that a few of those supporting the proposal were doing so on the basis that an appeal mechanism should be established, and not necessarily that the appeal should be heard by an Appeals Tribunal.
  - 23.3 Of those respondents who provided additional comments, opinion was evenly split on whether appeals should be to an Appeals Tribunal or to the Royal Court.
  - 23.4 While most of those respondents suggesting that appeals should be to the Royal Court did not expand on their reasons, a handful were concerned that a tribunal could prove to be as expensive as the Royal Court and, because of the complexity of the issues likely to be appealed, a tribunal as proposed in the consultation document, might not have the necessary legal experience to hear such appeals. This concern was also expressed by a handful of community, business and professional organisations.
  - 23.5 A small number of respondents referred to the Planning Appeals Panel as providing a straightforward and less costly approach.

**Question  
23b**

Are there any further comments that you wish to make in relation to what is covered in Section 23 of this Consultation Document?  
Please provide us with those comments.

- 23.6 A few respondents asked about the make-up of the proposed tribunal and what fees might be charged.
- 23.7 A handful of respondents asked what powers the tribunal would have regarding calling evidence and what decisions it would be able to make.

## SECTION 24 OFFENCES AND SANCTIONS


### Summary of what was set out in Section 24 of the Consultation Document

Whilst the details of offences and penalties have yet to be determined, in the latter case both civil and criminal sanctions will be considered.

### Summary of the Responses to the Consultation Document

#### Question 24a

Do you agree that a combination of civil and criminal sanctions should be adopted as part of the enforcement regime? If not, why?

- 
- 24.1 There was universal support for introducing a combination of civil and criminal sanctions. All of the community, business and professional organisations that commented on this question supported this approach.
  - 24.2 A large number of respondents who provided additional comments focused on a need for sanctions to “bite hard and be seen to bite”.
  - 24.3 A few respondents felt that breaches of the law were all serious enough to warrant a criminal sanction.

#### Question 24b

Are there any further comments that you wish to make in relation to what is covered in Section 24 of this Consultation Document? Please provide us with those comments.

- 24.4 Other comments on this section included questions about whether deportation would be a possible sanction and how the regime would be “policed”.
- 24.5 A few of the responses from community, business and professional organisations suggested that there should be provision to require somebody to leave the Island where they repeatedly breached the rules associated with the regime.



## SECTION 25 OTHER ISLANDS OF THE BAILIWICK

### Summary of what was set out in Section 25 of the Consultation Document

The proposals relate primarily to Guernsey, but they will have an effect on the other islands of the Bailiwick. How the other islands are integrated into the new regime is part of this consultation.

### Summary of the Responses to the Consultation Document

- 25.1 The PPG received several letters and emails which solely addressed this question and most of these were from Alderney residents. A few responses were received from Sark residents.

#### Question 25a

What are your views on how the other islands of the Bailiwick, and the residents of those islands, should be integrated with the new population management regime?

- 25.2 A wide range of differing views were expressed in respect of how residents from the other islands of the Bailiwick might be integrated with the proposed population management regime for Guernsey.
- 25.3 Many respondents related their comments to their personal experience as residents of Alderney or Sark, and these typically related to the limited education and career opportunities in the respective Islands for their children. These concerns were also reflected in a handful of the responses from community, business and professional organisations.
- 25.4 Several respondents suggested that the new regime should only apply to Guernsey. A few of these respondents based their views on the fact that Alderney and Sark had their own governments and Work Permit regimes. This group of respondents felt that it would be inappropriate to make any new population management regime Bailiwick-wide without considering the implications for all three Islands.
- 25.5 Of the small number of community, business and professional organisations that commented on the position of Alderney and Sark, a few believed that because Alderney and Sark have their own separate administration, the two Islands should not be part of Guernsey's population management regime.

- 25.6 A handful of respondents referred to the absence of any strong evidence to suggest that the provisions under the current Housing Control regime were causing difficulties for either Alderney or Sark.
- 25.7 A small number of respondents supported an easier route for Alderney and Sark residents to live and work in Guernsey.
- 25.8 The suggestions received included:
- Making provision for anybody living in either Alderney or Sark who was born in the Bailiwick and educated in Guernsey to be able to count their schooling towards qualification to live and work in Guernsey;
  - Making provision for long-term residents (suggested periods of residence ranged from 14 to 25 years) in Alderney or Sark to be able to move to Guernsey as a Qualified Resident;
  - Allowing preferential consideration of Alderney and Sark residents for Employment Permits ahead of candidates from outside the Bailiwick, i.e. before an Employment Permit was issued, the employer would have to show that there was no suitably qualified individual available in Guernsey, Alderney or Sark.
- 25.9 A few respondents, including community, business and professional organisations, suggested that special arrangements should be created for Alderney residents but not for those from Sark. Their reasoning for this approach was based on the relationship between Guernsey and Alderney, in particular how taxes are levied and the arrangements for transferred services.
- 25.10 A small number of respondents believed that because Alderney residents' taxes were collected by Guernsey and they relied on Guernsey for a number of key services, in particular education, they should be able to acquire residential qualifications in the same way as somebody living in Guernsey.
- 25.11 A small number of respondents felt that it was a matter for Alderney and Sark to determine within their own governments and it was for them to request any extension of the new population management regime to their Island.
- 25.12 Several respondents expressed concern that any opening up of the current arrangements could result in people moving to Alderney or Sark in order to gain residential qualifications in Guernsey by the "back door".
- 25.13 A handful of respondents felt that it was unfair to allow Alderney and Sark residents to live in Guernsey for education and training-related reasons but not to allow them to take up employment in Guernsey at the end of training courses. This view was echoed in a handful of the responses from community, business and professional organisations.

**Question  
25b**

Are there any further comments that you wish to make in relation to what is covered in Section 25 of this Consultation Document?  
Please provide us with those comments.

- 25.14 A few respondents highlighted their concerns for the communities and economies of Alderney and Sark if migration to Guernsey was made easier. Their concerns focused on the risk for the Islands from “losing” a proportion of their young people to Guernsey if it was easier for them to work in Guernsey, i.e. without the need for an Employment Permit.
- 25.15 A handful of respondents were concerned about how any extension of the proposed population management regime to Alderney or Sark would be “policed” and who would be responsible for making decisions.

This document and the Consultation Document are available to download from the States of Guernsey website at [www.gov.gg/population](http://www.gov.gg/population). Copies are also available for collection from the reception at Sir Charles Frossard House.