

An Employer's Introduction to The Transitional Arrangements for the Population Management Law



States of Guernsey
Population Management

17 June 2016

What today's session will cover



- What happens to 'live' Right to Work documents on 3 April 2017
- Transition for employment-related document holders:
 - 'Essential' employment-related licence holders
 - Short-Term employment-related licence holders
 - Live-in Open Market staff
 - Part A – private homes
 - Part B – hotels
 - Part C – nursing/residential homes
- Transition for Open Market residents in Houses in Multiple Occupation
- Your role as an employer during transition
- What's next if you still have questions?



What today's session won't cover



- Debate on the content of the new Law/transitional arrangements
 - the Law (including transition) has already been approved by the States
- Operational policies
 - these are still being developed with the new Committee

- There will be time for questions at the end of the presentation
- We have a small team here to answer general questions
- If you still have questions about your employees, you can book a 1-2-1 meeting – but we are a small team, so please use our time wisely!



'Live' Right to Work documents



- **Right to Work documents for your current employees will remain valid:**
 - until their expiry date
 - if their conditions continue to be met
- Personalised transition information included with all Right to Work documents issued since 1 May 2016 if that document takes them into 2017:
 - ask employees to show you the letter if you/they are not sure about their status in transition
- Look-up guide - English, Latvian, Polish & Portuguese: populationguide.gov.gg

'Essential' Employment-Related Licences - milestones

1st Milestone

- 8 consecutive years' lawful Local Market residence = Established Resident
- right to remain in Local Market accommodation no longer tied to employment
- no automatic right to return to Local Market accommodation after a break in residence



2nd Milestone

- 14 consecutive years' lawful Local Market residence = Permanent Resident
 - permanent right to live in Local Market accommodation
 - right to return to Local Market accommodation after a break in residence
- 'Essential' licence holders fall into two groups based on these milestones
 - Group 1 – those with a licence that expires before they would reach the 1st milestone
 - Group 2 – those with a licence that takes them to – or beyond – the 1st milestone



'Essential' Employment-Related Licence holders

Group 1 – housing licence permits less than 8 years residence

- licence remains valid to its expiry date if conditions are met
- an equivalent Employment Permit will be issued if the holder moves house (no TRP)
- holder will be expected to leave Local Market accommodation when licence expires
- must take a Recognised Break in Residence before returning under another Employment Permit

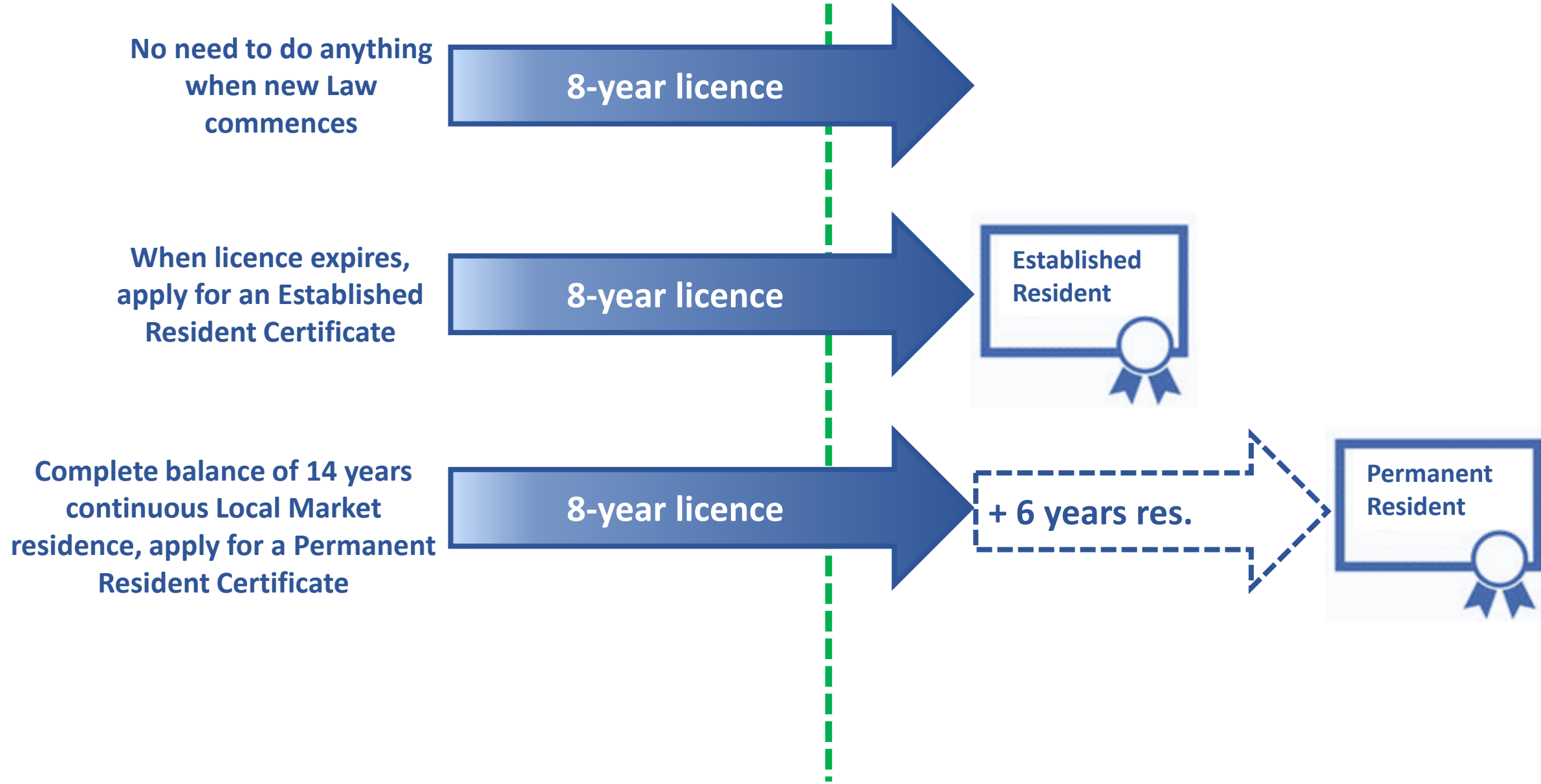
Group 2 – housing licence permits 8 or more years residence

- licence remains valid to its expiry date if conditions are met
- an equivalent Employment Permit will be issued if the holder moves house (no TRP)
- holder will become an Established Resident when they complete 8 consecutive years lawful Local Market residence (even if their housing licence is less than 15 years duration)
- Established Residents are not restricted to any specific employer/employment



1st example - 8-year licence

3 April 2017



2nd example - 15-year licence (14 years completed)

3 April 2017

15 year licence

No need to do anything
when new Law commences

15 year licence

Permanent
Resident

When licence expires,
apply for a Permanent
Resident Certificate

OR

15 year licence

Permanent
Resident

Swap licence for a Permanent
Resident Certificate at any time
(e.g. if you want to move house
or change jobs)

3rd example - 15-year licence (10 years completed)

3 April 2017

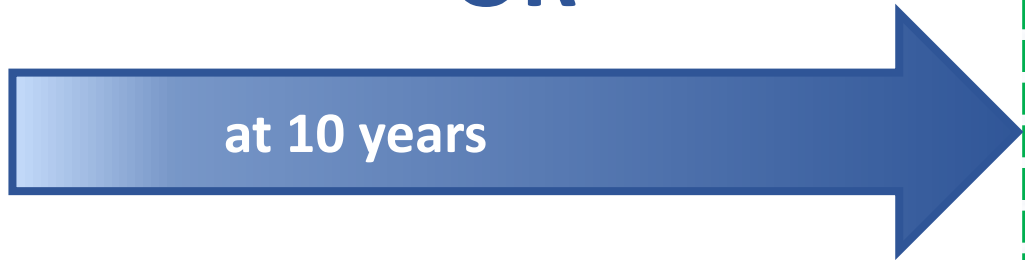


No need to do anything when new Law commences

When licence expires, apply for a Permanent Resident Certificate



OR



Swap licence for an Established Resident Certificate at any time (e.g. to move house or change job)

Complete balance of 14 years continuous Local Market residence, apply for a Permanent Resident Certificate



4th example - 15-year licence (5 years completed)

3 April 2017

No need to do anything when new Law commences



When licence expires, apply for a Permanent Resident Certificate



OR

Swap licence for an Established Resident Certificate any time after 8 years continuous Local Market residence (e.g. to move house or change job)



Complete balance of 14 years continuous Local Market residence, apply for a Permanent Resident Certificate



Short-Term Employment-Related Licence holders



- Short-Term Housing Licence holders will fall into 2 groups based on their **total aggregate residence** in Guernsey at **3 April 2017**:
 - Group 1 = less than 5 years aggregate residence on 3 April 2017
 - Group 2 = more than 5 years aggregate residence on 3 April 2017
- Residence doesn't all have to be under a Short-Term Housing Licence
- Transition rules are based on the fact that a person held a Short-Term Housing Licence
 - on 3 April 2017 if resident on that date
 - prior to departure from Guernsey for those taking a mandatory break in residence on 3 April 2017



Short-Term Employment-Related Licence holders



Group 1 - Less than 5 years aggregate residence on 3 April 2017

- Short-Term Employment Permits capped at 5 years total aggregate residence, but before 5 years is reached:
 - annual Short-Term Employment Permits can be issued without a break in residence
 - but any non-Recognised Breaks in Residence will count towards 5-year total
- People on a 3-month break on 3 April 2017 can have a Short-Term Employment Permit when they return:
 - valid for up to 1 year or to 5 years total residence (if sooner)
- If less than 5 years residence on 3 April 2017 but more than 5 years residence when licence expires, can stay to expiry date
- Still need to test the availability of 'local' workers before Permits are issued



Short-Term Licence holders – no grandfather rights

3 April 2017



No further Short Term Employment Permits

18m, 30m, 42m, 54m



No further Short Term Employment Permits

21m, 33m, 45m, 57m

3 April 2017



No further Short Term Employment Permits

9m, 21m, 33m, 45m, 57m

3 April 2017



No further Short Term Employment Permits

45m, 57m



No further Short Term Employment Permits

48m, 60m

Short-Term Employment-Related Licence holders

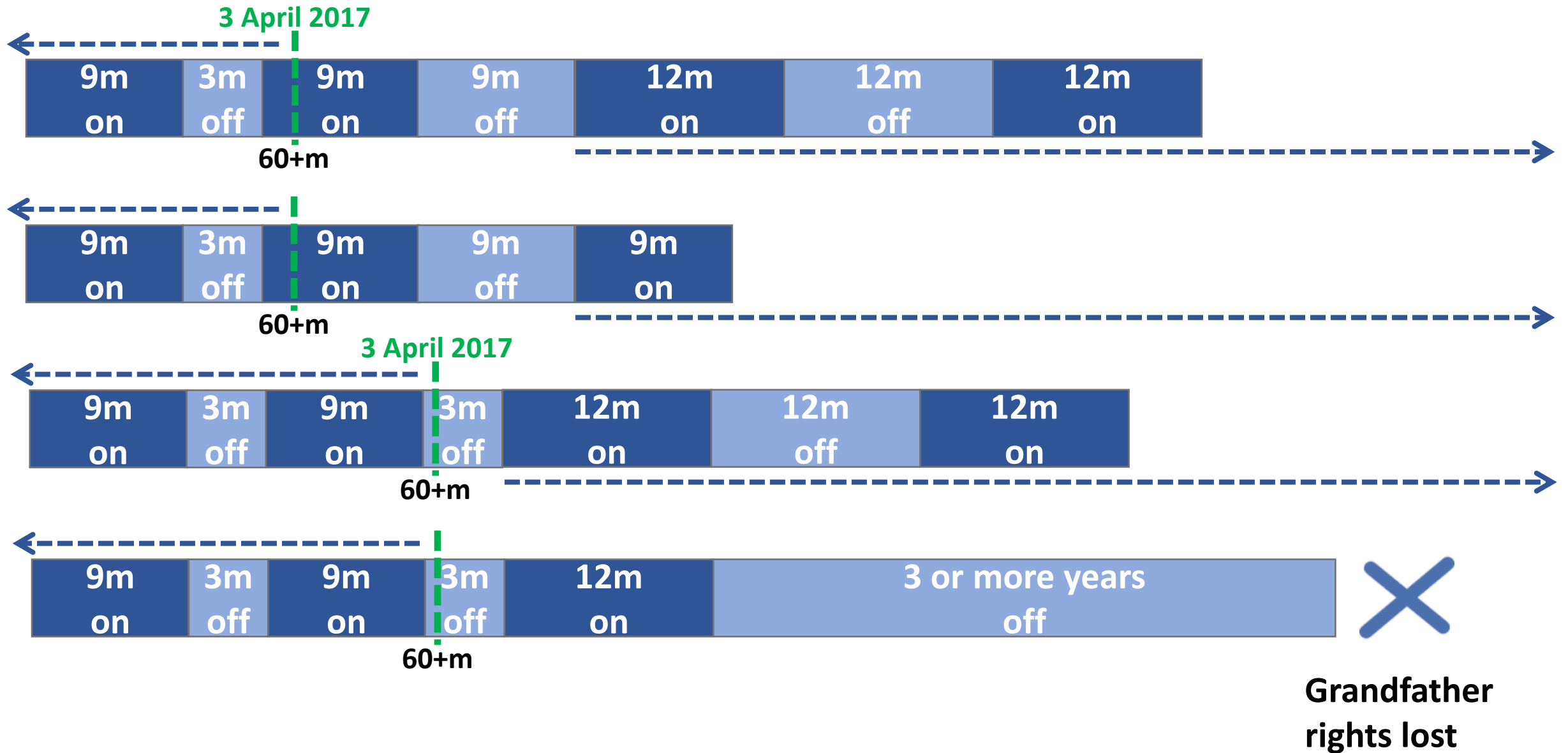


Group 2 – More than 5 years aggregate residence on 3 April 2017

- Grandfather rights - no limit on overall aggregate residence
 - annual Short-Term Employment Permits can be issued indefinitely
 - Recognised Breaks in Residence will be needed in between Short-Term Employment Permits
- People on a 3-month break on 3 April 2017 can have a Short-Term Employment Permit when they return valid for up to 1 year
- Grandfather rights lost after a 3-year break
- Still need to test the availability of ‘local’ workers before Permits are issued



Short-Term Licence holders – with grandfather rights



Open Market – Live-in staff



Private family homes (Part A)

- no residence time limit for live-in staff

Hotels & Nursing/Residential Homes (Parts B & C)

- Live-in staff will fall into 2 groups based on their **continuous residence** in Guernsey at **3 April 2017**
 - Group 1 – less than 5 years continuous residence on 3 April 2017
 - Group 2 – more than 5 years continuous residence on 3 April 2017

Open Market – Live-in staff (Parts B & C)



- **Group 1 – less than 5 years continuous residence on 3 April 2017**
 - can complete balance of 5 years continuous residence
 - must then take a Recognised Break in Residence before coming back under an Employment Permit
- **Group 2 – more than 5 years continuous residence on 3 April 2017**
 - grandfather rights to stay indefinitely = same employer, same accommodation
 - can change jobs with same employer & can change rooms in same accommodation
 - grandfather rights not transferable to another employer
 - grandfather rights lost if the person breaks residence

Open Market – Houses in Multiple Occupation



Currently approx. 220 Open Market family homes (Part A) operating as HMOs

- The States have agreed:
 - groups of unrelated adults will no longer be able to live in Part A homes
 - from 3 April 2017 Open Market HMOs will form Part D of the Open Market Housing Register
 - Part D lodgers will be limited to 5 years residence
 - 172 Part A homes can be moved to Part D if the owner wants to & 130 owners have already confirmed their property will move to Part D
- Housing Control has already:
 - issued a Certificate to display to tenants in all Open Market HMOs moving to Part D
 - written to all tenants in homes where we know the owners can't/aren't transferring
 - (some landlords have not told us their plans yet...)



Open Market – HMOs in Transition



Group 1 – less than 5 years continuous residence on 3 April 2017

- can complete balance of 5 years continuous residence (or remain to current document expiry date if longer):
 - in current accommodation if property moves to Part D
 - in alternative Part D accommodation
- must then take a Recognised Break in Residence

Group 2 – more than 5 years continuous residence on 3 April 2017

- grandfather rights to stay indefinitely in any Part D accommodation
- grandfather rights lost if the person breaks residence



Employers in Transition



- Employers can continue to make Right to Work applications
- Any 'live' applications on 3 April 2017 will be:
 - converted into the new equivalent application
 - processed based on the new rules
- Personalised transition information included with all Right to Work documents issued since 1 May 2016 if that document takes them into 2017:
 - ask employees to show you the letter if you/they are not sure about their status in transition
- Status Declaration holders not in Guernsey on 3 April 2017
 - must swap their old Declaration for a new Permanent Resident Certificate within 28 days of moving back to Guernsey
- Policies & Employer Portal
 - updates via www.gov.gg/populationmanagement later this year



Still unsure?



We're here to help!

- Team members here today to answer general questions
- Look-up guide - English, Latvian, Polish & Portuguese: populationguide.gov.gg
- 1-2-1 meetings for employers unsure about their employees' transition status
 - employee needs to sign an information sharing form so we can talk to you about their residence history and status
 - we'll need signed information sharing forms before the 1-2-1 meeting so that we can review the residence history of your employees
 - email 121@gov.gg to arrange a meeting & we'll send you consent forms
- Today's presentation will be posted on-line:
www.gov.gg/populationmanagement



Find out more about the new Law: www.gov.gg/populationmanagement

Arrange an employer transition meeting: 121@gov.gg

Look-up guide: populationguide.gov.gg



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