

STATES OF DELIBERATION

*** November, 2017**

Proposition No. P2017/92

AMENDMENT

Proposed by: Deputy J. Kuttelwascher

Seconded by: Deputy J.S. Merrett

Committee for Economic Development

Proposals for Revisions to the Population Management Law

After Proposition 1(c) to insert the following Proposition –

- "(d) provide that a person resident under a Short Term Employment Permit shall not be treated as ordinarily resident for the purposes of the Law, save for the purposes of –
- (i) section 78(6),
 - (ii) section 78(8), and
 - (iii) section 83(2)(a)."

EXPLANATORY NOTE

This amendment provides that time spent resident in Guernsey under a Short Term Employment Permit (STEP) does not count as ordinary residence under the Population Management Law. Its purpose is to ensure that STEP-holders cannot qualify as Established Residents or Permanent Residents under the Law, however long they are resident.

The savings in respect of the listed provisions ensure that certain persons other than STEP-holders, who would otherwise potentially be prejudiced under the Law by the effect of the amendment (by not being deemed to have been born in Guernsey when they otherwise would have been so deemed) are not so prejudiced. These are –

- (i) a person born outside Guernsey by reason of a need for special medical or

surgical care or treatment, or in connection with the birth, or in circumstances beyond the control of the person's mother, where the person's mother was ordinarily resident at the time of the person's birth, under section 78(6) of the Law,

- (ii) a person not born in Guernsey and adopted when a minor by persons ordinarily resident at the time of the adoption, under section 78(8) of the Law, and
- (iii) a person born outside Guernsey as a necessary result of the service of one of his or her parents with HM Forces, in the circumstances specified in section 83(2) of the Law.

Some qualification routes under section 3 of the Law are dependent on one of the person's parents being ordinarily resident at the time of his or her birth. As such, despite the savings listed above, this amendment could in theory affect the qualification routes of persons other than STEP-holders.