

STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

29th November, 2017

Proposition No. P.2017/100

AMENDMENT

Proposed by: Deputy G A St Pier

Seconded by: Deputy L S Trott

Committee for Home Affairs

Amendments to Population Management Law

To delete Propositions 1, 2 and 3 and replace with the following:

- “1. To approve the removal of the requirement in the population management legislation that the Administrator of Population Management be satisfied, when granting an Open Market Employment Permit (Part B) or an Open Market Employment Permit (Part C) to a person who has previously been resident that –
 - a) The applicant took a recognised break in residence following the cessation of validity of the last Permit previously granted to him (if any), or in any other case,
 - b) The Permit will not permit the applicant to be resident for a continuous period (including residence before the grant of the Permit) exceeding 5 years.
2. To amend the requirement that it be a condition of an Open Market Employment Permit (Part B) and an Open Market Employment Permit (Part C) that the holder is accommodated at a particular property inscribed in Part B or Part C (as the case may be) specified on the face of the Permit, to a requirement that the holder is accommodated in any property inscribed in Part B or Part C (as the case may be).
3. To approve the giving of rights to holders of Short-Term Employment Permits under the population management legislation, who had an established 9 month on/three month off residence pattern as at 3rd April 2017, to continue that pattern of residence as set out in paragraphs 1.6 and 4.17 of the policy letter.
4. To remove the prohibition on reissuing a Short-Term Employment Permit in circumstances which would result in the holder’s aggregate residence (both before and after commencement of the Law) exceeding 5 years.

5. To 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 –
 - a) section 78(6),
 - b) section 78(8), and
 - c) section 83(2)(a).

6. To direct the preparation of such legislation as is necessary to give effect to their above decisions.”

Explanatory Note

The purpose of this amendment is to amalgamate the two policy letters recommending changes to the population management regime scheduled for debate at the States’ meeting commencing on 29th November 2017 into a single debate. It is felt that this will improve the quality of debate, prevent any potential contradictory resolutions and prevent duplication of debate.

This amendment seeks solely to transfer across the original propositions and amendment from P.2017/92 relating to the policy letter titled “Proposals for Revisions to the Population Management Law” from the Committee *for* Economic Development.

For information, the origin of the propositions included in this amendment are as follows:

Amended proposition number	Source of proposition	Original proposition number
1	Committee <i>for</i> Home Affairs / Committee <i>for</i> Economic Development	1(a) and (b) 1(b)
2	Committee <i>for</i> Economic Development	1(c)
3	Committee <i>for</i> Home Affairs	2
4	Committee <i>for</i> Economic Development	1(a)
5	Kuttelwascher/Merrett amendment to Committee <i>for</i> Economic Development’s policy letter	-
6	Committee <i>for</i> Home Affairs	3

This amendment does not indicate support for the content of the propositions from either the proposer or seconder.