

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

27<sup>th</sup> March, 2019

**Proposition No. P.2019/17**

**COMMITTEE FOR HOME AFFAIRS**

**TREATMENT OF PERSONS BORN OR FIRST RESIDENT AS MINORS IN ALDERNEY OR**  
**SARK UNDER THE POPULATION MANAGEMENT (GUERNSEY) LAW, 2016**

**AMENDMENT**

Proposed by: Deputy D A Tindall

Seconded by: Alderney Representative E A J Snowdon

To replace the Proposition with the following Proposition:

- "1. To direct the Committee *for* Home Affairs to adopt the following policy in relation to the treatment of those persons born or first resident as minors in Alderney or Sark under the Population Management (Guernsey) Law, 2016:
- a. That a person wishing to relocate to Guernsey for the purpose of education/training/employment under the policies set out below from Alderney or Sark must:
    - (i) have eight consecutive years' ordinary residence in the Bailiwick of Guernsey immediately prior to application; and
    - (ii) have been first resident in the Bailiwick of Guernsey as a minor, in the household of their parent(s); and
    - (iii) in the case of employment-related policies only, be or have been under 29 years of age when they first relocate(d) to Guernsey.
  - b. That those looking to access education/training in Guernsey must demonstrate that they have secured a place in an educational institution or on a training course prior to a Permit being granted.
  - c. That those who wish to relocate or who have relocated to Guernsey for the purpose of employment will, subject to the provisions of the Law and at the discretion of the Administrator, be granted a Discretionary Resident Permit to enable them to live and work in Guernsey.

- d. That those looking to live in Guernsey for the purpose of education/training must be accommodated by a householder.
  - e. That a Permit holder who has relocated to Guernsey for the purpose of education/training must remain in education/training on a full-time basis.
  - f. That a person who has relocated to Guernsey under these policies relating to the treatment of young people from Sark and Alderney under the Law, should be able to benefit from an Agreed Absence of up to 12 months to enable them to travel on the condition that they have been continuously resident for 3 or more years directly before the period of absence."
2. But if Proposition 1 is lost, to replace the original Proposition with the Proposition set out in Proposition 1, subject to inclusion of the following paragraph in substitution for paragraph c. -
- "c. That those who wish to relocate or who have relocated to Guernsey for the purpose of employment will, subject to the provisions of the Law and at the discretion of the Administrator, be granted a Discretionary Resident Permit to enable them to live and work in Guernsey subject to:
- (i) confirmation from their employer that, if this policy did not apply, they would be making an application for either a Short Term Employment Permit or a Medium Term Employment Permit for the individual, and
  - (ii) in the case of an application for a Discretionary Resident Permit which would otherwise be for a Short Term Employment Permit, the individual need not be accommodated by a householder."
3. But if Propositions 1 and 2 are lost, to replace the original Proposition with the Proposition set out in Proposition 1, subject to inclusion of the following paragraph in substitution for paragraph c. -
- "c. That those who have relocated to Guernsey for the purpose of employment and cannot hold a further Short or Medium Term Employment Permit due to residency restrictions, will, subject to the provisions of the Law and at the discretion of the Administrator, be

granted a Discretionary Resident Permit to enable them to continue living and working in Guernsey, subject to an application for an employment permit from their employer."

4. But if Propositions 1, 2 and 3 are lost, to replace the original Proposition with the Proposition set out in Proposition 1, subject to inclusion of the following paragraph in substitution for paragraph a. (iii) –

"(iii) be (or have been in the case of employment-related policies) under 29 years of age when they first relocate(d) to Guernsey".

5. But if Propositions 1, 2, 3 and 4 are lost, to replace the original Proposition with the Proposition set out in Proposition 1, subject to inclusion of the following paragraphs in substitution for paragraphs a. (iii) and c. –

"(iii) be (or have been in the case of employment-related policies) under 29 years of age when they first relocate(d) to Guernsey",

- "c. That those who wish to relocate or who have relocated to Guernsey for the purpose of employment will, subject to the provisions of the Law and at the discretion of the Administrator, be granted a Discretionary Resident Permit to enable them to live and work in Guernsey subject to:

(i) confirmation from their employer that, if this policy did not apply, they would be making an application for either a Short Term Employment Permit or a Medium Term Employment Permit for the individual, and

(ii) in the case of an application for a Discretionary Resident Permit which would otherwise be for a Short Term Employment Permit, the individual need not be accommodated by a householder."

6. But if Propositions 1, 2, 3, 4 and 5 are lost, to replace the original Proposition with the Proposition set out in Proposition 1, subject to inclusion of the following paragraphs in substitution for paragraphs a. (iii) and c.

"(iii) be (or have been in the case of employment-related policies) under 29 years of age when they first relocate(d) to Guernsey".

- "c. That those who have relocated to Guernsey for the purpose of employment and cannot hold a further Short or Medium Term Employment Permit due to residency restrictions, will, subject to the provisions of the Law and at the discretion of the Administrator, be

granted a Discretionary Resident Permit to enable them to continue living and working in Guernsey, subject to an application for an employment permit from their employer."''

### **Rule 4(3) Information**

The Committee anticipates that minor work will be needed to the online application process in order to facilitate the introduction of the "Alderney and Sark Policy" as set out in the Committee's propositions. This will be funded from within the Committee's existing resources and is estimated as totalling less than £1500. The complexity and timescale of this work would not be substantively affected by the adoption of any of the alternative Propositions and therefore the Committee would not anticipate any substantive financial implications from this Amendment.

### Explanatory note

Proposition 1 directs the Committee *for* Home Affairs to adopt a policy which is identical to that which is recommended in the Policy Letter except that it includes an amended paragraph c. The amended paragraph c. removes the need for an individual who has fulfilled the criteria in paragraph 1 a. of the Policy to have secured employment before obtaining a Discretionary Resident Employment Permit.

In support of the aims of both the Committee *for* Employment & Social Security's  
Longer

Working Lives and the Committee *for* Economic Development's Skills Guernsey Action Plan, Proposition 1 also seeks to enable those living in Alderney and Sark to come to Guernsey for education and training at any age.

If Proposition 1 is lost, Members are invited to consider Proposition 2. That Proposition directs the Committee *for* Home Affairs to adopt a policy which is identical to that which is recommended in the Policy letter except that it includes another amended paragraph c. That amended paragraph c. removes an element of uncertainty for the individual and their employer as to whether they will be granted a Resident Permit after 5 years. This will enable the employer to know from the outset of the individual's employment that they can invest in the training of that individual with the knowledge that, subject to the requirements of the Law and at the over-riding discretion of the Administrator, the individual will be eligible to remain in Guernsey at the end of the five years.

Proposition 2 also removes the restriction on an individual who would only be eligible, but for the policy, to a Short Term Employment Permit having to be accommodated by a householder.

To achieve this, Proposition 2 replaces the requirement for an individual wishing to relocate to Guernsey from Alderney or Sark for employment to apply for either a Short or Medium Term Employment Permit with the requirement to apply instead for a Discretionary Resident Permit unconnected to their employment status.

In support of the aims of both the Committee *for* Employment & Social Security's Longer Working Lives and the Committee *for* Economic Development's Skills Guernsey Action Plan, Proposition 2 also seeks to enable those living in Alderney and Sark to come to Guernsey for education and training at any age.

If Propositions 1 and 2 are lost, Members are invited to consider Proposition 3 of this amendment. Proposition 3 also directs the Committee *for* Home Affairs to adopt a policy which is identical to that which is recommended in the Policy Letter except that it includes another variant on paragraph c. This amended paragraph c. is intended to provide a more positive statement of the intent of the Policy whilst ensuring that the over-riding discretion of the Administrator under the Law is not compromised.

In support of the aims of both the Committee *for* Employment & Social Security's  
Longer  
Working Lives and the Committee *for* Economic Development's Skills Guernsey Action Plan, Proposition 3 also seeks to enable those living in Alderney and Sark to come to Guernsey for education and training at any age.

Propositions 4, 5 and 6 repeat the cascading options with regard to paragraph c. but without the inclusion of the amendment of a.(iii).