

Control of Housing and Work in Jersey



Wendy Lambert
Partner
+44 (0) 1534 760 882
wendy.lambert@bcrlawllp.com



Michelle Leverington
Partner
+44 (0) 1534 760 867
michelle.leverington@bcrlawllp.com

Introduction

This briefing note is intended to provide employers with an overview of legislation restricting individuals working in the island of Jersey. More detailed guidance on the specific legislation is available on request.

Business Licence - Who can be employed?

Since 1st July 2013 when the Control of Housing & Work (Jersey) Law, 2012 came into force, each existing business operating in Jersey was issued with a business licence which enables it to employ an unlimited number of employees who have either “Entitled” or “Entitled for Work” residential status. If the business is also permitted to employ individuals who have “Licensed” or “Registered” residential status, the business licence will state this.

For more information on the business licence application process for new businesses, please see our Briefing Note Setting up a new business in Jersey

Employment and Residential Status

The four categories of employment and residential status are as follows:

Entitled

This is an individual who:

- is Jersey-born and has resided for a period or periods of at least 10 years in Jersey;
- is not Jersey-born but has resided in Jersey for a continuous period of at least 10 years; and arrived in the island before the age of 20, residing in Jersey for periods amounting to 10 years between the age of arrival and 40 years of age;

- is not Jersey-born but arrived in the Island before the age of 16 and has been a continuous resident for at least 10 years;
- has been granted Entitled status on social or economic grounds as being in the best interest of the community; or
- has been granted Entitled status on hardship grounds.

An Entitled individual can work anywhere and does not need permission to be employed. They can also buy or lease any property on the Island.

Entitled for work

This is an individual, without Entitled or Licensed status, who:

- is the spouse of an individual with Entitled, Licensed or Entitled for Work status;
- has resided in the island since a divorce, in the last five years, from an individual with any of the above statuses;
- has resided in the island continuously for the duration of five years before applying for a registration card; or
- has worked for a single undertaking (business) continuously since before the age of 16 years.

An individual with Entitled for Work status can work anywhere on the Island and their employer does not need special permission from the Population Office to employ them. They can buy property jointly with an Entitled spouse or civil partner or can lease or buy a Registered (unqualified) property in their own name as their main place of residence.

Licensed

A business may apply to the Population Office to employ an “essential employee” who doesn’t hold any Jersey residential qualifications. If granted, the individual will have Licensed status. This entitles the individual to buy or rent one property, as their principal place of residence. By Law, the Licensed individual is required to sell the property in the event that he or she loses the Licensed status. A business must establish to the satisfaction of the Population Office why it requires a licensed employee and licences are limited. A Licence may be issued that is time-limited or has other conditions attaching to it.

Control of Housing and Work in Jersey



Wendy Lambert
Partner



Michelle Leverington
Partner

Registered

This status is granted to an individual who does not qualify under any of the above categories, but who has resided in Jersey for 3 continuous months. A business must be granted specific permission to engage staff with Registered status. The individual can lease or buy a Registered (unqualified) property as their main place of residence.

Registration cards

Prior to employing any new member of staff, a business is required to inspect the individual's "registration card". These cards are available from the Social Security Department and from the Population Office. An individual must apply for a registration card if they move to Jersey, enter into a lease or start a job (and in any event, must apply for a Registration Card within 3 months of arriving in Jersey).

Photographic identification

(ie. Current passport or driving licence) should also be requested by an employer. An employer can take a copy of the registration card but should not keep the card as the employee will need this for other purposes, for example when buying or renting a property. These cards replace the previous social security cards but existing employees are not required to obtain one.

Work Permits and Visas under the Immigration Law

In addition to checking a prospective employee's residential status, an employer bringing in a new employee into the island also needs to consider whether a Work Permit and Visa is required under the Immigration laws. Generally speaking a Work Permit is not required if the individual holds a passport from a country within the European Union or a Commonwealth country.

The employer should apply for the Work Permit before the prospective employee comes to Jersey (the States of Jersey website confirms that it usually takes around 3 weeks to process a Work Permit). Some nationalities require Visas as well as Work Permits. The Visa requirements for Jersey are the same as in the UK and you can check the UK Border Agency Website to see whether a prospective employee also needs a Visa.

This briefing is only intended to give a brief summary of the subject matter. It does not constitute legal advice. If you would like legal advice or further information, please contact us using the contact details below.

Wendy Lambert, Partner

+44 (0) 1534 760 882
wendy.lambert@bcrlawllp.com

Michelle Leverington, Partner

+44 (0) 1534 760 867
michelle.leverington@bcrlawllp.com