



Department
for Exiting the
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Lord Alton of Liverpool
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6 December 2017

Dear David,

Thank you for your letter of 21 November regarding the status and rights of Irish citizens in the UK and the enclosed report by The Traveller Movement. The Government has been clear that it wants to protect the unique relationship between the UK and Ireland. This includes maintaining the Common Travel Area (CTA) and associated rights enjoyed by British and Irish citizens.

These rights are deeply embedded within our shared history and are central to our close social and cultural ties. Maintaining these bilateral arrangements is vital to UK and Irish citizens, and forms an important component of our plan to avoid a hard border between Northern Ireland and Ireland. These rights support the Belfast ('Good Friday') Agreement and north-south cooperation on the island of Ireland.

As you will know, British and Irish citizens have long-enjoyed reciprocal rights in each other's state. These rights include the right to enter, reside, work and study in the other state without seeking permission from the authorities, and the right to access social security and public services including healthcare. These rights pre-date our membership of the EU and have their origins in the establishment of the Irish Free State in 1923. Indeed, during the Anglo-Irish Treaty negotiations in 1921 discussion included 'reciprocity of civic rights' on Ireland's part and 'common citizenship' by the UK. These rights developed in recognition of the close family, cultural and social ties that exist, with the CTA developing as a means to facilitate their enjoyment.

The rights afforded to Irish citizens in the UK have evolved over the last century, becoming intermingled with EU Treaty rights in recent years. But they are distinct from the latter, with their base in domestic legislation. As you recall these rights are rooted in the Ireland Act 1949 but further provided for by subsequent legislation spanning departments. The Immigration Act 1971 set out the basic principle of free movement for Irish citizens between the UK and Ireland. You asked about powers to deport Irish citizens from the UK. While the power to deport British and Irish citizens exists in both Ireland and the UK respectively, the

long-standing policy adopted in each state is only to pursue such action in exceptional circumstances.

The CTA and associated rights will continue after the UK's exit, meaning that the rights to work, study, access social security and public services, including healthcare, will be preserved on a reciprocal basis for UK and Irish nationals. The UK Government, Irish Government, and European Union all agree that the UK and Ireland can maintain these arrangements and have agreed joint principles on this as a step towards Withdrawal Agreement text. As set out in our position paper, we are proposing that the Withdrawal Agreement recognises the ongoing status of the CTA and associated reciprocal arrangements following the UK's exit from the EU.

Keeping these arrangements means:

- The status quo for all journeys between the UK and Ireland will be fully protected and maintained - including the 110 million annual crossings of the border between Northern Ireland and Ireland.
- No UK or Irish nationals will be required to apply for special status to protect their entitlements.
- Rights to work, study, access social security and public services will be preserved on a reciprocal basis for UK and Irish nationals. This includes access to NHS treatment.
- Future immigration arrangements put in place by the UK for EU nationals will not affect the preservation of the CTA and reciprocal rights for UK and Irish nationals.

I hope that this letter provides you with the reassurance that you seek. Maintaining the Common Travel Area and associated rights continues to be one of the top objectives for Northern Ireland and Ireland in our negotiations with the European Union.

I am placing a copy of this letter in the Library of the House.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Martin Callanan', with a long horizontal flourish extending to the right.

LORD CALLANAN
MINISTER OF STATE FOR EXITING THE EUROPEAN UNION