

## **Travelling within the Common Travel Area and the associated rights of British and Irish citizens if there is no Brexit deal**

### **Summary**

Confirmation that the Common Travel Area arrangements and the associated rights and privileges of British and Irish citizens are protected if the UK leaves the EU with no deal.

### **Detail**

This notice confirms approach to the Common Travel Area (CTA) arrangements and the associated rights and privileges of British and Irish citizens if the UK leaves the EU in March 2019 without a deal. It clarifies that British and Irish citizens are not required to take any action to protect their existing entitlements.

A scenario in which the UK leaves the EU without agreement (a 'no deal' scenario) remains unlikely given the mutual interests of the UK and the EU in securing a negotiated outcome.

Negotiations are progressing well and both we and the EU continue to work hard to seek a positive deal. However, it's our duty as a responsible government to prepare for all eventualities, including 'no deal', until we can be certain of the outcome of those negotiations.

For two years, the government has been implementing a significant programme of work to ensure the UK will be ready from day 1 in all scenarios, including a potential 'no deal' outcome in March 2019.

It has always been the case that as we get nearer to March 2019, preparations for a no deal scenario would have to be accelerated. Such an acceleration does not reflect an increased likelihood of a 'no deal' outcome. Rather it is about ensuring our plans are in place in the unlikely scenario that they need to be relied upon.

This series of technical notices sets out information to allow businesses and citizens to understand what they would need to do in a 'no deal' scenario, so they can make informed plans and preparations.

This guidance is part of that series.

Also included is an [overarching framing notice](<https://www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario/>) explaining the government's overarching approach to preparing the UK for this outcome in order to minimise disruption and ensure a smooth and orderly exit in all scenarios.

We are working with the devolved administrations on technical notices and we will continue to do so as plans develop.

## **Purpose**

The purpose of this notice is to provide clarity on the Common Travel Area (CTA) arrangements and the associated rights and privileges of British and Irish citizens in the other jurisdictions.

Before March 2019

If you are a British or Irish citizen you can travel freely within the Common Travel Area (CTA) without seeking immigration permission from the authorities. For other nationalities, the CTA's internal borders are subject to some immigration restrictions but not, or only to a minimal extent, border controls.

As a British citizen in Ireland or an Irish citizen in the UK, to facilitate moving to and working in each other's jurisdictions you can enjoy associated rights and entitlements including access to employment, healthcare, education, social benefits, as well as the right to vote in certain elections. For nationality purposes, as directed in the British Nationality Act 1981, the Crown Dependencies are treated as if part of the United Kingdom: they do not have separate nationality laws.

The CTA is a long-standing arrangement between the UK, the Crown Dependencies (Jersey; Guernsey; Isle of Man) and Ireland. It has its origins in the 1920s and ensures that British and Irish citizens can move freely between and reside in these islands. The CTA is not reliant on membership of the EU, formed before either the UK or Ireland were members, but based on domestic legislation and bilateral agreements.

The CTA established cooperation between the immigration authorities of its members to provide a pragmatic response to the movement of people within it, including other nationalities who remain subject to immigration control. Central to the UK's legal framework is that there are no routine immigration controls on journeys from within the CTA to the UK, including on the Northern Ireland-Ireland land border.

The UK's approach to the CTA is set out in the Immigration Act 1971 and subsequent secondary legislation. These legislative arrangements are extended to the Crown Dependencies. Protocol 20 to the Treaty on European Union and the Treaty on the Functioning of the EU recognises the cooperation between members, confirming that the UK and Ireland can "continue to make arrangements between themselves relating to the movement of persons between their territories (the Common Travel Area)". More recently the Commission has acknowledged that the

CTA arrangements can continue, as confirmed in paragraph 54 of the Joint Report from the negotiators of the European Union and the United Kingdom (2017).

The rights of Irish citizens in the UK are rooted in the Ireland Act 1949 but provided for in subsequent legislation and bilateral agreements as the nature of these rights has evolved over time.

The CTA arrangements are deeply embedded within our shared history and are central to our close social and cultural ties. These arrangements complement the provisions of the Belfast (Good Friday) Agreement.

After March 2019 if there is no deal

If you are an Irish citizen you would continue to have the right to enter and remain in the UK, as now. You are not required to do anything to protect your status.

In addition, you would continue to enjoy the reciprocal rights associated with the CTA in the same way that British citizens in Ireland would if there is no deal. These rights include the right to work, study and vote, access to social welfare benefits and health services. Where required domestic legislation and agreements would be updated to ensure that the CTA rights continue to have a clear legal basis.

There would be no practical changes to the UK's approach to immigration on journeys within the CTA: as now there would be no routine immigration controls on journeys from within the CTA to the UK. The legislation governing this approach will remain unchanged when the UK leaves the EU. So too will the legislative framework of integrated immigration laws between the UK and the Crown Dependencies. The CTA arrangements would be maintained, promoting the benefits of migration between these islands.

If you are not an Irish or British citizen you will be required to continue to meet relevant domestic entry clearance requirements as set out in the Immigration (Control of Entry through the Republic of Ireland) Order 1972 (as amended). The UK will continue to work with Ireland and the Crown Dependencies on the movement of people between these islands, ensuring the effective functioning of the CTA and its external border.

The CTA holds special importance to people in their daily lives: it goes to the heart of the relationship between these islands. The UK Government is firmly committed to maintaining the CTA arrangements after the UK leaves the EU, an objective shared by the Crown Dependencies. The Irish Government has been clear also in its

commitment to the continuation of the CTA. The CTA has proven to be resilient over the years and would continue to endure if there is no deal.

### **Implications if there is no-deal**

If you are a British or Irish citizen in another part of the CTA you are not required to take any action to protect your status or rights associated with the CTA.

When travelling to the UK from within the CTA you should continue with your journey as you do today, meeting any travel requirements set by your carrier.

Irish citizens in the UK and British citizens in Ireland will continue to enjoy the same associated rights and entitlements to public services, including access to employment, healthcare, education, social welfare and benefits, as well as the right to vote in certain elections.

If you are a non-Irish or British citizen arriving in the UK from Ireland you should ensure that you follow UK entry clearance requirements. Find out more about [entry clearance requirements](<https://www.gov.uk/uk-border-control>).

### **Further information**

Further information on the [CTA and rights of Irish citizens in the UK](<https://www.gov.uk/government/publications/citizens-rights-uk-and-irish-national-s-in-the-common-travel-area>) as the UK leaves the EU.

This notice is meant for guidance only. You should consider whether you need separate professional advice before making specific preparations.

It is part of the government's ongoing programme of planning for all possible outcomes. We expect to negotiate a successful deal with the EU.