



Home Office

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Dear Mr McDonald,

Thank you for the constructive discussion on new clause 2, and Irish citizens' rights, during committee stage of the Immigration and Social Security Co-ordination (EU Withdrawal) Bill on 18 June. I committed to write to you with information regarding ongoing work across Government to ensure Irish citizens will continue to have access to Common Travel Area (CTA) associated rights and privileges at the end of the transition period.

As I mentioned in Committee, in May 2019, the UK and Ireland signed a Memorandum of Understanding (MoU) reaffirming our joint commitment to the CTA and to maintaining the associated rights and privileges of Irish and British citizens under this longstanding reciprocal arrangement. The UK Government is fully committed to the CTA rights as set out in this agreement, namely: the right to travel, live and work; study; access health and welfare services; and vote in local and parliamentary elections.

Since the signing, officials from both the UK and Ireland have taken steps to ensure these associated reciprocal rights and privileges continue to be appropriately reflected in respective legal systems. They have also maintained and enhanced the frameworks for cooperation on matters relating to these associated rights and privileges. This includes the establishment of a senior officials' group from both jurisdictions, which meets at least once a year and operates in coordination with existing structured intergovernmental arrangements. The primary purpose of the group is to be a forum to provide oversight of the CTA and its associated reciprocal rights and privileges as set out in the joint agreement.

In addition to this oversight group, UK Government departments have been working closely with their counterparts to ensure UK and Irish citizens continue to be able to access the full range of rights available to them.

Taking each in turn:

The right to travel and live.

Since the EU referendum, the Government has been clear in its commitment to protect the status of Irish citizens which has existed since the 1920's and is distinct from that derived through EU citizenship. While the Immigration and Social Security Co-ordination (EU Withdrawal) Bill will bring free movement to an end, it also delivers on this commitment. Irish citizens will continue to have the right to enter and reside in the UK without requiring leave regardless of where they enter from unless subject, as now, to a deportation order, exclusion decision or international travel ban.

This supports the wider reciprocal rights which will also continue to be enjoyed by British citizens in Ireland. Importantly, it also supports the rights of the 'people of Northern Ireland' to identify as British or Irish or both or to hold both British and Irish citizenship under the Belfast Agreement.

The right to work

The Government recognises, as acknowledged in the MoU, the recognition of qualifications, including professional qualifications, is an essential facilitator of the right to work associated with the CTA. The Government supports and encourages continued close collaboration and communication between UK and Irish regulators.

Officials in the Department for Business, Energy and Industrial Strategy, along with colleagues across Whitehall, have been working closely with UK regulators and professional bodies to ensure, as far as possible, there are appropriate systems and procedures in place for the recognition of Irish professional qualifications, whether through retained EU legislation or alternative profession-specific pathways. Some individuals will continue to benefit from bilateral arrangements already in place between UK and Irish regulators. Professionals with Irish qualifications who have already had those qualifications recognised in the UK under the current EU directives will preserve their recognition decisions and they will continue to be recognised.

Both governments have also committed to taking steps to ensure the following rights are protected, including legislative provisions where necessary.

The right to access welfare services

British or Irish citizens residing or working in the other's state, working in both states or working across the border, are subject to only one state's social security legislation at a time. They can access social security benefits and entitlements, including pensions, from the state whose social security legislation they are subject to, regardless of where they are living. When working in the CTA, they pay into only one state's social security scheme at a time and are entitled, when in the other state, to the same social security rights, and are subject to the same obligations, as citizens of that state. They also have the right to access social security benefits on the same basis as citizens of the state they are in.

In February 2019, the UK and Irish governments concluded a bilateral agreement to ensure these rights will continue to be protected. British or Irish citizens residing in the

other state have the right to access social housing, including supported housing and homeless assistance, on the same basis as citizens of that state.

The right to access health services

The MoU states the CTA affords British citizens residing in Ireland and Irish citizens residing in the UK the right to access emergency, routine and planned publicly funded health services in each other's state, on the same basis as citizens of that state. When visiting they also have the right to access needs-arising health care during their stay.

The right to study

British and Irish citizens have the right to access all levels of education in either state on terms no less favourable than those available to the citizens of that state.

The right to vote

British and Irish citizens living in the other state are entitled to register to vote with the relevant authorities for local and national parliamentary elections in that state on the same basis as citizens of that state. Upon reaching voting age, they are entitled to vote in those elections on the same basis as citizens of that state.

The package of measures outlined above will provide clarity and certainty to Irish citizens about their rights in the UK, as well as assurances that those rights will continue to be protected after the end of the transition period. We are proud of our deep and historic ties with Ireland and value the contribution that Irish citizens have made to the UK over many years.

I will also place a copy of this letter in the Libraries of both Houses so it may be referred to by other members

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Foster', with a large flourish at the end.

Kevin Foster MP
Minister for Future Borders and Immigration