



1. combined work, mutual assistance
2. cooperation, partnership

## **Irish in Britain: Policy Bulletin – April 2019**

Another Brexit-focused bulletin here. You can also view the updated Brexit section of our [website](#).

The UK government's position is that Brexit will not change the current rights enjoyed by Irish citizens in the UK. We are encouraged by the progress that has been made to continue the Common Travel Agreement and other reciprocal arrangements, but acknowledge that there are concerns about family reunification rights and the status of Irish citizens in Northern Ireland. This bulletin also covers current advice about UK and Irish drivers in both countries after Brexit.

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### **Common Travel Area**

In March, we received a series of posters on the Common Travel Area from the Home Office, available on our website [here](#), covering commitments from the UK government to maintain mutual arrangements in travel, health, social security, study and employment. Further detail on these arrangements is available [here](#).

At a briefing, Embassy officials told us that the CTA would continue in all circumstances. It is understood that the UK and Ireland will sign a Memorandum of Understanding which will reaffirm the CTA and reciprocal rights and privileges.

### **Immigration and Social Security Bill**

Clause Two of the Immigration Bill, covered in the last Irish in Britain bulletin, has been largely well received by specialists in migration law. However, concerns have been raised during the committee stage and in a report by the Houses of Parliament's [Joint Committee on Human Rights](#) about potential difficulties in family reunification which may see a diminishing of existing rights.

The UK Government has intimated [recently](#) that the Immigration Bill will be implemented even in a no deal Brexit. There is still uncertainty here however, particularly in the event of a change of government, but we would point to the strong commitments of both governments (and the UK Labour party) to maintain the provisions of the CTA and other arrangements for Irish citizens in the UK.

## Driving in the UK and Ireland after Brexit

If the UK passes the Withdrawal Agreement and leaves the EU with a deal, UK driving licence holders will not require an International Driving Licence if they visit the Republic of Ireland.

However, if the UK leaves the EU without a deal, an International Driving Licence *may* be required to drive in Ireland. The UK government has stated that Irish driving licence holders will not need further paperwork to drive in the UK in the event of no deal.

If there is a no deal exit, UK-registered vehicles entering Ireland will require a Green Card, a document which proves that they have motor insurance. This also applies for Irish vehicles entering the UK. Although it has been implied in some media that there will be no requirement for Green Cards if there is a deal, the Motor Insurers' Bureau of Ireland and the Association of British Insurers have advised those planning on driving Irish-registered vehicles into the UK to get a Green Card. See the Irish government update [here](#).

A useful website is the DFA page [here](#), where you can also sign up to the DFA's newsletter.

## Irish citizens in Northern Ireland

Many of you may have heard about Emma DeSouza's campaign on the rights of Northern Irish-born people to identify as exclusively Irish. The issue hinges on interpretations of the Good Friday Agreement and British Nationality Law and has been exacerbated by the Brexit process. This segment gives some background on the subject and what it means for the Irish in Britain.

- Emma DeSouza, originally from Co. Derry and an Irish passport holder, applied for a UK visa for her American husband as the spouse of an European Economic Area (EEA) national. This was rejected by the Home Office as it claimed that the DeSouzas should have applied for a visa on the basis of Emma's British nationality.
- DeSouza denied that she has ever been a British citizen. She pointed to the terms of the Good Friday (Belfast) Agreement, which allows the people of Northern Ireland "to be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments".
- The DeSouzas won their case against the Home Office, which has since appealed though a final decision has been delayed.
- In recent months, DeSouza has raised awareness about the implications of Brexit for Irish citizens in Northern Ireland. A few weeks ago, she claimed that the Home Office has changed its definition of EEA nationals to exclude those who are British by birth. In the eyes of the Home Office therefore, all Northern Irish-born people with a UK or Irish parent are British from birth and are treated as such even if they have an Irish passport.
- In addition, DeSouza argues that this threatens the right of Irish citizens from Northern Ireland to be accepted as EEA/EU citizens in the UK and denies them their "EU rights" under Part Two of the Withdrawal Agreement as they cannot apply for the EU settlement scheme.
- *Note: Irish citizens do not need to apply to the settlement scheme, but this option remains open to them if they do not concurrently hold British nationality. Family members of Irish citizens who are EU citizens or non-EEA nationals will need to apply for settled status.*
- She has also made representation to the Irish government and the EU arguing that the Home Office has created two tiers of Irish passport holders in the UK – i.e. those from the Republic



who are treated as foreign nationals; and those from Northern Ireland, who are seen as British unless they have renounced their citizenship.

In response to these concerns, the Prime Minister, [speaking in Belfast in February](#), acknowledged the trouble that some Irish citizens have experienced in bringing in family members and said that she has asked the Home Secretary “to review these issues urgently to deliver a long term solution consistent with the letter and spirit of the Belfast Agreement.”

At this stage, it does not look like the rights of the Irish in Britain are threatened, but we are concerned about the UK government’s implementation of the Good Friday Agreement specific to this area. We will continue to monitor the situation.

### **Gypsy, Roma and Traveller report**

On 5 April, the Women and Equalities Committee published a [report](#) into the inequalities faced by Gypsy, Roma and Traveller (GRT) communities, which included a recommendation to include GRT categories in the NHS data dictionary. The Traveller Movement (TM) have welcomed the report’s highlighting of a systematic failure across public services, but are concerned about some of the language in the report and its neglect of disproportionality within the criminal justice system. Read the TM press release [here](#).

### **Diaspora policy consultation**

The Department of Foreign Affairs has launched a public consultation process to inform a new diaspora policy. It is expected that there will be consultation events in Britain later this year. You can read about it [here](#).

### **HEAR mental health submission**

In March, we responded to a call for consultation from HEAR (Human Rights, Equality and Rights), a London-based network of voluntary groups, about how discrimination affects mental wellbeing. You can access our submission [here](#).

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