



Home Office

Rt Hon Caroline Nokes MP  
Minister of State for Immigration

Dr Andrew Murrison MP  
Chair, Northern Ireland Affairs Committee  
Committee Office  
House of Commons  
London  
SW1A 0AA

2 Marsham Street  
London SW1P 4DF  
[www.gov.uk/home-office](http://www.gov.uk/home-office)

21 JUN 2018

*Dear Andrew*

I am writing in response to your letter of the 13 June as well as the questions raised during my recent session on 22 May 2018, which I have outlined in Annex A.

You requested that I consider the existing process by which Irish citizens who were born in Ireland and move to Northern Ireland are able to naturalise to British citizenship. I have considered this further and do not accept that it is incompatible with the Belfast (Good Friday) Agreement; it is compatible with both the Belfast (Good Friday) Agreement and British nationality legislation.

The Belfast (Good Friday) Agreement provides for the citizenship rights of “the people of Northern Ireland”. It recognises in Article 1(vi) the birthright of these people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm their right to hold both British and Irish citizenship where they qualify to do so. The people of Northern Ireland are defined in Annex 2 of the Belfast (Good Friday) Agreement as all persons born in Northern Ireland and having, at the time of their birth, at least one parent who is a British citizen, an Irish citizen, or is otherwise entitled to reside in Northern Ireland without any restriction on their period of residence.

This birthright is a critical part of the Belfast Agreement and reflects the unique circumstances of those born in Northern Ireland; it has been an important dividend of the peace process. The UK Government is firmly committed to protecting the Belfast Agreement in all its parts as we leave the EU.

Additionally, and outside of the Belfast (Good Friday) Agreement, as Northern Ireland is part of the UK the rules on British citizenship (as outlined in the British Nationality Act 1981) apply to those seeking British citizenship. This provides British citizenship to those with a close and continuing connection with the UK; such as through birth in the UK, or by descent.

Irish citizens born in Ireland and who move to the UK hold a ‘special status’. This reflects the UK and Ireland’s shared history and is central to our close social and cultural ties. The rights of Irish citizens in UK law is rooted in the Ireland Act 1949 and also provided for in subsequent legislation. These include the right to enter, reside, work and study without seeking permission as well as access to social security and public services including healthcare. These rights are reciprocal and also enjoyed by British citizens who move to Ireland. Irish citizens also have the opportunity to naturalise to British citizenship after just five years; quicker than the route to citizenship for other EU citizens. The cost of this naturalisation is £1330.

The position between those benefiting from citizenship rights under the Belfast (Good Friday) Agreement and Irish citizens who move to Northern Ireland, or anywhere else in the United Kingdom, is therefore slightly different. The provisions in the Belfast (Good Friday) Agreement are limited to those individuals born in Northern Ireland whose parents meet the nationality / immigration requirements in Annex 2 to the Belfast (Good Friday) Agreement. This means that Irish citizens born in Ireland who move to the UK are required to naturalise if they choose to become a British citizen. However, to reiterate the comments I made during the Committee hearing: the UK Government is firmly committed to protecting the existing rights and privileges of Irish citizens as we leave the EU; they will continue to benefit from their 'special status'.

Furthermore, you requested whether my department was obliged to follow the Equality Commission's recommendations, and if not, whether I can provide an explanation of why the policy was approved.

The advice outlined by the Equality Commission highlighted an error in the recruitment advert which the department has acted on.

The Northern Ireland Equality Commission has made a public statement on some of the advice given to Border Force, this is available at <https://www.equalityni.org/Footer-Links/News/Employers-Service-Providers/Equality-Commission-Comment-on-Border-Force-Recrui>

These pieces of correspondence and advice given are not routinely published by the department; there are currently no plans to do so. However should this position change I would be happy to place a copy in the library and advise you once it is available.

Concerns were also raised on using military and law enforcement as a specific criterion.

Border Force values the experience of people who have worked in the military and law enforcement. Current and former members are free to apply for all our recruitment campaigns. The requirement was removed in Northern Ireland by Border Force for this campaign following the concerns raised by the Equality Commission. The removal of the criterion was also necessary to ensure compliance with the Fair Employment and Equal Treatment Order NI 1998. The Home Office would act on advice that shows non compliance in law to ensure equality of opportunity and to make certain that this is reflected in all future recruitment campaigns.



**Rt Hon Caroline Nokes MP**  
**Minister of State for Immigration**

## **Annex A – Committee Raised Questions:**

### **How many Irish citizens living in Northern Ireland at the time of the signing of the Belfast/Good Friday Agreement held Irish citizenship? [Q19]**

Irish citizens born in Ireland and who chose to move to the UK hold a 'special status'. This reflects the UK and Ireland's shared history and is central to our close social and cultural ties. Their rights are rooted in the Ireland Act (1949) and also provided for in subsequent legislation). As you are aware the point of the Belfast ('Good Friday') Agreement is that people can identify as Irish without holding Irish citizenship, it is therefore difficult to quantify the number of Irish citizens in Northern Ireland.

The most accurate reflection of the data would be the 2001 Census which outlines Irish Citizens in Northern Ireland at the time of its completion.

<https://www.nisra.gov.uk/statistics/2001-and-earlier-censuses/2001-census>

### **How many posts were filled in Northern Ireland by Border Force before the requirement to hold a British passport was removed as a key criterion? [Q41]**

Border Force recently announced a recruitment round for a large number of staff, including positions in Northern Ireland. This campaign will largely replace individual recruitment to specific roles. It will meet a range of business needs, including meeting the normal staff turnover associated with a large operational business such as Border Force. It will also support Border Force to respond flexibly to emerging requirements, including any future requirements as a result of EU Exit.

Following contact from the Equality Commission the error was identified. These posts are reserved under the Civil Service Nationality rules for UK Nationals. They also require a full valid Passport. The Candidate Information pack for the campaign stated that applicants needed a British Passport. This was an error as it would exclude those UK nationals who hold dual nationality and only hold a passport in their other nationality.

The decision was made in view of this coming to light to stop the campaign, correct the error and then re-advertise before any posts were filled. The amended advert makes clear that UK nationals who hold dual nationality can apply and provides a point of contact for queries.

Candidates who had already submitted an application were contacted to explain that their application will automatically be carried over to the new campaign. Those with partially completed applications were also contacted and informed that they will be able to complete their application when the new advert launched.

The campaign was re-launched on Monday 23 April 2018 and ran until 07 May (full 2 weeks).

### **How many representations have there been from the Secretary of State for Northern Ireland to the Home Office regarding the issue of removing service in the armed forces and law enforcement as key criteria for Border Force jobs in Northern Ireland? [Q51]**

To date there have been no representations made from the Secretary of State for Northern Ireland

### **A copy of the Equality Commission's advice that led to the withdrawal of service in the armed forces and law enforcement as key criteria for Border Force jobs in Northern Ireland. [Q61]**

The advice outlined by the Equality Commission highlighted an error in the recruitment advert which the department has acted on.

The Northern Ireland Equality Commission has made a public statement on some of the advice given to Border Force

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Border Force values the experience of people who have worked in the military and law enforcement. Current and former members are free to apply for all our recruitment campaigns. The requirement was removed in Northern Ireland by Border Force for this campaign following the concerns raised by the Equality Commission. The removal of the criterion was also necessary to ensure compliance with the Fair Employment and Equal Treatment Order NI 1998. The Home Office would act on advice that shows non compliance in law to ensure equality of opportunity and to make certain that this is reflected in all future recruitment campaigns.

**How many additional Border Force officers will be sought to be deployed in Northern Ireland, and where these will be located? [Q112-113]**

We are committed to ensuring that our operational teams have the resources they need to run an efficient and effective migration system, tackle illegal immigration and keep the UK safe. The recruitment of up to 1,000 Border Force Officers will develop a coordinated national recruitment process across various port locations, including Northern Ireland, as part of Border Force's multi-year workforce plan. We do not release Border Force location specific statistics on the deployment of its resources for security purposes as doing so could compromise border security.

This recruitment will support Border Force to respond flexibly to emerging requirements, including any future requirements as a result of EU Exit, as well as managing levels of attrition associated with a large operational business such as Border Force. We are also in the process of onboarding 300 new Border Force staff to provide flexible cover to allow existing staff to undergo further training in preparation for EU Exit.