



Northern Ireland Affairs Committee

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The Rt Hon Caroline Nokes MP
Minister of State for Immigration
House of Commons
SW1A 0AA

13 June 2018

Dear Caroline,

Thank you for the evidence you gave to the Committee on Tuesday 22 May.

During our meeting, you acknowledged the anomaly in cost and complexity for residents of Northern Ireland who were born in the Republic of Ireland to obtain a British passport when compared with residents of Northern Ireland born on the island of Ireland to obtain an Irish passport.¹ You told us you would give consideration to addressing this anomaly.²

Currently, any person born outside the United Kingdom must apply for naturalisation to become a British citizen. The requirement to apply for naturalisation includes those born in the Republic of Ireland after 1949, irrespective of their length of residency in Northern Ireland. The total fee for naturalisation comes to £1,330 and includes a citizenship ceremony which all applicants are required to attend. Conversely, any person born on the island of Ireland before 31 December 2004,³ including Northern Ireland, is entitled to Irish citizenship.⁴ The ordinary requirement to apply for naturalisation – along with associated fees of €1,125 – are waived in these cases.

As a consequence, those born in the Republic of Ireland who may have lived in Northern Ireland for most of their lives, and regard themselves as British, are required to go through a complicated and costly process to obtain a British passport whereas residents of Northern Ireland who wish to obtain an Irish passport – but who may never have set foot in the Republic of Ireland – are able to obtain an Irish passport simply and cheaply without having to apply to naturalise first.

It was put to you by the Committee that the porous nature of the border between Northern Ireland and the Republic of Ireland has meant that many of those living in the border regions share links across the border and may, through an accident of birth, have been born in the Republic of Ireland and yet lived their whole lives in Northern Ireland and identify as British.

¹ Oral evidence taken on 22 May 2018, HC (2017-19) 1058, Q4

² Oral evidence taken on 22 May 2018, HC (2017-19) 1058, Q28

³ Any person born on the island of Ireland from 1st January 2005 must also have a British or Irish parent entitled to residency without restriction in Northern Ireland or the Republic of Ireland and meet further conditions if they were born to foreign-born parents. (Irish Nationality and Citizenship Act 2004, Sections 3-4)

⁴ Irish Nationality and Citizenship Act 1956, Section 6

For these people the route to obtaining a British passport demanded of them by the British Government seems particularly unreasonable.

You acknowledged that it is crucially important for the British Government to uphold the Belfast/Good Friday Agreement. However, it was put to you by the Committee that the situation as it currently stands is not in the spirit of the Agreement. The Agreement states that the British Government will:

[...] recognise the birthright of all the people of Northern Ireland to identify themselves and 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 and would not be affected by any future change in the status of Northern Ireland.⁵

Yet for a significant minority in Northern Ireland the freedom to exercise their right to identify as British is hampered by financial and bureaucratic hurdles put in place by the British Government – barriers that are notably absent for those who choose to identify as Irish. The Agreement also states that:

[T]he power of the sovereign government with jurisdiction [over Northern Ireland] shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos and aspirations of both communities.⁶

The route demanded of those who wish to obtain a British passport and assert their British identity does not appear to meet the standard of parity of esteem or just and equal treatment of both communities.

In your evidence to us, you said that you had to stand by the immigration rules “as they are”.⁷ On 23 May, in the wake of the Windrush scandal, the Home Secretary announced that legislation would be brought forward to process citizenship applications from Commonwealth nationals who settled in the UK prior to 1973 free of charge and without the requirement to attend a citizenship ceremony.⁸ The situations for those disadvantaged by the Windrush scandal and those residents of Northern Ireland who wish to obtain a British passport are, of course, not comparable. However, the solution proposed by the Home Office to deal with Windrush is a useful precedent. This has been done via statutory instrument using the negative procedure and did not therefore require any debating time in parliament.

The Committee therefore requests that the Government recognise the anomaly as described and its incompatibility with the Governments’ own stated position in relation to the Belfast/Good Friday Agreement.⁹ We recommend that the requirement to naturalise and the payment of associated fees are waived in these cases. We do not see why the exemptions as set out in the Windrush Scheme, or similar exemptions, cannot be extended to long-term residents of Northern Ireland born in the Republic of Ireland who wish to assert their British identity by holding a British passport.

⁵ Belfast/Good Friday Agreement, Article 1, paragraph (vi)

⁶ Belfast/Good Friday Agreement, Article 1, paragraph (v)

⁷ Minister Caroline Nokes (Q70)

⁸ HM Government, press release 24 May 2018, accessed 31 May 2018

⁹ Oral evidence taken on 22 May 2018, HC (2017-19) 1058, Q1

Border Force recruitment policy

At our meeting, the Committee also raised the related issue of Border Force's recent recruitment drive which restricted jobs to British passport holders.¹⁰ Given the issues raised, the Committee welcomes your Department's apology for a policy that would have excluded a large section of the Northern Ireland population. Concerns were raised over the number of posts filled before this policy was withdrawn and the Committee requested a copy of these numbers.

Concerns remain over the decision to remove service in the armed forces and law enforcement as key criteria for applicants in Northern Ireland. An applicant from elsewhere in the United Kingdom who does not meet the academic criteria of two A-Levels but who has served in the British Armed Forces or the police would be eligible for these jobs, whereas an applicant from Northern Ireland who meets the same criteria would not.¹¹ This clearly discriminates against applicants from Northern Ireland.

You explained that the decision to remove service in the armed forces and law enforcement as key criteria in Northern Ireland was made on the basis of a recommendation by the Equality Commission.¹² **The Committee requests a copy of this advice and requests clarification on whether your Department was obliged to follow the Equality Commission's recommendations. If not, we ask that your department provides an explanation of why this policy was approved.**

We thank you for your consideration of our recommendations and we look forward to receiving your response.

Yours ever,
Andrew

Dr Andrew Murrison MP
Chair, Northern Ireland Affairs Committee

¹⁰ Oral evidence taken on 22 May 2018, HC (2017-19) 1058, Q39

¹¹ National Careers Service, Border force officer, accessed 7 June 2018

¹² Oral evidence taken on 22 May 2018, HC (2017-19) 1058, Q49