

nm 209

Mr. Allen

RESTRICTED

From Q J Thomas
AUS(L)
8 August 1989

cc PS/M of S (L&B)
PS/PUS (L&B)
Mr Burns o/r
Mr A W Stephens
Mr Wilson
Mr Spence
Mr Dowdell, DED ✓
Mr F G McConnell
Miss Mills
Mr Daniell
Mr Bell
Mr Blackwell

cc R Smyth

PS/S of S (L&B)

@file

9/6/89

FRONTIER CONTROLS AFTER 1992

Thank you for your minute of 28 July in which you explained that the Secretary of State would like further briefing on the Common Travel Area.

This is of course primarily the responsibility of the Home Secretary, with his responsibility for immigration matters throughout the United Kingdom. I attach a background note on the Common Travel Area prepared by the Home Office Immigration Department.

QJT

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8 August 1989
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THE COMMON TRAVEL AREA

When the Irish Free State was established in 1923, no immigration controls were set up for passengers travelling between it and the United Kingdom. Apart from special wartime controls at the ports (introduced in 1939 but not abolished until 1952) it has remained the case that no one leaving the United Kingdom for, or entering it from the Republic of Ireland is seen by an immigration officer. (Such passengers can be subject to police checks under the Prevention of Terrorism legislation, but these are not for the purpose of immigration control.) From 1953, the United Kingdom and the Republic together with the Channel Islands and the Isle of Man have been collectively designated 'The Common Travel Area' in immigration legislation.

2. Although no immigration control is exercised on passengers travelling within the Common Travel Area, there is a legal framework which governs their movements. This is principally contained in the Immigration Act 1971 and the Immigration (Control of Entry through the Republic of Ireland) Order 1972, made under it. These stipulate that passengers who have been examined for the purposes of immigration control at the point at which they entered the Common Travel Area do not normally require 'leave' (i.e. permission) to enter any other part of it. Foreign nationals who enter the United Kingdom via the Republic of Ireland (or who travel from the United Kingdom to the Republic and return) are deemed to have been given a standard period of 'leave'. If a foreign national enters the United Kingdom via the Channel Islands or the Isle of Man, the conditions under which they were admitted there simply continue in force.

3. Foreign nationals in the following categories cannot, however, legally enter the United Kingdom from the Republic of Ireland without personally getting leave from an immigration officer.

- (a) Persons in respect of whom the Home Secretary has issued directions to exclude them on grounds of public security;

- (b) Persons who have previously been refused entry to the United Kingdom and who have not subsequently been granted leave to enter the United Kingdom;
- (c) Persons subject to an extant Deportation Order;
- (d) Visa nationals not in possession of a valid visa;
- (e) Persons who enter the Republic of Ireland unlawfully; and
- (f) Illegal entrants and overstayers in the United Kingdom who make a local journey to the Republic of Ireland and return.

4. Because the Irish Republic forms part of the Common Travel Area, its citizens are generally free to enter the United Kingdom, whether coming from within or outside that area. The same applies to British citizens entering the Republic. An Irish citizen may, however, be excluded from the United Kingdom if the Secretary of state decides this is conducive to the public good; he may also be deported on these grounds, or on the recommendation of a court following a criminal conviction. In practice, it is relatively easy for such an Irish citizen to return illegally to the United Kingdom if he so chooses.

5. Another feature of the Common Travel Area arrangements is that if a foreign national arrives in one part of it intending to travel to another, he may be refused admission if he is not acceptable to the immigration authorities of his ultimate destination.

6. Nevertheless it can happen that people who should have been refused entry to the United Kingdom if they had to pass through immigration control are able to enter the country from another part of the Common Travel Area, particularly via the Irish land border. The case of Martin Galvin of Noraid is the best known. In 1984, in spite of having been excluded from the United Kingdom at the direction of the Home Secretary, he travelled to the Northern Ireland from the Republic and appeared at a public meeting : a man was killed in the ensuing disorder.