

Northern Ireland Affairs Committee

Oral evidence: [Existing passport processes](#), HC 1058

Tuesday 22 May 2018

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Members present: Dr Andrew Murrison (Chair); Mr Gregory Campbell; Mr Robert Goodwill; Lady Hermon; Kate Hoey; Conor McGinn, Ian Paisley.

Questions 1 - 114

Witness

I: Rt Hon Caroline Nokes MP, Minister of State for Immigration.

Examination of witness

Witness: Rt Hon Caroline Nokes.

Q1 **Chair:** Minister, welcome.

Caroline Nokes: Good afternoon, Chair.

Chair: Welcome to the friendliest Select Committee in Parliament. I think you know the background to this. We are a little concerned about the differential treatment of people in Northern Ireland. As you know, the Good Friday agreement establishes the right of the people of Northern Ireland to identify themselves as British or Irish, or both. That implies the right to an Irish or British citizenship, or indeed both, and a passport, one or the other, or both. Yet, if you live in Northern Ireland and want an Irish passport it costs you €89.50, and it is pretty much hassle free. If you live in Northern Ireland and were born post-1949 in the Republic of Ireland, to get a UK passport you have to naturalise. You have to pay £1,330 and there is a whole load of hassle involved with that. Can you explain why that is, how it is compliant with the spirit of the Good Friday agreement, and what might be done?

Caroline Nokes: Thank you for the opportunity to come and give evidence. I think this is my sixth Select Committee since taking on the role of Immigration Minister, on a wide range of subjects, so I appreciate that this is a very specific one. I am very conscious that there is a difference in the way the British Government and the Irish Government treat applications for passports. For the British Government, it is crucially important to us that we uphold the Belfast agreement and that we absolutely respect the right of individuals from Northern Ireland to decide whether they wish to have a British passport, an Irish passport or both, and that is an absolute given in a now 20-year-old treaty.

However, for Irish citizens who have chosen to come and live in Northern Ireland, you are quite right to point out that there is a difference. They are obliged to naturalise in exactly the same way that we would expect any other person coming to the United Kingdom to naturalise. There is a cost involved and, as you pointed out, it is £1,330, £1,250 of which is the naturalisation fee and £80 is the citizenship fee. This is all set out in legislation, and of course you will be aware that successive immigration Acts dating back to 2007 have enabled the Government not only to charge the cost of processing these applications, but also to put the fees raised towards the overall security of the border and use them for our immigration and citizenship processes.

Q2 **Mr Campbell:** Minister, you outlined there the Government's position to date, and you used the phrase "crucially important" about upholding the Belfast agreement and subsequent agreements. I am just wondering whether you are familiar with what the agreement actually says about citizenship.



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Caroline Nokes: It respects the right of the individual to determine whether they wish to be British, Irish or both.

Q3 Mr Campbell: The quote is that the Government “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”. That is the exact quote. Yet, as the Chairman has outlined, if you were born across the border in the Irish Republic on any occasion since 1949 and had lived in Northern Ireland from the day after you were born—in other words, you could have lived as a resident, taxpayer, employee and voter for 68 years in Northern Ireland—if you tried to get a British passport you would fall foul of something that you should not fall foul of according to that sentence in the Belfast agreement.

Caroline Nokes: We have a long-established agreement that we seek to uphold, but the fact is that an Irish citizen holding an Irish passport who has lived in Northern Ireland for 68 years comes under the scope of successive immigration Acts that require naturalisation.

Q4 Mr Campbell: You have said that the Government think it is crucially important that you uphold the agreement, which says that people can identify themselves and be accepted as Irish or British, or both, as they may so choose. I have both passports with me. The point here is that I, as a UK citizen, apply for that passport, pay the fee and get it. Someone who is my neighbour in Northern Ireland, but happens to have been born in 1950, 1951, 1961, 1971 or 1981, has lived all their life in Northern Ireland and pays the same taxes as I do has to buy this passport in a trouble-free way because they cannot get this one because of the immigration legislation. That is quite clearly in contravention of that sentence as contained in the Belfast agreement.

Caroline Nokes: As you will be aware, we extend to Irish citizens settled status from day one. They have the right to naturalise after five years, as opposed to six years, which would be the case for people coming from other countries to the UK. I entirely accept and understand the point that you are making, but that is the position as it is. They are required to naturalise, but please be assured I have taken on board that point.

Q5 Mr Campbell: I am glad you said that is the position as it is, because the position needs to change. If you think of the anomaly, someone who resides in Northern Ireland, was not born in the Republic and perhaps has never even been to the Republic can get this passport by completing the application form and sending off the fee. They may never have even been to the Irish Republic, let alone born in it. People who have lived in the UK for 60-odd years cannot get this passport with the same ease as this one, and yet many of those people regard themselves as British, as UK citizens, as taxpayers, as residents for decades. It is quite clearly an anomaly that has to be changed. Either it has to be rectified or you abandon that section of the agreement that you have said is crucially important to the British Government. You cannot do both.



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Caroline Nokes: Indeed, we have done both. You will be conscious that, for many years since the Belfast agreement, 20 years, we have retained the requirement for Irish citizens, should they wish to have a British passport, to naturalise. Of course, they do not have to. It is a personal choice whether they wish to apply for a British passport, and many do, but equally many do not. Of course, we recognise that Irish citizens living in Northern Ireland do not have to naturalise in order to access services. As I said, they are deemed to have settled status from literally day one. They are in a different position to people of many other nationalities who might choose to apply to come to the UK and settle here, and make their lives in the United Kingdom. I am conscious that you regard it as an anomaly, but it is a longstanding situation.

Q6 **Mr Campbell:** It is a longstanding situation, but it is one that cannot continue. I have described the anomaly, and you have agreed that it is an anomaly, of two citizens, one who holds a British passport, the other who does not particularly want an Irish passport but has to have it because they cannot get a British passport, unless they go through the tortuous route of naturalisation and pay an exorbitant fee. The Irish citizen does not have to do that, even if they have never been to the Irish Republic. They do not have to do that. Their Government in the Irish Republic do not require that of them, but their own Government in their own country do. That is something that cannot continue.

Caroline Nokes: You say "their own Government in their own country". They are Irish citizens.

Q7 **Mr Campbell:** No, they are residents in Northern Ireland and they want to be British.

Caroline Nokes: But they have Irish citizenship.

Q8 **Mr Campbell:** Under the terms of the agreement, which you say is crucially important to the Government, they want to have this passport with the same ease as others have this one. They do not want any distinction. There is no compulsion involved. Those who want this passport can have it. Those who want this one cannot.

Caroline Nokes: It is the process that we expect people who come to the United Kingdom to go through naturalisation before they are eligible for a British passport.

Q9 **Chair:** Minister, the important thing about this is the Good Friday agreement. The Good Friday agreement is really very clear. It talks about the right of the people of Northern Ireland to identify themselves, and be accepted, as Irish or British, or both. Those words are either rhetorical or they have meaning. Meaning means being able to be British and hold a British passport. Clearly, those words at the moment are inappropriate, insofar as we put up a real hurdle to people wishing to have a British passport, which is not the case for people who wish to have or find it expedient to have an Irish passport. Accepting everything that you have said, do you not agree with me that there is an issue around the



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aspirations outlined in the Good Friday agreement and reality at the moment, in the way that Mr Campbell has outlined?

Caroline Nokes: I absolutely accept, as both you and Mr Campbell have outlined, that there is an issue. What I cannot and will not do is seek to make sweeping assumptions about the intentions behind a treaty that was agreed 20 years ago, long before I came to this place. I certainly cannot sit here and change that.

Chair: I interrupted.

Q10 **Mr Campbell:** Yes. Thank you, Chairman. Sorry, Minister, when you say you cannot change that, do you mean change the agreement or change the Government's attitude to it?

Caroline Nokes: I certainly cannot change the agreement, which enshrined rights very clearly. I have listened very carefully to the points that you have made about the situation. I understand that there are very strong feelings about this, but the situation remains that a person holding Irish citizenship living in Northern Ireland has to go through the naturalisation process. That is not something that I can sit here and simply change.

Mr Campbell: To conclude, the position at the moment and for some time is that thousands of people in Northern Ireland who were born in the Republic are treated in this second class citizenship way, because they have an inferior approach to citizenship, in terms of their desire to be recognised and acknowledged as British citizens. They want to have and hold a British passport. There is no clearer symbol of their nationhood than a passport, and that applies to whatever country the person belongs to.

That being the case, under the terms of the agreement, which you have said is crucially important, they are denied that right, unless they go through a tortuous route that is not applicable to others who want to have their right enshrined as Irish citizens. Chairman, rather than create a circular argument here, I have made my point. Hopefully the Committee will agree and we can bring this to a satisfactory conclusion, because it has continued for much too long.

Chair: Can I just draw your attention to the annunciator and the fact that at 2.30 the division bell will sound to allow us one minute's silence, to remember the people who were affected by the Manchester outrage a year ago. I will ask you to rise at that point and keep a minute's silence.

Q11 **Mr Goodwill:** Minister, many of the border and immigration issues affecting Northern Ireland rely on close co-operation with the Republic. Quite recently, the UK introduced exit checks, because we were often criticised for not knowing who was in the country. People came in with a visa, but they left. One of the flaws in that is the way the common travel area works. If an American tourist arrives at Heathrow and leaves via Shannon, or if a person does that sort of journey, we do not pick them



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up. Has there been any progress in trying to work more closely with the Republic in order to co-ordinate both entry and certainly exit checks, so we actually know who has overstayed their visa and who has left without being noticed?

Caroline Nokes: When it comes to borders, our relationship with Ireland is obviously of crucial importance. The external border of the common travel area is always of keen interest. We continue to work closely on both sides in order to be conscious of who is coming in and out of the United Kingdom. I am aware, of course, that there is scope for people to travel across a significant land border very easily, but it remains imperative that we work closely with the Irish Republic to make sure that we have the best information that we possibly can.

Of course, some of the best information comes from advance passenger information that the airlines are obliged to share with both of us. There are many airlines that embrace that enthusiastically. Others are less enthusiastic about it. Having seen how closely the Border Force works across a range of agencies, I can confirm that remains crucially important information to us. I am conscious, as the Immigration Minister, that we still have more work to do more widely. I do not refer specifically to crossings of the Irish Sea, but when it comes to train and ferry movements in and out of the United Kingdom.

Q12 **Mr Goodwill:** One of the other issues that may well benefit the UK when it leaves the European Union is that we can decide which documents we will accept for travel. I know there are loopholes and security lapses with Greek and Italian ID documents, which are not biometric and can be obtained from a town hall. Are there any conversations with the Republic to try to improve the robustness of our entry checks, to enable us to move away from that rather flawed system to one where only biometric documents are taken? If that was the case, would we have to also secure agreement from the Irish Republic along those lines?

Caroline Nokes: In our continuing negotiations with the EU, up until recently there have been discussions about biometric passports, which I will very happily say are my personal preferred documents for travel more widely across the European Union. Mr Goodwill has highlighted very clearly that some nationalities use identity cards that are far less secure than biometric passports. I have concerns that, moving forward, as we move into a new immigration system post-Brexit, we will get to a position where we will no longer accept those. That is some five years after exit, after our negotiations with the EU.

Those conversations will be ongoing, both with the EU but particularly with Ireland. I am very conscious that that could potentially be seen as an easier route in, because Ireland will be obliged to accept the less secure travel documents that some of the EU 27 still enable their citizens to use.

Q13 **Kate Hoey:** Minister, do you accept, as the Chairman and my colleague



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Gregory have said, that the way this works at the moment is contrary to the Belfast agreement?

Caroline Nokes: No, I do not think it is contrary to the Belfast agreement, but I am listening to the concerns of the Committee on this subject.

Q14 **Kate Hoey:** Why is it not contrary to the Belfast agreement wording that was read out?

Caroline Nokes: I am not convinced that it is entirely fair to expect me to interpret a treaty that is 20 years old. However, that presumably referred to citizens of Northern Ireland at that date. I have certainly listened to the Committee's concerns about this, but, as I interpret it, the right was extended to citizens of Northern Ireland to have Irish citizenship, Northern Irish citizenship or both. Presumably, those who held Irish passports on that date were deemed to be Irish citizens, not citizens of Northern Ireland, in respect of where they were living.

Q15 **Kate Hoey:** Sorry, there is not a Northern Irish citizenship. We do not have a Northern Ireland passport.

Caroline Nokes: Sorry, British citizenship.

Q16 **Kate Hoey:** For clarification, will you just repeat again why you think it is not contrary to the Belfast agreement?

Caroline Nokes: A British citizen would have had the choice to retain their British citizenship, to have Irish citizenship, or to have both. I assume it was the case that an Irish citizen living in Northern Ireland at that time was deemed to have Irish citizenship, not British citizenship, and therefore I assume that is how the Belfast agreement has worked over the last 20 years.

Q17 **Kate Hoey:** Do you know how many people are in this situation? Has your Department looked at this, given the interest there has been over a period of time, with questions being asked and so on? Is there a number of people?

Caroline Nokes: I do not have a number, no.

Q18 **Kate Hoey:** You do not have a number, but do you think your Department has a number?

Caroline Nokes: I suspect that they probably do, but I do not have that number.

Q19 **Kate Hoey:** Could you check that please?

Caroline Nokes: Yes, I am very happy to check that and get back to the Committee.

Q20 **Kate Hoey:** You have said that it is not contrary to the Belfast agreement. Do you think it fits in with the other well-known phrase to do with the Belfast agreement, "parity of esteem"? You have heard of parity



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of esteem.

Caroline Nokes: Yes.

Q21 **Kate Hoey:** Do you think this fits in with that definition of parity of esteem, in that people are being treated so differently?

Caroline Nokes: I find that very difficult to answer. An Irish citizen, living in Northern Ireland, has a right to access the same goods and services. They are deemed to have settled status from day one. They will be able to apply for naturalisation earlier than somebody who had come from outside, from a third country, who had come to the United Kingdom to settle. They have those rights, but they have to go through the same process of naturalisation and citizenship ceremony that we would expect of other third-country nationals.

Q22 **Kate Hoey:** Do you think that is fair?

Caroline Nokes: That is fair across the board to those people who have chosen to settle in the United Kingdom, yes. They are extended additional rights.

Q23 **Kate Hoey:** Have you ever read any Irish history?

Caroline Nokes: Not for a very long time.

Q24 **Kate Hoey:** Seriously, I am amazed at that kind of response. Do you not see the difference between someone in that position and someone who has come in from a different country, outside Ireland, to become a British citizen getting naturalisation? Do you not see any difference between that and people who live on the island of Ireland?

Caroline Nokes: We extend settled status from day one, and they have a quicker route to naturalisation than anybody else would.

Q25 **Kate Hoey:** But they have to pay a lot of money.

Caroline Nokes: The same would be true for any person seeking British citizenship.

Q26 **Kate Hoey:** Yes, but they are not just any person. That is the point. I genuinely do not think you seem to understand the difference.

Caroline Nokes: No, I absolutely understand that there are very strong feelings on this. Mr Campbell made the point very clearly about people born after 1949 who had lived in Northern Ireland pretty much from birth but who had Irish citizenship. I can understand that there is a feeling of difference. However, I have to stand by the immigration rules, which are very clear on this matter.

Q27 **Kate Hoey:** I accept that. As a Minister, do you not also have the right to think, "Hang on. This is something in my Department that is crazy. This is ridiculous, particularly in the current circumstances of the Belfast agreement and all that. I will do something about it"? Can you at least give us that commitment today?



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Caroline Nokes: As I said to Mr Campbell, I have listened to his very strong feelings on this, and I am now listening to yours. The view of the Committee is certainly something I will reflect upon.

Q28 **Kate Hoey:** And perhaps act on.

Caroline Nokes: I will certainly give it consideration.

Chair: Minister, thank you for that. That is very good news. It is important to nail this at this particular juncture in our history, since we are about to leave the European Union. While, up to this point, all those resident in the British Isles could say that they were in some way covered by their membership of the European Union, that will no longer be the case for a significant number of us. These issues of nationality and passports are going to become more acute, are they not? It might be a good juncture, given the undertakings you have made, to do this with some degree of alacrity and urgency. We can then ensure that the relatively small numbers of people, although your Department will probably have some better idea of the numbers, are not discommoded in the way that they currently are, as has been very elegantly described by Mr Campbell in particular.

Q29 **Lady Hermon:** Minister, it is very good of you to come to give us evidence this afternoon. I was particularly struck by your words that, in the attitude of the British Government, it is crucially important that we, being the British Government, uphold the Belfast agreement, the Good Friday agreement. You are nodding your head in agreement. I just ask you if you have read the Belfast agreement.

Caroline Nokes: Not in its entirety, no.

Q30 **Lady Hermon:** So it is crucially important to the British Government to uphold the Belfast agreement, but you, as the Immigration Minister, looking at passports, looking at the issue that we invited evidence on this afternoon, did not think it fit to read the Belfast agreement in its entirety.

Caroline Nokes: I have not read the whole document, no.

Q31 **Lady Hermon:** Have you ever read it in the 20 years before we marked its anniversary this year? Have you ever read it in its entirety?

Caroline Nokes: No, I have not, but 20 years ago I think I was probably giving birth. I have been Immigration Minister for five months.

Q32 **Lady Hermon:** Yes, you have been Immigration Minister for five months, and in those five months we have marked the 20th anniversary, which you mentioned in your opening remarks. As the Minister with responsibility for immigration, passports and visas, given that you yourself have not read the agreement, what level of awareness could we expect from other officials in your team?

Caroline Nokes: It is enormous. The Chairman just alluded to the departure from the European Union, which is now imminent. I am very



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conscious that, for EU citizens, and I include among them British citizens currently and Irish citizens going forward, we are in a time of change. We have the December agreement and the importance of upholding citizen's rights. Since 1922, we have had bilateral agreements with Ireland, which have extended rights to Irish citizens who choose to come and live in the United Kingdom, which will be important to uphold going forward. I am very conscious that we will have to make sure the process of transition, through the implementation period and beyond, works in the interests of British citizens living in the EU 27 as well as EU 27 citizens living here, so of course it is important to me and officials.

Q33 Lady Hermon: That was not quite the question. The question was this. Given the fact that you, as a Minister, have not read the Belfast agreement yourself, I asked about the level of awareness in officials within your Department who are handling visa and passport applications of the Belfast agreement. You said "enormous".

Caroline Nokes: Sorry, I meant to go on to say that, throughout all those discussions and reflections on what will happen in March next year, discussions about the common travel area and the rights of Irish citizens are a very significant part of that.

Q34 Lady Hermon: Let me give you an example, without naming names, of a constituent of mine who was born at the Ulster Hospital, just outside Belfast. His birth certificate was sent to the Home Office with his application for a British passport. He was issued with a British passport. When it expired, exercising his rights under the agreement, which he is perfectly entitled to do, because it was so much less expensive, he applied for an Irish passport. When he tried to apply for a visa for his wife from outside the EU, it was assumed that he was an Irish citizen. This happened within the last six months.

The Home Office already had his birth certificate, clearly identifying him as being born at the Dundonald hospital, the Ulster Hospital, in Belfast. He had a British passport under the terms of the Belfast agreement, which you said was crucially important. Your Department turned down the visa application for his wife, even though he was entitled to both British citizenship, and he had exercised that, and to Irish citizenship, and he had exercised that. How can you claim that your Department is well aware of the provisions of the Belfast agreement?

Caroline Nokes: Sorry, I cannot comment on why his wife's visa application was turned down.

Q35 Lady Hermon: It was assumed that he was an Irish citizen living in Northern Ireland. That was why. One would have thought, since your officials were well aware—

Caroline Nokes: An Irish citizen living in the United Kingdom would have greater rights to bring in a third-country national. Under the EU rules, EU citizens living within the United Kingdom are not subject to the minimum income threshold.



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Q36 **Lady Hermon:** That was not quite the point. It was turned down because he was an Irish citizen.

Caroline Nokes: I cannot comment on an individual case in a Select Committee. If you want to provide me with the details, I am very happy to take that away and look at it.

A one-minute silence was observed.

Q37 **Lady Hermon:** Minister, I was not asking you to comment on an individual case, which I have already raised with your Department at the time of the problem. I am asking you to confirm that the officials in your Department are aware of the entitlement under the Belfast agreement of those in Northern Ireland to British or Irish citizenship, or indeed both.

Caroline Nokes: Yes.

Q38 **Lady Hermon:** Your Department is well aware of that.

Caroline Nokes: Yes.

Q39 **Lady Hermon:** Excellent. That will take us neatly on to the UK Border Force recruitment drive earlier this year. Your Department is well aware of the provisions of the agreement. They advertised in the UK. Let me repeat that: the UK Border Force recruitment drive, across the UK, of which Northern Ireland is a part. Despite that, they managed to advertise for British passports only. How did that arise, if your Department and its officials are so acutely aware of the implications of the Belfast agreement?

Caroline Nokes: It was an error, which they amended as soon as it was drawn to their attention.

Q40 **Lady Hermon:** How many posts had been filled at that stage? It is reported that 300 posts had already been filled. Is that correct?

Caroline Nokes: At that point they went back to all applicants, indicating the error that had been made. It is a long-running nationwide recruitment process. You will be aware that we are seeking to recruit a significant number of Border Force officers to tackle the challenge of Brexit. We have apologised and corrected that error.

Q41 **Lady Hermon:** May I just ask you again whether any posts had been filled at the time that the mistake was identified and acknowledged by your Department?

Caroline Nokes: I am not aware of any posts having been filled, but of course the recruitment process was under way. It is a rigorous and lengthy selection process, but I cannot answer the question as to how many may or may not have been appointed. It was an error that was identified and brought to our attention quickly.

Q42 **Lady Hermon:** How did it happen? How did this error happen when everyone, including the British Government, was so crucially aware of the



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importance of the agreement?

Caroline Nokes: It was a mistake.

Q43 **Lady Hermon:** Was it human error? Was it a blind eye being turned?

Caroline Nokes: It was not a recruitment campaign that was signed off by Ministers. It would have been within Border Force that the mistake was made.

Q44 **Lady Hermon:** Oh right, so the mistake was made by Border Force.

Caroline Nokes: I am very happy to apologise on their behalf for it, but we took steps to correct it, to make sure that the recruitment process was fair and available to those who had both British passports and held dual nationality. I am very sorry that it happened.

Q45 **Lady Hermon:** Thank you for that, and I am really pleased that you used the word "fair". "Fair"—Minister, you just pulled a face when I repeated the word "fair".

Caroline Nokes: No, I did not. Sorry, I was just flicking, and I hoped that I was going to get to the correct page in my pack and I did not.

Q46 **Lady Hermon:** You will be well aware, because I wrote to you and I have had a signed reply from you, that in the latest amended recruitment drive by the UK Border Force—and I am repeating the UK-wide Border Force, so this is the employer for everyone being recruited across the UK—the criteria being applied in Northern Ireland are discriminatory, as compared to the criteria used in Scotland, Wales and England. Military service in Northern Ireland is not a key criterion, as compared to Scotland, Wales and England. How is that recruitment procedure fair, or indeed legal? It is discriminatory, patently discriminatory.

Caroline Nokes: It is not a requirement, but it can still be taken into consideration.

Q47 **Lady Hermon:** Not on an equal or fair basis with military service anywhere else in the United Kingdom.

Caroline Nokes: I would argue that it is on an equal basis, but it is not a requirement that people should have had it.

Q48 **Lady Hermon:** Oh, it is absolutely not a requirement, quite the opposite. If one had military service in England, Scotland or Wales it was the key criterion, but in Northern Ireland service, for example, in the Royal Irish Regiment was not going to be the key criterion. It is not treated on an equal basis with applicants from England, Scotland or Wales. How can that happen in what you have described as a fair process?

Caroline Nokes: You described it as not a key criterion, but of course anybody's experience is looked at and considered.

Q49 **Lady Hermon:** No, it was not. For example, military experience in England, Scotland or Wales was the key criterion, so if an applicant did



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not have two A-levels their military experience counted. It was the top criterion, but in Northern Ireland it was academic qualifications, two A-levels, rather than their military experience that counted. That is clearly discriminatory. At the last Northern Ireland Questions, the Secretary of State for Northern Ireland indicated, in reply to the Right Honourable Member for Lagan Valley, that she had taken this up with the Home Office. What representations were made by the Secretary of State for Northern Ireland to the Home Office, and what was the outcome of those representations?

Caroline Nokes: One point that I would like to make is that the requirement was removed in Northern Ireland by Border Force, following concerns that had been raised by the Equality Commission for Northern Ireland on using military and law enforcement as a specific criterion. When it comes to specific representations made to me by the Secretary of State for Northern Ireland, I am not aware of any specific representations. That does not mean they have not come into the Department, but I have not seen them.

Q50 **Lady Hermon:** The Secretary of State for Northern Ireland has not spoken to you about this issue.

Caroline Nokes: No, I do not believe so.

Q51 **Lady Hermon:** I have to say that is absolutely astonishing. It is a really serious issue, in terms of discrimination against those who have served in the armed forces in Northern Ireland. It has affected a large number of people, who feel extremely hurt and offended by it, by a British Government that claim that they always salute those who have served Queen and country. When it comes to applying to the UK Border Force, that does not seem to hold true. Perhaps, when the Secretary of State for Northern Ireland has spoken to the Home Office, you could come back to us and just tell us.

Caroline Nokes: I would be happy to confirm any representations that she has already made, and indeed any future representations that she might make on this subject.

Q52 **Lady Hermon:** Has that discriminatory procedure now been dropped because of intervention? I understand that the Equality Commission has indicated that it should be fair across the board.

Caroline Nokes: The information I have is that the removal of the criterion was necessary to ensure compliance with the Fair Employment and Treatment (Northern Ireland) Order 1998.

Q53 **Lady Hermon:** What would that mean? What did that contain?

Caroline Nokes: That means the Equality Commission for Northern Ireland raised this as a concern and we were obliged to remove it. It still means that we can take into account the experience and the knowledge of people who have worked in the military and law enforcement. Current and former members are free to apply for all our recruitment campaigns,



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but this was a concern that was raised with us by the Equality Commission for Northern Ireland.

Q54 **Lady Hermon:** Why did the Equality Commission see fit to raise it with you? What was their reason for doing that, do you think?

Caroline Nokes: They wanted it to be compliant with the Fair Employment and Treatment (Northern Ireland) Order.

Q55 **Lady Hermon:** Yes, your letter to me quoted that particular order, but what does that mean in substance? How does that translate into reality? What possible issue could the Equality Commission have been concerned about?

Caroline Nokes: I cannot answer as to what the specific concern was.

Q56 **Lady Hermon:** Was this again a mistake having been made by the UK Border Force? This is their recruitment drive, so is the mistake made by them or is it made by your Department?

Caroline Nokes: The Border Force is part of the Home Office, but it is important that we make sure that all our recruitment campaigns are compliant with equality legislation.

Lady Hermon: Particularly when it is across the United Kingdom. It is UK Border Force recruitment. We would like to think that in fact it was fair across the United Kingdom. I am sure you would agree with that.

Chair: Lady Hermon, can I interrupt? I know Kate Hoey is bursting to come in and then we will come back.

Lady Hermon: Yes, of course, please.

Q57 **Kate Hoey:** This is amazing. I find this quite shocking, really. Can you just say who will have read that Equality Commission submission? That is public, presumably.

Caroline Nokes: I would assume that it is public, but that will have gone to the Border Force, which was running the recruitment campaign.

Q58 **Kate Hoey:** This decision would have been made by an official, not by a Minister.

Caroline Nokes: Yes.

Q59 **Kate Hoey:** You knew nothing about it until—

Caroline Nokes: Until it was raised publicly because of the issues that Lady Hermon is discussing.

Q60 **Kate Hoey:** Again, getting back to almost the original questions that we were talking to you about, do you think it is fair that people in Northern Ireland, part of the United Kingdom, are treated so differently?

Caroline Nokes: We have to respect the Equality Commission on this.



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Q61 **Kate Hoey:** Have you read the Equality Commission submission?

Caroline Nokes: No.

Kate Hoey: Mr Chairman, can we ask formally to get that from the Equality Commission? I would like to read it.

Q62 **Chair:** I think so. Minister, you really must read this, because these are extremely sensitive issues. I would expect a report of this sort from the Equality Commission to be considered by the Minister ultimately making the decision, so that she can make an informed determination on this issue.

Caroline Nokes: This is not a ministerial decision. This was a recruitment campaign by Border Force.

Q63 **Chair:** Minister, you are in charge of your Department.

Caroline Nokes: Absolutely, but you just said "before a Minister made the decision" and it was not a ministerial decision.

Q64 **Chair:** You need to know this stuff. If your officials are doing this kind of thing without your knowledge, I would suggest you go back to officials and ask the basis on which they are making their decision. These matters, as you have heard today, are of the most enormous sensitivity in the context of Northern Ireland.

Caroline Nokes: I absolutely respect that, but recruitment campaigns cannot be done at a ministerial level. This is an official.

Q65 **Chair:** The framework in which those decisions are made has to be exposed to Ministers, I suggest to you. It seems to me, on the basis of what we have heard today in evidence, that this is an area where there has been something of an omission. I would ask you to go back to your Department and ask what is going on.

Caroline Nokes: Yes, absolutely. I am very happy to do that.

Q66 **Lady Hermon:** Minister, when your letter came through to me, it was dated Friday 11 May 2018. On that very same day, the Secretary of State for Northern Ireland published her consultation on how we are going to deal with the legacy of the past. On the covering letter, on the front page of that consultation paper, the Secretary of State signed off a letter in which she said that her Government, the current Government, could not repeat often enough the pledge and the recognition that the British Government have of the courage and the sacrifice of our armed forces. That was the pledge given by the Secretary of State, on behalf of the Government, to those who served in the armed forces.

I would suggest to you that the letter you signed off to me was clearly discriminatory in the recruitment procedure for UK border officials and ought to be abandoned forthwith. It is clearly discriminatory and does not salute the courage and service of those in Northern Ireland who served courageously with the Royal Irish Regiment or other forces from Northern



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Ireland. Could I have your commitment that that policy will be withdrawn when you go back to your Department?

Caroline Nokes: It is really important that we act within the law, and do not discriminate against anybody in our recruitment processes and in our advertisements.

Q67 **Lady Hermon:** But you have.

Caroline Nokes: That is your view. I do not believe that we have been discriminatory and we have worked hard to make sure that our recruitment processes meet the requirements of the Equality Commission.

Q68 **Lady Hermon:** You are saying that in the absence of having read the advice from the Equality Commission, which you have confirmed you have not seen.

Caroline Nokes: I have to take the guidance of my officials that we have acted within the requirements of the Equality Commission.

Q69 **Lady Hermon:** You are unaware of the arguments that were made by the Equality Commission.

Caroline Nokes: I have accepted that my officials have said we have acted within the requirements of the Equality Commission.

Lady Hermon: I suggest that is not good enough. Thank you so much. I may come back later.

Q70 **Conor McGinn:** Minister, I understand that you cannot make immigration policy for the whole of the UK on an ad hoc basis and that this is quite tortuous. For me, it is quite clear that the people that Gregory refers to are British. It is a fundamental inequality. Post-partition, you had people on either side of the border who felt they were under the wrong jurisdiction. That anomaly was righted as per the Good Friday agreement for Irish citizens, people who felt they were Irish who lived in Northern Ireland or were born in Northern Ireland. That same equality, that same parity of esteem, has not been extended to people in Northern Ireland who are British.

The reason I get so exercised about Brexit and the border is because it is an incredibly porous border and there are links right across it. The towns of Donegal, Cavan, Monaghan, Sligo, Leitrim, right across to Louth, are intrinsically linked with counties in Northern Ireland. People live their lives and families have generations across both. The people Gregory referred to may have, for want of a better term, by accident of birth been born in Letterkenny or Dundalk, but their people, their hinterland and their home are in County Derry, County Armagh or wherever it is. They are British and they feel British.

Do you understand that, Minister? Do you accept that? The language that you have used about EU citizens, Irish citizens, the 27 and UK citizenship would be a huge insult to those people who are as proudly and



patriotically British as my constituents in St Helens, or indeed your constituents. Do you get that?

Caroline Nokes: I do not wish to insult anyone. I absolutely accept that it is an incredibly long and porous land border that has, in many instances, absolutely no footpath or roadway to indicate where the border might fall. I was at the British-Irish Council some months ago when we had pointed out to us the analogy of cattle crossing the border. One minute they were in Northern Ireland and the next minute they were in Ireland. They did not know when they were crossing, and how could they?

Ian Paisley: They actually do know, because the cattle in the south for some reason do not have tuberculosis.

Caroline Nokes: Thank you for that. It is an incredibly long border that has no demarcation points. I had it very firmly explained to me at that event in Jersey that, for communities and individuals—

Conor McGinn: I get all that, but the fundamental point is that people—

Caroline Nokes: I do not want to insult anyone, but I am very conscious that I have to uphold our immigration rules as they are, the naturalisation rules and the routes to apply for a passport.

Q71 **Conor McGinn:** I get that, but do you know what the funny thing is? There has been a lot in the news over the last four or five weeks where, when you have got a policy wrong, like on Windrush, you have been able to change it to suit those specific circumstances. What I want to hear from you today, Minister, is that it is difficult, it is complicated, but you are going to go away from here, you are going to have a look at it, and you are going to see if it can be changed.

I am glad to welcome colleagues to the friends and cheerleaders of the Good Friday agreement club. The serious point is that, for me, this goes to the heart of it. My friends, family and neighbours where I come from in County Armagh have had their Irishness validated. They were born and they live in Northern Ireland but they are Irish. They choose to be Irish. They choose to be both, which is my right as well. My family, friends and neighbours who live in the same part of the world who are British, who want to be British and profess their Britishness, cannot, because of an accident of birth, for example if they were born in a hospital across the border.

It is not as if these are people who have travelled into Northern Ireland on some sojourn or through a lifestyle choice. They are instinctively from Northern Ireland. They may have been born outside the jurisdiction, but they may only have spent a matter of hours there before coming back in. Surely we can look at those cases, with help from Members of Parliament, institutions in Northern Ireland, and correct the wrong.

Caroline Nokes: It would be fair to say I am anxious that I should say nothing that disrupts or upsets the Belfast agreement. That has to be an



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absolute imperative. However, when reflecting upon the evidence that I had to give today, I could not help but notice one of the immigration Acts referred to in this pack is the 1971 Immigration Act. You will all be conscious over the last six weeks or so how much scrutiny that Act has come under. It would be fair to say that, when reflecting upon Windrush, I am very conscious that there may well be other groups of people who are in a similarly difficult situation.

However, what I cannot do today is change anything on the hoof. I have to reflect upon what have been very clearly expressed as very strong feelings. I think we are all very conscious that—I hesitate to say “accidents of birth”—this is something that we, as an individual, hold no control over. Our parents decide where we are born, if we are lucky. If we are unlucky, it can happen anywhere. I am very conscious that there will be people affected as you have outlined. I have absolutely undertaken to the Chairman to go away and reflect in detail upon this.

- Q72 **Conor McGinn:** There is a follow-on from this, and it is not directly the same. I think the point has already been made that, if one is to interpret the Good Friday agreement in the way that I feel it should be, this is an issue specific to Northern Ireland. Irish citizens in Great Britain are anxious or concerned about their status after the UK leaves the European Union. There have been wildly conflicting reports about what the future holds for them. Similarly, there could be a case where a family moved from Dublin to Birmingham when the three children were under the age of 10. They spent their whole lives here, worked, contributed to British society, raised their families here, which have a hybrid British/Irish identity, but fundamentally are good, solid, decent British citizens who helped nurse the sick, teach the children and build this great country that we call home. Can you guarantee that Irish citizens who are resident in Great Britain today will have that right to remain, with all the benefits and privileges they enjoy now, and continue to have that?

Caroline Nokes: Yes.

Conor McGinn: Fine. That clears that up.

- Q73 **Lady Hermon:** What is the basis for your very clear commitment?

Caroline Nokes: There are two elements. First, we take our obligations very seriously. I am very conscious that Irish citizens will continue to have the right, so not Irish citizens who are here today but Irish citizens full stop will still be able to come and go as they always have done, under protected rights that date back to 1922 and the common travel area. We regard them as settled from day one. They have all the access to benefits and services. That will be enduring. We take that very seriously.

- Q74 **Conor McGinn:** That is very reassuring and would be hugely reassuring for the hundreds of thousands of Irish people who live here. Finally, Minister, when you are looking at what seems to be this intractable problem, it might be worth looking as well at the status of those with



either refugee status or leave to remain who live in Northern Ireland. Again, lots of people go back and forward across the border to do their everyday business.

You very helpfully answered a Parliamentary Question that I asked about this by saying that individuals had the right to leave and return to the UK, and their status would be unaffected. I wonder if you might have discussions with your counterparts in the Irish Government, to make sure that people do not feel that they are compromising themselves by travelling south, for example, to attend sporting events or for recreational activities. There is a lot of that.

I am particularly thinking of two young Syrian refugees whose families approached me about the fact they were taking part in a Gaelic football competition south of the border but that they lived in Belfast. They were just seeking assurance that they were doing the right thing and keeping within the rules. The individual case is with your Department, but it might be worth having a look at that as well.

Caroline Nokes: Quite early on as a Minister, I had the opportunity to meet Ministers from the Irish Government. These are really important dialogues that we continue with and of course always will. Our relations with our neighbours are crucially important. You make a really important point, and we have done enormous work over the last few years with resettled communities and refugees.

One of my first acts as Immigration Minister was a statutory instrument on the National Transfer Scheme, which enabled local authorities in Northern Ireland to accept unaccompanied asylum-seeking children. It is crucially important that those children, when their rights are established in the United Kingdom, be allowed to travel as freely as somebody who was born here.

Q75 Ian Paisley: Minister, it is not usual that the nationalists, Unionists, Labour, Conservative, DUP and independent would all say the same thing on this issue of the passport and the amendment required under the Belfast agreement. I am just saying there is no trapdoor in this for you. You should take that as a gift, take this away and say, "That is something positive that I can do, because they are all asking for it". I am just flagging that up to you, as a result of the conversation you have had with various colleagues today.

Could I go back to the issue that Lady Hermon raised about the Equality Commission and these applications that were made for the Border Force people? You said in an answer to her that when the Equality Commission brought this matter to the attention of your officials—I am not quoting you accurately—you were obliged to remove that criterion. Were you obliged to remove it, or were you under an obligation to consider what they had said?



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Caroline Nokes: Equality legislation is law, is it not? As I have said, it was raised by the Equality Commission, and it is important that we make sure that recruitment campaigns act within the law.

- Q76 **Ian Paisley:** The military covenant is also the law. Did the Equality Commission trump the military covenant on this one, or was it even looked at alongside? Was it even challenged? Was there any pushback at all by officials, or did the Equality Commission just come in, wave its flag, blow its whistle and say, "We want that changed"?

Caroline Nokes: I cannot answer the specifics of how it happened. It has been made very clear to us that the recruitment campaign still allowed Border Force to reflect upon military and law enforcement service, but could not make it a specific criterion. Following the Chair's comments, I will certainly go away and scrutinise how this process came about and what happened.

- Q77 **Ian Paisley:** Will you undertake to scrutinise it against the military covenant as well?

Caroline Nokes: Yes.

- Q78 **Ian Paisley:** Thank you. I appreciate that. That is important. Could I turn to the issue of the level of demand for UK passports in the Republic of Ireland? Is there a demand for UK passports in the south of Ireland?

Caroline Nokes: Yes. Apologies if I do not get to the right page, but it is 10,000 or so a year.

- Q79 **Ian Paisley:** Those applicants can apply online.

Caroline Nokes: Yes.

- Q80 **Ian Paisley:** They are not discriminated against or upset in any way by not being able to go to an Irish post office.

Caroline Nokes: There are always going to be different processes for passport applications in different countries. Mr Goodwill made a comment that, if you wish to travel in Italy, you can get an identity card from the town hall. Certainly in Ireland you can get a passport from the post office. You will be aware that in 2014 Her Majesty's Passport Office stopped the practice of issuing passports from the embassy in Dublin. We have been very determined over the last few years to promote digital applications, which certainly are the most efficient, cost effective and simple way to apply for passports. Currently, round about 50% of passports are applied for online. We currently exceed service standard and are routinely returning passports within seven working days.

- Q81 **Ian Paisley:** Turning to the issue of visas for non-EU economic migrants, as you know, we have an issue in Northern Ireland with regards to the Filipino fishermen. You have had numerous discussions about this matter. I wonder if you are able to update the Committee. Those fishermen are bringing in expertise and skill to our fishing fleet, both in Northern Ireland



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and for the Western Isles of Scotland. How are they going to be treated in the years after Brexit?

Caroline Nokes: You will be conscious that an immigration Bill will come forward round about the turn of the year. I have made my view very clear in repeated Select Committee appearances that I want to wait for the Migration Advisory Committee advice, which will be in September. That looks at the labour market across the United Kingdom, the flows of labour, and how different regions and sectors of the economy are impacted by the availability of foreign workers, specifically EU workers. You are absolutely right to point out the issues with the fishing industry and I am very conscious that, as you say, it is not just Northern Ireland but the Scottish fishing fleet with a very heavy reliance on overseas workers, predominantly from outside the EU.

I must reflect upon the need to make sure that migrant workers' rights are protected. It would be fair to say I am concerned about those who must be outside the 12-mile territorial limit for significant periods of time. I am conscious of the abuses that we have seen historically with join ship visas. It is really important that, going forward, we have an immigration system that reflects upon the needs of different sectors of the economy, but is cognisant of the need to uphold workers' rights.

Q82 **Ian Paisley:** You would agree that there has been significant improvement on welfare and rights issues over the years.

Caroline Nokes: Yes, I would. I can well remember you coming to see me on the day the Taylor review of modern working practices came out. I think I made the point to you then about how determined I am to make sure that fishing fleets are making sure that their workers have regular payslips issued to them and that their conditions are upheld. You are right to point out that there have been improvements, which we welcome.

Q83 **Ian Paisley:** We took evidence from the Anglo North Irish Fish Producers Organisation. They pointed out that about 25% of the fishing fleet in Northern Ireland is Filipino or non-EU employees. They also indicated that, before getting to that level, over the last number of years they have run a local employment scheme to try to attract local people into the industry. In their last one, they offered over 50 jobs on the fishing fleet and only two of those opportunities were taken up by locals. There is a significant difficulty in getting local people, but also getting the proper skills and the proper experience.

Going on to the high seas is not something that you just do for the craic, as we would say. It requires training and high skill to get there, and to be aware of the dangers, the loneliness and all the issues that go along with fishing on the high seas. Do you recognise that this problem will need to be rectified very, very quickly to give the fishing industry confidence?

Caroline Nokes: Yes, and it is worth reflecting that this is not a new issue. It is a longstanding one. There are a number of sectors of the



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economy that wish to make the point to me that they can obtain the workforce they need only from overseas, potentially outside the European Union. Of course we will have free movement up until the end of December 2020. I am conscious that when we offered specific visas for those working in the fishing industry—I am trying to avoid using the word fishermen—there was a very low take-up of the visas that were arranged. I think back in 2009 only about 50 of those visas were taken up.

Ian Paisley: “Fishing crew”, we would say.

Caroline Nokes: That is a good term. Thank you.

Q84 **Ian Paisley:** In terms of the issue of customs posts, does that fall into your bailiwick?

Caroline Nokes: The customs regime will ultimately be determined by Her Majesty’s Treasury and HMRC, but of course it will be for Border Force to enforce it.

Q85 **Ian Paisley:** I hope you are aware that, at the weekend, your colleague, the Minister Steve Baker, very kindly put up the photograph of the hard border that the south of Ireland has erected around Northern Ireland, with its customs posts and customs officials gathering fuel samples from cars, right on the Enniskillen border in this particular instance. I am wondering if you have any idea how frequently the south of Ireland erects that hard border.

Caroline Nokes: No, I do not, and I cannot answer for the Irish Republic on how often it might carry out checks like that. I assume that was a check for people using red diesel to make sure that people were paying for the correct type of fuel.

Q86 **Ian Paisley:** Yes. Can I ask it the other way around? Are you aware of how frequently Her Majesty’s Customs and Excise does it in Northern Ireland?

Caroline Nokes: No, I am not.

Q87 **Ian Paisley:** You would not be surprised if it was daily, though, I assume.

Caroline Nokes: It is important that the correct levels of taxation are paid by motorists, among others.

Q88 **Ian Paisley:** Yes, but you would not be surprised if the customs officials in our jurisdiction quite rightly exercised their powers daily.

Caroline Nokes: I would be surprised if it was daily, but it is important that we carry out an appropriate level of checks.

Q89 **Ian Paisley:** We had over £50 million worth stolen from the Treasury last year in Northern Ireland in diesel alone. I would be alarmed if it was not daily, if these checks were available to HMRC.



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Caroline Nokes: I was merely reflecting upon the checks that you might see on the M27 motorway in my own constituency. I think I have seen a red diesel check along there once, since I could drive.

Q90 **Ian Paisley:** Yes. I am talking about a hard border, though, in Newry, Armagh and Donegal—that border. You would not be surprised if those checks were daily, and that is part of our border enforcement. Do you accept that?

Caroline Nokes: I would hope that HMRC carried out checks as appropriate.

Q91 **Kate Hoey:** With respect on that, it is not just red diesel. It is the fact that oil is a completely different price, so they are stopped quite regularly because there is smuggling going on. You have not visited the border yet.

Caroline Nokes: No, I have not.

Q92 **Kate Hoey:** You will see the customs sign up as you go through.

Caroline Nokes: The thing I have been conscious of since coming into this job is that smuggling is a problem. That is why we have highly trained operatives identifying all sorts of substances, items that would be liable to duty or things that we wish to stop coming through the border altogether.

Q93 **Kate Hoey:** Yes, so it is not frictionless.

Caroline Nokes: We are not going to have any infrastructure at the border.

Kate Hoey: No, and they do not have it at the moment, but it is not frictionless.

Conor McGinn: I am sure you are not comparing fuel smugglers and criminals to people who cross the border every day to go about their daily lives, traders and things like that. We are talking about two different things, are we not? We are talking about law enforcement, which is absolutely essential, and any impingement upon the rights of ordinary citizens to go about their everyday lives.

Chair: Yes, that point is well made. We will perhaps return to that at a future date.

Q94 **Lady Hermon:** I did indicate I might want to come back. In response to questions from my colleague, Mr McGinn, the common travel area was mentioned several times. The common travel area of course only benefits those who are British citizens and Irish citizens. How is it proposed to take back control of the border in Northern Ireland post-Brexit, in terms of other EU nationals who come into the Republic of Ireland to exercise their free movement of workers rights, as they are perfectly entitled to do? The Republic of Ireland stays within the EU; the UK is leaving, so how are we taking back control?



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Caroline Nokes: When it comes to the movement of goods, this is a matter that is to be discussed at the June Council.

Q95 **Lady Hermon:** Yes, absolutely. It is not actually goods.

Caroline Nokes: It is people.

Q96 **Lady Hermon:** I talked about the common travel area, so it is actually people.

Caroline Nokes: At the moment we can carry out checks on third-country nationals who might, for example, fly into Dublin, come across into Northern Ireland and then seek to get a ferry to Great Britain. We can carry out those checks at the moment.

Q97 **Lady Hermon:** How do we carry out those checks? They fly into Dublin Airport. They fly into Shannon. You say we can carry out those checks when they come across the border. How do we know?

Caroline Nokes: We are able to do that at ports for third-country nationals. Going forward, we will have to reflect upon the best way to manage the issue of movement of people who are EU citizens. It is one of the significant challenges that withdrawal from the European Union is giving us.

Q98 **Lady Hermon:** Yes, but the mantra was that we were taking back control of our borders. I am just asking you how we are going to do that in south Armagh. How are we going to do that right along the border in Northern Ireland? The common travel area only benefits British and Irish citizens. How are we to know whether someone coming across the border is an Irish citizen?

Caroline Nokes: We have been very clear that we respect the common travel area. There are challenges that the decision to leave the EU is posing to us. As I said, we can carry out checks on third-country nationals at the moment. The future immigration system post-EU exit is something that we will have to work out how to practically and effectively implement, without reverting to what nobody wants, which is a hard border.

Q99 **Kate Hoey:** But they will not be able to get a job, will they? They will not be able to get a national insurance number if they are illegal, and we can send them back, which we cannot at the moment.

Caroline Nokes: Yes, absolutely.

Kate Hoey: There is not a problem really.

Lady Hermon: Sorry, forgive me. Minister, please respond.

Caroline Nokes: Of course, we have a range of policies at the moment for people who have come into the United Kingdom without any leave to be here. The hon. Lady is absolutely right. They do not have any right to rent property. They cannot work. We have the ability to prevent them



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accessing healthcare and benefits. Members of the Committee will be very aware of the challenges it poses to us if you have a significant illegal population.

Q100 **Conor McGinn:** If they come into Northern Ireland from the Republic of Ireland, I assume the majority of them want to then travel on to Great Britain. Of course, they can be checked at the other place where we do not want to see a hard border, but where checks do take place, which is between Northern Ireland and the rest of the UK.

Caroline Nokes: That is only for third-country nationals. We do not check those who are entitled to move freely within the common travel area and will not.

Q101 **Lady Hermon:** How does one know that without asking for identification? I would like to know, when I travel from Northern Ireland as a British citizen—I go to Cairnryan or I fly to Heathrow—how I will be sure that I can rely upon my right to move within the United Kingdom without being asked to identify myself.

Caroline Nokes: That is the challenge. We are determined to make sure that both Irish citizens and British citizens retain the right, while making sure that those who do not have that ability to travel freely are restricted from doing so. As I have said, currently we are perfectly entitled to make checks at ports of people who are from outside the EU, and we do that.

Q102 **Lady Hermon:** So everyone will be checked.

Caroline Nokes: No, absolutely not, because we have to allow and support free movement of those within the common travel area who are entitled to do so. It is absolutely right to point out that this is a massive challenge to us, which we are currently working on.

Q103 **Lady Hermon:** You are saying clearly today that, for those who are Irish citizens and British citizens, and able to benefit from the common travel area, there will be no checks on their passports, on their identification, moving anywhere within the United Kingdom. That is what you are telling us today.

Caroline Nokes: We absolutely respect that. It is worth reflecting that some airlines in particular already require passports.

Q104 **Lady Hermon:** But this would not be a government policy. There will be no checks on those British and Irish citizens travelling anywhere in the UK.

Caroline Nokes: I do not believe we can do that. We do not want to do that. We respect the right of people within the common travel area to travel freely. It is a right that has existed for decades and we support it.

Q105 **Lady Hermon:** Fantastic. In terms of UK border officials, how many are we recruiting in Northern Ireland?



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Caroline Nokes: I do not have the number broken down to those we are recruiting in Northern Ireland. We have an aspiration to reach 1,500 additional Border Force officers to be recruited.

Q106 **Lady Hermon:** You do not have the number for Northern Ireland.

Caroline Nokes: No, I cannot give that broken down by region.

Q107 **Lady Hermon:** But you would be able to.

Caroline Nokes: I assume that information is available.

Q108 **Lady Hermon:** One would assume, before you started the recruitment drive, you would understand how many you needed for Northern Ireland, England, Scotland and Wales. As a matter of interest, obviously some will be deployed in Northern Ireland, so what is the plan? We have started the recruitment drive. We have been through that in the early part of the evidence. We are not going over that again, but where exactly are they going to be deployed?

Caroline Nokes: There will be a range of roles at entry ports and across the United Kingdom.

Q109 **Lady Hermon:** We are talking about Northern Ireland, so the entry ports in terms of Northern Ireland.

Caroline Nokes: The detailed deployment plans sit very firmly with Border Force officials and I would not expect, as Minister, to be able to dictate to them how many people I wanted to see where. That is for them to decide, operatively, going forward, what the best solutions are.

Q110 **Lady Hermon:** As the Minister in charge of this Department, you are not aware of the plans of the UK Border Force to deploy officers in Northern Ireland.

Caroline Nokes: Not the numbers, no.

Q111 **Lady Hermon:** As a Minister sitting before us today, in a Government that have claimed they are taking back control, so we are taking back control, you do not know where we are taking back control in Northern Ireland, in terms of people coming to Northern Ireland. That is what you are telling us today.

Caroline Nokes: I am telling you that these are detailed operational requirements of Border Force.

Q112 **Lady Hermon:** Perhaps you could go back to them after this evidence session.

Caroline Nokes: I will certainly find out how many additional Border Force officers will be sought to be deployed in Northern Ireland.

Q113 **Lady Hermon:** Yes, and perhaps where they are going to be located. That would be very helpful to the Committee.



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Caroline Nokes: Yes, certainly.

Lady Hermon: Thank you so much.

Q114 **Chair:** Minister, thank you ever so much for being with us this afternoon. We have covered a great deal of ground. As you probably realise, matters that relate to Northern Ireland are rarely straightforward. I perceive that your officials will be filling your Whitsun red box with copies of the Good Friday and St Andrews agreements—

Caroline Nokes: I hope so.

Chair: And indeed the determination made by the Equality Commission and its submission to Border Force in relation to the recruitment of Border Force personnel for Northern Ireland. You undertook to look into the primary matter that we raised with you today. That is what appears to be an inequitable handling of people resident in Northern Ireland. We are very grateful to you for that. I shall be writing to you with a synopsis of all that and inviting you to respond with the detail of what you propose to do so. Thank you very much indeed for being with us.