

Lord Jay of Ewelme

Chair, Protocol on Ireland/Northern Ireland Sub-Committee

Home Office,

By email to hlprotocol@parliament.uk

15th March 2023

Dear Lord Jay,

I am writing to you in follow up to my previous letter on the ETA and its application on the Ireland/Northern Ireland land border.

As you will have seen in the ETA rules laid down in Parliament on 10th March, Minister Jenrick decided not to extend the exemption achieved for Non-Visa-National residents of the Republic of Ireland, to tourists. This is hugely disappointing given the engagement that took place to try and mitigate against the catastrophic impact this will have on our sector and on international visitors to Ireland.

We received a response from the Minister of Immigration, on 15th March, setting out the reasons that he did not grant the exemption. The Minister stated:- 'Ultimately, an exemption of this vein would undermine the rationale for introducing an ETA scheme and the opportunity the scheme provides to further secure the Common Travel Area.'

The Minister also stated in his letter to NITA:- 'The UK will not operate routine immigration controls on journeys from within the Common Travel Area, with no immigration controls whatsoever on the Ireland-Northern Ireland land border'

In reality, the Home Office are already undermining the rationale of their policy, with the land border being the only part of the UK that will have no immigration checks and not treated as a direct port of entry. An exemption for tourists crossing the land border will have no impact for the UK policy but has detrimental consequences for Northern Ireland.

Having reviewed the detail of the rules published last week, our situation is worse than we imagined. The rules allow for a 3 working day processing time of ETA applications and as such this will put an end to spontaneous trips to NI. As I have stated previously, this will impact on the 70% of overseas tourists who arrive in RoI and cross the land border into NI and puts 25% of our total tourism revenue at risk. In addition, the ramifications include:

- Legal Jeopardy – the majority of tourists who come to the Island of Ireland are not aware that there is a land border and therefore could end up in legal jeopardy by accident.

- Reputational damage - it has taken 15 years to develop Global Operators and we are at risk of them removing Ireland and/or Northern Ireland from itineraries.
- Sustainability of private sector businesses who have invested to provide international standout for Northern Ireland and have a business model based on overseas visitors

As we come up to the 25th Anniversary of the Good Friday Agreement, of which Tourism is one of the six areas of co-operation between the UK and Irish Governments, this decision may not be a technical breach of the agreement but it does not reflect the spirit of the agreement and jeopardises the successful all-Island collaboration, co-operation and investment that has been so critical to the transformation of overseas tourism to Northern Ireland and the development of the wide ranging and diverse businesses within the sector .

We continue to have the full cross-party support of NI MPs and we fully believe that an exemption for tourists crossing the land-border is a sensible option with minimal impact on the UK policy. These tourists account for only 1% of total overseas visitors to UK.

Due to the Minister of Immigration laying down the rules using the negative resolution procedure, our immediate options to have the rules amended are limited. Gavin Robinson MP has tabled a motion of regret for the ETA resolution as laid down on 10th March and our politicians are requesting a Westminster Hall debate.

From our understanding of the Negative Resolution procedure, peers in the House of Lords may also table a motion to annul a piece of secondary legislation and force a debate on the motion. In addition, peers can table a motion of regret to enable concerns to be expressed.

We greatly appreciate your assistance and support in this matter to date and would ask the Committee to continue to support our case through the procedures open to peers and writing to Minister for Immigration, Robert Jenrick.

Do not hesitate to come back to me should you require further information and I am very happy to meet with the committee if appropriate.

Yours sincerely,



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