

26 February 2021

Dear Chair,

I am writing to you in the context of the Committee's inquiry on "Citizenship and Passport Processes in Northern Ireland", and as Ambassador of Ireland, to reflect the position of the Irish Government on the issue, which I hope may be helpful to the Committee in their deliberations.

The Good Friday Agreement sought to respond creatively to complex and sensitive questions of citizenship and identity. In the Agreement, our Governments "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". It is for each Government to implement the citizenship and identity provisions of the Agreement. The means by which this is done in each jurisdiction may vary somewhat, given different statutory approaches and administrative systems.

Irish citizenship law was amended in 2001 to take account of the identity and citizenship commitments under the Good Friday Agreement. Section 6 of the Irish Nationality and Citizenship Act 1956 was amended to provide for an entitlement to Irish citizenship for people born on the island, as regulated further by law. Importantly, the entitlement is the same, whether someone is born North or South - there is no differential basis for citizenship. Irish law also provides for conferral of citizenship by descent, automatically so if one parent is an Irish citizen. This also applies for all citizens equally, regardless of place of birth, whether on the island of Ireland or abroad. The Irish Government's position has always been that approaches which respect the letter and spirit of the Agreement are required. Where issues arise they should be addressed generously in a way that avoids any difference in entitlements between people in Northern Ireland based on citizenship.

The Government has consistently made the point that people in Northern Ireland should not be faced with a situation where they are required to renounce Irish or British citizenship in order to access an entitlement. We have also underlined that it needs to be ensured that everyone has access to the same rights and entitlements, regardless of whether they identify as Irish or British, or both.

UK exit from the EU has naturally raised particular concerns for people in Northern Ireland with respect to their citizenship, and related rights and entitlements. Ensuring that the citizenship and

identity provisions of the Good Friday Agreement are upheld in all relevant areas in this context is vitally important, and it is something that the Irish and British Governments have engaged on, and will continue to engage extensively on throughout the period ahead.

As the Committee will be aware, Irish citizens continue to have EU citizenship wherever they reside, The EU rights of Irish , and therefore EU, citizens from Northern Ireland are specifically addressed in the Ireland/Northern Ireland Protocol, which confirms that Irish citizens in Northern Ireland, “will continue to enjoy, exercise and have access to rights, opportunities and benefits” that come with EU citizenship.

The Protocol also provides for no diminution of the rights, safeguards and equality of opportunity provided for the people of Northern Ireland. The United Kingdom has set out its commitments in this respect, as well as on the operation of the dedicated mechanism which will be established as part of its implementation of this commitment. The Committee will likely have seen that in March 2020, the Joint Committee of the Irish Human Rights and Equality Commission and the Northern Ireland Human Rights Commission published a paper on *‘Continuing EU Citizenship Rights, Opportunities and Benefits in Northern Ireland after Brexit’*. That paper is a valuable contribution and the Government is giving careful consideration to it and the Joint Committee’s views. In addition to the proposals in that paper, there may also be other options to consider on enhancing confidence in the effectiveness of these important provisions of the Good Friday Agreement.

Both Governments have also committed to addressing issues of this nature through the framework of the British Irish Intergovernmental Conference (BIIGC). I know that our Governments will share the view that it is essential to ensure that the citizenship and identity provisions of the Good Friday Agreement are upheld in all relevant areas and that all the people of Northern Ireland can have full confidence in them.

I hope the foregoing is of assistance to the Committee in its inquiry.

Yours sincerely,

Adrian

Adrian O’Neill
Ambassador

Embassy of Ireland

February 2021