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**The Rt. Hon. Conor Burns MP
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Thank you for your letter to the Secretary of State of 25 January, to which I have been asked to reply. I appreciate the Committee taking the time to write on the matter of the Electronic Travel Authorisation ('ETA') scheme and the Nationality and Borders Bill ('the Bill'), and I hope this letter will address those questions.

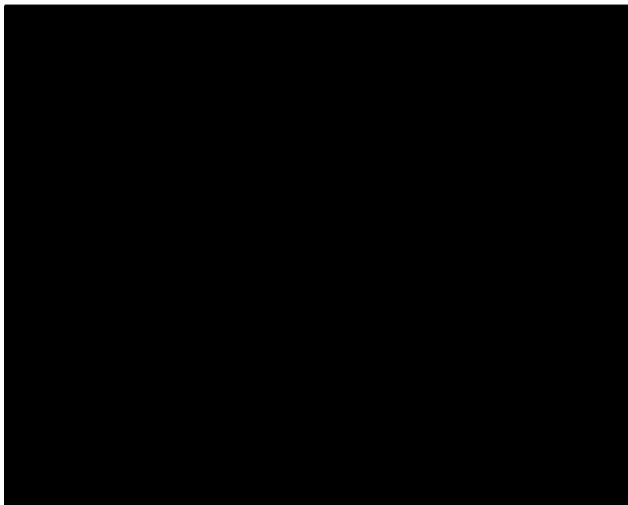
The Government is fully committed to protecting the rights of British and Irish citizens afforded to them under the Common Travel Area ('CTA'). The Bill respects these reciprocal rights and entitlements and, as now, the UK will not operate routine immigration controls on journeys from within the CTA. The Government also recognises the particular circumstances on the Ireland-Northern Ireland border and the communities who live and work on both sides. I can assure you that there will continue to be no immigration controls whatsoever on the Ireland-Northern Ireland land border.

Although the Bill contains a provision to establish an ETA scheme, it prevents this from applying to British and Irish citizens and those with any form of existing UK immigration status. As such, those who work cross-border at present using a Frontier Worker permit will also be unaffected by the introduction of an ETA requirement.

For those who do require an ETA, once granted, this will be valid for multiple journeys over an extended period, minimising the burden on those making frequent trips, including those involved in the supply chains to which you refer. This approach will help protect the CTA against abuse as far as possible, ensure British and Irish citizens continue to enjoy its full benefits, and prevent duplication.

The Bill is clear that it will be a matter for the Immigration Rules to set out how an ETA may be applied for, the conditions (if any) that must be met, and the grounds on which one could be refused.

I am grateful to the Committee for bringing these matters to my attention.





Committee for the Executive Office

The Rt. Hon. Brandon Lewis CBE MP
Secretary of State for Northern Ireland
Northern Ireland Office
Stormont House
Belfast
BT4 3SH

25 January 2022

Dear Brandon,

NATIONALITY AND BORDERS BILL – ELECTRONIC TRAVEL AUTHORISATION (ETA) REQUIREMENTS

At its meeting on 19 January 2022, the Committee for the Executive Office considered correspondence from the House of Lords European Affairs Sub-Committee on the Protocol on Ireland/Northern Ireland and from the Northern Ireland Human Rights Commission, in relation to the Nationality and Borders Bill, particularly Clause 71 and the possible implications of the Electronic Travel Authorisation (ETA) requirements for the Ireland/Northern Ireland border.

The correspondence highlights a number of specific areas of concern, including (but not limited to):

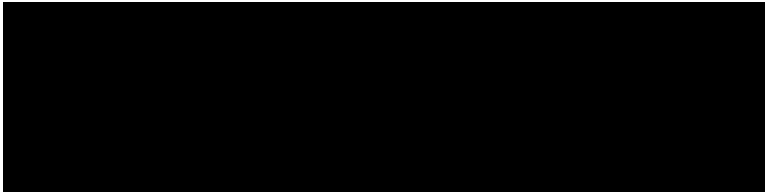
- the entirety of the ETA requirements
- absence of detail of how the ETA scheme will work in practice
- the exemption of British and Irish nationals and those with UK immigration status from ETA requirements and the resultant risk of racial profiling during any proposed checks
- no provision (in the rules as currently formulated) for a review or appeal from a decision to refuse an ETA application
- whether/how frontier worker permits interact with an ETA
- compatibility with continued operation of the Common Travel Area

- possible negative impacts on tourism and supply chains across the island as a whole

The Committee agreed that I should write to you endorsing the concerns raised by the Sub-Committee and the Commission and seeking your assurance that no legislation that results in any form of “hardening” of the Ireland/Northern Ireland border will be enacted.

I look forward to your earliest response.

Yours sincerely,



Sinéad McLaughlin MLA
Chairperson, Committee for the Executive Office

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