



**Coimisiún na hÉireann um Chearta  
an Duine agus Comhionannas**  
Irish Human Rights and Equality Commission

Sent by post and email: commissioner@garda.ie  
Cc. Helen Hall, CEO of the Policing Authority

Commissioner Drew Harris  
An Garda Síochána Headquarters  
Phoenix Park Dublin 8  
D08 HN3X

28 April 2022

Dear Commissioner Harris,

I write on behalf of the Irish Human Rights and Equality Commission, Ireland's National Human Rights Institution and National Equality Body.

I'm contacting you personally on a matter which continues to be brought to our attention by a number of civil society organisations, and which we have been asked to look into in respect of our own statutory mandate. Specifically the operation by the Garda National Immigration Bureau (GNIB) of selective passport checks on buses that cross the border while undertaking journeys within the Ireland-UK Common Travel Area (CTA).

The Commission has engaged directly with the Policing Authority (PA) on this matter and welcomes the engagement from AGS with the PA, including in the recent Policing Authority meeting of February 24. We are also engaged through our formal role set out under Article 2 of the Ireland /Northern Ireland Protocol with our equivalent commissions in Northern Ireland, and in this role have corresponded with both Governments on this, and other related matters.

The Commission has noted from the February 24 public discussion and from our correspondence with the PA that the position of the Garda Síochána remains that the training provided to members of the GNIB "would prevent immigration personnel targeting / profiling specific groups of people during immigration checks."

I ask you, as Garda Commissioner, to please clarify in more detail the implementation of section 11 of the *Immigration Act 2004* in respect of this recorded and sustained activity.

Can you confirm, as has been shared with us by the Policing Authority, that all such Garda checks are now being done on a blanket rather than individualised checking basis which sees everyone on vehicles such as cross-border buses or cars stopped for such inspections asked for identification documents? Has this been the situation from the outset of such checks, or is this a more recent development?

Are such checks being carried out by Gardaí on passengers on buses leaving Dublin airport for Northern Ireland, and if so when did this process begin?

Can AGS please confirm how frequently such checks of all cross-border passengers on such stopped vehicles are taking place?

In regard to such blanket ID checks, do you share our understanding of the the 'non-national' exemption under Section 11 (4) of the *Immigration Act 2004*, that it creates a power to require

the carrying and provision on demand of passports from most non-EU nationals but not from Irish or British citizens or other citizens exercising EU treaty rights?

Finally, we understand from the meeting with the Policing Authority where this issue was discussed that a review is currently underway of all immigration related instructions. This is a positive step and I would be grateful if you could please share with us any information on this process and its expected timeline.

I welcome any information you can share with the Irish Human Rights and Equality Commission on this matter, and I would be happy to meet with you in person if that's helpful.

Is mise le meas,



**Sinéad Gibney**  
Chief Commissioner