



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

Sent by email to minister@dfa.ie

Minister Simon Coveney T.D.
Minister for Foreign Affairs and Minister for Defence,
Iveagh House,
80 St Stephen's Green,
Dublin 2, D02 VY53

Dublin, 31 January 2022

Re: The Nationality and Borders Bill and Electronic Travel Authorisation

Dear Minister Coveney,

I write to you directly on the UK Government's legislative proposals to introduce an Electronic Travel Authorisation ('ETA') for entry to the United Kingdom, and to request a meeting with you on this and other current human rights and equality matters.

The ETA is contained in Clause 71 of the Nationality and Borders Bill currently before the House of Lords in the UK. Clause 71 of that legislation requires an ETA for all non-British citizens who require leave to enter the UK when travelling from Ireland to the UK. Although Irish citizens by virtue of the Immigration Act 1971 are excluded, a significant number of individuals who do not hold a recognised UK immigration status will be affected, despite free travel on the island of Ireland under the current system.

The imposition of restrictions and checks engages Article 8 ECHR (the right to private and family life), particularly of those who cross the border to shop, work, access services or visit family. Those are daily activities for many living in border communities. In fact, it is estimated that there are over 30,000 such journeys daily.

Any increase in the nature or scale of restrictions and checks is likely to negatively impact upon the Article 8 rights of a significant number of people.



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We are very aware of the positive work done by the Irish Government in respect of protecting North-South co-operation and the Common Travel Area, and so ask again for your direct engagement on this issue.

Despite the current guidance stating that individuals will not go through immigration control at the land border between Ireland and Northern Ireland, it is clear that these new proposals will have an impact on movement across the border. Not least, they might increase the risk of racial profiling.

Our colleagues in the Northern Ireland Human Rights Commission and the Equality Commission of Northern Ireland, with whom we work closely under the terms of the Good Friday Agreement and more recently the Optional Protocol, have raised these issues directly with the Secretary of State for the Home Department.

We recommend that all journeys into Northern Ireland that originate from Ireland be exempt from the ETA and would appreciate your consideration of and response to this suggestion. This is more consistent with the aims of the Common Travel Area and would protect the enjoyment of private and family life on the island, and in border areas in particular.

I again request an in-person meeting with you on this specific issue, and also in respect of our Commission's equality and human rights work with your Department, including within your role as Minister for Defence.

Is mise le meas,

Sinéad Gibney
Chief Commissioner