



BRITISH-IRISH INTER-PARLIAMENTARY BODY
COMHLACHT IDIR-PHARLAIMINTEACH NA BREATAINE
AGUS NA hÉIREANN

33rd PLENARY SESSION

**IMPLICATIONS FOR THE COMMON TRAVEL AREA OF THE INTRODUCTION OF
BRITISH IDENTITY CARDS**

REPORT FROM COMMITTEE A AT 32ND PLENARY SESSION

RESPONSE BY BRITISH GOVERNMENT



Home Office

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Rt Hon Paul Murphy MP
Chair
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Dear Paul

REPORT BY COMMITTEE A ON ID CARDS AND THE COMMON TRAVEL AREA

Thank you for your letter of 17 July to John Reid enclosing the proceedings of the Body's meeting of 24 April, together with Committee A's report on the Implications for the Common Travel Area of the introduction of British ID Cards

I welcome this report as part of the dialogue which takes place between the UK and Irish Governments at both Ministerial and official level, and am happy to respond on behalf of the Government about those issues which directly concern ID Cards. My colleague Liam Byrne, Minister of State for Immigration, Citizenship and Nationality, is responding separately on those issues which relate to e-borders

We would welcome further interaction with the Committee as part of the ongoing debate between our two administrations

Yours sincerely

JOAN RYAN

BRITISH IRISH INTER-PARLIAMENTARY BODY

REPORT FROM COMMITTEE A POLITICAL AND SOVEREIGN AFFAIRS

THE IMPLICATIONS OF THE INTRODUCTION OF BRITISH ID CARDS FOR THE COMMON TRAVEL AREA

Response from the British Government

Introduction

1 The British Government welcomes this report and the contribution it has made to the ongoing dialogue between the two administrations on plans for the introduction of Identity Cards in the United Kingdom. We welcome too the good relations which have been built up between us at both Ministerial and official level as a result of this dialogue.

2 This response will address first the specific conclusions and recommendations made by the Committee, in respect of Identity Cards, before responding in more detail to some of the substance. A separate response will be provided in respect of e-borders.

The Committee's conclusions

3 The Committee concluded that the British Government had not considered in any great detail the implications of the introduction of an ID Cards scheme from an Irish perspective. We are surprised that they should have come to this conclusion. As we have made clear in published documents, including the original Memorandum to the Committee of 6 April 2005, and informally, we have consulted both the Irish government and Irish interests in the UK. The dialogue is continuing, and we are happy to have the opportunity to progress it in responding to this report.

4 The Committee concluded that the introduction of ID Cards, in tandem with other initiatives such as e-borders, had the potential to affect significantly the operation of the Common Travel Area. There are of course many current initiatives relating to the way in which travellers are documented and identity and travel documents are issued, at EU level and more widely. E-borders is one example, others are the recording of biometrics in the visa application process and the introduction of biometric residence permits and biometric passports in the EU. All these initiatives can be seen as part of the ongoing movement, worldwide, towards more secure means of identification.

5 A parallel development is the increasingly common requirement for some form of photographic identification for flights within the Common Travel Area, and increased security checks within airports for such flights. Those requirements are ones which are imposed by airlines and airports rather than being requirements of immigration law. As the Committee recognised in its debate on 25 April 2006, such developments have an effect on the practical operation of the Common Travel Area. We would agree with that point, but would note that the developments have impacted as much on air travel within the UK as they have on air travel between the UK and Ireland. What we are not, however, persuaded of is the proposition that the introduction of ID Cards in itself will have an impact on the principle underlying the

CTA – namely, movement within the area without routine immigration checks. It will not. The effect will simply be that those who hold an ID Card will have an additional means of satisfying requirements for photographic identification.

6 The Committee expressed concern that a “not valid for travel” endorsement on the plain card without nationality could cause confusion within the CTA. The Government agrees and our current plans do not include such an endorsement.

The Committee’s recommendations

7 The Committee recommended that the two Governments continue to engage in dialogue and consultation with a view to resolve any possible anomalies affecting Irish citizens as a result of the introduction of ID Cards. We are happy to accept this, and welcome the positive nature of the relationships which have been built up over time. We would welcome the involvement of the Committee in future debate.

8 The Committee recommended that the British Government

- ensure that the integrity of the Common Travel Area is preserved in the implementation of its ID card proposals,
- similarly give proper consideration to any possible impact on the operation of the CTA in developing e-borders,
- in implementing the ID Cards proposals, give due consideration to the sensitivities of residents of Northern Ireland – including their rights under the Good Friday Agreement - and of Irish people in Britain.

The Government accepts these recommendations, which are in line with its stated policy, there is more detail on them later in this response. As already explained the operation of e-borders and its possible impact on the CTA will be dealt with separately.

9 There were two further, related recommendations to both Governments

- that in any moves to introduce similar proposals in Ireland the implications vis-a-vis the Irish-British relationship, the position of residents in Northern Ireland, and the Common Travel Area should be considered,
- that future developments as regards ID Cards or similar documents in Ireland and Britain should, as far as possible, aim to achieve compatibility and interoperability across borders.

The British Government is happy to accept these recommendations and will continue to work with the Irish Government in future developments. As far as compatibility and interoperability are concerned, this is an important issue within the EU also. Member States agreed at the December 2005 Justice and Home Affairs Council that certain common minimum standards for national ID Cards were desirable. This will help to ensure the kind of compatibility which the Committee supports. (There is no Community competence to set standards for national ID Cards, this agreement was reached intergovernmentally.)

Nationality on the Identity Card

10 Nationality will appear on the standard UK ID Card issued alongside a passport, or as a stand-alone, as that is necessary in order for the card to be valid for

travel within the EEA¹ (and to other countries if, in the future, bilateral arrangements are made) This aspect of the scheme, which the Government recognises as being particularly significant for those resident in Northern Ireland, has been raised by the Committee We can reassure the Committee that we have been very conscious of this, and of the implications of the Good Friday Agreement²

11 The Committee raised the issue of whether a card could be issued showing both nationalities The Government believes that this would not be possible, it is for sovereign states to issue their nationals with passports and cards performing the function of a passport However it would be possible to issue an Identity Card which indicates the holder's nationality in the form of a Registration Certificate³ In addition, although the card itself could not show both nationalities, the National Identity Register will be able to record more than one nationality This means that an on-line transaction to verify identity could provide a means for the card-holder to assert British or Irish citizenship, or both, irrespective of what nationality – if any – was displayed on the card

Nationality on the Registration Certificate

12 Nationality will appear on those ID Cards which will be issued as a combined document with Registration Certificates, issued under EU free movement legislation Such cards would be part of the family of UK ID Cards, and would also demonstrate the holder's right to exercise Treaty Rights anywhere in the EEA The cards would not be valid for travel (outside the Common Travel Area) Where an Irish national held that particular form of ID Card, it would in no way affect those additional entitlements, such as voting in Parliamentary elections, which derive from his Irish citizenship

The card without nationality (“plain card”)

13 The government's proposals have always included a card without nationality, which would be issued to the same standard as the ID Card with nationality, but which would not be valid for travel (outside the Common Travel Area) This would be available to any British citizen, or subject with right of abode, who did not need, or want, a passport or standalone ID Card with nationality It would also be available to any Irish citizen, irrespective of whether or not they hold a passport in either nationality (or both)

Safeguards

14 It may be helpful here to remind the Committee about some of the safeguards which are written into the Identity Cards Act The Government notes the concern of the Committee about the potential sensitivities relating to the inclusion of personal data on the National Identity Register, particularly in Northern Ireland It is of course the case that personal data of this nature is already held on official databases Moreover, the nature of the data which may be held on the Register is set out in the

¹ This is the EU, plus Iceland, Liechtenstein and Norway, and, as far as free movement is concerned, Switzerland

² This recognised “the birthright of all the people of Northern Ireland to identify themselves as Irish or British, or both, as they may so choose, and accordingly [the British and Irish governments] 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 ”

³ The Identity Cards Act has a provision to allow the status and functionality of an ID Card to be incorporated into another document This is part of the process known as designation in the Act

Identity Cards Act 2006 and this cannot be amended without further legislation. It is important to note that this data does not include any reference to criminal records, tax or other financial details, medical information, religion or ethnicity. The Government takes the security of the Register very seriously, and the Identity Cards Act includes specific offences relating to the unauthorised disclosure of information from, and tampering with, the NIR.

15 It is important also to remember, in all discussions concerning ID Cards, that the Act imposes no requirement for ID Cards to be carried, the possibility of powers within the Bill being used in a way which has the practical consequence of requiring ID Cards to be carried, is expressly excluded by section 13(3). There are penalties associated with the operation of the scheme but these are civil, not criminal, and the vast majority of them will not apply until the scheme becomes compulsory. Compulsion itself will require a further Act of Parliament, and will not be applied to Irish citizens until such time as it applies to British citizens.

16 The Act provides for a National Identity Scheme Commissioner to keep under review the operation of the scheme. And of course the operation of the scheme will be subject to Human Rights and Data Protection legislation, as well as the Freedom of Information Act.

Conclusion

17 The Government remains happy to continue this dialogue with the Committee and would be pleased to respond further to any of the points raised in their report.

**Identity and Passport Service
Home Office**

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