



**BRITISH-IRISH
INTER-PARLIAMENTARY BODY**

**COMHLACHT IDIR-PHARLAIMINTEACH
NA BREATAINE AGUS NA hÉIREANN**

REPORT

from

COMMITTEE A (Sovereign Matters)

on

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

Session No 32, Killarney April 2006

Executive Summary

The British ID Card Bill which became law on 30 March 2006 foresees the introduction of Identity Cards in the UK on a phased basis from 2008. It is proposed that the scheme will be introduced initially on a voluntary basis, with those applying to renew their passports having the option to request an ID card. The individual's personal details will be entered on the NIR at this stage, regardless of whether a card is requested or not. However, from 2010, it is intended that anyone applying for a passport will automatically be issued with an identity card and have their details entered on a National Identity Register (NIR).

There are currently no plans to introduce ID Cards in Ireland. It has been suggested that the introduction of ID Cards in Britain will inevitably mean that Ireland must follow suit. Much will depend on the detail of the British proposals, and in particular, the extent to which they impact on Irish citizens living, working and travelling in Britain.

The British ID Card proposals raise a number of issues of concern from an Irish perspective. These fall into three main categories:

1. Implications for Irish Citizens in Great Britain or Northern Ireland
2. Consistency with the Good Friday Agreement
3. Movement by Irish citizens within the Common Travel Area

In addition, there could be ramifications in respect of British citizens resident in Ireland who may occasionally visit or work in Britain, particularly if they were resistant to being registered and/or holding a British Identity Card.

These issues are considered in detail below. Members of Committee A have raised their concerns directly with both Governments and details of their responses are also provided.

Based on the evidence it has received, the Committee concludes that:

- the potential implications from an Irish perspective, which are unique to the Irish-British situation, were not considered in any great detail prior to the enactment of the British ID Cards legislation
- the introduction of British ID Cards, in tandem with other initiatives such as e-Borders, have the potential to affect significantly the operation of the Common Travel Area that exists between Ireland and Britain.

The Committee makes the following recommendations:

- that the two Governments continue to engage in dialogue and consultation with a view to resolving any possible anomalies that may arise vis-à-vis Irish citizens as a result of the introduction of British ID Cards;
- That the British Government:
 - in formulating the detail of and implementing its ID Card proposals, ensures that the integrity of the Common Travel Area is maintained;
 - in developing the e-Borders initiative, similarly gives proper consideration to any possible impact on the operation of the CTA;
 - in implementing the ID Card proposals, gives due consideration to the particular sensitivities of residents of Northern Ireland - including their rights under the terms of the Good Friday Agreement - as well as the sensitivities of some Irish people residing in Britain.
- that any moves to introduce similar proposals in Ireland should also consider the implications vis-à-vis the Irish-British relationship, the position of NI residents, and the CTA;
- that future developments as regards ID Cards and/or other similar documents in Ireland and Britain should, in so far as practical, aim to achieve compatibility and interoperability across borders;

The Committee proposes to revisit this issue as the implementation date draws closer when the details of the scheme have been further elaborated.

Background

At its meeting at the 30th Plenary Session of the BIIPB in Bundoran in March 2005, Committee A agreed to commence an inquiry into the possible implications of the introduction of ID Cards in Britain and Northern Ireland for the Common Travel Area. The Committee appointed Jim O'Keeffe TD and Andrew MacKinlay MP to act as rapporteurs on the inquiry.

The Committee initially sought and received written views from the Home Office and the Department of Justice, Equality & Law Reform. An interim oral report was delivered by the Chairman of the Committee, Deputy O'Keeffe TD, to the 31st Plenary Session in Edinburgh in November 2005. At this plenary, the Committee agreed to seek meetings with the Home Office and the Department of Justice, Equality and Law Reform with a view to presenting a final report to the 32nd plenary session of the Body.

Scope of Report

While the main focus of the inquiry was the possible implications for the Common Travel Area that exists between Ireland and Britain, in the course of their discussions,

the Committee raised general issues of relevance from an Irish perspective. These issues included the possible implications for Irish residents in Britain, the particular sensitivities for residents of Northern Ireland, and the position of cross-border workers. The Committee also became aware of separate initiatives which may similarly have a bearing on future developments such as the British e-Borders initiative and the Irish Public Service Card proposals.

Situation in Europe

Most members of the European Union have voluntary or compulsory identity cards. The only Member States without any current form of identity card scheme are Britain, Ireland, Denmark, Latvia and Lithuania. In general national identity cards are recognised for travel within the EU.

Most EU countries have a national register, or issue citizens at birth a personal number for use in a wide range of circumstances, such as paying tax, opening a bank account or claiming benefits. Many cards have a biometric, in the sense that they incorporate a fingerprint, and some are compulsory to carry and produce on request. A number of countries are considering options for more sophisticated biometrics, including in relation to passports. This is part of a general trend towards increased security of identity documents driven by a number of factors including new requirements with regard to international travel as well as domestic concerns, such as combating terrorism and identity fraud. Both Ireland and Britain are currently developing proposals for the introduction of sophisticated biometrics in passports. This is partly in response to US requirements for countries wishing to remain within the US Visa Waiver scheme. In Britain, it is also intended to introduce interviews for passport applicants.

Situation in Britain - ID Cards Bill

An ID Card Bill for Great Britain and Northern Ireland was passed by the Houses of Parliament on 29 March with the Bill receiving Royal Assent and becoming law on 30 March 2006. The ID Card Act proposes the introduction of a national Identity Card and the establishment of a **National Identity Register (NIR)**. The Bill saw lengthy debate in both Houses of Parliament; contentious issues included costs, the compulsory issuing of cards, and the proposal to link the issue of ID cards to the renewal of passports.

The exact date for the issue of the first ID cards is not clear but should be between 2008 and 2009. Cards will firstly be issued on a voluntary basis to those who request them when renewing their passports. The individual's personal details will be entered on the NIR at this stage, regardless of whether a card is requested or not. Information to be entered on the NIR will include name, place and date of birth, current and all previous addresses in the UK and elsewhere, residential status, other ID numbers and physical characteristics. From 2010 anyone applying for a passport will automatically be issued with a card and, as before, have their details entered on

the NIR. Fresh legislation will be required to introduce a second compulsory phase of the scheme.

Reasons cited by the British Government for the introduction of ID Cards are:

- to tackle illegal working and immigration abuse
- to disrupt the use of false and multiple identities by organised criminals and those involved in terrorist activity
- to help protect people from identity fraud and theft
- to ensure free public services are only used by those entitled to them
- to enable easier and more convenient access to public services

Situation in Ireland

There are currently no plans to introduce ID Cards in Ireland. The Minister for Justice, Equality & Law Reform has previously stated that he does not personally favour the introduction of ID Cards and remains to be convinced of their usefulness. However, the Minister has acknowledged that the introduction of ID Cards in Britain may result in pressure to introduce a similar scheme in Ireland. No Irish political party has to date expressed a view on the introduction of ID Cards in Ireland. Any future moves to develop ID Card proposals are likely to be policy, rather than politically, driven.

The Irish Government has announced its intention to develop a **Public Service Card**. One of the primary stated aims of the Government in developing such a card is the need to facilitate secure authentication of identity, including for access to essential services. It is expected that the Public Service Card will replace a number of existing cards such as the Social Services Card, Medical Card etc. Although the Public Service Card will not be an Identity Card, in practice, it will fulfil many similar functions. It is not envisaged that the Public Service Card would be valid for travel.

Common Travel Area

The Common Travel Area (CTA) refers to the fact that citizens of Ireland, the United Kingdom, the Isle of Man, and the Channel Islands may travel between their countries without a passport. The CTA applies only to citizens of these countries and does not extend to a common visa system. British and Irish citizens may live and work freely in each other's countries and may vote in general elections of either or both countries.

Currently there are no border checks between the Republic of Ireland and Northern Ireland. There are also no routine checks when travelling by sea to or from Britain, or in British airports when arriving from the CTA. However, there are document checks in all airports in the republic of Ireland.

Issues arising from the introduction of British ID Card Proposals from an Irish perspective

The specific issues which arise from an Irish perspective in the context of the introduction of ID Cards in Britain fall roughly into three categories:

1. Implications for Irish Citizens in Great Britain or Northern Ireland

A question arises as to the status of citizens residing in Great Britain or Northern Ireland who would wish their Identity Card to state their nationality as Irish. Indications from the Home Office are that a card - stating nationality as Irish - might be issued. However, the "Irish" card would not have the same status as the standard British ID Card, and would be broadly equivalent to a residence permit issued to other EEA nationals. It is not clear how this would reflect the fact that Irish citizens residing in Britain have greater entitlements than other EEA nationals (ex. in relation to voting).

The proposal to include personal data on a National Identity Register may prove sensitive to Irish citizens residing in Britain and could pose particular difficulties for residents of Northern Ireland.

2. Compatibility with the Good Friday Agreement

The GFA confirmed "the birthright of all the people of Northern Ireland to identify themselves as Irish or British, or both, as they may so choose". The current proposals do not envisage a card allowing for dual nationality. The Home Office has indicated that the concerns of those in Northern Ireland who do not wish to be identified as British will be met by a "plain card" which could be identical to the "British" ID card except that it would not state any nationality. This proposal raises concerns with regard to the potential for discriminatory treatment as a result of designation or non-designation of citizenship.

3. Implications for the Common Travel Area

Currently, under Irish and British Immigration Law, all passengers are required to be in possession of a travel document when they arrive at the frontiers of either jurisdiction from outside the common travel area. This does not apply in respect of Irish and British citizens travelling within the Common Travel Area. The position of the Home Office has consistently been that the introduction of ID Cards has no implications for the operation of the CTA.

However, a possible anomaly could arise whereby Irish people working but not resident in Britain would be in possession of neither an ID Card (like British residents) nor a passport (like other non-British nationals). Such a person would have no means of identifying themselves as Irish - and therefore entitled to travel freely within the CTA. The Home Office has indicated that such a person could apply for a "plain" ID card on a voluntary basis. The plain card, unlike the regular British card, will not be valid as a

travel document and would be marked "not valid for travel". While there would appear to be no reason why this card could not be used for travel within the CTA, there is considerable potential for confusion to arise in practice.

The introduction of identity cards might also affect a British citizen residing in Ireland. Such a person might be permitted to, but may not wish to, apply for a British ID Card.

The British Government **e-Borders initiative** foresees additional obligations being placed on air, sea and rail carriers which bring people to the United Kingdom. Carriers will be required to supply in advance passenger information gleaned from secure ID documents electronically to the UK Joint Borders Operation Centre prior to boarding a passenger for the UK. The possibility that the British Government might apply the e-Borders programme to travel between Ireland and Britain would almost certainly have implications for the CTA. The possibility of security checks, where passengers might be asked to produce an ID Card, on road, rail and air routes between Ireland and Northern Ireland, is of particular concern and could have potential implications for cross-border workers in particular.

British Government Response regarding 'Irish' Issues

In seeking a memorandum from the British Government on the subject of its inquiry, the Committee asked the Home Office to address in general terms the implications of the provisions contained in the Bill for the CTA, and to identify the matters which the Government has taken into account in drafting the Bill when considering those implications. The Committee also requested an account of any consultations which had taken place on the subject at both Ministerial and official level with representatives of the Irish Government.

The Committee specifically raised the following questions:

Q. How would Irish nationals visiting the UK (who under the terms of the CTA are not required to carry a passport), be expected to prove their identity?

Q. How would the proposals affect Irish Nationals residing in the UK?

The British Government response is contained in the memorandum attached to this report (Appendix I). In summary, the Home Office stated that nothing in the ID Cards proposals would change anyone's status or entitlements in any way. The status of Irish citizens in the United Kingdom is guaranteed by the provisions of the British Nationality Act 1948, the Ireland Act 1949, and the Good Friday Agreement^[1]. The British Government recognised the need for the scheme to reflect these provisions. The memorandum further stated that movement within the CTA would not be affected by the identity cards scheme. Irish nationals resident in the United Kingdom would be able to apply for ID cards in the same way as British nationals. There would

be two versions of the card - one with nationality and one without. Only the version with nationality would be valid for travel within the EU. The memorandum suggested that it might also be possible for Irish citizens who were frequent visitors to obtain an identity card if they would find this of benefit when they were in the UK.

Meeting with Andy Burnham MP, British Home Office

Members of Committee A met with Andy Burnham MP, Parliamentary Under-Secretary at the British Home Office on 24 January 2006.

The following Committee members were present at the meeting:

Jim O'Keeffe TD (Chair), John Carty TD, Lord Dubs, Senator Brian Hayes, Andrew Mackinlay MP, Senator Martin Mansergh, Michael Mates MP, Liz O'Donnell TD, Senator Brendan Ryan and Lord Smith of Clifton.

Mr Burnham briefed the Committee on the ID Card proposals, the rationale behind them, and key features of the scheme. Mr Burnham stated that the principal motivation behind the introduction of ID Cards was the need to combat identity fraud. The key tool in the Bill would be the National Identity Register (NIR).

Mr. Burnham addressed the specific concerns raised by the Committee from an Irish perspective. He stated that the introduction of ID cards would not affect the operation of the CTA. Mr. Burnham noted however that people were increasingly being asked to provide ID for travel within the area, in particular by airlines. When the scheme became compulsory, people would have to register, but would not have to carry an ID card. Irish citizens resident in the UK would have to register, but would have the option of applying for cards with no indication of nationality. Such cards, unlike the regular card, would not be valid for travel within the EU.

Asked about the implications for cross-border workers, Mr. Burnham noted that as ID Cards were for *residents* of the UK, residents of the Republic would not be obliged to carry them. They would be able to come and go without a passport or ID Card. However, the Bill would make provision for such people to voluntarily apply for ID cards if they thought it would be beneficial.

The Committee raised the question of whether the ID Card would be used for the purposes of voting in elections. There were potential benefits to be had in terms of combating electoral fraud by ensuring that all citizens were in possession of secure photo ID. Mr. Burnham responded that ID Cards would not necessarily be used for this purpose initially. However, it was possible that the NIR could be linked to the voter register over the longer term.

It was confirmed that ID Cards would only be issued to those over 16 years of age.

The Committee suggested that the issue of cost could cause resentment, particularly amongst older Irish citizens living in Britain who might not necessarily be in

possession of a passport. Mr. Burnham replied that such people could apply for a stand-alone card (ie. without a passport) at a cost of £30.

The Committee suggested that not all residents of Northern Ireland would wish to carry an ID card stating their nationality as British. Under the terms of the Good Friday Agreement, citizens of NI could choose to identify themselves as Irish or British, or both. Mr. Burnham acknowledged that there were a number of outstanding issues to be resolved.

Irish Government views with regard to possible implications of the introduction of British ID Cards

The Committee requested a short paper from the Department of Justice, Equality and Law Reform setting out the Government's views on the proposed ID Cards scheme and on the likely implications for the CTA. The response of the Department of Justice, Equality and Law Reform is contained in the memorandum attached to this report (Appendix II).

The memorandum notes that the Department of Justice, Equality and Law Reform (JELR) has been monitoring closely developments in the United Kingdom with particular interest on the likely effect of the ID Card proposals on the CTA. The Government has received assurances from the Home Office that the introduction of British ID Cards will not necessitate the establishment of an Irish ID Card. The Irish Government has further been assured that there is nothing in the ID Card proposals that would have any major effect on the CTA. There are currently no plans to introduce ID Cards in Ireland. However, if such a scheme were considered at some future state, the Minister believes that it should be preceded by a wide public consultation process and a constructive debate.

There have been a number of contacts between the British and Irish Governments - both at political and official level - with regard to the British ID Card proposals. The Minister has raised particular issues of concern from an Irish perspective including the position of cross border workers and the position of Irish Citizens in NI. He is expected to meet again with British Home Secretary, Charles Clarke MP in the near future.

Meeting with Minister for Justice, Equality and Law Reform

The two rapporteurs of Committee A on the ID Cards inquiry, Deputy O'Keeffe and Mr. Mackinlay, met with the Minister for Justice, Equality and Law Reform, Michael McDowell TD, on 12 April 2006. The rapporteurs had a general discussion with the Minister and his officials regarding possible implications for Irish citizens and the CTA of the proposed introduction of ID Cards in Britain. The possibility of ID Cards being introduced in Ireland at some point in the future was also discussed.

Minister McDowell noted that there is currently no system of ID Cards in Ireland. Any decision to introduce cards in the future was likely to be policy driven.

The Minister noted that the introduction of British ID Cards could result in a possible anomaly whereby Irish residents would carry neither a British ID Card (like British residents) nor a passport (like other non-British nationals) because of the CTA.

The Minister expressed some concern over the situation which might arise for residents of NI who might not wish to be identified as British - as is their right under the terms of the Good Friday Agreement. The proposed introduction of ID Cards posed particular problems for this category of people.

The Minister referred to the current Irish Government proposals to introduce a Public Service Card. This card, which related to access to services, would have some similarities with the British ID Card although it would not be an ID Card. The Chairman expressed the view that any proposals to introduce *similar types of cards* in Ireland and Britain should address the issues of compatibility and interoperability at an early stage.

The Minister noted that he had raised issues of concern from an Irish perspective directly with the Home Secretary and expected to meet with him again in the coming weeks.

Summary of Findings

The British ID Card proposals raise a number of issues of concern from an Irish perspective. The obligation to hold an ID Card will be based on British residency. An Irish person resident in Britain will therefore be obliged to hold a British ID Card.

The status of Irish citizens in the United Kingdom is guaranteed by the provisions of the British Nationality Act 1948, the Ireland Act 1949, and the Good Friday Agreement^[2]. However, the proposal that Irish citizens in Great Britain or Northern Ireland would be issued with a card stating nationality as "Irish" or with no nationality ("plain" card), which would have a *different status* from the regular British card raises concerns about the potential for discriminatory treatment.

The British Government has stated that ID cards will not affect the operation of the CTA. However, where ID Cards are introduced at a time when the British Government is also implementing its eBorders initiative, it is difficult to see how carriers entering Ireland and travelling between Ireland and Britain would be exempt from requesting people to prove their identity.

As regards those citizens who travel regularly to the UK for work or business (cross-border workers), the Bill provides for British citizens residing in Ireland voluntarily to register should they so wish. No decision has been taken on whether Irish citizens who travel to the UK regularly for work would also be able to register.

Conclusions and Recommendations

Based on the evidence it has received, the Committee concludes that:

- the potential implications from an Irish perspective, which are unique to the Irish-British situation, were not considered in any great detail prior to the enactment of the British ID Cards legislation
- the introduction of British ID Cards, in tandem with other initiatives such as e-Borders, have the potential to affect significantly the operation of the Common Travel Area that exists between Ireland and Britain.

The Committee makes the following recommendations:

- that the two Governments continue to engage in dialogue and consultation with a view to resolving any possible anomalies that may arise vis-à-vis Irish citizens as a result of the introduction of British ID Cards;
- That the British Government:
 - in formulating the detail of and implementing its ID Card proposals, ensures that the integrity of the Common Travel Area is maintained;
 - in developing the e-Borders initiative, similarly gives proper consideration to any possible impact on the operation of the CTA;
 - in implementing the ID Card proposals, gives due consideration to the particular sensitivities of residents of Northern Ireland, including their rights under the terms of the Good Friday Agreement, as well as the sensitivities of some Irish people residing in Britain.
- that any moves to introduce similar proposals in Ireland should also consider the implications vis-à-vis the Irish-British relationship, the position of NI residents, and the CTA;
- that future developments as regards ID Cards and/or other similar documents in Ireland and Britain should, in so far as is practical, aim to achieve compatibility and interoperability across borders;

The Committee proposes to revisit this issue as the implementation date draws closer when the details of the scheme have been further elaborated.

1 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."

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."

APPENDIX I

BRITISH IRISH INTER-PARLIAMENTARY BODY (COMMITTEE A)

IMPLICATIONS OF THE IDENTITY CARDS BILL FOR THE COMMON TRAVEL AREA

Memorandum from the British Government

General remarks

1. The British Government is grateful to the British Irish Inter-Parliamentary Body for its interest in the Identity Cards Bill, and is pleased to respond to their request for a memorandum.
2. This memorandum examines the issues which relate to the Common Travel Area and the position of Irish nationals more generally. To put this into context it may be helpful if we repeat here the aims of the scheme. These are:
 - to tackle illegal working and immigration abuse;
 - to disrupt the use of false and multiple identities by organised criminals and those involved in terrorist activity;
 - to help protect people from identity fraud and theft;
 - to ensure free public services are only used by those entitled to them;
 - to enable easier and more convenient access to public services.
3. A key element of the scheme will be the establishment of the National Identity Register. It will be a highly secure database holding data to be used to prove or verify identity. We should like to take this opportunity to reassure the Committee that nothing in our proposals would change anyone's status or entitlements in any way. It will simply make it easier for people to demonstrate their identity and status by providing a secure government-issued form of identity.
4. In formulating its proposals the Government has been mindful, not only of the aims of the scheme, but also of its legal obligations. In the case of Irish citizens this means that we recognise the need for the scheme to reflect the provisions of the British Nationality Act 1948, the Ireland Act 1949 and the Good Friday Agreement^[3]. The status of Irish citizens in the United Kingdom is guaranteed by these. We also recognise that any Irish citizens who wish to do so may choose to exercise Treaty rights as citizens of an EU Member State.

In addition the provisions of the 1971 Immigration Act which established the Common Travel Area[4] are highly relevant to Irish citizens.

5. There have been discussions between the United Kingdom and Irish governments at both official and Ministerial level since the scheme was first proposed, and government publications relating to Identity Cards have been sent to the Irish Embassy in London and the Irish government. There are regular bilaterals between the Home Secretary and the Minister for Justice, Equality and Law Reform. Home Office officials visited Dublin in February 2005, and there has been regular informal contact between the Home Office and the Irish Embassy. Officials from the Identity Cards Programme spoke at a meeting of the Federation of Irish Societies on 22 May 2004. Senior officials from the Immigration and Nationality Directorate of the Home Office regularly meet officials from the Irish government to discuss matters of common interest, which include ID[5] cards.

Specific questions

6. The Committee asks specifically about the position of Irish nationals visiting the UK should registration become compulsory in the future, and of Irish nationals residing in the UK. In both cases they are not currently required to hold any proof of identity.

7. The first point to note is that the Identity Cards Bill will impact on Irish citizens resident within the United Kingdom in the same way as it will on British citizens resident within the United Kingdom. It follows, therefore, that registration will not be compulsory for Irish citizens until it is compulsory for British citizens. Furthermore, neither British nor Irish citizens will be required to register unless they are resident in the United Kingdom.

8. Movement within the Common Travel Area will not be affected by the identity cards scheme. Anyone, be they British, Irish or nationals of another country, will be able to travel within the area in the same way as they do now, without routine immigration checks. Airlines, and other carriers operating within the CTA are now routinely demanding photographic identification for check-in, but this is not, of course, an immigration requirement imposed by the Government. This is likely to still be the case when ID cards are introduced, but it does not affect the principle of the area which is the freedom to travel without routine immigration checks.

9. Irish nationals resident in the United Kingdom will be able to apply for ID cards in the same way as British nationals will. It is expected that most UK nationals will obtain an ID card when applying for passport renewal. However, anyone who wishes to do so may instead apply for a free-standing card, which will be available in two versions, either with or without

nationality on the face of the card. Those Irish nationals who are eligible for a British passport may choose either; those who are not will be eligible for the version without nationality. The version with nationality could be used for travel within the EU.

10. The position of Irish nationals who visit the United Kingdom for periods shorter than the period to be specified under powers in the Identity Cards Bill is, as the Committee appreciates, rather different, in that they will not be required to register when it becomes compulsory for residents to do so. However, the Identity Cards Bill will allow for applications for registration to be made when someone is not required to do so. So it would be possible for Irish citizens who were frequent visitors to obtain an identity card if they would find this of benefit while they were in the UK.

Change to the operation of the Common Travel Area

11. There will be one change resulting from the introduction of UK identity cards. This is a reduction in the length of a short visit visa from 6 months to 3 months. All the partners in the Common Travel Area have been informed of the change which will apply throughout the Common Travel Area and will be effected in the UK by an amendment to the Immigration Rules. The change will not affect travel within the Common Travel Area itself.

Other issues

12. Some issues relating to the Common Travel Area have been raised by organisations commenting on the government's proposals. JUSTICE, the human rights and law reform group, have written about what they see as the practicalities of using ID cards within the area. They believe that the Common Travel Area would no longer be able to exist when a UK ID cards scheme comes into operation because the Irish authorities would need to install card readers. We do not accept this view. Identity documents are not routinely required for travel within the area, and the level of checks would be a matter for the authority concerned.

13. A related issue is the common perception that the Common Travel Area will only be able to operate if Ireland itself introduces identity cards, as otherwise there would be a fundamental loophole in the ID card proposals. Again, we do not accept this view. It is for the Irish government to decide whether or not it wishes to introduce identity cards.

14. It may be appropriate to mention here moves towards enhanced security features in passports and other travel documents. The US requirements for biometrics in passports to enable visitors to take advantage of the visa waiver scheme will mean that many countries will be upgrading their national passports. The EU, in the Hague programme for future work in Justice and

Home Affairs, has called for work to be undertaken on improving the security of national identity cards in the EU.

Conclusion

15. The Government would be happy to expand on any of the points raised here and to engage in further dialogue with the Committee.

Home Office

Identity Cards Programme

6th April 2005

3 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."

4 The Common Travel Area covers Ireland, the United Kingdom, the Channel Islands and the Isle of Man.

5 The term "ID cards" is a generic one, which includes identity cards issued to British and Irish citizens, as well as residence permits and other documents issued to foreign nationals.

APPENDIX 1

Memorandum from the Department of Justice, Equality and Law Reform

British Irish Inter-Parliamentary Body (Committee A) Inquiry into ID Cards and the Common Travel Area

General Remarks

1. The Department of Justice, Equality and Law Reform is grateful to the Committee for its inquiry into the issue of Identity Cards and the implications for the Common Travel Area and looks forward to its report.
2. This Department has been monitoring closely developments in the United Kingdom with a particular interest in the effects of the Identity Card Programme on the Common Travel Area. This is also an issue for the Department of Foreign Affairs.
3. There has been some speculation in the media that the introduction of the Identity Card Scheme in the UK will necessitate the establishment of an Irish Identity Card. Officials from this Department have held meetings with

officials from the Home Office and they have been assured that this is not the case. The UK officials have also assured us that there is nothing in their proposals that would have any major effect on the common travel area and that all nationalities will be able to travel within the Common Travel Area in the exact same way as they do currently.

4. The Minister for Justice, Equality and Law Reform, Michael McDowell, T.D., is on the record as being reluctant to recommend the introduction of such a scheme in Ireland at this time. He believes that it alters the balance of the relationship between the citizen and the state. If such a scheme was to be considered at some future stage, the Minister believes there should be a wide public consultation process and a constructive debate.

5. The Minister met with the Home Secretary, the Right Honourable Charles Clarke, MP, on 24 February, 2005. Following a general discussion on the proposed scheme, the Minister raised other issues such as the position of cross border workers and the position of Irish Citizens in Northern Ireland. The Home Secretary undertook to speak to the Secretary of State for Northern Ireland about these issues.

6. The Minister will be happy to meet with the Committee at a future date.

Department of Justice, Equality and Law Reform
24 November 2005