

Brexit and cross-border workers on the island of Ireland

Annmarie O’Kane, Border People project Briefing Paper, October 2018



The screenshot shows the homepage of the 'borderpeople' website. The header includes the Centre for Cross Border Studies logo, the site name 'borderpeople' with the tagline 'crossing the border to live, work, study, retire', and navigation links for A-Z, Categories, FAQs, Brexit Hub, Events, Policy, and Media & News. There are also social media icons for Facebook, Twitter, and LinkedIn, and a 'Donate' button. The main content area features a blue background with the text: 'Crossing the border regularly? Need cross border information? We're here to help.' Below this, it says 'I'm crossing the border to...' followed by four image-based categories: 'Live' (a family), 'Work' (a man in a car), 'Study' (a man and a child at a desk), and 'Retire' (an elderly couple). At the bottom, there is a yellow search bar with the text 'Site Search | Find out information on cross border taxation, social security, job seeking and much more' and a 'SEARCH' button. To the right of the search bar are links for 'Categories' and 'Frequently Asked Questions'. The footer includes the logo of the Department of Foreign Affairs and Trade, with the text 'An Roinn Gnóthaí Eachtracha agus Trádála' and 'Department of Foreign Affairs and Trade'.

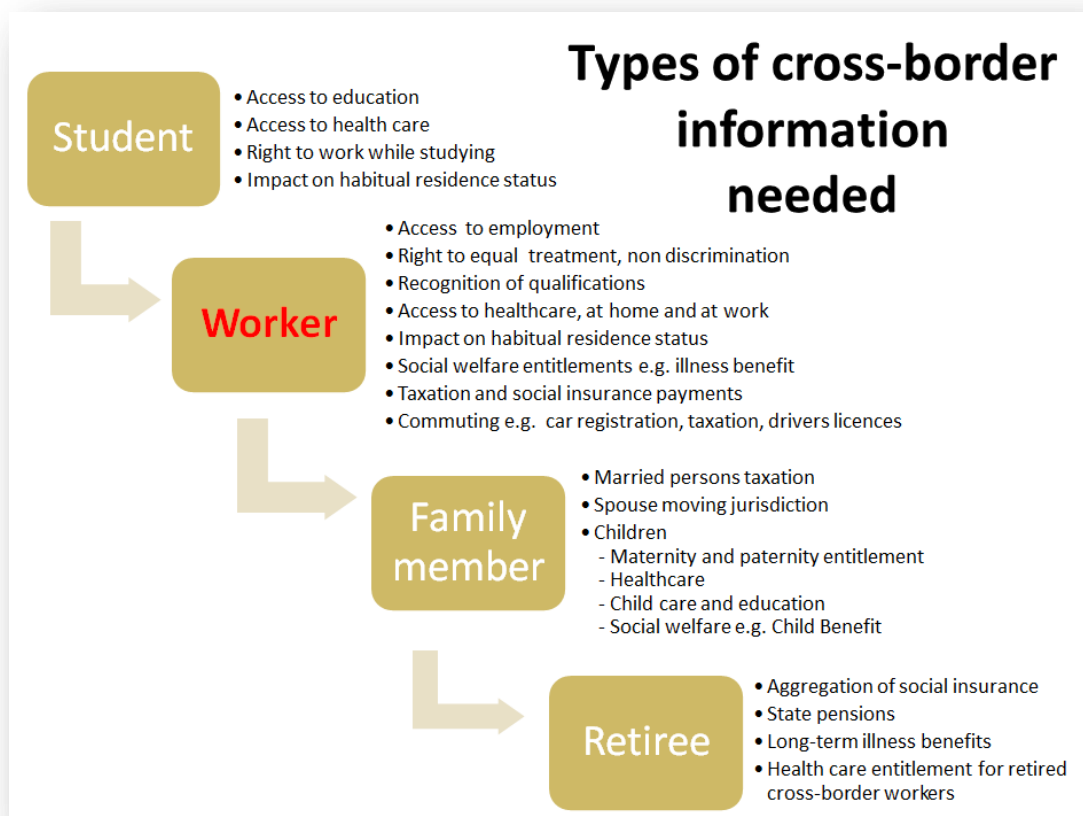
As the Brexit negotiations continue, so do the lives of people living along the border between Ireland and Northern Ireland. Thousands of individuals crisscross the border each day as they go about their lives.

Their reasons for crossing the border are not extraordinary – taking the kids to school, using the closest airport, going to work, visiting family, attending sporting events, buying the weekly groceries. For most people the open border is not a hindrance and often not even a consideration, the biggest inconvenience possibly being the need for two purses: one for Euros and the other for Sterling.

These and many other issues arise daily for thousands of families, and in order to manage their cross-border lives they need access to information. That’s where the Border People project helps out. It provides online information on cross-border issues, tailored to suit the needs of UK and Irish citizens, as EU citizens.¹

¹ [Brexit: implications for cross-border lives](#), A. O’Kane article for UK in A Changing Europe, 21 May 2018

It is commonplace for thousands² of workers to cross the border between Ireland and Northern Ireland every week. Over the course of a working lifetime it is possible for individuals to have worked for numerous employers on both sides of the border, switching between jobs without regard for the border. These workers need a wealth of information to navigate the implications of their cross-border careers.




Since 2007 the Border People project has looked towards EU regulations to explain cross-border workers' rights, entitlements and obligations. It's complicated but it works because of the common denominator – EU citizenship.

Currently we have a cross-border work force that is confident; they know they have a right to

- **Employment**
- **Equal treatment**
- **Have professional qualifications recognised**
- **Access social welfare**
- **Access healthcare, both where they live and where they work**
- **Combine social insurance contributions in order to claim an old age (state) pension**
- **Redress if EU rights are infringed**

² Estimates suggest between 23-29,000 cross-border workers - [Background Evidence on the Movement of People across the Northern Ireland – Ireland Border, Department for the Economy, March 2018](#)

From time to time workers do encounter challenges but the majority of the information needed is quite straightforward and we need very little information to guide a person along the right path.



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Typical questions from cross-border workers

Where do I pay income tax?	}	<i>First two questions we ask</i>
Where do I register my car?		Where do you live?
Where do I claim maternity benefit?	}	Where do you work?
Where do I claim family benefits?		<i>We follow up with ...</i>
Where do I claim my pension?		Do you have a partner
Where do I register for a doctor?		Where do they work?

Answers >>>> EU Regulations

Unfortunately complexities do arise, for instance a cross-border worker may become entangled between the social welfare systems in both jurisdictions – is the Republic of Ireland or Northern Ireland responsible?

Take for example a family living in Newry (NI), Dad works in Newry while Mum works in Dundalk (RoI). They have two children and a third baby is due soon. EU Social Security Coordination kicks in and EU rules ensure Mum's rights are safeguarded should she need access to social security:

1. **Illness benefits** – RoI is responsible for mum's illness benefit
2. **Maternity benefits** – RoI is responsible for mum's upcoming maternity benefit
3. **Family benefits** – employment in both jurisdictions complicates things slightly but in this scenario NI will pay full rate of UK family benefits, and RoI will pay a top-up amount
4. **Unemployment** – NI will pay mum's unemployment benefit should she lose her job, she can export any social insurance contributions paid in RoI to hopefully qualify for a contributions based payment, otherwise she'll be means-tested
5. **Retirement** – RoI potentially responsible for mum's State Pension

Bring Brexit into the equation, EU social security coordination will stop and this situation becomes much more complex; especially if citizens' rights begin to diverge.

As a result of the UK's decision to leave the EU the Border People project now needs to explore alternative sources of rights for cross-border workers and their families e.g. the Common Travel Area and the 1998 peace agreement.


Common Travel Area

- Facilitates movement of people between the UK, Channels Islands, Isle of Man and Ireland
- Applies only to Irish and British Citizens
- Provides the right to enter and live without needing permission
- Ensures access to education, social welfare, healthcare, social housing, and right to vote in local and parliamentary elections
- BUT it is not entirely secured in legislation and may be regarded as an 'arrangement'

1998 Belfast / Good Friday Agreement

- Recognises the birth right of people born in Northern Ireland to identify themselves and be accepted as Irish or British or both
- Human rights and equality protections (currently underpinned by EU legislation and EU Charter of Fundamental Rights!)

Over the years rights within the CTA, the Good Friday Agreement and the EU have become entangled and it is often difficult to fully understand exactly which rights we, as mobile citizens, are exercising at any particular time. Brexit introduces the complex dilemma of having to untangle those rights and to understand how they affect our lives. We will also need to recognise that our rights post-Brexit may be different from family members, friends, neighbours and colleagues.



Diverging rights

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Irish citizens	British citizens	EU citizens
Born in Republic	Born in UK	Born in Republic
Born in N. Ireland	Born in N. Ireland	Born in N. Ireland
Born elsewhere		Born elsewhere in EU

Which rights are we entitled to, which do we use?

- EU rights
- Common Travel Area rights
- Good Friday Agreement rights
- Withdrawal Agreement rights safeguarded

Identity
Discrimination
Minority communities
– Racism – Hostility –
Them versus Us

Given the different rights emerging from Brexit the Border People project and other information providing organisations will need to focus on a person's nationality before being able to guide them. The cross-border questions may stay the same but the answers will depend on diverging rights based on nationality and on whether the person is within the scope of the Withdrawal Agreement.

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Post-Brexit - Types of questions

Where do I pay income tax?
 Where do I register my car?
 Where do I claim maternity benefit?
 Where do I claim family benefits?
 Where do I claim my pension?
 Where do I register for a doctor?

What additional information will we need ?

Where do you live?
 Where do you work?
 Were you a cross-border worker on Brexit day, or afterwards?
 What is your nationality?
 What is your partner's nationality?

Answers >>> ??

Should the UK leave the EU without a deal the protections for workers (in cross-border employment on Brexit day) currently included in the draft Withdrawal Agreement would be null and void. This potential scenario has resulted in alarming but very practical questions emerging from our cross-border workers:

- Will I be stopped and checked at the border on my way to work?
- Will my employer ask to see my passport?
- Will I need a visa to work across the border?
- Will my car insurance be valid?
- Will my drivers' licence be valid?
- Will my employment rights change or be different to my colleagues?
- Will my long-term illness benefit stop being exported across the border?
- Should I even consider the job across the border, at this point?

Currently citizens are making major decisions without access to information. The Brexit process will amend how they go about their daily lives; living, working, shopping, studying, retiring across the border. The nitty gritty details required by people living along the border are essential. When people do not understand their rights and entitlements they are vulnerable to exploitation and discrimination. To ensure citizens are protected they need access to credible cross-border information and expert support from advice providers in both jurisdictions.

With thanks

The Centre for Cross Border Studies, in partnership with the North South Ministerial Council (Joint Secretariat), manages the Border People project which provides *cross-border* citizens' information and advice in Ireland and Northern Ireland.

Thanks are also offered to the longstanding members of the project's cross-border Advisory Group – Citizens Information Board, Department for Employment Affairs and Social Protection, Eures Cross-border Partnership and Law Centre NI.

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