



The Centre for
Cross Border Studies

Brexit and the UK-Ireland Border

Briefing Paper series

Briefing Paper 2: Citizens' Rights and the UK-Ireland Border

Executive Summary

January 2018

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- The UK-Ireland border is not simply a physical line that separates Northern Ireland from the Republic of Ireland. Instead, the border exists in the way the law, policies and associated practices are applied within and across the different parts of these islands.
- Rather than through physical checks at the geographical borderline, control of the border after Brexit will be exercised through legislative changes and administrative processes that regulate citizenship- and socio-economic rights and entitlements.
- Border control can be achieved through ‘points of contact’ – your landlord, bank or GP can be required to check on your immigration status. This can have negative implications for the loss of individual privacy and for social cohesion.
- All citizens will be affected by such changes, regardless of their nationality.
- The continued openness of the UK-Ireland border to the movement of different categories of people after Brexit cannot be deduced or guaranteed on the basis of the progress achieved through the EU-UK Brexit negotiations so far.
- Leaving the European single market and customs union means that checks on all kinds of movement through the UK-Ireland border will be necessary.
- Numerous categories of EU citizens (e.g. depending on time of accession or circumstances of previous residence) already exist in Northern Ireland and they will enjoy different rights to movement after Brexit. Such differentiation of rights within Northern Ireland will be damaging to social cohesion.
- Equally damaging is the potential for creating a differentiation of citizens’ rights and entitlements between Irish and British citizens within Northern Ireland. There has been no discussion to date in relation to the rights of Northern Ireland-born citizens who choose not to exercise their right to an Irish passport.
- The Charter of Fundamental Rights and the Human Rights Act of 1998 protect a number of citizens’ and human rights in Northern Ireland, while the European Convention on Human Rights is embedded in the Good Friday Agreement to safeguard the work of the democratic institutions in Northern Ireland. Plans to withdraw from or repeal any or all of these protections undermines the equivalence of a rights regime north and south of the UK-Ireland border and the ability for structured North-South co-operation.