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Charity Reference No XR92283

THE DANGER OF CROSSING THE BORDER FOR SOME FOREIGN NATIONALS

EMBRACE NI Fact Sheet

February 2019

Since a majority of the UK public voted to leave the European Union conversations about the border between N Ireland and the Republic of Ireland have tended to assume that there is complete freedom of movement for everyone at present. For those of us who were born on the island of Ireland crossing the border *is* easier now than in the past, as transport and roads are better and we are unlikely to be troubled by violence or border controls. But travel is not so easy for all foreign nationals. Because of the fear of organised crime and unauthorised migration, the authorities, north and south, co-operate already in monitoring cross-border travel, and difficulties can arise for some people, even when they think their paperwork is in order. This sheet just gives some background information and any foreign national from countries outside Europe should seek proper advice before crossing the border. Local people who take people for an outing across the border should also be aware that they might also be breaking immigration law, and by doing so, knowingly, the consequence might be up to 14 years imprisonment.

- Immigration laws relating to travel across the island of Ireland are complicated.
- The Republic of Ireland and UK form part of the Common Travel Area and nationals from both countries can travel freely throughout the area. Additionally, rights of free movement apply to all European Economic Area (EEA) nationals*.
- People from outside Europe may require visas to travel throughout the area. A person holding a UK-issued visa usually needs permission to travel to the R o I, and people with visas issued in the R o I will usually need to get permission to travel north. This requirement applies to people who are seeking asylum and to refugees.
- The R o I has a Short-stay Visa Waiver scheme whereby it accepts some UK-issued tourist visas from certain countries. The purpose is to encourage visitors. The UK does not have a reciprocal scheme.
- Foreign nationals with visas and/or work permits in the south also need to get permission to travel north.

*The EEA is made up of the European Union states plus Iceland, Norway and Switzerland.

- Applications for asylum should usually be made in the country where people first arrive.
- For Syrian refugees resettled in N Ireland under the Syrian Vulnerable Persons Relocation Scheme travelling across the border without permission would be an offence and might damage their status. See *Your Rights in Northern Ireland* www.lawcentreni.org/Publications/VPR-guide-English-Arabic-2016-with-new-rates-for-travel-documents.pdf
- Breaking immigration law can lead to detention, deportation, and a ban on re-entry to the UK.
- People travelling from the R o I north across the border may be denied re-entry to the R o I <http://borderpeople.info/a-z/be-wary-of-visa-restrictions-when-crossing-the-border.html>
- Racial profiling is unlawful. To minimise the risk of questioning or arrest, however, when crossing the border minority-ethnic people, even those from the EU, may find it easier if they carry documentation.
- Immigration enforcement is for security purposes, the control of criminal gangs, human trafficking, smuggling, working without a work permit etc. but can affect other people, who are unaware of immigration law or even about the existence of the border.

WARNING

People extending social invitations, or sending people to conferences or training courses south of the border should remember that getting permissions takes time. Travelling across the border without proper papers is taking a risk that can have very negative consequences. The penalties for breaking immigration law – may lead to deportation for a foreign national and someone who facilitated their transport could be subject to prosecution and possible imprisonment for up to 14 years. Even if the authorities are lenient, the result may be that a foreign national who has crossed the border without realising the consequences may be subject to questioning every time s/he travels in future – even with the correct documents.

INFORMATION & SUPPORT

If you are unsure whether or not your immigration status permits you to travel to the Republic of Ireland, you are advised strongly to obtain advice before you travel. Immigration advice is available legally only from solicitors (see the Law Society of NI <https://www.lawsoc-ni.org/solicitors>) or organisations with staff registered to advise by the Office of the Immigration Services Commissioner. www.oisc.gov.uk

Some organisations can respond to simple queries but free immigration advice is available only from the **Law Centre NI** advice line (028) 9024 4401 and **STEP** (South Tyrone Empowerment Programme) **Law and Migrant Rights Centre**, Unit T7 Dungannon Business Park 2, Coalisland Road, Dungannon BT71 6JT, Telephone 028 87752011 to make an appointment at the centre.