

Travelling and Working in Northern Ireland



Promoting Justice / Protecting Rights



Image: iStock-835949912

- Two immigration jurisdictions on the island of Ireland-different rules, requirements, regulations on each side of the border
- Northern Ireland-UK immigration system 'entering the UK' Republic of Ireland-Irish immigration system 'entering Ireland'
- Limited reciprocal arrangements-a visa for one jurisdiction doesn't grant rights in the other!
- Open border and no checks on the border but immigration requirements apply
- Common source of misunderstanding and brings risks if working and moving across the border regularly
- Added complexity of Brexit!

What is the Common Travel Area? (CTA)

- The Common Travel Area is an administrative arrangement between the UK, the Crown Dependencies and Ireland
- Section 1(3) of *Immigration Act 1971* and paragraph 15 of the UK Immigration Rules.
- The CTA enables passport-free, legal travel between the UK (including Northern Ireland), the Republic of Ireland, the Channel Island and Ilse of Man for British and Irish citizens and migrants with lawful status.
- Once a person is within the CTA, there are no routine passport checks on onward travel within the CTA. This covers travel by land, sea and air.
- No checks whatsoever on travel over the land border into NI.
- Some checks do take place on ferries and planes but these are claimed to be targeted and ‘intelligence led’
- Gardaí also conduct checks on travel NI-ROI.
- Everyone is subject to the immigration policy and legislation of the jurisdiction within the CTA to which they are entering (including visa requirements, restrictions on employment and length of stay). If you need a visa, you must still get it, even if you won’t be checked. Check free, not visa free!

British and Irish Citizens



Image: taken from Wikipedia
(https://en.wikipedia.org/wiki/Irish_passport)



Image: taken from Gov.uk
(<https://www.gov.uk/government/publications/basic-passport-checks/basic-passport-checks-accessible>)

- Under the CTA, British and Irish citizens can move freely and reside in either jurisdiction and enjoy associated rights and privileges, including the right to work, study and vote in certain elections, as well as to access social welfare benefits and health services.
- Post Brexit Memorandum of Understanding 2019
- Irish citizens can live, work and access public services in the UK and British citizens can do the same in the Republic of Ireland.
- No visa or permit requirements!
- Exempt from passport checks in the UK and Ireland-however these sometimes still checked 'show your passport to show you don't have to show your passport' and Dublin airport.
- Permitted to use alternative I.D if checked
- Non-British/Irish family members of Irish and British citizens do not automatically hold these rights

Non Visa Nationals

- Nationals of certain countries (including EU nationals) do not need to apply for a visa in advance to enter the UK if they are entering the UK as a visitor for up to 6 months.
- Visitor= tourism and limited activities
- If your country is not on the UKVI list of visa nationals, you are a 'non-visa national'.
- Examples include-Americans, Brazilians, Canadians
- After Brexit-includes EU nationals
- Non-visa nationals can request entry to the UK as a Standard Visitor upon arrival in the UK.
- Non-visa nationals enter over the land border via 'deemed leave'
- Visa requirements still apply for longer residence, work and study.
- Ireland runs a similar system but always check!

Visa Nationals

- Visa nationals must obtain a visa before travelling to the UK
- If your country is on the UKVI list of visa nationals, you are a visa national.
- Examples-South Africa, Sri Lanka, Nepal
- Deemed leave is not available to visa nationals as they must have a visa before entering the UK over the land border
- Visa nationals need a visa even to enter the UK as a visitor. This includes when entering NI over the land border
- Visa nationals must have the correct visa for each jurisdiction when travelling within the CTA
- Ireland operates a similar system but always check!

Non Visa National Artists Working in NI

- UK visa system applies in Northern Ireland
- Whether you need a visa in advance will depend on what activity you are doing in the UK.
- **Unpaid work**-e.g taking part in auditions, performances, promotional activities. Artists who are non-visa nationals can enter the UK as standard visitors for up to 6 months, without any visa-related fees and without having to apply in advance.
- **Paid work**-non-visa nationals can carry out permitted paid engagements under a standard visitor visa since Jan 2024
- Artists can enter the UK under standard visitor visa and undertake paid engagements at Permit Free Festivals
- Artists can enter the UK under the Creative Worker Visa Concession for short term paid work (must apply in advance before crossing land border)
- **Long Term Work**-Visa application must be made in advance of entering the UK. Options include Creative Worker Visa, Youth Mobility Worker Visa, Global Talent Visa
- Be aware that each option comes with specific requirements, time limits and costs
- Entering the UK over the land border may impact the use of these visas. E.g must apply for Creative Worker Visa concession in advance of crossing land border
- Complexities arise with land border and requirement to get stamped-often not possible to obtain stamp after entering the UK via the land border. Artists should retain as much proof as possible of when and how they crossed the border. Document requirements should be met even if you won't be presenting to border force.

Visa Nationals Working in NI

- **Unpaid work**-e.g taking part in auditions, performances, promotional activities. Artists who are visa nationals must apply for a standard visitor visa before travelling to the UK.
- **Paid work**- can carry out permitted paid engagements under a standard visitor visa since Jan 2024. Visa nationals must apply for a visitor visa before entering the UK and provide required documentation related to PPE
- Artists can enter the UK under standard visitor visa and undertake paid engagements at Permit Free Festivals. Visa nationals must apply for a visitor visa before entering the UK and provide required evidence for Permit Free Festival
- Creative Worker Visa Concession for short term paid work not available for visa nationals
- **Long Term Work**-Visa application must be made in advance of entering the UK. Options include Creative Worker Visa, Youth Mobility Worker Visa, Global Talent Visa
- Be aware that each option comes with different time restraints, requirements and costs. Generally more costly for visa nationals as they must apply for and pay for visas in advance
- Applying before entering the UK=before crossing the land border!
- Keep evidence of when and how you cross the land border even when you hold the correct visa

[Visa Guide 2021 artsinfopointuk.com](https://www.artsinfopointuk.com/visa-guide-2021)

Deemed Leave

- Applies to non-visa nationals!
- System of automatic statutory permission which automatically applies on entry to the UK
- Designed to facilitate free movement within the CTA.
- If you cross the land border you do not need to seek border force to obtain permission.
- Restricted form of leave-similar to permissions under a Visitor Visa. If you want to stay longer or engage in certain activities you will need a visa in advance of entering.
- Since January 21 entitled to six months deemed leave on first entry
- If you leave the UK for Ireland then return to the UK-reduced to two months deemed leave
- If you leave the CTA entirely and return at a later date, resets to six months deemed leave
- Deemed leave lapses every time you leave the UK, six month period doesn't continue while you are in Ireland
- Some exceptions e.g people subject to a deportation order, entered Ireland unlawfully
- Deemed leave applies to non-visa nationals. Visa nationals will need to have the correct visa in advance of entering the UK even if not stamped
- Be careful about documents and evidence of eligibility even if crossing land border!

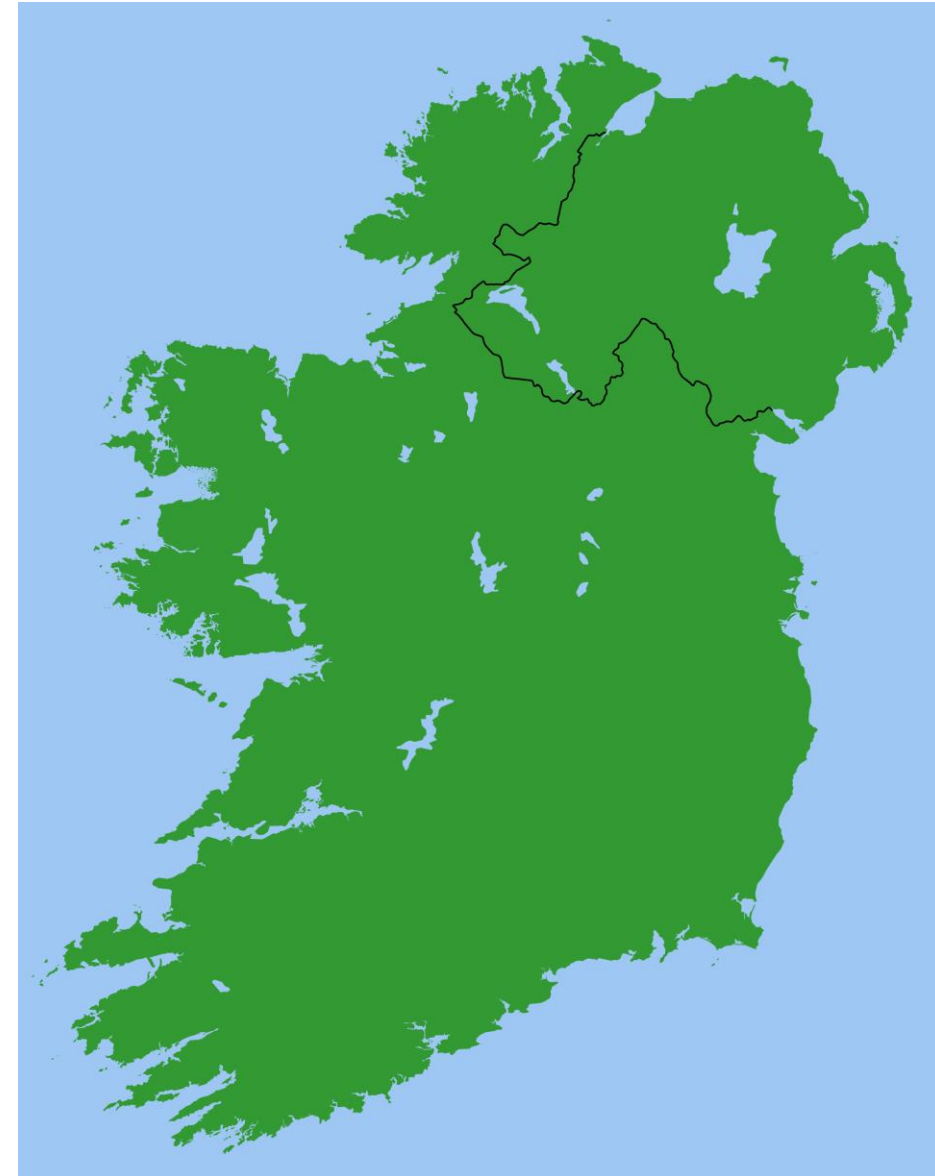


Image: taken from Wikipedia
(https://en.wikipedia.org/wiki/Republic_of_Ireland%E2%80%93United_Kingdom_border)

Examples of Deemed Leave and Working

- Generally subject to same restrictions as visitor visa. Including prohibition on undertaking paid employment
- Permitted activities listed in immigration rules apply when entering under Deemed Leave.
- Permitted paid engagements now under visitor visa rules (since Jan 24)
- CTA guidance not updated to clarify new rules on PPE and deemed leave. Previously PPE came under Article 6 Deemed Leave.
- New rules apply for non-visa nationals entering as a visitor-likely to be reflected in deemed leave but clarification needed
- Be wary of holding the right documents and evidence even when entering via land border
- Visa nationals still need to apply for their visa in advance of crossing the land border
- Keep evidence of when and how you crossed the land border

PA 14.1. An artist, entertainer, or musician may:

- (a) give performances as an individual or as part of a group; and
- (b) take part in competitions or auditions; and
- (c) make personal appearances and take part in promotional activities; and
- (d) take part in one or more cultural events or festivals on the list of permit free festivals in Appendix Visitor: Permit Free Festival List.

PA 14.2. Personal or technical staff or members of the production team of an artist, entertainer or musician may support the activities in PA 14.1. or Appendix V: Visitor at V13.3 (e) provided they are attending the same event as the artist, entertainer or musician, and are employed to work for them outside of the UK.

PA.14.3. Film crew (actor, producer, director or technician) employed by an overseas company may visit the UK to take part in a location shoot for a film or programme or other media content that is produced and financed overseas.

Electronic Travel Authorisation

- ETA is a new pre-entry clearance system which is required for non-visa nationals to travel to the UK. Includes travel over the land border.
- Being rolled out in stages, currently applies to Bahrain, Jordan, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates
- Online application, £10, lasts for two years
- ETA is a pre-entry clearance system, which gives you permission to travel to the UK. It is not a visa for the UK and does not give you permission to live or work in the UK.
- British and Irish nationals, and eligible residents of the Republic of Ireland, will not require an ETA.
- ‘Eligible residents’ of the Republic of Ireland= people legally resident in Ireland who are entering the UK from within the Common Travel Area. This includes entering NI over the land border. Must be able to provide proof of residence in Ireland-list of documents provided by UK gov includes Irish driving licence, Irish residence permit and Irish medical card
- Generally you will not need ETA if you already have a visa for the UK. But- required if using Creative Worker Visa concession. Broadly if entering the UK as a non-visa national without a visa you applied for in advance- you will require ETA
- ETA only applies to people who can visit the UK without a visa.

Frontier Workers

- Available for people who live outside the UK but work in the UK
- Must be an EU citizen or from Switzerland, Norway, Iceland or Liechtenstein
- Must live outside of the UK-fairly broad interpretation
- Must have begun working in the UK by 31 December 2020
- You must usually have worked in the UK at least once every 12 months since you started working here.
- Work must be 'genuine and effective'
- Potentially available if you've been unemployed-retained status
- Could apply to residents of ROI who cross the border to work in Northern Ireland
- Also available to international artists who regularly work in Northern Ireland
- Free application and good protection of rights in the UK (access to healthcare and social welfare)

Visas for both the UK and Ireland?

Golden rule-a visa for the UK or Ireland does not automatically grant rights in the other jurisdiction

British Irish Visa Scheme

- Available to Chinese and Indian nationals
- Permitted to visit the UK and Ireland using a single visa when travelling on certain short stay and visitor visas.
- Specific Irish Short Stay visas covered, and UK visitors visas
- Must start trip in the country which issues the visa-e.g Irish Short Stay visa-must enter the CTA through Republic of Ireland.
- Exempt from transit visa
- Caution over permitted activities!

Short Stay Visa Waiver Programme

- Irish scheme which allows people from certain countries, who entered the UK on an eligible short stay visas, to travel to the Republic of Ireland Ireland without obtaining an Irish visa.
- Eligible countries include Turkey, Philippines, Saudi Arabia
- Must check your UK visa is eligible for the scheme-includes UK visitor visa
- Must enter the UK first
- Time remaining on UK visa can be used in Ireland. Trip to Ireland must end before UK visa expires. The maximum amount of time you can come to Ireland for under the programme is for 90 days, or the remaining time left on you UK permission, whichever is the least amount of time.
- If entering Ireland over the land border, you must report to an Immigration Officer at Burgh Quay, Registration Office, Dublin or local Immigration Office at a Garda Síochána (police) station
- Caution over permitted activities!

Case Studies

We have invited international artists from North Africa to perform in a festival in Northern Ireland.

- Entering NI=UK immigration
- Ask the artists nationalities
- Use the UK visa checker [Check if you need a UK visa - GOV.UK](#)
- If visa national (e.g Morocco) they will need to apply for a visa in advance of entering the UK
- Standard Visit Visa will cover certain permitted activities, permit free festivals and permitted paid engagements-need to be clear what activity is being carried out and evidence it in application
- Check travel plans-if entering via Republic of Ireland and travelling over the land border they may need an Irish visa to enter Republic of Ireland

I am an EU National participation in a touring production moving between the Lyric Theatre in Belfast and the Abbey Theatre. Dublin.

- Check EU nationals place of residence
- If outside the UK need to check visa requirements for both the UK and Ireland
- UK-visa checker will show EU nationals are 'non visa nationals
- Check nature of activity to choose the correct visa. Could be covered by Visitor Visa-permitted activity or Permitted Paid Engagement. May need an Creative Worker Visa Concession application
- Entering over the land border complexities. Engages deemed leave-need to check eligibility and carry evidence of meeting requirements even though no checks. Creative Worker Visa Concession will need to be applied for in advance of crossing border.
- EU nationals can still enter Ireland under EU free movement law

I am an American national living in Galway on an Irish work visa. I want to travel up to Fermanagh to attend a promotional event.

- Entering Northern Ireland= UK visa (despite holding an Irish visa!)
- Use the UK visa checker
- American nationals are visa free nationals
- Attending an unpaid promotional activity is covered under standard UK Visitor Visa. Crossing the land border engages deemed leave. Bring evidence of meeting Visitor Visa requirements with them.
- Non-visa national entering the UK will still need ETA
- However-this person has legal residence in the Republic of Ireland. They are exempt from ETA requirements. Must bring proof of their legal residence in Ireland with them when travelling into NI

NI band with mixed UK and RoI passport holders travelling around UK and Ireland

- British and Irish passport holders can travel and work freely within the Common Travel Area
- British and Irish citizens are exempt from Electronic Travel Authorisation requirements
- Lack of clarity on checks-may be asked for I.D
- Any support staff/friends/family etc travelling with the band will need to check and fulfil their own visa requirements even though they are travelling with British and Irish citizens

Useful Resources

UK Immigration-gov.uk

- [Check if you need a UK visa - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/check-if-you-need-a-uk-visa)
- [Common travel area.docx \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/Common-travel-area.docx)
- [Immigration Rules - Immigration Rules Appendix Visitor: Visa national list - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/immigration-rules-immigration-rules-appendix-visitor-visa-national-list)
- [UK+Visa+requirements+February+2024.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/UK+Visa+requirements+February+2024.pdf)
- [Immigration Rules - Immigration Rules Appendix Visitor: Permitted Activities - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/immigration-rules-immigration-rules-appendix-visitor-permitted-activities)
- [Visiting the UK as a creative professional from a non-visa national country - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/visiting-the-uk-as-a-creative-professional-from-a-non-visa-national-country)
- [Creative Worker visa \(Temporary Work\): Creative Worker visa concession - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/creative-worker-visa-temporary-work)
- [Visit the UK as a Standard Visitor: Visit for a paid engagement or event - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/visit-the-uk-as-a-standard-visitor)
- [British-Irish visa scheme - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/british-irish-visa-scheme)
- [Memorandum of Understanding between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/Memorandum_of_Understanding_between_the_Government_of_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_and_the_Government_of_Ireland)
- [Apply for an electronic travel authorisation \(ETA\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/apply-for-an-electronic-travel-authorisation-eta)
- [Electronic travel authorisation \(ETA\): residents of Ireland - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/electronic-travel-authorisation-eta-residents-of-ireland)
- [Frontier Worker permit: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/frontier-worker-permit)

[Irish Immigration irishimmigration.ie, dfa.ie, citizensinformation.ie](#)

- [Visit Ireland - Travel Path - Immigration Service Delivery \(irishimmigration.ie\)](https://irishimmigration.ie/visit-ireland-travel-path)
- [List of Visa Required Nationalities - Embassy Brussels \(dfa.ie\)](https://dfa.ie/visas/required-nationalities)
- [Permission to enter Ireland \(citizensinformation.ie\)](https://citizensinformation.ie/visas)
- [Short stay visa waiver programme - Immigration Service Delivery \(irishimmigration.ie\)](https://irishimmigration.ie/short-stay-visa-waiver-programme)
- [Irish-Short-Stay-Visa-Waiver-Programme-February-2023.pdf \(irishimmigration.ie\)](https://irishimmigration.ie/short-stay-visa-waiver-programme-february-2023)
- [Irish-Short-Stay-Visa-Waiver-Programme-February-2023.pdf \(irishimmigration.ie\)](https://irishimmigration.ie/short-stay-visa-waiver-programme-february-2023)
- [Who needs a Visa - Department of Foreign Affairs and Trade \(dfa.ie\)](https://dfa.ie/visas/who-needs-a-visa)
- [Visit Ireland - Travel Path - Immigration Service Delivery \(irishimmigration.ie\)](https://irishimmigration.ie/visit-ireland-travel-path)

Immigration Advice

- Law Society of NI Immigration Practitioners List

[The Law Society of Northern Ireland \(lawsoc-ni.org\)](http://lawsoc-ni.org)

- Law Society England Find a Solicitor tool

[Find a Solicitor - The Law Society](http://www.lawsociety.org.uk/find-a-solicitor)

- OISC Advisor Finder tool

[Advisor Finder \(oisc.gov.uk\)](http://oisc.gov.uk)

Funding issues-private fees, limited free advice services, legal aid is available in NI but limited