



# GMS Flash Alert

Immigration Edition

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## Ireland - Memorandum of Understanding Codifies Matters Regarding Common Travel Area

The governments of the Republic of Ireland and the United Kingdom of Great Britain and Northern Ireland (the "U.K.") agreed a Memorandum of Understanding ("MOU") concerning the Common Travel Area<sup>1</sup> and associated rights and privileges on 8 May 2019.<sup>2</sup> (For related coverage, see GMS [Flash Alert 2019-065](#), 1 April 2019.)

The MOU codifies the rights of Irish and British citizens in relation to such matters as travel, work, and social security.

In this GMS *Flash Alert*, we highlight the purpose of the MOU.

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### WHY THIS MATTERS

The U.K. and Ireland have sought to provide further certainty and clarity around British and Irish citizens concerning the associated reciprocal rights and privileges recognized between the U.K. and Ireland.

Whilst the MOU itself is not legally binding, it sets out the common understanding of the U.K. and Ireland in relation to the Common Travel Area. As such, the MOU will be useful for immigration practitioners and clients since it reflects current practice.

This should result in less confusion and greater certainty – and the ability to better plan and make decisions – in respect of individuals who are crossing the borders between these two countries following Brexit.

## Immigration Provisions

The stated positions of the U.K., Ireland, and the EU, are that the Common Travel Area will not be impacted by the U.K. leaving the EU. As such, it is the agreed position that if the U.K. leaves the EU, British citizens will still be able to live and work in the Republic of Ireland and Irish citizens will still be able to live and work in the U.K. without requiring immigration permission.

The MOU reaffirms that agreed position, and sets out that should the U.K. leave the EU:

- the Common Travel Area affords British citizens in the Republic of Ireland and Irish citizens in the U.K. the right to take up residence and work without any requirement to obtain immigration permission;
- additionally, British and Irish citizens may move freely between the U.K. and the Republic of Ireland.<sup>3</sup>

## Social Security Provisions

In terms of social security and health coverage, the MOU sets out that:

- the Common Travel Area affords Irish citizens residing in the U.K. and British citizens residing in the Republic of Ireland the right to access emergency, routine, and planned publicly-funded health services in each other's state, on the same basis as citizens of that state;
- Irish citizens living and working in the U.K. are entitled to the same social security rights as British citizens; and
- British citizens living and working in the Republic of Ireland are entitled to the same social security rights as British citizens.

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## KPMG NOTE

As a result of the U.K. leaving the EU and due to the uncodified nature of the Common Travel Area, there was some confusion over the rights of British citizens living and working in the Republic of Ireland, and Irish citizens living and working in the United Kingdom.

The MOU sets out the agreed position of the U.K. and Irish governments in relation to the Common Travel Area.

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## FOOTNOTES:

1 The Common Travel Area is a long-standing arrangement involving the Republic of Ireland and the United Kingdom. The United Kingdom, for the purposes of the Common Travel Area, covers England, Scotland, Wales, Northern Ireland, the Isle of Man, and the Channel Islands. The Common Travel Area and associated reciprocal rights and privileges are a series of informal and recognized rights for British and Irish citizens travelling between, as well as living and working in, the U.K. and the Republic of Ireland. For additional information, see the Citizens Information [website](#).

2 See "[Memorandum of Understanding between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the Common Travel Area and associated reciprocal rights and privileges](#)".

3 However, it should be noted that identification (such as a passport) may need to be shown in certain circumstances.

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## Contact us

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\* Please note that KPMG LLP (U.S.) does not offer immigration services or labour law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.

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