



GMS Flash Alert

Immigration Edition

2020-236 | May 18, 2020

Ireland & United Kingdom - Update on Family Immigration and Northern Ireland

A statement of changes to the Immigration Rules released on 14 May 2020¹ provides for specific family immigration rules for those born in Northern Ireland.

The statement follows the “New Decade, New Approach” deal between the governments of Ireland and the United Kingdom, as well as the political parties in Northern Ireland, which reinstated devolved power sharing in Northern Ireland. (For prior coverage, see [GMS *Flash Alert* 2020-011](#), 16 January 2020.)

In this *GMS Flash Alert*, we highlight the changes which are to take effect from 24 August 2020.

WHY THIS MATTERS

The U.K. has enacted specific family immigration rules for those born in Northern Ireland, which shows a recognition of the unique nature of Northern Ireland in an immigration context.

The changes will allow the non-European Economic Area (EEA) family members of those born in Northern Ireland (and who are entitled to British or Irish nationality by virtue of their birth in Northern Ireland) to make a valid application under the European Union (EU) settlement scheme rather than satisfying the stricter U.K. immigration rules.

What Does This Development Mean?

Currently the non-EEA family members of a person who holds British nationality cannot make a valid application under the EU settlement scheme. The U.K. position until now has been that anyone born in Northern Ireland holds British nationality. This is particularly problematic in a Northern Ireland context due to the complexity around nationality and identity. (For related coverage, see [GMS *Flash Alert* 2020-011](#), 16 January 2020.)

In an attempt to overcome these issues from 24 August 2020, the statement of changes provides that the family

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members of those born in Northern Ireland (and who are entitled to British or Irish nationality by virtue of their birth in Northern Ireland) are now within the scope of the EU settlement scheme. As such, the immigration route will be available to the family members of those born in Northern Ireland, regardless of whether the person holds British or Irish citizenship.

Consequently, a person born in Northern Ireland may be able to bring non-EEA family members to the U.K. under the more favourable EU immigration rules in comparison to those born elsewhere in the United Kingdom. In addition, any non-EEA family members of a person born in Northern Ireland who is already in the U.K., may make an application under the EU settlement scheme. Those born in Northern Ireland will not be required to renounce British citizenship in order for their family member to make an EU settlement scheme application.

The situation for those born in Northern Ireland and who are not automatically entitled to British or Irish nationality is more complex. They will not automatically be able to avail of the concessionary arrangements set out in the statement of changes. However, if at the time of their birth their parents resided in Northern Ireland without any restriction on their period of residence, they may be able to avail of these provisions.

KPMG NOTE

When making a U.K. family immigration application, employers and immigration practitioners should consider the unique circumstances of Northern Ireland. In particular, consideration should be given to whether a person was born in Northern Ireland before advising on or submitting an application.

FOOTNOTE:

1 See: [Statement of changes to the Immigration Rules published on 14 May 2020](#).

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