



Home Office

**UK Border
Agency**

STRENGTHENING THE COMMON TRAVEL AREA CONSULTATION PAPER

24 JULY 2008

CONTENTS

Foreword by Liam Byrne MP	4
Context	6
Proposals	7
Questions	9
How to respond	19
Annex A: Home Office Consultation Criteria	21
Annex B: Contact for comments and complaints	22
Annex C: Evolution of the Common Travel Area	23

FOREWORD by Liam Byrne MP



This year the Government has embarked on the biggest shake-up of our border security and immigration system for 45 years. As part of these reforms, we are planning a number of changes to the Common Travel Area.

The Common Travel Area (CTA) comprises the United Kingdom, the Crown dependencies (the Channel Islands and the Isle of Man) and the Republic of Ireland. Movement without immigration controls for nationals of the CTA is important in the special relationship which exists between the peoples of these islands, and provides long established political, economic and social benefits. However, the CTA was formed many decades ago and so, as promised last year we have, in close partnership with the Governments of the Republic of Ireland and the Crown dependencies, developed proposals for reform.

On routes between the Republic of Ireland and the United Kingdom we propose four changes:

- introduction of full immigration controls for non-CTA nationals of countries other than the UK, the Republic of Ireland and the Crown dependencies on all sea and air routes by 2014;
- new measures to verify the identities of UK, Irish and Crown dependency nationals on the same air and sea routes;
- monitoring of all air travel between between the UK and the Republic of Ireland by April 2009 and sea travel by late 2010 using our e-Borders watch list checks; and
- introduction of Carriers' Liability (CL) on the same routes.

We are clear that we will not introduce fixed immigration controls on the land border between Northern Ireland and the Republic of Ireland or on traffic from the Crown dependencies to the UK. However, mirroring activity in the Republic of Ireland, the UK will consider increasing ad hoc immigration checks on vehicles in order to target non-CTA nationals on the Northern Ireland side of the land border.

On routes from outside the CTA to the UK and the Republic of Ireland, we will explore with the Irish Government a common (short stay visit) visa or mutual recognition of two national visas issued to the same standards.

As announced on 14 July, we will use the Immigration and Citizenship Bill to simplify CTA legislation and rules to clarify its interpretation and use.

Further practical joint working initiatives have been identified to reduce the risk of abuse of the CTA arrangement. These include a number of intelligence-led operations and further co-operation on data sharing to protect the integrity of our border controls.

I am seeking your input to help shape the proposals to change and strengthen the rules and operation of the CTA and to identify the full impact of the potential changes. The partial impact assessment accompanying this consultation document sets out the range of measures we have identified to strengthen the CTA and our understanding of the impacts we believe these measures will achieve.

I am committed to listening to what all interested parties have to say about our proposals to strengthen the CTA. I very much look forward to receiving your views.

A handwritten signature in black ink that reads "Liam Byrne". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Liam Byrne MP

Minister of State for Borders and Immigration

HM Treasury Minister with responsibility for
Revenue Protection at the Border

Minister for the West Midlands

CONTEXT

- 1.1 The biggest shake up of our border protection and immigration system for 45 years is well underway. Our tough new checks now start abroad and we are re-introducing checks to count people in and out of the country. Our e-Borders system checks and screens increasing numbers of passengers against watchlists before they land. Anyone applying to the Agency for a visa now has their fingerprints checked before they get anywhere near the UK.
- 1.2 We have already begun the creation of a strong new force at the border equipped with new powers and world-leading technology. The UK Border Agency is a £2 billion force bringing together 25,000 immigration, customs and visa staff. 13,000 staff now work at the border alongside 3,000 police officers.
- 1.3 In the United Kingdom we will soon introduce compulsory ID cards for foreign nationals.
- 1.4 Reform of the Common Travel Area (CTA) must be part of the changes we make this year. The CTA comprises the United Kingdom, the Crown dependencies (Channel Islands and the Isle of Man) and the Republic of Ireland. Movement without immigration controls for nationals of the CTA has been an important component of the special relationship which exists between the peoples of these islands, and provides long established political, economic and social benefits. However, the CTA was formed many decades ago and the current arrangements are out of date.
- 1.5 Approximately 15.6 million passengers travelled between the Republic of Ireland and the UK and Crown dependencies in 2006 by air and sea; 12.4 million journeys were by air¹ and the remaining 3.2 million by sea². Total UK passenger flows are expected to grow from 228 million in 2005³ to 465 million passengers per annum by 2030⁴. This is a predicted passenger increase of 104 per cent by 2030 by air alone. Similarly, Irish passenger flows are estimated to grow by 42 per cent by 2010 by air⁵.
- 1.6 This consultation seeks views about the impact of potential changes to the operation of the CTA.
- 1.7 The consultation poses six important questions for the private sector about the cost and implications of the proposal to introduce border controls on all air and sea routes between the Republic of Ireland and the UK.
- 1.8 It also seeks views on:
- the forms of acceptable documentation for travel by air and sea; and
 - whether those proposed acceptable forms of documentation would be different for travel by air from the Republic of Ireland to Northern Ireland.
- This consultation will run for 12 weeks and we will publish the results of the initial consultation within three months of the deadline for responses.
- A partial impact assessment setting out the impacts and assumptions underpinning the proposals to strengthen the CTA is available at <http://www.ukba.homeoffice.gov.uk/aboutus/consultations/current/>
- 1.9

¹ http://www.caa.co.uk/docs/80/airport_data/2006Annual/Table_12_1_Intl_Air_Pax_Route_Analysis_2006.pdf

² <http://www.dft.gov.uk/162259/162469/221412/221658/228808/222300/223699/213486/SeaPassenger2006PDF>

³ Passenger air travel at UK airports <http://www.dft.gov.uk/about/strategy/whitepapers/air/aviationprogressreportsection/?version=1>

⁴ Forecasts of the future demand for passenger air travel at UK airports, constrained by expected future airport capacity <http://www.dft.gov.uk/about/strategy/whitepapers/air/aviationprogressreportsection/?version=1>

⁵ http://www.transport21.ie/WHAT_IS_TRANSPORT_21/TRANSPORT_21/Economic_and_Demographic_Trends.html

PROPOSALS

SEA AND AIR ROUTES BETWEEN THE UK AND THE REPUBLIC OF IRELAND

2.1 In common with the Republic of Ireland's approach to travel within the CTA, we intend to:

- carry out checks on passengers and their documents on sea and air routes arriving and departing from the UK to the Republic of Ireland for border control purposes. The nature of the examination by an immigration officer will depend upon a passenger's status as a CTA national or a non-CTA national, similar to the ways in which European Economic Area (EEA) nationals and non-EEA nationals are processed when arriving in the UK;
- activate e-Borders monitoring on air routes by 2009 and sea routes by 2010 arriving in or departing from the UK from or to the Republic of Ireland. Documents will be required to prove passengers' identity and nationality on these routes; and
- apply carriers' liability charges to air and sea routes from the Republic of Ireland to the UK.

2.2 The introduction of routine immigration checks represents a substantial change to the UK's operation of the CTA.

2.3 We propose to bring forward new legal provisions to allow us to:

- examine non-CTA nationals and require evidence of their identity and nationality through a valid passport or national identity card, as is customary on other international routes into the UK;
- examine CTA nationals and require satisfactory evidence of their identity and nationality through documents to be determined following this consultation; and
- carry out searches of vehicles departing to and arriving from the Republic of Ireland.

2.4 Accompanying the power to mount border controls on routes between the Republic of Ireland and the UK will also be the capability

to apply carriers' liability charges to air and sea routes between the Republic of Ireland and the UK. We know from experience that this measure can significantly reduce the number of inadequately documented arrivals on UK soil. We need to work with industry to understand how to implement a carriers' liability regime in a supportive manner to maximise our collective benefit from it.

OVERLAND TRAVEL BETWEEN THE REPUBLIC OF IRELAND AND NORTHERN IRELAND

2.5 There is no intention to introduce fixed immigration controls on the land border between the Republic of Ireland and Northern Ireland.

2.6 However, mirroring activity in the Republic of Ireland, the UK will consider increasing ad hoc immigration checks on vehicles to target non-CTA nationals who have travelled illegally to the Northern Ireland side of the land border.

2.7 Further practical joint working initiatives have been identified in the wider package of CTA reform focusing on reducing the harm caused by abuse of the arrangement. These include a number of intelligence-led operations and further co-operation on data sharing to protect the integrity of our border controls.

TRAVEL FROM THE REST OF THE WORLD INTO THE CTA

2.8 This review is not just about travel within the CTA, but also how we can work more closely with CTA partners to encourage travel into the CTA. We will consider:

- introducing a joint CTA common (short stay visit) visa; and
- enabling the transferral of conditions of stay from the Republic of Ireland to the UK.

2.9 We are exploring a system to improve the efficiency of our common visa processes. This has already begun with enhanced practical co-operation on visa technology and application techniques. But we could extend it to a fully

integrated common (short stay visit) visa or mutual recognition of two national visas operating to the same framework and standards. This proposal would not only deliver enhanced mutual control, but from an economic angle, also incentivise commerce and tourism.

2.10 Turning to conditions of stay, the current legal framework provides that in many cases persons who have legally entered the Republic of Ireland from outside the CTA, and have valid permission to enter or remain there, may lawfully enter the UK.

- A visa national arriving in the UK from the Republic of Ireland will not automatically have their visa endorsed, and their conditions of stay in the Republic of Ireland are not transferable to the UK. This can lead to confusion about visa nationals' status in the UK, both for the individual and for those authorities they come into contact with.
- Non-visa nationals arriving in the UK from the Republic of Ireland are subject to different rules. The period for which they may remain in the UK is generally restricted to three months and prohibits employment or any paid occupation. Although this leave is not endorsed in their passport, a person with such 'deemed leave' is expected to fully comply with these conditions of entry.

2.11 The legal framework is complex, both for the practitioner and visa/non-visa national customer. It needs to be simplified so that the legislation is clear to understand, to enforce, and to comply with. We will also explore how we can mutually recognise the conditions placed on the entry of an individual.

IMPACT ON INDUSTRY

2.12 Any power introduced to examine passengers arriving in the UK from the Republic of Ireland and departing from the UK for the Republic of Ireland will have an impact on industry, including the tourism sector, carriers and port authorities. At the same time there are benefits to be drawn from closer co-operation between the authorities including exploring the possibility of common (short stay visit) visas and transfer of conditions.

2.13 We need to understand the impact on industry of the proposed changes to existing CTA arrangements and to minimise these where we can. The partial impact assessment outlines how we think the costs and benefits associated with these changes could be quantified. We will develop a fuller impact assessment based on feedback from stakeholders.

CONSULTATION QUESTIONS

SEA AND AIR ROUTES FROM THE UK TO THE REPUBLIC OF IRELAND

1. Do you agree that new powers to enable border controls on all air and sea routes from the Republic of Ireland to the UK for non-CTA nationals should be introduced?

Yes Don't know

No

If no, why not

.....

.....

.....

.....

.....

.....

.....

2. Do you agree that identity controls should be introduced on all air and sea routes from the Republic of Ireland to the UK for CTA nationals?

Yes Don't know
No

If no, why not

.....
.....
.....
.....
.....

3. Please indicate which of the following documents should be included in the list of documents permitted for travel by CTA nationals on air or sea routes from the Republic of Ireland to the UK. Please select all that apply.

Passport Identity card

Other (please provide examples and explain why)

.....
.....
.....
.....
.....
.....

TRAVEL BETWEEN THE REPUBLIC OF IRELAND AND NORTHERN IRELAND

4. Please indicate which of the following documents should be included in the list of documents permitted for travel by air or sea from the Republic of Ireland to Northern Ireland. Please select all that apply

Passport

Identity card

Other (please provide examples and explain why)

.....

.....

.....

.....

.....

.....

5. What do you think the impact of introducing Carriers' Liability on routes from the Republic of Ireland to the UK would be?

.....

.....

.....

.....

.....

.....

6. What should the timetable for the introduction of Carriers' Liability be?

.....

.....

.....

.....

.....

.....

.....

TRAVEL FROM THE REST OF THE WORLD INTO THE COMMON TRAVEL AREA

COMMON (SHORT STAY VISIT) VISA SYSTEM

7. Which options should we explore in developing our approach to a common (short stay visit) visa with the Republic of Ireland? Please select from the following

Legal recognition of Irish (short stay visit) visas for use in the UK

Jointly issued common (short stay visit) visa valid for travel to the Republic of Ireland and the UK

Other (please specify)

Please explain your selection choices

.....

.....

.....

.....

.....

.....

IMMIGRATION LEAVE AND PERMISSIONS

8. Do you think that 'leave' should be endorsed in the passports of non-Common Travel Area nationals arriving in the UK from the Republic of Ireland?

Yes Don't know
No

If no, why not

.....
.....
.....
.....
.....
.....

9. If 'leave' should be endorsed in the passports of non-Common Travel Area nationals arriving in the UK from the Republic of Ireland, what do you think would be the most effective way to do this?

On arrival at an immigration control
At a Government office as soon as possible after entry
Other (please specify)

IMPACTS ON INDUSTRY

10. How do you think the introduction of border controls would impact on the tourism industry?

.....

.....

.....

.....

.....

.....

.....

.....

.....

11. What benefits are there for the tourism industry from a common (short stay visit) visa?

.....

.....

.....

.....

.....

.....

.....

.....

12. What do you think the costs to port authorities would be if border controls were introduced on sea and air routes from the Republic of Ireland to the UK?

.....

.....

.....

.....

.....

.....

.....

.....

.....

13. What do you think the costs to carriers would be of introducing border controls on sea and air routes from the Republic of Ireland to the UK?

.....

.....

.....

.....

.....

.....

.....

.....

.....

14. What other impact might the introduction of border controls on sea and air routes from the Republic of Ireland to the UK have?

.....

.....

.....

.....

.....

.....

.....

.....

.....

15. How might the introduction of border controls on these routes be phased to ensure that border security is strengthened with minimal impact on legitimate trade and business?

.....

.....

.....

.....

.....

.....

.....

.....

.....

HOW TO RESPOND

The consultation period for responding to this document ends on 16 October 2008. We will publish the results of the initial consultation within three months of the deadline for responses.

The areas where we are keen to seek the public's views fall into the following key areas:

1. How to introduce tougher border controls on all air and sea routes from the Republic of Ireland to the UK.
2. What the impact of tougher border controls on all air and sea routes from the Republic of Ireland to the UK will be.
3. Options in respect of a common visit visa system with the Republic of Ireland.
4. The document requirements for travel between the Republic of Ireland and Northern Ireland on air and sea routes.
5. How periods of UK 'leave' or 'permissions' are determined and granted for those arriving in the UK from the Republic of Ireland.

If you would like to contribute to the consultation, please email your comments to:

CTAConsultation@homeoffice.gsi.gov.uk

Alternatively, send them to:

Common Travel Area Consultation
Border and Visa Policy
UK Border Agency
7th Floor Apollo House
36 Wellesley Road
Croydon
CR9 3RR

ALTERNATIVE FORMATS

You should also use the above contact details if you require a copy of this consultation paper in any other format, e.g. Braille, large font, or audio.

CONSULTATION MEETINGS

During the consultation period, the UK Border Agency will arrange a number of meetings to discuss the proposals with those stakeholders who may be affected by the reforms. If you are interested in attending a meeting to discuss these proposals, please email CTAConsultation@homeoffice.gsi.gov.uk providing details of the organisation that you represent and contact details.

POST CONSULTATION INFORMATION

All responses will be considered before any changes are made to legislation. A summary of the responses received will also be published within three months of the closing date for this consultation and will be made available on the Home Office website. <http://www.ukba.homeoffice.gov.uk/aboutus/consultations/current/>

RESPONSES: CONFIDENTIALITY AND DISCLAIMER

The information you send us may be passed to staff within the Home Office, other Government Departments and relevant organisations.

Furthermore, information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the UK's access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you would prefer the information you provide to be treated as confidential, please be aware that a statutory Code of Practice exists under the FOIA with which public authorities must comply. Amongst other things, this Code deals with obligations of confidence. It would therefore be helpful if you could explain to us why you regard the information you have provided to be confidential. If we receive a request for disclosure of the information you provide, we will take full account of your explanation but cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

Please ensure that your response is marked clearly if you wish your response and name to be regarded as confidential.

Confidential responses will be included in any statistical summary of numbers of comments received and views expressed.

The Home Office will process your personal data in accordance with the DPA. In the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

ANNEX A: HOME OFFICE CONSULTATION CRITERIA

This consultation follows the Government's Code of Practice on Consultation (criteria set out below).

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Impact Assessment if appropriate.

The full code of practice is available at:
<http://www.berr.gov.uk/bre/consultation%20guidance/page44459.html>

ANNEX B: CONTACT FOR COMMENTS/COMPLAINTS

CONSULTATION COORDINATOR

If you have a comment or complaint about the Home Office's approach to consultation, you should contact the Home Office Consultation Co-ordinator, Nigel Lawrence.

Please **DO NOT** send your response to this consultation to Nigel Lawrence.

The co-ordinator works to promote best practice standards set by the Cabinet Office, advises policy teams on how to conduct consultations and investigates complaints made against the Home Office. He does not process your response to this consultation.

The co-ordinator can be emailed at:

Nigel.Lawrence@homeoffice.gsi.gov.uk or written to at:

Nigel Lawrence
Consultation Co-ordinator
Home Office
Performance and Delivery Unit
3rd Floor Seacole
2 Marsham Street
London
SW1P 4DF

ANNEX C: EVOLUTION OF THE COMMON TRAVEL AREA (CTA)

HISTORY

The CTA dates back to the 1920s when the creation of the Irish Free State required changes in border control in the British Isles for immigration purposes. The CTA was given full statutory recognition in the UK under section 1(3) of the Immigration Act 1971, and Immigration (Control of Entry through the Republic of Ireland) Order 1972 (as amended). There is no formal agreement between the constituent territories which underpin the CTA.

The UK and the Republic of Ireland are not members of the Schengen border area; The Treaty of Amsterdam explicitly recognised the provisions of the CTA in order to distinguish it from the Schengen area.

Apart from limited attempts to control the land border between the United Kingdom and the Republic of Ireland during and after the Second World War, the CTA has remained in essence a free movement zone, based on the principle that once a person has been granted leave to enter one part of the CTA, they will not normally require leave to enter another part of it whilst that leave is extant and provided they do not leave the CTA.

The UK Government is constitutionally responsible for the defence and international representation of the Crown dependencies. The constitutional relationship between the UK and the Crown dependencies is the outcome of historical processes and accepted practice. The most recent statement of the relationship between the UK and the Crown dependencies is found in Part XI of Volume 1 of the Report of the Royal Commission on the Constitution, published in 1973 and known as the Kilbrandon Report. It acknowledged that there were areas of uncertainty and complexity in the existing relationship.

UK PRACTICE AND LEGAL CONTEXT

The CTA came into being during the 1920s when special legislative provision for the Islands and the Republic of Ireland was made in the Aliens Orders of 1919, 1920 and 1923. These Aliens Orders provided that first the Isle of Man, and subsequently the Channel Islands, should not be deemed to be outside of the UK. In 1923 the Irish Free State

was established with no immigration controls for passengers travelling between it and the UK; the Irish Free State was thus treated on the same basis as the Islands in this respect. Further provisions were made in the Aliens Orders of 1925 and 1931 to deal with specific problems which had arisen from the abuse of these control arrangements by aliens.

In 1939, with the outbreak of war and in view of Irish neutrality, the pressure of enemy missions in Dublin and the need to control the movement of Irish labour, controls were re-imposed between the Republic of Ireland and the UK in accordance with Defence Regulation 18. At the same time Prevention of Violence legislation was introduced making it possible for the Home Secretary to impose Orders banning the entry of particular Irish citizens to the UK. The Orders made in 1939 continued in force after the lifting of immigration restrictions in 1953. In 1946, the Republic of Ireland abandoned the direct control over the entry of aliens from Northern Ireland and Great Britain, and in 1947 the UK abandoned controls on the movement of Irish labour. At the end of 1947 Defence Regulation 18 expired with the effect that control of passenger traffic between Great Britain and Northern Ireland and the Republic of Ireland rested solely on the provisions of the Aliens Order of 1920.

By 1948 pressure was growing within the UK for the abolition of all controls on travel between the two countries. Negotiations were finally opened in 1952 on a UK initiative following the recommendation of the Home Affairs Committee that controls should be lifted. The Republic of Ireland agreed to take part on the understanding that any new Agreement was concerned solely with immigration, and not wider security issues. UK and Irish policy and practice was agreed to be sufficiently similar and the Irish Government was willing to accept the new conditions for the operation of the revised CTA. The new agreement was embodied in the 1952 Aliens Order and incorporated in the consolidated Aliens Order of 1953.

The Aliens Order of 1946 exempted aliens travelling from the Channel Islands to the UK from control, but it was the Aliens Order of 1953 which first made more detailed provision for the CTA as a whole, and introduced the use of that term. It was only in the Immigration Act 1971, that the CTA was put on a full statutory basis for the first time.

Because of the nature of the CTA, the UK Border Agency mounts only sporadic checks on traffic between the Republic of Ireland, the Crown dependencies and the UK. These routes are, however, more regularly monitored by the police and UK customs authorities. Those arriving in the UK from outside the CTA, and who intend to travel to either the Republic of Ireland or the Crown dependencies must be in possession of the relevant documentation showing that they qualify for onward admission. The legal context is complex and is set out below.

Under section 1(3) of the Immigration Act 1971 (the 1971 Act), arrival in or departure from the UK on a local journey from or to any of the Islands (Crown dependencies) or the Republic of Ireland is not subject to control and a person does not require leave to enter the UK. There are some exceptions to this rule.

Persons subject to a deportation order;

- Persons who have been excluded from the UK by the Secretary of State as their exclusion is conducive to the public good (exclusion is limited to cases involving national security for the Crown dependencies, and provided an immigration officer gives the person written notice of the exclusion on the person's arrival in the UK);
- Persons who have at any time been refused leave to enter the UK and have not since been given leave (either by the UK or the Crown dependencies).

In addition, under Article 3 of the 1972 Order, persons in the categories set out below may not enter the United Kingdom from the Republic of Ireland, without leave from an immigration officer.

- Persons arriving by ship or air from outside the CTA, who are in transit to the UK through the Republic of Ireland, and who have not been given leave to land in the Republic of Ireland;
- Visa nationals who have no valid visa for their entry to the UK;
- Persons who entered the Republic of Ireland unlawfully from outside the CTA;
- Persons who entered the Republic of Ireland from the UK and the Crown dependencies, having entered the UK unlawfully or whose limited leave to enter or remain there has expired, provided that

they have not subsequently been given leave in the UK or Crown dependencies.

A person who does not fall within one of the listed exceptions above, who has legally entered the Republic of Ireland and has valid permission to enter or remain there, may lawfully enter the UK. However, their conditions of stay in the Republic of Ireland are not transferable to the UK. The 1972 Order generally restricts the period for which they may remain in the UK to three months and prohibits employment or any occupation for reward. Although this leave is not endorsed in their passport, a person with such deemed leave is expected to fully comply with these conditions of entry. However, with limited immigration checks being undertaken on CTA routes it has been almost impossible to monitor the movements of such people in order to ensure compliance.

Under the 1971 Immigration Act, an immigration officer may examine any person arriving in the UK for the purposes of determining whether or not they are a British Citizen, and if not, whether or not they require leave to enter the UK. This does not include passengers arriving from the Crown dependencies who are treated as domestic travellers. However, as there is no routine immigration control of passengers arriving from within the CTA, such passengers are unlikely to be examined by an immigration officer on arrival in the UK.

Since 2002, under the Immigration (Entry Otherwise than by Sea or Air) Order 2002, those people refused leave to enter the UK, and illegal entrants to the UK, who arrived across the land border from the Republic of Ireland, can be removed in addition to those arriving in the UK by ship or aircraft.

Schedule 4 of the Immigration Act 1971 covers the integration of the immigration laws of the United Kingdom and Islands. The Schedule provides that:

- where a person has been given leave to enter or remain by the authorities of the Channel Islands or the Isle of Man and then proceeds directly to the United Kingdom, that leave and any conditions attached to it will be treated as if it had been imposed in the United Kingdom;

- if a person is refused leave to enter any of the Islands, then he should be treated as if he had been refused leave to enter the United Kingdom; and
- unless the Secretary of State directs otherwise, a person who has been ordered to leave the Islands and forbidden to return is to be treated as if he is the subject of a deportation order (although Paragraph 3(2) of Schedule 4 provides for a person who is being deported from one of the Islands to pass through the United Kingdom en route to another country without his presence here being treated as unlawful).

There are integrated powers for the removal of illegal entrants. Notwithstanding the principle of free travel within the CTA, it is not lawful for a person who is not a British citizen to enter the UK (or Crown dependencies) where their presence was unlawful in another part of the CTA, unless they are given leave to enter. The practical effect of this is that if someone with valid leave in the UK or Islands travels to another part of the CTA, and their leave subsequently expires, and that person then returns to the UK or Islands without obtaining further leave, that person becomes an illegal entrant. This integration further enhances the CTA and enables enforcement action to take place when appropriate.

THE LAND BORDER

There are no fixed controls on either side of the land border and there is no likelihood of introducing controls in the future for political and practical reasons. Controls introduced between 1939 and 1952 were widely regarded as ineffective.

