



HOUSE OF COMMONS

# Northern Ireland Affairs Committee

## Oral evidence: Tourism and the Common Travel Area, HC 1242

Wednesday 20 April 2022

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Members present: Simon Hoare (Chair); Mr Gregory Campbell; Stephen Farry; Mary Kelly Foy; Sir Robert Goodwill; Claire Hanna; Fay Jones; Ian Paisley.

Questions 25 - 74

### Witnesses

II: Kevin Foster MP, Parliamentary Under-Secretary of State for Immigration and Future Borders, Home Office; Rachel Lloyd, Director, Borders, Visitors and International Migration, Home Office.



## Examination of witnesses

Witnesses: Kevin Foster MP and Rachel Lloyd.

**Chair:** Minister, good morning to you.

**Kevin Foster:** Good morning, Chair. How are you?

**Chair:** I am very well indeed. You are becoming a regular friend of this Committee, or a regular attender.

**Kevin Foster:** I welcome the Committee's interest in the work that we are doing. It is useful to be able to engage at this time rather than in future years when things are already in place.

Q25 **Chair:** Precisely. We will come on to that in a moment. This is not a game of bingo, by the way, but do these numbers mean anything to you: three, five, 32, two, 15 and two?

**Kevin Foster:** Not off the top of my head.

**Chair:** They were in a response to a written question from your Department to me yesterday. The following number of people have been prosecuted for entering the UK illegally via the Ireland and Northern Ireland land border: in 2017, there were three; in 2018, there were five; in 2019, there were 32; in 2020, there were two; in 2021, there were 15; and in 2022, I suppose up to the end of last month, there have been two cases.

Operation Gull's most recently published figures state that 775 irregular immigrants were intercepted travelling to or from Northern Ireland in 2015-16. Would you tell us what nut the Home Office is trying to crack with this? Why is there such a stark differential between people found under Operation Gull and the number then brought to prosecution?

**Kevin Foster:** First, let us look at why we are looking to bring in an ETA scheme. You were asking about the nut we are looking to crack; I would say that there are a number of factors. The first is improved border security. People will be cleared for travel before they depart rather than if, for example, you happen to decline them at the border and then remove them afterwards. That is in relation to travel into the UK from outside the CTA, of course. There are no checks on the land border; we have been very clear on that point.

What does that give operators? We move away from operators at check-in around the world having to acquaint themselves with a raft of UK immigration statuses and documents. The ETA system not only clears people for travel who are non-visa nationals, but can confirm wider immigration statuses, so people are no longer having to present UK documents to get permission to travel.



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There is also wider, better customer service. Most people have an e-gate-style arrival at an airport, rather than having to talk to an immigration officer about their status, for example. There are things like ending the need to collect vignettes from a visa application centre. You will have been closely following the debates around the Ukraine scheme recently. We recognise the advantages that that type of system brings, particularly in its ultimate iterations—potentially having fully documentless travel, although people travelling purely on facial and finger biometrics is probably some years away.

Is this a proportionate thing that we are looking to do? We can look at what comparable nations are doing. The United States already has ESTA, Australia, Canada and New Zealand have similar systems, and the EU's Schengen zone is going down the path of a very similar system of ETIAS, which will be very similar to what we are doing with ETA. We believe it would be rather odd, if others had looked at this and come to the same conclusion, to conclude that this was not worth doing.

**Q26 Chair:** You will be aware that when you very kindly came to give us evidence on citizenship, our report and our rebuttal to your Department's reply to it said in essence that the Home Office needed to have a deeper and more sensitive understanding—I am slightly paraphrasing—in its operation with regard to the island of Ireland, and not to deal with things from the island of Ireland as we do with other parts of the world.

We have just heard from leaders of the tourism bodies. There has been no engagement from your Department with them on this prior to publication of the Bill and its progress through Parliament. A tiny number of tourists who arrive in the Republic will then go on to visit GB, but a huge number go across from the Republic as part of a mixed trip into Northern Ireland. I can understand—I think the whole Committee understands—the need for border security, but you and the Department have stated that this piece of paper is not going to be examined by anybody.

**Kevin Foster:** It will not be a piece of paper, Chair. In most cases, it will just be an electronic record.

**Q27 Chair:** A metaphorical piece of paper. It is not going to be examined by anybody on the border between Northern Ireland and the Republic of Ireland. A tiny percentage of people who arrive in the Republic and go to Northern Ireland will then go on to GB, either from Belfast or from Dublin. I go back to the initial question: what is the nut you are trying to crack? The industry markets itself as a "visit the island of Ireland" experience, as a totality. It is an industry that has been hammered as a result of the pandemic. It needs this like a hole in the head.

**Kevin Foster:** First, I would point out that our immigration system operates on a UK-wide basis. It does not have separate rules between Great Britain and Northern Ireland. It has always been the case that those who cross the land border need to do so in accordance with UK



immigration rules. Our enforcement is proportionate and reflects that, but similarly there are not passport checks or immigration checks on flights between Belfast and Edinburgh, for example, because people are travelling within the UK; they are not crossing an international border or a migration border.

We have already had this. For example, if someone is a visa national—our lists are very similar, it has to be said—and gets a visa for the south, they also need to apply for a visa for the north. Again, we are proportionate in what enforcement we have in place. If someone is encountered in Northern Ireland and is not in accordance with our immigration rules—if they do not have a visitor visa when they are required to have one—then appropriate enforcement action, proportionate to the circumstances, may be taken. This is not an entirely new concept.

**Q28 Chair:** The Bill is very explicit: if you are an aircraft operator, a ferry or a cruise ship, there is a £2,000 fine per person you are carrying without this metaphorical piece of paper. What about the coach driver, the minibus driver, the cab driver, the train operator or the public transport operator taking people across the border? Are you expecting them—

**Kevin Foster:** No. The carriage penalties apply to bringing people in via particular routes. I would not expect that to be something we would do or check at the border. Obviously, if people knowingly brought people into the UK while breaking immigration rules, for example if they brought visa nationals in, we might well need to have a conversation with those individuals about other types of penalties.

If the example you are thinking of giving is the road in Fermanagh that crosses the border about 14 times, but you would not know if you had crossed the border unless you were a particular expert in the county boundaries and the geography of the area—

**Chair:** As somebody who has driven the border, it is impossible to know.

**Kevin Foster:** Yes, it is impossible to know, but again what we would say is that the principle has been there for a long time and has worked fairly well. I would also point out that one of the benefits of ETA is that it is likely to reduce the number of visa nationals for the UK. I hope you will appreciate that I will not get into speculating on exactly how we do our assessments for visa national status, but there are already a number of countries for which people are likely to become ETA nationals who are currently visa nationals, and who are visa nationals for the south of Ireland as well.

We should not see this just as a barrier. For some people, it will mean moving away from filling in a full short-term visit visa application to doing something pretty quick, potentially on their phone, with a cost that is very different. They will only need to give basic information for a security



check; they will not need to tell us the purpose of their visit, how they will fund it and various other things.

Q29 **Chair:** Let us go back to those numbers. There were 775 irregular immigrants intercepted—"irregular immigrants" is the terminology used by Operation Gull—but the prosecutions were three, five, 32, two, 15 and two. Why is there such a discrepancy between the figures?

**Kevin Foster:** Again, our enforcement operations operate in particular ways. I would make the point that immigration enforcement operates within Northern Ireland, particularly at Belfast; it is not Border Force checking passports before people head towards the rest of the United Kingdom. For us, it is about having a modernised immigration system that is easier to work and operate and has a number of customer service benefits, as I have touched on, as well as overall border security benefits. As I say, we look at the fact that various comparable nations have implemented exactly this type of system already.

Q30 **Chair:** But it is not easier if you are an American citizen. Let us say you are bringing an extended family trip—which happens, as you know, at some considerable expense—to see the mother country, the homeland or whatever. People arrive and they want to do the whole experience.

Let us say you are taking a family party of 12. This is a cumulatively expensive thing to have. It is a new burden; it is something that you do not require now. You have no intention of coming into GB. You are a recognised tourist from the States, Canada or Australia, which are the three principal, though not exclusive, sources of foreign tourism. It is an extra burden and an additional cost that is likely to see a reduction in per capita spend on food, drink and visiting tourist attractions because it has taken a chunk out of the budget.

The tourism and business tourism sectors of the island of Ireland are healthy and growing. They have been hit very hard by the pandemic—which part of the world has not been? They need this like a kick in the privates, do they not?

**Kevin Foster:** I would be interested if you would apply that to the ETIAS system coming for the Schengen area as well, which the EU is implementing.

Q31 **Chair:** Do not forget that part of the narrative was that we are not a member of the EU so we can do things in our own way.

**Kevin Foster:** Absolutely. That is why we are looking at our friends in Australia, Canada, the United States and New Zealand for inspiration.

**Chair:** If we want to support the tourism sector of Northern Ireland rather than having people say, "I will come to Dublin. We can have a tailored package and just stay in the Republic. We will not go to Northern Ireland. We are not going to—"

**Ian Paisley:** They have been doing that for decades.



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**Chair:** A lot have been.

**Ian Paisley:** No, most have. Tourism Ireland has failed to attract more and more people north when it should have. Northern Ireland has had to wrestle against that.

**Chair:** I know we had to abort the report because we got caught by the general election, but that is the marketing. It is not 100% of people who arrive in the Republic, but a significant number make cross-border day trips.

**Ian Paisley:** As a citizen of Northern Ireland and as a representative of Northern Ireland, I think you are over-egging the pudding.

Q32 **Chair:** Let me just ask the question of the Minister. We heard from two of our three witnesses that they thought that this would be detrimental to the tourism economy of Northern Ireland. If you embark upon discussions with them, is that something that you will take into account?

**Kevin Foster:** I very much note what Mr Paisley has just said and am interested to hear it.

What we would look at, which you touched on, Chair, is the fact that at considerable expense they have already arranged a trip. I would make the point that the ETA requirement would be a very small part of the cost; I would also point out that it is different if someone is a tourist as opposed to a resident. We had a very helpful conversation and appreciate the difference for residents of Ireland; there is a real difference when someone is resident in Ireland.

For example, if they are hiring a car they would already almost certainly be asked, "Are you planning to drive into the border areas? Are you planning to cross into Northern Ireland?" By the way, that also happens if you hire a car at Belfast: you get asked, "Are you planning to take this car into the south?", because of obvious issues around motor insurance. There are different rules and people may have to pay an extra supplement or other things.

In terms of this system, it is right to be clear that if you are coming into the UK, ETA applies unless you are, for example, a UK or an Irish citizen—again, an Irish citizen regardless of where you happen to live. We have had a productive conversation with the Irish Government about residents of Ireland; I accept that there is a very different position if you live in County Donegal, for example, with permanent residency or with an Irish long-term immigration status. I accept that that is different. You have planned a boat or a plane trip to Ireland as part of a holiday in which an operator can actually complete the ETA form for you.

Q33 **Chair:** Operators will be able to do it on people's behalf?

**Kevin Foster:** Yes, people can do it on your behalf, in the same way that most of us, when we fly now, will give advance passenger information



data to our airline. That is fairly common. Few of us would argue that it is a requirement that we should get rid of; most of us would say that it is a perfectly sensible thing to have in place.

Those are ways we have been working with engagement that can manage tourists coming in. It is certainly not an onerous requirement. For example, the US tourism economy seems to be doing perfectly well with this requirement in place and the European Union has come to its own assessment around Schengen as well.

We believe that it is proportionate, given how it can be simply filled in. If someone wants to come into the UK, is not covered by the exemption and needs this, then in most cases it would be something that they could do on their phone fairly quickly. It is not a full visa application. You do not have to tell us, "I want to go to the Giant's Causeway. This is where I am staying. This is the funding."

Q34 **Chair:** That is helpful. You and I—and all of us, I am sure—will have rolled our eyes when we have heard Government Ministers at different times, when pressed about why they are not doing something that is obvious common sense, saying, "We have this frightful fear of being judicially reviewed. We therefore have to consult on these proposals, and that is going to add to the timeframe." Probably DEFRA is the prime culprit in having to do huge amounts of consultation on things that often seem blindingly obvious. Was there a reason why the Home Office did not consult tourism industry representatives on this proposal?

**Kevin Foster:** We have certainly engaged quite extensively with carriers. There are already some carriers running the system in shadow to experiment with how the dataflows work in their receipt of the data and our transmission of it. No decisions on whether anyone can fly are being taken based on that system, but a number of carriers are already running it in the background on a couple of routes to start getting an impression of how it works in real life and to make sure that the tech stands up as well. That has been effective.

Personally, I have met the Irish Government and representatives in relation to tourism. I also met the Irish ambassador recently. This is certainly not something that is all going to come in on 1 January next year; it will be as cohorts come, and we will shortly confirm who the cohorts will be. Our initial intent is that a cohort of some nationalities will become ETA nationals and then it will roll out until probably the end of 2024, which is when we would look for all to be covered by it. We had a very productive conversation with the Irish ambassador, who made some very fair and reasonable points, as did Dr Farry, about residents of Ireland and how we could make that work, because what we do not want is an exemption that is far more difficult to prove than it would be just to fill out an ETA form.

Q35 **Chair:** Are you in a position to share with us what Dublin shared with you?



**Kevin Foster:** It would be for Dublin to speak for itself. It does not need me to do so, but certainly Ambassador O'Neill was very clear, rightly and strongly, as other members such as Dr Farry were, in the meeting we had about the particular issue for residents in Ireland. These are people who are living in Ireland one day and become an ETA national the next day. I appreciate that that is a very different position from someone planning a holiday or a boat or plane trip to Ireland, who can be advised when they are booking of a requirement that is in place. Some visa nationals have to take into account whether they are a visa national for the north as well as for the south; ditto the other way around.

The position was very strong. They expressed a wish for engagement around tourism. They have a view, which I understand, that they would rather it was done Great Britain-Ireland. They respect that, clearly, we are the United Kingdom Government; we are not the Great Britain Government. They made some very good and really constructive offers around working together, for example on residents, on how we could exchange data on citizens who might become ETA nationals but have an Irish immigration status and on how the position around EEA nationals can be thought through, given the free movement rights that apply in Ireland.

I accept that it is a very different position for someone who lives in Ireland, who would be resident one day and required to do this the next, and who could in day-to-day life be crossing the border a number of times, as opposed to someone planning a trip or a holiday where they could book it. To be clear, our concession would apply across the whole UK, not just to travel to Northern Ireland.

Q36 **Chair:** You would see that as a work in progress: "Watch this space."

**Kevin Foster:** As I say, our default is that people will need to have it, but if we can get a good data-sharing arrangement with the Irish Government around Irish residents—we have already worked together on a GB-Ireland visa in relation to Indian and Chinese nationals and on a number of other areas very productively—it is a conversation we can have. But we want it to be clear how people can comply, so that we do not get inadvertent non-compliance or people having to spend a lot of time proving that an exemption applies to them.

Q37 **Chair:** Let me very briefly go back to the pre-legislative consultation. You mentioned that you have had some meetings with carriers, with Dublin and with Ambassador O'Neill. John McGrillen, chief executive officer of Tourism NI, Shane Clarke, director of corporate services, policy and Northern Ireland at Tourism Ireland, and Dr Joanne Stuart OBE, chief executive officer of the Northern Ireland Tourism Alliance, have had no engagement whatever.

**Kevin Foster:** Certainly we would be happy to engage. What I would also say is that the universal permission to travel was included in our



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manifesto, so this has been coming for some time; it should not have come as a big surprise to people.

Q38 **Chair:** You know as well as I do, Minister, that there are lots of things in our manifesto. The manifesto takes on totemic proportions on some things, but less so on others.

**Kevin Foster:** We are engaging with the sector and the industry more widely. We appreciate that there are nuanced points to go through in this area.

Q39 **Chair:** But you are not. With the greatest of respect, you have not engaged with those three organisations.

**Kevin Foster:** We are certainly happy to do so, Chair, and we will certainly pick up the point, but as I say, this type of system is becoming common around the world. Most of Europe will soon be covered by one; the US, Canada, Australia and New Zealand are already covered; and other countries we know are looking to go down this path, given the quite significant customer service benefits that it brings, particularly at airports on arrival and for those who switch from being visa nationals to non-visa nationals.

**Chair:** I just find it strange that in an area of the Northern Irish economy that is important, which is tourism, nobody in your Department reached out to those bodies to find out what their views, concerns or ideas might be before the Bill was passed.

**Mr Campbell:** Minister, the Chair alluded to the previous issue that we raised. You will probably be pleased to know that I will not raise passports with you today, but I will in future—we will come back to it.

**Chair:** That is a “watch this space” one.

Q40 **Mr Campbell:** Yes, until we get a satisfactory result.

Minister, you have been very clear on the need to try to move to a productive working relationship so that this system works satisfactorily. There are two things. Let us say that there are people in the Republic who are not Irish citizens or UK citizens and have arrived over the past 10 or 15 years from various countries. How would they be affected if they work in Northern Ireland on a regular basis and are crossing the border daily?

**Kevin Foster:** If they are working in Northern Ireland, they will almost certainly have a permission under the UK immigration system to be able to work—that might be either those protected under the withdrawal agreement or other cohorts. If you have permission to work in Northern Ireland, it is almost certain that you already have an immigration permission and would therefore not need to apply separately for an ETA.

Q41 **Mr Campbell:** What about people who are in similar circumstances to the group we have just discussed, but are now being offered a job in



Northern Ireland? In other words, they are not the same as the first cadre we talked about: they are now beginning to work in Northern Ireland. Would they have to fill out an ETA?

**Kevin Foster:** If someone is being offered a job, they would almost certainly need to get an appropriate permission to work in Northern Ireland. You cannot work as a visitor; there is some limited paid permitted engagement, but I do not think that that is what we are talking about in this instance. If someone has been offered a permanent job in Northern Ireland, they would need to seek permission or have the right to work—clearly Irish nationals have the full right to apply and the points-based system does not apply to them. For the sake of argument, where someone is offered a job in Northern Ireland who applied for a skilled worker visa or the appropriate visa to take up that job, if they have a UK immigration permission, they would not need to apply for an ETA on top.

**Mr Campbell:** On the wider issue about inward tourism, which the Chair and others have alluded to, you have set aside the business of checks at the border. I am glad to hear that; it was ludicrous that people were talking about a hard border over the past four or five years when there was never any possibility that it could come about.

**Kevin Foster:** There was no prospect.

Q42 **Mr Campbell:** It just was physically impossible. Some of us kept saying that, but I am glad that the penny is beginning to drop now. It is just a pity that they unnecessarily raised political tensions by doing that.

On this issue, the concerns that we and many people have are that if tour operators in Canada, the States or wherever are bringing groups of people across to the island of Ireland and advertising it as an island-wide visit, they might just look at this and say, "It is easier and slightly cheaper as an offer to our potential customers not to go to Northern Ireland. We will just not bother any more—we will just do Dublin, Killarney and the south. We will not go to the Causeway now, because it is just an extra bit of bureaucracy and more expense that we have to pass on to our customer."

That is what the concern is, whether you are based in New York, Montreal, Perth or wherever, and you are selling a tourism project to the island. Normally, until last year and this year you would have expected a day or a two-day visit to include Northern Ireland. Now, they might just say, "We will just not bother."

**Kevin Foster:** Similarly, the other way around, once ETA is fully in, you could soon have some markets and some countries where you can visit the north by filling in a very simple online form. You could visit the Giant's Causeway and see the studios where *Game of Thrones* was filmed and some of those locations without applying for a visitor visa, yet if you wanted to go down to Dublin, you would need to apply for an Irish visitor visa. This system may well cut both ways. Also, our visitor rules are slightly more generous in what you get when you arrive.



**Mr Campbell:** But you will accept that, given the land mass of the island, the vast majority of people coming from the States, Canada, Australia or wherever are just going to land in Dublin. That is where they are going to land, because that is where the direct flights are. There are not very many flights into Belfast, unfortunately, so they are going to land in Dublin and therefore most of their visit is going to be in the Republic. While I accept and fully endorse what you are saying about a Northern Ireland-wide project, that is the other side of the equation. The vast majority of people who come to the island come to Dublin, so it is going to be more difficult.

Q43 **Sir Robert Goodwill:** The figure we got in the first session was that 96% of tourists in Ireland arrived in the Republic and 60% of tourists had a holiday on both sides.

**Kevin Foster:** That is why we say that with ETA it will need to be streamlined, be simple and have a cost that is more comparable to the current schemes. A lot of people have put some commentary out online that this will be like the visitor visa cost. No, it will be nowhere near the cost of a visitor visa, nor anywhere near that of making a visa application. Also, it will differ. Some have said, "This is like your electronic visa waiver, is it not?" No, it will be multi-year and multi-trip. It will not be like the current EVW that applies.

Q44 **Chair:** What will it be?

**Kevin Foster:** We have not set the fee yet, but if I give you the figures that are likely to be comparable—

Q45 **Chair:** You must have run a business case with figures.

**Kevin Foster:** We will announce the final fee once we are firm on final costings, but to give an impression, the EU's ETIAS will be €7, which is £5.81 at the most recent exchange rate; the US ESTA is \$14, which is £10.77; the Australian electronic travel authority is 20 Australian dollars, which is £11.36; and the New Zealand ETA is 9 New Zealand dollars via the app or 12 New Zealand dollars if completed online, which is £4.67 or £6.22 converted.

That gives the picture that it is unlikely to be a significant factor in the cost if, for example, you have already paid for an air fare, hotel accommodation, your food and various other things. Certainly the evidence from countries that have looked at this and brought it in is that it has not proved a particularly significant barrier to tourism. It is multi-year and multi-trip, so if, for the sake of argument, you visit this year and come back next year, you will not need to reapply for an ETA. It will be valid for more than one year and for multiple trips during that period.

**Sir Robert Goodwill:** I would like to ask about people who find themselves, in effect, on the wrong side of the law: people who decide on the spur of the moment to get the train from Dublin up to Belfast to see the Titanic museum, worship at Mr Paisley's church or whatever, and find



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themselves on the wrong side of the law.

**Chair:** Does he have his own church now?

**Sir Robert Goodwill:** People travel for all sorts of great reasons.

**Chair:** God help us.

Q46 **Sir Robert Goodwill:** The Government are on record as saying that they will only prosecute what they call egregious cases. Could you give some examples of what would be an egregious case?

**Kevin Foster:** Let us say that someone knows that they should not be in the UK, because there is an extant deportation order, or knows that they should have applied for a visa, such as a visa national who potentially did not have status in the south either. If we detected them in the north, we would look at that. There could be cases in which it is clear that someone has been warned of the requirement several times before. I am not going to go through an exhaustive list. Similarly, I will not go through an exhaustive list of the various compelling and compassionate situations that we would always bear in mind when dealing with any immigration matter and with anyone we have encountered here in the UK who is not immediately in compliance with our immigration laws.

Q47 **Sir Robert Goodwill:** So if I do not fall into one of those egregious categories, why would I bother getting an ETA? I am not going to be stopped at the border and I am unlikely to be stopped in any other way. Why would I shell out even a relatively small amount of money when I know that nobody is going to stop me and ask for my papers?

**Kevin Foster:** In the first case, if you do decide to travel outside the CTA and come back in via the UK, it is a convenient way of ensuring that you have permission to travel to the UK without having to go through a lengthy read-up on large amounts of immigration rules on exactly what you are planning in your visit.

For those of us who have been to the United States since the ESTA came in, yes, it is checked at the airport. You do not see that many operations within the US itself to check ESTA possession, but, again, we believe it is a proportionate thing. For the potentially very significant benefits that it could give to the travel industry, as well as the border security benefits, we believe that it is proportionate.

As I have touched on, it is something that you can apply for wholly online. The turnarounds are very quick because this is not about checking, shall we say, what your intentions to travel are. This is about looking at, for example, whether you are on certain warning lists or databases or whether there is the sort of thing that would flag up when we scan a passport—that is a comparator. This is not saying, “I am filling this in because I am going to Belfast this week.” Once you have it in place, just like with the comparable systems, you do not need to keep applying for it again. You can renew it if you wish. We will set the period



that it will be valid for, but it will be for well over one year and multiple trips during that period.

- Q48 **Sir Robert Goodwill:** Say someone comes into contact with the criminal justice system in Northern Ireland. I may have a few too many drinks on a night out and get arrested. Would this be thrown on the charge sheet along with other things? Is that likely to happen?

**Kevin Foster:** Unsurprisingly, if people are engaging in behaviour that is non-conducive, we do take an interest to see what their exact immigration status is and whether their presence in the UK is compatible with our immigration rules, but I would not want to get too drawn into the times when we find people who are behaving badly. The vast majority of visitors who come into the UK behave perfectly well and enjoy their visit, for the purpose of their visit, and then leave in accordance with the rules at the end of their planned time here in the UK.

- Q49 **Sir Robert Goodwill:** Are there likely to be some other implications? For example, if I hire a car in Dublin, ignore the advice to get an ETA and am involved in a motor accident, my insurance company might consider that because I am illegally in Northern Ireland, that is a get-out for the insurance. I may need to go to the national health service. Are there other implications of not having an ETA, involving the way insurance, access to healthcare or other services that I might need as an emergency in Northern Ireland work?

**Kevin Foster:** Let us cover healthcare first. The NHS provides emergency health provision, for example after a car accident or other accident, anywhere in the UK free of charge and does not check immigration status as part of doing that. Immigration status becomes relevant only if we are moving into certain secondary care services that are highly unlikely to be the type of thing you would access after a car accident. Emergency and urgent treatment is provided free of charge to tourists here in the UK, although of course people are very well advised to have travel insurance whenever they are travelling abroad, as we advise our own nationals when travelling abroad.

On car insurance, I gave an example of hiring cars on the island of Ireland. It is very likely that you will be asked at the time, "Is there any plan to travel across the border?", given the motor insurance implications.

- Q50 **Sir Robert Goodwill:** What if I say, "Yes, I intend to go to Northern Ireland," but I do not get an ETA?

**Kevin Foster:** It will depend on the policy. I know that the Secretary of State is planning to give a more formal written answer on that point, but this would already be an issue for visa nationals who may have a visa for the Republic but have not applied for a visa for the United Kingdom. We will come back to the Committee in writing on that concept, given some of the details, but most of it will depend on what the insurance policies say.



Q51 **Sir Robert Goodwill:** Finally, can we clarify something? In the first session, the tourism industry seemed to think that the ETA would be a single-entry document.

**Kevin Foster:** No. We have been very clear that it is not.

**Sir Robert Goodwill:** I am pleased that you have put that right, because there were concerns about that.

**Kevin Foster:** We have been clear a number of times that it is a multi-entry document. I can understand where the confusion comes from: the current electronic visa waiver system, which some have looked at and thought, "Ah, that is what this is going to be." It applies to certain Emirati citizens, for example: they apply up to 48 hours beforehand, and it is for one trip that you get your visa waiver. With this system, you apply for it, you get clearance and then it applies, similarly to other systems, for a number of years, unless it is revoked.

The circumstances under which ETAs are revoked would be the types of circumstance in which we would currently be looking to decline someone entry to the UK: where they have been convicted of a serious criminal offence in another jurisdiction that we are friendly with, or where there is evidence that they have breached immigration rules in our partner countries that we get on well with and share data with. That would not change the fundamental issues. It would just be that the ETA would be—

**Sir Robert Goodwill:** Thanks for clarifying that. That will put minds at rest a little on one misconception.

**Kevin Foster:** We also intend to look at having a system around renewal that may well prompt people. Again, we are working through the final technicalities of how we can make sure that people are reminded of the potential need to renew their ETA.

Q52 **Chair:** Is one able to apply both retrospectively and within country? Let us say, for example, that I have arrived in Dublin and have taken the judgment that nobody will check this if I go across the border, so I have not got one, but I then decide to go to London or Liverpool—or I am there on business and they suddenly say, "We need you to go to Manchester for something or other." Can you apply for one of these things once you have landed in Dublin and crossed the border? Can you apply within the UK?

**Kevin Foster:** Our view would be that you should apply before you cross the border, but this is a wholly online application, so unless there were a particular issue, I do not think that it would particularly block you from applying.

**Rachel Lloyd:** I am not certain, so we might need to write.

**Kevin Foster:** We can come back in writing on it.

Q53 **Chair:** There are some things that you cannot apply for in-country. You



have to leave, do you not?

**Kevin Foster:** Yes, but those will be visas where people have to give their name and address and sometimes have to go to a visa application centre and other things, where it is very obvious that you are applying at the service centre in Belfast rather than the visa application centre in Warsaw, for example. We will certainly come back in writing.

Q54 **Chair:** I am going to talk to you about a 75-year-old woman from Tennessee—I do not know why she has to be a 75-year-old woman from Tennessee—who has arrived in Dublin. She has been given a brochure that says, “You can get on this coach trip and go to the north,” and she does. She happens to be checked, or something happens. She has not done it deliberately. She did not know that she had to have one; the coach operator did not tell her. If she then says, “Oh hell. I am a very law-abiding citizen. I don’t want any black or grey mark on my record—I don’t want anything at all. Can I apply for it now and pay for it?”, would she be allowed to?

**Kevin Foster:** Again, we will come back, but in any circumstance where we are encountering someone who is vulnerable, we would expect our teams to apply a proportionate approach.

Q55 **Chair:** You can be 75 and not vulnerable. Say that this was just a spur of the moment thing, where she decides to cross the border.

**Kevin Foster:** Again, we already have long experience with visa nationals who have inadvertently crossed into the north. By the way, the south has the same. We had a particular issue during covid when the Republic closed all its visitor routes, which sounded very logical—why would tourists be coming?—but we kept ours open for particular compelling and compassionate reasons. That meant that there was a period when UK ILR holders—people who are resident here in the UK permanently—had no legal route to cross the border into the south. I can give the example of a Ghanaian priest who had lived in the UK for a number of years. He had ILR and there was no option for him to go and undertake a wedding in the south because he could not apply for a visa. The rest of his family could go, because they were all UK nationals and therefore did not need to apply for a visa.

Some of these conundrums that you are bringing up are things that already exist where we have visa nationals on both sides. For many years, we have had appropriate relationships with the Irish Government on proportionate work by immigration enforcement. That has got around many of the problems and allowed us to have effective immigration control, but at the same time maintain the concept of general free flow of people between the UK and the Republic of Ireland, not just on the island of Ireland.

Q56 **Chair:** A theme of common sense will run through this particular pudding.



**Kevin Foster:** I would hope that that has run through our entire approach to immigration rules at the Irish land border. In fact, we reformed some of them about 18 months ago. For example, you could not get permitted paid engagement leave if you crossed the Irish land border, which produced some odd examples of non-EEA nationals who were non-visa nationals having to fly to a gig in Belfast via Paris so that they could cross the CTA boundary and come back. There are things that we have done in our immigration rules to facilitate general free flow, but I take a fairly strong view that if I am happy for someone to be in Belfast, why would I not be happy for them to be in Paignton, and vice versa? If I would not be happy for them to be in Paignton, in my constituency, why would I be happy for them to be in Mr Paisley's?

Q57 **Claire Hanna:** You have arrived at this electronic travel authorisation due to what you say is abuse of the common travel area. The Chair has explored with you the information that is and is not in the public domain. What other solutions did you explore before you settled on this one?

**Kevin Foster:** This is not just about the common travel area. This will apply at the outer CTA border. Very similarly to other countries, we looked at security. Declining people at the UK border and then requiring an airline to return them to where they came from, particularly if someone has just flown transatlantic, has quite an impact on the individual and the airline. It also potentially means a period in immigration detention. If this sort of system could have been done at the start and prevented all that, it would have been much better.

We looked at how this brings in many opportunities to end airlines having to check through immigration papers. We also looked at customer service. A lot of the architecture that goes with this will allow more e-gate-style arrivals for all nationals with permission to come in—not just, as at the moment, EEA, B5JSSK, UK and Republic of Ireland nationals who are able to use them. That is very much why we went down the very same path as other countries. This is part of modernising our system.

It does not have plans at the moment, but I cannot imagine that at some point in the future, once ETIAS is in, the Republic will not want to go towards a similar type of system for non-visa nationals and general travel to the Republic. Obviously, there is a difference with free movement and EEA rules there.

That was very much the path that we went down. This is about having a much more modern immigration system. It is about e-permissions, moving away from vignettes and all sorts of things being put in passports, and having a system that works effectively and well and can provide security checks and allow more people to be non-visa nationals.

Q58 **Claire Hanna:** We have established that there is not going to be proactive looking for these and checking them, so I just want to understand how you think they are going to help. What assessment have you made of their effect on what you think is CTA abuse?



**Kevin Foster:** We will certainly publish more detailed assessments as we come forward with the main proposals, particularly as we start applying it to wider cohorts, but our general assessment is very similar, funnily enough, to the EU's for its Schengen zone, the Canadians' for Canada, the Australians' for Australia, and New Zealand's. It is a remarkable coincidence that all these countries are coming to the same conclusion as us: that this is an appropriate type of system to look at implementing.

It is not just about CTA abuse; it is also about ensuring that people are blocked before they fly into the UK. Again, I know Ireland is not planning it at the moment, but we would certainly be happy to work with it, looking at what we could do around joint applications, if they were to bring in that sort of system, respecting the sovereign jurisdictions that we both are.

Our assessment is this is a more effective system in making the CTA secure. It provides benefits both to us and the Republic in blocking people who should not be travelling to either of our islands from doing so. It also brings some quite major customer service benefits to people's experience on arrival at the UK border and the airport and in how they can apply for visas if they need to, by removing some of the physical documentation.

Q59 **Claire Hanna:** How will that work? If you are not looking for them, how will it stop them?

**Kevin Foster:** In the same way that we currently have a visa regime, but we do not just randomly stop people in the street to ask to see visas. Part of it will be intelligence-led; part of it will be about particular modes of travel. I am always very clear that we are not at Belfast airport checking passports for people flying to London. It is not an international flight; it is a domestic one. We will have a proportionate system.

Overall, this will give a lot of advantages. As I have touched on, a number of countries that are currently visa nationals are likely to switch to being non-visa nationals, giving a real opportunity in those markets to market a trip to the UK, including Northern Ireland as an integral part of the United Kingdom, to those people who would currently have to apply for a short-term visitor visa.

Q60 **Claire Hanna:** What can you tell us about the cohorts and the roll-out, which you have referred to a couple of times?

**Kevin Foster:** We will shortly confirm the cohorts. It is very likely that the first cohorts will be focused more on those—basically United Arab Emirates citizens—who currently use the electronic visa waiver system, which allows people to apply 48 hours before. To be clear, this is not about extending the concept of the electronic visa waiver, where you have to fill it in for each journey; this is multi-visit.

We will look at what we are learning at the moment with the airlines that are operating this in shadow on certain routes, to see how it functions for



them, and look at how we can then apply it to wider cohorts and at who will be the first. People may also see other things change first: for example, certain nationalities who have UK visas will start being able to use e-gates as part of the architecture built around ETA. This is not just about ETA itself.

**Q61 Claire Hanna:** I want to ask you about discussions. You referred earlier to exempting non-Irish and non-British residents of Ireland, who are about 10% of the population; I know you have discussed it. What grounds do you think there are for treating different residents in the same country in different ways? Can you just clarify where that conversation is going? It sounds like you are open to evolving the policy.

**Kevin Foster:** Treating different residents in different ways already occurs via the visa national rules. A visa national for the UK in Northern Ireland would need to apply for a visa in the south in a way that a non-visa national for the Republic would not need to in order to take a visit to Dublin. That is already there and has been there for a long period of time. We have never had a requirement for our immigration system to exactly match, although it is probably worth saying that there is not a massive set of differences between the UK's visa list and the Republic's, because our assessments probably come to not dissimilar conclusions.

On what we look at with residency, first, it is a clearly defined cohort. There are a certain number of people who live in the Republic of Ireland, whereas for tourism and non-visa nationals, you extend that out to a cohort in the hundreds of millions. Secondly, there is a friendly Government that we get on very well with. Yes, we have disagreements at times, but generally the relationship between the two nations is, rightly, more one that reflects the type of relationship that we wish to have. We can have very detailed and constructive engagement about how this data exchange will work, because what we do not want is to have an exemption that sounds good, but then end up with someone sat in an office in a part of the UK having to get out various bits of data to prove, "Yes, I am a resident of Ireland."

Ironically, for some of the long-term residents who have visas, that is probably a relatively easy thing to look at. Again, it brings up a debate about what we do where we have visa nationals for both sides. Are there some options there as well? For now, we are clear that the position remains that visa nationals need to get appropriate permissions to cross the border.

We also felt that with some of the data systems, again, it is appropriate. As I say, I accept the point that it is a very different position for someone who is resident in Ireland and would be driving about: they would not make a planned journey where an operator would be able to say to them, "You do know that there is now an ETA requirement for travel into the UK?" That is a very different position from someone planning a holiday, where an operator can say to them, "If you are planning a trip to the wider UK, you need to do this."



To be clear, what we have discussed with the Irish Government would apply to travel to Great Britain as well, because we are clear that this will be UK-wide. Touching on my earlier point, it would not seem very logical to say that we are happy to have someone in Belfast but not in Birkenhead. That would seem a rather weird position, which is why data sharing is a solution.

**Q62 Claire Hanna:** You have made it very clear that this is a whole-UK policy. Of course, it is absolutely the UK's right to do whatever it wants on its borders, but this border is not the same as other borders. When did you realise that this was going to be a problem? Are there lessons learned from the fact that maybe you cannot and should not always treat this border the same as the rest of the UK border? Are there mechanisms within your Department for triaging and addressing things that are going to fundamentally disrupt the way of life on the island of Ireland?

**Kevin Foster:** We have always been aware that having different visa requirements will potentially have an impact on life on the island of Ireland—as, by the way, the Irish Government are. An example during the covid period was that the closure of visitor routes meant that some people faced a hard border. They could not have a legal way to cross, but they had been lawfully resident in the UK for many years. It brought into quite stark relief for some of them the difference between having ILR and having a UK passport in their ability to travel within the CTA.

We are always conscious of it. We have the rules on entry via Ireland, which we reformed not long ago to remove some elements that were having an impact. For an American member of a band to have to fly via Paris to do a gig in Belfast did not seem to us a particularly sensible way of operating an immigration system. Similarly, we also changed the rules around short-term study and other things, again on the visitor route, to make things simpler and easier for people entering—in the whole UK, not just Northern Ireland, though it had an impact in terms of Ireland. We do carefully consider it.

Whenever we bring in a system for a visa regime, ETA or something like that, we are conscious that there will be an impact on the CTA. Similarly, the Committee has not dwelled on this point, but if I start making people in quite a number of nations non-visa nationals, who are visa nationals for the south, we are conscious about what that means for Irish immigration control. That is clearly something that it may want to take a view on.

One thing that we have started being quite clear on is that when we make major immigration rule changes in the UK, there is a different type of engagement that we need to have with the Republic. If I am granting people visas that allow people to go into Northern Ireland perfectly lawfully, that is effectively granting them quite easy access to another country in a way that it does not to France, for example, because there are clear passport controls between us and France—having a UK visa does not mean that you can instantly get into France.



Q63 **Claire Hanna:** Is there some process within the Department that goes, “Oh my goodness, this is going to be quite substantial,” and triggers consultation, or do you just announce it and wait for people to scramble to negotiate a workable outcome?

**Kevin Foster:** It has been known for some time that we were going to look at some sort of electronic travel authorisation. You only need look at what is happening across the world to see that that is where modern economies and immigration systems are heading, but we certainly do ongoing engagement.

As I say, our default position is that everyone who is not a UK or Irish national will need to have it, but we are only too happy to engage with the Irish Government, given the unique position of the CTA, the relationship there and the unique impact for residents of Ireland—people who may well live in Donegal and regularly travel over to see family in Scotland—where we can have a very useful conversation. To be fair, Ambassador O’Neill certainly made some very strong points about that particular cohort, as did Dr Farry, and we are happy to engage.

Without going too much into it, given that we are still making final decisions, the first cohort is likely not to be a particularly large cohort of residents in the Republic of Ireland. Again, we have regularly engaged and continue to do so. We always do so on the basis that we have a UK-wide immigration system and that we do not intend to have a migration border down the Irish Sea.

Q64 **Stephen Farry:** Welcome, Minister. I will pick up from Claire’s questions about your potential flexibility in relation to residents of Ireland, which we do indeed welcome. Could you give a bit of clarification of your thinking about whether there is more likely to be an up-front general exemption for people who have residency, or will it be almost an after-effect where someone in that category happens to intersect with the UK state without an ETA and is deemed not to be subject to enforcement? Is it to the former or the latter that you are probably heading?

**Kevin Foster:** Some of this we are now exploring in detail with the Irish Government. We will be keen to understand, from their perspective, what they are happy to share and how a confirmation of someone’s status would work, particularly if they are travelling. Does it apply only intra-CTA or if someone is arriving at Heathrow, for example? There are a lot of technicalities that we need to go through, where people need clear answers. I am conscious that the worst position we can have is a vague exemption. That is why we did not support the local journeys approach that the House of Lords had suggested in the Bill. What is a local journey? Is Dublin local to Armagh, but not to Antrim? You get all those sorts of things.

In an ideal world, if someone is travelling into the UK, it would be shared with us or checked, so that if someone said, “I am a resident of Ireland,” having come into contact with us and the matter came to the fore, a



request could be made for information. That will be some of the detail that we will work through. As I say, we have had very positive engagement. We also engage more widely on our immigration system, because we are conscious that some of the tech that we have brought in, like fully online visa applications, may be of use to the Irish system in future.

**Q65 Stephen Farry:** Can we go into some of the subtleties around that? Historically, local journeys on the island would usually be understood as being within the island—that is my recollection of what that primarily means.

If someone is coming into the UK, they will have a passport and they may well have other ID, but for movements on the island of Ireland, not everyone will have a driving licence, a bill or something like that. There are questions about whether people are required to carry those types of thing with them in any event, but there will be a cohort of people, particularly those who are more vulnerable or marginalised, who may not have those types of ID. We need to ensure that there is full equality screening in any solution that is found, to make sure that those are picked up.

**Kevin Foster:** This is some of the work that we are doing with the Irish Government. We have explored things like driving licences, because there is a database. It is more about looking at whether there is a database that can quickly be checked. It is going to be more inconvenient to have to carry around a load of paperwork than it is to quickly apply for an ETA. Let us talk candidly: the idea that there is this great exemption and now I carry a folder of paperwork to prove it applies to me, rather than spending a couple of minutes on the phone applying for something every couple of years—that is what we are exploring. What are the databases that can appropriately be shared with consent or permission? Where we have encountered someone in the UK, what information can that reveal about someone's residence? What we would purely be looking for is their residence, but again, that is some of the detail that we need to work through with the Irish Government.

We are conscious that not everyone has a driving licence and not everyone might have a particular element. We are conscious of the issue with EEA nationals who would not, as long-term residents, necessarily have what an American long-term resident of Ireland would have in the form of Irish immigration permission.

**Q66 Stephen Farry:** Absolutely. May I ask about the relationship between the proposals and the UK's obligations under the withdrawal agreement vis-à-vis the Northern Ireland protocol, particularly with reference to two articles: article 2 on the non-diminution of rights under the Good Friday agreement and article 3 on the ongoing regulation of the obligations of Ireland in relation to the CTA? You have specifically mentioned that there will be no impact on freedom of movement to and from Ireland for people who currently have it. How can you reconcile this with that?



**Kevin Foster:** For anyone who is covered by the withdrawal agreement and has EU settled status, ETA is not a relevant consideration; they already have status. We believe that ETA is perfectly compatible with article 2 of the protocol on Ireland and Northern Ireland. We already have slightly different immigration systems, and for visa national countries it already applies, so I think we can certainly work together. We have done so for a very long period of time, with some people having a visa for Northern Ireland under our system and not for the south, and some having one for the south but not for the UK. We continue to consider our obligations, but we do not believe the introduction of ETA particularly changes them.

Q67 **Stephen Farry:** Particularly with reference to article 3, I have it in mind that there will be a lot of relationships that have built up over time such as marriages or partnerships between Irish citizens and EEA nationals, some of whom will have children. Will you recognise that there will need to be some degree of equality in terms of how that family unit is treated as it moves backwards and forwards?

**Kevin Foster:** Again, I think we are getting into some of the detail. For Irish nationals, it does not apply. For anyone who has Irish nationality, regardless of whether they are resident in Ireland, the ETA requirement will not apply; they can show their Irish citizenship as evidence that they are in compliance. Where our CTA is core is UK-NI; the CTA rights do not apply to all third country nationals, for obvious reasons.

Q68 **Stephen Farry:** Some people dispute that particular point. CAJ, for example, would argue that custom and practice over many years have broadened it out.

**Kevin Foster:** Let us be clear where we have always been and, by the way, where Irish immigration enforcement is as well. There is scope for a workable data-sharing arrangement. For most people, our default advice would be "If unsure, apply for an ETA: they are multi-trip, multi-year and fairly cheap." However, we constantly need to be clear that, for those covered by withdrawal agreement rights and those who have UK residence visas already, that would not be relevant.

Q69 **Stephen Farry:** Finally, even if someone applies for an ETA, there is a requirement to renew it after a certain period of time, whether it is a year or two years. With all Government bureaucracy, a percentage of people always forget to reapply, whether it is for the MOT or whatever. In the example of the EU settlement scheme, the Government put a lot of effort into marketing it, but even then, by the deadline of 30 June 2020, a large number of people still had not applied because they did not think that they needed to. That is something just to bear in mind in how you design the policy.

**Kevin Foster:** You have seen what we did with the EUSS, which is a good example of a very large scheme that was categorising people. As for renewals, the period will be significantly longer than a year. It will not be



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13 months, for the sake of argument. We have yet to set the final period, but it will be longer than a year. It will not be an annual renewal that someone is required to do.

As I say, we accept that someone who is a resident of Ireland is in a very different position from someone who is planning a trip where, certainly if they are planning to travel into the UK, an operator would say, "Have you got your ETA in place?" or "It expired—please remember to renew it if you are going." I accept that for a resident of Ireland it is a different position, hence the discussions with the Irish Government, but it needs to be a practical exemption. What we do not want is a system that sounds good in theory, but where you are now carrying a shedload of paperwork with you.

**Q70 Chair:** The point about those people who live within the Republic is a clear and obvious one. The Committee has made this point to your Department before, and I make no apology for making it again: certain hares have been set running that, by the sound of it, do not actually exist. A little more understanding, empathy or sensitivity—call it what you will—about how the island of Ireland operates post-Good Friday agreement, common travel area and so on might help, because a lot of anxiety has been raised by people who, by the sound of it, did not need to have anxiety raised at all.

It is a point that the Committee has made with regard to the citizenship issue. As easy and as handy as it is to default to treating the island of Ireland or the Republic of Ireland as we do the rest of the world, history, tradition and those long-standing relationships of which you spoke a few moments ago do not appear to be taken into account. That is unfortunate, because it creates tension where, if I am reading your body language correctly, those tensions do not need to be created.

**Kevin Foster:** Being able to have that type of approach for residents of Ireland is fundamentally dependent on the co-operation and agreement for the Republic of Ireland on sharing information that it holds. Rightly, it has a sovereign right to say no, but I must say that it has not, and we have had extremely useful discussions. It is right that we are also clear that our default, if we could not get a workable agreement, would be that if you are not British or Irish and do not have an extant immigration permission in place, including from the withdrawal agreement, you would need to have the ETA in place. By the same token, however, the very productive engagements that we have had say to us that there is almost certainly a path to agreeing this in a way that could practically work, because we are conscious that it needs to be a practical solution.

More widely, though, we have to be conscious that we have to be able to justify treating one group separately in an immigration sense from others. UK and Irish nationals we can justify, given the long history of the CTA, the CTA rights and other matters. Residents of Ireland I can justify on the basis that being resident within the CTA is a very different concept from being resident outside it, particularly in respect of non-visa nationals



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and the experience that they may have had living in Ireland and in the rest of the UK.

We also have to be clear that our default if, for example, sharing information were refused or there were no co-operation, would have to be going back to a particular position, but certainly from the very constructive conversation with Ambassador O'Neill I was very reassured that we can probably find a way that makes this work for both sides.

We hopefully look forward in years to come to working with Ireland, if Ireland decides to go down the path that seemingly virtually every other immigration jurisdiction has gone down. We will be very keen to work with it, first, to save it reinventing wheels on the tech, if I can put it that way, and secondly on whether we could look to allow information sharing between the two systems so that if someone ticks a box for the UK one, they can apply for an Irish one and vice versa.

**Chair:** We go back to the theme of common sense.

**Kevin Foster:** We are perhaps five to 10 years away, and I respect that it would be a sovereign decision for Ireland whether it wished to go down that path.

Q71 **Sir Robert Goodwill:** Buy one, get one half-price, maybe.

**Kevin Foster:** If we are doing similar checks—but there are a lot of issues that we would have to go through around how we would still have a sovereign jurisdiction on each side as well.

Q72 **Chair:** As an action point, you are going to let us know vis-à-vis Sir Robert's point on insurance and health.

**Kevin Foster:** Health we can be very clear on: we do not check immigration statuses for access to the NHS urgent care services, so I think that the example given of a tourist would not apply. For residents, there are already memorandums of understanding. On car insurance, I think Secretary Lewis is planning to write to you anyway, so that will be the response on behalf of the Government.

**Chair:** We have that as an action point. Our Clerks can share with your office the contact details of those three organisations, which are very keen to engage with you on this.

**Kevin Foster:** Yes, we are keen to engage with tourism.

Q73 **Chair:** I presume you would undertake to keep the Committee updated on when you will be publishing the costs of this measure when it comes into effect.

**Kevin Foster:** It would almost certainly be our intention to advise Parliament when we do, perhaps via a letter to all colleagues registered in the Library. I presume that at some point we would need to bring through certain pieces of legislation—almost certainly secondary legislation—to apply some of this. There is a formal side—Parliament



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must be updated—and a legitimate side as well. I am always happy to update you, Chair, at an appropriate future point on where our discussions are with the Irish Government as well.

**Chair:** Minister, that is helpful. Thank you very much indeed.

Q74 **Stephen Farry:** Is it still 2024 or 2025 as the target date for this?

**Kevin Foster:** It is the end of 2024, so effectively 2025, but again, given that we literally have this system on a test bed at the moment—that is the best way I can put it—we will be looking at what the results of sharing live data have been. I have to say that we are not making any border or immigration decisions at the moment based on what is being exchanged with some airlines. We will be looking quite carefully at that before we press the button to go ahead and see, because our absolute priority is that before we switch this on, we must be confident that it works, that it works at volume and that it is accurate.

**Chair:** Minister, thank you. Ms Lloyd, thank you very much indeed for your attendance.