



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

**Submission: Northern Ireland Affairs
Committee Inquiry on Policing and Security
in Northern Ireland**

November 2025

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Summary of Advice and Recommendations

The NIHRC:

- 2.6 recommends that the NI Affairs Committee explores to what extent changes to EU policing and judicial cooperation mechanisms have affected the ability of the Police Service of NI and An Garda Síochána to share intelligence and coordinate effectively on cross-border policing and security matters.**
- 2.12 recommends that the NI Affairs Committee explores how changes to extradition and evidence sharing arrangements under the UK-EU Trade Cooperation Agreement have impacted victims' rights to timely justice and defendants' rights to a fair and prompt trial.**
- 2.13 recommends that the NI Affairs Committee explores the extent to which the all-island approach to policing and justice cooperation has been maintained in practice since Brexit, and what steps are being taken to address any operational or legal gaps that have emerged.**
- 2.14 advises that the highest standards of victims' rights and rights of accused persons are central to cross-border criminal justice cooperation and recommends that the UK and the EU ensure that information sharing arrangements are sufficient to ensure investigations and proceedings are conducted in an efficient manner, in full compliance with the ECHR and EU Victims' Directive.**
- 2.15 recommends that in the absence of CJEU oversight of the extradition process, the UK and EU establish clear safeguards within the UK-EU Trade and Cooperation Agreement oversight mechanisms to ensure robust human rights safeguards for accused persons and victims of crime.**
- 2.20 recommends that, to facilitate cross-border justice co-operation, the Secretary of State for Science, Innovation and Technology ensures that data protection standards in the UK, including under the Data (Use and Access) Act 2025 continue to enable data-sharing between the UK and the EU.**
- 2.21 recommends that the Secretary of State for Science, Innovation and Technology ensures that any changes to data protection standards in the UK, including under the Data (Use and Access) Act 2025, fully take account of the importance of data-sharing for effective North-South co-**

operation on public services, such as healthcare and justice, and do not result in a lowering of standards which would put at risk the renewal of EU data adequacy decisions regarding the UK.

- 3.3 recommends that the Common Travel Area and rights associated with it are enshrined in a comprehensive bilateral treaty by the UK Government and Government of Ireland and incorporated into domestic legislation. The NIHRC further recommends that this agreement codifies reciprocal free movement rights and rights to employment, education, health care, justice and security to maintain at least the same level of protection as existed on 31 December 2020.**
- 3.8 continues to recommend that the Home Office ensures that all journeys into NI, originating from Ireland, are exempt from Electronic Travel Authorisation requirements.**
- 3.16 recommends that the Home Office takes effective steps to enforce the prohibition on racial profiling and ensure it does not occur in immigration checks, including at entry to NI at ports and airports and in the context of cross-border travel. This should include the collection and monitoring of appropriate data, including disaggregated ethnic data, of people examined by enforcement officers.**
- 3.17 recommends that the NI Affairs Committee explores how the Home Office ensures the operation of immigration and Electronic Travel Authorisation checks within NI are conducted in compliance with human rights and equality obligations, including measures to prevent racial profiling.**

1.0 Introduction

- 1.0 The Northern Ireland Human Rights Commission (NIHRC), pursuant to section 69(1) of the Northern Ireland (NI) Act 1998, reviews the adequacy and effectiveness of law and practice relating to the protection of human rights in NI. The NIHRC is also required, under section 78A(1), to monitor the implementation of Article 2(1) of the Windsor Framework.¹
- 1.1 The NIHRC bases its advice on the full range of internationally accepted human rights standards, including the European Convention on Human Rights (ECHR), as incorporated by the Human Rights Act 1998, and the treaty obligations of the Council of Europe (CoE) and the United Nations (UN).
- 1.2 The NIHRC further advises on the UK Government's commitment in Article 2 of the Windsor Framework to ensure there is no diminution of rights, safeguards and equality of opportunity in the relevant section of the Belfast (Good Friday) Agreement as a result of the UK's withdrawal from the EU. This is given effect in UK law by section 7A of the EU (Withdrawal) Act 2018.²
- 1.3 This NIHRC welcomes the opportunity to respond to the Committee's inquiry on Policing and Security in NI and, if it would provide further assistance, would welcome the opportunity to provide further evidence to the Committee. In this submission, the NIHRC focuses on two of the Committee's questions:
 1. How effective is Police Service of NI and An Garda Síochána cooperation on cross-border policing and security matters?
 2. How effective is Police Service of NI co-ordination with the Home Office and other agencies in policing the Common Travel Area?

¹ The Windsor Framework was formerly known as the Protocol on Ireland/Northern Ireland to the to the Agreement on the Withdrawal of the UK of Great Britain and NI from the EU and the EAEC, 24 January 2020 (UK-EU Withdrawal Agreement). All references to the Protocol in this document have been updated to reflect this change (see Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework).

² Section 6 of the NI Act 1998 prohibits the NI Assembly from making any law which is incompatible with Windsor Framework Article 2. Section 24 of the 1998 Act also requires all acts of NI Ministers and NI Departments to be compatible with Windsor Framework Article 2.

2.0 Police Service of NI and An Garda Síochána Cooperation on Cross Policing and Security Matters.

- 2.1 In 2019, the NIHRC and the Irish Human Rights and Equality Commission published independent research on post-Brexit justice arrangements which emphasised that “data sharing has become an essential tool for justice and security cooperation between the EU and UK”.³ Effective cooperation between the Police Service of NI and An Garda Síochána remains a key element in supporting public safety and stability in both jurisdictions. Prior to the UK’s withdrawal from the EU, cooperation between the Police Service of NI and An Garda Síochána was facilitated by access to EU mechanisms and databases. These include the European Arrest Warrant, participation in Europol,⁴ and Eurojust,⁵ and access to shared data systems, such as the Schengen Information System II⁶ and the European Criminal Records Information System.⁷
- 2.2 These mechanisms enabled efficient extradition procedures, reciprocal recognition of judicial decisions and timely sharing of evidence and intelligence. This framework significantly strengthened policing effectiveness and the protection of victims and witnesses on both sides of the border.⁸

Access to EU databases

- 2.3 Following EU withdrawal, the UK-EU Trade and Cooperation Agreement established a mechanism for law enforcement and

³ Amanda Kramer, Rachel Dickson and Anni Pues, ‘Evolving Justice Arrangements Post-Brexit’ (IHREC and NIHRC, 2019), at 6.

⁴ European Police Office offered support for law enforcement operations on the ground and provides a hub for information on criminal activities and a centre of law enforcement expertise.

⁵ Eurojust supported judicial coordination and co-operation between national authorities in combating serious organised crime affecting more than one EU country.

⁶ Schengen Information System is a European database, which provides alerts on the movement of people or objects of interest as they cross EU borders. See Regulation 1987/2006, ‘EU Parliament and Council Regulation on the Establishment, Operation and Use of the Second Generation Schengen Information System’, 28 December 2006.

⁷ The European Criminal Records Information System is a European database, which provides for the sharing of criminal record data, including the translation of offences between EU Member States. See Council Framework Decision 2008/675/JHA on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings, 24 July 2008.

⁸ Amanda Kramer, Rachel Dickson and Anni Pues, ‘Evolving Justice Arrangements Post-Brexit’ (IHREC and NIHRC, 2019).

judicial cooperation between the UK and the EU. This is based on respect for democracy, the rule of law and the protection of fundamental rights and freedoms of individuals, as set out in the ECHR.⁹ Many of the essential features of prior UK-EU extradition cooperation have been preserved under the Trade and Cooperation Agreement, such as the fast-track system, enabling the extradition of either UK or EU nationals.¹⁰

- 2.4 As noted below, following the UK's exit from the EU, the free flow of data between the EU and the UK is currently made possible by two data adequacy decisions by the EU, which recognise the "essentially equivalent level of protection" of personal data in the UK and the EU.¹¹ The data adequacy decisions are under the EU General Data Protection Regulation¹² and the EU Data Protection Law Enforcement Directive¹³ respectively, which were subject to review in 2025. The NIHRC welcomes the sharing of some information which has resulted, but regrets that access to information sharing tools, such as Schengen Information System II,¹⁴ has been lost.
- 2.5 Further context on data adequacy and its relevance for cross-border policing and justice cooperation is set out below at paragraphs 2.16-2.17. To mitigate this loss of access to the Schengen Information System II, the UK committed to strengthening international law enforcement cooperation¹⁵ and, specifically, to improve the exchange of alert data between the UK, EU and third

⁹ Article 524, UK-EU Trade and Cooperation Agreement 2020.

¹⁰ Articles 596-632, UK-EU Trade and Cooperation Agreement 2020. Section 12 of the EU (Future Relationship) Act 2020 has repealed sections 64 and 65 of the Extradition Act 2003, which previously contained a waiver in relation to the requirement of dual criminality.

¹¹ EU Commission, 'Press Release: Data protection – Commission adopts adequacy decisions for the UK', 28 June 2021.

¹² C/2021/4800, 'European Commission Implementing Decision (EU) 2021/1772, Pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the Adequate Protection of Personal Data by the UK', 28 June 2021; Regulation 2016/679/EU, 'Regulation of the EU Parliament and Council on the Protection of natural persons with regard to the processing of personal data and on the free movement of such data (EU GDPR)', 27 April 2016.

¹³ C/2021/4801 'European Commission Implementing Decision (EU) 2021/1773, pursuant to Directive (EU) 2016/680 of the European Parliament and of the Council on the adequate protection of personal data by the UK' 28 June 2021; Directive 2016/680/EU, 'Directive of the EU Parliament and Council on the Protection of Natural Persons with Regard to the Processing of Personal Data by Competent Authorities for the Purposes of the Prevention, Investigation, Detection or Prosecution of Criminal Offences or the Execution of Criminal Penalties, and on the Free Movement of Such Data', 27 April 2016.

¹⁴ Schengen Information System is a European database which provides alerts on the movement of people or objects of interest as they cross EU borders. See Regulation 1987/2006, 'European Parliament and EU Council Regulation on the Establishment, Operation and Use of the Second Generation Schengen Information System', 28 December 2006.

¹⁵ House of Commons NI Affairs Committee, 'Cross-border Co-operation on Policing, Security and Criminal Justice After Brexit: Government Response to the NI Affairs Committee's Fourth Report of Session 2019–2021' (NIAC, 2021).

countries through International Law Enforcement Platform¹⁶ with full implementation expected in 2027/8.¹⁷ These developments directly affect the effectiveness of Police Service of NI and An Garda Síochána cooperation, particularly in terms of real-time alert sharing and intelligence exchange.

2.6 The NIHRC recommends that the NI Affairs Committee explores to what extent changes to EU policing and judicial cooperation mechanisms have affected the ability of the Police Service of NI and An Garda Síochána to share intelligence and coordinate effectively on cross-border policing and security matters.

Rights of Victims and Defendants

- 2.7 The rights of victims and accused persons are best safeguarded when UK-Ireland cooperation functions effectively. As noted above, prior to the EU exit, EU instruments provided direct processes for extradition, evidence gathering and victim support. Their absence creates a risk of operational gaps in cross-border justice.
- 2.8 The UK has lost direct access to the Schengen Information System II, and UK authorities no longer participate in Europol's management and operational centres. This slows down law enforcement operations, and limits coordinated responses to cross-border crime.
- 2.9 The delays in information sharing or extradition that the removal of these instruments provide can have human rights consequences, affecting justice for victims and prolonging uncertainty for defendants. Victims and witnesses of crime can experience prolonged uncertainty and trauma when proceedings are delayed, while defendants risk breaches in their right to a fair and timely trial.
- 2.10 Though the Trade and Cooperation Agreement does supplement post-Brexit arrangements in areas such as the fast-track surrender

¹⁶ House of Lords EU Committee 'Beyond Brexit: Policing, Law Enforcement and Security Twenty-fifth Report of Session 2019–2021' (EU Committee, 2021), at para 74.

¹⁷ Home Office, 'International Law Enforcement Alerts Platform Programme Accounting Officer Assessment' (HO, 2023).

procedure, enabling the extradition of either UK or EU nationals. While this aims to closely mirror the European Arrest Warrant process, there are legal and procedural differences.¹⁸ Notably, the European Arrest Warrant did not require dual criminality, whereas the Trade and Cooperation Agreement only provide for an optional waiver of dual criminality.

2.11 The Trade and Cooperation Agreement operational frameworks in the area of criminal justice cooperation are underpinned by the UK's commitment to the ECHR, serving as a foundational safeguard for individual rights.¹⁹ In addition to the wider impact on human rights protection in NI,²⁰ if the UK withdraws from the ECHR, the criminal justice cooperation elements of that Agreement would be terminated. This would inevitably weakening the legal infrastructure that supports Police Service of NI-An Garda Síochána coordination.

2.12 The NIHRC recommends that the NI Affairs Committee explores how changes to extradition and evidence sharing arrangements under the UK-EU Trade Cooperation Agreement have impacted victims' rights to timely justice and defendants' rights to a fair and prompt trial.

2.13 The NIHRC recommends that the NI Affairs Committee explores the extent to which the all-island approach to policing and justice cooperation has been maintained in practice since Brexit, and what steps are being taken to address any operational or legal gaps that have emerged.

2.14 The NIHRC advises that the highest standards of victims' rights and rights of accused persons are central to cross-border criminal justice cooperation and recommends that the UK and the EU ensure that information sharing arrangements are sufficient to ensure investigations and proceedings are conducted in an efficient manner, in full compliance with the ECHR and EU Victims' Directive.

¹⁸ Article 596-632, UK-EU Trade and Cooperation Agreement 2020.

¹⁹ Article 524, UK-EU Trade and Cooperation Agreement 2020.

²⁰ The Belfast (Good Friday) Agreement 1998 provides that the UK Government will complete incorporation of the ECHR into NI law with "direct access to the Courts, and remedies for breach of the Convention, including the power for the courts to overrule Assembly legislation on grounds of inconsistency".

- 2.15 **The NIHRC recommends that in the absence of CJEU oversight of the extradition process, the UK and EU establish clear safeguards within the UK-EU Trade and Cooperation Agreement oversight mechanisms to ensure robust human rights safeguards for accused persons and victims of crime.**

Maintenance of Data Protection Standards

- 2.16 Effective cross-border policing relies on the lawful and secure exchange of personal data. During the passage of the Data (Use and Access) Act 2025, the NIHRC raised concerns about potential compliance issues under Windsor Framework Article 2 on the basis of a reduction in minimum standards previously required under EU law. The NIHRC highlighted the impact of changes to the rules and safeguards on automated decision-making and onward transfers of data to third countries and international organisations and emphasised the importance of these issues for the protection of cross-border and all-island services which rely on free-flow of data.²¹
- 2.17 Following the UK's exit from the EU, the free flow of data between the EU and the UK is made possible by the power of two data adequacy decisions by the EU which recognise the "essentially equivalent level of protection" in the UK and EU.²² The data adequacy decisions are respectively under the EU General Data Protection Regulation²³ and under the EU Data Protection Law Enforcement Directive²⁴ and are currently subject to review.
- 2.18 Data adequacy decisions are vital for facilitating the cross-border aspects of justice and require safe transfer, storage and processing vast amounts of personal data across the border. Any disruption of

²¹ NI Human Rights Commission, 'Briefing on the Data (Use and Access) Bill' (NIHRC, 2025), at Sections 4 and 5.

²² EU Commission 'Press Release: Data protection: Commission adopts adequacy decisions for the UK', 28 June 2021.

²³ C/2021/4800, 'European Commission Implementing Decision (EU) 2021/1772, Pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the Adequate Protection of Personal Data by the UK', 28 June 2021; Regulation 2016/679/EU, 'Regulation of the EU Parliament and Council on the Protection of natural persons with regard to the processing of personal data and on the free movement of such data (EU GDPR)', 27 April 2016.

²⁴ C/2021/4801 'European Commission Implementing Decision (EU) 2021/1773, pursuant to Directive (EU) 2016/680 of the European Parliament and of the Council on the adequate protection of personal data by the UK' 28 June 2021; Directive 2016/680/EU, 'Directive of the EU Parliament and Council on the Protection of Natural Persons with Regard to the Processing of Personal Data by Competent Authorities for the Purposes of the Prevention, Investigation, Detection or Prosecution of Criminal Offences or the Execution of Criminal Penalties, and on the Free Movement of Such Data', 27 April 2016.

the EU data adequacy decision in respect of the UK would hinder investigations and proceedings, resulting in a detrimental effect on cross-border justice in NI.²⁵ The House of Lords European Affairs Committee emphasised that losing adequacy would negatively impact NI.²⁶ The Committee urged the UK Government to pursue data protection policies aimed at retaining the UK's data adequacy status with the EU, under both the EU General Data Protection Regulation and EU Law Enforcement Directive.²⁷ In response, the then Secretary of State for Science, Innovation and Technology acknowledged that data flows support justice cooperation between the UK and EU.²⁸

- 2.19 In June 2025, the EU Commission extended the UK data adequacy decisions until 27 December 2025, as the UK was in the process of passing the then Data (Use and Access) Bill.²⁹ In July 2025, the EU Commission published a draft decision proposing the renewal of the EU adequacy decision in respect of the UK on the basis that it deemed data protection standards in the UK to be “essentially equivalent” to EU standards, based on relevant legislation and the UK's commitment to the ECHR.³⁰ In October 2025, the European Data Protection Board adopted its opinion on the EU Commission's draft decision extending the UK's adequacy status under the EU Law Enforcement Directive.³¹ The opinion highlighted areas requiring ongoing monitoring, including the transfer of data and the UK's new powers to amend data protection law through secondary legislation under the Data (Use and Access) Act 2025.³² The draft decisions

²⁵ NI Human Rights Commission and Equality Commission for NI 'Submission of the NIHRC and ECNI to the European Affairs Committee Inquiry on UK-EU Data Adequacy Agreements' (NIHRC and ECNI 2024).

²⁶ Letter from Chair of the House of Lords European Affairs Committee, Lord Rickets, to Secretary of State for Science, Innovation and Technology, Peter Kyle MP, 22 October 2024, at para b.

²⁷ Letter from Chair of the House of Lords European Affairs Committee, Lord Rickets, to Secretary of State for Science, Innovation and Technology, Peter Kyle MP, 22 October 2024, at para b.

²⁸ Letter from Secretary of State for Science, Innovation and Technology, Peter Kyle MP, to Chair of the House of Lords European Affairs Committee, Lord Rickets, 20 November 2024.

²⁹ C(2025)3928, 'Commission Implementing Decision (EU) 2025/1226, Amending Implementing Decision (EU) 2021/1772 Pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the Adequate Protection of Personal Data by the UK', 24 June 2025, at para 3.

³⁰ EU Commission, 'Commission Implementing Decision of XXX amending Commission Implementing Decision (EU) 2021/1773 of 28 June 2021 pursuant to Directive (EU) 2016/680 of the European Parliament and of the Council on the Adequate Protection of Personal Data by the UK', 22 July 2025.

³¹ European Data Protection Board, 'Opinion 27/2025 regarding the European Commission Draft Implementing Decision pursuant to Directive (EU) 2016/680 on the adequate protection of personal data by the United Kingdom' (EDPB, 2025). The European Data Protection Board also adopted a decision regarding the EU General Data Protection Regulation (see also European Data Protection Board, 'Opinion 26/2025 regarding the European Commission Draft Implementing Decision pursuant to Regulation (EU) 2016/679 on the adequate protection of personal data by the United Kingdom' (EDPB, 2025)).

³² European Data Protection Board, 'Opinion 27/2025 regarding the European Commission Draft Implementing Decision pursuant to Directive (EU) 2016/680 on the adequate protection of personal data by the United Kingdom' (EDPB, 2025), at para 12-17, 18-22 and 24-29.

are subject to approval from representatives of EU countries and adoption of the final decision by the EU Commission.

2.20 The NIHRC recommends that, to facilitate cross-border justice co-operation, the Secretary of State for Science, Innovation and Technology ensures that data protection standards in the UK, including under the Data (Use and Access) Act 2025 continue to enable data-sharing between the UK and the EU.

2.21 The NIHRC recommends that the Secretary of State for Science, Innovation and Technology ensures that any changes to data protection standards in the UK, including under the Data (Use and Access) Act 2025, fully take account of the importance of data-sharing for effective North-South co-operation on public services, such as healthcare and justice, and do not result in a lowering of standards which would put at risk the renewal of EU data adequacy decisions regarding the UK.

3.0 Police Service of NI Coordination with the Home Office in the Common Travel Area

3.1 Policing the Common Travel Area is directly affected by the underpinning legal framework between the UK and Ireland. The Common Travel Area precedes both the UK and Irish membership of the EU and provides for the free movement for British and Irish citizens between both jurisdictions. However, the NIHRC has long-standing concerns that the Common Travel Area has never been placed on firm treaty footing and instead operations through a combination of administrative arrangements and policy commitments.

3.2 Research published by the NIHRC and the Irish Human Rights and Equality Commission found that the limited legal underpinning that the Common Travel Area had was largely dependent on EU law.³³

³³ Sylvia de Mars, Colin Murray, Aoife O'Donoghue and Ben Warwick, 'Discussion Paper on the Common Travel Area' (IHREC and NIHRC, 2018).

Rights under the EU Settlement Scheme are, by contrast, anchored in an international treaty, incorporated into domestic law.³⁴

3.3 The NIHRC recommends that the Common Travel Area and rights associated with it are enshrined in a comprehensive bilateral treaty by the UK Government and Government of Ireland and incorporated into domestic legislation. The NIHRC further recommends that this agreement codifies reciprocal free movement rights and rights to employment, education, health care, justice and security to maintain at least the same level of protection as existed on 31 December 2020.

Electronic Travel Authorisations and Identity Documents

3.4 Electronic Travel Authorisation is required for all “visitors to the UK who do not currently need a visa for short stays, or who do not already have a UK immigration status”.³⁵ It is “a digital permission to travel – it is not a visa and does not permit entry into the UK – it authorises a person to travel to the UK”.³⁶ Irish citizens,³⁷ non-visa nationals legally resident in Ireland,³⁸ and individuals with dual Irish/British citizenship³⁹ do not require an Electronic Travel Authorisation. Since January 2025, all non-European travellers who do not require a visa are required to obtain an Electronic Travel Authorisation for entry into the UK.⁴⁰ Furthermore, from April 2025, eligible European visitors need an Electronic Travel Authorisation to travel to the UK.⁴¹ EU citizens with settled or pre-settled status and British Nationals (Overseas) passport holders are exempt.⁴²

3.5 The NIHRC has expressed concern about the additional immigration checks associated with the operation of Electronic Travel Authorisations within the UK and Irish Government, including the

³⁴ Part 2, UK-EU Withdrawal Agreement 2020; Part 3, EU (Withdrawal Agreement) Act 2020.

³⁵ Nationality and Borders Act 2022 provided for Electronic Travel Authorisation and it has been rolled out on a gradual basis. See Home Office, ‘Electronic Travel Authorisation: Scheme Factsheet’ (HO, 2024).

³⁶ Home Office, ‘Electronic Travel Authorisation Guidance, Version 7.0’ (HO, 2025).

³⁷ Section 3ZA, Immigration Act 1971.

³⁸ Home Office, ‘Guidance: Electronic Travel Authorisation: Irish Resident Exemption’ (HO, 2023).

³⁹ Home Office, ‘Electronic Travel Authorisation: Scheme Factsheet’ (HO, 2024).

⁴⁰ UK Parliament Hansard, ‘Written Statement from Parliamentary Under-Secretary of State for the Home Department, Immigration Rules: Statement of Changes’, 10 September 2024.

⁴¹ Ibid.

⁴² UK Visas and Immigration, ‘Guidance: Check If You Can Get an Electronic Travel Authorisation’ (HO, 2025).

risk of racial profiling and the impact on Article 8 of the ECHR.⁴³

- 3.6 In 2024, the Chair of the Justice and Home Affairs Committee, Lord Foster of Bath, wrote to the then Minister for Legal Migration and the Border, Tom Pursglove MP, recommending that the UK Government monitor the operation of the scheme to ensure its operation does not impact on individuals who are exempt from Electronic Travel Authorisations or entitled to free movement under Common Travel Area rules.⁴⁴ In response, the Home Office restated its commitment to ensuring there is no hard border between NI and Ireland and no routine immigration controls on journeys from within the Common Travel Area, with no immigration controls whatsoever on the Ireland-NI land border. The response also reiterated that individuals arriving in the UK, including individuals crossing the land border into NI, will need to enter in line with the UK's immigration framework, including an Electronic Travel Authorisation, as required.⁴⁵
- 3.7 Since June 2025, expired EU Settlement Scheme Biometric Residence Cards and Biometric Residence Permits are no longer accepted as proof of immigration status for travel to the UK,⁴⁶ with the UK transitioning to a digital immigration system.⁴⁷ The shift towards eVisas covers EU settled status and individuals with settled status will need to use their eVisa credentials to access their immigration status and use it to evidence their rights in the UK.⁴⁸ The Independent Monitoring Authority is considering the implications of the wider Electronic Travel Authorisation and eVisa roll out and the impact on EU Settlement Scheme status holders.⁴⁹

⁴³ Under the Windsor Framework, the UK Government committed to avoiding a hard border, including related checks and controls, and gave undertakings in respect of protecting North-South co-operation and the Common Travel Area. See NI Human Rights Commission and Equality Commission for NI, 'Joint NI Human Rights Commission/Equality Commission for NI Briefing Paper on the Modern Slavery and Human Trafficking and Electronic Travel Authorisation Provisions in the Nationality and Borders Bill' (NIHRC and ECNI, 2022), at 13-14; Letter from NI Human Rights Commission and Equality Commission for NI to Home Office, 9 February 2022; Letter from NI Human Rights Commission and Equality Commission for NI to NI Office, 9 February 2022.

⁴⁴ Letter from Chair of the House of Lords Justice and Home Affairs Committee, Lord Foster of Bath, to Minister for Legal Migration and the Border, Tom Pursglove MP, 20 May 2024.

⁴⁵ Home Office, 'Response to the House of Lords Justice and Home Affairs Committee Report: Electronic Border Management Systems' (HO, 2024), at para 34.

⁴⁶ Independent Monitoring Authority, 'Press Release: Expired EU Settlement Scheme Biometric Resident Cards and Biometric Resident Permits are no longer valid for travel', 4 June 2025.

⁴⁷ UK Visas and Immigration, 'Updates on the Move to eVisas' (HO, 2025).

⁴⁸ Home Office, 'Fact Sheet: EU Settlement Scheme' (HO, 2025).

⁴⁹ Independent Monitoring Authority, 'Press Release: Expired EU Settlement Scheme Biometric Resident Cards and Biometric Resident Permits are no longer valid for travel', 4 June 2025. Having been made aware of

3.8 The NIHRC continues to recommend that the Home Office ensures that all journeys into NI, originating from Ireland, are exempt from Electronic Travel Authorisation requirements.

Racial Profiling

- 3.9 The UK Government has reiterated its commitment to avoiding routine immigration controls on Common Travel Area journeys. In 2022, the Home Office advised that the reason for all examinations of members of the public are recorded in officers' notebooks, but that the Home Office does not record racial profiles. It also confirmed that officers do not record racial profiles in the reasons for examination of members of the public.⁵⁰
- 3.10 In 2024, The House of Lords Justice and Home Affairs Committee raised concerns about racial profiling in the UK's new electronic border system and recommended monitoring its impact.⁵¹
- 3.11 The Home Office continues to advise that officials are strictly prohibited from using racial profiling and that all staff must undergo regular training to ensure that they comply with human rights and equality legislation.⁵²
- 3.12 The NIHRC has expressed concern that immigration checks on Common Travel Area routes have been carried out in a manner that is inconsistent with the UK Government's commitment to maintaining no routine border controls. It has been indicated that immigration enforcement has occurred on journeys between Ireland and NI, particularly at ports and transport hubs, and that individuals from minority ethnic backgrounds are disproportionately targeted.⁵³

some travellers having experienced problems with travel following the eVisa roll out, the Independent Monitoring Authority is further exploring the issue. See Independent Monitoring Authority, 'Independent Monitoring Authority calls on citizens to share experiences of difficulties travelling following wider eVisa roll out', 31 January 2025.

⁵⁰ Letter from the Home Office to the NI Human Rights Commission, 5 July 2022.

⁵¹ Letter from Chair of the House of Lords Justice and Home Affairs Committee, Lord Foster of Bath, to Minister for Legal Migration and the Border, Tom Pursglove MP, 20 May 2024.

⁵² Letter from the NI Office to the NI Human Rights Commission, 31 July 2025.

⁵³ David Thompson, 'Allegations that NI travellers are being racially profiled during Irish immigration checks on the border', Newsletter, 13 June 2024; Meeting between Committee on the Administration of Justice NI and NI Human Rights Commission, 8 August 2024.

3.13 In 2024, up to 300 immigration checks of people travelling from NI to Ireland took place per month.⁵⁴ Civil society organisations have raised concerns that An Garda Síochána have engaged in racial profiling in identifying individuals for checks and immigration control.⁵⁵ In 2024, the House of Lords Justice and Home Affairs Committee inquiry on the new electronic border management system, heard concerns about the potential for racial profiling in the area of advance passenger information.⁵⁶ In 2024, the International Organisation for Migration published a report highlighting that concerns have been raised in relation to racial profiling, particularly around the need to carry identity documents, such as a passport, to prove identity for individuals from ethnic minority or migrant backgrounds, including for British and Irish nationals.⁵⁷

3.14 An Garda Síochána has indicated that it undertakes a “human rights-based approach to checks”.⁵⁸ There were also reports of Gardaí conducting immigration checks based on racial profiling at Dublin airport for public buses travelling to NI.⁵⁹ These matters have been raised in the context of the Joint Committee of the NIHRC and the Irish Human Rights and Equality Commission.⁶⁰

3.15 The Police Service of NI does not undertake immigration checks.⁶¹ However, there were reports of Home Office Border Force undertaking immigration checks through racial profiling at bus stations in NI.⁶²

⁵⁴ David Thompson, ‘Allegations that NI travellers are being racially profiled during Irish immigration checks on the border’, *Newsletter*, 13 June 2024.

⁵⁵ David Thompson, ‘Allegations that NI travellers are being racially profiled during Irish immigration checks on the border’, *Newsletter*, 13 June 2024; Irish Network Against Racism and Irish Council for Civil Liberties, ‘Policing and Racial Discrimination in Ireland: A Community and Rights Perspective’ (ICCL and INAR, 2024); Irish Council for Civil Liberties, ‘Press Release: Irish Network Against Racism Report Revealing Racial Profiling and Discrimination by An Garda Síochána’, 31 March 2025.

⁵⁶ UK Parliament Hansard ‘House of Lords Justice and Home Affairs Committee Corrected Oral Evidence: Electronic Border Management Systems’, 12 March 2024.

⁵⁷ International Organisation for Migration, ‘An Assessment of Migrant Safety and Community Policing in Border Regions Between Ireland and NI’ (IOM, 2024).

⁵⁸ David Thompson, ‘Allegations that NI travellers are being racially profiled during Irish immigration checks on the border’, *Newsletter*, 13 June 2024.

⁵⁹ Meeting between Committee on the Administration of Justice NI and NI Human Rights Commission, 8 August 2024.

⁶⁰ Meeting of the Joint Committee of the NI Human Rights Commission and the Irish Human Rights and Equality Commission, 6 November 2024; Meeting of the Joint Committee of the NI Human Rights Commission and the Irish Human Rights and Equality Commission, 29 May 2025.

⁶¹ Meeting between Committee on the Administration of Justice NI and NI Human Rights Commission, 8 August 2024.

⁶² Letter from NI Human Rights Commission and Equality Commission for NI to Home Office, 9 February 2022; Meeting between Committee on the Administration of Justice NI and NI Human Rights Commission, 8 August 2024.

- 3.16 The NIHRC recommends that the Home Office takes effective steps to enforce the prohibition on racial profiling and ensure it does not occur in immigration checks, including at entry to NI at ports and airports and in the context of cross-border travel. This should include the collection and monitoring of appropriate data, including disaggregated ethnic data, of people examined by enforcement officers.**
- 3.17 The NIHRC recommends that the NI Affairs Committee explores how the Home Office ensures the operation of immigration and Electronic Travel Authorisation checks within Northern Ireland are conducted in compliance with human rights and equality obligations, including measures to prevent racial profiling.**

Contact us

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