



Home Office

# Common Travel Area

Version 7.0

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# About this guidance

This guidance provides detail of the Common Travel Area (CTA) including its legal basis, instructions and requirements for people travelling to and within the CTA and in-country encounters.

The guidance is broken down into background detail including overarching legislation, out of country processes, guidance for processing people on arrival in the UK or the CTA and in country procedure.

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the CTA Policy team.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

## Publication

Below is information on when this version of the guidance was published:

- version **7.0**
- published for Home Office staff on **14 April 2020**

## Changes from last version of this guidance

Changes made to reflect the new legislation under which Biometrics are collected in Isle of Man

### Related content

[Contents](#)

# Common Travel Area – background

This section introduces the Common Travel Area (CTA).

The CTA is an administrative arrangement between the UK, Ireland and the Crown Dependencies (Isle of Man, Guernsey and Jersey) which is implemented in UK domestic law in statute.

The Crown Dependencies collectively are referred to as ‘the islands’ within; the Immigration Act 1971, the British Nationality Act 1981 and this document. The Channel Islands are comprised of the Bailiwick of Jersey and the Bailiwick of Guernsey (which includes Herm, Sark and Alderney).

The Crown Dependencies are not part of the UK but are self-governing dependencies of the Crown. This means they have their own directly elected legislative assemblies, administrative, financial and legal systems and their own courts of law.

The CTA was developed to facilitate the principle of free movement for British and Irish citizens between the UK, Ireland and the islands. It ensured that British and Irish citizens continued to benefit from a mutual enjoyment of rights. There are no routine passport controls on routes from within the CTA to the UK. The UK approach, based on the UK legal framework, is for border checks to be undertaken at the first point of entry to the CTA.

Non-European Economic Area (EEA) nationals are subject to the immigration rules of the jurisdiction within the CTA to which they are entering and residing (visa requirements, restrictions on employment and length of stay). EU nationals have existing rights of entry and residence under EU free movement law.

Each CTA jurisdiction is responsible for decisions for entry clearance. The Crown Dependencies have identical visa requirements to that of the UK. Visa applications for travel to the Crown Dependencies are submitted and processed by UK VACs, however the relevant island holds the decision on whether to grant or refuse.

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The visa requirements for Ireland are broadly similar to the UK's, however there are some differences. Visas for entry to Ireland are processed by and acceptable for travel to Ireland only, visas for Ireland are not acceptable for travel to the UK with the exception of visas eligible under the British Irish Visa Scheme (BIVS).

A person travelling to the UK from the Crown Dependencies who has been granted leave to enter in that jurisdiction is not normally required to seek further leave to enter the UK. If travelling to the UK from Ireland, EEA nationals have a right of entry based on EEA Treaty rights. Non-visa nationals do not normally need to seek further leave as they are entitled to deemed leave. UK Visa nationals will need to meet UK visa requirements.

There are therefore no routine border controls on intra-CTA routes. However, in some limited circumstances people do require leave to enter when travelling to the UK from the CTA – these exemptions are detailed in the [on entry section of this guidance](#).

Enforcement action can be taken on individuals who are found to have entered the UK illegally through the CTA.

#### **Related content**

[Contents](#)



# Legislation

This section provides detail of the legal basis of the Common Travel Area (CTA).

In practice, all members of the CTA maintain their own visa and immigration policies and determine their approach to immigration controls within the context of the CTA – though all based on an overarching common approach that supports alignment.

## Immigration Act 1971

The UK legal position on the CTA is set out in [section 1\(3\) of the Immigration Act 1971](#). This act forms the basis of the UK's operational approach to the CTA – when a person travels from Ireland, Jersey, Guernsey or the Isle of Man directly to the UK (an intra-CTA journey) they must not be subject to routine immigration control.

The immigration act also provides exemptions to this, meaning if an individual is subject to one of these exemptions they require leave to enter.

These exemptions are:

- persons subject to a deportation order
- persons whose exclusion has been deemed conducive to the public good on grounds of national security
- people without leave who have previously been refused leave to enter the UK

See [section 9\(4\) of the Immigration Act 1971](#) for the complete legislation.

## Schedule 4 – The Crown Dependencies

[Schedule 4 of the Immigration Act 1971](#) makes specific provisions to ensure that the immigration laws of the UK, Jersey, Guernsey and the Isle of Man are integrated. In practice, this means that where a person has been granted leave to enter or remain in the Crown Dependencies and then proceeds directly to the UK, or the other way around, that leave **and** any conditions attached to it is treated as if it had been granted in the UK.

See [Immigration Act 1971](#) for the complete legislation.

## Immigration (Control of Entry through Republic of Ireland) Order 1972

The Immigration (Control of Entry through Republic of Ireland) Order 1972, sets out further exemptions to section 1(3) of the Immigration Act for arrivals to the UK from Ireland. Where these exemptions apply the individual will require leave to enter the UK when travelling from Ireland only. These exemptions are:

- any person (other than an Irish citizen) who comes from a country outside the CTA, arrives, transits through Ireland, and is not given leave under Irish law by the Irish authorities
- a visa national who has no valid visa for their entry to the UK
- a person who entered Ireland unlawfully from a place outside the CTA
- a person who entered the UK unlawfully, went direct from the UK to Ireland, was not subsequently granted leave to enter or remain in the UK or Islands, who comes back to the UK
- a person who had limited leave to enter or remain in the UK, overstayed, then went to Ireland, was not subsequently granted leave to enter or remain in the UK or Islands, who comes back to the UK
- a person who the Secretary of State has excluded on public good grounds

See [Immigration \(Control of Entry through Ireland\) Order 1972](#) for the complete legislation.

## Immigration Rules

The UK [Immigration Rules part 1, section 15](#), reinforce the Immigration Act 1971 and the Immigration (Control of Entry through Ireland) Order 1972.

## The British Nationality Act 1981

The [British Nationality Act 1981](#) defines ‘the islands’ as the Channel Islands (Guernsey and Jersey) and the Isle of Man, and they form part of the UK for nationality purposes.

In practice, this means that the British Nationality Act 1981 applies in the islands and changes made to this act are automatically applied to the Crown Dependencies, rather than them having to consider the changes, and if accepted, write into their own domestic law – the approach currently taken to immigration law.

## The UK’s Act of Accession (1972) to the European Community

The Crown Dependencies have a special relationship with the EU provided under [Protocol 3 to the UK’s Act of Accession \(1972\) to the European Community](#). Accordingly, the Crown Dependencies are neither member states nor associate members of the EU. Article 4 of the protocol further guarantees that the Islands will apply the same treatment to all natural and legal citizens of the European Union. In other words, the Crown Dependencies cannot treat British citizens differently to any other citizen of the European Community. They can however, deny entry to European Economic Area (EEA) nationals on the grounds of public policy, public security or public health.

### Related content

[Contents](#)

# Out of country

This section details the processes prior to an individual's travel to the Common Travel Area (CTA). Visa applications for travel to the Crown Dependencies and, in more limited circumstances, Ireland are processed at UK visa applications centres (VACs).

## Entry clearance

Each CTA jurisdiction is responsible for decisions for entry clearance. However, in support of the operation of the CTA some processes are the same as those adopted by the UK. Entry clearance requirements for the UK compared to each of the members of the CTA may vary.

The Crown Dependencies' immigration policies are broadly aligned with those in the UK and their visa requirements are identical. Visa applications for visits to the Crown Dependencies are submitted and paid for online and processed at UK VACs.

A UK entry clearance is valid for travel to the Crown Dependencies. Further details are provided in the Channel Islands [referral of applications](#) section and the Isle of Man [referral of applications](#) section.

In practice, this means that only one UK entry clearance is to be issued where a person intends to travel directly or on the way to the UK, the Channel Islands or the Isle of Man. The destination field on the visa must be endorsed with 'United Kingdom' **not** the island they are visiting. Where an individual intends to travel to the Crown Dependencies for a short period as part of a wider trip to the UK then the entry clearance approved by the UK permits them to do so.

## Entry clearance for the Channel Islands

### Referral of applications – Channel Islands

All applications for entry clearance to the Channel Islands must be referred by the Entry Clearance Officer (ECO) to the appropriate island unless the person applies in the following categories:

- European Economic Area (EEA) family permits
- Tier 5 (Youth Mobility Scheme)
- UK ancestry

In such cases, entry clearance may be issued by the Entry Clearance Officer subject to the operating mandate requirements and provided the requirements of the rules or EEA regulations have been met. However, where the applicant does not satisfy the ECO the application must be referred to the appropriate island, by email ([contact details for the Channel Islands](#)), and include the [Channel Islands and Isle of Man referral form](#).

Applications for all other purposes must be referred to the appropriate island for authority to issue or refuse by email ([contact details for the Channel Islands](#)) and include the [Channel Islands and Isle of Man referral form](#) and, in particular, ensure a recommendation is included. There is no need, initially, to send the visa application form (VAF) and supporting documents, the individual islands' authority will request supporting documentation if required.

The immigration offices in Guernsey and Jersey aim to deal with applications for entry clearance within 28 working days of receipt of the referral.

## Points-based system – Channel Islands

The Channel Islands have not introduced the points-based system (PBS) but will recognise Tier 2 (Minister of Religion) and Tier 5 (Youth Mobility Scheme) only. All other employment routes are considered under their work permit scheme.

An applicant who wishes to apply for entry clearance to Jersey or Guernsey as a work permit holder will need to make an online visa application in the PBS Tier 2 General category. The applicant will then need to submit their biometrics and any supporting documents to the relevant VAC. The applicant will not be required to complete a Tier 2 self-assessment form.

The application should be referred to the relevant island as in the [referral of applications](#) section.

If the islands confirm authority to issue, the entry clearance visa endorsement should be 'Work Permit' immediately followed by the Jersey or Guernsey permit number.

For refusal of applications follow the [notice of decision to refuse](#) section.

Entry clearance applications from Jersey and Guernsey work permit holder dependents should also be made in the Tier 2 General category. Dependents should select either 'Tier 2 General Partner' or 'Tier 2 General Child' as 'Type of Application' in their online application form. Dependents will also need to complete an online application form.

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## Biometric residence permits – Channel Islands

Biometric residence permits (BRP) are not issued for leave to enter granted to the Channel Islands. All entry clearance or visas are endorsed as a vignette showing the full period of the leave to enter granted. Applicants for the Crown Dependencies visas or entry clearance should not be instructed to collect BRPs.

## Students and student visitors – Channel Islands

Applicants seeking to enter as a student should make an online visa application. The applicant will then need to submit their biometric information and any supporting documents to the relevant VAC. The institution is not required to be the holder of a sponsor license for Tier 4 of the points-based system or the holder of valid accreditation or of a valid and satisfactory full institutional inspection, review or audit. The decision, as to whether or not, the educational institution is acceptable will rest with the appropriate island.

## English language test – Channel Islands

Applicants will meet this requirement if they provide an original certificate from a test provider approved by UK Visas and Immigration, or one of the following educational institutions in the Channel Islands, showing that they have achieved the minimum standard of English required for the immigration category in which they are applying:

- Highlands College, P.O. Box 1000, St Saviour, Jersey, JE4 9QA, telephone: +44 (0) 1534 608608, fax: +44 (0) 1534 608600, email: Highlands College
- The Guernsey College of Further Education, Route des Coutanchez, St Peter Port, Guernsey, GY1 2TT, telephone: +44 (0) 1481 737500, fax: +44 (0) 1481 746730, email: [The Guernsey College of Further Education](#)

## Notice of decision to refuse – Channel Islands

The Channel Island authorities will complete a refusal of entry clearance notice, setting out the reasons why the applicant does not meet the requirements of the relevant Immigration Rules.

This notice will also explain that an applicant does not have a legal right of appeal if they are refused entry clearance, in any category, to the Channel Islands. However, an applicant who wishes to make representations and ask for the decision to be reviewed should contact the appropriate island authority in writing. Refer to the [contact details for the Channel Islands](#) section. The ECO is responsible for sending this notice to the applicant. ECOs should not use their own refusal notices.

## Appeals – Channel Islands

An applicant does not have the right of appeal under immigration legislation if they are refused an entry clearance for the Channel Islands, in any category. However, an applicant who wishes to make representations and ask for the decision to be reviewed should contact, by email the appropriate island authority, see: [contact details for the Channel Islands](#).

## Fees – Channel Islands

The fees chart is available on [The Immigration and Nationality \(Fees\) Regulations 2017](#). The section on Crown Dependencies applies.

## Processing applications from EEA nationals and their family members to the Channel Islands

European Economic Area (EEA) nationals exercising Treaty rights do not require leave to enter, or remain in, the islands. This is because of [the UK's Act of Accession \(1972\) to the European Community](#).

Non-EEA family members of an EEA national who wish to live in the islands should make an application for an EEA family permit. The application should be processed in the same way as if entering the UK. The ECO does not need to refer these applications to the Channel Island authorities unless there appears to be a reason to refuse the application. If the ECO considers that the application may fall to be refused, it must be referred to the relevant island.

## Entry clearance for the Isle of Man

Applications for entry clearance to the Isle of Man should be made online via the Visa4UK website.

## Referral of applications – Isle of Man

**All** applications must be referred, this includes those applicants intending to visit the island for a short visit. The Entry Clearance Officer (ECO) must refer the application to the Isle of Man by email, [see contact details section](#).

It is essential that the visa application form (VAF) along with the [Channel Islands and Isle of Man referral form](#) is submitted by the overseas visa application centre (VAC) and, in particular, ensure a recommendation is included.

Where a decision to refuse is being recommended, all supporting documentation must be sent with the VAF to the Isle of Man.

The Isle of Man immigration office aims to provide a decision on non-settlement entry clearance applications within 5 working days of receipt and 15 working days for settlement applications. These times are subject to the fully completed visa

application forms and where necessary, the supporting documentation. Complex cases may take longer.

## Points-based system (PBS) – Isle of Man

The Isle of Man operates the points-based system in line with the UK for Tiers 1, 4 and 5 only. Under these tiers, as the requirements are closely aligned to those of the UK, the applicant should complete the online application form on Visa4UK and submit to the relevant VAC. All employment routes are considered under their worker route.

The Isle of Man Immigration Rules can be found on the [Isle of Man government website](#).

## Worker Visa – Isle of Man

On 6 April 2018, the Isle of Man introduced its own worker route. The Isle of Man operates 2 worker routes:

- Worker Migrant
- Worker Intra-Company Transfer (ICT) Migrant route

## Worker Visa – Isle of Man - Main applicants

Applications for entry clearance to the Isle of Man to work should be made online via the Visa4UK website, selecting their reason for visit as 'work'.

When selecting the visa type, an applicant should select either 'Tier 2 (General) visa' or 'Tier 2 (Intra-Company Transfer) visa' as applicable.

When selecting the visa sub type, an applicant applying in the 'worker route' should select 'General Migrant, up to 3 years'. The 5-year route is not available to Isle of Man workers. The visa sub type in the Intra-Company Transfer route should be Long-term Staff Migrant, up to 3 years (the 5 year route is not open to Isle of Man workers).

A Confirmation of Employment (CoE) document must be produced by an applicant wishing to apply for entry clearance to the Isle of Man as a worker. This replaces the Certificate of Sponsorship (CoS).

The CoE must be endorsed by way of a wet ink stamp from the Isle of Man Immigration Service and will show the date it is valid until. A copy of the approval stamp can be seen in image 1.

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Applications for Isle of Man worker visas should be referred to the Isle of Man Immigration Service, as detailed in the [referral of applications](#) section.

Where approval to grant the visa is given by the Isle of Man Immigration Service, you must issue the vignette as follows:

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## **Dependants of an Isle of Man Worker Migrant or Worker (ICT) Migrant**

Dependants of Isle of Man Worker Migrants, whether applying together with the Migrant Worker or later, must also make their applications online via the Visa4UK website, selecting the reason for visit as 'work'.

When selecting the visa type, an applicant should select 'Tier 2 (Intra-Company Transfer) visa'.

When selecting the visa sub type, an applicant applying in the dependent route should select 'General Migrant Partner' or 'General Migrant Child', up to 3 years (the



5-year route is not open to Isle of Man workers) or 'Long-term Staff Partner' or 'Long-term Staff Child', up to 3 years (the 5-year route is not open to Isle of Man workers).

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## Biometric residence permits – Isle of Man

Biometric residence permits (BRP) are not issued for leave to enter granted to the Isle of Man. All entry clearance or visas are endorsed as a vignette showing the full period of the leave to enter granted.

Applicants for the Isle of Man visas or entry clearance must not be instructed to collect BRP's.

## English language requirement – Isle of Man

The English language requirements in the Isle of Man are the same as those stipulated in the UK.

Appendix B of the [Isle of Man Immigration Rules](#) sets out the English language requirements to be met by Tier 1 or Tier 2 migrants.

Appendix FM-SE of the [Isle of Man Immigration Rules](#) sets out the English language requirements for applicants applying for leave to enter or remain in the Isle of Man as the spouse, civil partner, same-sex partner or unmarried partner of a sponsor who is British or is present and settled in the UK.

The [English Language guidance](#) provides further information.

## Appeals – Isle of Man

The Isle of Man operates an appeals system. Where an application is refused, the Isle of Man immigration office will complete a refusal notice setting out the points of refusal which will also set out the rights of appeal. This must be served by the ECO on the applicant together with the appeal form supplied (Isle of Man Appeal Form 1A).

Completed appeal forms including the grounds for appeal should be sent by the ECO to the Isle of Man immigration office, [refer to the contact details section](#). The appeal will be heard in the Isle of Man by the Immigration Adjudicator.

## Fees – Isle of Man

The fees chart is available in [schedule 9 of The Immigration and Nationality \(Fees\) Regulations 2017](#). Applications for entry clearance to enter the Isle of Man applies.

## Processing applications from EEA nationals and their family members to the Isle of Man

European Economic Area (EEA) nationals exercising Treaty rights do not require leave to enter, or remain in, the Isle of Man. This is because of [the UK's Act of Accession \(1972\) to the European Community](#).

Non-EEA family members of an EEA national who wish to live in the Isle of Man should make an application for an EEA family permit. The ECO must [refer](#) any such applications to the Isle of Man.

## Entry Clearance for Ireland

Visas for entry to Ireland are processed by and acceptable for travel to Ireland only, they are not acceptable for travel to the UK. This is with the exception of visas eligible under the [British Irish Visa Scheme](#).

### Related content

[Contents](#)

# British-Irish Visa Scheme

This section provides details of the British-Irish Visa Scheme (BIVS) including the criteria, how they are issued, on-entry processing and in country enforcement action.

BIVS allows Chinese and Indian nationals to visit the UK and Ireland using a single visa when travelling on a specified type of short term visit visa. All other nationalities are required to meet the visa requirements for the UK and Ireland separately.

All visas issued in the following visitor routes to Chinese and Indian nationals applying in their respective countries will need to be endorsed with 'BIVS':

- general visitor visa
- business visitor visa
- child visitor visa (accompanied only)
- student visitor visa
- family visitor visa
- entertainer visitor visa
- private medical treatment visitor visa (except for visitors under 18)
- sports visitor visa
- parent of a child at school visa
- approved destination scheme
- permitted paid engagement visa

Any other type of visitors will require separate visas to enter the UK and Ireland respectively.

Unaccompanied children and those issued standard visitor visas which allow them to remain in the UK for longer than 6 months in a single trip are not eligible.

## The process for issuing a BIVS visa

Applicants should apply to the country (UK or Ireland) which they intend to visit first ([except for transit](#)). Applications for Irish visas will continue to be determined by the Irish authorities and applications for UK visas will continue to be determined by the UK authorities. As part of the scheme Ireland share UK visa application centres (VACs) in China (including Hong Kong but not Taiwan) and India. Applications cannot be made at VACs outside these 2 countries.

Ireland retain the right to request that in individual cases the UK omit the 'BIVS' endorsement from vignettes where they consider an individual to be inadmissible to Ireland. These cases will be notified to visa issuing posts on a case by case basis. The same works in reverse whereby the UK can request that an Irish-issued visa is limited to one jurisdiction.

Those eligible under the scheme will have the code 'BIVS' entered onto their visa to make it clear to the authorities and carriers that a visa is valid. This will be achieved

by selecting the appropriate BIVS entry in the 'valid for' section of the visa. BIVS visas have 'BIVS' written in the remarks section of the visa.

It is important that the endorsement is correctly applied. Failure to do so could result in an individual being refused leave to enter Ireland or, should an ineligible vignette be incorrectly endorsed, an individual would be able to travel to Ireland without the Irish authorities' permission. This would cause reputational damage to the UK and compromise border security.

For category C vignettes the endorsement is an option on the Proviso 'Destination' drop-down list – 'UNITED KINGDOM (BIVS)'.

For category D vignettes BIVS should be entered in the 'HO Ref:' field in Proviso (under the 'Misc tab' in Proviso 2). The vignette will read 'HO Ref BIVS'.

Irish BIVS application matches – both issues and refusals – will appear on the Visa Identity Management Application (VIMA). The underlying data will be available only through i-Search. It is mandatory to check this data before a decision is made on the application.

Any visas which do not meet the above criteria should not have the endorsement added – select 'UNITED KINGDOM' from the 'Destination' drop-down list.

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The visa holder must first travel to the country that issued the visa, unless they are in [transit](#). For example, if you have an Irish short stay visa and want to also visit the UK you must travel to Ireland first.

### **UK: arrival from outside the Common Travel Area (CTA)**

Border Force officers should process individuals holding a BIVS endorsed visa in accordance with the Border Force operating mandate.

If leave to enter the UK is conferred in line with a UK issued BIVS visa, this will be limited to 180 days or less leave to enter the UK.

### **UK: arrival from Ireland only**

Where a person holds a valid 'BIVS' endorsed Irish visa and has extant leave to land or remain in Ireland they may enter the UK and remain for the duration of their leave to land or remain in Ireland. This is shown by the appropriate stamp in their passport rather than the dates printed on the visa, which are the dates between which the visa may be used for initial travel to Ireland, this will be limited to 90 days or less leave to land in Ireland.

An applicant with a UK issued BIVS visa who has travelled to the UK and then left the CTA may re-enter the CTA through Ireland. Applicants with queries on visits to Ireland can be directed to the [Irish Naturalisation and Immigration Service](#).

You must consider and evidence any discretionary factors and extenuating circumstances as with any curtailment or liability to removal. You must follow existing processes for bringing leave to an end, as set out in this guidance.

You must set removal directions directly to the country from which the person originally departed on their journey (or other country where the person can be returned to, if appropriate) rather than returned to Ireland.

Information on administrative removals of individuals travelling under the scheme will be maintained by each jurisdiction and shared on request in line with data protection principles.

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## Subsequent travel to the other jurisdiction

If permission to enter is not granted, the individual will be returned to the issuing country. This would include those refused leave to enter due to their permission to remain in the issuing country having expired.

## Ireland: arrival from the UK only

If permission to enter is granted, the duration of stay permitted will be the shorter of:

- 90 days or less
- the remaining period of validity of the person's leave to enter the UK

## Transit

A valid BIVS visa is an exemption document for Chinese and Indian nationals for the purposes of the Transit without Visa (TWOV) concession.

Therefore, where a Chinese or Indian national who holds a valid BIVS visa, arrives in the UK from outside the CTA, seeks entry to travel on to Ireland and meets the conditions of the TWOV concession they do not require a UK visa to enter the UK. If no grounds for refusal exist such individuals should be granted leave to enter the UK for 24 hours in line with the TWOV concession.

## In country

Where a visa national holds a valid BIVS visa and an endorsement of permission to land in Ireland and arrives in the UK from Ireland on a local journey (so their aircraft or vessel commenced its journey in Ireland) or by land, they are deemed to hold leave to enter the UK. Leave to enter the UK is valid until the expiry of their

permission to land in Ireland with conditions attached prohibiting them from taking any occupation for reward of employment in the UK.

Enforcement action will be taken against those who are found to abuse BIVS.

Following the administrative removal of any UK visa holder for breaching the terms of their BIVS visa while they are in the UK, you must consider whether it is appropriate to request revocation of the multiple entry BIVS visa by an Entry Clearance Officer under [paragraph 30A\(i\) of the Immigration Rules](#).

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## BIVS visas issued by Ireland

Following the decision to administratively remove a person holding an Irish visa for working in breach of conditions imposed in line with BIVS on the person's UK leave, the individual may, where there is extant time on the Irish visa, request to be removed to Ireland to continue their stay as a visitor.

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If Ireland confirms that the individual would be inadmissible to Ireland, you must arrange for removal outside the CTA. In this circumstance, you must remove individuals directly to the country from which they originally departed on their journey (or other country where they can be returned to, if appropriate) rather than returned to Ireland.

If Ireland confirms that the individual would be permitted to re-enter Ireland from the UK on their current visa, you must set removal directions for Ireland.

## BIVS: overstayers and workers in breach

If you encounter the holder of a BIVS visa who has abused the conditions of their stay while in the UK (such as working in breach of the UK conditions, or overstaying) you must fully consider whether to curtail the leave (if appropriate) and serve a RED.0001.

You will need to consider where and when the period of leave to enter the UK was conferred to determine if the holder of a visa issued by Ireland has overstayed.

### **Related content**

[Contents](#)



# People in transit within the CTA

This section outlines processes for people in transit within the Common Travel Area (CTA).

## Out of country

### Processing applications for transit to Ireland

Part V7 of Appendix V to the [Immigration Rules](#) on visitors in transit does not apply to people wanting to transit the UK and Northern Ireland (UK) on the way to Ireland.

Entry Clearance Officers (ECO) can issue a visit visa to a person in transit to Ireland if:

- the applicant gives the ECO evidence that they will be allowed to enter Ireland for example, they have a visa
- they meet the requirements of the [Immigration Rules for visitors](#)

## On entry

### People transiting the UK for onward travel to the Crown Dependencies

Border Force officers should not give leave to enter to a person going to one of the Crown Dependencies for any purpose unless they qualify to enter the UK for a similar purpose. Doubtful cases must be referred to the appropriate islands Immigration Department (see [contact details section](#)).

Officers must note that Schedule 4 of the Immigration Act 1971 provides that any grant of leave given in any of the Islands of the Crown Dependencies (Guernsey, Jersey and the Isle of Man) will have effect as if the leave had been given by the UK.

Where a passenger arrives with leave that was granted by any of the Islands, Border Force officers should not grant any further leave because they already hold leave to enter for the UK.

The Crown Dependencies, for their in-country applications, do not issue vignettes or biometric residence permits. Instead they issue leave to enter or remain using an ink stamp along with a validation stamp. These endorsements are equally valid for entry to the UK.

A UK entry clearance is valid anywhere in the CTA, therefore people do not require a separate UK entry clearance when they intend to travel directly or on route to the UK, Channel Islands, or Isle of Man. There is also no requirement for an entry clearance to be endorsed to show a particular Island in question.

The Channel Islands have not introduced the points-based system, the Isle of Man have in all categories apart from the Tier 2 route. Their employment routes are considered under their work permit scheme. Upon presentation of a permit to take employment issued by one of the islands. Officers must also note that Schedule 4 of the Immigration Act 1971 provides that any grant of leave given in any of the Islands of the Crown Dependencies will have effect as if the leave had been given in the United Kingdom; there is consequently no need to treat that leave any differently.

The Crown Dependencies will need to re-issue a grant of leave to persons who already had leave to enter or remain in their territories if Border Force Officers grant leave to enter with conditions that conflict with the conditions of the Crown Dependencies' leave to enter or remain. An example of this is if a Border Force Officer grants a Code 5N, therefore prohibiting employment, but the Crown Dependency has granted leave which permits employment.

The Immigration Acts of 1971 and 1988 extend to the Channel Islands and the Isle of Man in slightly modified forms.

European Economic Area (EEA) nationals and their families in transit to the Channel Islands and the Isle of Man should be dealt with as they would be if staying in the UK. See chapter 7, section 3 of the EEA nationals and their family members guidance if further guidance is required.

The visa waiver concession may be applied to transit through the UK to another part of the CTA, subject to the normal provisions provided that the officer is satisfied that the person is acceptable to the immigration authorities in the territory of destination.

[Table 1](#) provides further instructions on how to process passengers who have arrived in the UK and are travelling on to a Crown Dependency.

**Table 1 – Entry to the UK for onward travel to a Crown Dependency**

Type of passenger	Require a separate UK visa?	Endorsement in passport
Non-visa national visitor – no doubts exist	No	Code 5N
Non-visa national visitor to the islands- some doubts exist- not enough to refuse	No	Code 3 – up to 6 months and open date stamp
Employment non-visa nationals to the islands (more than 6 months)	No	Must hold entry clearance (EC) – open date stamp, clipping EC
Employment non-visa nationals to the islands (6 months or less)	No	Must hold work permit. Code 2 stamp to specific date and open date stamp
Points-based system	No	Must hold EC open

Type of passenger	Require a separate UK visa?	Endorsement in passport
employment non-visa nationals to Isle of Man		date stamp, clipping EC
All other categories to the islands (non-visa nationals)	No	Must hold continuing leave or visa- endorse as if seeking leave to enter the UK
Visa nationals in transit to the islands	No	Should hold a visa for the islands. Open date stamp clipping visa
Holds indefinite leave to enter or remain in the islands	No	Must have endorsement in passport, wet ink stamp issued by the relevant Island. Treat as returning resident. Open date stamp

A person going to the islands in any other category should be dealt with as if they were seeking entry to the UK. Doubtful cases should be referred to the appropriate island's immigration department ([see contact details section](#)).

## Passengers travelling to Ireland

After successful mandatory checks from the operating mandate, all passengers travelling in transit through the UK to Ireland are landing card category Z.

[Table 2](#) gives further instructions on how to process various passengers who have arrived in the UK and are travelling on to Ireland.

### Table 2 - Entry to the UK for onward travel to Ireland

Type of passenger	Require a separate UK visa?	Endorsement in passport
Non-visa national visitor - no doubts exist	No	Code 5N
Non-visa national visitor to Ireland – some doubts exist – not enough to refuse	No	Code 3 – ‘one month’ and open date stamp
All other categories to Ireland (non-visa nationals)	No	Code 3 – ‘one month’ and open date stamp
Visa nationals in transit to Ireland (those who benefit from the transit without a visa concession (TWOV))	No	Code 3 – until ‘tomorrow’s date’ and open date stamp.
Visa nationals in transit to Ireland (who do <b>not</b> benefit	Yes (UK visit visa)	Must hold UK Visit visa. Open date stamp clipping

Type of passenger	Require a separate UK visa?	Endorsement in passport
from TWOV or are not otherwise exempt from a visit visa requirement)		visa.
A person who qualifies for indefinite leave to enter the UK	Yes (ILR endorsement / visa)	Treat as UK resident. Must hold evidence of UK indefinite leave to remain. Open date stamp.
People seeking entry to Ireland for employment	No	Must hold Irish labour permit, or official confirmation that the permit has been or will be granted. Code 3 – ‘one month’.
Seaman	No	Seaman’s nationality must be a signatory of the International Labour Organisation (ILO) 108 convention. If not consider under TWOV rules.
Non-visa national Tier 5 creative and sporting, intending to travel to Ireland and then return to the UK (without leaving the CTA) for work in accordance with Certificate of Sponsorship (CoS).		Must hold CoS, which should be activated. Code 4 for the period of work plus a visiting period of 14 days, up to a maximum of 3 months – to a specific date, to work with (name of sponsor). See Tier 5 temporary worker guidance for more details.

## Visa and other requirements in Ireland

Irish legislation defines a foreign national as a person who is neither a citizen of Ireland nor a citizen of Great Britain or Northern Ireland. Where a person who intends to travel on to Ireland requires a visa to enter Ireland, and is not in possession of such a visa, the officer should contact the Department of Justice, Dublin, [see contact details section](#), to establish whether or not they will be acceptable to the immigration authorities there. If they are not, leave to enter should be refused under paragraph 320(4) of HC 395. For details of visa requirements to Ireland, refer to the Travel Information Manual (TIM).

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## Refusal of leave to enter: passengers seeking to transit other parts of the CTA

Paragraph 320(4) of [the rules](#) should only be used as a reason for refusal of leave to enter in cases where a passenger seeks entry in transit to another part of the CTA and there is reason to believe that they are not acceptable there.

Before such a passenger is refused entry for that reason the appropriate authority in the islands or Ireland should be contacted, see [contact details](#) section. Where the authority is contacted by telephone and indicates that the passenger is not acceptable, the request for advice and the reply should be confirmed in writing.

The message should contain full details of the case and must be approved by the Higher Executive Officer. Both the message and reply must be available for production in the event of an appeal.

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There will be cases where a passenger seeking transit to Ireland or the islands has all the required documents for admission there but it is suspected that they have no intention of going there or that they intend re-entering the UK without examination by an immigration officer. Since the issue is largely one of credibility, the appropriate authorities may be unable to make a statement as to whether or not a passenger is acceptable to them.

In such cases the officer's examination should be directed at establishing the passenger's real intentions, and where refusal of leave to enter is justified, paragraph 320(4) of HC 395 should **not** be used as a reason for refusing entry.

## People refused entry to the UK requesting removal to another part of the CTA

If a person who has been refused leave to enter the UK requests permission to leave for Ireland, the officer should normally refuse the request. In exceptional circumstances, where the person intended to travel to Ireland and is known to be acceptable there, the officer may direct removal to Ireland. Similar facilities should not be afforded to people who wish to go to the islands.

## British-Irish Visa Scheme (BIVS)

Individuals with an eligible visa under BIVS will not need to apply for a UK transit visa if their flight takes them through the UK to Ireland. Passengers will need to travel in to Ireland by 11:59pm on the day after arrival.

### Related content

[Contents](#)

# On entry to the CTA

This section tells you about the leave to enter requirements for a person travelling to and within the Common Travel Area (CTA).

## People requiring leave to enter the UK from within the CTA

As provided by the [Immigration Act 1971 section 9\(4\)](#), when travelling from anywhere in the CTA (Ireland and the Crown Dependencies) those falling under the following categories **require leave to enter** the UK:

- [Persons subject to a deportation order](#)
- [Persons whose exclusion has been deemed conducive to the public good on grounds of national security](#)
- [People without leave who have previously been refused leave to enter the UK](#)

There are further circumstances where an individual will require leave to enter the UK, dependent on whether they are travelling from Ireland or the Crown Dependencies.

## People subject to a deportation order issued by one of the Crown Dependencies

A deportation order issued by the Crown Dependencies to all nationals except, British, European Economic Area (EEA) and family members of British or EEA nationals, are equally valid in the UK ([schedule 4, paragraph 3\(1\) of the Immigration Act 1971](#)).

The subject of a deportation order is therefore an illegal entrant by definition of [section 33\(1\) of the Immigration Act 1971](#) merely by seeking leave to enter while the deportation order is still in force. For further guidance, see the Refusal of leave to enter guidance.

Deportation orders served on a British citizen, an EEA national, or the family member of either a British citizen or an EEA national, do not automatically extend to the UK ([schedule 4, paragraph 3\(2\) of the Immigration Act 1971](#)). The Secretary of State may extend the islands' deportation order to the UK in the case of EEA nationals and their family members and to the family members of a British citizen. If an island's deportation order has not been extended to the UK, the question of whether the deportee should be admitted, when the subject travels from an extra CTA location, can only be determined by Border Force at the UK port of entry.

Under these circumstances you must consider the seriousness of the offence that led to the deportation to determine whether refusal is appropriate on non-conducive grounds. In the case of an EEA national or family member refusal should be considered under public policy, public security or public health grounds, under the terms of regulations 19 and 21 of the [Immigration \(European Economic Area\) Regulations 2006 \(as amended\)](#).

Deportation orders issued by Ireland do not extend to the UK or the Crown Dependencies.

## People whose exclusion has been deemed conducive to the public good on grounds of national security

[Section 9\(4\)\(a\) of the Immigration Act 1971](#) provides that people arriving in the UK from any part of the CTA, whose exclusion has been personally directed by the Secretary of State, but only where the direction is made in the interest of national security, require leave to enter.

Where you examine a person to whom the Secretary of State has personally given exclusion directions, on the grounds of national security, **at the time of their arrival in the UK**. You must give them written notice, in anything but the most extreme circumstances (such as mistaken identity), of the Secretary of State's directions and the officers subsequent decision to refuse leave to enter under [paragraph 320\(6\) of the Immigration Rules \(HC395\)](#). Directions should be given for removal to Ireland, unless it is established that entry would be refused there, in which case removal to another appropriate country should be directed. In the case of an arrival from the Crown Dependencies, removal should be to a place outside the UK and islands.

Someone who comes to light after their arrival remains exempt from control under [section 1\(3\) of the Immigration Act 1971](#), but depending on their circumstances could be considered for deportation.

[Article 3\(1\)\(b\)\(iv\) of the Immigration \(Control of Entry through Republic of Ireland\) Order 1972](#) provides that people coming from Ireland including Irish nationals can be excluded and is not limited to matters of national security. Therefore you can refuse anyone, whose exclusion is conducive to the public good, identified at the time of arrival, leave to enter in accordance with [paragraph 320\(6\) of HC395](#).

## People without leave who have previously been refused leave to enter the UK

A person who has been refused entry and has not since been given leave to enter or remain requires leave to enter. Where you notice such a person **arriving in the UK** from within the CTA, you must submit them to further examination in the usual way. If you decide to refuse leave to enter, you must give directions for removal either to:

- the place within the CTA from which the passenger arrived
- another appropriate country

If such a person **enters without leave** and is **subsequently** noticed, they are an illegal entrant and they may be removed without refusal of leave to enter under [paragraph 9 of schedule 2 of the Immigration Act 1971](#).



## People requiring leave to enter when travelling from Ireland

As provided by the [Immigration \(Control of Entry through Republic of Ireland\) Order 1972](#) article 3, when travelling from Ireland those falling under the following categories require leave to enter the UK:

- [people in transit through Ireland](#)
- [visa nationals who are not in possession of a valid UK entry clearance](#)
- [people who entered Ireland unlawfully from outside the CTA](#)
- [people who entered Ireland after entering the UK or islands unlawfully](#)
- [people whose leave to enter or remain expired before leaving the UK for the Ireland](#)

## The visa regulations for Ireland

The following nationals are visa mandatory for the UK, but not for Ireland:

- South Africa
- Swaziland
- Lesotho
- Fiji
- Bolivia
- Guyana

The following nationals do not require visas for the UK, but are visa mandatory for Ireland:

- Marshall Islands
- Mauritius
- Micronesia
- Namibia
- Palau
- Papua New Guinea
- Timor Leste

The following nominally visa mandatory for both countries but the UK has the electronic visa waiver (EVW):

- United Arab Emirates
- Oman
- Qatar

Under Irelands Short Stay Visa Waiver Programme nationals of the following countries holding certain UK visit visas do not require a separate Irish visa:

- Bahrain
- Belarus

- Bosnia and Herzegovina
- China
- India
- Kazakhstan
- Kuwait
- Montenegro
- Oman
- Qatar
- Russian Federation
- Saudi Arabia
- Serbia
- Thailand
- Turkey
- Ukraine
- Uzbekistan

Full details can be found here: [Short stay visa waiver programme](#)

## Deemed leave

The [Immigration \(Control of Entry through Republic of Ireland\) Order 1972](#) creates a system of automatic deemed leave for those who:

- entered Ireland from a country outside the CTA, and then travel directly on to the UK
- were in the UK with limited leave, left the UK at a time when they still had limited leave, went directly to Ireland, their leave ran out, and who then come back to the UK directly

Deemed leave does not apply to:

- those who have a right of abode in the UK
- Irish citizens
- those who need leave to enter the UK from the CTA – those who fall within one of the categories in section 9(4) of the Immigration Act 1971 or article 3 of the Immigration (Control of entry through the Republic of Ireland) Order 1972
- those who have leave to enter or remain in force which was given to them before arrival – those who have entry clearance which confers leave or those who have continuing leave under the Immigration (Leave to Enter and Remain) Order 2000
- European Economic Area (EEA) nationals and their family members exercising free movement rights
- those who are exempt from control (for example diplomats)

Deemed leave, as suggested, is leave that has not been endorsed by way of a stamp into an individual's passport – as individuals travelling from Ireland to the UK will not necessarily encounter a Border Force Officer.

Where the deemed leave provision does apply, a person is usually treated as having 3 months leave to enter the UK, starting from the date they entered the UK evidenced by their ticket or boarding pass, with a prohibition on taking employment or occupation for reward. However, in some cases the person will only have 7 days to regularise their stay. The CTA [entry through Ireland flow chart](#) provides greater details of the deemed leave provisions.

Deemed leave prohibits anyone from working and is for a maximum period of 3 months. An individual who is seeking entry to the UK for purposes not covered by the conditions of entry permitted under deemed leave must obtain the relevant visa before travelling to the CTA. For non-visa nationals seeking entry to the UK when arriving directly from Ireland, please see the [Tier 5 \(Temporary Worker – Creative and Sporting\)](#) section of this guidance.

Non-visa nationals arriving to the UK from a location outside of the CTA are subject to the entry requirements as detailed in the UK Immigration Rules.

### Tier 5 (Temporary Worker – Creative and Sporting)

This category is for applicants in the creative and sporting subcategory of Tier 5 (Temporary Worker) who are entering the UK for short-term contracts or engagements. Further details can be found in the [Tier 5 \(Temporary Worker\) of the Points-Based System – Policy Guidance](#).

For non-visa nationals travelling directly to the UK from Ireland for 3 months or less, you must request leave to enter remotely or apply for an entry clearance before you arrive in the UK. To obtain leave to enter before arrival you will still require a valid Certificate of Sponsorship (CoS) and satisfy the maintenance requirements but will not be required to obtain entry clearance.

If applying for leave to enter remotely, an individual, or their approved sponsor, must complete a [Tier 5 remote clearance form](#) and send by email to [BF Tier 5 C](#). This form should be sent no less than 3 days before the date of intended arrival in the UK. All fields on the form must be completed, incomplete forms will not be considered. This route is only available to people who enter Ireland from outside the CTA.

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Border Force will review the application, conducting necessary checks.

If satisfied Border Force will return the remote clearance form to the email address originally provided with a leave to enter endorsement included. Leave to enter the UK is valid from the date shown and with the conditions of entry shown on the

endorsement within the returned form. Further details of the conditions of entry see [Tier 5 \(Temporary Worker\) of the Points-Based System – Policy Guidance](#).

Once received, the individual can then travel to the UK through Ireland and fulfil the contract or engagement for which the respective CoS was issued.

The individual must be able to provide evidence, through hard-copy, of their endorsed remote clearance form if asked to produce this on arrival or whilst in the UK. It is recommended that applicants carry their remote clearance form alongside their passport during their period within the UK.

If Border Force reject the remote clearance application the individual must present to a Border Force Officer on their arrival in the UK. Further instructions will be provided on return of the decision.

Individuals or sponsors applying for remote clearance should ensure they are certain of their travel plans before applying. However, if the individual has to amend travel arrangements, having already applied and been granted leave through remote clearance, meaning they arrive in the UK directly (and not via Ireland), they will need to present the endorsed remote clearance form previously granted to the Border Force Officer on their arrival at the UK border.

However, if an individual enters Ireland after receiving an endorsed remote clearance form (or is in Ireland when they receive this clearance) before then travelling to the UK via another destination their grant of leave would no longer be valid. In this event they should seek leave at the UK border in the usual manner.

The option to request leave to enter remotely, however, is not available if the individual is entering the UK to commence a contract of employment which, because of the nature of that employment, would require their employer to undertake right to work checks. This is because their remote clearance application would not include receipt of acceptable documentation which their employer could use to undertake right to work checks. In this event they must obtain a visa before entering through Ireland. For further information see published '[An employer's guide to right to work checks](#)'.

## People in transit through Ireland

Any person who arrives (by ship or aircraft) in the UK from outside the CTA, having transited through Ireland, without passing through the immigration control there, requires leave to enter, unless arriving with leave to enter or remain which is in force, and should be examined by an officer in the normal way.

Nationals of the following countries require a visa to transit Ireland where they have travelled to Ireland from a place outside the state other than Great Britain or Northern Ireland:

- Afghanistan
- Albania

- Cuba
- Democratic Republic of the Congo
- Eritrea
- Ethiopia
- Ghana
- Iran
- Iraq
- Lebanon
- Moldova, Republic of
- Nigeria
- Somalia
- Sri Lanka
- Zimbabwe

Requirement for a transit visa waived for Ethiopian nationals transiting through the state through Dublin Airport to or from the USA and Canada.

## Visa nationals who are not in possession of a valid UK entry clearance

A visa national not in possession of a valid UK entry clearance requires leave to enter. If they voluntarily present to a Border Force officer they should be refused leave to enter. Removal directions should require their removal to the country; of which they are a national, they hold a passport or other documentation for, to which there is reason to believe they will be admitted.

## People who entered Ireland unlawfully from outside the CTA

Where a person who entered Ireland unlawfully from outside the CTA, presents themselves to you in the UK, they are an illegal entrant and are subject to control.

You must consider the person's application on its own merits and if they do not qualify under the [Immigration Rules](#) (HC395) you must refuse leave to enter. This includes people who have deceived an Irish immigration officer about their future intentions and then sought entry to the UK. It may be necessary to obtain written confirmation from the Irish authorities to confirm that the person used deception to enter Ireland.

## People who entered Ireland after entering the UK or islands unlawfully

A person who enters the UK or Crown Dependencies unlawfully and who then travels directly to Ireland will require leave to enter when they return to the UK. If they present themselves to a Border Force officer they must refuse leave to enter.

If you encounter such a person in country you must treat them as an illegal entrant. You must set removal directions for the country outside the CTA that they arrived from or their country of origin.

## People who entered Ireland lawfully

Where a person entered Ireland lawfully and on arrival to the UK are found (see [operational activity on CTA routes](#)) to be subject of an exemption as listed in the [Immigration \(Control of Entry through the Republic of Ireland\) Order 1972](#). Persons may be refused leave to enter the UK and removed to the country of which they are a national, or to a country (where there is reason to believe they will be admitted) outside the CTA.

## People whose leave to enter or remain expired before leaving the UK for Ireland

Under the original [Immigration \(Control of Entry through Republic of Ireland\) Order 1972](#), a person whose limited leave expired whilst in the UK or islands, did not require leave to enter on their return to the UK from Ireland. The Immigration (Control of Entry through the Republic of Ireland) (Amendment) Order 1979, came into effect on 1 August 1979, amending article 3(1)(b)(iii) so that such people now require leave to enter.

However, a person who entered the UK in these circumstances before 1 August 1979, and who has not left the UK or islands, or been given leave to enter or remain should be given indefinite leave to remain. A person who entered after 1 August 1979 without leave is an illegal entrant.

Article 3(1)(b)(iii) of the order does not apply to cases in which people whose leave expired whilst in the UK entered Ireland after first going to a place outside the common travel area.

## Acceptability to the UK

A person who enters the CTA in Ireland and intends to travel onto the UK may be assessed for their eligibility for entry to the UK by Irish immigration officials. Officials in Ireland may contact the UK port to which the individual intends to travel, to understand whether the passenger is acceptable for entry to the UK. Calls will be made by the Border Management Unit (BMU) for Dublin Airport and An Garda Síochána (AGS) (Irish national police) for all other air and sea ports in Ireland. It is permissible for you to provide advice to the BMU and AGS officials as to whether the person is likely to be granted leave to enter in the UK.

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## People travelling to the UK from the Crown Dependencies

This section provides information on the leave requirements for people travelling from the Crown Dependencies to the UK.

### People whose presence was unlawful under the immigration laws of that island

If a person is refused leave to enter in any of the islands then treat them as if they had been refused leave to enter the UK.

A person who breached the terms of their leave in the relevant Crown Dependency and then travels directly to the UK will be deemed an illegal entrant. If such an individual is apprehended they should be removed under [paragraph 10 of schedule 2 of the Immigration Act 1971](#), to the country of which they are a national, or to a country (where there is reason to believe they will be admitted) outside the CTA.

Unless the Secretary of State directs otherwise, a person who is the subject of an islands deportation order (has been ordered to leave the islands and forbidden to return) is to be treated as though they are the subject of a UK deportation order, unless [paragraph 3\(2\) of schedule 4 of the Immigration Act 1971](#) applies. However:

- paragraph 3(5) of schedule 4 explains that a person who is being deported from one of the islands can pass through the UK on the way to another country without their presence here being unlawful

### People with previous limited leave from the UK who required leave to enter the Crown Dependencies

[Section 3\(4\) of the Immigration Act 1971](#) provides that where a person who has limited leave to enter the UK, leaves and returns to the UK within the validity of that leave, the time limit and any conditions attached to their stay will continue to apply.

However, if the person was subsequently given leave to enter under the island's laws, that leave will have effect in the UK as if it had been obtained here. If they were refused, or entered the islands illegally without leave, or if their presence there was unlawful, they may not lawfully enter the UK without leave, despite the fact that their previous limited leave has not expired.

### People to be treated as having leave to enter

Unless an individual falls under one of the exemptions listed in the [people requiring leave to enter the CTA](#), [schedule 4 of the Immigration Act 1971](#) provides that any leave or refusal that is given in any of the islands of the Crown Dependencies has effect as if the leave or refusal had been given by the UK. So, when a passenger arrives with leave that was granted by any of the islands, that passenger does not

require any further leave from you. However, EEA family permits and EEA permanent residence wet ink stamps issued by the islands are only recognised in the issuing jurisdiction. They are not valid in the UK therefore the individual must apply to the UK for leave.

People seeking entry to the UK from outside the CTA who intend to proceed to the Channel Islands or the Isle of Man, will require leave to enter, unless they arrive with leave to enter or remain which is in force.

The Crown Dependencies do not issue vignettes or biometric residence permits. Leave to enter or remain endorsements continue to be issued using an ink stamp along with an ink validation stamp. These endorsements are equally valid for entry to and residence in the UK under [schedule 4](#).

There are specific stamp impressions for the following:

- [Ireland](#)
- [Jersey](#)
- [Guernsey](#)
- [Isle of Man](#)

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[Schedule 4 of the Immigration Act 1971](#), [section 9](#), [section 1\(3\) and \(4\)](#) provide that the UK can lawfully revoke or alter leave given by the islands, but only where it is necessary to do so.

[Schedule 4 of the Immigration Act 1971](#) provides that where a person has been given leave to enter or remain by the authorities of the islands and then proceeds **directly** to the UK, that leave and any conditions attached to it will be treated as if they were imposed in the UK.



## European Economic Area (EEA) nationals

The Channel Islands and Isle of Man are not part of the EEA. However, [section 7 of the Immigration Act 1988](#) does extend to the islands in a modified form. This provides for EU or EEA nationals and their families to be treated in the same way as if they were seeking admission to the UK under the EEA Regulations 2006.

They do not require leave to enter and are able to apply to the island authorities for a residence card or notice in writing of their ability to remain.

The EEA nationals and family members guidance provides further guidance.

## Operational activity on CTA routes

The [Immigration Act 1971](#) prevents routine immigration controls on routes from and to the CTA. However, this act and the 1972 order list a number of exemptions, detailed in the [People requiring leave to enter the CTA](#) and [people requiring leave to enter from Ireland](#) sections, whereby those falling into these categories require leave to enter on arrival in the UK.

UK authorities are able to undertake some activity necessary in order to detect the people who require leave to enter. Operational activity must be targeted and supported by specific intelligence of CTA abuse. Once it has been determined that individuals do not fall into one of the exemptions they should no longer be questioned and allowed to proceed.

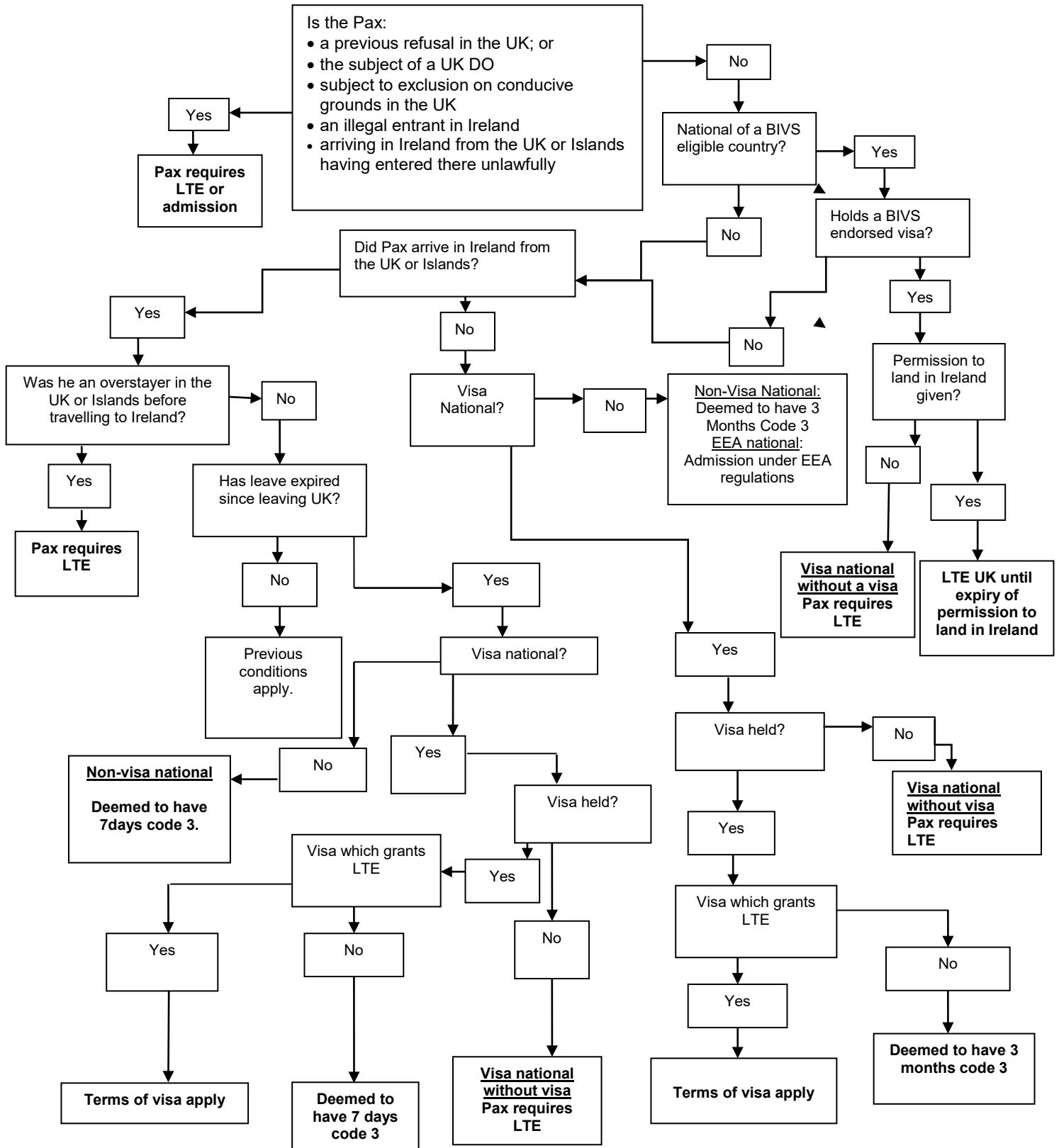
Additional information relating to CTA operations is available within the Enforcement visits guidance.

### **Related content**

[Contents](#)

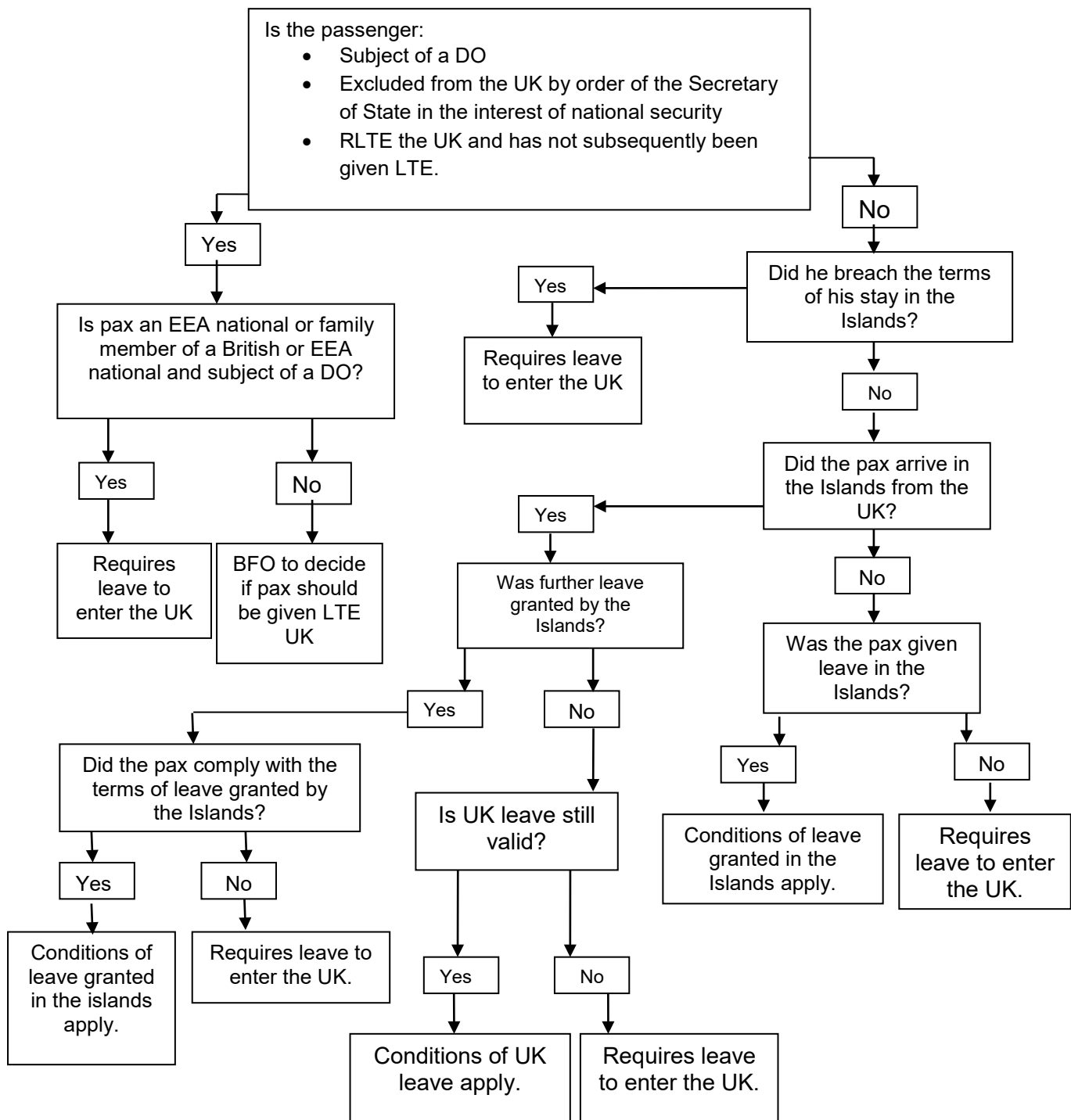
# Entry to the UK through Ireland

Flow chart demonstrating the information provided in: [People requiring leave to enter when travelling from Ireland.](#)



# Entry to the UK from the Crown Dependencies

Flow chart demonstrating the information described in: [People travelling to the UK from the Crown Dependencies](#).



**Related content**  
[Contents](#)

# General aviation

Under [section 1\(3\) of the Immigration Act 1971](#), general aviation arrivals from within the Common Travel Area (CTA) are not routinely met for immigration purposes.

A person travelling to the UK from the Crown Dependencies who has been granted leave to enter in that jurisdiction is not normally required to seek further leave to enter the UK.

If travelling to the UK from Ireland, EEA nationals have a right of entry based on EEA Treaty rights. Non-visa nationals do not normally need to seek further leave as they are entitled to deemed leave. UK Visa nationals will need to meet UK visa requirements.

In some limited circumstances people do require leave to enter when travelling to the UK from any part of the CTA. These circumstances are detailed in the [people requiring leave to enter the UK from within the CTA](#) and further exemptions for arrivals from Ireland are listed in the [people requiring leave to enter the UK when travelling from Ireland](#) section.

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Where a passenger stops in the UK en route to another CTA location and the UK is the first port of entry within the CTA, the person should be assessed by Border Force in line with the operating mandate as this is their first point of entry to the CTA.

Further information on GA arrivals can be found in the General Aviation guidance.

**Related content**

[Contents](#)

# General maritime

Guidance as to how to process CTA general maritime arrivals can be found in the general maritime guidance.

## **Related content**

[Contents](#)

# In country

This section provides guidance if an individual is encountered within the UK who has entered through the Common Travel Area (CTA). This section is of most relevance to UK Immigration Enforcement staff.

## Illegal entrants from Ireland

The [people requiring leave to enter the CTA](#) and [people requiring leave to enter from Ireland](#) sections provide details of those requiring leave to enter the UK from the CTA. People falling under these exemptions who enter the UK from the CTA without leave may be illegal entrants.

If you encounter an individual you suspect of having entered the UK illegally through Ireland, you should establish the person's:

- date and means of entry to Ireland
- immigration history in the UK if appropriate
- date and means of embarkation from Ireland
- subsequent entry to the UK and details of any visas

The [Immigration \(Entry Otherwise than by Sea or Air\) Order 2002](#) allows for removal directions to be given under [paragraph 10 of schedule 2 of the Immigration Act 1971](#) in respect of illegal entrants regardless of the date of entry. For people refused leave to enter on or after the date of the order, this legislation allows for removal directions to be given under [paragraph 8 of schedule 2 to the 1971 act](#). The order allows for removal directions to be served on the captain, owner or agent of any train, vehicle, ship or aircraft.

People detected upon arrival and who are still airside or marine side may be dealt with as passengers rather than illegal entrants.

Where a person has left the CTA following the grant of limited leave to remain and returned, see: [Entry under article 13 of the Immigration \(Leave to Enter and Remain\) Order 2000](#).

## Illegal entry via the Northern Ireland - Ireland land border

The [Immigration \(Entry Otherwise than by Sea or Air\) Order 2002](#) provides that where a person enters the UK on a local journey by land, and that person:

- needs leave to enter because they fall within one of the exception categories
- is subject to a deportation order and is trying to enter the UK from Ireland

the Secretary of State may give directions for their removal from the UK to the owner or agent of any train, vehicle, ship or aircraft specified in the directions.

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## **Illegal entry from the Channel Islands and the Isle of Man**

People who entered the Crown Dependencies illegally or breached the terms of their leave in the islands and then travelled to the UK, and did not obtain leave to enter on arrival, are to be considered as illegal entrants ([schedule 4, paragraph 4 of the Immigration Act 1971](#)).

People should be interviewed under caution, to establish their immigration and work history in the islands.

See also: [contact details](#) for Channel Islands, Isle of Man and Ireland control authorities.

## **EEA nationals subject of a deportation or exclusion order**

EEA nationals encountered in-country and have entered the UK in breach of a deportation order or exclusion order fall to be treated as an illegal entrant under [schedule 2 of the 1971 act](#) in accordance with regulation 32(4) of the EEA regulations.

From January 2017 EU nationals who **would have** been refused admission on public policy, public security or abuse grounds had they presented at the border may be treated as illegal entrants under schedule 2 of the 1971 act in accordance with regulation 32(4) of the EEA regulations 2016. This power may be used in the following categories.

## EEA nationals previously refused admission

EEA nationals who have previously been refused admittance at the border under regulation 23(1) (public policy, public security, public health) or 23(3) (misuse of rights) and who are encountered in the UK either having entered clandestinely, or who have deliberately circumvented UK border controls.

An example of deliberately circumventing UK controls is by deliberately entering through the Common Travel Area.

This power may be used if you are satisfied that, or there are reasonable grounds to suspect that, the person has not sought admittance and been admitted at the UK border since their previous refusal.

## EEA nationals removed from the UK

EEA nationals who have been removed from the UK under regulation 23(6)(a) or 23(6)(c) but who are encountered in the UK within 12 months of removal and who have entered the UK clandestinely, or who have deliberately circumvented UK border controls. An example of deliberately circumventing UK controls is by deliberately entering through the Common Travel Area.

This power may be used if you are satisfied that, or there are reasonable grounds to suspect that, the person has not sought admittance and been admitted at the UK border since their removal.

## In-country examination

The Enforcement interviews guidance provides further information for in-country examination.

## Entry under article 13 of the Immigration (Leave to Enter and Remain) Order 2000

In accordance with [article 13 of the Immigration \(Leave to Enter and Remain\) Order 2000](#), leave does not lapse on travel outside the CTA where the leave is in force and was:

- conferred by means of an entry clearance (other than a visit visa or entry certificate) under article 2
- given by a Border Force officer, or the Secretary of State, for a period exceeding 6 months



This does not apply where a limited leave has been varied by the Secretary of State and, following the variation, the period of leave remaining is 6 months or less.

A person who is able to benefit from the provisions of article 13 and has returned to the UK from outside the CTA within the currency of their leave can still be an illegal entrant. If there is an admission or firm evidence that deception was employed to obtain the last grant of leave to enter or remain (if in the same capacity as the previous leave to enter, otherwise administrative removal action is a possibility) this leave has not lapsed and it is still relevant to consider it to be the last leave granted.

There may also be circumstances when illegal entry action can be taken where there is evidence that deception (by way of false return, statement or representation but not silent deception) occurred not on the grant of leave, but when the person returned to the UK from outside the CTA in circumstances where their leave did not lapse.

### **Related content**

[Contents](#)

# In country applications for leave to remain in the Crown Dependencies

This section tells you when time spent in the Crown Dependencies will not break continuity when you calculate if the applicant has met the continuous period requirement.

Applicants must meet the continuous residence and, as appropriate, continuous employment requirements for indefinite leave to remain (ILR), during time spent in the Crown Dependencies.

They must also have complied with the terms of their leave. This means they must:

- not have breached the conditions of their stay
- be free from convictions in the Crown Dependencies

Time spent in a Crown Dependency in a [qualifying category](#) counts towards the continuous residence period.

## Routes of entry to the Crown Dependencies

The routes of entry to the Crown Dependencies are broadly similar to the UK, but there are some important differences. You must take these into account when you assess if you can count Channel Islands or Isle of Man leave towards the continuous period for indefinite leave to remain (ILR) in the UK.

The main differences are that Guernsey and Jersey continue to operate the work permit system and pre-points-based system (PBS) routes for:

- business persons
- investors and writers
- artists categories

The table below shows:

- which leave categories each of the islands has or has had
- if they are still open or closed to new entrants

Leave category	Guernsey	Jersey	Isle of Man
Work permit holder	Yes (open)	Yes (open)	Yes (open)
Overseas domestic worker – private household	No	Yes (closed)	Yes (open)
UK ancestry	Yes (open)	Yes (open)	Yes (open)
Minister of religion	Yes (open)	Yes (open)	Yes (closed)
Businessperson	Yes (open)	Yes (open)	Yes (closed)
Investor	Yes (open)	Yes (open)	Yes (closed)

Leave category	Guernsey	Jersey	Isle of Man
Writer, Composer, Artist	Yes (open)	Yes (open)	Yes (closed)
Highly skilled migrant	No	Yes – equivalent under work permit policy	Yes (closed)
Tier 1 (General)	No	Yes – equivalent under work permit policy	Yes (closed)
Tier 1 (Investor)	No	Yes – equivalent under work permit policy	Yes (open)
Tier 1 (Entrepreneur)	No	Yes – equivalent under work permit policy	Yes (open)
Tier 1 (Exceptional Talent)	No	Yes – equivalent under work permit policy	Yes (open)
Tier 2 (Intra-company transfer)	No	Yes – equivalent under work permit policy	No
Tier 2: <ul style="list-style-type: none"> <li>• (General)</li> <li>• (Sportsperson)</li> <li>• (Minister of religion)</li> </ul>	No	Yes – equivalent under work permit policy	No

Some employment permitted on a work permit in Guernsey and Jersey would not be permitted in the UK under PBS. For example, short term and seasonal work in the hospitality and entertainment sectors, such as waiters.

Below are some similarities and differences to take into account when you consider if you can count leave spent in the Crown Dependencies towards the continuous period.

Jersey issues work permits in any category.

In Guernsey:

- work permits are issued in the following sectors:
  - finance
  - health
  - education
  - veterinary
  - export industry
  - hotel and catering
- other sectors are considered on a case by case basis if there is an economic need for the post to be filled by a migrant worker

Both Jersey and Guernsey:

- have a resident labour market test
- require the migrant worker's salary to be the going rate
- have an English language and Knowledge of Life test at the indefinite leave to remain stage

The Isle of Man operates the following PBS categories:

- Tier 1 (Exceptional Talent)
- Tier 1 (General)
- Tier 1 (Entrepreneur)
- Tier 1 (Investor)
- Tier 1 (Graduate Entrepreneur)
- Tier 5 (Youth Mobility Scheme) Temporary
- Tier 5 (Temporary Worker)
- Tier 4 (General) Student
- Tier 4 (Child) Student

The Isle of Man operates the following non-PBS categories:

- Worker Migrant (replaced PBS 2 General, Minister of Religion and Sports person)
- Worker (intra company transfer)

## Continuous residence: time spent in the Crown Dependencies

The Immigration Rules state the requirements for time spent in the Crown Dependencies to be counted towards the continuous residence period for indefinite leave to remain (ILR) in the [categories covered by this guidance](#).

### Relevant parts of the Immigration Rules

Section of the rules	What it applies to
Part 5 – paragraph 128A is relevant to:	Applies to: <ul style="list-style-type: none"><li>• work permit holders</li><li>• pre-points-based system (PBS) employment</li><li>• UK ancestry</li><li>• overseas domestic workers</li></ul>
Part 6A (PBS) the relevant rules are:	Applies to: <ul style="list-style-type: none"><li>• 245BF – Tier 1 (Exceptional Talent)</li><li>• 245CD(k) and 245CD(l) – Tier</li></ul>

Section of the rules	What it applies to
	1 (General) <ul style="list-style-type: none"> <li>• appendix A, table 6, line 3 – Tier 1 (Entrepreneur)</li> <li>• appendix A, table 9, lines 3 and 4 – Tier 1 (Investor)</li> <li>• 245GF(i) – Tier 2 (Intra-company transfer)</li> <li>• 245HF(h) – Tier 2:               <ul style="list-style-type: none"> <li>○ (General)</li> <li>○ (Sportsperson)</li> <li>○ (Minister of religion)</li> </ul> </li> </ul>

You may count time spent in the Crown Dependencies towards the 2, 3, 4 or 5 year qualifying period (depending upon category of leave) for ILR in the UK if the applicant has met the following requirements:

- the applicant must:
  - be present in the UK
  - apply for ILR in the UK
- the applicant's most recent period of leave must:
  - have been granted in the UK
  - be in the category in which they are applying for ILR
- you can only count Channel Islands and Isle of Man leave towards ILR if it was granted in the same type of category, or equivalent, as to one specified by the requirement for ILR in the UK: see [examples of equivalent leave](#)
- if the applicant has been granted leave for employment in a Crown Dependency, it must have been for the same type of leave that would be granted in the UK: [examples of equivalent leave](#)
- the continuous residence and, where applicable, continuous employment requirements in paragraphs 128A, 200A and 245AAA also apply to Channel Islands and Isle of Man leave: you must apply the continuous residence and continuous employment requirements to the time spent in the Crown Dependency as you would if the leave had been in the UK, the applicant must:
  - provide information about periods of absence
  - the reasons for them, for more information, the calculating the continuous period guidance contains details on considering exceptional reasons for excessive absences
  - not have outstanding convictions in the Crown Dependency
- leave in the Channel Islands and Isle of Man must have been lawful with no breaches of their conditions of stay

You must check there have been no breaches of conditions in the Crown Dependencies by contacting the relevant island authority using the details provided in the [contacts section](#) of this guidance.

## Examples of equivalent leave

Category applying for ILR in UK	Any Crown Dependency leave
A work permit holder	<p>Must be as a:</p> <ul style="list-style-type: none"> <li>• work permit holder</li> <li>• highly skilled migrant</li> <li>• self-employed lawyer</li> </ul>
Tier 1 (Entrepreneur)	<p>Must be as:</p> <ul style="list-style-type: none"> <li>• an entrepreneur</li> <li>• a business person (in Guernsey or Jersey since 30 June 2008)</li> <li>• an innovator</li> </ul>
Tier 2 (General)	<p>Must be as a:</p> <ul style="list-style-type: none"> <li>• qualifying work permit holder</li> <li>• member of the operational ground staff of an overseas-owned airline</li> <li>• minister of religion</li> <li>• representative of an overseas business</li> <li>• representative of an overseas newspaper</li> <li>• Tier 1 migrant (other than Tier 1 (Post study work))</li> <li>• highly skilled migrant</li> <li>• innovator</li> <li>• Tier 2 (General)</li> <li>• Tier 2 (Sportsperson)</li> <li>• Tier 2 (Minister of religion)</li> <li>• Tier 2 (Intra-company transfer)</li> <li>• businessperson in Guernsey or Jersey since 30 June 2008 or as a work permit holder</li> <li>• worker migrant</li> <li>• worker (intra-company transfer)</li> </ul> <p>You must refer to the codes of practice in <a href="#">appendix J of the Immigration Rules</a>. For sportspersons, including coaches, they must have been:</p> <ul style="list-style-type: none"> <li>• internationally established at the highest level</li> </ul>

Category applying for ILR in UK	Any Crown Dependency leave
	<ul style="list-style-type: none"><li>• employed because they have made a significant contribution to the development of their sport at the highest level</li></ul>

**Related content**

[Contents](#)

**Related external links**

[Part 5 of the Immigration Rules](#)

[Part 6 of the Immigration Rules](#)

[Part 6A of the Immigration Rules](#)

# Common Travel Area: contact details

This page tells you about the various contact details for the other parts of the Common Travel Area (CTA).

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