



Home Office

Common Travel Area

Version 9.0

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About this guidance

This guidance provides detail about 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 and in country procedures.

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 **9.0**
- published for Home Office staff on **01 July 2021**

Changes from last version of this guidance

Changes have been made to:

- clarify the approach for Border Force Officers who encounter specific individuals arriving in the UK from Ireland
- include information on detention at port powers in ports that receive intra-CTA arrivals
- update arrangements for entry via Ireland to outline new restrictions on deemed leave which come into force on 15 June 2021
- reflect the ending of the grace period in the UK on 30 June, and specific arrangements in place from 1 July

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 are collectively referred to as ‘the islands’ in 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 and to ensure that British and Irish citizens continued to benefit from a mutual enjoyment of rights. Under the CTA, British and Irish citizens can move freely and reside in either jurisdiction. British and Irish citizens enjoy associated reciprocal rights and privileges, including the right to work, study and vote in certain elections, as well as to access social welfare benefits and health services. For further information please see [GOV.UK](https://www.gov.uk).

In addition, the UK’s approach to the CTA means there are no routine immigration controls on routes from within the CTA to the UK, with none whatsoever on the land border between Ireland and Northern Ireland. The UK’s approach, based on the UK legal framework, is for border checks to be undertaken at the first point of entry to the CTA. The UK does undertake intelligence led controls on arrivals in the UK from within the CTA, but not on the land border.

Individuals are subject to the immigration policy and legislation of the jurisdiction within the CTA to which they are entering and residing (including visa requirements, restrictions on employment and length of stay).

Each CTA jurisdiction is largely responsible for decisions on who can enter and stay. The Crown Dependencies have almost identical visa requirements to that of the UK.

Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

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 issued by Ireland are not acceptable for travel to the UK except for visas issued under the [British Irish Visa Scheme \(BIVS\)](#).

A person travelling to the UK from the Crown Dependencies who has been granted permission to enter in that jurisdiction is not normally required to seek further permission to enter the UK. If travelling to the UK from Ireland, non-visa nationals do not need to seek permission and instead have statutory permission to enter, known as “deemed leave”, except in certain circumstances– these exemptions are detailed in the on entry section of this guidance.

Visa nationals need to meet UK visa requirements.

Enforcement action can be taken on individuals who are found trying to enter, or who 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).

For the purposes of this guidance, references to “EEA nationals” means an EU, EEA or Swiss national. However, Irish citizens have a special status under CTA arrangements.

The 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, and do not need to seek permission to enter the UK.

If an individual is subject to one of the following exemptions under the Immigration Act, they require permission to enter:

- persons subject to a deportation order
- persons whose exclusion has been deemed conducive to the public good
- people without permission who have previously been refused permission to enter the UK

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

Schedule 4 – Interaction between the immigration laws of the UK and 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 permission to enter or stay in the Crown Dependencies and then proceeds directly to the UK, or the other way around, that permission **and** any conditions attached to it are treated as if the permission had been granted in the UK. It also allows each jurisdiction to cancel the permission granted by another jurisdiction.

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

The Immigration (Control of Entry through Republic of Ireland) Order 1972 creates a system of automatic statutory permission, known as “deemed leave”, for those travelling via Ireland. This is permission 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. The Order also sets out further exemptions to **section 1(3) of the Immigration Act** for journeys to the UK from Ireland. Where these exemptions apply the individual requires permission to enter.

These exemptions are set out later in this guidance: [see people travelling to the UK via Ireland](#).

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

The status of Irish Citizens under UK legislation

Section 3ZA of the Immigration Act 1971 (as inserted by the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020) in force from 11pm on 31 December 2020, ensures that Irish citizens can enter and stay in the UK without requiring permission regardless of where they have travelled from. There are some limited exceptions to this, where they are subject to any of the following:

- a deportation order made under section 5(1) of the Immigration Act 1971
- an exclusion decision, or an exclusion order made under regulation 23(5) of the Immigration (European Economic Area) Regulations 2016
- a travel ban implemented under section 8B of the Immigration Act 1971

See section 3ZA of the [Immigration Act 1971](#) for the complete legislation when published.

Because they generally do not need permission to enter or stay, Irish citizens are not eligible to apply for permission under the new points-based system in the Immigration Rules. This is set out in [Paragraph 5C-5E and in paragraph 7 of the Immigration Rules](#).

Those who fall within one of the exemptions above do require permission to enter or stay and applications for permission are to be treated in line with the relevant Immigration Rules in the same way as any other applicant.

Irish citizens also do not need to apply for permission to enter or to stay under the EU Settlement Scheme (EUSS), although may if they wish. However, a family member of an Irish citizen may be eligible to apply to the EUSS even if the Irish citizen does not apply. The Irish citizen must still meet the relevant requirements were they to have applied in order for the family member's application to be successful.

Irish citizens (and their family members) who meet the requirements of the EU Settlement Scheme are able to apply to the scheme for UK immigration status, consistent with the Withdrawal Agreement with the European Union.

Irish citizens enjoy a right of residence in the UK that is not reliant on the Withdrawal Agreement, and so do not need to apply for status under the EU Settlement Scheme, but they can make an application if they were resident in the UK by 31 December 2020 (or they are the close family member of an Irish or other EEA citizen who was) and they wish to do so.

Where the Irish citizen was resident in the UK by 31 December 2020, their family members (who are not Irish citizens or British citizens and who do not have indefinite leave to enter or remain in the UK) who were themselves resident in the UK by 31 December 2020 will, however, need to have applied to the EU Settlement Scheme by 30 June 2021 to remain in the UK after that date, otherwise they will need to secure immigration status under the wider UK immigration system. Where someone has reasonable grounds for missing the deadline for the EU Settlement Scheme, they will be given a further opportunity to apply. The Home Office has published non-exhaustive guidance on reasonable grounds for making a late application, which underpins a flexible and pragmatic approach to late applications. Individuals can apply to the scheme whether or not the Irish citizen does so.

For more information please see [EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members](#).

A close family member of an Irish citizen, who was not resident in the UK by 31 December 2020, may apply to the EU Settlement Scheme from outside the UK if they have the required proof of entitlement to apply from overseas. Otherwise, they may apply for, and enter the UK using an EU Settlement Scheme family permit as the joining family member of a relevant sponsor and then apply to the EU Settlement Scheme from within the UK. For more information please see [EU Settlement Scheme: Family permits](#).

Irish citizens also do not need a frontier worker permit, but they may apply for one if they wish. They may also seek admission under the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020, although they are not required to do so in order to work in the UK. A family member of an Irish frontier worker may apply for an EUSS family permit, or directly to the EUSS if they reside in the UK and are eligible.

Irish citizens may also enter the UK for medical treatment with an S2 authorisation, although they are not required to obtain permission to enter. Their accompanying person may still apply as an [S2 Healthcare Visitor](#).

An Irish citizen can continue to bring a family member to the UK in the same way as a British citizen under [Appendix FM](#) of the Immigration Rules.

An Irish citizen may also apply for asylum in the same way as other EEA nationals. Further information can be found in the guidance on EEA and EU asylum claims.

Legislation underpinning the immigration systems of the Crown Dependencies

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

Until the end of 2020, the Crown Dependencies (CDs) had a special relationship with the EU provided under [Protocol 3 to the UK's Act of Accession \(1972\) to the European Community](#). Accordingly, the CDs were considered neither member states nor associate members of the EU. Article 4 of the Protocol further guaranteed that the Islands would apply the same treatment to all natural and legal citizens of the EU. In other words, the CDs could not treat British citizens differently to any other citizen of the European Community. They could however, deny entry to EEA nationals on the grounds of public policy, public security or public health.

Relationship post Transition Period

The UK government is responsible for the international relations (and defence) of the CDs, and the Ministry of Justice manages the constitutional relationship with the CDs. On behalf of the CDs the UK government negotiated a deal with the EU, as part of the UK-EU Trade and Co-operation Agreement, that covers a range of areas including fisheries and several areas related to trade in goods. British citizens from the Islands will be treated by the EU in the same manner as those from the UK.

The impact of the ending of free movement on the immigration systems of the Crown Dependencies

Jersey

In response to the ending of free movement between the UK and the EU, free movement to Jersey has also ceased. The existing routes are open for EEA nationals within Jersey's immigration System. Non-British and non-Irish nationals will require immigration permission to visit, work, study or settle in Jersey. Work permits are not be required for those that have acquired immigration permission in the form of settled or pre-settled status under any CTA EU Settlement Scheme (EUSS).

There are protected rights for those EEA nationals who were living or working in Jersey prior to 2021.

Those that were eligible for the Jersey EUSS, but had not yet applied to the scheme, will have had their rights protected by Jersey legislation on the basis of non-lapsing "deemed leave" until 30th June 2021, which will have been recognised under Schedule 4 of the Immigration Act 1971 as if obtained on entry to the UK.

Those granted pre-settled or settled status under the Jersey EUSS are issued a physical or electronic certificate and will be able to continue living and working in Jersey in accordance with the permission they have been granted. Individuals with this permission will also not require additional permission to enter or stay in the UK.

Whilst an application for Jersey's EUSS made before 1 July 2021 remains outstanding, an individual is deemed to have leave in that jurisdiction, and that status is then recognised in the UK.

Individuals will be able to apply to Jersey's EUSS after 30 June 2021 if there are reasonable grounds for their failure to meet the deadline, as in the UK.

EEA and non-EEA family members wishing to join EEA nationals settled in Jersey are able to apply for Jersey's EUSS Family Permit. This is a similar scheme as that operated by the UK and will again be recognised on entry to the UK by virtue of Schedule 4.

Jersey does not operate a frontier worker permit or give specific rights to those who were frontier working before 11pm on 31 December 2020. Jersey also does not operate any equivalent to the UK's S2 Healthcare Visitor route or Swiss Service Providers route.

Guernsey

The Bailiwick of Guernsey operates an EU Settlement Scheme (EUSS) based on that in operation in the UK. It protects the rights of those EEA nationals and their non-EEA family members who were living and working in the Bailiwick of Guernsey on or before 11pm on 31st December 2020. As in the UK, the scheme enables pre-settled or settled status to be granted to those eligible. Persons who have been granted such a status will have been issued a letter containing a reference number and will be able to continue living and working in Guernsey. Individuals with this permission do not require additional permission to enter or stay in the UK.

Whilst an application for Guernsey's EUSS made before 1 July 2021 remains outstanding, an individual is deemed to have leave in that jurisdiction, and that status is then recognised in the UK.

Individuals will be able to apply to Guernsey's EUSS after 30 June 2021 if there are reasonable grounds for their failure to meet the deadline, as in the UK.

EEA and non-EEA family members wishing to join EEA nationals settled in Guernsey can apply for a Guernsey EUSS Family Permit.

Persons who have been granted pre-settled or settled status by virtue of an EUSS in the United Kingdom, Jersey or the Isle of Man are also be able to come to the Bailiwick of Guernsey to live and work.

Guernsey does not operate a frontier worker permit or give specific rights to those who were frontier working before 11pm on 31 December. Guernsey also does not operate any equivalent to the UK's S2 Healthcare Visitor route or Swiss Service Providers route.

Isle of Man

Isle of Man resident EEA nationals, and their family members, who do not hold pre-settled or settled status under Isle of Man's EUSS continue to be able to reside in the Isle of Man under the saved (as modified) provisions of the Isle of Man's EEA Regulations until 30th June 2021 (the "grace period"). This is the same approach as the UK.

EEA and non-EEA family members wishing to join EEA nationals settled in the Isle of Man can apply either for an Isle of Man EUSS Family Permit or EEA Family Permit under the saved provisions (with modifications) of the EEA Regulations.

The UK's EEA Regulations do not recognise any status or documents issued under the Isle of Man's EEA Regulations. The Isle of Man EEA Regulations do however recognise documents issued, and time spent/status, under the UK's EEA Regulations.

If during the "grace period" an Isle of Man resident EEA national, or their family members, were to have travelled to the UK without a EUSS (or any other) status issued by the Isle of Man (regardless of any documentation held/or not held under the Isle of Man EEA Regulations) that individual would have had no valid permission in the UK as:

- the UK's EEA Regulations (as saved and modified) continue the status quo and so will not recognise any document issued, or time spent, under the Isle of Man EEA Regulations
- they were not resident in the UK before 11pm on 31 December 2020, and so will not benefit from the UK's EEA Regulations (as saved and modified)

The Isle of Man do not take the same approach using deemed leave as Jersey and Guernsey. However individuals may still be granted permission to enter the UK as a visitor if they enter from outside the CTA provided they meet the UK's [Immigration Rules](#).

Individuals will be able to apply to the Isle of Man's EUSS after 30 June 2021 if there are reasonable grounds for their failure to meet the deadline, as in the UK.

The Isle of Man does not operate a frontier worker permit or give specific rights to those who were frontier working before 11pm on 31 December 2020. The Isle of Man also does not operate any equivalent to the UK's S2 Healthcare Visitor route or Swiss Service Providers route.

Related content

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Out of country: entry clearance for the Crown Dependencies

This section details the processes prior to an individual's travel to the Crown Dependencies and is of most relevance for UK Visas and Immigration decision makers.

The Crown Dependencies' immigration policies are broadly aligned with those in the UK, with some specific differences depending on the domestic requirement of each jurisdiction. Each Common Travel Area (CTA) jurisdiction is largely responsible for decisions on whether to grant entry clearance. However, in support of the operation of the CTA some processes are the same as those adopted by the UK.

The Home Office has a statutory duty to have regard to the need to safeguard and promote the welfare of children in the UK under section 55 of the Borders, Citizenship and Immigration Act 2009.

Where a child or children in the UK will be affected by any decision made by the Home Office, you must have regard to their best interests in making the decision. You must carefully consider all the information and evidence provided concerning the best interests of a child in the UK and the impact the decision may have on the child. Although the duty in section 55 only applies to children in the UK, the statutory guidance – [Every child matters - statutory guidance](#) – provides guidance on the extent to which the spirit of the duty must be applied to children overseas. You must adhere to the spirit of the duty and make enquiries when you have reason to suspect that a child may be in need of protection or safeguarding, or presents welfare needs that require attention.

You must make sure a child's welfare is taken into account when considering an application from someone under the age of 18, and that any concerns are also included in referrals of applications to the Crown Dependencies.

Entry clearance: visit visa

Visa applications for visits to the Crown Dependencies are submitted and paid for online in the same way as applications to enter the UK on AccessUK and processed at UK Visa Application Centres (VACs) and then by UK Visas and Immigration (UKVI).

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 visit visa 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 visit visa issued by the UK permits them to do so.

Electronic Visa Waiver (EVW)

Any Emirati, Omani, Qatari or Kuwaiti national who is seeking to enter the UK for a visit of less than 6 months may be eligible to travel under the Electronic Visa Waiver (EVW) scheme instead of applying for a visit visa.

To do this they must have successfully registered accurate biometric information and travel details online at least 48 hours in advance of departure and be in possession of a valid EVW document.

Holders of a valid EVW document for the UK can travel to the Isle of Man, Jersey and Guernsey without the need to apply for a separate visa.

Entry clearance for the Channel Islands (Jersey and Guernsey)

Applications for entry clearance to the Channel Islands must be made online via the AccessUK website.

Jersey's Immigration Rules can be found on the [Jersey Government website](#).

Guernsey's Immigration Rules can be found on the [Guernsey Government website](#).

Referral of applications

All applications for entry clearance to the Channel Islands must be referred by the decision maker to the appropriate island unless the person applies in the following categories:

- Youth Mobility Scheme
- UK ancestry
- Minister of Religion (Jersey only)

In such cases, entry clearance may be issued by the decision maker subject to the operating mandate requirements and provided the requirements of the relevant rules or regulations have been met. However, where the applicant does not satisfy the decision maker, 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. The individual island should be sent visa application form (VAF) and 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.

Routes of entry – Channel Islands

The routes of entry to the Channel Islands are broadly similar to the UK's routes, but there are some important differences.

The Channel Islands operate the same visit policy and immigration rules as the UK, with the same nationalities requiring a visit visa.

They continue to operate a work permit system and have not adopted the UK's Points-Based System (PBS).

The table below shows:

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

Permission category	Guernsey	Jersey
Work permit holder	Yes (open)	Yes (open)
Overseas domestic worker – private household	No	Yes (closed)
UK ancestry	Yes (open)	Yes (open)
Minister of religion	Yes (open)	Yes (open)
Businessperson	Yes (open)	Yes (open)
Investor	Yes (open)	Yes (open)
Writer, Composer, Artist	Yes (open)	Yes (open)
Highly skilled migrant	No	No
Tier 1 (General) Closed for new applicants	No	No
Tier 1 (Investor)	No	No
Tier 1 Innovator (replaced Entrepreneur)	No	No
Global Talent (replaced Tier 1 - (Exceptional Talent on 20 February 2020)	No	No
Tier 2 (Intra-company transfer)	Yes – equivalent under work permit policy	Yes – equivalent under work permit policy
Skilled worker	Yes, under work permit policy	Yes – equivalent under work permit policy

Some employment permitted on a work permit in Guernsey and Jersey would not be permitted under the UK's immigration rules, for example, short term and seasonal work in the hospitality and entertainment sectors. This is in recognition of the specific

labour market needs in each jurisdiction and allowed under a specific route not available in the UK.

Applications to the Channel Islands

The Channel Islands have not introduced the PBS but will recognise permission granted under the UK's Minister of Religion and Youth Mobility Scheme only. All other employment routes are considered under their work permit scheme, by way of an online visa application.

Guernsey's working visa routes from 1 January 2021

There are two employment schemes in Guernsey; the General Employment Scheme, for EEA/Swiss nationals, and the Sector Based Scheme, for other nationalities. Information on the Work Permit policy can be found here:

<https://gov.gg/CHttpHandler.ashx?id=135526&p=0>

Sector based work permits are issued for the following industries:

- finance
- health
- education
- government
- veterinary
- export industry
- hospitality

The General Employment Scheme, introduced in January 2021, allows for the issue of short-term work permits to EEA/Swiss nationals in certain industries.

The above routes will continue to be in operation in 2021, and unless they have specific rights under Guernsey legislation, EEA nationals are required to obtain a work permit under the General Employment Scheme.

Guernsey issued work permits are tied to a specific employer and job in the island. Therefore, the individual is not able to work in the UK with a Guernsey issued work permit.

The validity of the work permit will either be up to 12 months for short term permits, or up to 5 years for medium/long term permits.

Jersey's working visa routes from 1 January 2021

There are 2 general working visa routes for anyone who needs immigration permission to work in Jersey, with individuals tied to a specific role and employer in Jersey. Individuals are therefore not be able to work in the UK with a Jersey issued work permit.

- Skilled Worker, with specified exceptions - the skilled worker route will provides permission for an initial 3-year period occupations that are eligible for the skilled work permit employment route are set out on gov.je.
- 9-month Temporary Worker route, which is open to workers in a number of specific sectors

The main work permit routes under Jersey's [Work Permit Policy](#) available since January 2021 are as follows:

- Temporary short-term employment
- Temporary Agricultural Employment
- Temporary Construction Employment
- Temporary Hospitality Employment within Hotels
- Temporary Fishing Employment
- Skilled Work Permit Employment
- General Agreement on Trade in Services (GATS) - The General Agreement on Trade in Services ("GATS") is a treaty of the World Trade Organisation. This means that WTO membership will apply to Jersey, at the end of the transition period, in relation to Contractual Service Suppliers and Independent professionals, including Intra-Company Transfers.
- exceptions:
 - holders of UK Skilled Worker, Tier 1, Tier 2 or Tier 5 visas may undertake work in Jersey for a period up to 1 month, without the need for a work permit, providing it is for the employer with a business interest in Jersey - this will also be applicable to locum doctors and consultants at the General Hospital
 - entertainers in possession of a UK Tier 5 Temporary Worker visa can work in Jersey as a performer for up to 1 month without the need for a work permit

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 selecting their visa category as "visit, work, study or settle in certain British Crown Dependencies, Commonwealth countries or British Overseas Territories" 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 self-assessment form.

The application must 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 must be 'Work Permit' immediately followed by the Jersey or Guernsey permit number.

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

Entry clearance applications from Jersey and Guernsey work permit holder dependants must be made online via the AccessUK website, selecting their visa category as “join or accompany a family member”.

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Biometrics – Channel Islands

There is no legal provision to collect biometrics on applicants seeking to travel directly (those not passing through the UK) to the Channel Islands. Biometrics must be enrolled where an applicant intends to transit the UK on the way to the Channel Islands.

Biometric residence permits – Channel Islands

Biometric residence permits (BRP) are not issued by the Channel Islands. All entry clearances are issued for the full period of permission granted. Applicants **must not** be instructed to collect BRPs.

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Students – Channel Islands

Applicants seeking to enter as a student must make an online visa application. The applicant will then need to submit their biometric information and any supporting documents to the relevant VAC. The decision as to whether 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:
 - Highlands College no longer provide their own English language testing but are an approved test centre for IELTS
- 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 must contact the appropriate island authority in writing. Refer to the [contact details for the Channel Islands](#) section. The decision maker is responsible for sending this notice to the applicant. The decision makers must not use their own refusal notices.

When a person is refused the passport is endorsed with a date stamp with a vertical and horizontal line drawn in it in the form of a cross.

Fees – Channel Islands

The details of fees are available in [Schedule 10 of the Immigration and Nationality \(Fees\) Regulations 2018 \(as amended\)](#)

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

EEA nationals who have arrived in the Channel Islands after 11pm on 31 December 2020 and wish to work, study or settle will need a visa before they arrive.

However, EEA nationals who wish to come to the Channel Islands as a visitor for up to 6 months do not need a visa.

EEA and non-EEA family members wishing to join EEA nationals settled in Jersey can apply for a Jersey EUSS Family Permit from 2021. These applications must be referred to Jersey authorities to consider.

Non-EEA and EEA family members wishing to join EEA nationals settled in the Bailiwick can apply for a Guernsey EUSS Family Permit from 2021. These applications must be referred to Guernsey authorities to consider.

Entry clearance for the Isle of Man

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

Applications for entry clearance to the Isle of Man must be made online via the AccessUK website.

Referral of applications – Isle of Man

All applications must be referred, including those applicants intending to visit the island for a short visit. The decision maker 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 a fully completed [Channel Islands and Isle of Man referral form](#) is submitted by VAC and, in particular, that the decision maker ensures 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 Service 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 them receiving the fully completed visa application referral form and where necessary, the supporting documentation. Complex cases may take longer.

Routes of entry – Isle of Man

The table below shows:

- which permission categories Isle of Man has; and
- if they are still open or closed to new entrants.

UK Permission category	Isle of Man
Work permit holder (closed)	Yes (closed)
Overseas domestic worker – private household	Yes (open)
UK ancestry	Yes (open)
Minister of religion	Yes (open)
Businessperson	Yes (closed)
Investor	Yes (closed)
Writer, Composer, Artist	Yes (closed)
Highly skilled migrant	Yes (closed)
Tier 1 (General) – closed	Yes (closed)
Tier 1 (Investor)	Yes (open)
Innovator (replaced Entrepreneur)	Yes – Business Migrant Innovator replaced Entrepreneur on 6 th April 2020
Start-up (replaced Graduate Entrepreneur)	Yes - Business Migrant / Start – up replaced Tier 1 Graduate Entrepreneur on 6 April 2020
Global talent (replaced Exceptional Talent on 20 Feb 2020)	Yes (open). The Isle of Man still operate the Exceptional Talent Route
Intra-company transfer	Yes – Equivalent is Worker Migrant (ICT)
Skilled worker	Yes - Equivalent is Worker Migrant. This route does not include specific Sports person or MoR sub categories

Points-based system (PBS) – Isle of Man

The Isle of Man operates certain elements of the PBS in line with the UK, namely the Investor, Student (General and Child) and Youth Mobility Scheme & Temporary Worker. All other employment routes are considered under the Worker Migrant routes.

The entry clearance requirements for these tiers are closely aligned to those of the UK Immigration Rules and applicants must complete the online application form on AccessUK and attend the relevant VAC for their biometric enrolment.

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

- Worker Migrant (replaced PBS Tier 2 General, Minister of Religion and Sports person)
- Worker Migrant (Intra - Company - Transfer)
- Business Migrant (Start-up)
- Business Migrant (Innovator)

Business Migrant – Isle of Man

On 6 April 2020, the Isle of Man introduced its own Business Migrant route to replace the Tier 1 (Entrepreneur) and Tier 1 (Graduate Entrepreneur) route, which are now closed to new applicants. The Business Migrant visa consists of two routes which are similar to those operated by the UK, but tailored to meet the needs of the Isle of Man. These are:

- Innovator
- Start-up

Applications for entry clearance to the Isle of Man must be made online via the AccessUK website, using the respective Start up or Innovator route operated by the UK.

Applicants must provide a Letter of Endorsement from the Department for Enterprise of the Isle of Man Government, with their visa application form.

Applicants are encouraged to clearly indicate in the notes section that their application is to be referred to the Isle of Man Immigration Office for consideration under the Isle of Man Immigration Rules.

Applications for Isle of Man Business Migrant visas must be referred to the Isle of Man Immigration Service, as detailed in the section for the referral of applications.

The Isle of Man do not issue Biometric Residence Permits, so where approval to grant the visa is given by the Isle of Man Immigration Service, the vignette must be issued with the full period of permission as indicated by the Isle of Man decision maker in their reply.

Worker Migrant Visa – Isle of Man - Main applicants

Applications for entry clearance to the Isle of Man to work must be made online via the AccessUK website, selecting their visa category as “visit, work, study or settle.”

When selecting the visa type, an applicant must select “Isle of Man worker migrant”, then apply under either the “Isle of Man (Intra-company transfer) migrant or “Isle of Man worker migrant” route.

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 migrant.

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.

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

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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 AccessUK website, selecting visa category as “join or accompany a family.”

When selecting the visa sub category, an applicant applying in the dependent route must select “working in the UK, the Channel Islands or the Isle of Man”, then the visa type “Partner or child of an Isle of Man worker Migrant.”

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Biometrics – Isle of Man

The Isle of Man has laid regulations which reflect our own [Immigration \(Provision of Physical Data\) Regulations 2019](#). This allows for the collection of biometric information from any person who is seeking to enter the Isle of Man or who makes an application for entry clearance in the Isle of Man. Applicants must submit their biometric data and supporting documents in the usual way to the relevant Visa Application Centre, by booking an appointment online.

Biometric residence permits – Isle of Man

Biometric residence permits (BRP) are not issued by the Isle of Man. All entry clearances are issued for the full period of permission granted.

Applicants **must not** be instructed to collect BRPs.

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 migrants seeking entry clearance under the Worker Migrant or Worker (Intra Company Transfer) Migrant visa under the Worker Migrant route.

Appendix FM-SE of the [Isle of Man Immigration Rules](#) sets out the English language requirements for applicants applying for permission to enter or stay 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.

Appendix X, paragraph 4.9 of the [Isle of Man Immigration Rules](#) sets out the English language requirements to be met by migrants seeking entry clearance under the Start-up or Innovator visa under the Business Migrant route.

The English Language guidance provides further information.

Notice of decision to refuse – Isle of Man

The Isle of Man 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, and providing details of the appeals process (see below).

The Isle of Man authorities will provide this refusal notice to the decision maker. The decision maker is responsible for sending this notice to the applicant. Decision makers must not use their own refusal notices.

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 and provides a link to the Appeal Forms and Guidance which are published on the [website](#). This must be served by the decision maker on the applicant as soon as possible after the decision has been made.

Any appeal forms including the grounds for appeal received by the decision maker must be forwarded 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 details of fees are available in [schedule 9 of The Immigration and Nationality \(Fees\) Regulations 2018](#).

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

EEA nationals who arrive in Isle of Man after 31 December 2020 and wish to work, study or settle need an entry clearance before they arrive.

However, EEA nationals who wish to come to Isle of Man as a visitor for up to 6 months do not need a visa.

EEA and Non-EEA family members of an EEA national who wish to live in the Isle of Man must make an application for an EU Settlement Scheme Family Permit. The decision maker must [refer](#) any such applications to the Isle of Man.

The Isle of Man has replaced the saved provisions (with modifications) of the EEA Regulations therefore Isle of Man Family Permits under the EEA Regulations may continue to be applied for after 2020 where individuals are eligible.

The EU Settlement Scheme in each Crown Dependency

In alignment with the UK, each jurisdiction operates their own EU Settlement Scheme (EUSS) for those who are eligible to apply. However, unlike the UK, the Crown Dependencies issue a letter confirming the individual's EUSS status, although the letter itself does not always confer permission.

Each Crown Dependency's EUSS provides a basis for EU citizens and their family members resident in each respective jurisdiction to apply for status which they will require in order to stay from 1 July 2021 (unless they have any other immigration permission).

The immigration status granted under each Crown Dependency's EUSS is either indefinite leave to remain (ILR) (also referred to for the purposes of the scheme as 'settled status') or 5 years' limited leave to remain (LTR) (also referred to as 'pre-settled status') granted under each jurisdiction's Immigration Rules.

Further information on each Crown Dependency's EU Settlement Scheme can be found on their respective website:

- See [Jersey Government's website](#)
- See [Guernsey Government's website](#)
- See [Isle of Man's Government website](#)

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Hong Kong British National (Overseas) (BN(O)) citizens

In January 2021, the UK opened applications for a Hong Kong BN(O) visa for BN(O) citizens and their close family members. The visa will provides a route to settlement and British citizenship, should applicants meet the requirements. The BN(O) immigration route grants BN(O)s and their family dependants enhanced rights to enter and reside in the UK.

In alignment with the UK, the Crown Dependencies (CDs) have also introduced a BN(O) immigration route.

Applicants are granted permission for either:

- a period of 5 years, where the applicant has applied for a period of 5 years
- a period of 30 months, where the applicant has applied for a period of 30 months, extendable for a further 30 months

They are subject to all of the following conditions:

- no access to public funds
- work (including self-employment and voluntary work) permitted except for employment as a professional sportsperson (including as a sports coach)
- study is permitted, subject to the ATAS condition in Appendix ATAS

Settlement

Schedule 4 of the Immigration Act 1971 applies to the BN(O) route. This means that we will time spent in the UK and the Crown Dependencies will count towards the 5 years residency requirement for settlement both in the UK and the Crown Dependencies.

Fees

The application fee for the Hong Kong BN(O) Visa under each Crown Dependency's rules is £180 for 30 months' permission and £250 for 5 years' permission.

The Immigration Health Surcharge (IHS) is not payable for Crown Dependency BN(O) routes.

Entry Clearance for Ireland

Visas for entry to Ireland are processed by and acceptable for travel to Ireland only, and are not acceptable for travel to the UK except where issued 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 visit visas issued to Chinese and Indian nationals applying in their respective countries will need to be endorsed with 'BIVS.' BIVS is available for those seeking to visit the UK on a standard visitor visa where the maximum period for a single visit is six months. This includes individuals wishing to come under the Approved Destination Scheme, and those wishing to come for a Permitted Paid Engagement, where the period of permission granted must not exceed the maximum for either category under [Appendix V: Visitor](#) of the UK's Immigration Rules.

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 stay in the UK for longer than six months in a single trip are not eligible.

The process for issuing a BIVS visa

Applicants must 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 two 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 permission 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.

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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) on a BIVS visa

Border Force Officers must process individuals holding a BIVS endorsed visa in accordance with the Border Force Operating Mandate.

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

UK: arrival from Ireland on a BIVS visa only

Where a person holds a valid 'BIVS' endorsed Irish visa and has extant permission to land or stay in Ireland they may enter the UK and stay for the duration of their permission to land or stay 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 permission 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 [Immigration Service](#) Delivery.

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 permission 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 on a BIVS visa

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

Ireland: arrival from the UK on a BIVS visa 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 permission to enter the UK

Transit on a BIVS visa

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 must be granted permission 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 permission to enter the UK. Permission to enter the UK is valid until the expiry of their permission to land in Ireland with conditions attached prohibiting them from taking any 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 the UKVI decision maker under [Part 9 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 permission, 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 cancel the permission (if appropriate) and serve a RED.0001.

You will need to consider where and when the period of permission 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: Visitor to the [Immigration Rules](#) on visitors in transit does not apply to people wanting to transit the UK on the way to Ireland.

A visit visa may be granted to a person in transit to Ireland if the decision maker considers that they are eligible for entry to both the UK and Ireland. The decision maker can issue a visit visa to a person in transit to Ireland if both of the following apply:

- the applicant provides evidence that they will be allowed to enter Ireland for example, they have a visa
- they meet the requirements of Appendix V: Visitor in the Immigration Rules

On entry

People transiting the UK for onward travel to the Crown Dependencies

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

The Crown Dependencies do not issue biometric residence permits when granting in-country applications. Instead they issue permission to stay using an ink stamp along with a validation stamp. These endorsements are equally valid for entry to the UK.

Where a passenger arrives with permission that was granted by any of the Islands, you must not grant any further permission. The Crown Dependencies will need to re-issue a grant of permission to persons who already had permission to enter or stay in their territories if the UK grants permission to enter with conditions that conflict with the conditions of the Crown Dependencies' permission to enter or stay. An example of this is if you grant the individual permission to enter as a visitor, therefore prohibiting employment, but the Crown Dependency has granted permission which permits employment.

You must not grant permission 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 under the UK's Immigration Rules. Doubtful cases must be referred to the appropriate islands Immigration Department (see [contact details section](#)). You must also consider whether someone has previously been refused permission to enter one of the Crown Dependencies.

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[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, except EEA and B5JSSK citizens where permission must be granted orally unless they have entered through an e-gate.
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 except EEA and B5JSSK where permission must be granted orally unless they have entered through an e-gate.
Employment (including Points Based System) 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, except for Isle of Man. Code 2 stamp to specific date and open date stamp
All other categories to the islands (non-visa nationals)	No	Must hold continuing permission or entry clearance- endorse as if seeking permission to enter the UK
Visa nationals in transit to the islands	No	Must hold a visa or entry clearance for the islands. Open date stamp clipping visa.
Holds indefinite leave to enter or stay in the islands	No	Must have endorsement in passport, wet ink stamp issued by the relevant Island. Treat as returning resident. Open date stamp, unless EEA or B5JSSK
Holds status under Crown Dependency’s EUSS scheme	No	Open date stamp, except EEA and B5JSSK citizens
Holds Crown Dependency issued EUSS Family	No	Open date stamp, except EEA and B5JSSK citizens

Type of passenger	Require a separate UK visa?	Endorsement in passport
Permit or EEA Family Permit		

B5JSSK: Citizens of The United States of America, Canada, New Zealand, Australia, Japan, Singapore and South Korea.

The Crown Dependencies do not endorse the passports of those from the EU and B5JSSK citizens who seek entry as visitors except in specific circumstances, as in the UK.

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

Passengers travelling to Ireland

[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 – where individual's nationality means endorsement is appropriate
Non-visa national visitor - no doubts exist	No	Code 5N except EEA and B5JSSK where permission must be granted orally unless they have entered through an e-gate.
Non-visa national visitor to Ireland – some doubts exist – not enough to refuse	No	Code 3 – ‘one month’ and open date stamp except EEA and B5JSSK where permission must be granted orally unless they have entered through an e-gate.
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 not benefit from TWOV or are not)	Yes (UK visit visa)	Must hold UK Visit visa. Open date stamp clipping visa on first presentation.

Type of passenger	Require a separate UK visa?	Endorsement in passport – where individual’s nationality means endorsement is appropriate
otherwise exempt from a visit visa requirement)		
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, unless EEA or B5JSSK
Non-visa national 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’. except EEA and B5JSSK where permission must be granted orally unless they have entered through an e-gate.
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 must 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.

B5JSSK: Citizens of The United States of America, Canada, New Zealand, Australia, Japan, Singapore and South Korea.

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 must 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, permission to enter must be refused under paragraph 9.10.1 of the [Immigration Rules](#). For details of visa requirements to Ireland, refer to the Travel Information Manual (TIM).

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

[9.10.1. of Part 9 of the Immigration Rules](#) must only be used as a reason for refusal of permission 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 must 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 must be confirmed in writing.

The message must contain full details of the case and must be approved by a 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. Since the issue is largely one of credibility, the appropriate authorities may be unable to make a statement as to whether a passenger is acceptable to them.

In such cases the officer's examination must be directed at establishing the passenger's real intentions, and where refusal of permission to enter is justified paragraph 9.10.1 of the Immigration Rules must **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 permission to enter the UK requests permission to be removed to Ireland, the officer must 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, but this is unlikely to be appropriate where you consider that their intention in travelling to Ireland is to abuse the CTA. Similar facilities must not be afforded to people who wish to go to the Crown Dependencies.

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](#)

Arriving in the UK from within the CTA

This section details the requirements for a person arriving in the UK from another part of the common travel area (CTA) in a zone approved under section 11 of the Immigration Act 1971 such as the individual has not yet entered at the point they are encountered. Where an individual is encountered outside a s.11 approved area, they have entered the UK and any action taken must be taken on that basis.

The UK recognises permission granted by the Crown Dependencies. Entry via Ireland relies on a system of statutory permission, known as “deemed leave”, rather than a pro-active grant of permission. However, some people are required to seek permission to enter the UK when arriving from anywhere within the CTA, and others when arriving from Ireland.

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 below, whereby those falling into these categories require permission to enter on arrival in the UK.

UK authorities are able to undertake some activity necessary in order to detect the people who require permission 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 and are eligible for entry, either because they have an entitlement to enter or are eligible for deemed leave, they must no longer be questioned on the basis of formal examination powers and allowed to proceed. Further information on the approach where individuals do not fall into any of the exemptions from the requirement to obtain permission to enter but who may fall to be refused under the immigration rules if arriving from outside the CTA can be found in the [‘a person who has deemed leave where doubts exists as to their intentions’](#) section of this guidance.

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

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People requiring permission to enter the UK from anywhere within the CTA

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

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

There are also different arrangements in place depending on whether individuals are travelling from [Ireland](#) or the [Crown Dependencies](#).

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

Subject to certain exceptions, a deportation order made by a Crown Dependency ('Islands deportation order') is automatically treated as if the order was made under the Immigration Act 1971, prohibiting the person from entering the UK (schedule 4, paragraph 3(1) of the Immigration Act 1971)

The exceptions to the automatic extension of an Islands deportation order to the UK, effective from 11.00p.m. on 31 December 2020, apply to:

- a British citizen
- an Irish citizen
- the family member of a British citizen who is neither a British citizen nor an Irish citizen
- the following 'relevant persons', as provided for by paragraph 3A of Schedule 4:
 - a person who is in the UK having arrived with a Family Permit granted under Appendix EU (Family Permit) of the Immigration Rules
 - a person who has leave to enter or remain granted under Appendix EU of the Immigration Rules (the EU Settlement Scheme)
 - a person who is granted, or may be eligible for entry clearance or leave under Appendix S2 Healthcare visitor of the Immigration Rules
 - a person who may enter the UK with a frontier worker permit, whether or not they have entered the UK

Other relevant persons

People in the following groups are also treated as 'relevant persons', meaning that an Islands deportation order made against such a person does not automatically extend to the UK:

- a Service Provider from Switzerland as provided for by the [Swiss citizens' rights agreement](#)
- those protected by the [Citizens' Rights \(Application, Deadline and Temporary Protection\) \(EU Exit\) Regulations 2020](#) or so called 'grace period savings', who were lawfully resident in the UK in accordance with the Immigration (European Economic Area) Regulations 2016 ('EEA Regulations') before the end of 31 December 2020, who do not have EUSS leave to enter or remain in the UK but:
 - applied in time and a decision or appeal is pending on their application to the EUSS

With the exception of a British citizen, the Secretary of State may decide to extend an Islands deportation order to the UK in any of the above cases.

Where the Islands deportation order was made against a 'relevant person' due to conduct that occurred before the end of the transition period and they have protection under the Citizens' rights agreements, you must decide whether extending the Islands deportation order is justified on grounds of public policy, public security or public health in accordance with regulation 27 of the [Immigration \(European Economic Area\) Regulations 2016](#). In the case of a frontier worker consideration must be based on whether deportation is justified on grounds of public policy, public security or public health in accordance with regulation 18 of the [Citizens' Rights \(Frontier Workers\) \(EU Exit\) Regulations 2020](#).

Where the conduct occurred after the end of the transition period, you must decide whether it would be conducive to the public good to extend the Islands deportation order to the UK.

If the subject of an Islands deportation order that has not been extended to the UK travels to the UK a decision on whether to admit the person must be taken by Border Force at the border control. The Border Force officer must consider the reason why the Islands deportation order was made to decide whether refusal of admission or permission to enter the UK is appropriate.

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

People whose exclusion has been deemed conducive to the public good

[Section 9\(4\)\(a\) of the Immigration Act 1971](#) provides that people arriving in the UK from any part of the CTA, who have been personally excluded by the Secretary of State require permission to enter the UK.

Where you examine a person who has been excluded from the UK, you must give them written notice of the decision to exclude them and then refuse permission to enter under [Paragraph 9.2.1 \(a\) of Part 9 of the Immigration Rules](#). Directions should be given to a country where there is reason to believe the person will be admitted. In the case of an arrival from the Crown Dependencies, removal must be to a place outside the UK and Islands.

People without permission who have previously been refused permission to enter the UK

A person who has been refused entry and has not since been given permission to enter or stay requires permission to enter. Where you notice such a person **arriving in the UK** from within the CTA, you must consider whether they should be granted permission to enter under the Immigration Rules in the usual way. If you decide to refuse permission to enter, you must give directions for removal either to:

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

People travelling to the UK via Ireland

The [Immigration \(Control of Entry through Republic of Ireland\) Order 1972](#) creates a system of automatic statutory permission, referred to as “deemed leave”, to ensure that, in accordance with section 1(3) of the Immigration Act, there are no routine immigration controls on persons arriving to the UK from the CTA. Deemed leave, as suggested, is permission 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.

Deemed leave applies where a person, either:

- entered Ireland from a country outside the CTA, and then travel directly on to the UK
- was in the UK with limited permission, left the UK at a time when they still had limited permission, went directly to Ireland during which point their permission expired, and then came back to the UK directly

Deemed leave cannot be granted or refused by a Border Force officer. It automatically applies to a person who is eligible on entry to the UK.

Deemed leave also cannot be cancelled by a Border Force officer in a s.11 authorised area.

Deemed leave may only be cancelled once a person is no longer in a s.11 approved area, **and** they have breached the conditions of their deemed leave (as opposed to intending to breach them). [See individuals who have breached the conditions of their deemed leave.](#)

Exemptions from deemed leave on the basis of specific status

The following individuals will not be entering the UK on the basis of deemed leave:

- those who have a right of abode in the UK

- Irish citizens
- those who have permission to enter or stay in force which was given to them before arrival
- those who have entry clearance which confers permission or those who have continuing permission under the Immigration (Leave to Enter and Remain) Order 2000 including those who hold an EUSS Family Permit
- those who are exempt from control (for example diplomats)
- those who have been granted pre-settled status or settled status under the EUSS
- those who have a saved right of admission under the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 such as have a pending in time application to the EUSS or an appeal against such an application has not been finally determined
- those who are a frontier worker under the Citizens Rights (Frontier Workers) (EU Exit) Regulations 2020

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If you encounter an individual under any of the above categories in a s.11 approved zone as a result of an intelligence-led control, any further action must be taken under the relevant legislation through which they have obtained their status – for example the Immigration Rules or regulations. For example, you can decide to cancel their permission to enter or stay on the basis of a confirmed change in circumstance, such that they no longer meet the requirements for their leave. Where they are no longer entitled to enter on the basis of that status, you must then consider whether they are still entitled to deemed leave should they wish to enter on the basis of the conditions it sets. That will depend on whether they fall within the restrictions in s.9(4) of the Immigration Act 1971 or Article 3 of the 1972 Order as set out in the [People requiring permission to enter the UK from anywhere within the CTA](#) and [People travelling to the UK via Ireland sections of this guidance](#).

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Deemed leave under Article 4

Under Article 4 of the 1972 Order, a person is usually treated as having a specific period of permission to enter the UK, starting from the date they entered the UK evidenced by their ticket or boarding pass for example. This deemed leave lapses once the person leaves the UK. If a person who had Article 4 deemed leave returns to the UK on subsequent visits without having left the CTA, they are then eligible for a shorter period of Article 4 deemed leave on each such visit from Ireland.

Those entering the UK **before 1 January 2021** are entitled to three months of deemed leave.

Those entering the UK **before 1 January 2021** on any subsequent visits where they have not left the CTA in the meantime are entitled to seven days of deemed leave.

Those entering the UK **from 1 January 2021** are entitled to six months of deemed leave, or two months of deemed leave where they have previously visited the UK on the basis of deemed leave (**including before 1 January 2021**) and have not left the CTA in the meantime.

Article 4 deemed leave prohibits anyone from taking employment or occupation for reward.

For those entering the UK **from 1 January 2021, including on subsequent visits as above**, as is the case under [Appendix V: Visitor](#) of the Immigration Rules, this includes the following activities whether paid or unpaid:

- undertaking employment
- doing any work for an organisation or business
- establishing or running a business as a self-employed person
- undertaking a work placement or internship
- undertaking any direct selling to the public
- fulfilling a contract (written or verbal) to provide goods or services

However, there are some exceptions to these restrictions – an individual may undertake an activity that is permitted under paragraphs PA 4 to PA 15.2 in [Appendix V: Visitor](#) of the Immigration Rules. For further guidance on establishing whether an activity is permitted, please refer to the [Visit Guidance](#) section on permitted activities for visitors.

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 in order to lawfully carry out that activity in the UK. However, where the person benefits from deemed leave, **you cannot refuse them permission to enter**, even if they intend to enter for purposes not permitted under deemed leave and do not hold the necessary visa. You do not have the ability to

refuse permission to enter on the basis of a person's intentions under the 1972 Order. If they are subsequently encountered in the UK conducting an activity that is not permitted under deemed leave, then enforcement action may be taken.

For non-visa nationals seeking entry to the UK under the Tier 5 Temporary Worker – Creative and Sporting route when arriving directly from Ireland, please see the [Tier 5 \(Temporary Worker – Creative and Sporting\)](#) section of this guidance. For non-visa nationals seeking entry for S2 healthcare in accordance with the Citizens' Right Agreements with the EU, the other EEA states and Switzerland, please see the [S2 healthcare visitors](#) section of this guidance. For non-visa nationals seeking entry to undertake a permitted paid engagement, equivalent to that described in [Appendix V: Visitor of the immigration rules](#), please see the Permitted Paid Engagement section of this guidance.

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

Deemed leave under Article 5 for S2 Healthcare

In accordance with the Citizens' Rights Agreements with the EU, the other EEA states and Switzerland, the S2 Healthcare Visitor arrangements apply to patients who, before the end of the transition period, had requested authorisation to undergo a course of planned healthcare treatment in the UK under the 'S2 route'. They also apply to any accompanying persons, such as the patient's carer or a family member, to enable them to provide care or support to the patient during their course of planned healthcare treatment in the UK.

The patient and/or the accompanying person can be of any nationality provided they are residing in the EEA or Switzerland.

Patients must have at the time of entry to the UK a valid S2 certificate of entitlement to scheduled treatment (also known as a Portable Document S2), having applied to their competent institution for authorisation to have treatment in the UK before 11pm GMT on 31 December 2020. They must also have relevant evidence of their identity and nationality, which for EEA citizens is their valid passport or national identity card, and for non-EEA citizens is their valid passport or other travel document that satisfactorily establishes their identity and nationality.

An accompanying person must have all of the following:

- details of the patient's S2 Healthcare Visitor entry clearance or permission to stay or alternatively (a copy of) the patient's S2 certificate of entitlement to scheduled treatment and relevant identity documents
- evidence of their residence in the EEA or Switzerland
- their relevant evidence of identity and nationality

Accompanying persons may hold photocopies or originals of the evidence to demonstrate their link to the patient.

Where there is reasonable doubt as to the genuineness of any photocopies of evidence held by an accompanying person original copies may be requested.

If there are concerns about the genuineness of any document, the decision maker should try to verify it at source.

Patients and accompanying persons who are non-visa nationals (which includes EEA citizens), are not required to make an application for entry clearance in advance of travel. Patients and accompanying persons who are visa nationals are required to make an application for entry clearance in advance of travel, regardless of where they arrive in the UK from.

There are special deemed leave provisions for S2 patients or accompanying persons travelling from Ireland. Under Article 5, a person is treated as having 6 months permission to enter where they have done so from 1 January 2021 onwards, starting from the date they entered the UK with a prohibition on taking employment or occupation for reward. Individuals who leave the UK for Ireland, and then return to the UK without having left the CTA are still to be treated as having a further 6 months permission to enter. Non-visa nationals who entered the UK via Ireland within the last 6 months while in possession of a valid S2 certificate of entitlement to scheduled treatment (or while accompanying or joining such a person), and have otherwise met the above requirements, should be considered to hold Article 5 deemed leave. Irish citizens are theoretically able to benefit from Article 5 deemed leave, but they do not need it. Their status under 3ZA of the Immigration Act 1971 as inserted by the Immigration and Social Security Co-ordination Act 2020 will take precedence.

An accompanying person of an Irish citizen, who is not Irish and is a non-visa national can enter the UK from Ireland and be eligible for Article 5 deemed leave – but the Irish citizen patient must hold a valid S2 certificate of entitlement to scheduled treatment and otherwise meet the eligibility requirements of the S2 Healthcare Visitor route. An accompanying person of an Irish citizen who is a visa national must hold a visa issued under the S2 Healthcare Visitor route in the Immigration Rules before arrival in the UK.

A non-visa national who does not qualify for Article 5 deemed leave at the time of entry to the UK (for example does not hold a valid S2 certificate of entitlement to healthcare treatment) may instead be considered as having Article 4 deemed leave if they meet the requirements of that leave.

If an S2 patient or accompanying person is encountered having arrived from Ireland and they have ceased to meet the eligibility requirements of an S2 Healthcare Visitor or for example where they have ceased to be an accompanying person, their Article 5 deemed leave may be cancelled on the basis of [paragraph 9.8.8 of the Immigration Rules](#). The individual will be granted a right of appeal against any decision to cancel. Further details on an individual's right of appeal can be found in the Rights of Appeal guidance.

Patients and accompanying persons in the UK on the basis of Article 5 deemed leave can apply from within the UK for 6 months further permission to stay under, Appendix S2 Healthcare Visitor to the Immigration Rules, where circumstances

dictate that the patient's treatment period needs to be extended beyond the initial period of Article 5 deemed leave. There are no restrictions on the number of 6 month extensions that can be applied for, so long as these periods are covered by the patient's original S2 certificate of entitlement to scheduled treatment (or an extended or renewed S2 certificate of entitlement to scheduled treatment or letter from the doctor or other health professional providing the treatment in the UK detailing the further treatment required). Applicants must demonstrate that they continue to meet the eligibility requirements of the S2 Healthcare Visitor route. For further information on the S2 Healthcare Visitor route under the Immigration Rules, please refer to the relevant guidance.

Deemed leave under Article 6 for Permitted Paid Engagements

Where [V13.3 of Appendix V: Visitor in the Immigration Rules](#) allow for a Permitted Paid Engagement (PPE), this is also permitted under Article 6 deemed leave for those entering from 1 January 2021. PPE activities are:

- an academic who is highly qualified within his or her field of expertise may examine students and/or participate in or chair selection panels, if they have been invited by a UK Higher Education Institution or a UK based research or arts organisation as part of that institution or organisation's quality assurance processes
- an expert may give lectures in their subject area, if they have been invited by a UK Higher Education Institution; or a UK based research or arts organisation provided this does not amount to filling a teaching position for the host organisation
- an overseas designated pilot examiner may assess UK based pilots to ensure they meet the national aviation regulatory requirements of other countries, if they have been invited by an approved training organisation based in the UK that is regulated by the UK Civil Aviation Authority for that purpose
- a qualified lawyer may provide advocacy for a court or tribunal hearing, arbitration or other form of dispute resolution for legal proceedings within the UK, if they have been invited by a client
- a professional artist, entertainer, musician or sports person may carry out an activity directly relating to their profession, if they have been invited by a creative (arts or entertainment) or sports organisation, agent or broadcaster based in the UK

The engagement must:

- be arranged before the applicant travels to the UK
- be evidenced by a formal invitation
- relate to the individual's area of expertise and occupation overseas

Under Article 6 of the 1972 Order, a person is treated as having deemed leave for one month, starting from the date they entered the UK evidenced by their ticket or boarding pass for example. This deemed leave lapses once the person leaves the UK. If a person who had Article 6 deemed leave returns to the UK on subsequent journeys without having left the CTA, they are then only eligible for 7 days of Article 6

deemed leave on each such visit from Ireland. A different PPE activity may be undertaken on each visit. They must leave the CTA if they wish to benefit from Article 4 leave – they cannot switch between the two whilst still in the CTA.

For further guidance on these activities, please refer to the PPE section of the Visit Guidance.

Entry via Ireland under 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 6 months or less, they must request permission to enter remotely or apply for an entry clearance before arrival in the UK. To obtain permission to enter before arrival they 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 permission 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 must 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 permission to enter endorsement included. Permission 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 must ensure they are certain of their travel plans before applying. However, if the individual must amend travel arrangements, having already applied and been granted permission 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 permission would no longer be valid. In this event they must seek permission at the UK border in the usual manner.

The option to request permission 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’](#).

Exemptions from deemed leave on the basis of conduct

As provided by Article 3 of the [Immigration \(Control of Entry through Republic of Ireland\) Order 1972](#), when travelling from Ireland those falling under the above categories require permission to enter the UK and as a result are not eligible for deemed leave – they must instead apply for entry clearance in advance of travel or seek permission to enter from a Border Force Officer.

If you encounter an individual who is subject to one of the above restrictions in a s.11 approved area, they have not yet entered the UK and whilst not eligible for deemed leave, you must consider them under the Immigration Rules in the normal way and decide whether to grant or refuse permission to enter. An individual may also apply for asylum on arrival, in which case you must treat them as any other asylum applicant.

Where your further examination under the immigration rules leads you to decide to refuse the individual, you must provide reasons as to why the person required leave to enter when arriving from the CTA, explaining the exemption that applied to them. Standard refusal paragraphs can be found/are available in the [Refusal paragraphs section](#). Removal directions must require their removal to the country of which they

are a national, they hold a passport or other documentation for, or to a country outside the CTA to which there is reason to believe they will be admitted.

Example: You intercept a person arriving from Dublin in a s.11 approved zone as a result of an intelligence-led control, who has been identified as last being refused entry at Dover and has not subsequently been granted permission to enter or remain in the UK. They are therefore exempt from deemed leave. You must consider whether they should be granted permission to enter under the Immigration Rules in the usual way. If you decide to refuse permission to enter, you must give directions for removal either to:

- to a country of which they are a national, they hold a passport or other documentation; or
- the place outside of the CTA to which there is reason to believe they will be admitted
- another appropriate country

A person who is eligible for deemed leave but where doubts exist as to their intentions.

If, as a result of targeted checks, you encounter a person who would normally fall for refusal under the Immigration Rules (for example you have doubts as to their credibility as a visitor, (specific examples can be found at [1](#), [2](#), [3](#) and [4](#) below) unless one of the exceptions to deemed leave applies (in which case, the passenger does not have deemed leave and can be considered under the Immigration Rules), you cannot refuse permission to enter. Depending on the circumstances of the case, you may wish to make an onwards referral to other teams. For example, if you are concerned that the individual may breach the conditions of their deemed leave (for example they intend to work) whilst in the UK.

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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 permission to enter, unless arriving with permission to enter or stay which is

already in force or otherwise exempt from the requirement to hold permission to enter or stay.

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 the UK:

- 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 are 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 permission to enter.

People who entered Ireland unlawfully from outside the CTA

Where you encounter a person who entered Ireland unlawfully from outside the CTA, this includes people who have deceived an Irish immigration official 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 permission to enter when they return to the UK. If you encounter such an individual in a s.11 approved zone you must consider them under the Immigration Rules as they are not eligible for deemed leave.

People who left the UK without permission to enter or remain

People who require leave to enter or remain in the UK, have left the UK in circumstances where they did not have such leave and have not subsequently been granted admission to, or leave to enter or remain in, the UK are not eligible for deemed leave.

People who have been refused or subject to a removal decision under specific regulations

People who have been refused admission or have been subject to a removal decision under specific regulations, unless subsequently granted admission, permission to enter or stay, are not eligible for deemed leave.

The Immigration (European Economic Area) Regulations 2016 (“the EEA Regulations 2016”)

Decisions taken under the EEA Regulations 2016 will remain a reason why an individual is not entitled to deemed leave even when the regulations are repealed:

- those refused admission under regulation [23\(1\) of the EEA Regulations 2016](#) on grounds of public policy, public security or public health or on conducive grounds
- those refused admission under regulation [23\(3\) of the EEA Regulations 2016](#) on the grounds that to the person’s admission would lead to a misuse of their right to reside
- those non-EEA family members of EEA nationals refused admission under regulation [23\(4\) of the EEA Regulations 2016](#) on the grounds that they do not have the right to reside as such a family member
- those subject to a removal decision under regulations [23\(6\)\(a\) or 23\(6\)\(c\) of the EEA Regulations 2016](#) on the grounds that they have no right to reside in the UK - for example, they have remained in the UK for longer than three months without being a qualified person, or are misusing their right to reside, respectively

For more information, see the guidance on EEA administrative removal.

The Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020 (“the Frontier Worker Regulations 2020”)

- those who have been refused admission under regulation [12\(1\)\(a\) of the Frontier Worker Regulations 2020](#) on the grounds of public policy, public security or public health for conduct before the end of the transition period; on conducive grounds for conduct from 1 January onwards; or for the misuse of their rights under the frontier worker provisions of the Citizens’ Rights Agreements
- those who have been refused admission [under regulation 12\(1\)\(c\) of the Frontier Worker Regulations 2020](#) on the basis that they are not a frontier

worker where they are not required to produce a frontier worker permit to enter the UK

- those subject to a removal decision under regulations [15\(1\)\(a\) or 15\(1\)\(c\) of the Frontier Worker Regulations 2020](#) i.e. those who are no longer a frontier worker or those who are misusing their rights under the frontier worker provisions, respectively

Those subject to a removal decision under regulation 15(1)(b) such as on the grounds of public policy, public security or public health for conduct before the end of the transition period, and on conducive grounds for conduct from 1 January onwards, are already prevented from being eligible for deemed leave. This is because a deportation decision is made under 15(1)(b) of the Frontier Worker Regulations, but a deportation order is then made under the Immigration Act 1971. These individuals **therefore already require permission to enter** under s.9(4) of the Immigration Act 1971 and are excluded from deemed leave.

Please note that an individual may have been refused admission or removed under the above regulations, but then may have subsequently legitimately travelled to the UK on the basis of those regulations. For example, an individual may have been refused admission under the EEA Regulations 2016, but subsequently admitted under the Frontier Worker Regulations 2020.

A person may assert that they entered via the CTA under those regulations since the initial refusal of admission or removal decision. You must consider if that individual would have been an illegal entrant under Regulation 32(4) of the EEA Regulations 2016 or Regulation 16(4) of the Frontier Worker Regulations 2020 such as whether they would have ordinarily been refused admission if they had been examined by Border Force. If you are satisfied that they were not an illegal entrant under those regulations on that subsequent journey, the individual is to be considered as if they had been granted admission. As such, they would then be eligible for deemed leave again. Please see relevant Immigration Enforcement guidance for further information about the above regulations.

In addition, a removal decision under the above regulations may have subsequently been withdrawn, at which point the individual is no longer excluded from deemed leave. You must consider if this has been the case in the course of considering whether the individual is eligible for deemed leave or not.

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 Siochana (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 have statutory permission (deemed 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 permission requirements for people travelling from the Crown Dependencies to the UK.

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

A person who no longer has permission in the relevant Crown Dependency and then arrives in the UK direct from the Crown Dependencies requires permission to enter and must be considered under the Immigration Rules.

Unless the Secretary of State directs otherwise, a person who is the subject of an island 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 permission in the UK who requires permission to enter the Crown Dependencies

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

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

People to be treated as having permission to enter

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

An EUSS Family Permit issued by the Crown Dependencies is recognised by the UK by the virtue of Schedule 4 of the Immigration Act 1971, as it is an entry clearance which becomes permission on entry. Similarly, those who have deemed leave on the basis of being eligible for Jersey or Guernsey's EUSS are also considered to have permission in the UK.

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 requires permission to enter the UK.

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 permission to enter under the Immigration Rules, unless they arrive with permission to enter or stay which is in force.

The Crown Dependencies do not issue vignettes or biometric residence permits. Permission to enter or stay 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 permission 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 permission to enter or stay by the authorities of the islands and then proceeds **directly** to the UK, that permission and any conditions attached to it will be treated as if they were imposed in the UK.

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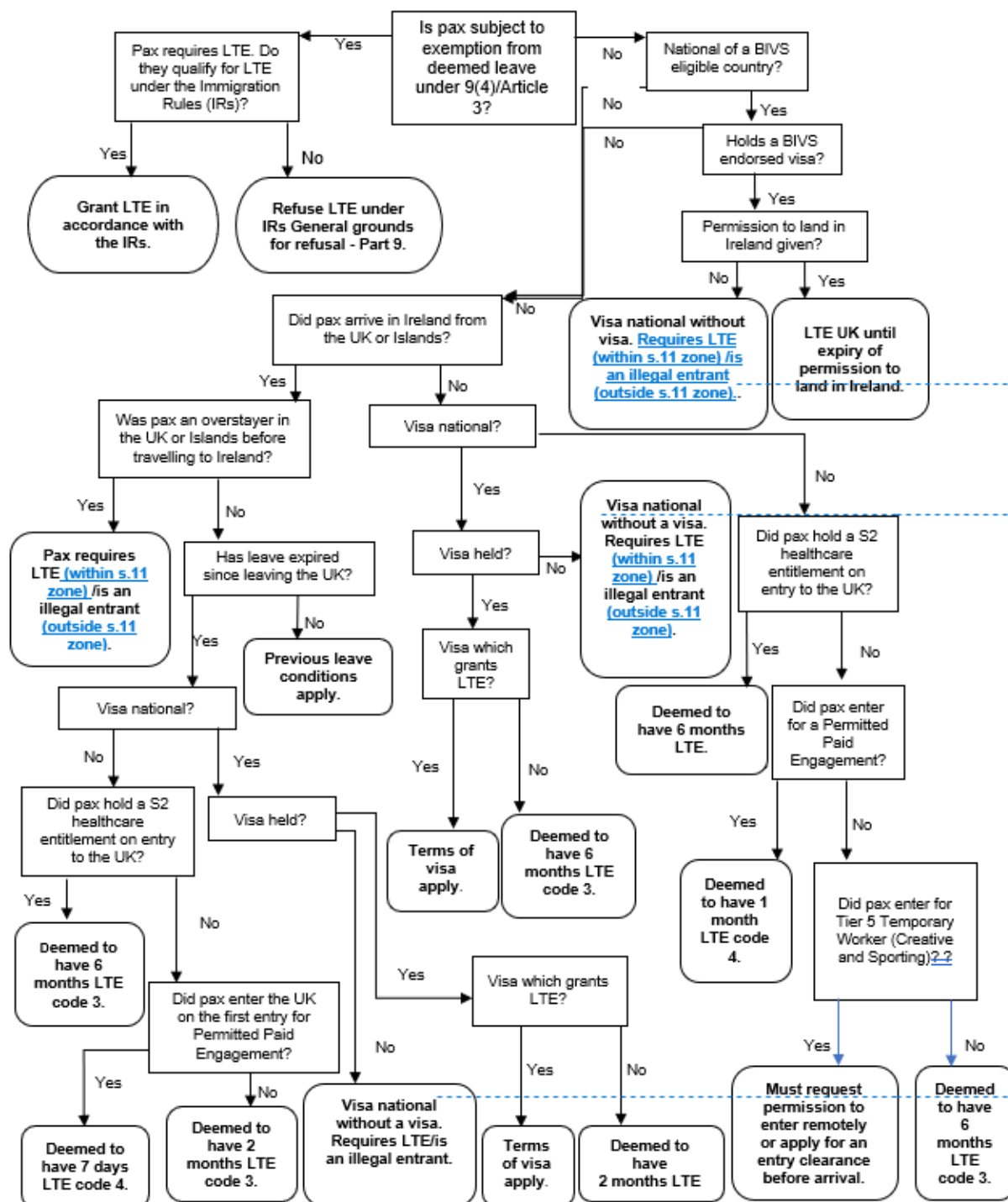
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Entry to the UK through Ireland

Flow chart demonstrating: [People requiring leave to enter when travelling from Ireland](#). You must first consider if the passenger has another status that means they do not need deemed leave.

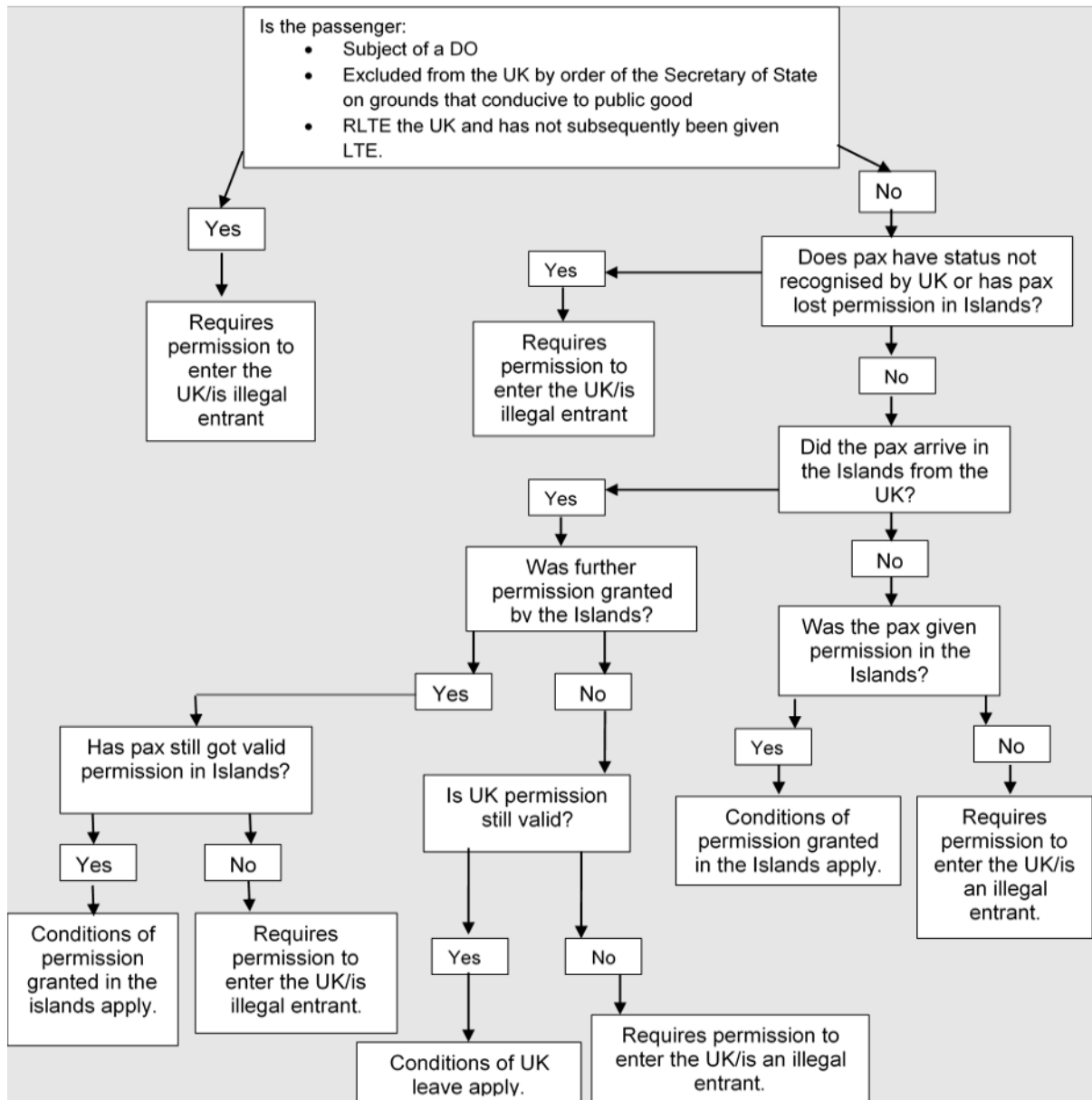


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Entry to the UK from the Crown Dependencies

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



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General Aviation and General Maritime

In accordance with [section 1\(3\) of the Immigration Act 1971](#), General Aviation (GA) and General Maritime (GM) arrivals to the UK 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 permission to enter in that jurisdiction is not normally required to seek further permission to enter the UK.

If travelling to the UK from Ireland, non-visa nationals do not normally need to seek further permission as they are entitled to deemed leave. Visa nationals will need to meet UK visa requirements.

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

Some CTA journeys are required to report for customs or policing purposes.

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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 must be assessed by Border Force in line with the operating mandate as this is their first point of entry to the CTA. In these circumstances there is also still a requirement to comply with customs and policing legislation.

Further information on GA and GM arrivals can be found in the [General Aviation](#) and General Maritime guidance.

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Individuals encountered in the UK

This section provides guidance if an individual is encountered in the UK who has entered through the Common Travel Area (CTA) such as has passed through a s.11 approved area but is no longer in it.

When considering cases involving children, the duty imposed by section 55 of the Borders, Citizenship and Immigration Act 2009 with respect to having regard to the need to safeguard and promote the welfare of children must be complied with. Please refer to the guidance relevant to the action you are taking for further information.

There is specific Immigration Enforcement guidance in place (“Guidance for Immigration Enforcement in respect of EU, other EEA and Swiss citizens and their family members”) that must be followed when considering enforcement action against EEA citizens or their family members from 1 July.

The guidance sets out the key principles Immigration Enforcement must follow during an operational encounter or interview, and the evidence to consider when assessing an individual’s liability to enforcement action. It also sets out arrangements for giving a 28-day notice to those who have not yet applied to the UK’s EUSS but who may be eligible to do so.

Where an individual is encountered in country, and there is reason to believe that they may have been eligible for the EUSS but have missed the deadline to apply, they will be referred to Immigration Enforcement, and served with a “28 day letter”. This provides a period of 28 days in which no enforcement action will be taken against the individual, during which they are expected to make a late application to the EUSS.

These same principles and arrangements apply when someone is identified as having entered via the CTA.

The guidance also sets out:

- how to assess whether an individual has EUSS status granted by a Crown Dependency, or if they have an outstanding application, during an operational encounter
- the process to be followed if there is a case to curtail an individual’s EUSS status granted by a Crown Dependency
- how to assess whether a person has entered from another part of the CTA
- confirmation of where an individual will have entered the UK illegally from another part of the CTA

It is also designed to ensure those who are not necessarily eligible to apply for EUSS, but have another right under the Withdrawal Agreement, the EEA European

Free Trade Association (EFTA) Agreement or the Swiss Citizens' Rights Agreement for example as a frontier worker or S2 Healthcare Visitor, are properly identified. The guidance sets out how you must approach establishing the rights and status of EEA citizens, and to assist them to evidence those rights where possible, including through the use of exploratory questioning, investigation and secondary examination.

Those who are eligible to apply for EUSS, frontier workers and those coming under the Swiss Service Providers route are not eligible for deemed leave (because they do not need it), and so must not be considered under that legislation. Those coming via Ireland as S2 Healthcare Visitors are eligible for a specific type of deemed leave. You must therefore need to take a consistent approach in determining an individual's status when encountering an individual who has travelled via Ireland as you would do for an individual who has travelled to the UK by other means, including through the e-gates, and any subsequent action. The Immigration Enforcement guidance provides further details.

Individuals who have breached the conditions of their deemed leave

If an individual who has entered the UK on the basis of Article 4 or Article 6 deemed leave is found to have breached the conditions of their deemed leave, for example they are encountered undertaking an activity that is not permitted, then their Article 4 or Article 6 deemed leave may be cancelled on the basis of paragraph 9.8.8 of the Immigration Rules, using the power in s.3(3) of the Immigration Act 1971. See Cancellation guidance.

If an S2 patient or accompanying person is encountered having entered via Ireland on the basis of Article 5 deemed leave and they have ceased to meet the eligibility requirements of that leave or for example where they have ceased to be an accompanying person, their Article 5 deemed leave may be cancelled on the basis of [paragraph 9.8.8 of the Immigration Rules](#), using the power in s.3(3) of the Immigration Act 1971. The individual will be granted a right of appeal against any decision to cancel. Further details on an individual's right of appeal can be found in the Rights of Appeal guidance.

Individuals who do not have deemed leave

The [People requiring permission to enter the UK from anywhere within the CTA](#) and [People travelling to the UK via Ireland](#) sections provide details of those requiring permission to enter the UK from the CTA on the basis that they are not eligible for deemed leave. People falling under these exemptions who enter the UK from the CTA without permission are illegal entrants and must be considered for the appropriate enforcement action under Schedule 2 of the Immigration Act 1971. Those who have overstayed the length of their deemed leave must be treated as any other person who has overstayed their limited permission to enter – you must however consider if they have any other rights or specific basis on which they have permission to enter or remain separately.

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Illegal entry from Ireland

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

- date and means of entry to Ireland and immigration status in 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

Where a person has left the CTA following the grant of limited permission to stay 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:

- requires permission 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 who no longer had leave in the islands and then travelled to the UK, and did not obtain permission to enter on arrival, are to be considered as illegal entrants ([Schedule 4, paragraph 4 of the Immigration Act 1971](#)).

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

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](#), permission does not lapse on travel outside the CTA where the permission 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 permission has been varied by the Secretary of State and, following the variation, the period of permission 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 permission can still be an illegal entrant. If there is an admission or firm evidence that deception was employed to obtain the last grant of permission to enter or remain (if in the same capacity as the previous permission to enter, otherwise administrative removal action is a possibility) this permission has not lapsed and it is still relevant to consider it to be the last permission 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 permission, but when the person returned to the UK from outside the CTA in circumstances where their permission did not lapse.

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Time spent 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 a 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 permission. 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.

Continuous residence

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

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 (Entrepreneur)
- Tier 1 Exceptional Talent
- Tier 1 (Investor)
- Tier 5 (Youth Mobility Scheme)
- 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 Sportsperson)
- Worker Migrant (intra company transfer)
- Business Migrant (Start-up)
- Business Migrant (Innovator)

The Isle of Man Worker Migrant route requires all of the following:

- a resident labour market test
- the migrant worker's salary to be the rate specified within the Isle of Man Immigration rules
- a minimum level of English language
- have an English language and Knowledge of Life test at the indefinite leave to remain stage

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
Appendix ECAA Settlement	Turkish ECAA category
Paragraphs GT 11, GT 12, and for dependants at paragraphs GT 30 and GT 31.	Global Talent
Appendix T5 (Temporary Worker) International Agreement Worker, (Private Servant in a Diplomatic Household) at paragraphs IA 17, IA 18, IA 35 and for dependants at paragraph IA 36).	Temporary worker Private servant in a Diplomatic household

Section of the rules	What it applies to
Appendix Innovator at paragraphs INN 19, INN 20 and for dependants at paragraphs INN 38 and INN 39.	Innovator
Appendix Representative of an Overseas Business at paragraphs ROB 14 and ROB 15.1.	Representative of an Overseas Business
Appendix Skilled Worker at paragraphs SW 21.2, SW 22.1 and for dependants at paragraphs SW. 42 AND SW. 43.	Skilled Worker
Appendix T2 Minister of Religion MOR 15.1, MOR 16.1 and for dependants MOR 34 and MOR 35	Minister of Religion
Appendix T2 Sportsperson at paragraphs SP 15.1 and SP 16.1 and for dependants at paragraphs SP 35 and SP 36.	Sportsperson
Appendix UK Ancestry at paragraphs UKA 13.1 and UKA 14.1.	UK Ancestry
Part 6A	Entrepreneur Investor

You may count time spent in the Crown Dependencies towards the 2, 3, 4 or 5 year qualifying period (depending upon category of permission) 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 permission 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 permission 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 permission](#)
- if the applicant has been granted permission for employment in a Crown Dependency, it must have been for the same type of permission that would be granted in the UK: [examples of equivalent permission](#)
- the continuous residence and, where applicable, continuous employment requirements in Appendix Continuous Residence also apply to Channel Islands and Isle of Man permission: you must apply the continuous residence and continuous employment requirements to the time spent in the Crown Dependency as you would if the permission had been in the UK, and the applicant must:

- provide information about periods of absence the reasons for them - for more information, the Continuous Residence Guidance contains details on considering exceptional reasons for excessive absences
- not have outstanding convictions in the Crown Dependency
- permission 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 permission: settlement

Category applying for ILR in UK	Any Crown Dependency permission
Innovator (replaced Entrepreneur)	<p>Must be as:</p> <ul style="list-style-type: none"> ● a business person (in Guernsey or Jersey since 30 June 2008) ● an innovator
Global Talent (replaced the Tier 1 (Exceptional Talent) visa on 20 February 2020)	Tier 1 Exceptional Talent
Skilled worker	<p>Must be as a:</p> <ul style="list-style-type: none"> ● qualifying work permit holder (not temporary worker) ● representative of an overseas business ● representative of an overseas newspaper ● highly skilled migrant ● innovator ● Worker Migrant (issued in the IoM from April 2018) ● Tier 2 (General) (issued in the IoM prior to April 2018) ● Tier 2 (Sportsperson) (issued in the IoM prior to April 2018) ● Minister of religion <p>You must refer to the codes of practice in Appendix Skilled Occupations of the Immigration Rules. For sportspersons, including coaches, they must have been:</p>

Category applying for ILR in UK	Any Crown Dependency permission
	<ul style="list-style-type: none"> • internationally established at the highest level • employed because they have made a significant contribution to the development of their sport at the highest level
Minister of Religion	Minister of Religion
BN(O) Hong Kong	<p>Each jurisdiction will operate their own BN(O) route and the conditions will mirror the UK's route.</p> <p>Time spent in either the UK or the Crown Dependencies will count towards the 5 years residency requirement for settlement.</p>
UK Ancestry	UK Ancestry

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