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for Exiting the  
European Union

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15 JAN 2018
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MG.

Our ref: MC2018/00031  
Your ref: TJ

10<sup>c</sup> January 2018

*Dear Mr Kelpie*

Thank you for your letter of 4 December, regarding Derry City and Strabane District Council's concerns surrounding the UK's withdrawal from the EU and their motion passed on 22 November 2018 concerning the Joint Report. Your letter has been passed to the Department for Exiting the European Union, as this matter falls under our Departmental remit, and I am responding on behalf of the Prime Minister.

We have agreed a Protocol on Northern Ireland with the EU which guarantees that even in the unlikely event that the UK's future relationship with the EU is not in place by the end of the implementation period, there will be no hard border between Northern Ireland and Ireland and no customs border down the Irish Sea.

The agreement preserves the economic and constitutional integrity of the United Kingdom, upholds the Belfast (Good Friday) Agreement, and ensures people and businesses that rely on an open border between the Northern Ireland and Ireland can continue living their lives and operating as they do now.

It does so through a temporary single UK-EU customs territory or through an option to extend the implementation period for a short period of time until the new economic relationship is in place.

The Protocol also contains legally binding commitments that both the UK and EU will take the necessary steps to supersede the backstop, ensure the backstop will be temporary, and provide a mechanism which either the UK or the EU can trigger to review the arrangements. The Protocol also provides for:

- An unequivocal guarantee of Northern Ireland's constitutional status;
- Robust protection of the UK internal market;
- A UK lock on new areas of law being applied without UK consent;
- Guarantees that UK bodies can continue to approve goods for sale throughout the UK market;
- The continued ability for Northern Ireland businesses to sell into both the UK and EU markets;
- A recognition of the special nature of trade from Great Britain to Northern Ireland with a mutual commitment to facilitate trade and minimise assurance processes at Northern Ireland ports and airports; and
- UK trade deals to be available to all UK exporters with NI exporters able to benefit in full from future UK trade deals.

In sum, the Protocol – if it ever needed to come into force – would act as a safety net for Northern Ireland's economy, avoid a hard border on the island of Ireland and a customs border down the Irish Sea, take Northern Ireland out of the EU's Common Fisheries and Agricultural Policies, and ensure Northern Ireland could benefit from UK free trade agreements. This deal works for the entirety of the UK, as we take back control of our laws borders and money. It ensures people and businesses that rely on an open border between Northern Ireland and Ireland can continue living their lives and operating as they do now.

Following consultation with Cabinet, and after listening to the ongoing debate in Parliament on the Withdrawal Agreement, the Prime Minister decided to defer the vote on the deal, and meet further with EU leaders to seek to reassure Parliament that the backstop will not be permanent. However, the Withdrawal Agreement and the Protocol on Northern Ireland still stand.

As you know, the Common Travel Area (CTA) was formed long before either the UK or Ireland became members of the EU, and will continue after the UK's exit. The Commission's draft Withdrawal Agreement Treaty text builds on December's Joint report and confirms that the UK and Ireland can continue to work together as part of these arrangements. We will continue to protect the ability to move freely within the UK and between the UK and Ireland, recognising the special importance of this to people in their daily lives, and the underpinning it provides for the Northern Ireland political process.

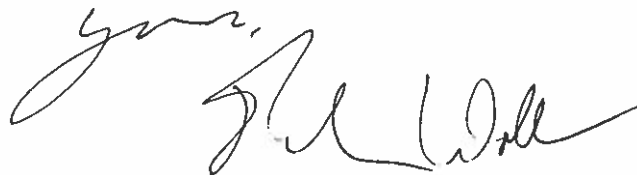
The UK Government is firmly committed to maintaining the CTA and to protecting the rights enjoyed by UK and Irish nationals when in each other's state. The preservation of reciprocal rights facilitates the unique citizenship provisions in the Belfast (Good Friday) Agreement, which gives the people of Northern Ireland the right to hold both British and Irish citizenship, and to identify and be accepted as British, or Irish, or both as they may so choose. Maintaining these rights means that the people of Northern Ireland will not be required to

assert and choose a specific identity in order to access public services and other entitlements.

Under the future immigration model there will be no change to how people move within the CTA to the UK: there will continue to be no routine immigration controls on arrival in the UK. Keeping the CTA arrangements means full protection and maintenance of the status quo for all journeys for individuals between the UK and Ireland (including the 110 million annual crossings of the border between Northern Ireland and Ireland), and that no UK or Irish nationals will be required to apply for special status to protect their entitlements.

Furthermore, rights to work, study, access social security and public services will be preserved on a reciprocal basis for UK and Irish nationals.

Thank you for sharing the District Council's motion and for taking the time to write.

A handwritten signature in black ink, appearing to read 'Robin Walker', written in a cursive style.

**ROBIN WALKER MP  
PARLIAMENTARY UNDER SECRETARY OF STATE  
FOR EXITING THE EUROPEAN UNION**