**The Common Travel Area: benefit entitlements and social housing**

The Common Travel Area (CTA) is a reciprocal agreement between the British and Irish Government that has existed in various forms since 1923. Initially the CTA was regarded as an immigration area however this has evolved over many years and has come to cover many other aspects of life including benefit entitlement and access to social housing. Effectively the CTA means that while residing in the United Kingdom, Irish citizens are not treated as foreign nationals. Further, it is not dependant on European Union membership.

Central to the CTA are reciprocal associated rights and privileges for Irish and British nationals. These include:

* The right to enter and reside
* Entitlement to the rights of the country that the person lives in

Until recently the agreement between the two nations remained largely informal in structure, however concerns about its status after the UK leaves the EU meant that both governments agreed to sign a Memorandum of Understanding (MoU) regarding the CTA. With this both governments reiterated their commitment to keep the CTA in operation post Brexit, whether the UK secures a deal or not.

The MoU also reaffirms both Irish and British government advice to their nationals residing in the other nation’s jurisdiction that:

***“Neither Irish citizens in the UK nor British citizens in Ireland are required to take any action to protect their status and rights associated with the CTA. Both Governments are committed to undertake all the work necessary, including through legislative provision, to ensure that the agreed CTA rights and privileges are protected”*** and that there is an intention to keep all previous rights in their current form.

By signing the MoU both governments have confirmed that the citizens of either nation will continue to enjoy rights endowed by the CTA and that there is no intention to change these rights.

As such we would like following points of the MoU to be noted by staff during any decision-making process:

**Social protection**

Point 10 of the MoU states that:

*“The CTA affords British citizens residing or working in Ireland and Irish citizens residing or working in the UK, social security rights in each other’s state. They are entitled, when in the other state, to the same social security rights, and are subject to the same obligations, as citizens of that state.”*

This means that after the UK leaves the EU, Irish nationals making a claim for either national or local welfare benefits or provision should not have their claim turned down on basis of citizenship.

**Access to Social Housing**

Point 11 of the MoU states that:

*“The CTA affords British citizens residing in Ireland, and Irish citizens residing in the UK, the right to access social housing, including supported housing and homeless assistance, in each other’s state, on the same basis as citizens of that state.”*

This means that while Ireland remains part of the EU after the UK leaves, their citizens will still have the right to apply for and access social housing, further, should they require help with housing costs they should not be turned down on basis of citizenship.

Irish nationals still remain subject to Habitual Residence conditions where they return to the CTA after a period living in a third country.