

## Brexit and the Border: An Overview of Possible Outcomes

On the 23 June 2016 the UK as a whole voted to leave the EU. This was a simple in-out referendum, and so the specific details about what citizens would prefer the future relationship with the EU to be was not clear from this result. The issue of leaving the EU is particularly complex for Northern Ireland, as this is the only part of the UK that has a land border with an EU member state. Leaving the EU could potentially have a huge impact on a great many different aspects of life in Northern Ireland, from issues relating to human rights to the continuation of the Good Friday/Belfast Agreement. In this document all of the possible post-Brexit border outcomes for the movement of goods and of people are set out in a manner that gives answers to key questions that policy makers are now negotiating.

These options are put forward regardless of their likelihood. Indeed, some of the described options have an extremely low order of probability of ever coming to pass. They are presented here as they give coherent combinations of answers to four fundamental questions: Who will the border be for? What goods will be effected? Where will the border exist? How hard will the border be? In this way the broadest possible number of possibilities are described. The answers given to these questions were developed through an engagement with a number of policy makers and well-informed journalists. These discussions occurred off the record. Most agreed that the broad outline of options presented here appeared to be a reasonable account, and none mentioned alternatives that are not described here.

All of the major political actors have now set out relatively detailed descriptions of their negotiating positions. While all are largely in agreement about the need for a ‘frictionless’ border between Northern Ireland and the Republic, there are still areas of disagreement that could ultimately lead to a requirement for some increased security measures and additional data collection. The local parties in Northern Ireland too, while divergent on their attitudes towards Brexit, are in agreement about the need for border free from excessive restrictions. However, they do argue their case in quite different ways. While the responses of the nationalist parties – such as those of [Sinn Féin](#) and the [SDLP](#) – emphasise the potential negative outcomes for border communities, unionist parties tend to form their case in primarily economic terms – see the positions of the [DUP](#) and the [UUP](#). There is also a disagreement with regard to what has become known as ‘special status’, which unionists argue makes the union with the UK weaker. The [concern](#) appears to centre on the term ‘special status’ rather

than any particular policy disagreement beyond unionist disparaging of any deal that may require taxes to be levied on goods that move between Northern Ireland and Great Britain. Recent political developments, such as the impasse between Sinn Féin and the DUP in negotiations to set up a new executive, and the DUP-Conservative confidence and supply agreement, make it very unclear what contribution local parties will be able to make in any final settlement with the EU.

The UK government set out their negotiating position [paper](#) in August 2017. In it they make recommendations that aim to minimise disruption of the movement of people between the Republic of Ireland and the UK, including Northern Ireland. This means maintaining the common travel area that permits Irish and British people to move and live in each region with minimal restrictions. They also suggest the possibility of an exception on tariffs for small to medium sized businesses in Northern Ireland, which are defined as those with fewer than 250 employees (80% of local businesses). It is confirmed that it is the wish of the government that Irish citizens within Northern Ireland are still to be considered EU citizens, and will continue to enjoy all the associated rights of citizenship. How the border would impact upon other EU citizens' right to free movement is unclear in this document as it "can only be addressed as part of the future relationship between the UK and the EU."

The EU's Guiding Principles [document](#) echoes many of the concerns of the UK government in terms of commitments to avoiding a 'hard' border in Ireland (including any physical border infrastructure), continuing obligations under the Good Friday/Belfast agreement, and maintaining the Common Travel Area. They do however highlight that if the UK leaves the customs union and single market, as is their current position, that this will create challenges. Leo Varadkar, at a [speech](#) to an audience at Queen's University, went further than this by emphasising the need to maintain the four freedoms associated with single market membership. While warning against a restrictive border with Northern Ireland he reflected this alongside a plea for no border between Ireland and the Great Britain.

There are a large number of combinations of changes that could occur, and each of these changes may require different ways in which the border will be policed, and ultimately how it will affect those who wish to travel and trade. Each of these also influences the relationships between Northern Ireland and the Republic of Ireland, Great Britain (England, Scotland, and Wales), and the rest of the wider world. In order to give a breakdown of these options we have set out each possible outcome depending on different ways in which these key questions are answered.

***Question 1: A border for whom?***

This refers to who will be permitted to cross the border freely, who will be able to cross with additional travel documents, and who will not be allowed to travel at all. Will a ‘frictionless’ border be achieved in which all people, regardless of their country of origin be able to move without restrictions? Will only those from the EU and/or the British Isles (the UK and the Republic of Ireland) be able to move freely? Will only those from Northern Ireland be permitted? Will only those from Northern Ireland with a specific passport and citizenship be able to move freely without hindrance?

***Question 2: A border for which goods?***

This question asks which goods will face taxation for movement across the boundary, wherever that may be. Will all goods be taxed? Will goods moving to and from the Irish Republic and the UK be given some special exemptions? If the final border was to be drawn in the Irish Sea, with Northern Ireland being given some form of ‘special status’, will it be acceptable for goods moving between Great Britain and Northern Ireland to be taxed as if they were moving between different countries? Taxation on the movement of goods between jurisdictions are a barrier to trade. Regardless of the final outcome it is not possible to accurately predict exactly how trade would change in terms of quantity or monetary value.

***Question 3: Where is the border?***

There are two places in which a border is likely to be drawn. The first is where the current border between the Republic of Ireland and Northern Ireland now stands. The second is in the Irish Sea between the island of Ireland and Great Britain. It is also possible that there could be a border in effect in both of these locations at the same time.

***Question 4: How hard is the border?***

Much of the public commentary about Brexit and the border refers to how ‘hard’ or ‘soft’ this border is. This means slightly different things depending on who says it. In general terms this may refer to whether or not the UK (with or without Northern Ireland) leaves the single market and customs union. These are two agreements that demand the free movement of people and goods across national boundaries. It may also refer to how difficult it becomes for some or all travellers to cross the border, wherever that may be. Will citizens be required to apply for travel documents to pass? Will travellers face long waiting times to go through security?

These are the primary issues by which we have divided up the possible post-Brexit border regimes. Below these options have been given in some detail. Each of these involves different combinations of answers to the above questions. Each also come with their own necessary changes to how these borders will be policed, meaning that each one will look quite different from each other.

## A. United Kingdom leaves the European Union

### **Option 1: Highly visible, militarised north-south border**

A highly visible border between the Republic and Northern Ireland, with a high level of security that adds significant restrictions to movement of people and goods is something that is not preferred by any of the main policy makers, but must be considered as one possible option. A border of this kind would involve various elements of security resources similar to those found on the border between Mexico and the United States, or between Serbia and Hungary. Low tech security could involve border fences, permanent checkpoints manned by customs officials and soldiers, and watch towers. This would be a resource intensive task and so it would be necessary to reduce the number of border crossings from approximately 300 to a much lower number. Some roads will have to be blocked with concrete bollards, and others destroyed.

*A border for whom?*

- a) Everyone: This border would have an effect on everyone who wished to cross. Those from outside the UK and the EU would face severe restrictions on their ability to stay in the UK for anything beyond a short stay. Those from the Republic of Ireland would lose their right to stay in the UK and temporary movement into the UK would require applications for travel documents. Similar restrictions would exist for those from Great Britain and Northern Ireland who wished to travel to the Republic of Ireland. People from other parts of the EU would face identical restrictions on their freedom of movement. There would be an overall reduction in the number of migrants to the UK, and a highly restrictive points based system determined by Westminster would determine an applicant's eligibility to move and stay within the country.
  
- b) Only British passport holders: As Irish, and therefore EU citizens, those people who live in Northern Ireland but hold an Irish passport will be permitted free travel across the border. They will face the same delays at checkpoints as everyone else, however

they will not be required to apply for additional travel documents. British passport holders, whether they live in Northern Ireland or the rest of the UK, will be required to hold additional documents.

- c) All EU citizens except Irish and British citizens: Special exemption is given to Irish and British citizens so that only those from the rest of the EU or from outside the EU will be required to apply for and hold additional documentation. Irish and British citizens will be able to move freely across the border by showing their passports to border officials. There will still be delays at checkpoints.

#### *A border for which goods?*

- a) All goods: Regardless of their point of origin, all goods would face taxation as they moved across the border. This means that goods produced in Northern Ireland, including agricultural output, could only be transported for sale in the Republic, or anywhere else in the EU, after paying requisite taxes to the EU. Goods produced in the EU would face similar taxation to the UK as non-EU goods. The majority of goods in Northern Ireland have been produced elsewhere, so this would have an impact on domestic prices. Goods produced in Great Britain for sale in Northern Ireland would face no such taxation.

#### *Where is the border?*

This border regime would exist almost entirely at the current border between Northern Ireland and the Republic of Ireland. Security would then be focused on those border crossing points that are permitted to remain. There would too be an increase in security at ports and airports. Non-domestic travel into Northern Ireland's airports and ports would face checks for travel documents.

#### *How 'hard' is the border?*

This is considered to be the 'hardest' border option due to the presence of heavy policing, along with the fact that this means leaving the EU, the single market, and the customs union. Some or all people wishing to travel from Northern Ireland to the Republic of Ireland would first have to complete an application for travel documents. As they approach the border they will meet a security checkpoint where delays will be possible. Once at the checkpoint they will be

expected to produce their documents or passport. Travellers will have to consent to a search of their vehicle on request. This would mean taking their car to a protected part of the checkpoint where the search can take place. Lorries and vans taking goods across the border, as well as those coming into Northern Irish ports from outside the UK, will face similar searches and requests for documents.

### **Option 2: Hard north-south border with low visibility**

Some have discussed the possibility of a hard border between Northern Ireland and the Republic that does not involve the same level of overt security. Instead of soldiers and police manning permanent security checkpoints, technological solutions are used to minimise the amount of visible policing required. This scenario would still see the UK leave the EU, single market, and customs union, so the checks required would be identical to the previous option, but these checks would be conducted using high tech solutions and so, as well as security being less visible, waiting times at border crossings would also take less time.

Due to the dependence on technology there would also be an increase in data sharing between the Republic of Ireland and the United Kingdom. This would take the form of biometric data (finger prints and facial recognition information for instance) collected at ports and airports. Goods too would be documented, and all information passed on to a central database that can be checked by those in both jurisdictions.

Technologies would include licence plate recognition cameras, thermal imaging cameras, and ‘small unmanned aircraft systems’ (drones). Individuals would be given an identity card that could be quickly scanned as they pass over the border. These systems would work together to cross check data gathered with extensive databases to inform mobile borders officials on which people and vehicle may be of interest to their enquiries.

One question that is important to consider for this option is, what happens if these technologies or border officials are attacked? If these systems come under sustained disruption due to physical attacks it would be necessary for the government to change the border regime to a different option, possibly with a more visible security presence.

#### *A border for whom?*

- a) Everyone: As in option 1, this border regime would have an effect on all people crossing the border. Those living in Northern Ireland, as well as those from the rest of the UK, would have to apply for travel documents if they wished to move across the

border. Those from the EU, including the Republic of Ireland would also have to apply for documentation. Those from the EU and beyond would face heavy restrictions on their ability to move to Northern Ireland permanently.

- b) Only British passport holders: As before, Irish citizens living in Northern Ireland can be granted free access to the Republic of Ireland in way not permitted to British passport holders, although all will still face the same delays at checkpoints.
- c) All EU citizens except Irish and British citizens: Again, as in the previous option, only Irish and British citizens can be permitted free access to travel across the border. All those from outside the British Isles would be required to apply for documents to move across the border.

*A border for which goods?*

- a) All goods: In an identical manner to the first option, all goods moving across the border would face taxation. Free movement of the movement of goods across borders would end. There would be no taxation on goods moving to and from Great Britain to Northern Ireland.

*Where is the border?*

As before, the focus of border checks would be around the current border with the Irish Republic. Again, there would be an increase in border security at airports and ports.

*How hard is the border?*

This form of border can be described as a hard border in that the UK will leave the EU, the customs union and single market, and that this requires border security. All movement of goods and people would require pre-arranged documentation.

### **Option 3. Hard border with minimal policing**

In this version of a post-Brexit border the treaty changes would be virtually identical to the above two options, with the only difference being the level of policing. If the UK leaves the single market and customs union there will be an imperative from authorities in both

jurisdictions to have an awareness of what goods and people move across the border. However, a strategic decision could be made to police the border to a minimal extent. Customs officials on either side of the border will reserve the right to conduct checks on goods vehicles and individuals, however these checks will be conducted very rarely. Travel documentation for goods and people will still need to be applied for in advance of travel, and will have to be carried at all times, but they will be checked only on rare occasions. This permits a largely frictionless border for traffic, but also makes smuggling much more likely. The authorities in the EU and in the UK will both have to accept a higher level of contamination of their markets with unauthorised products. Migration will also not be controlled at the border. Instead, employers will be expected to confirm the migration status of their employees.

#### *A border for whom?*

- a) Everyone: As in the previous options this border would mean applications for travel documents for all people. In spite of the fact that these documents would not be checked very often there would still be a legal requirement to apply for and carry them.
- b) Only British passport holders: Again, Irish passport holders, as European citizens, would not be required to apply for or show any documentation when they passed into the Republic of Ireland. British passport holders however would have to produce these documents.
- c) All EU citizens except Irish and British citizens: As discussed previously, in this option Irish and British citizens are permitted to pass freely across the border without documents in a manner not enjoyed by those from the rest of the EU or elsewhere.

#### *A border for which goods?*

- a) All Goods: In an identical manner to the first option, all goods moving across the border would face taxation. No taxation would be raised on goods that move between Great Britain and Northern Ireland.

#### *Where is the border?*

As was the case for the previous hard border options, in this scenario the border security is focused around the present border with the Republic of Ireland, although this security would remain at a minimal level. Security at airports would also be moderately increased.



*How hard is the border?*

On one hand this could be considered a hard border as the UK, including Northern Ireland, would leave the EU, single market, and customs union. On the other hand, the minimal security would mean that there would be only occasional disruption to travel, so in effect the 'hardness' of the border could be described as limited.

## **B. UK Leaves the EU, but retains some elements of membership**

### **Option 1: UK leaves EU but remains in the single market**

It is possible that if the entire UK leaves the EU, it may remain with certain associated institutions. If it agreed to remain in the European Economic Area and single market, but left the customs union, this would mean free movement of goods and services across all borders would continue, as would the free movement of people and capital.

*A border for whom?*

- a) Only those from outside the EU: If the UK agreed to remain in the single market this would necessarily mean the free movement of all EU citizens into and out of the UK. The usual restrictions would apply to those from outside the EU.

*A border for which goods?*

- a) Only those goods produced outside the EU: Membership of the single market requires that all goods can move freely across national boundaries. Only those goods moving in or out of the UK to/from non-EU countries would face taxation in a manner identical to that which we have today.

*Where is the border?*

In this scenario there would be, in effect, no changes in border controls either between Northern Ireland and the Republic of Ireland, or Great Britain.

*How hard is the border?*

The lack of changes to the present border regime means that this can be considered a very soft border option.

## Option 2: UK leaves EU but remains in customs union

The customs union is an agreement whereby all EU states, as well as some states that are neither a member of the EU or the single market, agree to impose the same border tariffs to goods entering from other countries. Once goods enter they can be freely traded within the customs union without any taxation being imposed. Unlike the single market, there is no associated freedoms of movement for people. There would however be a requirement to maintain standards of goods in line with that which is expected in other customs union states, and the electronic tagging of produce for distribution.

### *A border for whom?*

- a) Everyone: As in the previous options this border would mean applications for travel documents for all people. In spite of the fact that these documents would not be checked very often there would still be a legal requirement to apply for and carry them.
- b) Only British passport holders: Again, Irish passport holders, as European citizens, would not be required to apply for or show any documentation when they passed into the Republic of Ireland. British passport holders however would have to produce these documents.
- c) All EU citizens except Irish and British citizens: As discussed previously, in this option Irish and British citizens are permitted to pass freely across the border without documents in a manner not enjoyed by those from the rest of the EU or elsewhere.

### *A border for which goods?*

- a) *Only goods from outside the customs union*: This border would only restrict the movement of goods that originate outside the customs union member states.

### *Where is the border?*

This border would solely exist between Northern Ireland the Republic of Ireland. Any restrictions to the freedom of movement of people that may be imposed would take place here.

### *How hard is the border?*

This arrangement has the potential to be a hard border for people, but would definitely be a soft border for goods.

### C. Great Britain leaves the EU while NI retains some elements of membership

#### Option 1: UK leaves the EU, but NI remains in single market

In Option B above, the entire UK leaves the EU, but remains within certain associated treaties. It may though be considered preferable for Great Britain only (England, Scotland and Wales) to leave both the single market and customs union, but for Northern Ireland to remain in the single market. This would mean full freedom of movement across the border to the Republic of Ireland for all Northern Ireland residents, and movement into Northern Ireland for all EU citizens. However, restrictions could be put in place for movement across the Irish Sea. Similarly, all goods would be able to cross the border freely, but would face taxation when moving across the Irish Sea.

- a) Everyone: Should Great Britain leave all the institutions of the EU in their entirety, as well as dissolving the pre-existing Common Travel Area (that allows Irish and British citizens to move freely between their home nations) in an effort to reduce migration, it would be the case that all people moving across the Irish Sea would have to apply for and show travel documents. It would be more difficult for those living in each area to move to live in the other country.
- b) EU citizens, including Irish passport holders from NI, and non-EU nationals: In this case British passport holders from Northern Ireland would be able to travel freely to the rest of the United Kingdom, while all other citizens face new restrictions. British passport holders in Northern Ireland would face no new restrictions at the Irish border, but those from the rest of the UK may face restrictions on travel.
- c) Only those from outside the UK and Ireland: It may be the case that both jurisdictions maintain their Common Travel Area. This would allow people from all parts of the British Isles to move and settle in each without needing to provide any documents other than their passport. Those from outside the British Isles, either from the rest of the EU, or from outside the EU would be required to provide these documents.

*A border for which goods?*

- a) Goods moving to and from Great Britain: Goods produced in Northern Ireland would be able to move freely across the border into the EU. Similarly, goods produced in the EU would be able to move freely into Northern Ireland. However, goods produced in the UK would not be able to move into Northern Ireland, or the rest of the EU without some restrictions.

*Where is the border?*

In this example the border would largely exist in the Irish Sea between Great Britain and Northern Ireland. There would be a freedom of movement of goods and people across the border to and from the Republic of Ireland.

*How hard is the border?*

The border between Northern Ireland and the Republic would be a soft border, with no change to the *status quo*. However, the Irish Sea border, between Northern Ireland and Great Britain could potentially be a hard border for people and goods.

**Option 2: UK leaves the EU, but NI remains in customs union**

As previously mentioned the customs union demands that there be no tariffs for goods moving between member states, but there is no such requirement for free movement of people. If Northern Ireland were to remain in the customs union while the rest of the UK left this would mean that there would be no restrictions on movement of goods across the border with the Republic of Ireland, but a restrictions could be placed on goods moving across the Irish Sea. The effect this would have on movement of people could take a number of different forms.

*A border for whom?*

- a) Everyone: This border would mean applications for travel documents for all people moving between Northern Ireland and all other EU member states, including the Republic of Ireland. No such restrictions would be in place for those moving across the Irish Sea.
- b) Only British passport holders: Again, Irish passport holders, as European citizens, would not be required to apply for or show any documentation when they passed into

the Republic of Ireland. British passport holders however would have to produce these documents.

- c) All EU citizens except Irish and British citizens: As discussed previously, in this option Irish and British citizens are permitted to pass freely across the border without documents in a manner not enjoyed by those from the rest of the EU or elsewhere.

*A border for which goods?*

- a) All goods moving between Great Britain and Northern Ireland: If Northern Ireland remains in the customs union, goods produced there will be able to move freely to all other member states. The same would not be the case for goods moving to and from the rest of the UK. Some tariffs would be applied to movement between Great Britain and Northern Ireland.

*Where is the border?*

For goods, the border would exist in the Irish Sea between Northern Ireland and Great Britain. For people, the border would exist between Northern Ireland and the Republic of Ireland, and so some form of border security would be required.

*How hard is the border?*

The hardness of this border would depend on who is permitted to move freely between Northern Ireland and the Republic. It may be considered necessary to maintain checks at the Irish border to ensure no one is permitted to cross who does not have the requisite permission.

#### **D. Great Britain leaves the EU, but NI stays in**

##### **Option 1: Negotiation**

It may be the case that during the process of negotiation to leave the EU, the UK government agrees that it would be best for Northern Ireland to remain a full member of the EU, while the rest of the UK leaves. Northern Ireland would then retain full access to the single market and customs union, but it would also have representation in the European Parliament. This would have similar implications to movement across the Irish Sea as was seen in the previous examples, but would also mean free movement of people and goods across the Irish border.

### *A border for whom?*

- a) Only those moving to and from Northern Ireland and Great Britain: As Great Britain will be outside the EU, while Northern Ireland remains in, border controls at ports and airports would be introduced restrict travel. No such impediments to travel would be in place for anyone wishing to travel across the Irish border.
  
- b) EU citizens, except Irish citizens: A common travel area could be maintained meaning that, although documents would be checked, all Irish citizens could move freely to Great Britain, and vice versa. All other EU citizens, as well as those from outside the EU would face restrictions on moving to Great Britain. EU citizens would however be able to move freely to Northern Ireland without restriction.

### *A border for which goods?*

- a) Goods moving across the Irish Sea: As Northern Ireland would be a full member of the EU, there would be no restrictions on movement of goods across the Irish border. However, all goods moving between Great Britain and Northern Ireland would face tariffs.

### *Where is the border?*

This border would be exclusively in the Irish Sea. The *status quo* would be maintained on the Irish border, but further restrictions on the movement of goods and people would be imposed on anything passing across the Irish Sea to and from Great Britain.

### *How hard is the border?*

This would be a very soft border option with regard to the border in Ireland, but it would potentially be a hard border between Northern Ireland and Great Britain.

## **Option 2: Reunification of Ireland**

Since the result of the Brexit referendum there have been renewed calls for a ‘border poll’. This would be a referendum for those who live in Northern Ireland that allows them to decide if the region should become a part of the Republic of Ireland. There are a number of ways new political institutions could be formed, including the preservation of a devolved legislative

assembly at Stormont within a united Ireland. Whatever form this may take this would be a major constitutional change, and the biggest change to politics in the region since the formation of the state of Northern Ireland. It is uncertain how this would influence peace and stability. This arrangement would involve the six counties automatically re-entering the EU along with the associated free movement of goods and people from the rest of the EU.

*A border for whom?*

- d) Everyone: Should the UK leave all the institutions of the EU in their entirety, as well as dissolving the pre-existing Common Travel Area (that allows Irish and British citizens to move freely between their home nations) in an effort to reduce migration, it would be the case that all people moving across the Irish Sea would have to apply for and show travel documents. It would be more difficult for those living in each area to move to live in the other country.
- e) Only Irish passport holders: Following a vote to unite Ireland it could be permitted for those living in what was formerly Northern Ireland who identify as British to retain their citizenship. This would mean that as full legal citizens they would be entitled to move and stay within Great Britain without hindrance in a way not enjoyed by Irish citizens. They would however still be expected to show their passport before travelling by air or sea as is not the case today. Irish passport holders however would be required to apply for documents to travel and live in the UK.
- f) Only those from outside the UK and Ireland: After a vote to reunify Ireland it may be the case that both jurisdictions maintain their Common Travel Area. This would allow people from all parts of the British Isles to move and settle in each without needing to provide any documents other than their passport. Those from outside the British Isles, either from the rest of the EU, or from outside the EU would be required to provide these documents.
- g) Only those from outside the UK and the EU: Following the referendum to unite Northern Ireland with the Republic of Ireland, the UK may decide to retain full EU membership, or elements of membership. This would require free movement of people from all parts of the EU. Only those from outside the EU and UK would be required to apply for and carry travel documents.

*A border for which goods?*

- a) Only goods from outside the UK and EU: Should the UK retain full or partial EU membership it would be possible for all goods from both these jurisdictions to move freely and without taxation. Taxation would only apply to good moving between the UK and the rest of the world in a manner identical to the current arrangement.
  
- b) All goods: If the UK leaves the EU and all associated treaties then all goods moving across the Irish Sea will face some level of taxation. As there would no longer be a border on the island of Ireland, there would be no restrictions on the movement of goods within this new, larger state.

*Where is the border?*

In this scenario the border will entirely be restricted to the Irish Sea. There would be no border in Ireland.

*How hard is the border?*

On one hand this would mean a non-existent border on the island of Ireland. There would be no restrictions on the movement of goods or people within this new state. However, depending on how the rest of the UK changes its relationship with the EU there is the potential for a hard border between the British Isles. Movement across the Irish Sea could become more difficult for some or all people.

**Option 3: An Independent Northern Ireland that regains membership of the EU**

One final possibility exists in which a different combination of border changes takes place. Rather than either the borders in the Irish Sea or on the land between Northern Ireland and the Republic of Ireland, there could be an increased border at both at the same time. This would be the result of a referendum that gives independence to Northern Ireland. If such an event were to take place Northern Ireland would become a new country and would have to police all of its borders. If an independent Northern Ireland were to regain membership of the EU after the UK leaves, then this would mean there would be free movement across the border with the Republic of Ireland, but not necessarily across the Irish Sea. There is very little political will for this outcome and there would be far reaching effects beyond simply the movement of people



and goods. Among the different combinations of new border regimes it is however one possible iteration.

*A border for whom?*

- a) Everyone: All people will have to apply for travel documents to move in or out of Northern Ireland. This would be the case if Northern Ireland retreats from all aspects of the EU while the UK and the Republic of Ireland retain at least some elements of membership.
- b) Only those outside the British Isles: The pre-existing Common Travel Area could be updated so that there would still be free movement of people from Northern Ireland to both the UK and the Republic of Ireland, and vice versa.
- c) Only those travelling to a state that they do not have a passport for: Following Northern Irish independence it would be possible for citizens to retain their Irish and British citizenship and hold on to their passports. British passport holders in Northern Ireland would then be given free access to move to the UK, and similarly Irish passport holders would be allowed to travel freely to the Republic of Ireland. Movement to the other jurisdiction would be restricted for everyone else.
- d) Only those outside the EU: Should an independent Northern Ireland be allowed back into the EU, or be permitted to retain aspects of membership, while both the UK and the Republic of Ireland also retain these aspects of membership, this would allow free travel to and from all areas of the EU. Travel documents would only be required for non-EU citizens.

*A border for which goods?*

- a) All Goods: All goods, regardless of point of origin, moving across the national boundary will face taxation. This could be one outcome if a new Northern Irish state left the EU while the Republic of Ireland and the UK retained at least some important aspects of membership.

- b) Only non-EU goods: Should Northern Ireland and the UK retain aspects of EU membership it would be the case that there would be free movement of goods to and from Northern Ireland and the EU. Only those goods travelling to and from further afield who face taxes.
- c) British goods and non-EU goods: If Northern Ireland could retain EU membership while the UK leaves, it would permit free movement of goods across the border between Northern Ireland and the rest of the EU, including the Republic of Ireland, but not the UK and the wider world. British goods, and goods for export to the UK, would be eligible for taxation.

*Where is the border?*

This is the only option in which a significant border exists between both Northern Ireland and the Republic of Ireland, and between Northern Ireland and the UK. There would then be a new border regime both in the Irish Sea and at the current land border with the Republic of Ireland.

*How hard is the border?*

The level of restrictions at this new border surrounding Northern Ireland would be a matter for the government of Northern Ireland. Depending on the relationship with its neighbouring countries there could be a border as restrictive and militarised as in option 1, or completely frictionless. Indeed the border regime could change significantly over time depending on the will of the government and people of this new state.

***E. UK remains a full member of the EU***

It is possible that after negotiations a new referendum is put to the people of the UK on a final deal. If this deal were to be rejected it may be possible to simply remain a member of the EU without any changes to the current status quo. Similarly, a general election may put a new government in power who chooses to ignore the result of the first referendum. In either case the UK in its entirety would remain as a full EU member. This would mean the border regime between the Republic of Ireland and Northern Ireland, and movement across the Irish Sea would remain unchanged.

At present, there are approximately 300 border crossings. There is virtually no disruption to cross-border movements of goods and people.

*A border for whom?*

- a) Only those from outside the EU and UK: Only citizens from outside the EU and UK would be expected to apply for and carry travel documents. This would allow all EU citizens to move to and live within the UK, including Northern Ireland.

*A border for which goods?*

- a) Only goods from outside the EU and UK: Only goods that move to and from the UK and those countries outside the EU would face taxation. Between the UK, including Northern Ireland, and the EU there would be free movement of goods.

*Where is the border?*

With regards to the movement of goods and people there would be virtually no border between Northern Ireland and the Republic of Ireland, or between Northern Ireland and Great Britain. In effect there would be no change in the border regime. As is the case today there still may be low level policing and random checks to stop illegal immigration from outside the EU, and to counter smuggling activities.

*How hard is the border?*

This would be a soft border option as there would be no changes to the border regime at either the Irish Sea or between Northern Ireland and the Republic of Ireland.

**Conclusion**

These are all of the possible border outcomes given the different ways in which the most important questions regarding the movement of people and goods are answered. There are a large number of options available, each with their own associated outcomes in terms of how the border might look and how travel will be experienced. There is a substantial amount of common ground between the political actors, particularly with regard to mutual fears about a return 'to the border of the past'. However, at present there are still wide disagreements regarding migration and the free movement of products. In the final negotiation, or in the event

of a collapse in the talks, these differences do have a real potential to result in an outcome that is far from favourable for all actors, particularly those who live in Northern Ireland.