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SH/104/86/LW

cc: PS/Mr Bloomfield
Mr Chesterton
Mr Elliott - O/R
Mr Bell
Miss Elliott



Mr Spence

NORTHERN IRELAND CIVIL SERVICE - ENTRY REQUIREMENTS

Mr Lillis has handed me the attached paper containing a formal proposal from the Irish Government that the regulations concerning entry to the Northern Ireland Civil Service should be amended. The proposal has been made under Article 5(c) of the Agreement which entitles the Irish to put forward views on major policy issues affecting the interests of the minority community. The case of Mrs (see letter from the Civil Service Commissioners dated 9 May 1986 - also attached) is cited as an example of the problems encountered by nationalists seeking to join the NICS.

2. As I understand it, the Irish are merely asking that the identity claimed by applicants to the NICS should not be a factor in their suitability for appointment provided they can still meet the nationality requirements. Although paragraph 3 of their paper seems to suggest that the UKCS regulations are different to those applying to the NICS, the Irish do not appear to be asking for the two to be brought into line.

3. I should be grateful for your advice on how to handle this issue. Without any detailed knowledge of the subject, I have refrained from offering any comment on the Irish paper.

S G HEWITT

3 September 1986

CONFIDENTIAL

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Northern Ireland Civil Service - Entry Requirements

1. Under the Northern Ireland Civil Service Regulations governing entry to the Northern Ireland Civil Service, a candidate must be (a) a British subject and (b) have resided in the UK or have been employed elsewhere in the service of the Crown or partly have so resided, and partly have been so employed for at least 5 years out of the last 8 years preceding the date of his/her appointment or (c) if not qualified under (b) the candidate must satisfy the Commissioners that he/she is otherwise so closely connected with the UK by ancestry or up-bringing or residence, that an exception may properly be made in his/her favour. In exceptional circumstances these conditions may be waived, but it is understood that this is rarely done, and only in relation to technical appointments.

2. Where the regulations outlined above apply to Civil Service competitions, candidates are required to state on the form their nationality and how they acquired it (and also the present nationality and that at birth of their parents and spouses). This means that members of the nationalist community are excluded from such competitions unless they are eligible and prepared to declare themselves to be British subjects on the application form. This is not in keeping with the Anglo-Irish Agreement which undertakes to acknowledge the rights of the two major traditions in Ireland and to respect the identities of the two communities in Northern Ireland.

3. It is noted that there are no nationality restrictions in respect of applications to join the Royal Ulster Constabulary. It is also noted that "in the United Kingdom, Irish citizens have exactly the same rights of access to all positions in the Home Civil Service as do British subjects" (Anglo-Irish Joint Studies, Joint Study on Citizenship Rights, para. 26).

CONFIDENTIAL

CONFIDENTIAL

- 2 -

4. Action Proposed

It is suggested that the regulations be amended in such a manner that persons would no longer be prevented or inhibited from, or disadvantaged in, applying for posts in the Northern Ireland Civil Service because they identify themselves as Irish citizens.

2 September, 1986

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