EXPLANATORY MEMORANDUM TO

THE IMMIGRATION (CERTIFICATE OF ENTITLEMENT TO RIGHT OF ABODE IN THE UNITED KINGDOM) (AMENDMENT) REGULATIONS 2026

2026 No. 95

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Mike Tapp, Minister for Migration and Citizenship at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

2.2 Charlotte Breen, Deputy Director for the Passport, Identity and Nationality Policy Unit at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Jane Whitehead at the Home Office can be contacted by email at the following address with any queries regarding the instrument: Email: public.enquiries@homeoffice.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

4.1 This instrument allows certificates of entitlement to the right of abode to be issued in a digital format and be a lifetime product to be maintained by an individual updating their UK Visas and Immigration account at relevant times. This is part of the Home Office's wider work to move to digital products.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is all of the United Kingdom.

4.3 The territorial application of this instrument is all of the United Kingdom.

5. Policy Context

What is being done and why?

5.1 Physical certificates of entitlement are currently affixed to foreign passports. This instrument will allow individuals who hold the right of abode, but do not have a British passport, to prove their status digitally. The digital certificate of entitlement will be a lifetime product, reflecting the right of abode itself, removing the need for repeat applications when a foreign passport expires. However, travel to the UK will remain dependent on linking a valid passport to the digital certificate of entitlement. Customers will be able to create an account and access their digital certificate of entitlement through the "View and Prove" service, which will allow them to share their status securely such as to prove their right to work or rent.

5.2 From commencement of the instrument, a certificate of entitlement can be issued in a digital format, although some individuals may additionally receive the current paper version as part of the move to cease printing by location. The Regulations therefore allow the Home Office to issue both a paper and a digital certificate of entitlement. It is anticipated that by late Spring 2026 new customers will receive only a digital certificate of entitlement. Those who already have a valid paper certificate of entitlement at commencement will be invited to create an online account and access a digital version of their certificate of entitlement, without the need to make a further application. This will be communicated to all customers, so they know how to access and update their accounts. Charities and voluntary organisations across the UK are funded to provide free help and information to vulnerable people who need to create a UKVI account.

5.3 Paper (vignette) certificates of entitlement will remain valid. They will continue to expire when the passport it is affixed to expires, but digital certificates of entitlement will not. Instead, the holder will be required to keep their digital record up to date, including change of details and adding an up-to-date photograph at regular periods. This does not attract a fee.

5.4 The benefits of digital certificates include that they cannot be lost or damaged, unlike a vignette sticker. Customers will be able to travel using details linked to their digital certificate of entitlement, which will give a smoother travel experience.

5.5 The instrument will also ensure that all applications are now made to the Home Office, or can also be made to the Lieutenant-Governor if the applicant is in the Channel Islands or the Isle of Man. This reflects the position that applications are decided in the UK.

5.6 This change aligns with the government's wider eVisa transformation, which seeks to deliver efficiency savings, reduce operational costs, and improve customer experience. [1]

What was the previous policy, how is this different?

5.7 The Immigration (Certificate of Entitlement to Right of Abode in the United Kingdom) Regulations 2006 ("the 2006 Regulations") provided for a certificate of entitlement to be issued in paper form, affixed to a passport. The 2006 Regulations also required a person whose passport was expiring, to make a further application, and demonstrate their eligibility to the right of abode by providing specified documents, to receive a new certificate of entitlement, also paying the relevant fee. From commencement of this instrument, holders of a digital certificate of entitlement will no longer need to make and pay for a new application and prove their status each time their passport expires. First time applicants will need to pay a fee for the initial application. After that they will only need to update their digital account to show they have a new passport and update their photo at a regular period, both of which will be free.

[1] See: https://www.gov.uk/government/publications/updates-on-the-move-to-evisas/updates-on-the-move-to-evisas#moving-to-a-digital-immigration-system

6. Legislative and Legal Context

How has the law changed?

6.1 A certificate of entitlement is a document specified in section 3(9) of the Immigration Act 1971 as being proof of the holder's right of abode in the United Kingdom under section 2 of that Act.

6.2 Section 10 of the Nationality, Immigration and Asylum Act 2002 empowers the Secretary of State to make provision by regulations for the issue to a person of a certificate to show that they have the right of abode in the United Kingdom.

6.3 The 2006 Regulations were made under the power conferred by Section 10 of the 2002 Act and came into force on 21 December 2006. The Regulations were amended by the Immigration (Certificate of Entitlement to Right of Abode in the United Kingdom) (Amendment) Regulations 2011 which came into force on 12 December 2011.

6.4 The instrument amends the 2006 Regulations to allow for certificates of entitlement to be issued digitally and be a lifetime product to be maintained by an individual updating the information provided in connection with their certificate at relevant times. The SI substitutes a new regulation 8, which sets out requirements for updating photographs used for and a passport linked to a digital certificate of entitlement. Regulation 6 is substituted to clarify that a digital certificate of entitlement can be issued to a person who holds a valid paper certificate of entitlement before 26th February 2026, without the need for a further application.

Why was this approach taken to change the law?

6.5 This is the only possible approach to make the necessary changes to align with the government's wider eVisa transformation.

7. Consultation

Summary of consultation outcome and methodology

7.1 Consultation was not undertaken for this change, which is part of the wider Home Office work on digitalisation. The instrument does not make any changes to who has the right of abode in the United Kingdom, which has been established in legislation since the Immigration Act 1971 came into force; it is an administrative change affecting the format of the document used to demonstrate that right.

8. Applicable Guidance

8.1 Guidance for customers on applying for the right of abode is set out in the Gov.UK website.[2] The caseworker guidance is also published on Gov.UK.[3] These have been updated so that customers are aware of changes to the system.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is a low level of impact on business. The instrument relates to existing legislative provisions as to who has the right of abode in the UK and so this administrative

[2] See: https://www.gov.uk/right-of-abode
[3] See: https://www.gov.uk/government/publications/right-of-abode-nationality-policy-guidance

change will have little impact. Currently employers can check an employee's right to work by viewing their paper document; going forward they can use the view and prove system.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this is a process change which does not affect who has the right to live and work in the UK. However, there are wider, secondary benefits associated with the move to digital right of abode certificates, such as time savings at the border, and a more secure and efficient method of proving a person's right to enter, rent or work in the UK.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because this is a process change. The same people will have the right of abode and be able to demonstrate their right to live and work in the UK: the difference will be that they use a digital certificate as proof instead of a paper one.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is to assess the impact of this legislation 12 months after commencement, which will allow time for the changes to embed.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required. The Relevant European Union Acts.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").