EXPLANATORY MEMORANDUM TO

THE IMMIGRATION (ELECTRONIC TRAVEL AUTHORISATIONS AND THE ISLANDS) REGULATIONS 2026

2026 No. 87

1. Introduction

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

2. Declaration

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

2.2 Nigel Farminer, Deputy Director of the Passenger Policy and Border Transformation Unit at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Nigel Farminer at the Home Office can be contacted by email at the following address with any queries regarding the instrument: Nigel.Farminer@homeoffice.gov.uk. Alternatively, the department can be contacted by telephone: 02070356911.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 An Electronic Travel Authorisation (ETA) is a permission to travel to the UK for tourism, visiting family or certain other reasons for up to six months. The Crown Dependencies (CDs), namely the Bailiwick of Jersey, the Bailiwick of Guernsey and the Isle of Man, have each created their own ETA schemes (legally distinct from that run by the UK). Their schemes mirror the UK's ETA scheme. This instrument will enable the UK to recognise a CD-issued ETA (a CD ETA) and treat it in the same way as a UK ETA, meaning that a passenger with a CD issued ETA can travel to the UK without also having to apply to the UK for an ETA. The instrument will also give the UK the power to cancel a CD-issued ETA should the holder no longer qualify for an ETA.

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 The United Kingdom.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom.

5. Policy Context

What is being done and why?

5.1 Currently the CDs do not require non visa nationals travelling to their jurisdictions to hold a permission to travel. However, they have each created their own legally

distinct CD ETA schemes by extending Sections 75 and 76 of the Nationality and Borders Act 2022. The CD schemes mirror the UK scheme and will launch in 2026. When the schemes were being developed, the policy intent was that the UK and CDs would recognise each other's schemes. This is because it follows the current broader policy, as set out in Schedule 4 of the Immigration Act 1971, which makes specific provisions to ensure that the immigration laws of the UK, and CDs are integrated. In practice, this means that where a person has been granted permission to enter or stay in one of the CDs and then proceeds directly to the UK, or the other way around, that permission **and** any conditions attached to it are treated as if the permission (and conditions) had been granted in the UK.

5.2 This instrument will follow the above principle and enable the UK to recognise a CD-issued ETA as valid for travel to the UK, meaning that a passenger with a CD-issued ETA who wishes to travel to the UK will not need to also apply for a UK ETA. The instrument will also give the UK the power to cancel a CD-issued ETA should the holder no longer meet the requirements of the scheme.

What was the previous policy, how is this different?

5.3 In the UK, prior to the introduction of the ETA scheme in 2023, non-visa national visitors could travel to the UK border without needing to obtain any prior permission. Now, all non-visa national visitors require an ETA before travel. Currently the CDs operate the same way the UK did before ETAs were introduced – non-visa nationals can travel to a CD border without needing to obtain an ETA. The CDs have decided to follow the UK and each introduce their own legally distinct ETA schemes. Once the CD schemes are live, this will mean the CDs are aligned to the UK in requiring non visa nationals travelling to the CDs to hold an ETA. Once the instrument has passed, those travellers wishing to travel to the UK who hold a CD-issued ETA will be able to do so without obtaining a separate UK ETA. The CDs will also legislate to recognise UK ETAs as valid for travel to their jurisdictions in reciprocity.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument makes provision for a new policy dispensation, namely the recognition by the UK of a series of travel authorisations made by the CDs themselves. This instrument enables the UK to recognise CD-issued ETAs following new legislation that will have been laid in the CDs establishing their CD ETA schemes.

Why was this approach taken to change the law?

6.2 ETAs are a new form of control which is set out in section 11C of the Immigration Act 1971 (as introduced by the Nationality and Borders Act 2022). S11C(2) IA 1971 stipulates that "[i]mmigration rules may require an individual of a description specified in the rules not to travel to the United Kingdom from any place (including a place in the common travel area), whether with a view to entering the United Kingdom or to passing through it without entering, unless the individual has an ETA that is valid for the individual's journey to the United Kingdom." The effect of this provision is that under the amended Rules visitors to the UK need an ETA if they do not need a visa for short stays of up to six months, or do not already have a UK immigration status.

6.3 As self-governing polities with their own legal regimes, the Crown Dependencies can, and will, make their own laws as regards ETA requirements in those jurisdictions.

New legislation was consequently required to settle the legal status of CD-issued ETAs as a matter of UK immigration law. The Immigration (Electronic Travel Authorisations and the Islands) Regulations 2026 make provision for the recognition by the UK of ETAs which are granted by the CDs. This will ensure that travellers who already have successfully applied for a CD -issued ETA do not have to make another application for a UK ETA before coming to the UK.

7. Consultation

Summary of consultation outcome and methodology

7.1 There was no public consultation as this is a minor and technical change to the current arrangements, which facilitates frictionless travel to and from the CDs for those holding an ETA – whether issued by the UK or a CD.

8. Applicable Guidance

8.1 The UK ETA guidance has already been published Electronic Travel Authorisation Guidance.[1] The guidance will be amended on the day the instrument is laid to reflect the mutual recognition of UK/CD ETA schemes. Each CD will also produce guidance once their schemes have gone live.

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 of the minimal level of impact on operational business. Allowing mutual recognition of CD schemes facilitates frictionless travel for very small volumes of passengers, those who have a CD -issued ETA, which is a scheme that mirrors the UK. The ability to treat a CD -issued ETA as if it were a UK ETA prevents negative business impact, because the UK will have the power to allow someone to travel, or to cancel someone's ETA. These are powers they would not have without this ETA.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the instrument recognises ETAs issued by the CDs, which will be very few in numbers (a few thousand in total) in comparison to the UK (tens of millions).

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 the instrument enables UK officials to treat a CD -issued ETA in the same way they would a UK one. The public sector impact is a positive one. It means the UK can treat a CD ETA as if it were a UK one and also means that should a UK official cancel an CD -issued ETA in light of the holder no longer qualifying, they would have the power to do this.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation will be through existing departmental governance and compliance processes to ensure the policy objective is being met.

10.2 The instrument does not include a statutory review clause.

[1] https://assets.publishing.service.gov.uk/media/68dbeed3dadf7616351e4c54/Electronic+Travel+Authorisation+Guidance.pdf

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, no statement is required.

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”).