EXPLANATORY MEMORANDUM TO

THE IMMIGRATION (LEAVE TO ENTER AND REMAIN) (AMENDMENT) ORDER 2026

2026 No. 677

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

3. Contact

3.1 Jonathan Kirman at the Home Office can be contacted by email at the following address with any queries regarding the instrument: passengerpolicyenquiries@homeoffice.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument will lower the current legal age a person can obtain permission to enter the UK by passing through an ePassport Gate ("eGate") from ten to eight years old.

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 This instrument is a necessary step to amend the law to allow individuals from eight years of age, and who are also from eligible nationalities, to obtain permission to enter the UK by passing through an eGate.

5.2 The Immigration White Paper, *Restoring Control over the Immigration System*, sets out the Government's vision of revolutionising the UK border by using technology to make visible changes to security, flow, and the passenger experience. Extending eGate eligibility is in keeping with this vision and is part of our approach to

automating the UK border.[1] This instrument will support the Government's work by enabling more passengers to use eGates, especially those travelling with younger children or family groups. This means fewer individuals will require a manual immigration check at the border, which may reduce the individual transaction times while maintaining current levels of border security.

5.3 The Government's position is that automated entry, primarily via an eGate, has the potential to deliver a range of benefits to the UK. eGates provide the primary means for automating entry through the UK border and this instrument will support the Government's position by allowing younger children and their accompanying travel groups to use eGates and undergo automatic immigration and security checks at the eGates, rather than through the manual controls. The anticipated benefits of allowing younger passengers and their accompanying adults or family groups, are likely to be realised at peak times of travel, for example during the school holidays, as more family groups will be eligible to use the eGates, which may reduce queue times at the UK border. This will release Border Force officers to target interventions where they are most needed, making better use of their skills and the resources available.

What was the previous policy, how is this different?

5.4 eGates have been in use at the UK border since 2008 and use facial recognition technology to compare the user's live photo image to the image held in the biometric chip contained in their passport. In order to obtain permission to enter using an eGate at UK ports and juxtaposed controls, an individual must meet the specific age and nationality criteria set out in article 8B of the Immigration (Leave to Enter and Remain) Order ("the 2000 Order").

5.5 The current policy specifies that to use an eGate to enter the UK, an individual must be at least ten years of age, hold a biometric ePassport, and be an eligible national. This instrument will lower the age of eligibility to eight years for individuals who are an eligible national and who hold a valid biometric ePassport. Any unaccompanied children under 18 years of age, or accompanied children under eight years of age, will still be routed to a Border Force officer at the UK border.

6. Legislative and Legal Context

How has the law changed?

6.1 This instrument is made under the powers conferred by sections 3A(1), (2) and (7) of the Immigration Act 1971, as amended, and amends the 2000 Order, by lowering the minimum age at which individuals may obtain permission to enter the UK via an eGate from ten to eight years of age.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 There is no statutory requirement on the Home Office to undertake a full consultation regarding eGate eligibility or the operation of border controls. No public consultation has been undertaken as there is no significant disproportionate impact on the public as a result of this change. As part of the policy development, safeguarding and border

[1] https://www.gov.uk/government/publications/restoring-control-over-the-immigration-system-white-paper

security risks have been considered from within the Home Office and Border Force and in consultation with other government departments.

8. Applicable Guidance

8.1 Information on the use of eGates and eligibility criteria is available for the public on gov.uk.[2] It is also available at all relevant ports. To prevent confusion, as eGate eligibility will not legally change until this legislation comes into force, public guidance and port signage will be updated to align with the coming into force date and once eGate eligibility changes have been implemented at the UK border.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument, as the anticipated impacts do not meet the monetary threshold required and no impacts on business are expected.

9.2 An Economic Note and accompanying options assessment has been produced and is published alongside the instrument on legislation.gov.uk. A summary of this document is provided below.

9.3 The analysis concludes that the economic impacts are minimal. Costs are limited to minor updates to port signage, internal operational guidance and IT systems, all of which are expected to be absorbed within existing budgets. No significant ongoing financial costs have been identified.

9.4 The Economic Note indicates that potential operational benefits may arise from a small reduction in manual processing during peak travel periods and a modest easing of queues, though these gains are expected to be limited and highly seasonal given the size of the affected cohort. Based on 2025 arrival figures, we anticipate an additional 1.5million children will become eGate eligible over the next year as a result of this change.

9.5 The assessment also highlights non-monetised safeguarding risks associated with reduced transaction between children, their accompanying adults and Border Force officers. There remains uncertainty regarding how reliably younger children will use eGates. These risks are considered to be small due to the size of the affected cohort and will be mitigated by the continued deployment of Border Force officers in the arrivals hall to identify safeguarding risks and by those Officers deployed to monitor the eGates.

Impact on businesses, charities and voluntary bodies

9.6 There is no, or no significant, impact on business, charities or voluntary bodies because eGate eligibility is operated and managed by the Home Office and Border Force.

9.7 The legislation does not impact small or micro businesses.

9.8 There is no, or no significant, impact on the public sector. Any monetised costs are anticipated to be minimal and will be absorbed within existing budgets.

[2] https://www.gov.uk/government/publications/coming-to-the-uk/faster-travel-through-the-uk-border

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The Home Office will review the impact of this legislation against its delivery targets and safeguarding responsibilities. This will be completed annually.

10.2 The instrument does not include a statutory review clause and in line with the requirements of the Small, Business, Enterprise and Employment Act 2015, the Minister for Migration and Citizenship has made the following statement:

"In my view the provisions of the Immigration (Leave to Enter and Remain) (Amendment) Order 2026 do not require a statutory review clause as such a review would be disproportionate when taking into account the limited economic impact of this legislation on business, including small or micro businesses."

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 The Minister for Migration and Citizenship has made the following statement regarding Human Rights:

"In my view the provisions of the Immigration (Leave to Enter and Remain) (Amendment) Order 2026 are compatible with the Convention rights."

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").