EXPLANATORY MEMORANDUM TO

THE IMMIGRATION (PASSENGER TRANSIT VISA) (AMENDMENT) (NO. 2) ORDER 2025

2025 No. 1067

1. Introduction

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

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

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 John Brocklehurst, Deputy Director for Visits, Identity, Trade Policy and Enablers at the Home Office, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Huw Davies at the Home Office can be contacted by email at the following address with any queries regarding the instrument: Huw.Davies7@homeoffice.gov.uk. Alternatively, the department can be contacted by telephone on 0207 035 4848.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This Order adds Botswana to the list of countries or territories whose nationals or citizens need a Direct Airside Transit Visa (DATV) if they intend to pass through the United Kingdom without entering while transiting to another country unless they hold a document listed at article 4 of the Immigration (Passenger Transit Visa) Order 2014 (S.I. 2014/2702).

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 Decisions on changes to visit visa requirements are designed to serve the national interest and are always taken in the round. A range of factors are considered. These will vary, but often include security, compliance, returns and prosperity. There has been high numbers of nationals from Botswana using visa free access via the Visit route to travel to the UK for purposes other than those permitted under the

Immigration Rules. For example, there is a relatively high number of nationals of Botswana that travel to the UK using the Visit route but subsequently claim asylum. Between January 2022 and June 2025, 1,332 nationals of Botswana claimed asylum with 642 of these claims made at port. So far in 2025 (January to June), 147 nationals of Botswana have claimed asylum. While the number of asylum claims has fluctuated, it is generally high and at risk of increasing further. This places additional resource pressure on the borders and migration system. A requirement to obtain a visa prior to travelling to the UK as a visitor has therefore been introduced for nationals of Botswana through an amendment to the Immigration Rules. There is a high degree of public interest in the abuse of the immigration system and the misuse of the Visit route for purposes not permitted under the Immigration Rules. A visit visa requirement enables an assessment of whether an individual meets the Immigration Rules for visitors based on a range of evidence before they travel to the UK and seek entry at the border.

5.2 The amendment to the Immigration (Passenger Transit Visa) Order 2014 is being made in parallel to the Immigration Rules changes so that nationals of Botswana will also be required to obtain a DATV in advance if they wish to transit the UK (i.e. pass through the UK without entering). If this amendment is not made, these nationals could travel to the UK without a visa if they have booked an onward ticket to another destination where they either hold a visa or they are not required to have one. The amendment will prevent these nationals from travelling to the UK, using transit provisions, as a means of then claiming asylum on arrival (or at their onward destination).

5.3 The introduction of a DATV requirement will include a transition period for nationals of Botswana to transit the UK without a visa where they hold a confirmed flight booking made prior to the introduction. This period will commence at the same time as the visa requirement is introduced and run until six weeks after the introduction date, to 23:59 BST on 25 November 2025. During this period, nationals of Botswana who hold a confirmed travel booking to transit the UK within the six-week transition period will not be required to obtain a DATV before travel. Those who do not meet these conditions during the transition period will require a visa. Nationals who hold confirmed bookings for travel to the UK on a date after the transition period ends will need to obtain a visa in advance of travel. Amending the date of travel on a confirmed booking to an earlier date that falls within the transition period would still require the individual to have a visa.

5.4 This transition period will prevent operational difficulties, general unfairness, and ensure that people who arranged travel before this announcement do not lose money. The length of the period (six weeks) has been chosen to give those affected enough time to apply for and receive a visa. The current customer service standard processing time for applicants to receive a decision and, if issued, a transit visa, is three weeks. Further information can be found at https://www.gov.uk/guidance/visa-processing-times-applications-outside-the-uk.

5.5 Consequential to the introduction of the visitor visa requirement for nationals of Botswana, a change to the Immigration Rules has been made to remove Botswana from the eligibility list of countries for Electronic Travel Authorisation. Nationals will not be eligible to apply for an ETA and therefore will not be able to use an ETA to transit the UK to an onward destination.

What was the previous policy, how is this different?

5.6 Nationals of Botswana were not required to apply for a visa to visit or transit the UK. This instrument introduces the requirement for nationals of Botswana who wish to transit the UK airside to obtain a DATV in advance of travel unless they hold a document listed at Article 4 of the Immigration (Passenger Transit Visa) Order 2014.

6. Legislative and Legal Context

How has the law changed?

6.1 Nationals of Botswana are now required to obtain a DATV in order to transit airside through the UK to an onward destination.

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 Given the nature of the amendment made by this instrument, a formal public consultation would be disproportionate and is therefore not appropriate.

8. Applicable Guidance

8.1 The change will be reflected in all applicable guidance. Please see further information regarding application for a Direct Airside Transit Visa here: https://www.gov.uk/transit-visa/direct-airside-transit-visa.

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 it would not be proportionate to do so, but key considerations are outlined below.

Impact on businesses, charities and voluntary bodies

9.2 There is not expected to be a significant impact on business, charities or voluntary bodies. The Office for National Statistics ("ONS") estimated in 2023 that the typical spend for a transiting passenger from an Electronic Travel Authorisation (ETA) country (i.e. non-visa national countries, upon full scheme rollout) who indicated to the ONS that they intended to leave the UK on the same day as arrival was expected to be £74, while the typical visa national air transit passenger is expected to spend £77. As such the economic impact of this change is not anticipated to be significant.

9.3 The legislation does not impact small or micro businesses.

9.4 The impact on the public sector is likely to be meaningful. High volumes of asylum claims, if left unchecked, can represent significant cost to the public sector, though overall costs for this population would be a small proportion of overall asylum costs.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The UK Government keeps its visit visa requirements under regular review.

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 We are departing from the usual convention that a statutory instrument subject to the negative procedure will come into force no earlier than 21 days after it is laid in Parliament. This instrument is being laid in response to a significant number of nationals of Botswana travelling to the UK under the Visit route for purposes other than those permitted under the Immigration Rules. We consider there to be a real risk that giving notice of introducing a visit requirement may trigger a further increase before the new requirement comes into force. This would place an unpredictable and potentially unmanageable strain upon the UK's migration and borders system. We therefore assess that bringing this instrument into force as soon as possible is necessary and proportionate.

11.2 Controlling migration and tackling irregular migration are priorities for the Home Office, whilst continuing to respect our international obligations under the Refugee Convention. Requiring nationals of Botswana to obtain a visa before visiting or transiting the UK does not contravene these obligations. The department is also facilitating a six-week transition period. This will enable nationals of Botswana to transit through the UK without a Direct Airside Transit Visa if their travel was booked before the date at which the statutory instrument came into force and who transit before 25 November 2025. This is to ensure that those with pre-booked travel would not be unreasonably adversely affected by this change economically.

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.

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").