**EXPLANATORY MEMORANDUM TO**

# THE IMMIGRATION (PASSENGER TRANSIT VISA) (AMENDMENT) ORDER 2025

**2025 No. 320**

## 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 Seema Malhotra, 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, on email: visapolicyteam@homeoffice.gov.uk can be contacted with any queries regarding the instrument.

## Part One: Explanation, and context, of the Instrument

## 4. Overview of the Instrument

***What does the legislation do?***

4.1 This Order adds Trinidad and Tobago 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.

***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 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 globally, but often include security, compliance, returns and prosperity. There has been a significant increase in nationals of Trinidad and Tobago who have travelled to

the UK for purposes that are not permitted under the Immigration Rules for Visitors, such as to live, work or claim asylum in the UK. In particular, there has been a sustained increase in asylum claims by nationals of Trinidad and Tobago. In the most recent eight quarters (2023 Quarter 1 to 2024 Quarter 4) there were 79, 111, 55, 108, 73, 56, 106 and 209 asylum claims (including dependants) from nationals of Trinidad and Tobago. This compares with an average of 49 asylum claims per year between 2015 and 2019. The majority of asylum claims from nationals of Trinidad and Tobago were made at port on arrival in the UK. This adds significantly to operational pressures at the border, diverting staff from other priorities.

5.2 A requirement to obtain a visa prior to travelling to the UK as a visitor has therefore been reintroduced for nationals of Trinidad and Tobago through an amendment to the Immigration Rules.

5.3 The amendment to the Immigration (Passenger Transit Visa) Order 2014 is being made in parallel to the Immigration Rules changes so that nationals of Trinidad and Tobago 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).

5.4 The introduction of a DATV requirement will include a transition period for nationals of Trinidad and Tobago 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 23 April 2025. During this period, nationals of Trinidad and Tobago 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.

5.5 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#current-processing-times.

5.6 Consequential to the introduction of the visitor visa requirement for nationals of Trinidad and Tobago, a change to the Immigration Rules has been made to remove Trinidad and Tobago 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?***

5.7 Nationals of Trinidad and Tobago were not required to apply for a visa to visit or transit the UK. This instrument introduces the requirement for nationals of Trinidad

and Tobago 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 Trinidad and Tobago 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 public consultation would not be appropriate.

## 8. Applicable Guidance

8.1 The change will be reflected in all applicable guidance.[1]

# Part Two: Impact and the Better Regulation Framework

## 9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument, 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 £68, while the typical visa national air transit passenger is expected to spend £72. 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 There is likely to be a positive impact on the public sector, with savings on the costs of processing asylum applications and providing asylum support and accommodation to those who would seek to use transit provisions as a means of travelling to the UK to claim asylum.

## 10. Monitoring and review

***What is the approach to monitoring and reviewing this legislation?***

10.1 The UK Government keeps visa requirements under regular review.

10.2 The instrument does not include a statutory review clause.

[1] https;//www.gov.uk/check-uk-visa

## 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. As this instrument is being laid in response to a significant increase in nationals of Trinidad and Tobago travelling to the UK and claiming asylum, we consider there to be a real risk that giving notice of reintroducing a visa 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 Trinidad and Tobago 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 Trinidad and Tobago 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 on or before 23 April 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 the negative resolution 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").