EXPLANATORY MEMORANDUM TO

THE IMMIGRATION (PASSENGER TRANSIT VISA) (AMENDMENT) ORDER 2026

2026 No. 208

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 Visa Policy, Visit Policy and International Trade Policy, 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 Nicaragua and St Lucia 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 are a significant number of nationals of both Nicaragua and St Lucia who travel to the UK purporting to be visitors but then claim asylum on arrival at port. Between January

2022 and December 2025, 609 nationals of Nicaragua claimed asylum, with 505 (83%) of these claims made at port. While the number of people claiming asylum has fluctuated, numbers have remained substantial throughout this period. For St Lucia, between January 2022 and December 2025, 360 nationals claimed asylum, of which 128 (36%) were made at port. This is a high number of asylum claims relative to the population of St Lucia (c.180,000).[1] All asylum claims place additional resource pressure on the borders and migration system, and asylum claims made at the UK border add significantly to operational pressure, diverting staff from other priorities.

5.2 St Lucia also grants Citizenship by Investment, a practice which is inherently high-risk. Where programmes are poorly designed, expert bodies such as the Financial Action Task Force and Organised of Economic Cooperation and Development have documented their vulnerability to exploitation by criminal actors. While we recognise and welcome the steps taken by the Government of St Lucia over the past year to reduce the risks associated with its Citizenship by Investment programme, the UK continues to experience unsustainable risks. This is largely driven by the historic sale of high volumes of citizenships (and associated passports). In 2023-24, the most recent year for which statistics are available, the St Lucian programme received around 5,642 applications, representing 423% annual growth in application volumes. This growth has directly coincided with an increase in those who have subsequently been detected using St Lucian passports to access the UK, going on to either claim asylum or work illegally.

5.3 A requirement to obtain a visa prior to travelling to the UK as a visitor has therefore been introduced for nationals of Nicaragua and St Lucia through an amendment to the Immigration Rules. A visit visa requirement enables assessment of whether an individual meets the Immigration Rules for visitors before they travel to the UK. In parallel, the Immigration (Passenger Transit Visa) Order 2014 is being amended so these nationals must also obtain a DATV to transit the UK (i.e. pass through the UK without entering). Without this amendment, these nationals could still travel to the UK without a visa by holding an onward ticket to a destination for which they have, or do not need, a visa, and then proceed to claim asylum on arrival in the UK.

5.4 The introduction of a DATV requirement will include a transition period for nationals of Nicaragua and St Lucia 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 visit visa requirement is introduced and run until six weeks after the introduction date, to 23:59 BST on 16 April 2026. During this period, nationals of Nicaragua or St Lucia 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.

[1] https://data.worldbank.org/indicator/SP.POP.TOTL

Further information can be found at https://www.gov.uk/guidance/visa-processing-times-applications-outside-the-uk.

5.6 Consequential to the introduction of the visit visa requirement for nationals of Nicaragua and St Lucia, a change to the Immigration Rules has been made to remove Nicaragua and St Lucia 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 Nicaragua and St Lucia were not required to apply for a visa to visit or transit the UK. This instrument introduces the requirement for nationals of Nicaragua and St Lucia 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 Nicaragua and St Lucia 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 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 significant numbers of nationals of Nicaragua and St Lucia 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 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. Given the risks associated with CBI, delaying implementation also risks alerting beneficiaries of the St Lucian CBI programme who may pose a risk to the UK's border or national security, enabling high-harm individuals to travel to the UK during the 21 days to circumvent the rules change. We therefore assess that bringing this instrument into force as soon as possible is necessary and proportionate.

11.2 Controlling migration and protecting the UK from criminality and national security risks are priorities for the Home Office, whilst continuing to respect our international obligations. Requiring nationals of Nicaragua and St Lucia 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 these countries 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 23:59 BST on 16 April 2026. 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").