



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 6

MISCELLANEOUS

75 Electronic travel authorisations

- (1) The Immigration Act 1971 is amended in accordance with subsections (2) to (4).
- (2) After Part 1 insert—

“PART 1A

ELECTRONIC TRAVEL AUTHORISATIONS

11C Electronic travel authorisations

- (1) In this Act, “an ETA” means an authorisation in electronic form to travel to the United Kingdom.
- (2) Immigration 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.
- (3) The rules may not impose this requirement on an individual if—
 - (a) the individual is a British citizen, or
 - (b) the individual would, on arrival in the United Kingdom, be entitled to enter without leave.
- (4) In relation to an individual travelling to the United Kingdom on a local journey from a place in the common travel area, subsection (3)(b) applies only if the

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individual would also be entitled to enter without leave if the journey were instead from a place outside the common travel area.

- (5) The rules may impose the requirement mentioned in subsection (2) on an individual who—
 - (a) travels to the United Kingdom on a local journey from a place in any of the Islands, and
 - (b) has leave to enter or remain in that island,
 only if it appears to the Secretary of State necessary to do so by reason of differences between the immigration laws of the United Kingdom and that island.
- (6) The rules must—
 - (a) provide for the form or manner in which an application for an ETA may be made, granted or refused;
 - (b) specify the conditions (if any) which must be met before an application for an ETA may be granted;
 - (c) specify the grounds on which an application for an ETA must or may be refused;
 - (d) specify the criteria to be applied in determining—
 - (i) the period for which an ETA is valid;
 - (ii) the number of journeys to the United Kingdom during that period for which it is valid (which may be unlimited);
 - (e) require an ETA to include provision setting out the matters mentioned in paragraph (d)(i) and (ii);
 - (f) provide for the form or manner in which an ETA may be varied or cancelled;
 - (g) specify the grounds on which an ETA must or may be varied or cancelled.
- (7) The rules may also—
 - (a) provide for exceptions to the requirement described in subsection (2), and
 - (b) make other provision relating to ETAs.
- (8) Rules made by virtue of this section may make different provision for different cases or descriptions of case.

11D Electronic travel authorisations and the Islands

- (1) The Secretary of State may by regulations make provision about the effects in the United Kingdom of the grant or refusal under the law of any of the Islands of an authorisation in electronic form to travel to that island.
- (2) Regulations under subsection (1) may in particular make provision about—
 - (a) the recognition in the United Kingdom of an authorisation granted as mentioned in subsection (1);
 - (b) the conditions or limitations that are to apply in the United Kingdom to such an authorisation;
 - (c) the effects in the United Kingdom of such an authorisation being varied or cancelled under the law of any of the Islands;

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- (d) the circumstances in which the Secretary of State or an immigration officer may vary or cancel such an authorisation (so far as it applies in the United Kingdom).
- (3) The Secretary of State may, where requested to do so by any of the Islands, carry out functions on behalf of that island in relation to the granting of authorisations in electronic form to travel to that island.
- (4) Regulations under subsection (1)—
 - (a) may make provision modifying the effect of any provision of, or made under, this Act or any other enactment (whenever passed or made);
 - (b) may make different provision for different purposes;
 - (c) may make transitional, transitory or saving provision;
 - (d) may make incidental, supplementary or consequential provision.
- (5) Regulations under subsection (1) are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In section 24A (deception), in subsection (1)(a)—
 - (a) after “obtain” insert “— (i)”;
 - (b) after “Kingdom” insert “, or
(ii) an ETA”.
- (4) In section 33 (interpretation), in subsection (1), at the appropriate place insert—
““an ETA” has the meaning given by section 11C;”.
- (5) In section 82 of the Immigration and Asylum Act 1999 (interpretation of Part 5, which relates to immigration advisers and immigration service providers), in subsection (1), in the definition of “relevant matters”, after paragraph (a) insert—
“(aa) an application for an ETA (within the meaning of section 11C of the Immigration Act 1971 (electronic travel authorisations));”.
- (6) In section 126 of the Nationality, Immigration and Asylum Act 2002 (compulsory provision of physical data), in subsection (2), before paragraph (a) insert—
“(za) an ETA (within the meaning of section 11C of the Immigration Act 1971 (electronic travel authorisations));”.

Commencement Information

- I1** S. 75 not in force at Royal Assent, see [s. 87\(1\)](#)
- I2** [S. 75](#) in force at 28.6.2022 by [S.I. 2022/590](#), regs. 1(2), 2, [Sch. 1 para. 26](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 54(6)(c) and word inserted by [2023 c. 37 s. 57\(11\)\(b\)](#)
- s. 63(2A) inserted by [2023 c. 37 s. 29\(3\)](#)
- s. 63(3)(fa)(fb) inserted by [2023 c. 37 s. 29\(4\)\(b\)](#)
- s. 63(5A)(5B) inserted by [2023 c. 37 s. 29\(5\)](#)
- s. 63(8) inserted by [2023 c. 37 s. 28\(9\)](#)
- s. 65(8A) inserted by [2023 c. 37 s. 28\(12\)](#)