

**SHOOSMITHS**

# 2025 Immigration webinar series

This webinar will begin at 10:30

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**Rachel Harvey**

LEGAL DIRECTOR



**Alice Baggarnie**

CHARTERED LEGAL EXECUTIVE



# Thank you for joining!

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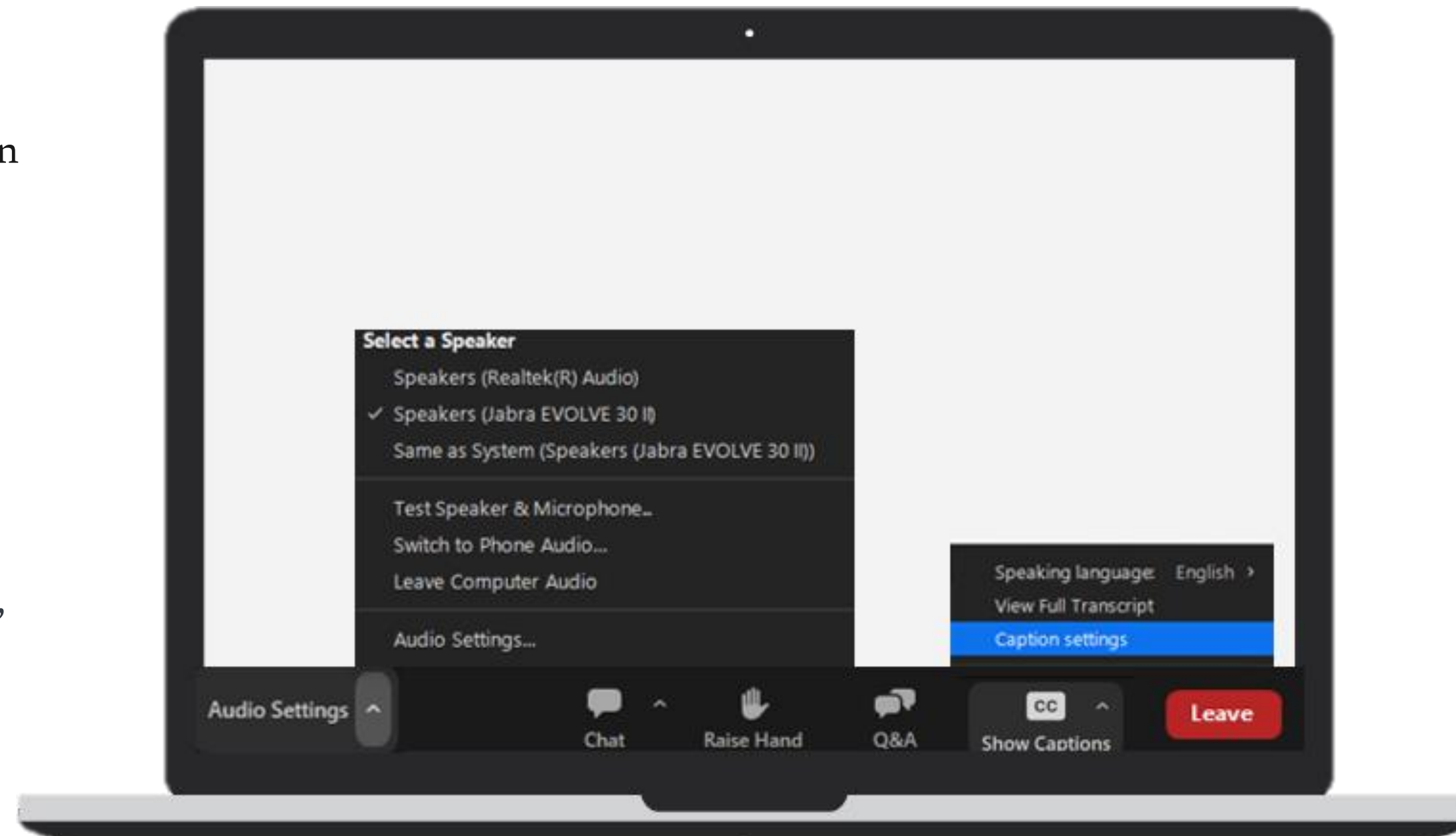
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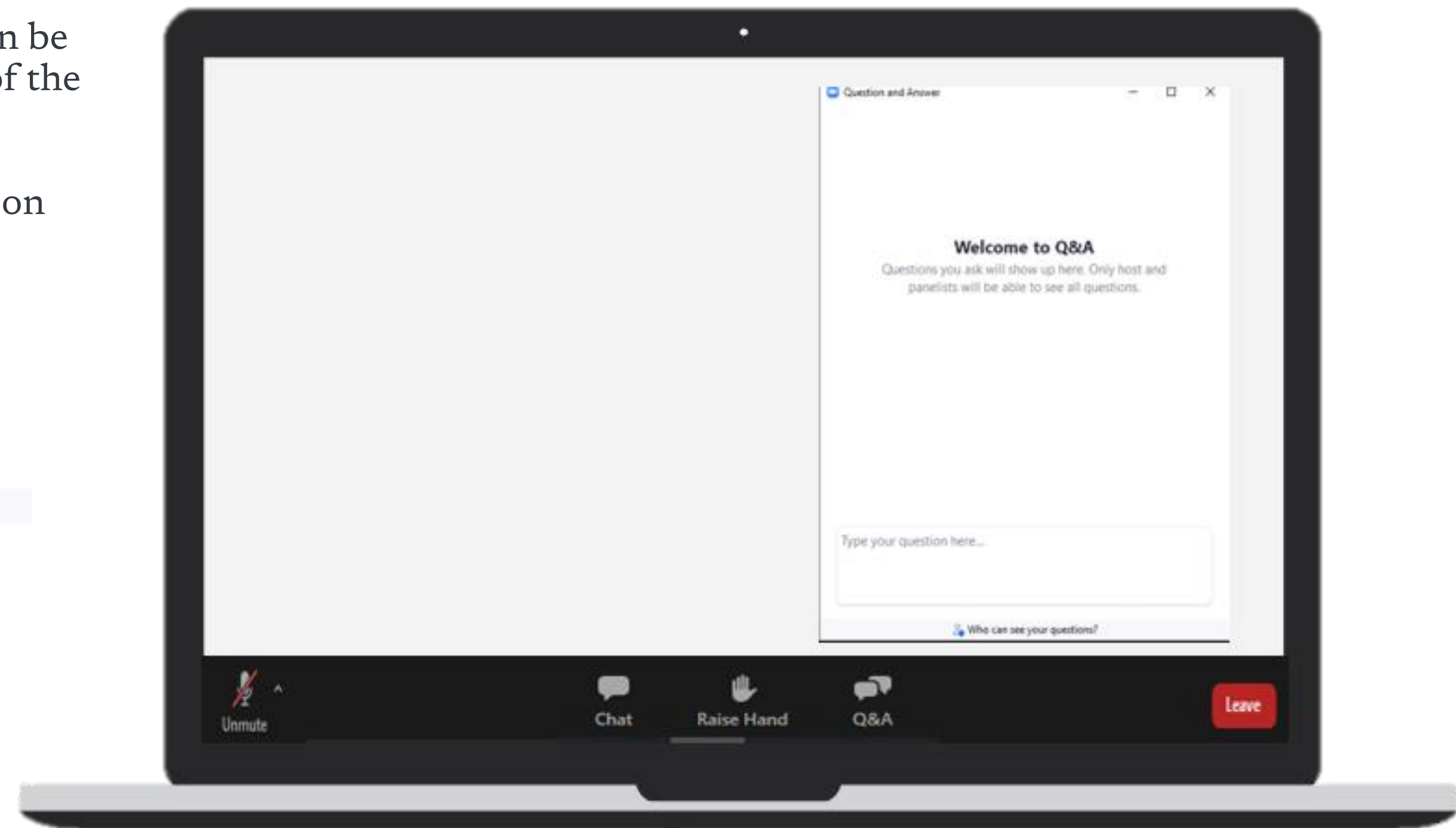
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Type your question here...

 Who can see your questions?



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# Thank you for joining us today

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# Authorised! An Introduction to ETAs

Wednesday 19 March 2025  
Rachel Harvey, Legal Director  
Alice Balgarnie, Chartered Legal Executive

# Agenda

1	<b>What is an ETA?</b>
2	<b>Who needs an ETA?</b>
3	<b>Timeline of Implementation</b>
4	<b>Application Process</b>
5	<b>Cost and Timelines</b>

6	<b>Rejection and Refusals</b> Validity and suitability criteria
7	<b>Next steps</b>
8	<b>ETIAS</b> European equivalent
9	<b>Question and Answer</b>

# What is an Electronic Travel Authorisation?

*An ETA is an advance travel permission required by specified non-visa nationals when coming to the UK as a visitor or transiting the UK*

[from current Home Office guidance]



# Who needs an ETA?

- Non visa nationals
- [Check if you can get an electronic travel authorisation \(ETA\) - GOV.UK](#)
- Includes EU, US, Australia, Canada

# Who doesn't need an ETA?

- British citizens
- Irish citizens
- Visa holders
- Those with indefinite leave to remain/settled status
- British Overseas Territories Citizen travelling on BOTC passport
- British National Overseas passport holders
- Airside transit only (temporary exemption, subject to change)

# Irish Travel Rules

## Require ETA

- Visitors in Ireland then travelling to UK
- Irish residents travelling to UK from outside the Common Travel Area (e.g. resident in Ireland travelling from Spain to UK)

## Don't require ETA

- Irish Citizens
- Legally resident in Ireland AND entering UK from Common Travel Area
  - Permanent Residence Certificate
  - European Health Insurance Card (issued in Ireland only)
  - Irish Driving Licence
  - Medical Card/GP Visit Card
  - National Age card
  - Irish Residence Permit

# Who still requires Entry Clearance?

- Visa nationals
- Marriage/Civil Partnership visitor

# Key timeline

15 November 2023 – Qatar

22 February 2024 – nationals of certain Gulf countries

08 January 2025 – nationals of remaining eligible non EEA countries

05 March 2025 – scheme opened to EEA nationals

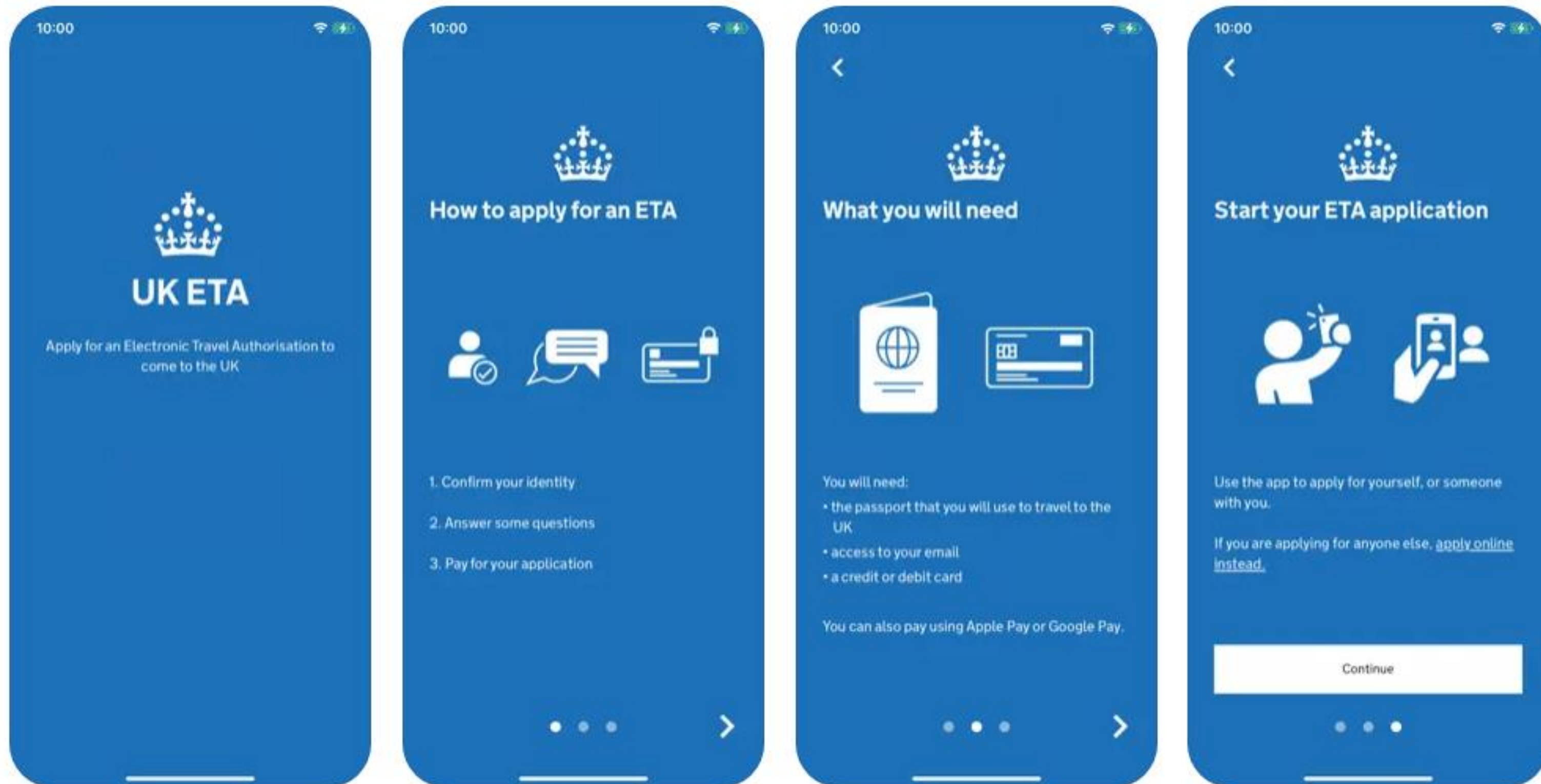
02 April 2025 – EEA nationals required to apply for ETA

# The Application Process



- Home Office ETA App
- Applications can be made online if you do not have a compatible smartphone or if you are applying for someone else
  - [www.gov.uk/electronic-travel-authorisation](https://www.gov.uk/electronic-travel-authorisation)

# Using the app



# Cost and timelines

- **£10**
- Rising to **£16** once Parliament approves
- Usually, approvals should be automatic through app
- But guidance states approval could take up to **3 days** where review is required before decision
- Granted for **2 years** or until **passport expiry**
- Allowing visits of up to **6 months** to UK



# Breach of validity criteria leads to rejection

- Told the reason for rejection
- Able to apply again
- No refund of fee

*e.g. failure to provide facial image which meets rules for passport style photos*

# Breach of suitability criteria leads to refusal

- No refund of fee
- No opportunity to reapply
- May be able to apply for a visit visa instead

*If a person has any previous criminality or adverse immigration history, we advise that you seek our advice before they apply for an ETA*

You must not apply discretion to any decisions on an ETA application and you must make your decision using the information available to you. For the purpose of ETA, refusal is mandatory where the suitability requirements are not met.

# Criminality

- Criminal offence **at any time** leading to 12 months imprisonment
- Criminal offence **in last 12 months** at any level
- Excluding parking offence
- General exclusion 'not conducive to the public good'
- Stricter than for other visas

Mandatory refusal

# Immigration History

- Previous visit visa refusal
- Breach of immigration rules

Cancellation of an ETA is also possible on these grounds!

# Visit visa criminality rules

## Appendix V/Part 9 Grounds for Refusal

### *Mandatory*

- Exclusion or deportation order
- 'Not conducive to the public good'
- Criminal offence **at any time** leading to 12 months imprisonment
- Persistent offender showing particular disregard to the law
- Criminal offence causing serious harm
- Custodial sentence in last 12 months
- Non custodial or out of court disposal on criminal record within last 12 months

### *Discretionary*

- Custodial sentence of less than 12 months
- Non custodial sentence or out of court disposal outside of last 12 months

# Concerns

- Cannot establish de facto residence through frequent and lengthy visits
  - Consider tracking frequency and length of visits for our review
- Usual visitor restrictions apply- unable to work in the UK
- Issues linking ETAs and passports
  - Delays at border
- No right of appeal for visit visas

# Permitted Activities

## Visitors

- Tourism
- Visiting family and friends
- Transit
- Medical reasons

## Business Visitors

- Interviews, meetings conferences and seminars
- Work related training
- Oversees delivery of goods and services provided by UK company to overseas company or organisation
- Cannot carry out paid or unpaid work

# Dual Nationals

- Currently dual nationals are able to travel to the UK using either valid national passport
- Dual British or Irish nationals are not required to apply for ETA, and they are not entitled to apply for ETA using foreign passport
- In order to enter UK as a dual citizen without ETA, you must now provide:
  - Valid British Passport
  - Valid Irish Passport
  - Valid Passport with Certificate of Entitlement

Our recommendation: travel using UK passport and renew passport if necessary

Seek our advice if you are unsure.

# Next steps

- Review planned business travel
- Consider country of nationality
- Apply for ETA in advance of travel
- Track ETA expiry for regular visitors
- Seek our assistance where there is previous criminality or adverse immigration history



# European Travel Information and Authorisation System

- Expected implementation in late 2026, at least 6 months after the introduction of the European Entry and Exit System
- UK nationals will need to apply for ETIAS prior to travel to most European countries
- Online application form or mobile app
- EUR 7 cost
- Usually processed within minutes, but can take longer if application is more complex (4 days), if additional information is required (14 days) or if an interview is required (30 days)
- Valid for 3 years or until passport expiry
- Allows visits to European countries of up to 90 days within 180 day period
- No guidance yet on suitability criteria

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Any questions?

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