



ELECTRONIC TRAVEL AUTHORISATION UPDATE AND FAQ

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This guide is intended to provide a simplified breakdown of exemptions to Electronic Travel Authorisation (ETA). It is not intended as legal advice or technical guidance.

WHAT IS ELECTRONIC TRAVEL AUTHORISATION?

You can read about Electronic Travel Authorisation or ETA here: www.gov.uk/guidance/electronic-travel-authorisation-eta. Some people can travel to the UK to visit, without applying in advance for a visa (also known as being a 'non-visa national'). ETA is a new pre-entry clearance system which is required for those people to travel to the UK.

IS IT A TYPE OF VISA?

No, ETA is a pre-entry clearance system, which gives you permission to travel to the UK. It is not a visa for the UK and does not give you permission to live or work in the UK.

WHO NEEDS TO GET AN ETA?

ETA requirements are not yet in force. When the scheme is fully rolled out, people who do not need a visa to visit the UK will be required to apply for an ETA to travel to the UK.

British and Irish nationals, and eligible residents of the Republic of Ireland, will not require an ETA. You do not need to get an ETA if you already have a visa or legal residence in the UK, for example, if you hold status under the EU Settlement Scheme.

WHO ARE THE ELIGIBLE RESIDENTS OF THE REPUBLIC OF IRELAND?

People who do not need a visa to visit the UK will not need to apply for ETA if they are legally resident in Ireland and entering the UK from within the Common Travel Area. This includes entering NI over the land border. An example of this is an EU National resident in Ireland, who travels to NI to visit friends. EU nationals can come to the UK as a visitor without a visa. As this EU national is legally resident in Ireland, they will not need to apply for ETA to visit the UK (including entering NI over the land border).

WHY ARE LEGAL RESIDENTS OF THE REPUBLIC OF IRELAND EXEMPT?

There are two different immigration systems on the island of Ireland. NI is subject to UK immigration rules and Ireland to Irish immigration rules. This means people have to follow each countries' rules when they cross the border. Having legal residence in Ireland or NI, does not mean you automatically have the right to live, work or even visit across the border, as there are different immigration rules.

Concerns were raised that ETA requirements would lead to people who could cross the border without a visa (as UK immigration rules permit them to), having a barrier in free movement across the border. They would have had to apply for ETA, even to cross the border to visit the shops. This was recognised as unworkable for border communities particularly, and the exemption means legal residents in Ireland who do not need a visa to visit the UK, can continue to visit NI without the barrier of applying for ETA.



I AM LEGALLY RESIDENT IN THE REPUBLIC OF IRELAND, DOES THIS MEAN I CAN NOW CROSS THE LAND BORDER WITHOUT A VISA?

Remember-legal residence in Ireland does not mean you have an automatic right to visit, live or work in the UK (including Northern Ireland). ETA only applies to people who can visit the UK without a visa. This will depend on your nationality. You can find out if you need a visa to visit the UK here: www.gov.uk/check-uk-visa.



If you do not need a visa to visit the UK and are legally resident in Ireland, you will not be required to apply for ETA if you are travelling within the Common Travel Area. You can continue to enter without a visa and without applying for ETA, like you do now. It is important to note that this entry is as a visitor and does not allow you to move to the UK to live and work.

If you require a visa to visit the UK, ETA does not apply to you and you will still need to apply for a UK visitor visa. There has been no change to the requirements for people who need visas. You must hold the correct visa for the UK or Ireland when crossing the land border, even for short journeys and visits. It is important to remember that this also applies to people who have applied for asylum and those who hold a Refugee Travel Document.

The UK lists all countries that require a visa to visit the UK here: www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-visitor-visa-national-list.

I HAVE LEGAL RESIDENCE IN IRELAND; DOES THIS EXEMPTION MEAN I CAN WORK IN NORTHERN IRELAND?

No, ETA is not a visa and does not grant the right to work or reside in the UK-including Northern Ireland. Legal residence in Ireland does not mean you have an automatic right to work in Northern Ireland. If you want to work in Northern Ireland, you need permission to work under UK immigration rules and should seek further advice on visas and schemes like Permitted Paid Engagements and the Frontier Worker Permit.

SUMMARY OF KEY POINTS:

- ◆ **If you can visit the UK without a visa and you are legally resident in Ireland** - You are exempt from the requirement to hold Electronic Travel Authorisation when travelling to the UK from within the Common Travel Area. This is limited to visits and does not apply to living or working in the UK.
- ◆ **If you need a visa for the UK** - Electronic Travel Authorisation is not relevant for you. You will need to obtain the correct visa to enter the UK, even as a visitor.
- ◆ **If you need a visa to enter the UK and you are legally resident in Ireland** - Electronic Travel Authorisation exemptions are not relevant to you and you will still need to obtain the correct visa to enter the UK, even for short journeys and visits over the land border into NI.

For more information on CAJ's body of work on immigration law, please visit our website: www.caj.org.uk. If you have any comments or questions, email info@caj.org.uk or call **028 9031 6000**.

