

STATES OF JERSEY



EXTENSION OF SECTION 75 (ELECTRONIC TRAVEL AUTHORISATIONS) OF THE NATIONALITY AND BORDERS ACT 2022 TO JERSEY

Lodged au Greffe on 21st July 2025
by the Chief Minister
Earliest date for debate: 9th September 2025

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to signify, pursuant to Article 31 of the States of Jersey Law 2005, that they agree that a request be made to His Majesty in Council for the making of an Order In Council to extend with appropriate modifications, section 75 of the Nationality and Borders Act 2022 to Jersey; and
- (b) to signify their agreement to the proposed Order in Council entitled “The Immigration (Electronic Travel Authorisation) (Jersey) Order 2025 in Appendix 1 to this Proposition.

CHIEF MINISTER

REPORT

Introduction

1. The draft Order in Council would extend to Jersey, with modifications, section 75 of the Nationality and Borders Act 2022 (“the **2022 Act**”) which inserts a new Part 1A into the Immigration Act 1971 (“the **1971 Act**”) and amends section 126 of the Nationality, Immigration and Asylum Act 2002 (both Acts were extended to Jersey by the Immigration (Jersey) Order 2021).
2. Jersey is part of the Common Travel Area (CTA), and the updating of Jersey’s immigration laws is designed to ensure a basic level of consistency with the other CTA jurisdictions. Membership of the CTA underpins the ability for Jersey residents to travel freely and easily to other parts of the British Isles and Republic of Ireland.¹

Background

3. The 1971 Act is the primary United Kingdom statute dealing with rules on migration. Among many other things, the 1971 Act gives legal effect to the CTA.
4. The 1971 Act does not apply directly to Jersey, or to the other Crown Dependencies. Instead, His Majesty may extend its provisions to Jersey, Guernsey, and the Isle of Man by Order in Council subject to modifications appropriate to each respective jurisdiction. No such Order in Council may be put into effect unless it has been registered by the Royal Court² and the Royal Court may not register any such Order in Council unless the States have signified their views on the proposed Order.
5. Where UK legislation is extended in its application to Jersey, Article 31 of the States of Jersey Law 2005 applies. It provides, in relevant part, as follows:

“(1) Where it is proposed –

- (a) that any provision of a draft Act of the Parliament of the United Kingdom should apply directly to Jersey; or*
- (b) that an Order in Council should be made extending to Jersey –*
 - (i) any provision of an Act of the Parliament of the United Kingdom, or*
 - (ii) any Measure, pursuant to the Channel Islands (Church Legislation) Measures 1931 and 1957,*

the Chief Minister shall lodge the proposal in order that the States may signify their views on it.

- (2) Where, upon transmission of an Act of the Parliament of the United Kingdom containing a provision described in paragraph (1)(a) or of an Order in Council described in paragraph (1)(b) to the Royal Court for*

¹ The United Kingdom and Irish governments signed a Memorandum of Understanding (MoU) in May 2019 reaffirming their commitment to maintain the CTA, and the associated rights and privileges, in all circumstances. <https://www.gov.uk/government/publications/memorandum-of-understanding-between-the-uk-and-ireland-on-the-cta>

² See Code of Laws for the Island of Jersey 1771, under the heading *Loix Etablies par Differens Ordres du Roi & du Conseil, & Actes de Parlement*.

registration, it appears to the Royal Court that the States have not signified their agreement to the substance of the provision or Order in Council –

- (a) the Royal Court shall refer the provision or Order in Council to the Chief Minister; and*
- (b) the Chief Minister shall, in accordance with paragraph (1), refer it to the States.”*

6. Article 31 ensures that UK legislation which is extended to Jersey is subject to democratic scrutiny in the ordinary way. If the States Assembly consent to the extension as set out in the Appendix of this Proposition, then the Order in Council will be brought before the Royal Court for registration so that its provisions take effect under Jersey law.
7. Non-visa nationals who are visiting Jersey for up to 6 months currently arrive at the Jersey border with limited prior checks by the Jersey Customs and Immigration Service. This presents a gap in border control and the ability to count people who do not require a visa in and out of Jersey.
8. The introduction of an Electronic Travel Authorisation (**ETA**) Scheme through the legislative amendments set out in the Appendix of this Proposition, will implement a more rigorous approach to people traveling to Jersey without a visa. In the same way as for countries like the United States, Canada, Australia, and New Zealand, before a person travels to Jersey, they will need to apply for permission where aspects of any criminality must be provided through self-declaration. This will assist with the ongoing digitisation of Jersey’s border and that of the CTA as a whole.

Section 75 of the Nationality and Borders Act 2022: Electronic Travel Authorisations (ETAs)

9. Overview: Section 75 enables the Minister for Justice and Home Affairs to require individuals who do not need a visa, entry clearance or other specified immigration status to obtain permission to travel, in the form of an ETA, in advance of their journey to Jersey.
10. Background: The UK Government is committed to strengthening the security of the UK border by ensuring that everyone wishing to travel to the UK (except British and Irish citizens) has permission to do so in advance of travel. Through the Jersey Government’s longstanding policy of alignment with UK immigration policy as part of the CTA, this section as extended to Jersey will provide for the creation of an ETA scheme to close the current gap in advance permissions, enhance Jersey’s ability to screen people in advance of arrival and prevent the travel of those who pose a threat to Jersey.
11. The type of permission a person needs to travel will depend on their individual circumstances. For those coming or returning to Jersey, having been granted leave to enter or remain, their permission to travel to Jersey will be their immigration status as evidenced by an entry clearance, biometric residence document or other physical document or digital status. These individuals will not be expected to obtain an ETA.

12. The requirement to obtain an ETA will also not apply to British and Irish citizens, who do not require leave to enter or remain in Jersey. Their permission to travel will be their nationality, demonstrated by their passports.
13. At present, non-visa nationals (including EEA citizens) coming to Jersey for up to six months as visitors (and in limited other categories) can travel to Jersey solely on the basis of their nationality, evidenced by their passport or other travel document. This information is sent to the Government by the majority of carriers as Advance Passenger Information shortly before the individual embarks on their journey. This means that Jersey border control and law enforcement authorities have less information and time to assess the risk posed by most non-visa nationals in advance of their arrival in Jersey.
14. There will be no bespoke right of appeal against a decision to refuse an ETA (although a decision to refuse may be challenged by way of judicial review). Those who are considered unsuitable for an ETA may apply for a visit visa if they still wish to travel to Jersey.
15. To protect the integrity and security of the CTA, this section also provides for the Minister to make regulations to recognise an ETA issued by the United Kingdom or a Crown Dependency and allows the Minister to request the Secretary of State for the Home Department of the United Kingdom to administer the ETA scheme on behalf of Jersey, if requested to do so. This would allow, for example, the UK to administer Jersey's ETA applications alongside its own.
16. Subsections of Section 75 of the 2022 Act: Subsection (2) inserts new sections 11C, 11D and 11E into Part 1 of the 1971 Act. Subsection (3) makes consequential amendments to section 24A of the 1971 Act. Subsection (4) makes consequential amendments to section 33 of the 1971 Act. Subsection (6) makes consequential amendments to section 126 of the Nationality, Immigration and Asylum Act 2002.

Financial and staffing implications

There are no resource implications in deciding to extend section 75 of the Nationality and Borders Act 2022 to Jersey. Resource implications for the future will depend on how the various powers and functions under the extended provisions are exercised.

In so far as the States are empowered under the Act as extended to make Regulations, resource implications will be stated in the draft Regulations when the same are lodged. In so far as the Minister is empowered to make Orders and Immigration Rules, the position as to resource implications will be made clear, if need be, in separate statements in relation to the relevant Orders and Rules.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) screener has been prepared in relation to this proposition and is available to read on the States Assembly website.

Appendix 1

2025 No.

IMMIGRATION

**The Immigration (Electronic Travel Authorisations) (Jersey)
Order 2025**

Made - - - -

Coming into force in accordance with article 1(1)

At the Court at Buckingham Palace, the *** day of ***

Present,

The King's Most Excellent Majesty in Council

His Majesty, in exercise of the powers conferred upon Him by section 86(4) of the Nationality and Borders Act 2022^(a), is pleased, by and with the advice of His Privy Council, to order as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Immigration (Electronic Travel Authorisations) (Jersey) Order 2025 and comes into force on such day or days (after this Order has been registered by the Royal Court of Jersey) as the Minister may by Order appoint, and different days may be appointed for different provisions and for different purposes.

(2) In this Order—

“the 2022 Act” means the Nationality and Borders Act 2022;

“the Minister” means the Minister for Justice and Home Affairs (of Jersey).

(3) For the purposes of construing provisions of an Act as part of the law of Jersey, a reference to an enactment which extends to Jersey is to be construed as a reference to that enactment as it has effect in Jersey.

Extension of the 2022 Act to Jersey

2.—(1) Section 75 of the 2022 Act (electronic travel authorisations) shall extend to Jersey subject to the modifications specified in Schedule 1 to this Order.

(2) Schedule 2 to this Order sets out the provisions of Section 75 of the 2022 Act as extended to Jersey by this Order.

(3) In case of any conflict between Schedule 1 and Schedule 2, the former prevails.

Name
Clerk of the Privy Council

(a) 2022 c. 36.

MODIFICATIONS OF SECTION 75 OF THE NATIONALITY AND BORDERS ACT 2022 AS IT EXTENDS TO JERSEY

1. In subsection (2), in the inserted Part 1A, in section 11C—
 - (a) in subsections (1), (2), (3) and (4) for “the United Kingdom” in each place substitute “Jersey”;
 - (b) for subsection (5) substitute—

“(5) The rules may impose the requirement mentioned in subsection (2) on an individual who—

 - (a) travels to Jersey on a local journey from a place in any of the other Islands or in the United Kingdom, and
 - (b) has leave to enter or remain in the place from which the individual is travelling,

only if it appears to the Minister necessary to do so by reason of differences between the immigration laws of Jersey and that place.”;
 - (c) in subsection (6)(d)(ii) for “the United Kingdom” substitute “Jersey”.
2. In subsection (2), in the inserted Part 1A, in section 11D—
 - (a) for the heading substitute “Electronic travel authorisations, the United Kingdom and the other Islands”;
 - (b) for subsections (1) and (2) substitute—

“(1) The Minister may by Order make provision about the effects in Jersey of the grant or refusal under the law of any of the other Islands or the United Kingdom of an authorisation in electronic form to travel to any of the other Islands or the United Kingdom.

(2) An Order under subsection (1) may in particular make provision about—

 - (a) the recognition in Jersey of an authorization granted as mentioned in subsection (1);
 - (b) the conditions or limitations that are to apply in Jersey to such an authorisation;
 - (c) the effects in Jersey of such an authorization being varied or cancelled under the law of the United Kingdom or any of the other Islands;
 - (d) the circumstances in which the Minister or an immigration officer may vary or cancel such an authorisation (so far as it applies in Jersey).”;
 - (c) omit subsection (3);
 - (d) in subsection (4) for “Regulations” substitute “An Order made”;
 - (e) omit subsections (5) and (6).
 3. In subsection (2), in the inserted Part 1A, after section 11D insert –

“11E Arrangements for functions in relation to ETAs

 - (1) The Minister may—
 - (a) request the Secretary of State to carry out any function in relation to the granting of ETAs conferred on the Minister or any other person (“the decision-maker”), by immigration rules made under section 11C or an Order made under section 11D, and
 - (b) arrange for the Secretary of State to carry out any such function.
 - (2) A function carried out by or on behalf of the Secretary of State under an arrangement made under subsection (1)(b) is for all purposes carried out by the decision-maker under the immigration rules or regulations concerned.

(3) Every decision or act, taken by or on behalf of the Secretary of State under such an arrangement has the same effect as if taken by the decision-maker.

(4) An arrangement under subsection (1)(b)—

(a) may be varied or terminated at any time by the Minister, but without prejudice to any decision or act already taken pursuant to that arrangement or to the making of a new arrangement, and

(b) does not prevent the performance of the function by the decision-maker concerned whilst the arrangement subsists.

(5) A variation or termination under (3)(a) may be made with immediate effect or take effect at a time specified by the Minister.

(6) This section has effect for the removal of any doubt and is not to be construed as impliedly invalidating anything done in conformity with any other enactment or rule of law, either before or after this section comes into force.”

4. In subsection (3) for “Kingdom” substitute “Jersey”.

5. Omit subsection (5).

SCHEDULE 2

Ref

SECTION 75 OF THE NATIONALITY AND BORDERS ACT 2022 AS EXTENDED TO JERSEY

Electronic travel authorisations

75.—(1) The Immigration Act 1971(a) 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 Jersey.

(2) Immigration rules may require an individual of a description specified in the rules not to travel to Jersey from any place (including a place in the common travel area), whether with a view to entering Jersey or to passing through it without entering, unless the individual has an ETA that is valid for the individual's journey to Jersey.

(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 Jersey, be entitled to enter without leave.

(4) In relation to an individual travelling to Jersey on a local journey from a place in the common travel area, subsection (3)(b) applies only if the 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) 1971 c. 77.

- (a) travels to Jersey on a local journey from a place in any of the other Islands or the United Kingdom, and
 - (b) has leave to enter or remain in the place from which the individual is travelling,
- only if it appears to the Minister necessary to do so by reason of differences between the immigration laws of Jersey and that place.

(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 Jersey 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, the other Islands and the United Kingdom

(1) The Minister may by Order make provision about the effects in Jersey of the grant or refusal under the law of any of the other Islands or the United Kingdom of an authorisation in electronic form to travel to that place.

(2) An Order under subsection (1) may in particular make provision about—

- (a) the recognition in Jersey of an authorization granted as mentioned in subsection (1);
- (b) the conditions or limitations that are to apply in Jersey to such an authorization;
- (c) the effects in Jersey of such an authorization being varied or cancelled under the law of the United Kingdom or any of the other Islands;
- (d) the circumstances in which the Minister or an immigration officer may vary or cancel such an authorisation (so far as it applies in Jersey).

(4) An Order made 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.

11E Arrangements for functions in relation to ETAs

(1) The Minister may—

- (a) request the Secretary of State to carry out any function in relation to the granting of ETAs conferred on the Minister or any other person ("**the decision-maker**"), by immigration rules made under section 11C or an Order made under section 11D, and
 - (b) arrange for the Secretary of State to carry out any such function.
- (2) A function carried out by or on behalf of the Secretary of State under an arrangement made under subsection (1)(b) is for all purposes carried out by the decision-maker under the immigration rules or regulations concerned.
- (3) Every decision or act taken by or on behalf of the Secretary of State under such an arrangement has the same effect as if taken by the decision-maker.
- (4) An arrangement under subsection (1)(b)—
- (a) may be varied or terminated at any time by the Minister, but without prejudice to any decision or act already taken pursuant to that arrangement or to the making of a new arrangement; and
 - (b) does not prevent the performance of the function by the decision-maker concerned whilst the arrangement subsists.
- (5) A variation or termination under (3)(a) may be made with immediate effect or take effect at a time specified by the Minister."
- (3) In section 24A (deception), in subsection (1)(a)—
- (a) after "obtain" insert "— (i)";
 - (b) after "Jersey" 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;”.
- (6) In section 126 of the Nationality, Immigration and Asylum Act 2002^(a) (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)),”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Bailiwick of Jersey, with modifications, section 75 of the Nationality and Borders Act 2022.

These provisions, as extended and modified, provide for Electronic Travel Authorisations to be required for travel to the Bailiwick of Jersey.

These provisions also give the Jersey Minister for Justice and Home Affairs a power to -

- a) make an Order dealing with the effect of Electronic Travel Authorisations which are granted or refused in the United Kingdom, the Bailiwick of Guernsey or the Isle of Man; and
- b) request that the Secretary of State carries out any functions with respect to the granting of Electronic Travel Authorisations.

^(a) 2002 c. 41.