



HOUSE OF LORDS

Committee Office

House of Lords
London
SW1A 0PW

Tel: 020 7219 6099
www.parliament.uk/lords

Tom Pursglove MP
Minister for Legal Migration and the Border

20 May 2024

By email

Dear Minister,

The Justice and Home Affairs Committee has now concluded its inquiry into electronic border management systems. Thank you for giving evidence to the Committee on 26 March 2024, and to the officials who accompanied you. We would welcome a detailed response to our conclusions and recommendations before the Summer Recess.

The Committee sees the benefits of electronic border management systems. Recent events such as the failure of eGates illustrate the drawbacks of over-reliance of technology at the borders. Passenger delays are inconvenient when they occasionally arise but frequent occurrences of problems risk undermining public confidence in the management of the borders. New systems must be introduced with great care or the potential benefits may not be realised. The Committee has looked at the introduction of the Electronic Travel Authorisation (ETA) by the Home Office and the introduction of two new systems by the EU, the Entry/Exit System (EES) and the Electronic Travel Information and Authorisation System (ETIAS). Our interest in these systems follows previous work undertaken by the Committee.

ETA

The Committee supports the ETA and is convinced by the arguments, not least in terms of increased security, in favour of “pushing the border out”¹ and in collecting more information about short-stay visitors who are nationals of non-visa countries. However, we share the concern put to us by Professor Thom Brooks: “As of yet, it is unclear how ETAs might be used in improving security screening in advance of passenger arrivals although it is clear they could be.”² Equivalent schemes are now well embedded in the border management systems of other countries, including those of our closest security partners, the Five Eyes Alliance³, and we believe the UK can learn much from the approach taken by them. The Committee notes the ETA has already been introduced for visitors from some Gulf States and welcomes its phased introduction to the rest of the world and then the EU. But the Committee believes sufficient time should be allowed between phases to allow for the resolution of issues such as helping digitally excluded people and fears of algorithmic bias. We are concerned that information about the ETA is currently only available in English and believe the Government should widen the number of languages.

EES and ETIAS

Although never part of the Schengen Area, the UK was an EU Member State during the earlier part of the journey towards the introduction of the EU schemes. We respect the EU’s decisions in this area and our concerns primarily relate to the UK’s preparedness for their implementation. We

¹ [Q 13](#) (Tony Smith)

² Written evidence from Professor Thom Brooks ([EBM0001](#))

³ The Five Eyes countries are the UK, Australia, Canada, New Zealand and the USA.

believe that in the short term the infrastructure and logistical requirements of the EES at the French juxtaposed borders in Dover, at the Eurostar terminals at St. Pancras, and at Eurotunnel in Folkestone have presented the most difficult challenges for operators and we have been impressed by their response. However, in the absence of a smartphone application to capture in advance information required for the EES (including facial image), we believe there is a significant chance of serious delays for passengers, and disruption in Kent.

Our full analysis is set out in the appendices to this letter. Our key points are as follows:

- The timetable for the implementation of changes at the border is extremely ambitious. The Government should seek to work as closely as possible with the EU to ensure that the introduction of the ETA and the EES do not overlap. The Government should encourage the EU to delay the introduction of the EES until a smartphone application for pre-registration is ready.
- We are alarmed by the lack of awareness of these changes on the part of UK Citizens who will be impacted by EES and ETIAS, and by the Government's current inadequate approach to communicating details of the UK's ETA internationally.
- We believe the Government should drop the requirement for transit passengers to have an ETA unless there are strong security reasons to the contrary, and these reasons should be examined as appropriate by a Parliamentary Committee or by the Independent Chief Inspector (see below).
- We are concerned that public confidence in the UK's border management could be undermined by a pace of change which is too swift and by a potentially uncoordinated approach to implementation.
- It is fundamental to our security that the Government works effectively with other countries to ensure that data on people of concern is as good as possible. Nevertheless, the estimated number of ETA refusals is concerning.
- We are concerned about the operation of the ETA in relation to the Common Travel Area (CTA), and particularly the impact on tourism in Northern Ireland, although we acknowledge the fact that the Government is seeking to implement the ETA in a way that is consistent with security obligations.
- The move towards digital borders should not distract the Home Office from its core responsibilities towards Border Force, including providing adequate training for Border Force officers.
- The appointment of an Independent Chief Inspector of Borders and Immigration should happen as quickly as possible, and the ETA should be a priority for inspection.



Lord Foster of Bath Chair, House of Lords Justice and Home Affairs Committee

List of Conclusions and Recommendations

Preparedness for EES

- 1. The Committee is reassured that the operators including Eurostar, Getlink (the Eurotunnel operator) and the Port of Dover are now as well prepared as they can be for the introduction of EES, subject to the constraints noted below. We welcome their willingness to co-operate with the relevant bodies, including the UK Government and the French authorities, but note that ultimate responsibility for the juxtaposed borders is a matter for the governments.**

Journey Times

- 2. We accept that the operators have gone to considerable lengths to minimise extra journey time needed to complete EES registration. We nevertheless envisage considerable delays for travellers going through the juxtaposed borders at St Pancras, the Eurotunnel and the Port of Dover when the EES is first introduced.**

Smartphone Application

- 3. We are concerned to hear that operators have borne the burden of costs to put in place infrastructure which may not be needed in the long-term. This is especially so when the development of a smartphone application for pre-registration of some biometric details seems tantalisingly close.**
- 4. The Government has a duty to bring the operators' outstanding challenges to the EU's attention and champion the need for further engagement.**
- 5. The Committee urges the Government to use all diplomatic efforts to persuade the EU to delay the introduction of the EES/ETIAS until the smartphone application is available (see also "Timing of ETA and European Schemes").**

Awareness of the EU schemes

- 6. We are concerned that public awareness about forthcoming changes as a result of EES and ETIAS requirements is low.**
- 7. We urge the Government to work with the EU urgently to begin a communications campaign this summer, ahead of the introduction of the EES, to inform travellers about these changes. This should be a priority for the Government even if there remains some uncertainty over the launch dates of EES and ETIAS.**

The Electronic Travel Authorisation

- 8. The Committee agrees with the principle of an incremental approach to the rollout of the ETA but believes that sufficient time should be allowed between phases to address potential problems. The Home Office and Border Force should ensure that structures are in place to address lessons**

learned from the earlier phases in its implementation.

9. **We seek reassurances that the current timeline for implementation allows time for review (see also, “The ETA and transit passengers”).**
10. **The Committee is alarmed about the apparent lack of awareness of the ETA scheme for visitors to the UK. We recommend that the Government promptly adopts a messaging campaign by disseminating information through various channels, including social media platforms, carrier websites, British Consulates and Diplomatic missions. Incoming passengers from non-visa countries to the UK should be given a clear message that their future visits will require a different procedure. The Government should work with carriers, ports and airports to ensure that a messaging campaign begins immediately and ideally before the ETA is extended to the ‘rest of world’ cohort (excluding EU) in the autumn.**
11. **We endorse the recommendation of the Airport Operators’ Association that official information relating to the ETA is made available in a wider number of languages as soon as possible (including French, German and Spanish).**

Dual Nationals

12. **The Committee is concerned about the difficulties dual nationals will face when travelling between the Schengen Area and the UK and recommends that awareness be raised among the public.**

The ETA and transit passengers

13. **We believe the Government should drop the requirement for transit passengers to have an ETA unless there are strong security reasons to the contrary, and these reasons should be examined as appropriate by a Parliamentary Committee or by the Independent Chief Inspector (see below, Appendix D). If the primary concern is about the potential ‘leakage’ of passengers from airside areas then this should be addressed in other ways. The Government should work with the airports to find a solution.**
14. **We welcome the Government’s commitment to working with the industry to keep the issue of transit passengers under review. We believe that a pragmatic solution could be found. Further options could include addressing any concerns about leakage from ‘airside’ or considering a special category of ETA for transit passengers.**

Timing of ETA and the European Schemes

15. **The Committee strongly recommends that the Government collaborates with the EU to avoid any clash between the introduction of the EU and the UK schemes. To this end, the Committee believes that further tranches of the ETA implementation should not coincide with the roll out of the EES/ETIAS schemes. The Committee would support a delay in the introduction of ETA if that is required.**

Review of implementation

- 16. The Government should propose a joint mechanism with the EU for ongoing review of the implementation arrangements.**
- 17. We would welcome ongoing parliamentary scrutiny of the implementation of the schemes, including at inter-Parliamentary level where appropriate, for instance by the UK-EU Parliamentary Partnership Assembly or the British-Irish Parliamentary Assembly.**
- 18. We would like to be kept informed of any future plans to collect fingerprints in respect of the ETA. We believe the Government should take account of any lessons from the introduction of the EES and the approach used by EU authorities to collect fingerprints from third country nationals.**

Security

- 19. The Committee supports the idea of “pushing the border out” and sees the ETA as a necessary complement to the use of eGates for the Non-Visa cohort. We also believe that the ETA does not fully compensate for gaps in the existing system.**
- 20. We are also concerned regarding the lack of information requested from those applying for an ETA, for example, regarding the purpose of visit, and the expected date of departure. We recommend strengthening the line of questions to deter those wishing to enter the country without sufficient self-funding and a departure date.**
- 21. We are concerned that the implementation of ETA should not have the unintended effect of losing some of the advantages which the 'human factor' delivers. The success of the digital border strategy depends on the continuation and enhancement of well-established practices by Border Force officers.**
- 22. Advance travel scrutiny of visitors to the UK rightly aims to increase our security, but identifying people of concern relies fundamentally on having up to date and reliable data from many countries. We learnt that these databases are held in the UK, but built in part on data provided by other countries. The reliability and currency of these databases can never be perfect. However, it is fundamental to our security that the Government works effectively with other countries to ensure that data on people of concern is as good as possible (see also recommendation below).**
- 23. We seek further reassurances from the Government in respect of our questions about up to date, reliable data, accepting that there are sensitive operational and security matters that it may not be able to share with us. We invite the Government to propose a way of enabling further scrutiny of the security aspects of the ETA, whether that is to be undertaken by this Committee or by the Intelligence and Security Committee of Parliament. We would welcome the input of the Independent Chief Inspector of Borders and Immigration as soon as a new postholder is appointed.**

24. We recommend that the Government carry out continuous monitoring and produce and publish regular assessments of how far the ETA is meeting its original objectives.

Access to EU Databases

25. We remain concerned about the loss of real-time access to the EU SIS II database as noted in our letter to the Home Secretary in July 2023. We are aware that the Government recently agreed a Working Arrangement with the EU's Border Agency Frontex aimed at fostering co-operation on border management and granting UK access to the EU's EUROSUR border database. We look forward to monitoring this development. We suggest the Government *should engage constructively with any future EU proposals for exchanges of border management data with third countries.*

Refusals

26. We accept that a system for appeals against ETA refusals would be difficult to implement, but we believe that each refusal should be properly checked and personalised.

27. We are concerned about the volume of ETA applications and increase of visitor visas (stemming from the absence of the right to appeal ETA refusals), and the subsequent increase in the workload for the Home Office and Border Force. *The Committee is concerned that security standards should not be lowered to deal with the expected increased volume of ETA and visitor visa applications.*

28. *As well as including the additional questions outlined above, we recommend that ETA questions have a certain degree of flexibility, and be kept under constant review. The caseworker guidance should be kept up to date.*

UK Citizens and the EU systems

29. *The Committee seeks assurances that the Government will be notified when a UK citizen is assessed by ETIAS as representing a security risk. We also seek assurances that the Government has pursued the concerns expressed by the Committee in 2021 that a non-EU government would not be able to abuse ETIAS to undermine the rights and liberties of UK citizens.*

30. We ask the Government what engagement has taken place with relevant European authorities to ensure that robust safeguards are in place to guarantee the fairness and lawfulness of the profiling algorithm that forms part of ETIAS.

The Common Travel Area

31. We welcome the fact that both the UK and Irish Governments remain committed to the CTA. Recently the operation of the CTA has been the subject of, sometimes unhelpful, media coverage in both countries,

especially following the passage of the Safety of Rwanda (Asylum and Immigration) Act 2024, the High Court of Northern Ireland's recent decision to disapply aspects of the Illegal Migration Act 2023 in Northern Ireland, and in the context of legislation proposed in Dublin in respect of returning asylum seekers to the UK. *We believe all parties have a responsibility to approach matters relating to the CTA sensitively.*

The ETA requirement for Non-Visa Nationals entering via the Common Travel Area

- 32. We welcome the Government's commitment to the Common Travel Area and to its obligations under the Belfast (Good Friday) Agreement. We acknowledge that the Government has a responsibility for border security for the whole of the United Kingdom as well as protecting the principles of the CTA including an open land border, and the internal movement of people within the United Kingdom.**
- 33. The Committee welcomes the Government's positive response to concerns expressed by other Parliamentary Committees about third country nationals resident in Ireland and urges it to address any potential causes of confusion in its messaging about the ETA.**
- 34. The Government should monitor the operation of the ETA in respect of the Common Travel Area (CTA) and should ensure that the operation of the ETA does not impact on those who are entitled to free movement under CTA rules. This should include those who are legally resident in Ireland in respect of their ETA exemption even though wider rights under the CTA are available only to British and Irish citizens.**

Tourism in Northern Ireland

- 35. We note the proposal for a short-term exemption from the ETA requirement for travellers from the Republic of Ireland to Northern Ireland and we believe it may have some merit. We note the Minister's concerns about an exemption on security grounds and accept that the Government has an obligation to maintain the security of all the UK's borders. If the exemption cannot work, we invite the Government to come forward with any other workable proposal. We would also welcome the creation of a special application process for group travel.**

The CTA as a 'loophole'

- 36. The Committee seeks further information from the Government about obligations which may be imposed on carriers operating within the CTA and whether internal UK travel (Northern Ireland-Great Britain) will be affected.**

The future of the Common Travel Area

- 37. We note that Ireland, as an EU Member state which is outside the Schengen Area, and a member of the CTA, will operate its border management without taking part in the UK's or the EU's pre-travel authorisation schemes. EU citizens will continue to have free movement**

rights in Ireland. The Government should be aware of this in all discussions with the EU about possible future co-operation.

38. *The Government should engage extensively at Ministerial level with the Irish Government and with the Northern Ireland Executive about the implementation of the ETA. Effective co-operation on a communications strategy will be essential to the success of the ETA.*
39. *In the longer term, we believe there is scope for closer cooperation between the UK and Ireland in respect of border management in a way that respects the national sovereignty of both countries and the security concerns of each government.*
40. *The Government should consider the impact on the Common Travel Area of any future changes in the Immigration Rules, including those in respect of the ETA.*

Border Force and the Home Office

41. *The eyes and ears of individual Border Force officers remain vital in an era of electronic border management systems, but they also need to be fully trained in and encouraged to understand those systems.*
42. *We believe that Border Force should remain adequately staffed, and that individual officers should be encouraged to gain experience of all aspects of the organisation's work.*
43. *In an era of technological change, the training of Border Force officers assumes even greater importance. Border Force staff must be equipped and trained to deal with emergency situations including when technology fails.*
44. *Minimising disruption to passengers when things go wrong is important, but the security of the borders must remain the top priority.*
45. *We are concerned that the Home Office appears to have a closed approach to independent scrutiny. We are concerned by the apparent absence of the necessary processes and infrastructure which would allow the Home Office and Border Force to "learn lessons" when things go wrong.*
46. *The Committee is troubled by the Government's approach to the role of Independent Chief Inspector of Borders and Immigration. We are disappointed that a lengthy vacancy has been allowed to occur at a time when new systems are being introduced. The role should be filled urgently, and we encourage the next Chief Inspector to monitor the rollout of the ETA.*
47. *We would welcome an update from the Home Office about progress on Alexander Downer's 2022 review of Border Force, particularly in relation to any of the recommendations they intend to take forward.*

Background

In February 2024, the Justice and Home Affairs Committee launched a short inquiry into electronic border management systems. We held nine oral evidence sessions and received 25 pieces of written evidence. The inquiry included the UK's **Electronic Travel Authorisation (ETA)** and two schemes of the European Union: the **Entry/Exit System (EES)** and the **European Travel Information and Authorisation System (ETIAS)**. This inquiry builds on previous work undertaken by the Committee. In 2021, the Committee held an evidence session with stakeholders and wrote a letter to the then Home Secretary in relation to the UK's preparedness for the introduction of the EU schemes.⁴

The **EES** is an automated IT system for registering non-EU nationals travelling for a short stay each time they cross the external borders of Schengen countries. The "EES is a border crossing system designed to capture facial images, four (4) fingerprints from the right-hand and the biographic data associated with the traveller's passport. EES is not a travel authorisation".⁵ The EES applies to non-EU nationals travelling to a European country using the EES for a short stay of up to 90 days within any 180-day period.

ETIAS is an entry requirement for visa-exempt nationals travelling to European countries. It is a pre-travel authorisation system comparable to the UK's ETA. Hence, most UK citizens will need to submit an online application prior to travelling to the Schengen Area countries. With a valid ETIAS travel authorisation, one can enter the territory of 30 European countries as often as one wants for short-term stays—normally for up to 90 days in any 180-day period. The introduction of ETIAS will follow EES.

The UK's **ETA** has been described by the Home Office as a "digital permission to enter the UK",⁶ for those visitors who do not need a visa for short stays. The ETA was initially introduced in late 2023 for citizens from Qatar. On 1 February 2024, the scheme opened for nationals of Bahrain, Kuwait, Oman, United Arab Emirates, Saudi Arabia and Jordan, who have been required to obtain an ETA to travel to the UK since 22 February 2024. Similar travel authorisation schemes operate in other countries such as the USA's ESTA and Australia's ETA, although there are important differences between these systems.⁷ As noted above, the ETA also has similarities with the ETIAS that the EU is planning to introduce.

⁴ Letter from Baroness Hamwee, Chair Justice and Home Affairs Committee, to the Rt Hon Priti Patel MP, Home Secretary, (22 November 2021):

<https://committees.parliament.uk/publications/7930/documents/82117/default/>

⁵ Written evidence from SITA Advanced Travel Solutions Ltd ([EBM0015](#))

⁶ Home Office, 'Home Office in the media, Electronic Travel Authorisation (ETA) scheme factsheet—February 2024' (1 February 2024): <https://homeofficemedia.blog.gov.uk/2024/02/01/electronic-travel-authorisation-eta-scheme-factsheet-february-2024/> [accessed 19 April 2024]

⁷ On the American ESTA see: US Customs and Border Protection, "Electronic System for Travel Authorization" (28 March 2024): <https://www.cbp.gov/travel/international-visitors/esta> [accessed 26 April 2024]; on the Australian ETA see: Australian Department of Home Affairs, "Electronic Travel Authority" (15 February 2024): <https://immi.homeaffairs.gov.au/visas/getting-a-visa/visa-listing/electronic-travel-authority-601> [accessed 26 April 2024] and "Developing the Australian Electronic Travel Authority (ETA) app, SITA Stories", (11 August 2021): <https://www.sita.aero/stories/sita-stories/developing-the-australian-electronic-travel-authority-eta-app/> [accessed 26 April 2024]

➤ **Appendix A: Implementation and Review**

The EU's schemes

1. The introduction of the EU's Entry/Exit System will have a significant impact on UK soil because of the system of “juxtaposed controls” which exist at the Eurotunnel terminal at Folkestone, at the Port of Dover and UK Eurostar terminals. The EES will apply to most non-EU citizens entering and leaving the Schengen Area and will involve a registration process the first time a traveller enters a country operating the EES. The process will involve the collection of biometric details, including fingerprints.⁸ The process must be overseen by a European border official.⁹
2. The introduction of the EES has been delayed several times since the Committee looked into the subject previously. At that point, the EES had already been delayed and we were conducting our work in the expectation that the scheme would be fully operational by the second half of 2022. It was subsequently expected in May 2023, then the end of 2023. The EES is now scheduled to be launched in late 2024, with some reports suggesting a launch date in October/November 2024. It is therefore expected that ETIAS, which is due to follow EES, “will be operational from the first half of 2025”.¹⁰
3. In November 2021, the Committee expressed concern that the additional checks required under the EES would be “likely to cause sustained delays and disruption, both for travellers and communities in Kent” because of “problems arising from basic practicalities”.¹¹ We found that Eurostar terminals and port infrastructures were “too small to accommodate the EES registration process”. We heard concern that those travelling in vehicles through the Ports “may be required to step out into live traffic to undergo checks, which would be unsafe and cause further delay.”¹²
4. As part of our current inquiry, the Committee sought an update from our three previous witnesses—John Keefe of Getlink Group (the company which operates Eurotunnel), Tim Reardon from the Port of Dover, and Gareth Williams of Eurostar. This time we also heard other perspectives on the EU Schemes from witnesses who spoke to us as part of our wider inquiry.
5. The operators told us that they now “fully expect” the EES to be introduced later this year, after the Paris Olympics, and that it would apply at all points of entry to the Schengen Area from the moment it is introduced.¹³ The Minister, Tom Pursglove MP, later told us that the Government is also working “on the basis of an October

⁸ Letter from Baroness Hamwee, Chair Justice and Home Affairs Committee, to the Rt Hon Priti Patel MP, Home Secretary, (22 November 2021):

<https://committees.parliament.uk/publications/7930/documents/82117/default/>

⁹ [Q 5](#) (Tim Reardon)

¹⁰ European Union, ETIAS “Frequently asked questions about ETIAS”, (17 April 2024): https://travel-europe.europa.eu/etias/faqs-etias_en [accessed 24 April 2024]

¹¹ Letter from Baroness Hamwee, Chair Justice and Home Affairs Committee, to the Rt Hon Priti Patel MP, Home Secretary, (22 November 2021):

<https://committees.parliament.uk/publications/7930/documents/82117/default/>

¹² Letter from Baroness Hamwee, Chair Justice and Home Affairs Committee, to the Rt Hon Priti Patel MP, Home Secretary, (22 November 2021):

<https://committees.parliament.uk/publications/7930/documents/82117/default/>

¹³ [Q 1](#) (Gareth Williams)

implementation of EES”, though it expected “a definitive go or no-go decision” from the EU after the summer.¹⁴ We note that there have been media reports speculating about further delays.¹⁵

Preparedness for EES

6. When they appeared before the Committee again this year, our witnesses stressed that they have invested significant sums¹⁶ to be ready for the EES implementation. John Keefe said that Getlink Group has spent €80 million on EES infrastructure, “including capital and operational expenditure across both our UK and French terminals.”¹⁷ They have also recruited 70 additional staff in the UK to support the enrolment process. Gareth Williams confirmed that EES implementation required a “very significant investment” from operators bearing the cost themselves.¹⁸
7. Through investment and planning, some of the initial logistical challenges appear to have been addressed. In 2021, Eurostar told the Committee of “an extreme space challenge” at London St Pancras International: they estimated that over 30 kiosks would be required for passengers to register for EES at peak times.¹⁹ In March this year, Gareth Williams confirmed that Eurostar has now found space at St Pancras for 49 EES kiosks, which includes overflow space elsewhere in the station.²⁰
8. In relation to safety concerns at the Dover and Folkestone, our witnesses told us that workable solutions had been found.²¹ Tim Reardon confirmed that the Port of Dover will make use of an “alternative system for capturing biometric details for car passengers that does not involve getting the passenger out of the vehicle.” This system, developed by French police, is like a “glorified iPad” which is passed around the occupants in a vehicle and ensures that passengers do not have to get out of the vehicle. The Port has also worked on a reconfiguration of the terminal to allow cars to be processed away from moving traffic.²² Coach traffic is expected to be handled in “a discrete manner” so as not to disrupt other traffic flows.²³
9. A different approach will be adopted at Eurotunnel, suitable for the traffic flows it experiences. They have built a “hangar” which provides “an indoor space with parking spaces and kiosks” which allows occupants of a vehicle to step out into a controlled environment to use the EES kiosk “as it is designed in an airport”. 106 such EES kiosks will be available in the hangar.²⁴ Coach traffic will be handled in a

¹⁴ [Q 88](#) (Tom Pursglove MP)

¹⁵ B Clatworthy, “EU urged to delay border checks to avert travel chaos this autumn. French airport bosses fear a new biometric system will not be ready in time”. *The Times* (27 March 2024): <https://www.thetimes.co.uk/article/eu-urged-to-delay-border-checks-to-avert-travel-chaos-this-autumn-xl2pzknjm>

¹⁶ [Q 5](#) (John Keefe), [Q 9](#) (Gareth Williams)

¹⁷ Written evidence from John Keefe ([EBM0025](#))

¹⁸ [Q 1](#) (Gareth Williams)

¹⁹ Letter from Baroness Hamwee, Chair Justice and Home Affairs Committee, to the Rt Hon Priti Patel MP, Home Secretary, (22 November 2021):

<https://committees.parliament.uk/publications/7930/documents/82117/default/> At that point, it should be noted, there were concerns about extra space needed for social distancing in relation to the Covid-19 pandemic.

²⁰ [Q 2](#) (Gareth Williams)

²¹ [Q 2](#) (Tim Reardon); for a different solution see [Q 2](#) (John Keefe)

²² [Q 2](#) (Tim Reardon)

²³ [Q 5](#) (Tim Reardon)

²⁴ [Q 2](#) (John Keefe)

similar way to that envisaged at Dover, and passengers will disembark from the coach to pass through eGates.²⁵

- 10. The Committee is reassured that the operators including Eurostar, Getlink (the Eurotunnel operator) and the Port of Dover are now as well prepared as they can be for the introduction of EES, subject to the constraints noted below. We welcome their willingness to co-operate with the relevant bodies, including the UK Government and the French authorities, but note that ultimate responsibility for the juxtaposed borders is a matter for the governments.**

Journey Times

11. Witnesses agreed that in the short term, the infrastructure and logistical requirements of the EES are the most difficult aspect of forthcoming changes. Tim Reardon explained that one of the reasons that EES is “a difficult scheme to bring forward is the extraordinary stipulation that is in the Schengen Borders Code, that a digital system or the use of a digital system has to be overseen by an officer in uniform”.²⁶ This stipulation makes it difficult to introduce a self-service model.
12. Tim Reardon also reminded us that ongoing issues are inevitable because the EES is “an aviation system. It is designed for airports.”²⁷ John Keefe explained that for a “vehicle-based system” such as that operating at the Channel Tunnel, the EES would impose a step change in terms of the administration required to support checking in a vehicle: “from having to sell a ticket for one vehicle ... we are now required to provide enrolment space for all the passengers in that vehicle, which can multiply the crossing time by a factor of three, four, five or 10”.²⁸ In respect of Eurotunnel, Mr Keefe estimated that the introduction of the EES would add six minutes to “the average additional journey time”.²⁹
13. In the longer term, the EES should reduce the burden for repeat travellers because it “will abolish passport stamping ... from that perspective, it will make life easier for border guards who have to calculate the timing for which individuals are entitled to remain on national territory”.³⁰ The Tourism Alliance, however, expressed some scepticism that this would be the case because “the need to photograph travellers on subsequent border crossings is likely significantly to exceed the time needed to stamp the passport”.³¹
- 14. We accept that the operators have gone to considerable lengths to minimise extra journey time needed to complete EES registration. We nevertheless envisage considerable delays for travellers going through the juxtaposed borders at St Pancras, the Eurotunnel and the Port of Dover when the EES is first introduced.**

²⁵ [Q 5](#) (John Keefe)

²⁶ [Q 5](#) (Tim Reardon)

²⁷ [Q 1](#) (Tim Reardon)

²⁸ [Q 1](#) (John Keefe)

²⁹ [Q 2](#) (John Keefe)

³⁰ [Q 101](#) (Dr Niovi Vavoula). See also written evidence from Airlines UK ([EBM0007](#)).

³¹ Written evidence from the Tourism Alliance ([EBM0005](#))

Smartphone Application

15. Witnesses told us that a key logistical challenge arises with the EES because of the absence of any facility for biometric enrolment at a distance. John Keefe told us that there was a proposal to develop “smartphone application that would enable at least the facial biometrics and the biographical details to be registered at distance”.³² Such an application “would have saved a lot of time” enrolling details for individuals once they arrive at the portal. Such an application would enable “most of that information to be captured in advance, it would have reduced the requirement for capture at the point of entry into the EU”.³³ Fingerprints would still need to be collected at the border.³⁴
16. As things stand, the operators do not expect the smartphone application to be ready before 2025—which means it will not be ready on the current timescale for the introduction of EES in October 2024.³⁵ They are hopeful that it may be in place by summer 2025, in time for the peak travel season.³⁶ The Deputy Executive Director of Frontex, the EU Border Agency, has recently written that: “our aim is to have a fully-fledged version of the [smartphone] app ready by the end of the summer, so it can then be gradually integrated by Member States into their national systems starting from early autumn”. However, use of the EES smartphone application is “not mandatory”.³⁷ We were reminded that “dates are notoriously difficult to pin down in this situation”.³⁸
17. The absence of the smartphone application means that operators “model on worst case”³⁹ and have tried to be “over-ready” for the introduction of EES.⁴⁰ They envisage that once the application is introduced, the number of kiosks could be reduced. Eurostar have prepared for 49, but “A rough estimate is that with the remote app we could probably manage with 30”.⁴¹
- 18. We are concerned to hear that operators have borne the burden of costs to put in place infrastructure which may not be needed in the long-term. This is especially so when the development of a smartphone application for pre-registration of some biometric details seems tantalisingly close.**
- 19. The Government has a duty to bring the operators’ outstanding challenges to the EU’s attention and champion the need for further engagement.**
- 20. The Committee urges the Government to use all diplomatic efforts to persuade the EU to delay the introduction of the EES/ETIAS until the smartphone application is available (see also “Timing of ETA and European Schemes”).**

³² [Q 1](#) (John Keefe)

³³ [Q 2](#) (John Keefe)

³⁴ Written evidence from the Tourism Alliance ([EBM0005](#))

³⁵ [Q 2](#) (Gareth Williams)

³⁶ [Q 5](#) (Tim Reardon)

³⁷ Uku Sarekanno, ‘Towards fully digitised European border management’, *Border Management Today*, Issue 011, May 2024, pp.40-42: https://www.ibmata.org/wp-content/uploads/2024/05/BMT_Issue11.pdf

³⁸ [Q 2](#) (John Keefe)

³⁹ [Q 5](#) (John Keefe)

⁴⁰ [Q 2](#) (Gareth Williams)

⁴¹ [Q 2](#) (Gareth Williams)

Awareness of the EU schemes

21. In 2021, when commenting on the planned introduction of EES, the Committee noted that there appeared “to be little public awareness of the system and its implications in the UK”. The Committee “urged the Government to provide clear and consistent messaging to raise public awareness of new border rules”.⁴²
22. The introduction of EES and ETIAS “impacts significantly on UK nationals (notwithstanding any exceptions that may apply to certain categories of traveller) travelling to the Schengen Area”.⁴³ The Tourism Alliance told us: “In broad terms, the process at the border for UK citizens travelling to the EU will increasingly be much more akin to travelling to the United States than it was for travelling to the EU when the UK was a Member State.”⁴⁴
23. In view of these changes, the Tourism Alliance called for a “large-scale communication campaign” on EES and ETIAS and said “there is a role for the UK Government to work with the EU institutions on such a communications campaign given the likely impact on UK citizens and businesses as well as the potential reputational risk to all involved”. They noted, however, that certainty over the launch date was needed to allow businesses and travellers to prepare.⁴⁵ ABTA told us that the lack of awareness is source of concern due to “the potential for serious disruption for UK travellers once these measures come into force, especially if individuals seek to travel without completing the required processes”.⁴⁶
24. Although the EES will not require UK airports to install infrastructure—passengers flying from the UK to the Schengen Area will complete registration at the destination airport—we heard that the airline industry also has concerns about the implementation of the new system. Airlines UK told us that “significant work” on passenger communications was needed ahead of the EES launch “to ensure customers are ready and know what to expect and are not put off from travelling”. There were particular challenges for flights into smaller airports in the Schengen Area where “for example, three UK flights might arrive at the same time”.⁴⁷
25. **We are concerned that public awareness about forthcoming changes as a result of EES and ETIAS requirements is low.**
26. **We urge the Government to work with the EU urgently to begin a communications campaign this summer, ahead of the introduction of the EES, to inform travellers about these changes. This should be a priority for the Government even if there remains some uncertainty over the launch dates of EES and ETIAS.**

⁴² Letter from Baroness Hamwee, Chair Justice and Home Affairs Committee, to the Rt Hon Priti Patel MP, Home Secretary, (22 November 2021):

<https://committees.parliament.uk/publications/7930/documents/82117/default/>

⁴³ Written evidence from the Tourism Alliance ([EBM0005](#))

⁴⁴ Written evidence from the Tourism Alliance ([EBM0005](#))

⁴⁵ Written evidence from the Tourism Alliance ([EBM0005](#))

⁴⁶ Written evidence from ABTA Travel Association ([EBM0012](#))

⁴⁷ Written evidence from Airlines UK ([EBM0007](#))

27. The Home Office has explained that “ETAs are being introduced as part of our transformation and digitisation of the UK border.”⁴⁸ The ETA sits within the 2025 UK Border Strategy, which sets out the Government’s vision “for the UK border to be the most effective in the world.”⁴⁹
28. Tony Smith CBE, former Director-General, UK Border Force, and Chairman of the International Border Management and Technologies Association (IBMATA), told the Committee that the UK is “certainly not ahead of the game in introducing electronic travel authorisations”⁵⁰ but explained that this “is not necessarily a bad thing” because it allows the UK to learn from the experience of other countries.⁵¹ SITA, the company which developed the Electronic Travel Authorisation for Australia in 1997, noted that the UK’s plans for the ETA are “generally aligned with other leading nations”, and welcomed the incremental approach to its introduction which “allows carriers, airports, and the Home Office and Border Force, to observe and respond to any problems or challenges encountered.”⁵²
- 29. The Committee agrees with the principle of an incremental approach to the rollout of the ETA but believes that sufficient time should be allowed between phases to address potential problems. The Home Office and Border Force should ensure that structures are in place to address lessons learned from the earlier phases in its implementation.**
- 30. We seek reassurances that the current timeline for implementation allows time for review (see also, “The ETA and transit passengers”).**
31. Tom Pursglove MP confirmed that there are “two tranches to come” as far as the ETA implementation is concerned: a rest-of-the-world tranche this autumn and the EU-tranche early next year.⁵³
32. The Home Office acknowledged that “the introduction of an ETA scheme is a significant change for many people who can currently travel to the UK without any prior interaction with the Home Office”.⁵⁴
33. Dr Niovi Vavoula, Associate Professor and Chair in Cyber Policy at the University of Luxembourg, told us that the ETA, like its EU equivalent, the ETIAS, was a “wholly new system” and represents “essentially a lighter visa requirement for nationals who come from visa-free countries.” Such schemes “are creating an additional pre-travel burden on applicants” who need to provide data and pay a fee. The system is also reliant on “access to a good internet connection”. The ETA is “a new burden which

⁴⁸ Home Office ‘Home Office in the media, Electronic Travel Authorisation (ETA) scheme factsheet – February 2024’ (1 February 2024): <https://homeofficemedia.blog.gov.uk/2024/02/01/electronic-travel-authorisation-eta-scheme-factsheet-february-2024/> [accessed 19 April 2024]

⁴⁹ Policy paper, 2025 UK Border Strategy, Cabinet Office (17 December 2020)

<https://www.gov.uk/government/publications/2025-uk-border-strategy> [accessed 23 April 2024]

⁵⁰ [Q 15](#) (Tony Smith)

⁵¹ [Q 15](#) (Tony Smith)

⁵² Written evidence from SITA Advanced Travel Solutions Ltd ([EBM0015](#))

⁵³ [Q 87](#) (Tom Pursglove MP)

⁵⁴ Written evidence from the Home Office ([EBM0011](#))

does not currently exist”.⁵⁵

34. Despite such impending changes, witnesses have underlined how, at the moment, there is little awareness of the ETA outside the UK,⁵⁶ though this may depend on the fact that at the moment “it is very new and affects only a small number of nationalities”.⁵⁷
35. Stakeholders agree that “the most effective approach to raising awareness about the ETA will involve comprehensive engagement efforts with the industry, regulatory authorities and passengers alike”.⁵⁸ It has been suggested that one way to realise this engagement would be “disseminating information through various channels, including social media platforms, carrier websites, British Consulates and Diplomatic missions”⁵⁹ with “the DfT, Border Force, and Home Office communication teams” leading the messaging campaign.⁶⁰
36. **The Committee is alarmed about the apparent lack of awareness of the ETA scheme for visitors to the UK. We recommend that the Government promptly adopts a messaging campaign by disseminating information through various channels, including social media platforms, carrier websites, British Consulates and Diplomatic missions. Incoming passengers from non-visa countries to the UK should be given a clear message that their future visits will require a different procedure. The Government should work with carriers, ports and airports to ensure that a messaging campaign begins immediately and ideally before the ETA is extended to the ‘rest of world’ cohort (excluding EU) in the autumn.**
37. The Airport Operators’ Association told us that: “At the moment, there is a concern that the ETA is not easily accessible to those travelling to the UK for whom English is not their first language”.⁶¹ While the EES can be accessed in several languages, official ETA information is available only in English. The Association recommends “that the Government seek to widen the number of languages information on the ETA is available in, both to improve and promote awareness and also to ensure the UK is seen as a welcoming place for international visitors”.⁶² **We endorse the recommendation of the Airport Operators’ Association that official information relating to the ETA is made available in a wider number of languages as soon as possible (including French, German and Spanish).**

Dual Nationals

38. Witnesses drew our attention to the issue of dual nationals, who—when buying return tickets between the UK and the Schengen Area (or vice versa)—would be able to link *only one passport* to the whole journey: “when you are a dual national you

⁵⁵ [Q 101](#) (Dr Niovi Vavoula)

⁵⁶ Written evidence from Professor Thom Brooks ([EBM0001](#)); see also written evidence from ABTA Travel Association ([EBM0012](#)); [Q 7](#) (John Keefe); [Q 79](#) (Tonia Fielding) (on ETA)

⁵⁷ [Q 56](#) (Sophie Barrett-Brown)

⁵⁸ Written evidence from Ryanair ([EBM0002](#))

⁵⁹ Written evidence from Ryanair ([EBM0002](#))

⁶⁰ Written evidence from Airlines UK ([EBM0007](#))

⁶¹ Written evidence from Airport Operators Association ([EBM0016](#))

⁶² Written evidence from Airport Operators Association ([EBM0016](#)); also see written evidence from European Tourism Association ([EBM0019](#))

must in a lot of cases be able to attach a different travel document or passport to separate legs of your journey. With a lot of airlines you only attach one passport to the entire round trip, so there is a real problem there”.⁶³ Consequently, for example, a British passport would not allow a dual national passenger to enter the Schengen Area without an ETIAS, whereas, if the same passenger used a Schengen passport instead, he/she would be asked for proof of an ETA when returning to the UK. The Home Office recognised the issue and offered the following advice:

“It is recommended that a dual national with British citizenship should travel on either a British passport or a non-British passport that is endorsed with a certificate of entitlement to the right of abode, in order to demonstrate to a carrier that they are a British citizen and therefore have permission to travel to the UK on this basis.

If a dual national is seeking to travel solely on a non-British passport, without a certificate of entitlement stamp, they could experience difficulties when trying to travel to the UK and risk being denied boarding if their non-British passport provides no evidence of their claimed British citizenship.”⁶⁴

39. The Committee is concerned about the difficulties dual nationals will face when travelling between the Schengen Area and the UK and recommends that awareness be raised among the public.

The ETA and transit passengers

40. The Government’s position is that the ETA applies to transit passengers.⁶⁵ We received strong representations from witnesses that “This requirement will place the UK at an immediate competitive disadvantage compared to its European neighbours”.⁶⁶

41. Tonia Fielding, Director of Services at Heathrow Airport, expressed concern over the adverse economic repercussions that the ETA transit policy will have on Heathrow as an interconnecting hub. She told us that 18 million passengers per year (in total) are connecting passengers. The Airport is concerned that “if passengers have a choice about whether they use a paid-for product or whether a product in another area is cheaper or better in any way, they will probably choose to take the easier option.”⁶⁷ With reference to Qatari flights alone—for which the ETA transit policy is already operative—she stressed how “... we have seen a decline of about 14,000 passengers ... over the last three months.”⁶⁸ Airlines UK estimated that “Several million travellers who do not currently require a visa or other form of

⁶³ [Q 55](#) (Monique Hawkins)

⁶⁴ Written evidence from The Home Office ([EBM0011](#))

⁶⁵ Home Office, Home Office in the media, ‘Electronic Travel Authorisation (ETA) scheme factsheet–February 2024’ (1 February 2024): <https://homeofficemedia.blog.gov.uk/2024/02/01/electronic-travel-authorisation-eta-scheme-factsheet-february-2024/> [accessed 29 April 2024]; also see written evidence from the Home Office ([EBM0011](#))

⁶⁶ Written evidence from The Tourism Alliance ([EBM0005](#)); Written evidence from the International Air Transport Association, Board of Airline Representation UK and Airlines for America ([EBM0008](#)); Written evidence from ABTA Travel Association ([EBM0012](#)); Written evidence from Airport Operators Association ([EBM0016](#)); [Q 77](#) (Tonia Fielding)

⁶⁷ [Q 77](#) (Tonia Fielding)

⁶⁸ [Q 77](#) (Tonia Fielding)

additional authorisation to transit through the UK will now require an ETA even if remaining airside”.⁶⁹

42. The EU intends to adopt a different approach, as ETIAS will not apply to transit passengers.⁷⁰ The International Air Transport Association explained that the ETA requirement for transit passengers “will place the UK at an immediate competitive disadvantage compared to its European neighbours, where the equivalent EU system—the ETIAS—will not apply to transiting passengers who do not cross the border”.⁷¹ Airlines UK pointed out that “the ETA would add £40 to the cost of a trip for a family of four”, which would add a “barrier to travel through an additional administrative burden, making transiting through the UK much less competitive than using an alternative EU hub.”⁷²

43. By way of contrast to the EU, the US ESTA is required for transit passengers travelling through US hubs, but Christi Hufford Jackson, Partner and Head of the US Practice, Laura Devine Immigration, reminded us that the UK and the USA are not necessarily comparable:

“Something very different in the US than the UK is that in the US to transit you clear customs and immigration. We [in America] do not do airside transits, which means that anyone who is ineligible for ESTA, even if they legitimately are ineligible, cannot even travel via the United States, which is a hot connection point for a lot of countries, without obtaining either a visitor visa or a transit visa.”⁷³

44. When we raised the question of transit passengers with the Minister, he reminded us that the ETA is “an authority to travel, not an authority to cross the border”, adding that “there are massive security benefits here that I would not want to undermine”. He advised us not to “make assumptions about the threats that we have to manage”.⁷⁴ He stressed that the ETA is “low cost” but promised to keep the issue under “close review”.

45. We believe the Government should drop the requirement for transit passengers to have an ETA unless there are strong security reasons to the contrary, and these reasons should be examined as appropriate by a Parliamentary Committee or by the Independent Chief Inspector (see below, Appendix D). If the primary concern is about the potential ‘leakage’ of passengers from airside areas then this should be addressed in other ways. The Government should work with the airports to find a solution.

⁶⁹ Written evidence from Airlines UK ([EBM0007](#))

⁷⁰ See for ETIAS European Union ‘Frequently asked questions about ETIAS’: https://travel-europe.europa.eu/etias/faqs-etias_en [accessed 29 April 2024]

⁷¹ Written evidence from “International Air Transport Association, Board of Airline Representation UK and Airlines for America ([EBM0008](#))

⁷² Written evidence from Airlines UK ([EBM0007](#))

⁷³ [Q 51](#) Christi Hufford Jackson

⁷⁴ [Q 98](#) (Tom Pursglove)

46. **We welcome the Government’s commitment to working with the industry to keep the issue of transit passengers under review. We believe that a pragmatic solution could be found. Further options could include addressing any concerns about leakage from ‘airside’ or considering a special category of ETA for transit passengers.**

Timing of ETA and the European Schemes

47. Given the logistical challenges which are still outstanding, several witnesses have called on the Government to ensure that the introduction of the UK’s ETA does not coincide with the introduction of the EU schemes. Mr Williams said that Eurostar had “politely asked the Home Office to avoid the excitement of introducing this [ETA] at the same time as EES”.⁷⁵ Mr Keefe added: “I think we were quite firm in our request to the Home Office rather than just polite. If it was introduced at the same time, it would be a mistake.”⁷⁶ On the other hand, Mr Keefe reassured the Committee by saying that “due to our preparatory work we do not anticipate the implementation of EES to result in any significant delays to Eurotunnel crossings”.⁷⁷
48. **The Committee strongly recommends that the Government collaborates with the EU to avoid any clash between the introduction of the EU and the UK schemes. To this end, the Committee believes that further tranches of the ETA implementation should not coincide with the roll out of the EES/ETIAS schemes. The Committee would support a delay in the introduction of ETA if that is required.**

Review of implementation

49. Professor Tim Wilson, a former Home Office official and Professor of Criminal Justice Policy, Northumbria University, suggested “... some kind of joint review of the implementation arrangements between the UK and the European Union” of the EES/ETIAS and ETA. He also suggested that there may be opportunities for parliamentary scrutiny of the implementation of the schemes.⁷⁸
50. Professor Wilson also told the Committee that “we need border control systems that are flexible and can respond rapidly to changing circumstances”, and therefore “pushing the system hard in the next 24 months might be of great benefit for future resilience”.⁷⁹ He referred to possible future border control threats including threats from pandemics.
51. **The Government should propose a joint mechanism with the EU for ongoing review of the implementation arrangements.**
52. **We would welcome ongoing parliamentary scrutiny of the implementation of the schemes, including at inter-Parliamentary level where appropriate for**

⁷⁵ [Q 6](#) (Gareth Williams)

⁷⁶ [Q 6](#) (John Keefe)

⁷⁷ Written evidence from Getlink Group ([EBM0025](#))

⁷⁸ [Q 100](#) (Professor Tim Wilson)

⁷⁹ [Q 100](#) (Professor Tim J Wilson)

instance by the UK-EU Parliamentary Partnership Assembly or the British-Irish Parliamentary Assembly.

53. SITA, the company that developed the technology for the Australian ETA, told the Committee that the UK authorities “intend, in the future, to capture fingerprints as part of the ETA application” and noted that there are many “technical and operational challenges with such a requirement”.⁸⁰
54. ***We would like to be kept informed of any future plans to collect fingerprints in respect of the ETA. We believe the Government should take account of any lessons from the introduction of the EES and the approach used by EU authorities to collect fingerprints from third country nationals.***

⁸⁰ Written evidence from SITA Advanced Travel Solutions LTD ([EBM0015](#))

➤ **Appendix B: Security**

55. The Government has said that the primary purpose of the ETA is to enhance border security. The Minister told us that there were “enormous border security benefits” flowing from ETA “in understanding far more about those who are travelling to our country and knowing that up stream.”⁸¹ He explained:

“We believe very strongly that the benefits of ETA are important for our national security, in understanding more about those individuals who are coming to our country and knowing more about them up stream, so that we can screen border security risks far earlier and prevent people reaching our border in the first place. I would argue that there is an imperative that we get on and deliver that project.”⁸²

56. The former head of UK Border Force, Tony Smith CBE, told the Committee that the electronic travel authorisation was consistent with best practice in international border management. He referred to the trend toward “pushing the border out: in other words, checking people before they come rather than at the point of arrival”.⁸³ Mr Smith told us that Non-Visa Nationals—the cohort of travellers to which the ETA is being phased in—represents a “gap” in the UK’s current border management “because they do not currently need a permission to come and they can just walk through the eGates”. Such visitors currently face “no interrogation” in the sense that an individual can come through an airport “and no one would know what your means were”.

57. Dr Niovi Vavoula drew parallels between the ETA and the ETIAS, which is expected to be launched by the EU. She reminded us that the schemes “do not give a right to enter either the UK or the Schengen Area” but were “merely a prerequisite for individuals to travel and board planes”. This signifies “that the bulk of the work will still be on border guards who will have to verify ETA and ETIAS authorisations”.⁸⁴

58. We found that industry was generally supportive of the Government’s position. Ryanair noted: “The implementation of Electronic Travel Authorisation (ETA) is an important step in the modernisation and digitisation of the UK border, aimed at enhancing border security and deterring individuals who pose a threat to the UK.”⁸⁵ Airlines UK said that they “support the introduction of and rationale behind the new ETA scheme, and are working with the Government and departmental officials to enable its successful rollout”.⁸⁶ Heathrow Airport also “supports the introduction of and rationale behind the new ETA scheme” and told us they “will continue to work with officials to enable its successful rollout”.⁸⁷

59. Our expert witnesses generally agreed that the ETA had the potential to improve border security but noted that this depended on the quality of the data and against which databases it would be checked. Professor Tim Wilson told us: “I do not think

⁸¹ [Q 87](#) (Tom Pursglove MP)

⁸² [Q 88](#) (Tom Pursglove MP)

⁸³ [Q 13](#) (Tony Smith)

⁸⁴ [Q 100](#) (Dr Niovi Vavoula)

⁸⁵ Written evidence from Ryanair ([EBM0002](#))

⁸⁶ Written evidence from Airlines UK ([EBM0007](#))

⁸⁷ Written evidence from Tonia Fielding ([EBM0023](#))

the electronic system alone will give security. A lot depends on the information flows that back it up”.⁸⁸ Tony Smith CBE wanted to know “more about the risk assessment framework” and “what we are doing with that data. If we are deploying integrated border management techniques and running them against various agencies, both national and international, that could provide us with much more opportunity to push the border out ...”.⁸⁹ Professor Thom Brooks, Professor of Law and Government at Durham University, noted: “As of yet, it is unclear how ETAs might be used in improving security screening in advance of passenger arrivals although it is clear they could be.”⁹⁰

60. SITA, the company that developed the original technology for the Australian ETA, noted that the development of such schemes is in an “exciting period of transition that aims to utilise the rapidly improving technology of smart phones to capture additional information from travellers and further aid the decision-making capabilities of the authorities”.⁹¹
61. The Minister told us that there is an automated part of the ETA process which involves checking against “criminality, security and immigration databases” and there “is also an element of manual processing where it is required”. There is always “human input” in the event of refusals or complex cases.⁹² Simon Bond added that the datasets used “will give us a combined view as to whether we want to allow someone to travel to the UK”, though he told us it was not appropriate to go into operational details.
62. Mr Bond confirmed that datasets were “contributed by a number of our security partners, including the National Crime Agency” and that these were “UK-owned datasets”. He also confirmed that “Interpol is one of the datasets we check”.⁹³ However, Tony Smith reminded us that “Interpol is imperfect. Not everybody is on Interpol. There is no universal criminal record.”⁹⁴ Alexander Downer suggested the UK was dependent on other countries providing reliable information and there was “value judgement” to be made about which countries had better systems: this is currently reflected in decisions about which citizens were able to use eGates, for example.⁹⁵
63. Electronic travel authorisations also depend on the reliability of the data which is put into the systems. Dr Niovi Vavoula foresees a “series of problems” in the implementation of the ETA and its equivalent EU scheme, ETIAS, in part because applicants apply online and provide their own details. She noted: “Incorrect data may be inserted in the systems, causing problems in their application forms which may lead to refusals of authorisations, or requirements for individuals to seek correction of their data in the systems to get the authorisations.”⁹⁶

⁸⁸ [Q 101](#) (Prof. Tim Wilson)

⁸⁹ [Q 39](#) (Tony Smith)

⁹⁰ Written evidence from Professor Thom Brooks ([EBM0001](#))

⁹¹ Written evidence from SITA Advanced Travel Solutions Ltd ([EBM0015](#))

⁹² [Q 94](#) (Tom Pursglove MP)

⁹³ [Q 94](#) (Simon Bond)

⁹⁴ [Q 38](#) (Tony Smith)

⁹⁵ [Q 48](#) (Alexander Downer)

⁹⁶ [Q 100](#) (Dr Niovi Vavoula)

64. We asked the Home Office about the questions which are asked of those applying for an ETA. The Minister confirmed that the existing set of questions did not include questions such as “What is the purpose of your visit?” and “How long can you stay here?”.⁹⁷ The Minister told us that the benefit of the “incremental and gradual rollout” of the ETA meant that the list of questions could evolve.⁹⁸
65. In addition to the reliability of data, there is question of the reliability of the technology itself. Alexander Downer, former Foreign Minister of Australia and Chairman of Policy Exchange, told us that “there are some risks with adopting new technology” and there was an “obvious trade-off” between facilitating entry and security.⁹⁹ He drew a parallel with occasional failures of existing eGates systems, which leads to “chaos” at the airports. He added, however, that if the technology works “it will mean that people and goods will come into the country more quickly”.¹⁰⁰ Professor Tim Wilson similarly told us that if the systems work properly, “they should result in better collaboration between humans and machines”. The problem with machines “is whether they are reliable”. In order to learn lessons from the implementation of the scheme, it is important “to talk to people who work on the systems”.¹⁰¹
66. Ultimately, there is also the role of the Border Force Officer. Mr Smith told us how, as a Border Force officer, he used to “read passports” and explained there was “an art” to doing so: “it was not simply checking that it was you but looking through it to see where the person had been to and what other countries they had been in”.¹⁰² He told us how there was always a “drawback” with electronic systems and “I have yet to see any technologies that can assess intent.”¹⁰³
67. The Minister told us that the ETA will eventually be applicable to 30 million travellers per year.¹⁰⁴ Witnesses acknowledged that the numbers of people crossing borders means it is “impracticable” to interview everybody.¹⁰⁵ David Neal, the former Independent Chief Inspector of Borders and Immigration, told us that “automation of the border and pushing out decisions on the border to an arm’s length” is “sensible”, but added that “decisions have to be made about whether personnel are being deskilled”.¹⁰⁶ Alexander Downer similarly explained: “With the move towards electronic systems, the challenge is to ensure that Border Force officers understand the technology: “you might not need so many Border Force officers, but they will need to be more technologically and digitally skilled”.¹⁰⁷
- 68. The Committee supports the idea of “pushing the border out” and sees the ETA as a necessary complement to the use of eGates for the Non-Visa cohort. We also believe that the ETA does not fully compensate for gaps in the existing system.**

⁹⁷ [Q 96](#) (Baroness Buscombe and Tom Pursglove MP)

⁹⁸ [Q 96](#) (Tom Pursglove MP)

⁹⁹ [Q 47](#) (Alexander Downer)

¹⁰⁰ [Q 46](#) (Alexander Downer)

¹⁰¹ [Q 101](#) (Professor Tim J Wilson)

¹⁰² [Q 26](#) (Tony Smith)

¹⁰³ [Q 32](#) (Tony Smith)

¹⁰⁴ [Q 94](#) (Tom Pursglove MP)

¹⁰⁵ [Q 32](#) (Tony Smith)

¹⁰⁶ [Q 68](#) (David Neal)

¹⁰⁷ [Q 46](#) (Alexander Downer)

69. **We are also concerned regarding the lack of information requested from those applying for an ETA, for example, regarding the purpose of visit, the length of stay and the expected date of departure. We recommend strengthening the line of questions to deter those wishing to enter the country without sufficient self-funding and a departure date.**
70. **We are concerned that the implementation of ETA should not have the unintended effect of losing some of the advantages which the 'human factor' delivers. The success of the digital border strategy depends on the continuation and enhancement of well-established practices by Border Force officers.**
71. **Advance travel scrutiny of visitors to the UK rightly aims to increase our security, but identifying people of concern relies fundamentally on having up to date and reliable data from many countries. We learnt that these databases are held in the UK, but built in part on data provided by other countries. The reliability and currency of these databases can never be perfect. However, it is fundamental to our security that the Government works effectively with other countries to ensure that data on people of concern is as good as possible.**
72. *We seek further reassurances from the Government in respect of our questions about up to date, reliable data, accepting that there are sensitive operational and security matters that it may not be able to share with us. We invite the Government to propose a way of enabling further scrutiny of the security aspects of the ETA, whether that is to be undertaken by this Committee or by the Intelligence and Security Committee of Parliament. We would welcome the input of the Independent Chief Inspector of Borders and Immigration as soon as a new postholder is appointed.*
73. **We recommend that the Government carry out continuous monitoring and produce and publish regular assessments of how far the ETA is meeting its original objectives.**

Access to EU databases

74. The Committee previously conducted a short inquiry on post-Brexit UK-EU Security Co-Operation. Part Three of the Trade and Co-operation Agreement (TCA) between the UK and the EU provides for the transfer, use and processing of “Passenger Name Record” (PNR) data gleaned from flights between the EU and the UK. However, under Part Three of the TCA, the UK no longer has access to the Second-Generation Schengen Information System (SIS II) which is the largest EU-wide security database.¹⁰⁸

¹⁰⁸Letter from Baroness Hamwee, Chair Justice and Home Affairs Committee, to the Rt Hon Suella Braverman KC MP, Home Secretary, (25 July 2023): <https://committees.parliament.uk/publications/41088/documents/200044/default/>

75. Professor Wilson described the loss of access to SIS II as “a shock” and explained the consequences for border management:

“The UK is much more exposed now than it was before in terms of travellers from the Schengen area, where it used to have the benefits of real-time information from Schengen. The absence of information from ECRIS—the conviction database— again not in real time, depends on a member state entering it into an Interpol system, which is then transposed into a UK system. This will take time. It is cumbersome, and people will be missed, but I think the UK has no access at all to ECRIS third-party nationals—ECRIS-TCN¹⁰⁹, as it is called”.¹¹⁰

76. We heard from witnesses about possible mitigations for the loss of access to EU databases. Dr Vavoula told us that “the UK aspires to the development of the International Law Enforcement Alerts Platform, which will compensate for the loss of access to the Schengen Information System.” This would be a “single platform for UK law enforcement authorities to access and sell alerts related to people, documents and objects with international partners on a reciprocal basis”, and the EU is a “priority” in this respect. She told us, however, that such a platform “would not be developed until 2027-28 at the earliest”.¹¹¹

77. Dr Vavoula also told us that since the UK’s departure from the EU there have been further developments which provide for greater interoperability of large-scale IT systems, and which help to “connect the dots” between law enforcement and border management systems. The UK cannot benefit from these developments. However, she referred to a European Commission proposal which would allow “exchanges of border control data between border security authorities in the EU and in third countries”. The proposal would make possible the exchange of real-time border control information between EU authorities and their counterparts in third countries. This proposal is an internal EU matter which remains under negotiation at the Commission level, however.¹¹²

78. In February 2024, the UK signed a Working Arrangement with Frontex (the European Union Border and Coast Guard Agency) to enable co-operation on illegal migration and cross-border crime. The Working Arrangement provides the basis for co-operation in areas including the “exchange of information and intelligence, situational awareness and risk analysis, including through the framework of EUROSUR (the European Border Surveillance System)”.¹¹³

79. We remain concerned about the loss of real-time access to the EU SIS II database as noted in our letter to the Home Secretary in July 2023. We are aware that the Government recently agreed a Working Arrangement

¹⁰⁹ European Criminal Records Information System – Third Country Nationals. For our assessment of this, see the letter from Baroness Hamwee, Chair of the Justice and Home Affairs Committee to Rt. Hon Suella Braverman MP, Home Secretary, (25 July 2023):

<https://committees.parliament.uk/publications/41088/documents/200044/default/>

¹¹⁰ [Q 105](#) (Professor Tim J Wilson)

¹¹¹ [Q 105](#) (Dr Niovi Vavoula)

¹¹² [Q 105](#) (Dr Niovi Vavoula)

¹¹³ Home Office and Border Force, ‘UK-Frontex Working Arrangement’ (23 February 2024):

<https://www.gov.uk/government/publications/uk-frontex-working-arrangement> [accessed 20 May 2024]

with the EU’s Border Agency Frontex aimed at fostering co-operation on border management and granting UK access to the EU’s EUROSUR border database. We look forward to monitoring this development. We suggest the Government should engage constructively with any future EU proposals for exchanges of border management data with third countries.

Refusals

80. We were told that a large volume of applications will be submitted as a result of the full roll out of the ETA, considering that “in 2018 (the last year for which figures are available) ... 22 million EU nationals (who will also be subject to the ETA requirement) entered the UK”.¹¹⁴ Moreover, the Home Office’s Impact Assessment on the ETA gives “an estimate of between 11,000 and 121,000 prospective travellers being refused an ETA per year, with a central estimate of 42,000”.¹¹⁵

81. According to the Home Office’s Guidance for Electronic Travel Authorisation, ETA refusals will always be based on human decisions: “A decision to reject or refuse an application will not be automated”.¹¹⁶ Some witnesses raised concerns that even if travel authorisation rejections are decided by humans, there might be “... selective adherence to the result of the machine, which may mean that the human in the loop may not be a sufficient safeguard to prevent indirect discrimination against specific groups of travellers.”¹¹⁷ Tony Smith expressed more confidence in the human review:

“... an officer will look at that to see what exactly the match is and whether that is sufficient to overturn an ETA. The idea is that this will ... be an electronic match against data systems. All other things being equal, if we are satisfied that you are not a threat, you will be issued with the ETA.”¹¹⁸

82. We accept that a system for appeals against ETA refusals would be difficult to implement, but we believe that each refusal should be properly checked and personalised.

83. Travellers who are refused an ETA will have to apply for a visitor visa.¹¹⁹ The Minister insisted that “[the ETA] will have a positive effect ... because this is ensuring that additional numbers of travellers to the UK through a light-touch, low-cost, but impactful process are providing that information up front, which means that we can carry out screening of travellers in advance of travel and prevent people coming to

¹¹⁴ Written evidence from Kingsley Napley ([EBM0004](#))

¹¹⁵ Home Office, *Impact Assessment. Introduction of an Electronic Travel Authorisation (ETA) Scheme* (May 2023), Para 59: https://assets.publishing.service.gov.uk/media/6489e74f5f7bb700127faa5d/ETA_impact_assessment.pdf [accessed 25 April 2024]

¹¹⁶ Home Office, *Guidance for Electronic Travel Authorisation applications (ETAs)* (Version 4.0): https://assets.publishing.service.gov.uk/media/65e8a13b3649a20011ed63ad/Electronic+Travel+Authorisation+Guidance_2_.pdf [accessed 1 May 2024]

¹¹⁷ [Q 104](#) (Dr Niovi Vavoula) referring to ETIAS refusals specifically. On concerns with automated systems in general about various forms of bias [Q 50](#) (Sophie Barrett-Brown)

¹¹⁸ [Q 19](#) (Tony Smith)

¹¹⁹ Home Office, Home Office in the media, ‘Electronic Travel Authorisation (ETA) scheme factsheet–February 2024’ (1 February 2024): <https://homeofficemedia.blog.gov.uk/2024/02/01/electronic-travel-authorisation-eta-scheme-factsheet-february-2024/> [accessed 25 April 2024] also [Q 50](#) (Sophie Barrett-Brown)

the UK who we would not want to even arrive at our border”.¹²⁰

84. We are concerned about the volume of ETA applications and increase of visitor visas (stemming from the absence of the right to appeal ETA refusals), and the subsequent increase in the workload for the Home Office and Border Force. *The Committee is concerned that security standards should not be lowered to deal with the expected increased volume of ETA and visitor visa applications.*

85. When we sought lessons from the US pre-travel authorisation ESTA (Electronic System for Travel Authorisation), it emerged that ESTA’s security questions can be too inflexible, “very black and white”.¹²¹ For example, we heard about the ESTA’s requirement to disclose crime convictions which caused serious harm to property. The Committee was told how someone might judge that they could answer “no” if they had been convicted of a minor shoplifting offence as a young adult, but this answer would in fact render them inadmissible if evidence of their conviction was discovered.¹²²

86. In respect of the ETA, the Home Office told us that applicants are asked: “Have you been sentenced for 12 months or more?” We asked whether the process was flexible enough to take account of different lengths of sentences for particular offences in different countries. Philippa Rouse told us that it is “really important that we keep the rules simple” but noted that there is specific caseworker guidance for “crimes that are not crimes in the UK” and similar issues.¹²³

87. *As well as including the additional questions outlined above, we recommend that ETA questions have a certain degree of flexibility, and be kept under constant review. The caseworker guidance should be kept up to date.*

UK Citizens and the EU systems

88. In our 2021 letter to the then Home Secretary, the Committee raised its concern over ETIAS’s automatic security checks carried out against EU and Interpol databases to assess whether an applicant poses a security risk. If a UK citizen is denied access to the EU because they or their travel document feature in one of these databases, it may be on the basis of information unknown to UK authorities.¹²⁴ ***The Committee seeks assurances that the Government will be notified when a UK citizen is assessed by ETIAS as representing a security risk. We also seek assurances that the Government has pursued the concerns outlined by the Committee in 2021 that a non-EU government would not be able to abuse ETIAS to undermine the rights and liberties of UK citizens.***

89. In the same letter, the Committee expressed its concern that UK citizens may be discriminated against by the ETIAS algorithm, including on the basis of protected

¹²⁰ [Q 95](#) (Tom Pursglove MP)

¹²¹ [Q 51](#) (Christi Hufford Jackson)

¹²² [Q 51](#) (Christi Hufford Jackson)

¹²³ [Q 96](#) (Philippa Rouse)

¹²⁴ Letter from Baroness Hamwee, Chair Justice and Home Affairs Committee, to the Rt Hon Priti Patel MP, Home Secretary, (22 November 2021):

<https://committees.parliament.uk/publications/7930/documents/82117/default/>

characteristics. **We ask the Government what engagement has taken place with relevant European authorities to ensure that robust safeguards are in place to guarantee the fairness and lawfulness of the profiling algorithm that forms part of ETIAS.**

➤ **Appendix C: The Common Travel Area**

90. The Common Travel Area (CTA) covers the United Kingdom, the Republic of Ireland and the Crown Dependencies (the Isle of Man and the Bailiwicks of Jersey and Guernsey). The Government notes that: “Under the CTA, British and Irish citizens can move freely and reside in either jurisdiction and enjoy associated rights and privileges, including the right to work, study and vote in certain elections, as well as to access social welfare benefits and health services.”¹²⁵ The governments of the UK and Ireland reaffirmed their commitment to the CTA following the UK’s departure from the European Union in a 2019 Memorandum of Understanding.¹²⁶ Ireland is not a member of the Schengen Area and it will not be introducing EES or ETIAS.
91. The CTA was described to us as a kind of “mini-Schengen”.¹²⁷ It is important to note, however, that the CTA works on the basis of co-operation between the UK and Ireland and the two sovereign governments remain responsible for their own immigration policies and separate border control systems. People intending to visit the UK and the Republic of Ireland under current rules must comply with the immigration requirements of each country. Only British and Irish citizens enjoy the free movement rights associated with the CTA.
92. The Sovereign Affairs Committee (Committee A) of the British-Irish Parliamentary Assembly (BIPA) recently reported on the operation of the Common Travel Area in the post-Brexit era, which included the impact of the ETA. The Committee noted that since the UK’s decision to leave the EU there has been “increased divergence between the two jurisdictions over who has the right to reside and enter”.¹²⁸ The Committee also noted that “changes to immigration legislation in both the UK and Ireland have affected the operation of the CTA”. This includes the Irish Government’s decision to introduce immigration controls on persons arriving from the UK by air or sea. They also noted that: “Immigration checks on the land border operate intermittently, especially on Belfast-Dublin routes”.¹²⁹
93. There is also an intelligence-led initiative from the Home Office known as “Operation Gull” which “tackles Common Travel Area (CTA) immigration abuse in air and sea ports in Northern Ireland.”¹³⁰
94. **We welcome the fact that both the UK and Irish Governments remain committed to the CTA. Recently the operation of the CTA has been the subject of, sometimes unhelpful, media coverage in both countries, especially following the passage of the Safety of Rwanda (Asylum and**

¹²⁵ Cabinet Office and Home Office, ‘Common Travel Area: rights of UK and Irish citizens’ (23 December 2022): <https://www.gov.uk/government/publications/common-travel-area-guidance> [accessed 30 April 2024]

¹²⁶ Cabinet Office, ‘Memorandum of understanding between the UK and Ireland on the CTA’, (8 May 2019): <https://assets.publishing.service.gov.uk/media/5cd29d56ed915d50b5a206d1/CTA-MoU-UK.pdf> [accessed 17 May 2024]

¹²⁷ [Q 31](#) Tony Smith

¹²⁸ British-Irish Parliamentary Assembly, *Protecting the Common Travel Area in the post-Brexit era* (October 2023) Paragraph 2.1 <http://www.britishirish.org/assets/Committee-A-2023-/Amended-Report-BIPA-COM-A-Protecting-the-CTA-post-Brexit.pdf> [accessed 3 May 2024]

¹²⁹ British Parliamentary Assembly, *Protecting the Common Travel Area in the post-Brexit era* (October 2023) Paragraph 2.1 <http://www.britishirish.org/assets/Committee-A-2023-/Amended-Report-BIPA-COM-A-Protecting-the-CTA-post-Brexit.pdf>

¹³⁰ Written Answer [HCI44892](#), Session 2023-2024

Immigration) Act 2024, the High Court of Northern Ireland’s recent decision to disapply aspects of the Illegal Migration Act 2023 in Northern Ireland¹³¹ and in the context of legislation proposed in Dublin in respect of returning asylum seekers to the UK. We believe all parties have a responsibility to approach matters relating to the CTA sensitively.

The ETA requirement for Non-Visa Nationals entering via the Common Travel Area

95. The Government’s position is that “individuals arriving in the UK, including those crossing the land border into Northern Ireland, will need to continue to enter in line with the UK’s immigration framework, including the requirement to obtain an ETA. Irish citizens are not required to obtain an ETA.”¹³²
96. The Home Office told the Committee that it will implement the ETA in a way that is consistent with other obligations: “The UK Government remains committed to the Belfast (Good Friday) Agreement and in support of this ensuring there is no hard border between Northern Ireland and Ireland. As now, the UK will not operate routine immigration controls on journeys from within the CTA, with no immigration controls whatsoever on the Ireland-Northern Ireland land border.”¹³³
97. The Minister defended requirement for Non-Visa Nationals requiring an ETA when entering via the Republic of Ireland, noting: “The fact that individuals who would be coming here without an ETA would be committing a criminal offence is significant. It is important. Overall, within its totality, that aids the UK’s border security.”¹³⁴
98. The Government has responded to earlier concerns raised about cross border travel and “has agreed to exempt those third country nationals who are legally resident in Ireland from the ETA requirement for journeys within the CTA.”¹³⁵
99. The European Tourist Association has, however, noted: “If these nationals were to travel via the UK (including air-side transit) to a country outside the CTA, an ETA would be required on their return journey, which could cause confusion when returning as the national would not have needed an ETA on their outbound journey.”¹³⁶

100. We welcome the Government’s commitment to the Common Travel Area and to its obligations under the Belfast (Good Friday) Agreement. We acknowledge that the Government has a responsibility for border

¹³¹ [Safety of Rwanda \(Asylum and Immigration\) Act 2024](https://www.judiciaryni.uk/files/judiciaryni/2024-05/Summary%20of%20judgment%20-%20In%20re%20NIHRC%20and%20JR%20295%20%28Illegal%20Migration%20Act%202023%29%20-%20130524_0.pdf) and Judicial Communications Office, 'Summary of Judgement in re NIHRC and JR 295' (Illegal Migration Act 2023), (13 May 2024): https://www.judiciaryni.uk/files/judiciaryni/2024-05/Summary%20of%20judgment%20-%20In%20re%20NIHRC%20and%20JR%20295%20%28Illegal%20Migration%20Act%202023%29%20-%20130524_0.pdf [accessed 20 May 2024]

¹³² Written evidence from the Home Office ([EBM0011](#))

¹³³ Written evidence from the Home Office ([EBM0011](#))

¹³⁴ [Q 92](#) Tom Pursglove MP

¹³⁵ Written evidence from the Home Office ([EBM0011](#)). See also letter from Lord Jay of Ewelme, Chair European Affairs Sub-Committee on the Protocol on Ireland/Northern Ireland, to Rt Hon Robert Jenrick MP Minister of State for Immigration, 8 June 2023: <https://committees.parliament.uk/publications/40284/documents/196619/default/>

¹³⁶ Written evidence from the European Tourism Association ([EBM0019](#))

security for the whole of the United Kingdom as well as protecting the principles of the CTA including an open land border, and the internal movement of people within the United Kingdom.

101. The Committee welcomes the Government's positive response to concerns expressed by other Parliamentary Committees about third country nationals resident in Ireland and urges it to address any potential causes of confusion in its messaging about the ETA.

102. BIPA Committee A noted that there “are no specific official mechanisms outlined through which citizens can complain if they are denied access to rights provided for under the CTA”.¹³⁷ The Committee recommended the adoption of “dedicated mechanisms” for citizens to seek remedies if they have been denied rights provided for under CTA arrangements.”¹³⁸

103. The Government should monitor the operation of the ETA in respect of the Common Travel Area (CTA) and should ensure that the operation of the ETA does not impact on those who are entitled to free movement under CTA rules. This should include those who are legally resident in Ireland in respect of their ETA exemption even though wider rights under the CTA are available only to British and Irish citizens

Tourism in Northern Ireland

104. The Committee has received powerful evidence from stakeholders about the potential impact of the ETA on tourism in Northern Ireland. Senator Emer Currie, Chair of BIPA Committee A, told us:

“There are 1 million tourists each year that arrive in Northern Ireland from abroad, 70% of whom arrive in Ireland first and travel across the land border, and around half only come for the day. The tourism stakeholders emphasised that both the £10 per person cost and the administrative burden imposed by the ETA risked acting as a barrier to tourists visiting Northern Ireland.”¹³⁹

105. The Northern Ireland Tourist Alliance has called for an exemption for tourists arriving into Northern Ireland via the land border, and, additionally, an alternative idea of a time-bound exemption of 5-7 days which would cover tourists.¹⁴⁰ BIPA Committee A endorsed the option of an exemption for up to a week, and also

¹³⁷ British-Irish Parliamentary Assembly, *Protecting the Common Travel Area in the post-Brexit era* (October 2023) Paragraph 5.2 <http://www.britishirish.org/assets/Committee-A-2023-/Amended-Report-BIPA-COM-A-Protecting-the-CTA-post-Brexit.pdf> [accessed 3 May 2024]

¹³⁸ British-Irish Parliamentary Assembly, *Protecting the Common Travel Area in the post-Brexit era* (October 2023) Paragraph 5.3 <http://www.britishirish.org/assets/Committee-A-2023-/Amended-Report-BIPA-COM-A-Protecting-the-CTA-post-Brexit.pdf> [accessed 3 May 2024]

¹³⁹ Senator Emer Currie, Chair, Committee A of the British-Irish Parliamentary Assembly to Lord Foster of Bath, Chair, Justice and Home Affairs Committee, (undated, May 2024): <https://committees.parliament.uk/publications/44634/documents/221773/default/>

¹⁴⁰ Written evidence from the Northern Ireland Tourist Alliance ([EBM0022](#))

recommended the creation of a special application process for group travel.¹⁴¹

106. Mr Pursglove told us that the idea of an exemption “blows a hole in the whole concept of trying to have that more enhanced border security.”¹⁴² In fact, the Home Office takes the view that the ETA scheme provides an opportunity “to further secure the Common Travel Area.”¹⁴³

107. We note the proposal for a short-term exemption from the ETA requirement for travellers from the Republic of Ireland to Northern Ireland and we believe it may have some merit. We note the Minister’s concerns about an exemption on security grounds and accept that the Government has an obligation to maintain the security of all the UK’s borders. If the exemption cannot work, we invite the Government to come forward with any other workable proposal. We would also welcome the creation of a special application process for group travel.

The CTA as a ‘loophole’

108. The Committee heard concerns about the potential “loophole” for entry to the UK through the Republic of Ireland, whether that was crossing the land border into Northern Ireland, or by air travel to Great Britain.¹⁴⁴

109. Sophie Barrett-Brown, Senior Partner and Head of UK Practice, Laura Devine Immigration, noted that in the context of the CTA, “border agents at the border will not necessarily be in a position to confirm whether an NVN [Non-Visa National] has applied for an ETA or if that application has been refused. This therefore impacts the provision that NVNs can travel to the United Kingdom and can in turn travel to Great Britain via Northern Ireland while they wait for a decision on their ETA application.”¹⁴⁵

110. We also asked the Home Office about travel between Northern Ireland and Great Britain. Simon Bond told the Committee: “We are in discussion as to what we might do with carriers and the information they may provide to us. Those are discussions at this point.”¹⁴⁶

111. The Committee seeks further information from the Government about obligations which may be imposed on carriers operating within the CTA and whether internal UK travel (Northern Ireland-Great Britain) will be affected.

The Channel Islands

112. The Government of Jersey raised concerns about the flow of travellers to and from France. The Government of Jersey claims that the relaxation of rules on identity

¹⁴¹ Senator Emer Currie, Chair, Committee A of the British-Irish Parliamentary Assembly to Lord Foster of Bath, Chair, Justice and Home Affairs Committee, (undated, May 2024):

<https://committees.parliament.uk/publications/44634/documents/221773/default/>

¹⁴² [Q 92](#) (Tom Pursglove)

¹⁴³ Written evidence from the Home Office ([EBM0011](#))

¹⁴⁴ Written Evidence from Sophie Barrett-Brown ([EBM0021](#))

¹⁴⁵ Written evidence from Sophie Barrett-Brown ([EBM0021](#))

¹⁴⁶ [Q 92](#) Simon Bond

cards has been a success with “only a handful of compliance issues”.¹⁴⁷ The Minister said that conversations were “ongoing” but that there remained significant challenges in this respect.

The future of the Common Travel Area

113. Philippa Rouse assured the Committee that the two governments meet regularly and “it is probably a step too far to commit to a joint ETA with Ireland”.¹⁴⁸

114. Professor Wilson told us that: “if the UK wants this deep collaboration with Ireland as an EU member or the EU generally, it has to track EU criminal justice border legislation. There can be no question about leaving the European Convention on Human Rights.” He also reminded us about the EU’s data adequacy requirements which are relevant for the UK as a third country “as our intelligence service activities are covered by the data adequacy decisions made within the Commission.”¹⁴⁹ He nevertheless felt that there was scope for the UK and Ireland to manage the borders “in a more collaborative fashion”. This would not involve a joint border management authority but “proactive collaboration between the relevant agencies in both countries”.¹⁵⁰

115. We note that Ireland, as an EU Member state which is outside the Schengen Area, and a member of the CTA, will operate its border management without taking part in the UK’s or the EU’s pre-travel authorisation schemes. EU citizens will continue to have free movement rights in the Republic of Ireland. The Government should be aware of this in all discussions with the EU about possible future co-operation.

116. The Government should engage extensively at Ministerial level with the Irish Government and with the Northern Ireland Executive about the implementation of the ETA. Effective co-operation on a communications strategy will be essential to the success of the ETA.

117. In the longer term, we believe there is scope for closer cooperation between the UK and Ireland in respect of border management in a way that respects the national sovereignty of both countries and the security concerns of each government.

118. The Government should consider the impact on the Common Travel Area of any future changes in the Immigration Rules, including those in respect of the ETA.

¹⁴⁷ Written evidence from Deputy Ian Gorst, Government of Jersey ([EBM0003](#))

¹⁴⁸ [Q 92](#) (Philippa Rouse)

¹⁴⁹ [Q 107](#) (Professor Tim J Wilson)

¹⁵⁰ [Q 106](#) (Professor Tim J Wilson)

➤ Appendix D: Border Force and the Home Office

119. Throughout this inquiry, the Committee has considered wider questions about the role of Border Force and its relationship with the Home Office. We felt it was important to bring together some of these themes as Government prepares for the further rollout of electronic systems, particularly noting the scrutiny gap which exists in respect of the work of the Home Office.
120. Border Force is the law enforcement command within the Home Office, which carries out immigration and customs controls for people and goods entering the UK. It has over 9000 staff. In his 2022 Independent Review of Border Force, Alexander Downer found that Border Force was working at a “sub-optimal level”, highlighting issues with identity, organisational structure, procurement, workforce planning and system leadership.¹⁵¹
121. During our inquiry, Mr Downer told us that in the 20 months since his report was published, some of the specific problems he identified had been addressed, including an issue with staff contracts at Heathrow Airport.¹⁵² However, he told us that “there has not been any formal process of feedback or briefing of me on the consequences of the report”, noting that there had been some turnover in the role of Home Secretary since July 2022.¹⁵³
122. We also spoke to David Neal, the former Independent Chief Inspector of Borders and Immigration (ICIBI), who had agreed to speak to us shortly before his dismissal from his post (and subsequently appeared before us once most of the outstanding ICIBI reports had been published). David Neal endorsed many of the findings in Alexander Downer’s report. He told us that Border Force required “operational independence” and “a different structure in the Home Office in order that it can deliver” security functions.¹⁵⁴
123. Our witnesses reflected on the use of technology and what it means for the size and capability of Border Force. Tony Smith, the former Director General of Border Force, told us that the “intelligence-led border is a thing of the future”, but he “would never advocate cutting out border officers. How many you need depends on the threats and risks that we face at any given time, which never stay the same at the border.”¹⁵⁵
124. Alexander Downer told us that as technology advances, “It stands to reason that Border Force officers will have to understand the technology”.¹⁵⁶ He told us that “you might not need so many Border Force officers, but they will need to be more technologically and digitally skilled”.¹⁵⁷ Our witnesses agreed that technology changes how Border Force officers understand their work. As Mr Smith put it: “there is

¹⁵¹ Alexander Downer, *An Independent Review of Border Force* (July 2022) CP700 https://assets.publishing.service.gov.uk/media/62d7d054d3bf7f2865c6fe49/BF_Independent_Review_v2_FINAL_WEB_002_002_.pdf [accessed 13 May 2024]

¹⁵² [Q 43](#) (Alexander Downer)

¹⁵³ [Q 43](#) (Alexander Downer)

¹⁵⁴ [Q 63](#) (David Neal)

¹⁵⁵ [Q 36](#) (Tony Smith)

¹⁵⁶ [Q 46](#) (Alexander Downer)

¹⁵⁷ [Q 46](#) (Alexander Downer)

routine work that can be done electronically which officers do not want to do.”¹⁵⁸

125. The eyes and ears of individual Border Force officers remain vital in an era of electronic border management systems, but they also need to be fully trained in and encouraged to understand those systems.

126. Training of Border Force officers also emerged as a key concern. David Neal told us that his previous inspections found “a huge inconsistency in the level of courses across Border Force”, while there was also “an issue of professionalisation in relation to training”.¹⁵⁹ Tony Smith told us that there is a need for investment in “training and development of our officers”, noting that “recruitment and retention are much harder than they were”.¹⁶⁰

127. Alexander Downer suggested that there was a need for “more comprehensive” training of officers, who “should be able to take on different roles within Border Force rather than just stamping passports.” With comprehensive training, officers could gain experience working on other aspects of the work of Border Force—in relation to freight, for instance.¹⁶¹

128. We believe that Border Force should remain adequately staffed, and that individual officers should be encouraged to gain experience of all aspects of the organisation’s work.

129. In an era of technological change, the training of Border Force officers assumes even greater importance. Border Force staff must be equipped and trained to deal with emergency situations including when technology fails.

130. Minimising disruption to passengers when things go wrong is important, but the security of the borders must remain the top priority.

131. There was also the question of the technology itself. Tony Smith reminded us that “technology is an imperfect tool”¹⁶² and the question for Border Force officers was “what can they do with what technology?” In future, Border Force officers needed to be “tech-savvy and aware”.¹⁶³

132. David Neal drew the Committee’s attention to his previous inspections on eGates where he found “some quite prosaic and in-depth examples of an inefficient or ineffective service”.¹⁶⁴

133. We were also interested to know how Border Force and the Home Office respond when things go wrong. David Neal told the Committee that the Home Office and Border Force “often identify lessons to be learned” but do not build these into a

¹⁵⁸ [Q 35](#) (Tony Smith). See also [Q 42](#) (Alexander Downer).

¹⁵⁹ [Q 58](#) (David Neal)

¹⁶⁰ [Q 35](#) (Tony Smith)

¹⁶¹ [Q 42](#) (Alexander Downer)

¹⁶² [Q 17](#) (Tony Smith)

¹⁶³ [Q 35](#) (Tony Smith)

¹⁶⁴ [Q 62](#) (David Neal)

“learning process ... so that those mistakes are not made in the future”.¹⁶⁵

134. Finally, we explored questions about how the Home Office approaches independent scrutiny. Alexander Downer told us that the Home Office had been “very supportive” and “accessible” during his review.¹⁶⁶ David Neal drew attention to the fact that his “non-reappointment” spoke of something “more fundamental” than his dismissal. He drew attention to the statutory functions of the Chief Inspector which is “crucial to oversight and public confidence”.¹⁶⁷

135. We are concerned that the Home Office appears to have a closed approach to independent scrutiny. We are concerned by the apparent absence of the necessary processes and infrastructure which would allow the Home Office and Border Force to “learn lessons” when things go wrong.

136. The Committee is troubled by the Government’s approach to the role of Independent Chief Inspector of Borders and Immigration. We are disappointed that a lengthy vacancy has been allowed to occur at a time when new systems are being introduced. *The role should be filled urgently, and we encourage the next Chief Inspector to monitor the rollout of the ETA.*

137. We would welcome an update from the Home Office about progress on Alexander Downer’s 2022 review of Border Force, particularly in relation to any of the recommendations they intend to take forward.

¹⁶⁵ [Q 58](#) (David Neal)

¹⁶⁶ [Q 41](#) (Alexander Downer)

¹⁶⁷ [Q 69](#) (David Neal)