

New Travel Authorization Is Required for U.S. Citizens that are Traveling to the UK and the EU

By Derek Illar and Allison M. Bustin

The United Kingdom (“UK”) has introduced a new measure that will require travelers from various countries and political unions, such as the European Union, Australia, Canada, and the United States of America (“USA”), to obtain pre-travel authorization before their departure. The Home Office for the UK has announced that covered travelers will need to start applying for permission to enter the UK in the form of an Electronic Travel Authorization (“ETA”) at the end of 2023. This obligation will apply to travelers that are coming to the UK for up to 6 months for business and who are transiting through the UK. The Home Office has advised that this obligation will not apply to individuals that have a British or Irish passport; authorization to live, to work, or to study in the UK; and permission to enter pursuant to a visa.

Covered individuals will be able to apply for an ETA through a mobile application or an on-line portal. According to the Home Office, applicants usually will receive a response within 3 working days; however, it may take more time if additional checks are necessary. Upon approval of the application, the ETA will last for 2 years. If, however, the applicant’s passport expires before the 2 years lapse, it will be necessary to obtain another ETA. The ETA will cost £10 per applicant.

In a similar fashion, the European Union (“EU”) has announced that approximately 1.4 billion people from over 60 visa-exempt countries will be required to have a travel authorization to enter most European countries starting in 2024. The EU has created the European Travel Information and Authorization System (“ETIAS”), which will require travelers from visa-exempt countries to obtain authorization ahead of short-term stays in thirty different European countries. While this new authorization requirement is not a visa, the processing times are estimated to take anywhere from a few minutes up to thirty days where an interview or additional documentation is requested. Timing and preparation will be of paramount importance for business travels, especially during the roll-out of this program. The EU currently recommends that travelers should plan to complete travel authorization forms before booking their travel to avoid possible disruptions. These are currently only projections, and implementation may reasonably present additional hurdles and increased wait times, of which employers should remain aware as they make plans for business travel in 2024 and beyond.

Upon implementation, the ETIAS travel authorization will be available to complete online, and applicants will receive confirmation of approval or further requests via e-mail. ETIAS is not yet operational or collecting applications, but the process and common questions are currently accessible to the public. The authorization forms must be completed by individual employees, and group applications will not yet be provided. ETIAS travel authorization will require a nominal fee and will be linked to a traveler’s passport. Upon approval, the authorization will be valid for up to three years or until the linked passport expires. Multiple entries for short-term stays, generally defined as stays up to 90 days in any 180-day period, are permitted without additional limits. Upon arrival in an EU country, the traveler will be required to present their passport, and the border guard will verify whether entry conditions have been met. As with all foreign border crossings, entry will not be guaranteed.

With many details still uncertain, the impending timeline for implementation, and the potential for difficulties with respect to the functionality of the ETA and the ETIAS systems, clients should work to identify potential plans to send employees to the UK and the EU as soon as feasible. Clients who plan to send employees overseas next year to complete short-term business transaction, to finalize deals, or to attend conferences should ensure that their employees are informed of this impending requirement well in advance and should provide clear parameters for completing such applications to mitigate interruptions to travel and business operations. Such clients also should work to ensure that their employees are prepared to complete these online travel authorization forms accurately and efficiently and should prepare employees to respond to potential requests for additional evidence or attend interviews as may be required.

Eckert Seamans represents publicly traded companies, privately held corporations, nonprofit organizations, small businesses, municipalities, and individuals in immigration matters. Derek Illar and Allison Bustin are prepared to assist clients in navigating travel authorization requirements to ensure that employees are ready to travel and to work overseas.