



Press Summary

Judgment – Administrative Court (Mr Justice Eyre)

**THE KING
on the application of**

(1) BSC

(2) SUAREZ

(Claimants)

-and-

SECRETARY OF STATE FOR THE HOME DEPARTMENT (Defendant)

[2026] EWHC 705 (Admin)

30th March 2026

Note: This summary is provided to assist in understanding the decision of the court. It does not form part of the decision or the reasons for the decision. The only authoritative document is the full judgment of the court, which will be published on the National Archives (<https://caselaw.nationalarchives.gov.uk/>).

1. The Claimants sought judicial review of the Defendant’s policy of only issuing biometric immigration documents (BIDs) electronically in the form of an eVisa.

Background

2. Successive governments have, since 2014, maintained a regime described variously as the “hostile environment” and the “compliant environment”. The purpose of this regime is to make life in the United Kingdom more difficult for those who are here illegally.
3. This regime has two limbs: the first limb makes it difficult for those who are in the United Kingdom illegally to live, work, or access services; the second limb provides a mechanism whereby those subject to immigration control, but who are in the United Kingdom legally, can demonstrate their status by showing their BID.
4. BIDs are provided by the Defendant pursuant to the Immigration (Biometric Registration) Regulations 2008 (“the 2008 Regulations”). In 2018, eVisas were introduced and the Defendant has subsequently sought to move to a fully digital system.

5. Both Claimants encountered difficulties in obtaining confirmation of their immigration status through the eVisa system. These difficulties persisted for some time in each case and caused problems for the Claimants in various ways. The problems affecting the Claimants have now been resolved. However, it was accepted that their claims raise matters of general importance.
6. Deficiencies and mistakes in eVisas create real hardship for the individuals affected. Such difficulties can affect their ability to work; to open a bank account; to access public funds; to rent accommodation from private landlords; to receive free care under the NHS; or to hold a driving licence.

Ground 1

7. Ground 1 challenged the lawfulness of the policy. The Claimants contended that regulations 13 and 13A of the 2008 Regulations gave the Defendant a discretion to issue BIDs in physical or electronic form. The Claimants contended that the Defendant was required to exercise this discretion. They said that the Defendant's policy of only issuing eVisas and leaving no scope for providing a BID in a different form, even in exceptional circumstances, constituted an unlawful fettering of that discretion.
8. The court found that the relevant discretionary power which the Defendant is required to exercise is the power to issue a BID under regulations 13(1) and 13A(1). Provided that the relevant preconditions set out in those regulations are satisfied, the Defendant must consider issuing a BID to a person who has applied in accordance with the regulations. Such a person has no right or entitlement to the BID, and the Defendant can adopt a policy as to the circumstances in which she will or will not issue a BID, but the Defendant must consider granting a BID.
9. The provisions in regulations 13(1A) and 13A(1A) provide a mechanism which the Defendant is entitled to employ in exercising her power to issue a BID, as either a physical or electronic document. Thus, by choosing to issue BIDs solely as eVisas, the Defendant is not renouncing or abandoning the relevant power. Instead, she is choosing to exercise that power in a particular way which was permitted by the 2008 Regulations. The decision as to how she

chooses to issue BIDs is not immune to public law challenge. However, that challenge would be to the rationality of such a decision.

10. It follows that the Defendant has not unlawfully fettered her discretion. Therefore, the challenge on ground 1 fails.

Ground 2

11. Ground 2 challenged the rationality of the policy. The Claimants pointed to the hardship which can flow from an inability to access the eVisa system and to the difficulties which inevitably arise in any digital system. They argued that such a situation could be improved by providing an alternative form of BID in exceptional circumstances, either as a physical document or a form of electronic confirmation other than an eVisa. The Claimants submitted that the policy of issuing BIDs solely as eVisas was irrational in these circumstances.
12. The Defendant's policy is one of moving to a fully digital system while also accompanying that transition with a number of measures intended to address failings in the system and to assist those affected by such failings. While there is scope for it to be said that more or different measures could be adopted to address failings, the court found that this does not, without more, render the decision irrational.
13. The court found that there can be legitimately different views as to whether there ought to be an additional back-up arrangement which operates alongside the eVisa system. It cannot be said that this is the only rational approach, and nor can it be said that the Defendant's decision not to implement such an approach is beyond the range of decisions rationally open to her. Consequently, the second ground fails.

Conclusion

14. The court dismissed the claim in its entirety, finding that the Defendant's policy of issuing BIDs solely as eVisas was neither an unlawful fettering of discretion nor irrational.