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Dear Ms Hawkins,

Thank you for your letter of 6 January about non-EEA citizens with status under the EU Settlement Scheme (EUSS) who have experienced difficulties when seeking to travel to the UK. I am sorry for the delay in responding to your letter.

You have raised several points about some of the communication materials and guidance for non-EEA citizens on the documents they need to travel to and enter the UK. We always welcome feedback on how we can improve our services and I am grateful to you for bringing these to my attention. I address your specific questions below.

Q1. Will you urgently undertake to review and update all information sources including but not limited to points 2 and 4 above, to:

- a. Make clear that non-EU citizens with EUSS status require a valid (in-date) biometric card to demonstrate to carriers their entitlement to return to the UK
- b. Signpost non-EU citizens with expired EEA residence cards to the correct information on applying for an EUSS BRC

In points 2 to 4 you refer to the information available on the GOV.UK webpage on EEA Residence Cards and on the View and Prove profiles and ask for confirmation these, and other relevant information sources, will be updated to clarify the biometric residence card (BRC) requirements for non-EEA citizens.

Non-EEA citizens who have obtained pre-settled or settled status under the EUSS will also hold physical evidence in the form of a BRC, issued under the EUSS or under the EEA Regulations. Those non-EEA citizens who are visa nationals will be required by carriers to produce a valid visa or visa exemption document, such as a UK-issued BRC, EUSS family permit or EUSS travel permit, when seeking to travel to the UK. This is because under section 40 of the Immigration and Asylum Act 1999 (the 'carriers' liability' provisions), carriers can be penalised if they bring a visa national to the UK who does not have a valid travel document and a valid visa or a visa exemption document.

Carriers are not currently required to check for digital status, although this will change in future once technological systems are in place to notify carriers whether people have the appropriate permission to travel. In the meantime, we will continue to issue BRCs to enable visa nationals to provide the necessary evidence to carriers they are properly documented for travel to the UK. Visa nationals with EUSS status should therefore ensure they have a valid BRC or EUSS travel permit when seeking to travel to the UK to facilitate carrier checks and avoid delays.

We have updated the GOV.UK page on 'UK residence cards' to clarify the importance of non-EEA citizens applying for an EUSS BRC to replace an expired, lost or stolen residence card to re-enter the UK before they travel abroad. Following your comments, the page will be updated further to make it clear replacement of an expired BRC is free of charge. We have also included a link to the relevant GOV.UK webpage for applying for a replacement BRC in the UK. This is now set out on GOV.UK at:

[www.gov.uk/uk-residence-card](http://www.gov.uk/uk-residence-card)

In the event the BRC of a non-EEA citizen with EUSS status expires or is reported lost or stolen while they are outside the UK, they may apply free of charge for an EUSS travel permit. This document, together with a valid passport, will allow them to travel to the UK. Once in the UK, they can apply for a replacement BRC. We now have a dedicated GOV.UK page for EUSS travel permits at:

[www.gov.uk/euss-travel-permit](http://www.gov.uk/euss-travel-permit)

You also query the information about entitlement to enter the UK provided to users of the 'View and Prove' service, as non-EEA citizens with EUSS status who are visa nationals are required by a carrier to produce a valid visa or visa exemption document before travelling to the UK.

As you have set out in your letter, non-EEA citizens are informed, as part of their EUSS grant letter, of the requirement to present their valid passport and BRC at the UK border. While Border Force officers will have access to systems to check EUSS status at the border, presenting a BRC may help avoid delays on arrival.

We have also published guidance on GOV.UK setting out the document requirements to travel to and enter the UK for EEA and Swiss citizens and non-EEA citizens who hold EUSS status, or an EUSS family permit, or have a pending valid EUSS application. This is available at:

[Entering the UK under the EU Settlement Scheme and EU Settlement Scheme family permit](http://www.gov.uk/guidance/entering-the-uk-under-the-eu-settlement-scheme-and-eu-settlement-scheme-family-permit)

The profiles in the 'View and Prove' service are also being revised to clarify the document requirements to travel to and enter the UK by making a link to this GOV.UK guidance.

Q2. Will you urgently review and update the information provided to carriers, to:

- a. Include detailed information on the EU Settlement Scheme, in particular to:
- b. Explain how EU citizens can prove their status digitally, in order to allow them to travel with a national identity card as guaranteed by the Withdrawal Agreement; and
- c. Explain how non-EU citizens can still travel with a UK issued EEA Residence Card despite the UK leaving the EU

We have issued guidance to carriers which clarifies the extent of their obligations to conduct checks on those seeking to travel to the UK.

Carriers are not currently required to check an EEA citizen's immigration status, or their entitlement to travel on a national identity card, when deciding whether to bring them to the UK. They only need to check they have a valid passport or national identity card. It is not, therefore, necessary for an EEA citizen to prove their status digitally in order to travel to the UK.

As explained above, non-EEA citizens with EUSS status will also hold physical evidence in the form of a UK-issued BRC, or they can obtain an EUSS travel permit whilst overseas. Carriers are required to check they have a valid passport and, where the passenger is a visa national, a valid visa or visa exemption document. As carriers are not currently required to check for digital status, visa nationals should ensure they have a valid BRC or EUSS travel permit to avoid delays when travelling to the UK.

This guidance may be accessed via the following links:

[General Partner Pack](#)

[Air Carrier Partner Pack](#)

[Rail and Maritime Carriers Partner Pack](#)

We will also review the online guidance for carriers on Charging Procedures and on UK visa requirements to clarify how carriers can comply with their obligations under section 40 of the Immigration and Asylum Act 1999 in respect of EUSS status holders and identity cards.

Q3. Will you write to all non-EU citizens with EUSS status, and clarify their rights and obligations when travelling back to the UK, together with correct information on the need to, and how to, apply for an EUSS BRC?

As set out above, non-EEA citizens are already informed, as part of their EUSS grant letter, of the requirement to present their valid passport and BRC at the UK border. The document requirements for various cohorts to travel in and out of the UK have been further clarified on GOV.UK. There will also be a link from the person's 'View and Prove' profile to this guidance.

We are currently reviewing the viability of emailing all EUSS status holders who are non-EEA visa nationals, who hold (or held) a BRC. If implemented, we would seek to incorporate clarification on rights and obligations when travelling internationally, alongside information on how to apply for a replacement BRC and an EUSS travel permit.

Q4. Can you provide statistics on the length of time people are waiting for EUSS Travel Permits from time of application to time of their passports returned to them with granted travel permits?

The data you have requested on EUSS travel permits are not recorded in a reportable form on our case management systems. The Home Office provides figures on a quarterly basis on the number of applications made for EUSS family and travel permits and those subsequently granted. These can be found at:

[Why do people come to the UK? For family reasons - GOV.UK](#)

We are continuing to work through all the relevant cases as quickly as we can. Travel permit applications will be considered within three weeks of biometrics being submitted. Complex cases may take longer to conclude.

Q5. Will you provide an emergency exemption to allow all citizens with EUSS status who are stuck abroad without valid BRCs as a result of the above lack of / misleading information to travel back to the UK with immediate effect?

Under section 40 of the Immigration and Asylum Act 1999, carriers can be penalised if they carry a passenger who is not properly documented, including where they do not have a valid travel document or, where the passenger is a visa national, a valid visa or visa exemption document.

Carriers are not currently required to check digital status which is why, in granting EUSS status, we are continuing to issue non-EEA citizens who do not already have one with a physical document so they can show this to carriers when seeking to travel to the UK. Those who are overseas with an expired BRC, or where their BRC has been lost or stolen, can apply for an EUSS travel permit.

Q6. Will you compensate affected individuals for all costs and consequences arising from their inability to return to their home in the UK?

The Home Office may make ex-gratia payments to customers, beyond any legal or statutory requirements, as redress for maladministration on our part which has affected the individual – for example, if we have lost valuable documents, we would reimburse the cost of a replacement, provided evidence of the expenditure was submitted with an ex-gratia claim. Such payments are made at the discretion of the Home Office and depend on the individual circumstances of each complaint. Ex-gratia claims are submitted through the complaints route and details about how to do this can be found at:

[www.gov.uk/government/organisations/uk-visas-and-immigration/about/complaints-procedure](http://www.gov.uk/government/organisations/uk-visas-and-immigration/about/complaints-procedure)

With my very best wishes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Foster', with a large flourish at the end.

**Kevin Foster MP**  
**Minister for Safe and Legal Migration**