

By email:

Minister Kevin Foster MP
Copied: Home Office SUG team

15 April 2022

Dear Kevin Foster MP,

Travel problems for holders of EU Settlement Scheme status

Thank you very much for [your reply of 28 March 2022](#) to [our letter of 22 February 2022](#), about holders of status under the EU Settlement Scheme. We have a few follow-on questions, relating to several of the questions raised and answered in that correspondence.

Q1 of our previous correspondence

Thank you for updating the page <http://www.gov.uk/uk-residence-card/replace> to make it clear that BRC holders will not have to pay a fee to replace their BRC if it has expired.

Q2 of our previous correspondence

We are also pleased to see that when people log in to the 'View & Prove' service, that they are now shown a link to the new web pages (<https://www.gov.uk/government/publications/entering-the-uk-under-the-eu-settlement-scheme-and-eu-settlement-scheme-family-permit>) which inform people about documentation they need to enter the UK. We do have some questions about this webpage, and the other new page on travel permits referred to in previous correspondence:

- Q1. The section "*If you have an EU Settlement Scheme family permit*" on the page for those who are not from the EU/EEA/Switzerland states that people with an expired family permit can enter the UK if they have already applied to the EU Settlement Scheme.

The section does not make clear that these people are highly likely to be denied boarding, as stated in the new section 2.4 of the [Section 40 charging guidance for carriers](#). Other sections on the web page make clear that visa nationals will still need a valid visa or visa exemption document, but this section does not.

Therefore this new documentation still gives citizens misleading information about the

travel documents they need. Could you therefore ensure that this section of the travel website, and the Section 40 charging guidance, are made consistent?

Q2. With regard to another new web page <https://www.gov.uk/euss-travel-permit> (as described in [your letter of 15 February](#)), could you please update [this existing Gov.UK website](#) on replacing biometric residence permits/cards? It currently states “*If your BRC was lost, stolen or damaged outside the UK: You cannot apply for a replacement BRC outside the UK. You will need to [apply online](#) for a new family permit.*” Could it be changed to refer to travel permits rather than family permits, and for the link to go to the new travel permit page?

Q4 of previous correspondence

Thank you for looking again at information on guidance to carriers with regards to people travelling with national identity cards. We appreciate your understanding of the fact that there could be potential confusion between the advice given to individuals and the advice given to carriers. A recent report to us shows another example of the impact on individuals:

“I was flying back to the UK using my ID card. When I was asked to show my proof of settled status using the gov.UK website, an error message appeared [“Sorry, there is a problem with the service. Try again later”]. I tried logging in various different times with no luck and consequently I was not allowed on board. The website finally allowed me to log in 1 hour and 15 attempts later.” - April 2022

We would like to highlight section 1.3 “**What is a Section 40 charge and when is a charge incurred?**” of the current [Section 40 charging guidance for carriers](#), which states

“However, following the United Kingdom’s exit from the European Union on 31 January 2020 and the end of the transition period at 23:00 hours on 31 December 2020, charges will apply to nationals of the European Economic Area and Switzerland, unless they are protected under terms of the Withdrawal Agreement.”

This goes beyond the issue of national identity cards discussed in our correspondence to date, and indeed suggests that all carriers should be checking for EUSS status, regardless of whether passengers are travelling with passports or national identity cards, if people indicate to the airlines that they are travelling for purposes other than to visit.

Q3. Please could you urgently update section 1.3 of the [Section 40 charging guidance for carriers](#) to state that charges will not apply to nationals of the European Economic Area and Switzerland, given that we have extensive correspondence¹ from you to say that carriers do not need to check whether passengers have status under the EU Settlement Scheme?

Q4. Could you give us a timeframe in which this change to the guidance will be made?

Q5. Further to this update to the S40 charging guidance, could you ensure that information on this change is relayed effectively to all carriers, for example by using your central and port liaison teams, and if necessary updating internal guidance to the Home Office’s International Liaison Officer network - as described in [your letter to us of 15 April 2021](#)²?

¹ See <https://www.the3million.org.uk/library> April 2021 “Reply from Migration and Borders Group”

² *ibid*

Q5 of previous correspondence

Thank you for the change in the [Section 40 charging guidance for carriers](#) allowing those with lost/expired/stolen BRC to prove their EUSS status to carriers digitally, in particular the paragraph in new section 2.4 stating *“Where a visa national passenger does not have a valid visa or visa exemption document, you may accept evidence of pre-settled or settled status under the EU Settlement Scheme where this is provided by the passenger via the online ‘View and Prove’ service.”*

We are grateful for this change but disappointed that it is discretionary, as also re-emphasised in your letter. This is particularly so because we are hearing of very long (many months) delays in BRCs being issued. We note that there are no published service standards relating to the issuing of BRCs, and there is no priority service available for a BRC application.

Q6. Would you consider changing the advice to say that if someone can provide evidence of pre-settled or settled status under the EU Settlement Scheme via the ‘View and Prove’ service, that the carriers **must** accept this, rather than **may** accept this? If your answer is that it cannot be changed, could you please provide a justification for that decision?

Q7. As in Q5, could you ensure that these changes are relayed effectively to all carriers, using all communication channels at your disposal?

Kind regards,

Monique Hawkins

Policy and research officer, the3million