

By email:

Minister Kevin Foster MP

Copied: Home Office SUG team

15 April 2022

Dear Kevin Foster MP,

**Updating EUSS status to add another nationality**

We note that the Gov.UK website which allows people to update details linked to their EU Settlement Scheme status (<https://www.gov.uk/update-uk-visas-immigration-account-details>) includes the ability to “add an extra nationality - if you have dual nationality, for example”.

We have recently been contacted by someone who is struggling with the logistics to do so, and would like to describe the pertinent information about their situation in order to ask a few questions arising from it:

- A non-EU citizen has been granted settled status under the EU Settlement Scheme, using an EEA BRC.
- They have applied for EU citizenship through their EU spouse and been told their application is successful.
- However, they need to travel to that EU member state to accept that EU citizenship, and have only a short window in which to accept that, similar to the time-limit in which to book a Citizenship Ceremony in the UK after being invited to do so.
- The country of their non-EU nationality will not allow dual nationality, so once they accept their EU nationality, their non-EU nationality and passport will be cancelled.
- Their BRC has recently expired, but as you know most communications gave the impression that people could rely on their digital status (these communications have very recently been updated, following a separate correspondence between us).
- People are facing long delays in obtaining new BRCs.
- In order to be sure they could travel to the EU, and back to the UK without problems, they contacted the Home Office to ask whether they would be able to travel to the EU member state in question, add the EU passport to their EUSS status, and then return to the UK on their EU passport.
- They were informed by the Home Office (by telephone) that:
  - they would be denied entry to the UK without a valid BRC, despite having digital status under the EUSS, and

- it is not possible to add an EU passport to an EUSS status that is issued to a non-EU citizen
- This puts the individual into a very difficult situation, given that:
  - there are no published service standards relating to the issuing of BRCs, there is no priority service available for a BRC application, and we have anecdotally heard of many people waiting for months
  - they are anxious to travel back to UK with:
    - an EU passport that is not linked to an EUSS status,
    - an expired BRC,
    - a cancelled non-EU passport,
    - and an EUSS status that is only linked to that cancelled non-EU passport

Our questions are:

- Q1. Is the advice this individual received from the Home Office correct in that they can't add an EU passport to their EUSS status (issued on the basis of an application from a non-EU national)? If so, why can they not do so?
- Q2. If the advice was incorrect, and they *are* able to add an EU passport to their EUSS status, are they able to do so online or would they need to send their passport by post to the Home Office in Liverpool?
- Q3. If someone in this position can only update their EUSS status to link a new passport by sending their passport by post to the Home Office, would you agree that it is reasonable to allow them to travel back to the UK before doing so? Not to do so would deny them their residence rights in the UK for a considerable period while they await the return of the passport granting boarding rights and entry to the UK.
- Q4. Assuming this individual can reach the UK border, can they enter the UK showing a valid passport which is not linked to their EUSS status, together with a cancelled passport which is linked to their EUSS status? If their cancelled passport has been retained by their country's authorities, can they evidence their status by logging into View & Prove with the number of their cancelled passport?
- Q5. In the more general case where someone renews an expired passport while abroad, can they enter the UK showing a valid passport which is not linked to their EUSS status, together with an expired passport which is linked to their EUSS status? If their expired passport has been retained by their country's authorities, can they evidence their status by logging into View & Prove with the number of their expired passport?

Kind regards,

Monique Hawkins

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