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28 March 2022

Dear Ms Hawkins,

Thank you for your letter of 22 February about holders of status under the EU Settlement Scheme (EUSS) who have experienced difficulties when seeking to return to the UK. I am sorry for the delay in replying to your letter.

You have raised several points about some of the information provided to non-EEA nationals about the documents they require in order to travel to and enter the UK. We welcome feedback on how we can improve our communication and services and I am grateful to you for bringing these to my attention.

I will address your specific questions below.

Q1. Your letter says that you will further update the page www.gov.uk/uk-residence-card/replace to make it clear that the replacement of an expired BRC is free of charge. It currently still states that it costs £56 to apply, and a further £19.20 to give biometric information. When will this page be updated?

We are working to update the page as soon as possible. In the meantime, biometric residence card (BRC) holders will not have to pay a fee to replace their BRC if it has expired.

Q2. Your letter says that “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.” We would be grateful if someone in the Home Office would inform us of when this occurs so we are able to review and provide feedback.

Anyone who views their EUSS profile or Certificate of Application using the View and Prove service from 10 March will see this updated wording, which includes a link to the relevant guidance on GOV.UK:

You can travel in and out of the UK if you can [provide the required documents](#) - you may not be able to travel to or enter the UK without them’.

Q3. Your letter says that “travel permits will be considered within three weeks of biometrics being submitted. Complex cases may take longer to conclude.”

- a. What does ‘considered’ mean in this context?**
- b. How long does it take to issue the travel permit to the individual from biometrics being submitted?**
- c. What would constitute a complex case?**
- d. Can any case where someone has status under the EU Settlement Scheme, and has not lost that through excessive absence, be considered complex?**
- e. Are there ways cases can be prioritised if there is an emergency? If so, how can someone utilise this service?**

a) ‘Considered’ means they will be allocated to a caseworker who will assess the application and evidence. If possible, they will conclude the case. If not, they will seek to gather the additional information required, which may involve contacting the applicant, and once received, they will conclude the case.

b) The time it takes to issue a travel permit can vary as some cases are complex. The majority are concluded and dispatched for printing at the Visa Application Centre within three weeks.

c) A case may be complex for a number of reasons, including if a passport has been lost or stolen, supervening events have occurred, or information is awaited from other agencies or government departments.

d) In view of the reasons why a person may need to make a travel permit application when they are overseas, we identify and prioritise these applications as far as we can.

e) An applicant may contact UKVI through the GOV.UK website to ask for their application for a travel permit to be expedited. This can be done by email or phone at the contact details at the following link:

www.gov.uk/contact-ukvi-inside-outside-uk

However, it is important we are fair to all applicants who are waiting for a travel permit and wish to return to a job, property, school or family in the UK. For this reason, requests for expedition will be authorised only in an emergency.

Q4. Will you update your guidance to carriers to make it clear that carriers should not deny boarding to any EU citizen travelling with a national identity card, and that at most they can inform passengers that they may be refused entry at the UK border if they do not fall under one of the exceptions?

The responsibility for deciding whether to carry a passenger rests with the carrier. We have issued guidance to carriers confirming they are not currently required to establish an EU, EEA or Swiss 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.

However, I am grateful to you for pointing out this could be made clearer to avoid any potential confusion between the advice we give to individuals (they should not seek to travel to the UK using a national identity card if they are not eligible to do so as they will be liable to be refused entry at the border) and the advice we give to carriers. We will update our guidance to address this issue.

Q5. Will you reconsider our request to provide an emergency exemption to allow all citizens with EUSS status, or with CoA for pending EUSS status, who are stuck abroad without valid BRCs to travel back to the UK with immediate effect and to update guidance to carriers to allow them to accept a digital status proven via a share code as an alternative to a physical BRC?

Carriers need to check passengers have a valid travel document and, where the passenger is a visa national, a visa of the required kind or a visa exemption document.

Carriers are not currently required to check a digital version of the passenger's immigration status information (eVisa). This is why we continue to issue BRCs to enable visa nationals to provide the necessary evidence to carriers they are properly documented for travel to the UK.

If a visa national's BRC expires, or is reported lost or stolen, while they are outside the UK, they should apply free of charge for an EUSS travel permit to facilitate carrier checks.

Where a visa national does not have a valid physical visa or visa exemption document, we have issued guidance to advise, in discharging their carriers' liability obligations to ensure visa national passengers are properly documented for travel to the UK, a carrier may, at their discretion, accept evidence of status under the EUSS where this is provided by the passenger via the online View and Prove service. This is reflected in section 2.4 of the:

[Charging procedures: a guide for carriers \(accessible version\) - GOV.UK \(www.gov.uk\)](#).

Whilst a carrier may choose to accept an eVisa as evidence of status under the EUSS, we continue to advise visa nationals to ensure they have a valid UK-issued BRC or EUSS travel permit when seeking to travel to the UK to facilitate carrier checks and avoid delays.

Visa nationals who have a valid pending application to the EUSS are advised not to travel to the UK until their application is granted unless they hold a valid visa or visa exemption document. A Certificate of Application or Acknowledgement of Application is not satisfactory evidence of status for the purpose of carrier's liability checks.

Yours sincerely,

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

Kevin Foster MP
Minister for Safe and Legal Migration