



If we go on holiday, will we face any problems when coming back to the UK?

I am outside the UK – will I be allowed to enter the UK?

The rules around the right to enter the UK are very complex and depend on many different pieces of legislation. Factors such as your nationality, whether you were living in the UK before 31st December 2020, whether you put in an application to the EU Settlement Scheme before the 30th June 2021 deadline or not, all play a part. This document attempts to capture the different situations people are in, and whether they are allowed to enter the UK.

With thanks to Jonathan Kingham, head of [LexisPSL Immigration](#), for his input.

How to use this document

The document contains six separate tables, choose the one which best describes your situation:

- Granted pre-settled or settled status
- Resident in UK before 31 Dec 2020, and applied to the EU Settlement Scheme before the 30 June 2021 deadline
- Resident in UK before 31 Dec 2020, but did not apply to the EU Settlement Scheme before the 30 June 2021 deadline
- Not resident in UK before 31 Dec 2020, but eligible to apply to the EU Settlement Scheme as a joining family member
- British citizen or citizen with multiple nationalities one of which is British
- Has Indefinite Leave to Remain (ILR)

Disclaimer: The information contained in this page is for general guidance and does not constitute legal advice. it is a simplified overview and individual situations are often more complex and changes in Government guidance are still being made. Given the changing nature of laws, rules and regulations, and the inherent hazards of electronic communication, there may be delays, omissions or inaccuracies in information contained in this page. Accordingly, the information on this site is provided with the understanding that the authors and publishers are not herein engaged in rendering legal advice. As such, it should not be used as a substitute for consultation with professional legal advisers. **Please seek [legal advice](#) if you are affected by any of these situations.**

Granted pre-settled or settled status

<p>Is an EEA or Swiss national, or has another nationality which is not on the 'visa national list'.</p>	<p>Has one of the nationalities on the 'visa national list'.</p> <p>This means they would ordinarily need a visa to come to the UK if they did not have (pre-)settled status or another form of leave to enter the UK.</p>
<p>Greg is an American citizen who obtained pre-settled status on the basis of his durable partnership with a Swiss citizen.</p>	<p>Zahra has an Egyptian passport and is married to a Norwegian citizen. They both have settled status. Zahra obtained her settled status in 2019 using her EEA Residence Card. This residence card expired in March 2020, but Zahra did not bother replacing it as she has been proving her right to work in the UK using the digital right-to-work check.</p>
<p>Can Greg and Zahra travel to the UK?</p>	
<p>yes</p>	<p>yes</p>
<p>More info - recommended evidence to take, and basis of rights</p>	
<p>It is recommended that citizens carry with them evidence of their successful grant of status (for example the decision letter, and a screenshot of their entry on the 'View and Prove' service.) It is also recommended to generate a share code in advance (choose <i>'something else'</i> when asked for the reason for sharing your status) and carrying that with you on a piece of paper.</p> <p>EEA citizens with pre-settled or settled status can rely on their National ID card to enter the UK until at least 31 December 2025.</p>	<p>The UK Government has said that people can continue to use their EEA Biometric Residence cards to enter the UK, if have pre-settled or settled status. (It may be useful to also carry the evidence of (pre-)settled status as described in the column to the left.)</p> <p>However, problems have been reported for visa national family members who only hold digital status under the EUSS, due to carriers and overseas immigration authorities not accepting the validity of the status. Therefore it is recommended that visa nationals with (pre-)settled status obtain a replacement EUSS biometric residence card before travel.</p>
<p>Legal basis of rights: Immigration Act, 1971</p>	<p>Legal basis of rights: Immigration Act, 1971</p>

Resident in UK before 31 December 2020
Eligible to apply to EUSS in own right (*not as joining family member after 1 Jan 2021*)
Applied to the EU Settlement Scheme in time, before 30 June 2021

pending in-time EUSS submitted

* Certificate of Application, or email of confirmation, confirming application was made before 30 June 2021

Claire is Brazilian, and she is married to Dieter, German citizen. They have been married for 3 years and have been living in the UK. She applied for Settled Status in Feb 2021, is still waiting for a decision, has gone abroad and is worried whether she can travel back to the UK.

Claire’s husband Dieter was employed throughout. This means he was exercising treaty rights on 31 December 2020 and therefore falls within the scope of the Grace Period regulations.

Claire’s husband Dieter was a student, who did not have CSI. This means he did not fall within the scope of the Grace Period regulations.

Can Claire travel to the UK?

yes

not strictly in law

More info - recommended evidence to take, and basis of rights

It is recommended that citizens carry with them a copy of their Certificate of Application, (or email of confirmation of in-time application if CoA is not yet available) together with documentation confirming they were resident in the UK before 31 December 2020. See <https://www.gov.uk/guidance/visiting-the-uk-as-an-eu-eea-or-swiss-citizen>. A [statement from the Home Office](#) in October confirms that it is advisable to wait until citizens have a Certificate of Application, but that a confirmation of in-time application can be accepted though citizens may experience delays at the border.

EEA citizens (who were resident in the UK before 31 December 2020 and have a pending in-time application) can [rely on a National ID card to enter the UK until at least 31 December 2025](#) – as long as the EU Settlement Scheme status is linked to that National ID card.

Non-EEA nationals [can continue to use their Biometric Residence cards](#) to prove their right to enter the UK, if they applied to the EU Settlement Scheme on or before 30 June 2021.

Legal basis of rights: [Grace period regulations](#), and [Withdrawal Agreement \(Article 14 and 18\(3\)\)](#).

Although the [Grace Period regulations](#) only apply to those who were exercising treaty rights on 31 December 2020, the Home Office have stated “in practice all 'in-time' applicants will be treated the same”. (That was stated in a Q&A document provided by the Home Office to the EUSS Safeguarding User Group).

Resident in UK before 31 December 2020 Eligible to apply to EUSS in own right (<i>not as joining family member after 1 Jan 2021</i>) Did not apply to the EU Settlement Scheme in time	
pending late EUSS submitted * Certificate of Application confirming application was made after on 1 July 2021 or later	has not applied to EUSS * would have been eligible to EUSS * is considered to have reasonable grounds for late application
<p>Stefano is Italian, has been living in the UK for 12 years, but did not realise he had to apply for Settled Status until he tries to move job in August 2021. He goes to Italy to work out what to do, then understands that he can put in an application to the EUSS from Italy, which he does in September 2021. He is now unsure whether he can travel back to the UK while waiting on a decision. He has received a Certificate of Application.</p>	<p>Erika is a German citizen who was living in the UK before 31 December 2020. She did not realise that she had to apply to the EU Settlement Scheme as she had a Permanent Residence document.</p> <p>Jan is a 3-year-old Dutch child whose parents did not realise they needed to apply for him.</p> <p>Beatrice is a baby born to a British father and a French mother, has both nationalities but only has a French passport. The parents did not apply for EUSS because they knew Beatrice was also British, but they did not yet apply for a British passport.</p>
Can Stefano, Erika, Jan or Beatrice travel to the UK? (With stated intention to return to home in UK rather than as a visitor)	
yes -with a Certificate of Application only	no
<p>A statement from the Home Office in October confirms that citizens who made late applications must have a Certificate of Application in order to travel, and should also carry evidence that they were resident in the UK before the end of the transition period, 31 December 2020.</p>	<p>Not covered by Grace period regulations because the application was not made before 30 June 2021.</p>

Not resident in UK before 31 December 2020 Eligible to apply to EUSS as a joining family member

pending EUSS family permit submitted	has EUSS family permit	pending EUSS submitted
* irrelevant whether submitted before or after 1 July	* EUSS family permit has not yet expired	* irrelevant whether submitted before/ after 1 July * either no EUSS family permit was needed, or their EUSS family permit has expired
Suzanne (Dutch) is married to Lee (Chinese), they have lived in UK for 6 years and both have settled status. Lee's father Chen (dependent on Lee) has applied for a family permit from China and is waiting for a decision.	Agnieszka (Polish) and her partner Jack (Canadian) both have pre-settled status. Jack's 16-year-old son Oscar who was living in Canada wants to join them. He has applied for a Family Permit which he has been granted.	Maria (Spanish) has been living in the UK for a year and has pre-settled status. Her husband Jose is still in Spain but wants to join Maria in the UK and has applied for pre-settled status from Spain. He is waiting for a decision.
Can Chen, Oscar or Jose travel to the UK? (With stated intention to settle, rather than as a visitor)		
no - not until family permit is issued	yes - can enter and leave UK freely for 6 months	no - not until status is granted*
More info - recommended evidence to take, and basis of rights		
If a person wishes to travel to the UK in advance of the decision on their family permit application (e.g., where they are an EEA citizen or other non-visa national), they must do so on a temporary basis as a visitor for up to 6 months and provide evidence that they will be leaving the UK in order to return overseas and collect their family permit. Persons in this situation are at risk of refusal on the question of this intention.	Citizens with a family permit who are from the EEA, Australia, Canada, Japan, New Zealand, Singapore, South Korea or Switzerland should be able to use the eGates on arrival. Otherwise, a Border Force officer will check their permit. They must apply to EUSS within 3 months of arrival in the UK. EEA citizens with an EUSS family permit can rely on a National ID card to enter the UK until at least 31 December 2025 .	If a person wishes to travel to the UK while waiting for an EUSS decision, they must do so on a temporary basis as a visitor for up to 6 months and provide evidence that they will be leaving the UK before re-entering on the basis of their EUSS status. Persons in this situation are at risk of refused entry on the question of this intention. *The Government's 6 August 2021 announcement was unclear on joining family members, so the position on this group may change when further details are announced.
https://www.gov.uk/family-permit	https://www.gov.uk/guidance/visiting-the-uk-as-an-eu-eea-or-swiss-citizen	Not covered by Grace Period regulations because not resident in UK before 31 December 2020.

British citizen / citizen with multiple nationalities one of which is British

Has a valid British passport	Has settled status but no British passport	Does not have status under the EU Settlement Scheme, does not have a valid British passport
Angela is a Swedish citizen who naturalised as a dual British-Swedish citizen fifteen years ago and has both a British and a Swedish passport.	Marcus is German, obtained settled status in 2019 and naturalised (which means he attended the naturalisation ceremony and received a naturalisation certificate) to become a dual British-German citizen in 2020. He did not apply for a British passport however and has been travelling with just his German passport.	Isabelle was born in 2021 to a Polish parent with settled status, so she was born with both Polish and British citizenship. Her parents have only applied for a Polish passport for her. Viktor is a Bulgarian citizen who naturalised as a British citizen using a Permanent Residence document in 2019. He still travels on his Bulgarian passport, has not applied for a British passport.
Can Angela, Marcus, Isabelle or Viktor enter the UK from abroad?		
yes	yes, but should apply for British passport	
More info - recommended evidence to take, and basis of rights		
British citizens should ensure they can show their British passport when entering the UK, as their EEA/Swiss passports no longer gives them the automatic right to enter the UK.	It is not entirely clear whether obtaining British citizenship cancels settled status, but in practice people can still log in to the 'View and Prove' website once they have become British citizens.	Without a British passport or certificate of entitlement, citizens may have some trouble proving their right to be admitted to the UK other than as a visitor.
	<p>If citizens nevertheless choose to travel, it is recommended that they carry with them a certificate of registration or naturalisation if they have one, or other documents such as birth certificates and proof of parents being British or settled at the time of their birth.</p> <p>A letter from the Home Office to Stephen Hammond MP dated 14 July 2021 states: "British citizens have a right of abode in the UK and do not require leave to enter. If they are travelling on an EU passport, they will be able to enter the UK via an eGate without being granted leave to enter as they will not be seeking entry as a visitor. However, where they present at the primary control point, they will need to satisfy the Border Force officer they are a British citizen in the same way as any other British citizen entering the country. We therefore recommend they travel on their British passport although Border Force officers can check systems to confirm their citizenship where necessary."</p>	
https://www.gov.uk/right-of-abode	To prove British citizenship, people should apply for a British passport (costs up to £95), or alternatively a ' Certificate of Entitlement ' (costs £372).	

Has Indefinite Leave to Remain (ILR)

Has Indefinite Leave to Remain which is not settled status under the EU Settlement Scheme

Willem is a Dutch citizen who moved to the UK in 1981. He applied for settled status. However, he found out that because he arrived in the UK before 1989, he was eligible to apply for a biometric card as evidence of his status under the Windrush Scheme.

Sofia is an Italian citizen who has a letter from the Home Office from 1972 stating she has Indefinite Leave to Remain. She decided not to apply to the EU Settlement Scheme.

Can Sofia and Willem enter the UK from abroad? (With stated intention to return to home in UK rather than as a visitor)

yes

should get biometric residence permit

More info - recommended evidence to take, and basis of rights

Citizens with Indefinite Leave to Remain (ILR) have the right to enter the UK. To demonstrate their right, they need a valid biometric residence permit.

A biometric residence permit will need to be renewed before it expires.

If they only have old proof, such as a stamp in their passport or a letter from the Home Office, they may have some trouble proving their right to a Border Force officer to be admitted to the UK other than as a visitor. People who believe they have ILR but do not have a document to prove it can [apply for confirmation of their status or apply for status under the Windrush Scheme](#).

<https://www.gov.uk/guidance/indefinite-leave-to-remain-in-the-uk>