



Home Office

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Monique Hawkins
Head of Policy and Advocacy
The3million

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Dear Monique,

Thank you for your letter of 11 February on behalf of the Safeguarding User Group regarding the use of travel data in the proposed EU Settlement Scheme (EUSS) curtailment process.

Home Office travel data is utilised under the EUSS as an **additional** source of information. **No EUSS decisions are taken based on travel data alone.** Nonetheless, we have confidence in the application of travel data where this is manually reviewed by caseworkers and considered in conjunction with all other available evidence. Caseworkers are trained to assess travel data alongside other data and information sources and to identify missing travel events. The positive impact of utilising travel data in this way has been demonstrated through the number of cases granted settled status under the application route without the need for the applicant to provide additional evidence of residence.

Thank you for providing the details of the individual case you raised where you had concerns regarding the handling of the case. Operational colleagues have reviewed the available data, which includes tax and benefit and travel data, and found that the correct process was followed. The first request for evidence was necessary in this instance to supplement the information held by the Home Office. The second request was issued concurrently with the status holder uploading evidence to her application. This meant that the caseworker was unaware that the relevant evidence had been provided when issuing the second request. As such, the second request would have appeared to be both unnecessary and incorrect but was simply a rare coincidence.

We have responded to each of your specific questions below.

Q1. Do you accept that all travel data and residence evidence must be included with the minded to curtail notification that is sent to someone believed to have broken their continuity of residence?

As we have begun the rollout of this policy looking at those individuals with the longest absences from the UK, the majority of cases reviewed have very little, or no, evidence of UK residence in the most recent five-year period. The small number of cases sent a minded to curtail notification so far appear to have stopped residing in the UK many years ago and will need to evidence either significant periods of residence that we are unaware of or that it would not be proportionate to curtail their status. As such, we consider it is best to request they provide evidence of residence for a full five-year period to satisfy the caseworker that they have continued to meet the requirements of their pre-settled status. However, we have listened to stakeholder feedback and, once the current automation process is embedded, will amend the minded to curtail notification to specify the period where we require evidence of residence.

Q2. Does the business logic that acts on the travel data inspect known data flags that indicate whether someone's travel was confirmed, and does the logic exclude the record if travel was not confirmed?

Home Office travel data captures travel in and out of the UK via air, rail and sea with EUSS caseworkers primarily reviewing Advance Passenger Information (API), although other border crossing data is collected by the Home Office. API data provides information on a person's departure and arrival via air. Business logic is not used in the assessment of travel data as it is always manually reviewed by a caseworker.

Q3. Where someone's travel data has missing travel events that do not affect the conclusion that continuity of residence has been maintained, these missing travel events should be ignored, and settled status should be granted, whether this is through a manual application or via the automation process.

Caseworkers review all available travel data and are trained to apply additional scrutiny when assessing cases where travel information is incomplete, for example, where two consecutive departures from the UK are recorded. In such cases, they will recognise that the status holder must have returned to the UK at some point within that period in order to have departed again. In cases where missing travel data has limited impact on a person's continuous residence it will be ignored. No automated logic or decision-making is applied; rather, caseworkers assess and interpret the information manually.

Travel data is treated as one evidential source after first assessing tax and benefit records. Where any inconsistencies or uncertainties arise, caseworkers will consult the initial application to the EUSS for additional information or contact the status holder to request supporting evidence. The purpose of using this information is to minimise the need for status holders to provide evidence unnecessarily, so they are only contacted where this is genuinely required. Caseworkers will always contact a person before taking any action that could lead to an adverse decision. No decisions are made on the basis of travel data alone.

However, where someone's travel data has missing travel events that do lead to a (potentially incorrect) conclusion that continuity of residence has been broken, this data cannot be relied on. In such cases:

- a. With respect to manual upgrade applications, will you change your business logic to first write to the pre-settled status holder, clearly presenting the instances of missing data, and invite them to supply the missing travel events, without drawing any conclusions about the length of their UK residence based on a mathematical calculation which is only logically possible on a complete set of matched travel events?**

In the case of applications for settled status, caseworkers initially consider the information available from the tax and benefit data and travel data. They will then determine any residence gaps from that data, taking into account any duplicate or missing travel events.

When corresponding with the status holder, where further information is required, the caseworker sets out the required information, including providing a link to further guidance which sets out the supporting documentary evidence they can submit. The correspondence also includes details of each travel event recorded by the Home Office.

There are no conclusions drawn in the contact letter sent to the status holder, it merely illustrates the assessment the caseworker has made at that time and serves to highlight any gaps which the person can then address through the provision of additional evidence to support their application for settled status.

- b. With respect to selecting pre-settled status holders for potential curtailment on the basis that you think they are no longer residing in the UK, will you ensure that this business logic automatically prohibits the selection of a person whose travel data contains missing travel events leading to a (potentially incorrect) conclusion that continuity of residence has been broken? In such cases the person's pre-settled status must be maintained, and there should be no write-out, as there is no reliable evidence on which to conclude that the continuity of their residence has been broken.**

Additional scrutiny will be applied to cases where there are missing travel events. Where the missing travel events have little impact on the potential residence period of the status holder, for example where two duplicate outbound travel events are close together and the person otherwise has minimal evidence of residence, a minded to curtail will be sent. However, where missing travel events are sufficient to create uncertainty that the status holder has been outside the UK for sufficient periods of time, pre-settled status will generally be maintained and a minded to curtail will not be sent.

Q4. How is the Home Office mitigating potentially disproportionate travel data gaps for certain modes of transport?

Caseworkers are aware of the potential for gaps in travel data, including for some modes or routes of transport, and take this into account when considering individual cases. When assessing such factors, caseworkers will write to the status holder to request details of the travel events if the Home Office does not hold that information, giving them an opportunity to provide the further evidence required to show eligibility for settled status. This can include, for example, travel via Eurotunnel or where the person may have travelled via the Common Travel Area.

Q5. Before any curtailment process is implemented, will you provide – as also referred to in our letter of 27 January – a detailed explanation of all the data sources that feed into the travel data used for curtailment selection, together with the detailed methodology and business logic that uses this travel data?

Where, following the assessment of tax and benefit data, there is insufficient residence information to show the pre-settled status holder has been resident in the UK for at least 30 months in the most recent five-year period, the case will be routed to a caseworker to consider. The case will then be bulk washed against a broad range of Home Office travel data to prioritise those cases which have been absent from the UK for the longest periods. Caseworkers will then assess the prioritised cases against API data and determine if either settled status should be granted, pre-settled status should be maintained or a minded to curtail should be sent. Business logic is not used in the assessment of API data as it is

always manually reviewed by a caseworker and is used as a source of data in the same way as tax and benefit data.

It would not be appropriate to disclose further detail of the available data, data systems or methodology as, if made public, this could provide insight into the methods and capabilities used to identify periods of absence from the UK and could enable individuals to tailor their behaviour to circumvent immigration controls, thereby undermining the effective operation of those controls.

Q6. Before any curtailment process is implemented, will you share all impact assessments with us on the use of travel data in this process for systematic selection of candidates for curtailment?

We do not consider that identification through this process of pre-settled status holders who no longer meet the requirements of that status to be 'systematic verification'. The Withdrawal Agreement allows, in specific cases where there is reasonable doubt, the host state to verify whether a person satisfies certain conditions and therefore enjoys a right of residence. Where assessment of all available information, including checks against tax and benefit and Home Office travel data raises a reasonable doubt as to whether a person continues to be eligible for pre-settled status, they will be contacted and, where appropriate, verification of their residence right will be conducted. Such verification will not be systematic but specific to the individual case where a person no longer appears to be eligible for EUSS status or residence rights under the Withdrawal Agreement.

We have introduced travel data as an additional source of data for caseworkers under the EUSS where applications are made and under EUSS automation. For the reasons set out above, primarily the assurance that travel data will never be relied upon in isolation, we are confident that the process is robust and there are sufficient mitigations in place to ensure no particular groups are unnecessarily disadvantaged.

Yours sincerely,

Jessica Gavigan
EEA Citizens' Rights & Hong Kong Unit