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Dear Monique,

Thank you for your letter of 28 March regarding the digitisation of UK immigration records and its impact on visa nationals trying to travel to the UK. I apologise for the delay in responding to you. I have addressed your specific questions below.

Q1. Why are visa nationals with EUSS status not allowed to apply for replacement BRCs before they expire?

Visa nationals with an EU Settlement Scheme (EUSS) status who hold a biometric residence card (BRC) issued under the EEA Regulations 2016 can apply to exchange that BRC for a BRC issued under the EUSS (a BRCE) at any point.

Visa nationals with pre-settled status under the EUSS which has been extended can apply for a replacement BRCE as soon as the extension has been applied to their digital status.

Q2. Why do visa nationals with EUSS status need to supply new biometrics before receiving a replacement BRC, rather than being able to benefit from the reuse of biometrics?

Biometric reuse has been opened for a small cohort, including individuals applying for leave under the Graduate, Skilled Worker, Student, Settlement Protection, Innovator or Child Student route or for indefinite leave to remain (refugee and humanitarian protection).

This small cohort will not need to attend a biometric enrolment event where they meet the requirements to enable their fingerprints to be reused. However, they must still upload a new facial image, via the UKVI identity verification app. We intend to incrementally widen the scope of biometric reuse until all cohorts are incorporated.

Q3. Why are some visa nationals repeatedly advised by various departments in UK Visas & Immigration that they do not require a BRCE or BRP when their status is extended or new status is granted?

Visa nationals who have been issued an eVisa in the UK can log in to their UKVI account, which provides them with the ability to use online services to 'view and prove' their immigration status, including their rights to rent, work, study and access public services, by sharing relevant information about their permissions in the UK. The only circumstance where visa nationals will require a BRC or a BRP to prove their status is when they travel internationally, and as such we continue to provide them with a physical document alongside their eVisa. This will be the case until the technology is in place to enable carriers to check immigration status automatically via systems checks.

Where individuals of a nationality not subject to a visa requirement have been granted an eVisa, and their nationality has subsequently been added to the visa national list, they will then require a BRCE or a BRP to avoid issues with travel. Our requirements for visa nationals are set out at: www.gov.uk/check-uk-visa. We will investigate instances where individuals have received separate guidance which contradicts this wherever it is raised with us.

Q4. Why are all visa nationals not routinely issued with a new BRCE when they are granted settled status even if they previously had either an EEA BRC or a BRCE as a pre-settled status holder?

Where a non-EEA citizen who holds an in-date EEA BRC or BRCE applies to the EUSS, they are not required to provide their fingerprints and will not be automatically issued with a new EUSS BRCE. This is because we are phasing out physical immigration status documents and those in the UK are already able to prove their rights using their digital status. Non-EEA citizens who require a physical document in order to travel outside the UK can apply to exchange their pre-settled status BRCE or EEA BRC for a settled status BRCE using the replacement service at: www.gov.uk/uk-residence-card/replace free of charge.

Q5. Why are all visa nationals not routinely issued with a new BRCE when their pre-settled status is auto-extended by two years?

Individuals who are not from the EU, Switzerland, Norway, Iceland or Liechtenstein, and who have a BRCE, will not automatically receive a new card following their pre-settled status extension being applied to their online status. Individuals should replace their BRCE before they travel abroad using the service at: www.gov.uk/uk-residence-card/replace.

We took the decision not to issue new BRCEs when extending pre-settled status as we are phasing out the use of BRCs as we move to a system where all rights can be proved using digital status.

Q6. Why does the auto-extension of pre-settled status take place so close to the original ‘expiry’ date of pre-settled status, such that even if replacement BRCEs were routinely to be ordered for this cohort, these new BRCEs would be unlikely to arrive in time before their original BRCs expire (and therefore give rise to a period of being unable to travel)?

The decision was taken to apply the pre-settled status extensions one to two months before the expiry date of that status, to ensure the status holder has the maximum amount of time to apply for and be granted settled status and thereby avoid the need for their pre-settled status to be extended.

The average processing time for a replacement BRC is currently 35 days, but the time taken to process a replacement card application is affected by several factors, including the time taken by the person to enroll their biometrics. As such, we continue to encourage those applying for a replacement BRC to complete their biometric enrolment as soon as possible to ensure that their replacement card application can be processed without delay.

Question 7 and 8 have been grouped together:

Q7. Would you agree that a policy or set of policies which specifically by its design results in an individual with EUSS status being unable to travel for any period is a de-facto breach of Article 14(1) of the Withdrawal Agreement which states “*Union citizens [...], their respective family members, [...], who reside in the territory of the host State in accordance with the conditions set out in this Title shall have the right to leave the host State and the right to enter it [...] with a valid passport in the case of their respective family members and other persons who are not Union citizens [...].*”? If not, please explain why not.

Q8. Would you agree that a policy or set of policies which specifically by its design results in an individual with EUSS status (which is an Article 18 WA document) being unable to travel for a period of at least two months is a de-facto breach of Article 14(2) of the Withdrawal Agreement which states “*No exit visa, entry visa or equivalent formality shall be required of holders of a valid document issued in accordance with Article 18 or 26.*”? If not, please explain why not.

We do not agree that our policy breaches Article 14(1) or 14(2) of the Withdrawal Agreement. Pending the full integration of digital status in the relevant checking process, their BRC can be relied on by a non-EU national family member as a visa exemption document, where the person is of a nationality which normally requires a visa (or visa exemption document) to travel to the UK. As above, the average processing time for a replacement BRC is currently 35 days.

Q9. Why does the discretion to carriers (to accept digital proof of status in the absence of a physical document) in Section 2.4 of the “Charging procedure: a

guide for carriers” only apply to visa nationals under the EU Settlement Scheme, rather than to all visa nationals who have been issued with an eVisa?

We are still in the process of extending the issue of eVisas to increasing cohorts of immigration status holders. At the point this guide was last updated, the vast majority of visa nationals with an eVisa were those with status under the EUSS. The specific guidance referred to will be updated as the issuance of eVisas is extended, and carriers have been informed that they may use ‘view and prove’ to evidence the status of visa national passengers with an eVisa.

Q10. Why does Section 2.4 of the “Charging procedure: a guide for carriers” only state that carriers may accept View & Prove evidence where visa nationals do not have a visa or visa exemption document, rather than that they must accept this evidence?

In the vast majority of cases, carriers will receive automated messages confirming their passengers’ status and there should be no requirement for carriers to see an alternative proof of status. We cannot mandate the use of the ‘view and prove’ service by carriers. In fact, we do not mandate any specific method for conducting carrier checks, but provide carriers with guidance that sets out how they may be best able to avoid the levying of carriers’ liability penalties. We are in the process of updating that guidance to reflect the further roll-out of digital permissions.

Q11. Given that the “Carrier Integration” programme (whereby carriers can automatically determine from someone’s travel document whether someone has a valid eVisa) is not estimated to be complete until the end of September 2024, why is the Home Office not:

- a. **Ensuring that every visa national with immigration status in the UK is currently still enabled to have a physical BRP or BRC?**

Visa nationals are still being granted physical status documents in the form of vignettes, BRPs or BRCEs (when they don't already hold a valid BRC or BRCE) and this will continue until later in the year for BRPs and BRCEs and into 2025 for vignettes.

- b. **Ensuring that all carriers are familiarised with View & Prove, and mandated to accept such proof from individuals?**

We have already informed carriers that they may use ‘view and prove’ to establish a person’s permission and will continue to do so should they not receive the correct automated messaging for a passenger.

- c. **Supplying a 24/7 helpline for individuals with valid eVisas who are stuck abroad unable to board, so that the Home Office can intervene effectively and instruct the carrier to allow such a passenger to board?**

We are in the process of delivering a dedicated carrier support mechanism and will provide further details once it is available.

Q12. Why are British embassies / consulates abroad unable to help individuals with valid eVisas to return back to the UK when carriers deny them boarding? Can FCDO instruct and empower all embassies / consulates abroad to be able to intervene when individuals with a valid eVisa is denied boarding, especially in the light of the upcoming digitalisation for all combined with the introduction of ETAs and Universal Permission to Travel?

British embassies and consulates are not able to support foreign nationals with UK immigration questions. Anyone with queries about UK immigration is advised to contact the [UKVI Contact Centre](#) for more information.

Those with a valid UK immigration status will not be required to obtain an ETA to travel to the UK.

Q13. We understand that there are some carriers who are delaying implementing integration of Interactive Advance Passenger Information (iAPI) until the ETA programme is fully enforced.

When will the ETA programme be fully enforced?

We recognise that the introduction of the ETA scheme is a substantial change for millions of travellers. We are therefore taking a pragmatic approach to implementation, to provide ample time to allow all those affected to learn about the changes and avoid disruption to travel. This is aligned with the approach many of the UK's international partners have taken to implementing similar schemes, including the USA, Canada, Australia and New Zealand. Learning from the experience of our international partners, we are implementing ETAs on a nationality-by-nationality basis through 2024. Once ETAs have been fully rolled out to all nationalities who need them, the requirement will be strictly enforced. After this point, carriers will not carry those who have not obtained an ETA, but require one, to the UK.

How will these carriers carry any visa nationals after 31 December 2024, given that all existing BRPs and BRCs will have expired by that date, if they have not integrated with iAPI by that date?

We are working closely with carriers across all modes of travel to the UK to help them connect to an interactive Home Office passenger data system.

Q14. Has an impact assessment been carried out for the rollout of eVisas? If so, can you provide us with a copy? And does this impact assessment include the impact on the following cohorts, travelling to the UK after 31 December 2024:

- a. eVisa holders who are on the UK's visa national list, regardless of whether the ETA programme is enforced by 31 December 2024 or not?
- b. eVisa holders of any nationality, once the 'Universal Permission to Travel' principle is enforced?
- c. People with valid UK immigration status who have not been successfully migrated to an eVisa by 31 December 2024?

d. People with eVisas who are unable to successfully update their eVisa with a new travel document? Especially those who are requested to physically send their new travel document to the Home Office before the update can take effect?

An Equality Impact Assessment (EIA) was completed on the first phase of the roll-out of eVisas to EEA nationals on 9 November 2020, which built on the Policy Equality Statement for the EUSS which was published on the GOV.UK website on 18 November 2020:

[Policy equality statement: EU Settlement Scheme \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/policy-equality-statement-eu-settlement-scheme)

A separate EIA considering equalities issues in relation to the use of digital only right to work and rent checks was published on GOV.UK in June 2022:

[Digital only right to work and rent checks: equality impact assessment \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/digital-only-right-to-work-rent-checks-equality-impact-assessment)

All EIAs cover the impact of the policy on people with protected characteristics.

We have completed Data Protection Impact Assessments (DPIAs) for core services.

Q15. What compensation will the Home Office give to individuals with valid eVisas who are stranded abroad and who have to incur costs such as accommodation, replacement flights, visa appointment costs, visa fees, and any opportunity costs associated with their delayed return to the UK?

Aviation alternative dispute resolution exists to help resolve disputes between passengers and airlines/airports and is approved by the Civil Aviation Authority.

Q16. What training is given to all relevant departments within the Home Office, including those administering *all* visa routes, to ensure that all staff are aware of the need for visa nationals with eVisas to still have valid physical proof of status until 31 December 2024, and therefore not to incorrectly advise individuals that an online status will suffice?

Home Office colleagues in customer-facing roles are made aware of updates to the Immigration Rules and associated guidance, and routinely receive training and guidance across a range of changes to Home Office policy, including the transition to eVisas. We continually monitor and review training requirements, refining our training as necessary.

The latest updates and information on the transition from physical documents to eVisas are also publicly available here: [Online immigration status \(eVisa\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/online-immigration-status-evisa).

All visa nationals are still being issued a physical status document in the form of a vignette, BRP or BRCE, and will continue to be until later this year for BRPs and BRCEs and into 2025 for vignettes.

Visa nationals should continue to carry their physical document when travelling internationally, to show carriers they have a valid visa. This will be the case until the technology is in place to enable carriers to check immigration status automatically via systems checks. We anticipate the roll-out of this technology will be completed by the end of 2024, at which point we expect to remove the use of physical documents as proof of immigration status for all nationalities and most routes.

Q17. What training is given to all relevant departments within the Home Office, including those administering all visa routes, to ensure that all staff are aware of difference between BRCs and BRPs and in particular the entirely difference advice that needs to be given to an individual who is stranded abroad with a lost, stolen or expired BRC/BRP respectively?

Home Office colleagues in customer-facing roles are made aware of updates to the Immigration Rules and associated guidance, and routinely receive training and guidance, including on the physical status documents that customers hold.

Public information on lost and stolen BRPs and BRCs is also available here: [Biometric residence permits \(BRPs\): If your BRP is lost or stolen - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biometric-residence-permits-brps-if-your-brp-is-lost-or-stolen) and [UK residence cards: Report a lost or stolen card - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/uk-residence-cards-report-a-lost-or-stolen-card).

Q18. How will you ensure that between now and 31 December 2024, all carriers will completely reverse their current behaviour of insisting on physical documentation for visa nationals and refusing to engage with View & Prove, to instead understand that there will be no physical documentation for anyone from 1 January 2025 and View & Prove is the only fallback available to an individual if iAPI does not work for them?

Over the past year, we have been raising awareness with carriers bringing passengers to the UK across all modes – aviation, maritime and international rail - about the move to digital only immigrations products. We have used a number of different channels and mediums to raise awareness, including events, workshops, information packs, guidance, FAQs and individual meetings. The carrier communications and engagement campaign will ramp up over the next few months and continue into 2025 to ensure that all carriers are aware of changes to the way they conduct pre-departure checks.

Q19. How will you ensure that after 31 December 2024, someone whose View & Prove does not work correctly for them will be able to travel to the UK, especially in the light of recent revelations that more than 76,000 individuals have incorrect data displayed when using View & Prove?

We do not accept the 76,000 figure referenced by The Guardian. As we have made clear, this is an issue which affects a tiny proportion - 0.02% - of our overall immigration customer records, which is less than the 76,000 figure used by The Guardian.

We strongly encourage customers to check their eVisa, using the 'view and prove' service, in advance of travel, and to contact our Resolution Centre if they believe that

there are any issues with their eVisa. We also encourage customers to ensure that any document they wish to travel on is linked to their UKVI account in advance of travel, to avoid any potential delays when travelling.

As part of our move towards a digital immigration system, carriers will receive an automated digital response confirming whether a passenger has a valid permission to travel to the UK. We anticipate the roll-out of the technology required to enable this transition to digital permissions will be completed by the end of 2024. Where we send a response confirming that a passenger has a valid permission to travel to the UK, carriers will not need to use the 'view and prove' service to check a passenger's immigration status. Carriers can also contact the Home Office if they have a query about a passenger.

Q20. How will you ensure, once the UK border is 'pushed out' to pre-boarding checks in the form of Universal Permission to Travel, that individuals with previous refusals will be able to board carriers back to the UK, in light of the fact that they are currently unable to pass through an eGate at the UK border due to those historic refusal records, and instead are referred to Border Force officers for detailed manual inspection of their status?

If a passenger has a valid eVisa or ETA, and they are travelling with a travel document used to make their application (or, in the case of eVisa holders, updated onto their UKVI account), then that will generate the correct response to carriers when the passenger seeks to travel to the UK. This should not be affected by decisions made prior to the granting of their permission.

Q21. Once carrier integration is complete and operational, the Home Office has told us that carriers will not be subject to any fines in cases of the Interactive Advanced Passenger Information service being unavailable. However, will the Home Office also ensure that carriers will not be liable for the cost of returning passengers in the same situation? If not, do you accept that this will lead to many passengers being refused boarding in such situations?

Carriers are nearly always liable for the cost of returning passengers whose removal is required after refusal of entry at the border. This will remain the case.

Yours sincerely,

eVisas Policy Team

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