

To: Seema Malhotra MP  
Parliamentary Under Secretary of State (Minister for Migration and Citizenship) and Parliamentary Under Secretary of State (Minister for Equalities)

CC: D3SF (Digital Status Services Stakeholder Forum)  
FBIS (Future Borders and Immigration System)  
Engagement Team ETA (Electronic Travel Authorisation)  
Engagement Team IMA (Independent Monitoring Authority)

11 June 2025

Dear Minister,

**ETA rules/policy and impact on people travelling to the UK**

Thank you for the reply we received on 6 May<sup>1</sup> from the EEA Citizens' Rights & Hong Kong Unit, to our letter of 16 April<sup>2</sup> about how the ETA rules and Home Office policy prevent people with an EU Settlement Scheme (EUSS) Certificate of Application (CoA) from boarding a carrier to travel back to the UK, even where they have permission to enter the UK.

We note that this response said that the Government would require time to consider the important points and recommendations that we raised in our letter and that a substantive response will be provided in due course.

However, we are today respectfully writing to you on this matter again, given the increasing urgency for people who are affected by the advice not to travel, and given that the3million first started raising this issue with the previous Government over 3 years ago.<sup>3</sup>

Again in this letter we are leaving aside our wider argument that *anyone* with a pending application should be able to travel to, and enter, the UK. Instead we continue to focus here only on those who - under UK Government policy - have been given the right to enter the UK but are unable to start their journey to travel to the UK.

To illustrate the impact this is having on people, we would like in this letter to share the case of someone we very recently spoke to, who falls within one of the categories we have written about, namely someone with an expired EUSS Family Permit and a pending EUSS application.

This category, in particular, is one whose members have been given very explicit permission by the UK Home Office to travel to the UK, but who have subsequently had their travel rights taken away solely because of long delays in processing their EUSS application.

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<sup>1</sup> [the3million.org.uk/publication/2025050601](https://the3million.org.uk/publication/2025050601)

<sup>2</sup> [the3million.org.uk/publication/2025041601](https://the3million.org.uk/publication/2025041601)

<sup>3</sup> See the3million's 'Letter to Home Office about travel restrictions for those with pending EUSS applications' from April 2022 along with Home Office reply from August 2022, and the3million's 'Letter to Home Office about accessing rights for those waiting on a decision on an EU Settlement Scheme application' from April 2023 along with Home Office reply from June 2023, both available at [the3million.org.uk/publication/2022041503](https://the3million.org.uk/publication/2022041503).

## Previous correspondence

We first wrote to the Home Office about this category in our letter of 15 April 2022,<sup>4</sup> in which Question 5b of that letter asked:

If the EUSS application is pending for longer than the validity of their EUSS Family Permit, they are effectively unable to travel and return to the UK, as they are highly likely to be denied boarding. This is despite the fact that the 'border guidance' (p38) states that someone with a pending EUSS application and expired EUSS FP has temporary protection and should be allowed to enter the UK.

i. Why therefore, does the 'carrier guidance' state (our emphasis): "*Visa nationals who have a valid pending application to the EU Settlement Scheme 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.***"?

ii. How is this restriction of travel compatible with Article 18(3) of the Withdrawal Agreement, given that the applicant had been granted an EUSS Family Permit, and has submitted an application for status under the EUSS?

The Home Office response to this question<sup>5</sup> merely described the UK's Carriers' Liability Scheme, the carrier's incentives for denying boarding to someone in this situation, general advice for people in this situation not to travel and concludes by stating that this is consistent with the terms of the Withdrawal Agreement.

On 28 April 2023 we wrote on this matter again,<sup>6</sup> where in Question 22 we asked (with reference to recommendations set out in our November 2022 report to the Independent Monitoring Authority<sup>7</sup>):

What is the Home Office response to our recommendation that "*Policy change should be sought such that any visa nationals currently in the UK with a pending in country EUSS application should be able to freely leave and re-enter the UK, even if their visitor visa, EUSS family permit or other leave to enter the UK has expired while waiting for the Home Office to make a decision on their EUSS application.*"?

The Home Office June 2023 response<sup>8</sup> to this question is grouped along with three others, simply restating that guidance is clear that the holder of a CoA cannot rely on it to travel to the UK. The response avoided answering the details of Question 22.

In July 2024, we wrote to you and the Home Secretary about our 10 urgent EUSS policy proposals.<sup>9</sup> Policy ask 3<sup>10</sup> includes as its first recommendation "*Travel - change Border Force and carrier guidance to allow non-visa nationals, and visa nationals who submitted in-country EUSS applications, to board carriers and enter the UK with a CoA.*"

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<sup>4</sup> [the3million.org.uk/sites/default/files/documents/t3m-letter-HO-PendingEUSSTravel-15Apr2022.pdf](https://the3million.org.uk/sites/default/files/documents/t3m-letter-HO-PendingEUSSTravel-15Apr2022.pdf)

<sup>5</sup> [the3million.org.uk/sites/default/files/documents/HO-reply-t3m-Travellssues-19Aug2022-3.pdf](https://the3million.org.uk/sites/default/files/documents/HO-reply-t3m-Travellssues-19Aug2022-3.pdf)

<sup>6</sup> [the3million.org.uk/sites/default/files/documents/t3m-letter-HO-AccessingRightsWithPendingEUSS-28Apr2023.pdf](https://the3million.org.uk/sites/default/files/documents/t3m-letter-HO-AccessingRightsWithPendingEUSS-28Apr2023.pdf)

<sup>7</sup> the3million's 'Fifth report to the Independent Monitoring Authority (IMA) about the impact of decision-making delays and digital borders on travel', available at [the3million.org.uk/publication/2022112301](https://the3million.org.uk/publication/2022112301)

<sup>8</sup> [the3million.org.uk/sites/default/files/documents/HO-reply-t3m-AccessingRightsWithPendingEUSS-29Jun2023.pdf](https://the3million.org.uk/sites/default/files/documents/HO-reply-t3m-AccessingRightsWithPendingEUSS-29Jun2023.pdf)

<sup>9</sup> the3million's 'Briefing created for the Home Office, for 10 policy proposals for the first 100 days of the new Government. Proposals cover shortfalls and complexities of the EU Settlement Scheme, and the impending catastrophic eVisa cliff-edge of 31 December 2024.', available at [the3million.org.uk/publication/2024071502](https://the3million.org.uk/publication/2024071502)

<sup>10</sup> Policy ask '3. Give full Withdrawal Agreement rights to those waiting in the backlog', available at [the3million.org.uk/wa-rights-backlog](https://the3million.org.uk/wa-rights-backlog)

You replied to us in November 2024,<sup>11</sup> and set out that this category of people does have the right to enter the UK, although their CoA is not a valid visa exemption document and therefore does not allow them to commence their travel back to the UK:

Those with a pending valid initial application under the EUSS receive a Certificate of Application confirming the temporary protection of their rights under Article 18(3) of the WA. While a Certificate of Application is not a visa exemption document – and therefore does not permit the holder to enter the UK without entry clearance where this is required, as is generally the case for those seeking entry other than as a visitor – Border Force will admit an EU citizen with a Certificate of Application if they provide evidence of residence in the UK before and since the end of the transition period, or an EUSS family permit where they have applied to the EUSS as a joining family member.

Finally, in our most recent letter to you of 16 April,<sup>12</sup> we quoted passenger facing guidance which says that the following cohort has the right to enter the UK:

**A CoA holder of any nationality, who is a joining family member, who is in possession of an expired EUSS Family Permit, and is awaiting an initial decision on their EUSS application.** This does not include where they were initially refused their EUSS status and are awaiting the outcome of an administrative review or appeal.

### Example Case study

As mentioned above, we would like to share the story of someone we spoke to over the last few weeks, who falls within this category.

P is the non-EU husband of a British citizen, and they have three British children who are now grown up and some have children of their own, all living in the UK. P also has siblings and nieces and nephews living in the UK.

In the past, P and his wife lived in the UK for a while before the 2007 financial crisis hit his business and left him with huge losses and debt. In order to ensure his wife and children were protected from the consequences of this loss, he moved back to his country of origin to undertake work there and over the years paid off the creditors. His wife and children stayed in the UK because they were of school age. A few years later, when his children were grown up, he moved to an EU country together with his wife, and they started a business there which thrived.

Unfortunately in the spring of 2020 this business was hit by another crisis, the COVID pandemic. At this stage, P and his wife decided they wanted to move permanently back to the UK, to be near their children and family. Whereas his British wife obviously had the right to go back to the UK, P needed to apply for leave to enter and remain in the UK, and therefore started his very long journey to get the right permission from the Home Office.

- In late summer of 2020, he applied for an EEA Family Permit, as was the correct application at the time. He had to wait a very long time, until his application was refused in April 2021, before being overturned on appeal. He was then told in July 2021 that he was not able to be issued with an EEA Family Permit, as these were no longer valid after 30 June 2021. He was

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<sup>11</sup> [the3million.org.uk/sites/default/files/documents/HO-reply-t3m-EUCitizensRights10PolicyAsks-26Nov2024.pdf](https://the3million.org.uk/sites/default/files/documents/HO-reply-t3m-EUCitizensRights10PolicyAsks-26Nov2024.pdf)

<sup>12</sup> [the3million.org.uk/sites/default/files/documents/t3m-ILPA-letter-HO-EUSSCoA-ETA-16Apr2025.pdf](https://the3million.org.uk/sites/default/files/documents/t3m-ILPA-letter-HO-EUSSCoA-ETA-16Apr2025.pdf)

therefore caught up in the lacuna in the rules which required the Home Office to make a concession - see our extended correspondence with the Home Office on this at <https://the3million.org.uk/publication/2021092701>, particularly the Home Office letter of 27 September 2021.

- He finally obtained an EUSS Family Permit in the summer of 2022 - almost **two years** after first trying to get permission to come to the UK. He was devastated to miss the wedding of one of his sons during this time.
- As soon as he got his EUSS Family Permit (EUSS FP), P travelled to the UK and submitted an application for status under the EU Settlement Scheme within a few weeks. A month later he received his Certificate of Application (CoA).
- His EUSS FP initially allowed him to travel, but of course it expired after six months.

Even though UK Border Force guidance specified that he would be allowed entry to the UK with the combination of an expired EUSS FP and a pending EUSS application, this was of no value to him because P is a visa national, and guidance to carriers prohibits carriers to accept an expired EUSS FP, or a CoA, or a combination of the two, as evidence of the right to travel to the UK.<sup>13</sup>

- P has been waiting for an initial decision on his EUSS application for almost three years now. A complaint made last year was not upheld, rather P was told that all he could do was wait. Letters were written both to their previous MP and their new one, but still they are waiting.
- We were told in his mind, P feels like a prisoner. As well as suffering the anguish of not having certainty that he will be granted permission to stay in the UK, he has also not been able to travel for the past two and a half years.
- He has missed several important family events in his country of nationality, including family weddings and funerals of his loved ones.
- His other son is getting married later this year, and although he lives in the UK, the wedding will take place abroad. P is unable to plan to attend the wedding, and is heartbroken at the prospect of having to miss the wedding of one of his children for the second time.

P has done everything that was required of him by the Home Office. His application process started in 2020, and five years on it has still not been resolved. For the first two years he was prevented from travelling **to** the UK, for the last two and a half years he has been prevented from travelling **out of** the UK.

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<sup>13</sup> [www.gov.uk/government/publications/document-checks-and-charges-for-carriers](https://www.gov.uk/government/publications/document-checks-and-charges-for-carriers) - Section 2.3: "Visa nationals who have a valid pending application to the EU Settlement Scheme 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."

Q1. We therefore urge you to accelerate a substantive response to our letter of 16 April 2025.

We would also like to take this opportunity to ask a few further questions related to travelling to the UK. These questions are in the context of eVisas and the rollout of the Electronic Travel Authorisations (ETAs), resulting in the Universal Permission to Travel (UPT) scheme that has been adopted by the UK.

Q2. For a person who has an EUSS CoA, who can successfully generate share codes, and whose current passport is linked to their UKVI account, what response does the Interactive Advance Passenger Information (iAPI) service underpinning the UPT generate when their passport is submitted to this service? Is the response 'Ok to Board', 'Check' or something else?

Q3. For a person who has a valid eVisa, and whose current passport is linked to their UKVI account, but who finds they are unable to generate a share code (for e.g. the right to work in the UK, the right to rent or the general immigration check) due to a technical glitch, what response does the iAPI service generate when their passport is submitted to this service?

Q4. We are receiving a lot of reports from people who are being asked to demonstrate their UK immigration status before being allowed to check-in for, and/or board, a flight back to the UK, across a wide range of carriers and airports, including some less-well known carriers but also for example including British Airways. Can you provide:

- a. What proportion of carriers are consistently using the iAPI service to check UPT for their passengers from every destination from which they fly to the UK?
- b. What proportion of carriers are using the iAPI service to check UPT for their passengers from at least some destinations from which they fly to the UK?
- c. What proportion of carriers are yet to use the iAPI service to check UPT for their passengers from any destination from which they fly to the UK?
- d. What proportion of destinations do not have any carriers flying directly to the UK and using the iAPI service to check UPT for their passengers from that destination?

Q5. We are receiving many reports from people with eVisas who, despite having been successfully checked-in for their flight, and therefore had their UK immigration status checked either via iAPI or another method, are then asked to demonstrate their entitlement again at the boarding gate.

Furthermore we also receive many reports from people who are asked to demonstrate their UK immigration status, who have come prepared with a share code as per UK Home Office guidance,<sup>14</sup> but where the carrier does not want to engage with the share code. Instead the carrier puts the onus on the passenger to log in and show their View & Prove profile page, in the presence of carrier or ground staff. Indeed, some airlines state this in writing, for example Finnair write on their website: *"Please note that most airlines, including Finnair, cannot check your immigration status separately from the internet. Therefore showing the airline agent your Share Code will not work."*<sup>15</sup>

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<sup>14</sup> [www.gov.uk/guidance/making-sure-your-evisa-is-correct-before-you-travel](https://www.gov.uk/guidance/making-sure-your-evisa-is-correct-before-you-travel)

<sup>15</sup> [www.finnair.com/gb-en/travel-documents/travel-documents-to-the-usa--uk--canada-and-australia](https://www.finnair.com/gb-en/travel-documents/travel-documents-to-the-usa--uk--canada-and-australia)

These two issues are leading to a lot of stress especially when people are not very digitally literate, or where it is difficult to obtain internet access - which of course is often the case when outside the UK but on a UK mobile phone contract.

- a. Can you issue communications to carriers to encourage them to minimise the situations where passengers need to go online to prove their status? If this is already the case, would you share a copy of the communications with us?
- b. Will you meet with us to discuss development of systems, complementary to existing systems, which will give passengers a way to securely prove their status offline?

Q6. We understand that the Home Office considers that the ETA process should not yet be fully enforced by carriers. An ETA factsheet published on 9 April<sup>16</sup> says “***In the current transition period***, we do not expect carriers to deny boarding to passengers who cannot produce a valid British passport or certificate of entitlement.” ETA guidance for dual citizens published on 29 May<sup>17</sup> says “***Currently***, if you’re a British dual citizen with a valid passport for one of the nationalities that can get an ETA, you should be allowed to board transport to the UK as normal, without an ETA.”

An article in the Telegraph of 9 June 2025<sup>18</sup> describes the situation of an individual caught up in the uncertainty of this unofficial transition period. They are a dual US-UK national living in the US with an expired British passport, who have booked a trip to the UK. They have established correctly that they cannot apply for an ETA, and they are unable to obtain a British passport in the time available. They have received conflicting advice from the British Consulate and Embassy in the UK, UKVI and its ETA web chat, and from their carrier.

The Telegraph journalist made enquiries on the individual’s behalf, writing (our emphasis): “***I spoke to the Home Office on your behalf and was advised verbally that you should be allowed to board a plane with an expired passport but there was no confirmation that your family would be allowed to enter the UK when you arrived at Heathrow. Of course, without an ETA, you are unable to simply use your US passport upon arriving in Britain as you did the last time you came here in 2019.***

*The ETA factsheet goes on to state: “We recognise that the introduction of the ETA is a substantial change for British dual citizens of ETA eligible nationalities. In the current transition period, we do not expect carriers to deny boarding to passengers who cannot produce a valid British passport or certificate of entitlement.”*

***This would suggest you can enter the UK with your US passport and an expired UK passport, but the Home Office is unwilling to say so on record. Your airline, United, would not confirm to me that you will be allowed to board, and simply referred me back to gov.uk when I contacted them on your behalf.***

*Scouring blogs, social media forums and media coverage for expatriates in ETA-eligible countries, the situation is being described as “a shambles” but it appears people facing this quandary are coming to the UK on expired passports or using an ETA and the valid passport they hold for the*

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<sup>16</sup> [homeofficemedia.blog.gov.uk/electronic-travel-authorisation-eta-factsheet-april-2025/](https://homeofficemedia.blog.gov.uk/electronic-travel-authorisation-eta-factsheet-april-2025/)

<sup>17</sup> [www.gov.uk/guidance/electronic-travel-authorisation-eta-guide-for-dual-citizens](https://www.gov.uk/guidance/electronic-travel-authorisation-eta-guide-for-dual-citizens)

<sup>18</sup> <https://www.telegraph.co.uk/travel/advice/home-office-eta-shambles/>

*country where they now live, falsely claiming on the ETA form that they do not have dual citizenship.*

*The latter option – lying on an immigration form – is risky and understandably not one we would condone nor that you wish to pursue, especially with teenagers in tow.”*

- a. When is this transition period scheduled to end, and ETAs due to be fully enforced?
- b. How is this transition period communicated to carriers?
- c. What recourse do passengers (especially dual British citizens at whom this guidance is aimed) have to remind carriers of this transition period? Will you provide a clear public statement of this on your website?
- d. Can the transition period be codified in the Immigration Rules, so that legal advisors can advise clients on the Rules they *must* meet?

Q7. Will you confirm that EU citizens who have an ICAO-compliant biometric National Identity card, will be able to use these to travel to the UK after 31 December 2025, and indefinitely beyond that date, in accordance with Article 14 of the Withdrawal Agreement?

We look forward to your substantive response to our letter of 16 April 2025, and to responses to the questions above.

Kind regards,

Monique Hawkins, Policy & Research Manager, the3million

Zoe Bantleman, Legal Director, Immigration Law Practitioners' Association (ILPA)