

This document presents rights of EU citizens and their family members without EU Settlement Scheme (EUSS) status in three tables, as explained below. For completeness, we have also included two tables on EU and non-EU citizens who **do** have status, as there can still be issues with travelling for some of these citizens.

Throughout this document, we refer to guidance, "[EEA nationals at the border post grace period](#)" (version 7.0 at time of writing) as 'border guidance' throughout the tables. We use the abbreviation of LOTR to mean "Leave Outside The Rules" and CoA to mean "Certificate of Application".

See also guidance "[Entering the UK under the EU Settlement Scheme and EU Settlement Scheme family permit](#)", referred to as 'EUSS travel guidance'.

1. **EU CITIZENS – continuously resident in UK since 31 December 2020, not yet granted EUSS status**
2. **NON-EU FAMILY MEMBERS – continuously resident in UK since 31 December 2020, not yet granted EUSS status**
3. **JOINING FAMILY MEMBERS (all nationalities), whose continuous residence did not commence by 31 December 2020, not yet granted EUSS status**
Family members who were not living in the UK by 31 December 2020, or who were but have since broken their continuity of residence. This group will be made up of both EU and non-EU citizens, and non-EU citizens can be [visa or non-visa nationals](#).

They will be someone who:

- is not able to demonstrate continuous residence that started before 1 January 2021; but
- is a family member of an EU citizen who:
 - has EUSS status or is exempted from applying (e.g. Irish, relevant Northern Irish, or Lounes dual citizens); and
 - whose EUSS status is based on UK residence that commenced by **31 December 2020**.

4. **ALL NATIONALITIES - with a grant of pre-settled or settled status under the EUSS**

CAVEATS:

- These tables will not address situations where there are suitability, criminality or exclusions issues in play, as that would obviously alter what could happen at the UK border.
- We also are not addressing complex situations such as refusals where an appeal / administrative review was not made before the deadline. Or where a non-EU applicant is relying on a historical acquisition of EU permanent residence but is no longer connected to the EU family member.

* When we use EU citizens in this document, we use it as shorthand to include all EEA and Swiss citizens.

1. EU citizens – continuously resident in UK since 31 Dec 2020

EUSS application?	Can travel back to the UK (carriers)?	Can re-enter the UK (border)?
<p>No EUSS application</p> <p>See pages 48 and 60 of border guidance. See this section of the EUSS travel guidance.</p>	<p>They should not travel as they will face problems proving to carriers that they have permission to travel to the UK. Likely to be refused boarding as they will not hold an ETA or have an eVisa meaning the carrier will not receive a 'permission to travel' message from the Home Office.</p>	<p>They will face problems re-entering the UK.</p> <p>Likely to be refused entry and removed unless there are "compelling / compassionate circumstances", in which case they should be granted a period of LOTR (usually for 28 days).</p>
<p>Pending EUSS application</p> <p>See page 60 of border guidance. See this section of the EUSS travel guidance.</p>	<p>Carriers should receive a 'permission to travel' message from the Home Office if their travel document is the same one they applied to the EUSS with.</p> <p>If they have changed their travel document since applying to the EUSS, the carrier will not receive a 'permission to travel' message and instead will either need to check a share code or contact the Home Office Carrier Support Hub before allowing travel to the UK.</p>	<p><u>Waiting for first decision – in-time applicant</u></p> <p>Those who made in-time applications should be able to rely on their CoA at the border and should not need to demonstrate evidence of residence by 31 December 2020. However, they are likely to be refused entry and removed if there is evidence that they were not resident by 31 December 2020, unless there are "compelling / compassionate circumstances", in which case they should be granted a period of LOTR (usually for 28 days).</p> <p><u>Waiting for first decision – late applicant</u></p> <p>Those who made late applications will need their CoA at the border and will likely be asked for evidence that they were resident in the UK by the end of the transition period on 31 December 2020 and have remained continuously resident since this date. Likely to be refused entry and removed if there is no evidence of residence by 31 December 2020 unless there are "compelling / compassionate circumstances, in which case they should be granted a period of LOTR (usually for 28 days).</p> <p><u>Waiting for outcome of administrative review/out of country appeal</u></p> <p>In cases where the Home Office have refused the in-time application and the person has submitted an administrative review or out of country appeal, they should also carry evidence that they were resident in the UK by the end of the transition period, 31 December 2020 and have remained continuously residence since this date. Likely to be refused entry and removed if there is no evidence of residence by 31 December 2020 unless there are "compelling / compassionate circumstances, in which case they should be granted a period of LOTR (usually for 28 days).</p> <p><u>Waiting for in-country appeal</u></p> <p>If the Home Office have refused the in-time application and the person has submitted in-country appeal, they have the right to enter the UK relying on their CoA as long as they are not seeking entry at a 'juxtaposed port'.</p>

2. Non-EU family members – continuously resident in UK since 31 Dec 2020

EUSS application?	Can travel back to the UK (carriers)?	Can re-enter the UK (border)?
<p>No EUSS application, and no (or only expired) EUSS Family Permit</p> <p>See page 61 of border guidance.</p>	<p>They should not travel as they will face problems proving to carriers that they have permission to travel to the UK.</p> <p>Likely to be refused boarding as they will not hold an ETA or have an eVisa meaning the carrier will not receive a 'permission to travel' message from the Home Office.</p>	<p>They will face problems re-entering the UK.</p> <p>Likely to be refused entry and removed unless there are "compelling / compassionate circumstances", in which case they should be granted a period of LOTR (usually for 28 days).</p>
<p>Has in-date EUSS Family Permit.</p> <p>See page 63 of border guidance. See this section of the EUSS travel guidance.</p>	<p>Carriers should permit boarding after inspecting the EUSS Family Permit to confirm it is valid (i.e. has not expired).</p>	<p>They can enter and leave the UK freely for 6 months (until their EUSS Family Permit expires).</p>
<p>Pending EUSS application, but no (or only expired) EUSS Family Permit</p> <p>See page 61 of border guidance. See this section of the EUSS travel guidance.</p>	<p><u>Non-visa nationals</u> Carriers should receive a 'permission to travel' message from the Home Office if their travel document is the same one they applied to the EUSS with. If they have changed their travel document since applying to the EUSS, the carrier will not receive a 'permission to travel' message and instead will either need to check a share code or contact the Home Office Carrier Support Hub before allowing travel to the UK.</p> <p><u>Visa nationals</u> Likely to be refused boarding unless they have an in-date EEA BRC / valid EUSS Family Permit, eVisa or other valid residence document. A certificate of application alone is not sufficient for carriers to permit travel.</p>	<p><u>Waiting for first decision – in-time applicants</u> Those who made in-time applications and have a valid or expired UK-issued EEA BRC/Family Permit should be able to rely on their CoA at the border and should not need to demonstrate evidence of residence by 31 December 2020 if they are relying on the same family relationship. Those who do not have a valid or expired UK-issued EEA BRC/Family Permit but can demonstrate both residence by 31 December 2020 and family relationship, should be granted a period of LOTR. Likely to be refused entry and removed if they do not have a valid or expired UK-issued EEA BRC/Family Permit and there is no evidence of residence by 31 December 2020 and / or the family relationship is challenged; unless there are "compelling / compassionate circumstances", in which case they should be granted a period of LOTR (usually for 28 days).</p> <p><u>Waiting for first decision – late applicants</u> Those who made late applications will need their CoA at the border and will likely be asked for evidence that they were resident in the UK by the end of the transition period on 31 December 2020 and have remained continuously residence since this date, as well as evidence of their family relationship (which could be a valid or expired UK-issued EEA BRC/Family Permit). Likely to be refused entry and removed if they do not have a valid or expired UK-issued EEA BRC/Family Permit and there is no evidence of residence by 31 December 2020 and / or the family relationship is challenged; unless there are "compelling / compassionate circumstances", in which case they should be granted a period of LOTR (usually for 28 days).</p> <p><u>Waiting for outcome of administrative review/out of country appeal</u> Likely to be refused entry and removed if the Home Office have refused the application and the person has submitted an administrative review or out of country appeal unless there are "compelling / compassionate circumstances", in which case they should be granted a period of LOTR (usually for 28 days).</p> <p><u>Waiting for in-country appeal</u> If the Home Office have refused the in-time application and the person has submitted an in-country appeal, they have the right to enter the UK relying on their CoA as long as they are not seeking entry at a 'juxtaposed port'.</p>

3. Joining family members - all nationalities, without continuous residence from before 31.12.2020

EUSS application?	Can travel back to the UK (carriers)?	Can re-enter the UK (border)?
<p>No EUSS application, and no (or only expired) EUSS Family Permit.</p> <p>See page 63 of border guidance.</p>	<p>Likely to be refused boarding as they will not hold an ETA or have an eVisa meaning the carrier will not receive a 'permission to travel' message from the Home Office.</p> <p>Visitors If they are visiting the UK, they will need to obtain an ETA (non-visa nationals) or a visit visa (visa nationals) before travelling. In these cases, the carrier should receive a 'permission to travel' message from the Home Office.</p>	<p>They will face problems re-entering the UK.</p> <p>Likely to be refused entry and removed, unless there are "compelling / compassionate circumstances", in which case they should be granted a period of LOTR (usually for 28 days).</p> <p>Entry as a visitor Can still enter the UK as a visitor with an ETA (non-visa nationals) or a visit visa (visa nationals) if a border officer accepts that they meet the visiting rules i.e., genuinely intend to visit for a period of up to 6 months. As a visitor must leave the UK, they can re-enter as a joining family member once their EUSS status / EUSS Family Permit (as applicable) is granted.</p>
<p>Has in-date EUSS Family Permit.</p> <p>See page 63 of border guidance. See this section of the EUSS travel guidance.</p>	<p>Carriers should permit boarding after inspecting the EUSS Family Permit to confirm it is valid (i.e. has not expired).</p>	<p>They can enter and leave the UK freely for 6 months (until their EUSS Family Permit expires).</p>
<p>Pending EUSS application - but no (or only expired) EUSS Family Permit.</p> <p>See page 63 of border guidance. See this section of the EUSS travel guidance.</p>	<p>Non-visa nationals Carriers should receive a 'permission to travel' message from the Home Office if their travel document is the same one they applied to the EUSS with. If they have changed their travel document since applying to the EUSS, the carrier will not receive a 'permission to travel' message and instead will either need to check a share code or contact the Home Office Carrier Support Hub before allowing travel to the UK.</p> <p>Visa nationals Likely to be refused boarding unless they have an in-date EEA BRC / valid EUSS Family Permit, eVisa or other valid residence document. A certificate of application alone is not sufficient for carriers to permit travel.</p> <p>Visitors If they are visiting the UK, they will need to obtain an ETA (non-visa nationals) or a visit visa (visa nationals) before travelling. In these cases, the carrier should receive a 'permission to travel' message from the Home Office.</p>	<p>Waiting for first decision – with an (expired) EUSS Family Permit If they have an expired EUSS Family Permit, they should be able to rely on their CoA at the border along with the EUSS Family Permit.</p> <p>Waiting for first decision – without an EUSS Family Permit Otherwise, they are likely to be refused entry and removed unless there are "compelling / compassionate circumstances", in which case they should be granted a period of LOTR (usually for 28 days).</p> <p>Waiting for outcome of administrative review/out of country appeal Likely to be refused entry and removed unless there are "compelling / compassionate circumstances", in which case they should be granted a period of LOTR (usually for 28 days).</p> <p>Waiting for in-country appeal If the Home Office have refused the late application and the person has submitted in-country appeal, they have the right to enter the UK relying on their CoA as long as they are not seeking entry at a 'juxtaposed port'.</p> <p>Entry as a visitor Can still enter the UK as a visitor with an ETA (non-visa nationals) or a visit visa (visa nationals) if a border officer accepts that they meet the visiting rules i.e., genuinely intend to visit for a period of up to 6 months. As a visitor must leave the UK, they can re-enter as a joining family member once their EUSS status / EUSS Family Permit (as applicable) is granted.</p>

4. All nationalities with pre-settled or settled status

EUSS application?	Can travel back to the UK (carriers)?	Can re-enter the UK (border)?
<p>Has been granted EUSS status.</p> <p>See this section of the EUSS travel guidance.</p>	<p>Carriers should receive a 'permission to travel' message from the Home Office if their travel document is linked to their UKVI account.</p> <p>If they have not updated their UKVI account with the travel document they are using, the carrier will not receive a 'permission to travel' message and instead will either need to check a share code or contact the Home Office Carrier Support Hub before allowing travel to the UK.</p>	<p>Yes.</p> <p>If their travel document is not linked to their UKVI account and they are not able to use an eGate to enter the UK, it may be necessary for a border officer to establish they have been granted pre-settled or settled status before permitting entry,</p>