
Speaking for ourselves



the 3 million

10 years on from Brexit

About the3million

the3million represents EU citizens and their family members who made the UK their home before Brexit.

Download a digital copy of our previous "Digital Status Crisis" report:



Download a digital copy of our proposals on fixing the digital status :



10 years on and issues remain

The 23rd of June 2016 transformed the lives of millions of EU citizens living in the UK. A country they called home was suddenly a different place.



After the Brexit Referendum, both campaigners and successive governments promised that for EU citizens already living in the UK, “nothing will change”. Ten years on from those promises, the reality is very different for many. There continue to be people whose status has not been recognised under the EU Settlement Scheme (EUSS). Many still don’t know that they needed to apply. Many are still waiting - sometimes for years - to get a decision on their application.

And problems do not stop with getting status. Many struggle to access the rights they’re entitled to, due to barriers thrown up by the system - whether legislative, bureaucratic or digital.

The ten year anniversary has to be a time to reflect on the broken promises and for the UK government to recommit to ensuring those who have made the UK their home can live here securely. Recently a Upper Tribunal Judge described the rules and eligibility criteria of the EUSS as: *“Like Alice in Wonderland one falls down a rabbit hole and stumbles across a circular race.”* For the millions of people navigating the rabbit hole the metaphor encapsulates the hoops and administrative red tape that can make proving your rights to public support, travel, work, study and renting in the UK impossible.

10 years on and issues remain

Excluded from status

Many EU citizens or their family members still do not have the status they are entitled to. This covers three main groups:

- **WITHOUT ANY RIGHTS:** people who are eligible, but haven't made an application.
- **WAITING:** people who have applied but are still waiting for a final decision on their application, having only a Certificate of Application (CoA) to give them inferior, and temporary rights.
- **MISSING OUT ON SETTLED STATUS:** There are nearly 1.1 million people who arrived in the UK over 5 years ago and still only have pre-settled status - a much more fragile status, which can leave people facing a serious struggle to access support and security.

Losing status

People are increasingly worried about the future of their status:

- The Home Office has introduced **new procedures for removing pre-settled status** from those where they think, based on travel data that is sometimes seriously flawed, that people have left the UK.
- Increasingly the Home Office is also **revisiting original grants of status**, claiming their caseworkers made an 'error' years ago when granting status. People in this situation see their rights, and those of their family members, fall off a cliff.

Denied rights despite having status

Even having EUSS status does not mean people can easily and reliably prove their rights. EUSS status holders were the guinea pigs for eVisas - a digital-only status now rolled out to all 10 million migrants in the UK. eVisa problems include:

- **Digitally excluded people struggle to assert their rights** - to work, rent, access healthcare and support, and travel to the UK.
- **Advice sharks can gatekeep the digital status** - charging for every time someone needs to produce a sharecode.
- Persistent Home Office errors mean that many **people with rights cannot prove those rights**.
- Increased digitisation across Government departments leaves **many experiencing digital lockout**.

10 years on and issues remain

Cutting across all three areas is a dire lack of support. This risks a repeat of the Windrush scandal, where people who **have** rights on paper cannot **prove** those rights in practice.

- The Home Office initially funded organisations to help **vulnerable people apply to the EUSS**. In March 2026, this was terminated, resulting in a desperate legal support vacuum for those who are only now realising Brexit has left them undocumented - disproportionately the most vulnerable among us.
- Separately, the Home Office funded organisations to help people with the **initial set-up of their eVisa**. This funding was also terminated in March 2026. We receive reports daily from people who cannot prove their rights, and cannot get the Home Office's Resolution Centre to help.

In any case, none of this funding helped people who struggle **to access their eVisa on an ongoing basis**. Neither was there any funding available for people to **challenge letters from the Home Office about removing their status**. This is justice as a privilege of the rich and educated.



To ensure the rights of EU citizens and their families are fully protected, as promised before, during and after the Brexit Referendum 10 years ago, the Government must:

Urgently reinstate and expand Government funding for organisations to provide reliable and appropriate legal support to vulnerable citizens. The scope of this funding must include:

- Helping people to get the status they're entitled to, especially those who have previously tried and failed repeatedly due to lack of understanding or lack of qualified advice;
- Helping people to prove their status and access their rights on an ongoing basis, including where people are digitally excluded or their eVisa is malfunctioning;
- Helping people respond to letters they receive from the Home Office saying their status might be removed.



Increase Home Office EUSS caseworking resources to ensure that people do not have to wait months or even years for a decision on their applications, and that decisions are correct first time. Between 30% and 50% of decided appeals have overturned a refusal, taking up valuable court time and increasing people's time in limbo.



Increase Home Office Resolution Centre resources to address the serious issues that many eVisa holders face in accessing their rights:

- Ensure that it is easier for people to speak to a real person by telephone;
- Even complex technical problems should be resolved within a day rather than three weeks or more;
- Improve development processes to avoid problems affecting thousands of statuses, caused by software bugs and insufficient testing.



Improve the eVisa system before it is used as a basis for national Digital ID:

- provide a stable, reliable and secure physical backup;
- conduct a full independent review of the eVisa system.



Remove the administrative barrier for pre-settled status holders which requires them to pass an additional right to reside test in order to access mainstream welfare support.



Immediately start applying proportionality assessments before leaving pre-settled status to expire, in cases where the Home Office claims that status was originally 'granted in error'.



Improve Home Office transparency by committing to publishing statistics on:

- eVisa errors
- Cancellation of EUSS status
- EUSS status granted in error



Excluded from status

WITHOUT ANY RIGHTS

The final deadline to apply for status under the EUSS was 30 June 2021, and applicants had to prove they were in the UK before 31 December 2020.

Even ten years after the Brexit referendum, there are **still people who do not know they should have applied to the scheme**. Just as with the Windrush scandal - it can be decades before someone realises the need to take action. Awareness is triggered by life events such as changing jobs or homes, landing in hospital, or taking a journey abroad and trying to return back to the UK. Those primarily impacted are children, the elderly, long-term residents of the UK, and other vulnerable groups.

The most recent Home Office statistics show EUSS status continues to be granted to 'late applicants' - those who missed the June 2021 deadline. On average, there have been **5,100 such grants a month for each of the 57 months since the deadline**, showing just how many people are still likely to be out there - eligible for status under the EUSS but currently without any rights.

However, making a late application is increasingly difficult:

- People must justify why their application is late. This has now become almost impossible without legal support.
- Vulnerable people with complex lives struggle to navigate the online application, and to find evidence of residence going all the way back to 2020.

WAITING

Applicants can face incredibly long waits before their status is granted.

- On 31 December 2025, nearly 15,000 applicants had been in the EUSS backlog for over two years. Over 8,000 of them had been waiting at least four and a half years - having applied before the June 2021 deadline.
- EUSS refusals can no longer be submitted for administrative review. People instead have to go through the appeal process

- where 30-50% of decided appeals overturn a refusal. Average waits for a court date are more than nine months.

While waiting, people have inferior, temporary rights. The Home Office does not accept that a Certificate of Application (CoA) gives a right to travel to the UK. Many are too scared to leave the UK, even for important reasons like attending a family funeral. The DVLA refuses to issue or renew driving licences to those with only a CoA. This seriously hampers those who need to drive for their job, or who are caring for a family member.

MISSING OUT ON SETTLED STATUS

Pre-settled status is a **much more fragile status**, which can leave people facing a serious struggle to access support and security. This is because they **cannot access welfare** without overcoming a complex 'Right to Reside' hurdle imposed by the DWP. The Home Office 'Right to Reside' is not enough - giving rise to a hidden form of No Recourse to Public Funds (NRPF). Many will be eligible on paper but are denied in practice due to the complexity.

There are nearly 1.1 million people who arrived in the UK over 5 years ago and still only have pre-settled status. While some of this cohort will have left the UK, there will be hundreds of thousands of people who are entitled to settled status.

We welcome recent Home Office processes to automatically upgrade pre-settled to settled status, which has helped around 104,00 people so far. But those without a five year HMRC / DWP digital footprint cannot benefit, and several cohorts are removed from the process altogether, including children and non-EU family members.

Making a manual upgrade application poses serious challenges for many - again the most vulnerable - as it can be difficult to evidence residence if your name is not on the bills, if you've not been in a regular job, if you are vulnerable or your life is complex.

Excluded from status

Vera* is an EU citizen who moved to the UK at the age of 10 and attended primary and secondary school here. When she was 15, her parents decided to move the family back to the EU, partly due to uncertainty following the Brexit referendum.

In 2024, the family returned to the UK, and submitted applications to the EUSS. Her parents and brother got settled status very quickly, but Vera's application seemed to get stuck in the system. She phoned the Home Office regularly but she was always told that it was in progress, and she just had to wait.

In August 2025, Vera had to travel to Sweden urgently because a relative was facing an emergency. She did not realise that she might struggle to return home to her family in the UK, especially because she had already made a few trips abroad (while waiting for her status) without problems.

On this occasion, however, on landing back in the UK Vera was stopped and detained. Despite evidence of her pending EUSS application and her residence, work and family in the UK, Vera was told that she would have to return to Denmark where her flight had come in from.

They told her to withdraw her EUSS application before making another attempt to enter the UK again. She did so, only to be told later by a solicitor that this advice was wrong. She then struggled to get another late application accepted by the Home Office, each attempt getting rejected. She lost her job because she could not prove her right to work, and spent months trying to resolve her case. Finally, after severe stress led her to being unable to sleep and placed onto medication, Vera spoke to the3million who have been able to find pro-bono legal representation for her. Vera has now, finally, been able to secure settled status, after facing a system which no teenager should be forced to try and navigate.



“I have been living in the UK continuously since 2004 and applied for Permanent Residence status in 2017, as soon as Brexit implications became clear. I was unaware that the PR status was becoming invalid for EU citizens until this week, when I read an article highlighting such cases, firmly believing that my PR status secured several years before Brexit was enough, as indicated by "no restrictions" stated in the Home Office letter and the booklet I received with my Permanent Residence card.”

“This situation is having a significant impact on me. I am applying for jobs, but the uncertainty surrounding my right-to-work date and lack of clarity on whether I can remain in the UK makes it very difficult to plan my life.”

LOSING STATUS

Problems do not stop for people when they are granted status. For many that is just the start of a complicated journey for finding stability in the UK. As the Government has focused on reducing migration, people already here are increasingly anxious about what their future will look like in the UK.

As beneficiaries of the Withdrawal Agreement, holders of EUSS have additional protections against changes to domestic immigration policies such as the Government's 'Earned Settlement' proposals. Yet from the media and rhetoric around migration, people continue to report feeling unsettled about what policy changes they might face after the next general election.

Despite the protection from large-scale domestic immigration changes, EUSS holders are fearful about their ability to keep their status and rights.

REMOVAL OF PRE-SETTLED STATUS FOR LONG ABSENCES

On 9 April 2026 the Home Office began a curtailment process for pre-settled status holders with excessive absences. While the Home Office does have the right to remove status from those who no longer live in the UK there are remaining concerns on the procedural safeguards of this policy:

- The process uses Home Office travel data to discern who has been outside of the UK. This data can be very flawed and unreliable. Last year HMRC used this same data to wrongfully cut child benefit from thousands who had not in fact left the UK.
 - Just one missing inbound trip to the UK can mean a person can be mistaken for having excessive absences.
 - People are only given 28 days to respond to a letter from the Home stating they may want to cancel their status to provide evidence that they still reside in the UK.
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GRANTS ALLEGEDLY 'MADE IN ERROR'

There is an increasing number of people who are being told that their initial grant of EUSS status was 'made in error'.

- For people with pre-settled status this means their status is simply left to 'fall off a cliff', rather than being renewed as it nears expiry (under the Withdrawal Agreement, pre-settled status is not allowed to expire). The Home Office does not apply any proportionality assessment, as they claim the applicant is not protected under the Withdrawal Agreement, and people have no appeal right against their status expiring.
- For those with settled status, the Home Office doesn't take away their immigration status, but strips them of all Withdrawal Agreement rights. This includes their right to sponsor family members, leaving entire families without a clear way to stay together. Existing family members with pre-settled status are unable to progress to settled status, and newborn children are denied a status under the EUSS.

Ironically, in some cases, the Home Office is making an error now when it says it originally granted status in error. This shows how essential it is to have due process, and have full procedural safeguards around any loss of status or Withdrawal Agreement rights - including a full proportionality assessment and right of appeal. The Home Office has refused to disclose the number of people who have been told their status was granted in error.

LOSING STATUS

“I have built my entire life in the UK on the basis of that status... The uncertainty created by the Home Office letter is causing significant stress and anxiety for me and my family. I am worried about the security of my current pre-settled status and whether my rights to work, rent, study and access services in the UK could be affected.

....Not having clarity about my immigration status leaves me feeling vulnerable and unsure about my future in the UK.”



Timothy moved to the UK from South Africa in 2020, sponsored by his wife with a spouse visa. Prior to his move, he was awaiting documentation from Germany confirming his German citizenship. Although this evidence was required by the end of 2020, delays in the German administrative process meant that confirmation was not received until late 2021. When he did receive proof, it didn't clearly show when nationality was conferred. Nevertheless, he explained his citizenship from birth to a Home Office caseworker, and in 2022, Timothy was granted pre-settled status under the EUSS.

However, in February 2026, when applying for settled status, he was informed that his pre-settled status had been granted in error, creating significant uncertainty about his right to remain in the UK. Having sold his home and possessions in South Africa to relocate, returning was not a realistic option.

With support from the3million and Wilsons Solicitors, Timothy repeatedly attempted to resolve the issue with the Home Office. Despite requests for direct engagement with his caseworker, communication was limited and prolonged. At one stage, he was given only one week to obtain additional evidence from the German authorities, despite the practical difficulties of securing documentation from overseas government departments within such a time frame.

After months of stress and uncertainty, , and with considerable legal support, Timothy was finally granted settled status in May 2026.

DENIED RIGHTS DESPITE HAVING STATUS

With the roll-out of the EU Settlement Scheme (EUSS) in 2018, the Home Office introduced the UK's first digital-only immigration status, now called an eVisa. This caused widespread concern at the time - a large-scale survey-based research on the EUSS by Northumbria University in 2019 showed over 89% of respondents were unhappy about the lack of a physical document.

EVISA PROBLEMS

People must prove status by generating a 9-digit 'share code'; and giving it to the person or organisation checking the status, who must then be willing to enter that code on a Home Office website. Producing a 'share code' depends on having a smartphone and access to the internet, Home Office website services being operational, and Home Office databases being correct. It further depends on access to a linked mobile number or email address. This is intended for a level of security but **can be abused by advice sharks** gatekeeping someone's eVisa and repeatedly charging a fee for proof of status. Digitally excluded people struggle to engage with the system at all.

Over the last 8 years, the3million has tracked and documented many failures and shortcomings of the system. These problems happen for a range of reasons.

At the one end, the **eVisa system relies on a confusing interaction of website links and mobile scanning apps**, so it is easy for individuals to inadvertently create duplicate digital accounts. This results in error messages or incorrect status, and requires Home Office technical intervention to correct.

At the other end, errors in various Home Office bulk processes have resulted in thousands of individuals seeing their settled status downgraded to a pre-settled status, their **pre-settled status wrongly showing as expired**,

or even tens of thousands of people having their names, photos and status mixed up with those of other people - serious breaches of data protection.

The systems also suffer outages from time to time - whether planned for system maintenance or unplanned through technical failures. At such times, none of the 10 million eVisa holders can view or prove their immigration status.

Whatever the reason, a malfunctioning eVisa can cause serious impact:

- **Denied boarding** a plane, train or ferry back to the UK. Carriers are incentivised by punitive liability rules to deny boarding if there is any doubt about someone's right to enter the UK. Existing aviation regulations provide no protection or compensation for people in this situation. Costs for alternative flights and extra accommodation can spiral quickly.
- **Losing jobs and rentals.** Home Office guidance states that employers and landlords should not discriminate against those who have problems with digital status, and must use alternative methods to verify status such as contacting the Home Office. However, the reality is very different as both landlords and employers can face up to 5 years in prison and prohibitive fines for employing or renting property to someone without status. Many therefore avoid the risk, by simply choosing another candidate with a functioning eVisa.
- **Denied access to public services.** Without a correctly functioning eVisa, all aspects of life become more difficult in the UK - whether it's continued access to healthcare, welfare or bank accounts, getting married or obtaining a driving licence.

DENIED RIGHTS DESPITE HAVING STATUS

Getting errors fixed can be an uphill battle

- The Home Office's 'Resolution Centre' has been overwhelmed for several years. Only very recently have the Home Office reinstated time frames within which they aim to fix problems (up to 15 days if an issue is complex). However, we still hear from people who cannot get an issue resolved, being passed from pillar to post and struggling to speak to a human staff member who can take ownership of a problem.
- To date, the Home Office has not published the number of error reports it has received - despite Freedom of Information requests and parliamentary questions.

“I have tried contacting via the phone number, error reporting system, and chat system with a virtual and real advisor of the govt web site, but they have not been able to provide a solution, except to ask me to do it again.”



When boarding a flight back to the UK from Germany after celebrating her mother's 80th birthday, Sooja was able to check in online and get her boarding pass as she normally would. However, right before boarding, airline staff asked her to prove her right to enter the UK. As Sooja had travelled countless times without having to prove her settled status, she was surprised to be asked for further proof of her immigration status.

The staff were not helpful in directing her to the correct webpage to generate a share code. Sooja had received her settled status some years earlier and was not aware of the requirement to add new passports to her UKVI account. She became increasingly frustrated and upset as staff questioned her ability to return home without providing any guidance on how to resolve the situation.

The Home Office operates a helpline for carriers to call when they are unable to confirm a passenger's right to return to the UK. This was not used. Instead, staff incorrectly advised Sooja that she could apply for an Electronic Travel Authorisation (ETA) at a higher than normal fee. As her fear of being unable to return home grew, Sooja became increasingly distressed, describing the moment as extremely stressful and saying she was unable to think clearly.

Eventually, Sooja was denied boarding and had to watch the plane leave for Scotland without her, while her partner travelled home alone. She returned to her mother's house and contacted the Home Office to upload her most recent passport to her account. Sooja was able to return to the UK after three days. The experience of being unable to rely on her settled status has been deeply unsettling. People need to be able to trust that they can prove their right to return home.

DENIED RIGHTS DESPITE HAVING STATUS

INCREASED DIGITISATION ACROSS GOVERNMENT DEPARTMENTS

the3million has been raising concerns over how digital identification programmes identify and confirm users' identities since the rollout of EUSS. For someone to access online public services such as tax records through HMRC, or to create a OneLogin account, they need to use a smartphone application to scan their passport to prove their identity.

- **People experience digital lockout** if their name as scanned from the Machine Readable Zone (MRZ) of their passport does not match the name held by the UK state.
- There are international standards that dictate how MRZs translate non-Latin alphabets, transliterate accents or truncate a long name, yet the **current technical programmes do not apply the same logic**.
- Equally, many countries have national legislation that insists someone's MRZ name does not change after marriage, though the Visual Inspection Zone (VIZ) of their passport will display the married name.
- So, for many people, **the MRZ name may not be a correct representation of their name**. Yet this imperfect representation of their name is being used to determine access to the UK state.

Other Government departments such as the DVLA, DWP and the NHS have increasingly automated their service eligibility decisions by matching against Home Office immigration status. This is causing seemingly intractable problems for many, and disproportionately impacting married women who are known to the state by their married name, but where Home Office immigration status displays their birth name as originally derived from their passport MRZ.

As the Government moves to digitalise a majority of their services, it's essential that all UK residents are able to access the state.

INTERACTION WITH NATIONAL DIGITAL IDENTITY PROPOSALS

Last year, the Government announced that a national Digital ID will be rolled out for all UK residents.

- The current project for digital ID will be building on the existing digital identification services, such as One Login, Government Gateway and the eVisa system. The concern is that the digital lockout for existing non-UK citizens will continue.
- Parliamentary Select Committees have recently recommended that the immediate problem around data quality, access and errors be redressed before rolling out any further digital programmes:
 - The Home Affairs Select Committee (published 20 May 2026) recommends: *"The government should learn from the errors that have affected the eVisa system in developing digital ID, as well as ensuring that opportunities to improve eVisas through the development of digital ID are not missed. In particular, the government should consider whether eVisas should be transferred into the digital ID system, so that in the future all UK residents can access a stable, tokenised digital form of proof of right to work."*
 - The Science, Innovation and Technology Committee (published 3 June 2026) recommends: *"It would be irresponsible to roll out a digital ID built on the UK's current digital infrastructure. The public sector holds citizens' data on trust, and should therefore hold itself to a higher standard. The operational and security problems relating to the eVisa system, One Login's temporary loss of certification against the government's own digital identity framework, and the inadequate data hygiene examined in this report all make this clear."*

DENIED RIGHTS DESPITE HAVING STATUS



Catherine encountered problems using her settled status to access essential services. Catherine has lived in the UK for over thirty years and has been known to the UK state by her married name for decades. She was part of the first cohort that received settled status and did not experience any issues for years, but as the UK has been moving to more digital programmes Catherine has found herself locked out of public services.

The problem Catherine has is shared by many EU citizens in that her passport does not and cannot feasibly reflect her married name in the Machine Readable Zone (MRZ).

This is because her country's national legislation dictates that the MRZ always contains the name she had from birth, and that married names are only reflected in the Visual Inspection Zone (VIZ) of her passport.

The MRZ portion of the passport is critical because that's the only part of the document that the UK Government's identity verification apps are interested in when deciding what someone's name is.

For Catherine, her problems started when she tried to access her HMRC and pensions records. The Government Gateway system wanted to re-verify her identity, the app read her birth name from the MRZ, and declared there was no match with her records which were in her married name. Despite multiple attempts to prove her identity she was not able to access the service.

Catherine's problems grew when she tried to renew her driving licence that she has always had in her married name. DVLA not only refused to reissue a new licence but destroyed her existing one.

Catherine has been without a licence for nearly three months and has faced an uphill battle to try to get her licence reissued. The problem Catherine faces is a complete 'computer says no' attitude, and she is increasingly and consistently locked out from her rights.



Contact

www.the3million.org.uk

Monique Hawkins
Head of Policy and Advocacy, Acting CEO
monique.hawkins@the3million.org.uk

Daniel Sohege
Communications Manager
daniel.sohege@the3million.org.uk