

Civil Aviation (Consumer Protection and Regulatory Reform) Bill [HL]

The problem we are trying to address

The [UK261 regulations](#) provides protection for ‘adequately documented’ passengers who are denied boarding, but does not define ‘adequately documented’.

The Civil Aviation Authority (CAA) is [responsible for enforcing the rights](#) as set out in UK261, and again does not define ‘adequately documented’.

Before the introduction of the UK’s digital-only eVisa, being ‘adequately documented’ was arguably easily understood - it meant having a valid passport (or National Identity card), together with a valid (physical) visa for visa nationals. This visa would be presented to carriers in the form of a biometric residence permit, a biometric residence card or a vignette sticker in the passport (see list in section 2.3 of the [Charging Guide for Carriers](#)).

Since the introduction of eVisas however, being ‘adequately documented’ is less well defined. Crucially the passenger has limited agency, and is primarily dependent on **carriers getting an automated ‘Permission to Travel’ notification** via the UK’s interactive Advanced Passenger Information (iAPI) system.

In the absence of such an automated notification (where the carrier is for example not using iAPI at all, or not for a particular flight route), the passenger becomes dependent on the carrier following UK Home Office guidance to use alternative ways to establish whether the passenger is ‘adequately documented’:

- **Accepting a share code from the passenger** (which the passenger can request and print in advance of travel, so that they don’t need to interact with the internet at the airport) beforehand, and using it to look up the passenger’s permission to enter the UK; or
- **Contacting the Carrier Support Hub** - a 24/7 telephone line which the Home Office makes available to carriers, to check the permission of passengers to travel to the UK where the iAPI and/or share code checks have not succeeded.

Instead, the onus is often placed on passengers to engage with online Home Office systems on the spot - in a foreign airport where getting online access via WiFi or broadband can be problematic, and where digitally excluded passengers will struggle to produce the required evidence.

We see many cases of people who have the right to enter the UK being nevertheless denied boarding, and - crucially for this Civil Aviation bill - being denied compensation because the **carrier asserts that the passenger was not adequately documented**.

In a CJEU case [C-584/18 Ilue Air April \(2020\)](#), the judge wrote “*The wording ‘except where there are reasonable grounds to deny them boarding’ used in Article 2(j) of Regulation No 261/2004 shows that the EU legislature did not intend for the air carrier to have the power to assess and decide unilaterally and definitively whether or not a passenger’s travel documentation is inadequate.*”

We would like to see the Civil Aviation Bill ensure that the CCA guidance is changed to include suitable definitions of ‘adequately documented’ in the context of the UK’s digital-only eVisa.

Principle behind the proposed amendment

In a digital immigration system, failure of verification is not itself evidence of lack of permission, and the burden of carrying out verification should rest on the carrier rather than on the passenger.

Proposed amendment

New Clause: Verification of travel documentation

- (1) The Civil Aviation Authority must make rules specifying the circumstances in which a carrier may rely on inadequate travel documentation as reasonable grounds for denied boarding for the purposes of Regulation (EC) No. 261/2004 as it forms part of domestic law.
- (2) Rules under this section must include a provision requiring that a carrier may not rely on inadequate travel documentation unless it has complied with the verification procedures specified in the rules.
- (3) Rules under this section must include provision requiring that—
 - (a) carriers use any authority to carry, interactive advance passenger information or other automated verification systems designated by the Secretary of State;
 - (b) where a passenger provides a share code or other credential intended to enable verification of permission to travel, the carrier must use that credential and may not require the passenger personally to access an online account, digital immigration record or internet service;
 - (c) where automated verification systems do not confirm permission to travel, carriers must use any alternative verification service designated by the Secretary of State before denying boarding;
 - (d) carriers retain records of the verification procedures undertaken and the information relied upon before denying boarding;
 - (e) a passenger shall not be regarded as inadequately documented solely because the passenger is unable to access an online account, digital record or internet service;
 - (f) before denying boarding on the grounds of inadequate travel documentation, a carrier must provide the passenger, in durable form, with a written statement specifying—
 - (i) the grounds for the proposed denial;
 - (ii) the verification procedures undertaken;
 - (iii) any automated or manual checks relied upon;
 - (iv) any further steps available to verify the passenger's permission to travel; and
 - (v) the passenger's rights under Regulation (EC) No. 261/2004 / UK 261 and any applicable complaint or alternative dispute resolution procedures; and
 - (g) a carrier shall not conclude that a passenger is inadequately documented unless the verification procedures required by the rules have been completed and have failed to establish the passenger's permission to travel.
- (4) Failure to comply with rules made under this section shall prevent a carrier from relying on inadequate travel documentation as reasonable grounds for denied boarding, and any denial of boarding in such circumstances shall be treated as a denial against the passenger's will for the purposes of Regulation (EC) No. 261/2004 and UK 261 as it forms part of domestic law.
- (5) Before making rules under this section, the Authority must consult the Secretary of State and such other persons as it considers appropriate.

Independent Chief Inspector of Borders and Immigration (ICIBI)

An inspection of refusals and cancellation of permission to enter the UK September 2025-February 2026

This recently published report by the ICIBI acknowledges in its introduction:

“However, there is considerable work to be done if the current system is to be maintained within a digitised and contactless border when much of the assessment of an individual’s suitability and right to enter the UK will be carried out at earlier stages, well before the individual arrives at the border.”

Section 9 of the report focuses on the “external environment” namely carriers, port owners and operators. It is important to note that the report was finalised before the Electronic Travel Authorisation (ETA) scheme was fully enforced from February 2026. This is acknowledged in para 9.1:

*The overarching border security arrangements place significant operational responsibility on carriers and port operators because checks are increasingly applied before passengers reach the UK, meaning boarding of a plane or vessel is often denied, rather than a refusal occurring at the border. While relationships with the Home Office and Border Force are generally positive, uncertainty around timelines, processes, and readiness – particularly ahead of enforcement of the electronic travel authorisation (ETA) requirement – **creates a risk of more passengers being denied boarding for non-compliance.***

Paragraphs 9.2 to 9.5 reflect our serious concerns around incorrect refusals:

*9.2 This inspection found that, in relation to border transformation, Home Office engagement and operational design was mainly focused on carriers. Although formal engagement mechanisms exist, legal representatives and interest groups reported that these arrangements do not address individual passengers’ concerns relating to entry to the UK, including digital status, eVisas, and ETA requirements. The closure of the dedicated passenger helpline in March 2025, alongside increased investment in carrier support, **has shifted responsibility and risk onto passengers. Guidance on proving digital status is unclear and applied inconsistently by carriers** and Border Force staff.*

*9.3 These issues have a direct and negative impact on the efficiency and effectiveness of the refusals process. Unclear or incorrect digital status information increases the time required to assess passengers, by carriers on departure, and Border Force at ports of entry, slowing decision-making and reducing throughput. Issues that are not resolved early re-emerge at the border instead. As a result, carriers and Border Force staff undertake additional checks, leading to escalations and rework. **At the same time, inconsistent application of rules and reliance on imperfect evidence or data heighten the risk of incorrect refusals** or unnecessary interventions, undermining decision quality and legal robustness. This is likely to lead to a refusals process that is slower, more resource-intensive, and higher-risk, with **increased complaints, litigation, and potential compensation, and with disproportionate impacts on vulnerable passengers or those with complex immigration status.***

*9.5 Non-compliance is costly for carriers and, as a result, is less likely to occur. From the Home Office’s point of view, the scheme acts as effective prevention of inadmissible passengers reaching the UK. However, stakeholder evidence provided to this inspection showed carriers, legal representatives, and interest groups remain **concerned about whether boarding is being denied correctly, and whether messaging around permissions to enter the UK and eVisa accounts are accurate.***

Case studies

Airlines are supposed to check eVisa holders' right to travel to the UK via the following methods (see [guidance for carriers](#)¹ section 2.3 and 10:

- Using automated "interactive Advance Passenger Information (iAPI)" systems;
- If that fails, use a share code supplied by the passenger and input it into the UK's 'Check someone's immigration system' website;
- If that fails, contact the UK Home Office 24/7 Carrier Support Hub

This often does not happen in practice, yet passengers are left without regulatory protection.

KC is an Australian citizen with a valid eVisa correctly linked to her passport. She also has a BRP which - like almost all BRPs issued by the Home Office in recent years - expired on 31 December 2024.

In December 2025, KC was trying to travel on a WestJet flight from a local airport in Canada, to Toronto and then onwards to London with British Airways. She had checked in online the evening before her flight, and we have had confirmation from the Home Office that their interactive Advanced Passenger (iAPI) systems were used at the time, returning a valid 'Permission to Travel'. The WestJet systems accordingly issued her a boarding card.

Just before boarding however, KC was challenged by airline personnel, who asked her for an Electronic Travel Authorisation (ETA). KC tried to explain that she was not eligible for one and did not need one, because she had an eVisa, but the staff insisted that she either produce proof of her status or an ETA. KC tried to show her expired BRP but this only served to increase the airline staff's insistence that she needed an ETA. She was refused boarding. Due to the time pressure, lack of broadband data and confusion around the incorrect advice, KC panicked and did not think to try to log in to her UKVI account herself to demonstrate her eVisa that way.

WestJet insists that because she could not prove her permission to travel when demanded, she was 'inadequately documented' and therefore she has no right to any compensation. This despite the fact that WestJet had already established her permission to travel via iAPI prior to issuing her with a boarding card.

KC has to date been unsuccessful in obtaining compensation, despite the3million's support. We have been reaching out via many law-firms to find a lawyer who will speak to us to advise on compensation claims in such situations. However, the lawyers we have found who do have experience in civil aviation have said that because they act for carriers, they are unable to give advice to a consumer.

¹ <https://www.gov.uk/government/publications/document-checks-and-charges-for-carriers>

AE is a German citizen with settled status under the EU Settlement Scheme (EUSS). His national identity card is correctly linked to his UKVI account.

In June 2026, AE was trying to travel from Amsterdam to the UK on an Easyjet flight. He had been issued with a boarding pass. AE says that the airline only appeared to be verifying ETAs via iAPI, rather than verifying eVisas including EU Settlement Scheme status. In the pre-boarding lounge, Menzies ground staff appeared to ask all eVisa / EUSS holders to log in to their own UKVI eVisa page to be allowed to board.

AE does not possess a smartphone or tablet, so he was unable to comply. He had prepared a share code, as advised by the UK Home Office. However, Menzies staff were not willing to use that to input into the 'Check someone's immigration status' website (as advised by UK Home Office guidance to carriers), or to contact the UK Home Office's 24/7 Carrier Support Hub.

AE was therefore denied boarding. Easyjet have refused to accept liability, and refuse to grant compensation under UK261. AE has asked us for recommendations of lawyers who have experience of UK261 regulations, however as above we have been unable to find suitable lawyers to date.

AB is a German citizen with settled status under the EU Settlement Scheme (EUSS). Her passport is correctly linked to her eVisa.

In April 2026, she was denied boarding by Easyjet for a flight from Berlin to Edinburgh. Easyjet staff informed her she could not board because she did not have an ETA. She contested this and explained that their systems should have automatically verified that her passport shows permission to travel to the UK.

However, staff appeared unfamiliar with the rules and did not seem to know how to check her right to travel, how to verify her eVisa, or what evidence they required. They also did not appear to know that EUSS status holders do not need an ETA.

AB incurred significant additional expenses, which she has not been successful in having reimbursed. This included additional transfer costs to the airport, booking a replacement flight, and other additional expenses.