

Westminster Hall debate 12 October 2026

[Petition: “Apply to Rejoin the EU as soon as possible to increase growth in the UK”](#)

Protecting EU citizens’ rights in UK–EU talks

Key message

During the Brexit negotiating years of 2016-2019, the3million stayed Brexit neutral but focused entirely on safeguarding citizens’ rights. For the same reason, the3million is now not seeking to use this debate to argue for or against the UK rejoining the European Union. We believe, however, that any discussion of the UK’s future relationship with the EU must recognise that even now, citizens’ rights remain an unresolved part of the UK–EU relationship.

More than five years after the end of free movement, EU citizens and their families who made the UK their home continue to encounter serious problems with the EU Settlement Scheme (EUSS), digital immigration status and the ability to exercise their rights.

We therefore urge MPs to press the Government to make protecting and resolving EU citizens’ rights a central objective of future UK–EU engagement, including through the existing structures established under the Withdrawal Agreement (WA).

1. The “granted in error” policy needs urgent resolution

The Home Office is now telling some people that their EUSS status was apparently granted in error.

For people with pre-settled status, the Home Office simply leaves the status to expire on the basis that the original grant was supposedly incorrect, rather than issuing an appealable decision in accordance with procedural safeguards set out in the WA.

The3million is challenging this policy because it can mean that people lose their rights without a lawful decision, an individual proportionality assessment or an effective right of appeal.

For people with settled status, the Home Office allows people to retain an immigration status but instantly removes their WA right to sponsor family members, again without WA safeguards.

Crucially, the Home Office is sometimes **wrong** to say they granted a status in error in the past, highlighting what is at stake. Circumventing the WA procedural safeguards on the grounds that a person was never a WA beneficiary is the same as saying that someone who is ‘obviously guilty’ does not need a fair trial.

The Independent Monitoring Authority has [raised concerns](#) that the practice may be incompatible with the WA. The European Commission has similarly [raised its concerns](#) via the UK-EU Specialised Committee on Citizens’ Rights established by the WA.

the3million has used [Freedom of Information requests](#) to establish the scale of the problem and found that at least 90 people had been notified in March 2026 alone, with the true number potentially higher. A subsequent [Parliamentary Question](#) revealed that up to June 2026, 1,473 people had been notified their pre-settled status was granted in error.

We believe the Government should urgently resolve the “granted in error” issue and ensure that EU citizens cannot lose rights without a lawful decision, proportionality assessment and effective right of appeal, as clearly set out in the WA.

2. EU citizens must be able to travel home without being trapped by the UK's digital-only immigration system

While the move to digital immigration status has helped a number of people, it has also created significant problems for some EU citizens travelling to the UK.

the3million has documented cases where people with valid EUSS status have been denied boarding because carriers could not properly verify their eVisa or misunderstood the rules. In some cases, passengers have subsequently been denied compensation because carriers classified them as being ‘inadequately documented’. The regulations providing for compensation give carriers a carve-out for ‘inadequately documented’ passengers, but this phrase is not defined anywhere in those regulations or Civil Aviation Authority guidance. The term was readily understood in the days of physical visas and biometric residence cards, but in the digital-only era introduced by the Home Office it sorely requires definition.

The problem is particularly acute because passengers have very little control over whether a carrier's automated systems successfully verify their status.

the3million has therefore proposed an [amendment](#) to the Civil Aviation (Consumer Protection and Regulatory Reform) Bill.

The principle is straightforward: failure of a digital verification system should not itself be treated as evidence that a person does not have permission to travel. In this new digital-only reality for people lawfully resident in the UK, the responsibility for verification should rest with the carrier, not the passenger.

The proposed amendment would require carriers to use available verification systems, accept appropriate share codes, and use alternative verification routes where automated checks fail, before being able to treat a passenger as ‘inadequately documented’. The burden of proof cannot fall on the passenger, given the digital literacy, smartphone ownership and data connectivity required to access an online account or digital record at a foreign airport.

The amendment would also strengthen passengers' access to compensation where carriers have failed to undertake the required verification.

We hope that MPs will support the3million's proposed protections in the Civil Aviation Bill and raise the wider issue of travel rights in UK–EU discussions.

3. People must have full rights while they are waiting for a decision

The WA clearly sets out that those who are waiting on a final decision on an EUSS application, including while waiting for a lengthy appeal process to complete, must be treated as having all WA rights during that time.

This is to protect those who are entitled to status but are impacted by very long Home Office delays in deciding applications, or by incorrect decisions and length waits for an Immigration Tribunal hearing. Most wait months for a decision, and [almost 15,000 people have been waiting for several years](#).

While people in this situation - who have a Certificate of Application (CoA) as proof of their pending application - do have the right to work and rent, there are serious gaps in their rights. The DVLA refuses to issue new or renewed driving licences to those who are still waiting for a decision. The Home Office does not recognise that people have a right to travel to the UK on the strength of their CoA alone, a policy against which [the3million has launched legal proceedings](#). This again is an [issue of concern raised by the EU Commission](#) at the UK-EU Specialised Committee.

4. People who had a genuine reason for missing the deadline should not be punished indefinitely

The Home Office has a policy of accepting late applications from people who they consider had 'reasonable grounds' for missing the June 2021 EUSS deadline, which we are grateful for. It would never have been feasible for Home Office messaging to reach every single individual who needed to apply to the EUSS, and often people only realise when something in their life triggers the awareness that they need a new status - such as a change of job or home, or being admitted to hospital. Indeed, every quarter the Home Office still [grants status to thousands of late applicants](#).

However, there is a catch, which is that during the period *before* a late applicant submits their application, they are liable to NHS charges if they receive secondary NHS Healthcare. These charges are not cancelled when a late applicant goes on to receive status (which of course means by definition that the Home Office has accepted their reason for having missed the deadline).

We are extremely concerned about this - as it impacts for example new born babies whose parents don't submit an application within three months of their birth, or for example elderly people living in a care home who were not aware they needed to apply for EUSS status and are admitted to hospital in an emergency.

We have seen cases where parents receive bills for tens of thousands of pounds for neonatal care. The Home Office automatically considers children to have a 'reasonable ground' for missing the deadline - yet even when these babies are granted status, the parents are left with this crippling NHS debt.

the3million has raised this [time and again](#). This issue is also of [concern to the EU Commission](#), as shown by the readout of the most recent UK-EU Specialised Committee meeting.

Citizens' rights should be part of the future UK-EU relationship

The UK Government has described its relationship with the EU as being reset and has entered negotiations on a range of areas of cooperation.

the3million believes that this renewed engagement provides an opportunity to address the problems that EU citizens continue to experience.

Future discussions should therefore include resolving outstanding citizens' rights problems, rather than treating the WA as a matter that was completed when the EUSS was established. This is particularly important when put into the context of how certain politicians have raised the prospect of renegotiating, or breaching, the WA specifically to remove rights provided to EU citizens in the UK.

Outstanding issues to resolve must include:

- Resolving the 'granted in error' problem, by ensuring that EUSS status cannot effectively be removed without appropriate procedural safeguards.
- Ensuring that digital immigration status is reliable and can be effectively demonstrated, especially by digitally excluded people, and in time-sensitive situations such as travel, and making sure that carriers cannot circumvent giving those passengers their full rights to compensation if denied boarding.
- Guaranteeing full WA rights to those waiting on a final EUSS decision, including the right to travel to the UK and to obtain or renew driving licences.
- Resolving the irrational permanent financial punishment for late applicants who are granted EUSS status.