

## European Parliament - Exchange of views - 23 April 2026

### Citizens' rights under the EU-UK Withdrawal Agreement

#### **About the3million**

the3million is the largest grassroots organisation for EU citizens in the UK, formed after the 2016 Brexit referendum to protect the rights of people who made the UK their home. Along with British in Europe, the3million is invited to attend the meetings of the EU-UK Specialised Committee on Citizens' Rights, to express our views and experience from the ground as regards the implementation of the Citizens' Rights part of the Withdrawal Agreement.

#### **Overview**

The UK Government frequently proclaims the EU Settlement Scheme (EUSS) a great success, quoting the now 5.8 million people who have secured their rights in the UK through the scheme. Whilst it is true that millions have secured their rights, the UK has no way of knowing how many are still left to apply - having never had any form of registration system in place before Brexit. The scheme continues to receive applications from those who missed the deadline of 30 June 2021, and almost 300,000 grants of status have been made to such late applicants.

Late applicants are now disproportionately very vulnerable people, only finding out about the scheme at the point of being asked to prove their right to be in the UK. They are at great risk of serious impact if they cannot secure their status, which is becoming ever more difficult - especially if trying to apply without a legal advisor. Almost 60% of late applications fail. Despite this, latest statistics show that over 7,000 grants of status were made to late applicants in the last published quarter.

This means that even now, over 100 people daily continue to be recognised as eligible for the scheme despite having missed a deadline by four and a half years. The aftershocks from Brexit continue to this day.

Even for those who have secured their status, problems and concerns continue - partly because people get a digital-only status, and partly because of status being wrongly taken away. While these affect only a minority of EUSS status holders, the sheer numbers involved mean that even a small percentage of failure means many thousands of impacted individuals.

In our presentation, we focus on five areas of concern:

1. The end of funding for vulnerable people
2. Home Office claiming status was previously granted in error
3. Home Office removing status due to excessive absences
4. Ongoing problems with digital-only status
5. Travel issues

## 1. The End of funding for vulnerable people

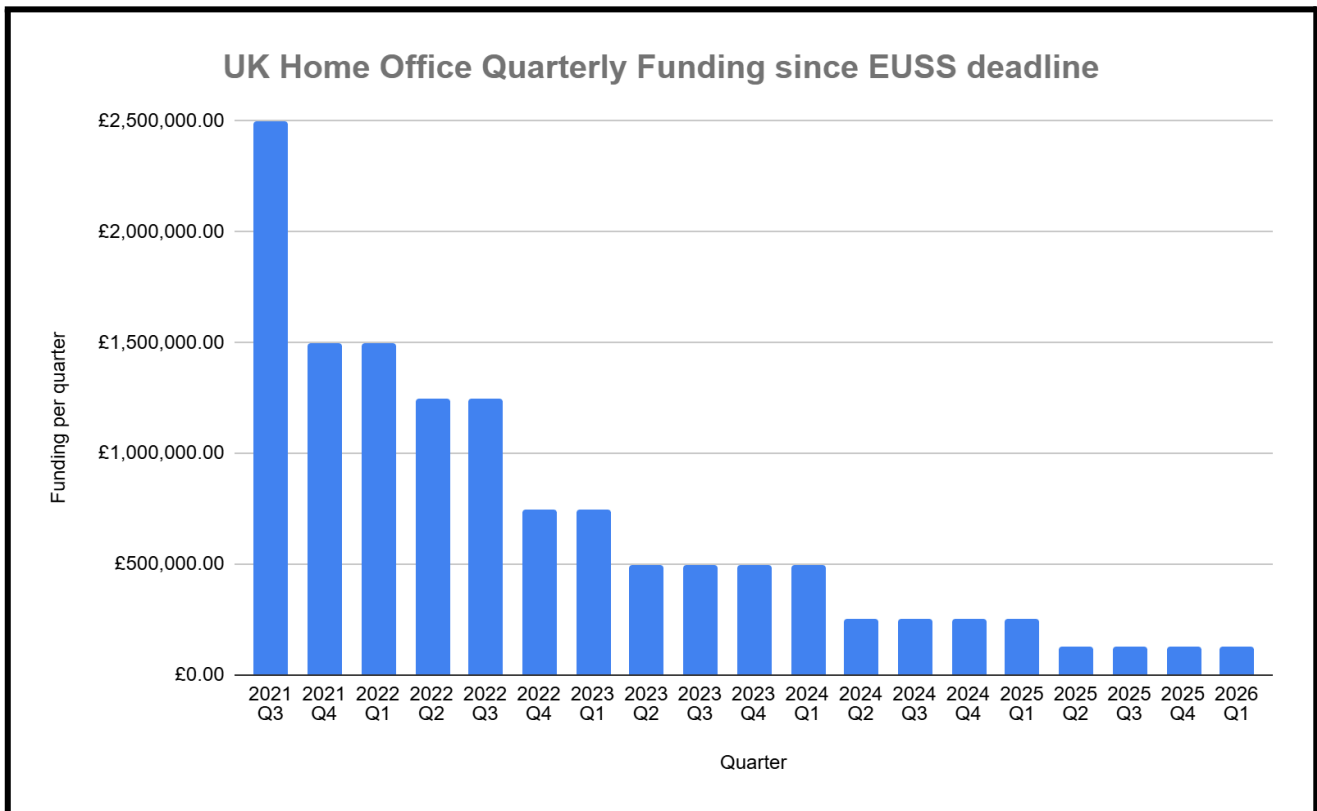
The Home Office provided grant funding to a network of organisations to help vulnerable people apply to the EUSS. This has now ended, despite the fact there is a continued steady stream of late applications.

£32.5 million was provided between April 2019 and March 2026, but most of this was provided in the early years.

The EUSS was initially designed to be straightforward, but due to numerous complex changes to the rules the legal framework has been described as 'Alice in Wonderland' by judges and parliamentarians.<sup>1</sup>

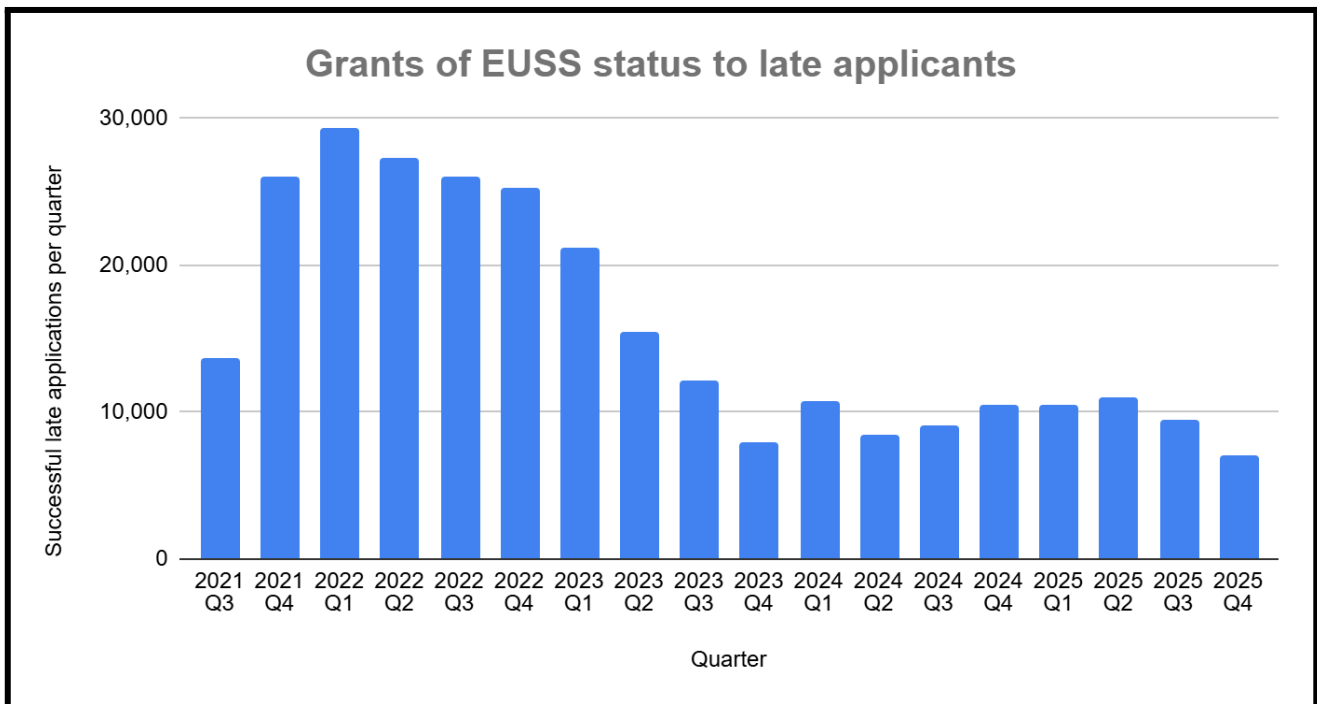
Over the last year, only 9 organisations were funded. Many of these organisations are now closing their EUSS advice services due to lack of funding - a disastrous loss of EUSS expertise. Late applicants are now disproportionately vulnerable people in complex circumstances, and it is almost impossible now for adult late applicants to be granted status without legal representation to explain the reasons for missing the deadline.

Many have asked the Home Office to reconsider their decision, including civil society networks, the EU Delegation and the Independent Monitoring Authority. However, we have been told the decision to end the funding is final.



<sup>1</sup> Upper Tribunal judgment: “Although we could attempt a more detailed analysis citing all the different definitions that one might need to turn to within the wording of paragraph (b)(ii) and Appendix EU, we conclude that it is not a proportionate use of court time. Having spent many hours considering this part of the rules one finds that there is nothing natural or plain about the wording that might reveal its intended meaning. A repeated reading of paragraph (aaa), the associated definitions within the Appendix, and the policy guidance only leads to a 'curiouser and curiouser' situation. Like Alice in Wonderland one falls down a rabbit hole and stumbles across a circular race, with the Eaglet exclaiming: 'Speak English!... I don't know the meaning of half of those long words, and what's more, I don't believe you do either!'.”

[bailii.org/uk/cases/UKAITUR/2023/EA138702021.html](https://bailii.org/uk/cases/UKAITUR/2023/EA138702021.html)



**the3million recommendations:**

- Request the Home Office to create new funding for continued support for vulnerable EU citizens and their family members, and ensure the scope of this funding covers a) late applications, b) upgrades from temporary to permanent residence status, c) sponsoring family members, d) assistance using digital-only status to access rights, e) responding to and challenging Home Office decisions to cancel (or allow to expire) temporary residence status.
- Request the EU to create funding as above, both via the EU institutions and via Member State embassies and consulates.

## **2: Home Office claiming status was previously granted in error**

The Home Office is operating a policy of removing EUSS status from people in a way that is not compliant with the Withdrawal Agreement.

Where people apply to upgrade their temporary residence status to a permanent one, or where they sponsor a family member such as a new-born baby or an elderly parent, the Home Office revisits their original grant of status - often made many years ago. In some cases, the Home Office decides that they made a mistake in originally granting status. In such cases they leave people's temporary residence status to simply run out at its next 'expiry date' (which could be days, months or years away), without the proportionality assessment required by the Withdrawal Agreement.

It is important to recall that millions of applications were processed in the early years of the EUSS. The Home Office emphasised in its 'Statement of Intent' that they would be *"looking to grant, not for reasons to refuse, and caseworkers will be able to exercise discretion in favour of applicants where appropriate, to minimise administrative burdens."* Some of this 'discretion' is now being relabelled as a 'mistake' in hindsight - with disastrous consequences for those impacted.

We are seeing increasing numbers of such 'grant-in-error' cases, with some patterns emerging.

First, there are those who have been EU citizens since birth, but only obtained documentary evidence of this 'from-birth' citizenship after December 2020. Several years ago, the Home Office was happy to grant status to these applicants, accepting that they were eligible to the scheme because in the eyes of the law they were EU citizens by December 2020. However, the Home Office appears to now be taking a different view and is declaring these original grants as having been made 'in error'. We would argue this is a deliberate change in policy rather than earlier grants having been made in error. It is unclear what justification the Home Office has for arguing these status holders are not eligible EU citizens.

Second, there are family members who met all the substantive eligibility criteria for the scheme, but did not have a specific family member document required by the rules. When they applied for status, they did not know they needed this document, and the EUSS caseworkers did not ask for this document. We would argue that this was a clear case of caseworker discretion rather than earlier grants having been made in error. These family members were assessed under the conditions of the Withdrawal Agreement and therefore, the Home Office has arguably accepted that their residence should be facilitated and status was accordingly granted.

There are other cases where perhaps it is more clear that the Home Office did originally make an error in granting status to an individual. It is perhaps not surprising that mistakes would have been made due to the haste of processing millions of people in a very short timeframe.

However, we consider it extremely unfair that EU citizens (and those who were accepted as their family members) who applied for and were granted status in good faith without any fraud or false representations, should now have their residence rights ripped up and their lives destroyed without a proportionality assessment being applied.

Having tried extensively to advocate for change to this policy through [correspondence with the Home Office and amendments to parliamentary legislation](#), we are now looking for ways to challenge this through the courts.<sup>2</sup>

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<sup>2</sup> [the3million.org.uk/publication/2025103101](https://the3million.org.uk/publication/2025103101)

**Case study:**

*X is a dual EU and third country national who started the process of obtaining his EU citizenship documents in 2019. Due to COVID the documents did not come through in time, so he moved to the UK by his British wife sponsoring him on a spousal visa (and his children on dependents visas) before the end of the Brexit transition period. Once his EU citizenship documents recognising his citizenship from birth were issued in 2021, he submitted his application to the EUSS and was granted temporary residence status. After living in the UK for five years X applied to have his status upgraded to permanent residence status. X was distraught when the Home Office decided his temporary residence status had originally been 'granted in error'. He was notified that his upgrade application was refused, and that his current temporary residence status would be left to expire. Next year, when his EUSS status expires, his rights will be terminated - without the Home Office applying any proportionality assessment. His children are in the same position as X and stand to lose their status too.*

*X is like other EU citizens who legally had their citizenship rights since birth, yet did not have the documentation to prove it until later in life. X now faces an uphill battle to have his rights secured.*

**the3million recommendations:**

- Request the Home Office to drop its policy of letting temporary residence status expire without a proportionality assessment, and instead operate a policy whereby EUSS status and Withdrawal Agreement rights can only be removed from people via a fully Withdrawal Agreement compliant process.
- Request the Home Office clarify its position with respect to EU citizens whose identity documents were issued post-2020 and why there is now a policy to challenge the EU citizenship of these persons.

### **3. Home Office removing status due to excessive absences**

The Home Office is starting a new process of cancelling temporary residence status for those who have been out of the UK too long, and thereby broken the continuity of residence that is required by the Withdrawal Agreement. We agree that this is a reasonable thing to do.

However we are very concerned about the way in which this will be done. The Home Office are relying on very flawed and incomplete travel data to choose the people they think have excessive absences.

The UK's tax office (HMRC) recently ran an exercise to stop child benefit payments where they thought people had left the UK, and they used the same Home Office travel data to make their decisions. In a [staggering 71% of cases](#), the travel data led to the incorrect conclusion that someone had left the UK.<sup>3</sup> The UK's National Audit Office has now launched an [investigation](#) into the HMRC exercise to identify lessons learnt.<sup>4</sup>

Examples of problems with the data include:

- Gaps if people leave the UK from Belfast airport in Northern Ireland, but return via Dublin airport in Ireland, as there will be no record of them travelling back into the UK
- Outbound journeys wrongly included where people booked but did not actually travel
- Missing inbound journeys, especially if these were undertaken with Eurostar and Eurotunnel

*“among those whose benefits were frozen are a woman who went to France for five days after her husband died there; a Lithuanian man, living and paying taxes in England for 24 years, who was “caught” after he went on a five-day holiday with his son to Italy via Stansted airport; a family from Hove who flew in and out of Gatwick on a trip to Australia; and a woman who flew to Bristol from Belfast for her grandmother’s funeral but returned via Dublin airport.”<sup>5</sup>*

Together with other organisations, we have written to the Home Office about our serious concerns over the implementation of the curtailment policy and the use of travel data. We are still awaiting a response to our letter of [11 February 2026](#), in which we detail one individual’s travel data, which contained over 20% of errors. This individual’s travel data consisted of 89 travel events, and there were 8 missing inbound Eurostar journeys.<sup>6</sup>

The Home Office are also starting this process at the very time that they’ve stopped all funding to support vulnerable people.

#### **the3million recommendations:**

- Pause the curtailment/cancellation policy until funding can be provided for vulnerable people to respond to Home Office letters that say the individual has broken their continuous residence, and to challenge (via appeal) decisions to cancel EUSS status.
- Improve procedural safeguards as per our letter to the Home Office of [27 January 2026](#).<sup>7</sup>

<sup>3</sup> [theguardian.com/society/2026/jan/13/hmrc-wrongly-targeted-child-benefit-crackdown](https://www.theguardian.com/society/2026/jan/13/hmrc-wrongly-targeted-child-benefit-crackdown)

<sup>4</sup> [nao.org.uk/work-in-progress/investigation-into-child-benefit-anti-fraud-and-error-intervention/](https://nao.org.uk/work-in-progress/investigation-into-child-benefit-anti-fraud-and-error-intervention/)

<sup>5</sup> [theguardian.com/society/2025/oct/28/hmrc-cuts-child-benefit-for-35000-families-based-on-incomplete-travel-data](https://www.theguardian.com/society/2025/oct/28/hmrc-cuts-child-benefit-for-35000-families-based-on-incomplete-travel-data)

<sup>6</sup> [the3million.org.uk/publication/2026021101](https://the3million.org.uk/publication/2026021101)

<sup>7</sup> [the3million.org.uk/publication/2026012701](https://the3million.org.uk/publication/2026012701)

#### **4. Ongoing problems with digital-only status**

EU citizens granted status are not given any form of physical proof of that status. They are not given a card, or any kind of smartphone app or other type of digital document. Instead they have an 'eVisa' in the Home Office cloud, and proving status means logging onto Home Office websites and generating temporary share codes - 9 character strings to be given to the person or organisation checking the status (who then have to input this string into a different Home Office website to see the person's status).

Over the years we have documented a multitude of errors with eVisas, and [written to the Home Office](#) about these.<sup>8</sup> We have [reporting tools on our website](#) where people can fill in a form to tell us about the problems they have encountered.<sup>9</sup>

In September 2024 we wrote a paper for the Journal of Immigration, Asylum & Nationality Law, entitled "[Loss and Liability - Glitching immigration status as a feature of the British border after Brexit](#)".<sup>10</sup> In October 2025 we published a report entitled "[The Digital Status Crisis](#)".<sup>11</sup> Every quarter we publish a [summary analysis of the reports](#) that were submitted to us by impacted individuals.<sup>12</sup>

We see many problems where people cannot access their eVisa at all due to technical issues with the Home Office databases, or where the eVisa shows wrong information. For example it can show that status has expired when it hasn't. In very serious cases, it can show a [mixture of the individual's data and a stranger's data](#).<sup>13</sup> Even when eVisas are set up correctly, it is the case that there are lots of vulnerable people who are digitally excluded and therefore struggle with any type of digital-only eVisa. Even digitally-literate people with a correctly functioning eVisa are stuck if they are in a situation without internet access - a frequent occurrence especially when trying to prove status at a foreign airport. Finally we see many problems where people attempt to update their eVisa with a new passport or national identity card but the update fails. If someone's travel document is not correctly linked to the eVisa, they are very likely to have problems travelling to the UK.

The impacts of all these eVisa problems range from losing job, rental and study opportunities, being denied welfare benefits, and denied boarding when [travelling back to the UK](#).<sup>14</sup>

When people have technical errors on their eVisa, the problems are exacerbated by the fact that it can take a very long time to have these issues resolved. It is difficult to speak to a human, instead people are directed to use an automated webchat or to fill in an Home Office error form that generates an automated email which includes: "*We are currently receiving a very high volume of enquiries and as a result, we are not able to respond within our published timeframes.*".

There are much better ways of implementing a digital status, and the3million first put forward proposals for a [secure QR code based system](#) in June 2021. Such a system would give individuals control over their proof of status through an app on their smartphone, which would work even when temporarily not connected to the internet. The proposal would also allow for a very cost-effective and secure physical card backup, without the expense of previous biometric cards.

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<sup>8</sup> [the3million.org.uk/publications](#) - filter on 'digital status'

<sup>9</sup> [the3million.org.uk/report-it](#)

<sup>10</sup> [the3million.org.uk/publication/2024093001](#)

<sup>11</sup> [the3million.org.uk/publication/2025102801](#)

<sup>12</sup> [the3million.org.uk/publication/2026030401](#)

<sup>13</sup> [theguardian.com/uk-news/2024/mar/14/home-office-immigration-database-errors-hit-more-than-76000-people](#)

<sup>14</sup> [theguardian.com/politics/2026/apr/17/woman-dusseldorf-uk-home-office-return-flight-blocked](#)

Since 2021, the Home Office has at times engaged with our proposal, acknowledging that a printed proof of status would have value in travel situations and for digitally excluded people, only to ultimately reject it. We continue to push the Home Office for a better system.

**Case study:**

*Y has temporary residence status, and applied to upgrade it to permanent residence status. She had been waiting for a decision on the upgrade application for months, and was told by the Home Office that while her case was decided her temporary residence status would be extended by another five years. The day Y was trying to enroll in a college course she logged into her eVisa and saw that her temporary residence status was now 'expired'. While Home Office support staff were able to see there was a problem with Y's eVisa, there was no way for her to prove her right to study. When it mattered most Y could not rely on her eVisa and missed out on an educational opportunity.*

**the3million recommendations:**

- Request the Home Office to engage seriously on alternative proof of status which leaves no-one behind - unable to prove the rights that they have.
- Request the Home Office to increase Resolution Centre resources so that people can speak to a human caseworker who can take ownership of someone's eVisa error and ensure swift resolution.

## **5. Travel issues**

Over the last few years, the UK has gradually introduced its Electronic Travel Authorisation (ETA) scheme. Since February 2026, everyone now needs to prove their permission to travel to the UK before getting on a plane, train or ferry.

- For visitors this is through an ETA or visit visa;
- For British or Irish citizens this is mainly through a British/Irish passport;
- For other residents of the UK this is through their eVisa - which the airline should see automatically through systems connecting the airline to the UK's Home Office.

This transition has happened too fast, and many people face problems returning to the UK - often because airline staff or subcontractors are insufficiently trained, or because there are problems with the automated systems, or because individuals are unable to prove their status in a time-pressured situation - often without internet access. The airlines are strongly incentivised not to exercise discretion in favour of passengers, because they face a fine of £2,000 per passenger that they transport to the UK who is then refused entry, as well as being liable for the return transport of such a passenger.

When people who do have the right to travel to the UK are prevented from boarding, they frequently cannot get compensation because carriers will assert that the individual was not 'adequately documented'. This means they do not benefit from regulations protecting passenger rights after denial of boarding. On the other hand, the Home Office [refuses to accept any liability](#) for problems arising from eVisas.<sup>15</sup>

There is a particular problem with dual nationals - EU citizens who are also British citizens. Since 25 February 2026, the UK has insisted such dual nationals must travel to the UK on their British passport - causing problems to many who do not have a current British passport (often because they live outside the UK and had previously been travelling without problems on their non-British passport). On 10 March 2026, two weeks after this policy rollout, the UK Government announced that those dual nationals who were previously granted EUSS status could continue to travel on their non-British passport. This late concession is welcome, but it needs to go much further, which is why in March 2026, [we wrote to the EU Commission and the UK Government](#) about this.

Once the EU implements its version of ETA in the form of the Electronic Travel Information and Authorisation System (ETIAS), a return journey between the UK and the EU will become incredibly complicated for most dual nationals. The EU will similarly insist that dual nationals must travel to the EU on their EU passport.

Airlines and other carriers have not adapted their systems to adequately accommodate dual nationals who will need to provide a different identity document on each leg of a return journey.

In October 2025, the3million was invited to [provide a submission to the UK's House of Lords Justice and Home Affairs Committee](#), setting out full details of this problem alongside several proposed solutions.<sup>16</sup>

We urge the European Parliament and EU Commission to take the issue of dual citizens very seriously before ETIAS is rolled out. Especially since the very reason so many people on both sides of the Channel took dual citizenship was specifically because of the reduction of their rights after Brexit.

There is another specific travel problem for those still waiting for a decision on their EUSS application, because the Home Office does not recognise that a Certificate of Application gives someone the right to travel to and enter the

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<sup>15</sup> [gov.uk/government/publications/ukvi-account-terms-and-conditions/ukvi-account-terms-and-conditions](https://www.gov.uk/government/publications/ukvi-account-terms-and-conditions/ukvi-account-terms-and-conditions)

<sup>16</sup> [the3million.org.uk/publication/2025102501](https://the3million.org.uk/publication/2025102501)

UK. This is another Withdrawal Agreement breach, and one which we are currently challenging through the courts.

**Case study:**

*Z has permanent residence status and works as a GP. He was denied boarding on a flight back to the UK after the UKVI website went down while he attempted to produce his share code. He missed his connecting flight and had to pay for hotel accommodation, losing a day's work in the process. We continue to hear stories like this from people struggling to prove their permission to travel. While guidance is clear that an up-to-date eVisa linked to ID documents should be checked in the background by carriers, in practice it is left to individual carriers to decide whether to allow passengers to continue travelling. Those who are denied are left without any clear recourse to recover additional costs.*

**the3million recommendations:**

- Urgently work with the UK to create new regulations that protect passenger rights for those who are wrongfully declared to be 'inadequately documented', ensuring that passengers who are incorrectly refused boarding can receive full compensation.
- Urgently work with the UK to create mitigating measures for British dual nationals and EU dual nationals impacted by ETA and ETIAS, as set out in our letter of [19 March 2026](#).<sup>17</sup>

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<sup>17</sup> [the3million.org.uk/publication/2026031901](https://the3million.org.uk/publication/2026031901)