

Supplementary submission

House of Lords Justice and Home Affairs Committee

Electronic border management systems - follow-up

Due to a relevant breaking news story on 26 October 2025, I wish to submit this supplementary submission, as a follow-up to our submission to the Committee on 25 October.

The relevant news articles were about HMRC using Home Office travel data to cut off child benefit payments from people that it wrongly considered had left the UK and not returned.¹²

In many of the cases, the underlying cause of the mismatched data was due to partial travel through the Common Travel Area (CTA) so that only one travel leg was captured by border controls.

However at least some of the cases related to dual nationals travelling out of and into the UK (without passing through the CTA), as the 29 October article sets out:

“Another woman had her payments stopped after taking a week’s holiday in 2023. She flew to Warsaw and returned via Edinburgh airport, but the Home Office had no record of her return, HMRC told her, leaving the onus on her to prove otherwise.

“The letter came as a huge shock for me and I have found the whole experience very stressful and upsetting. I have tried to speak to HMRC but it is like hitting a wall,” said Agnieszka, a Polish-British dual national who works in financial services.

She added: “I have been living in Scotland for 20 years, paying my taxes regularly and this is the place where I belong and call this place my home. The letter makes me feel sad, unwelcome and I feel like a victim of discrimination.””

In our main submission, we focused on the experience of EU/UK dual nationals when attempting to check-in online and travel. We did not focus on the mismatched data that is potentially sent to the Home Office. This was because as far as we were aware, the UK Government did not act on this travel data. The3million was aware that travel data is intended to be referenced in a potential future policy of curtailing pre-settled status, but since this will not impact dual nationals, it was not relevant within this submission.

However, since the emergence of the fact that HMRC is acting on the Home Office data, this supplementary submission draws attention to the mismatched data that can be sent to the Home Office:

Exit checks:

- As set out in the main submission, the UK does not operate exit checks at airports. Instead, the Home Office collects passport details from the passengers’ booking, as sent to the Home Office by the airlines. The passenger therefore doesn’t have the opportunity to ensure their British passport is collected at the exit check. If they book their outbound trip with their EU

¹ Guardian 26 October 2025 “NI parents caught in UK crackdown lose child benefit after travelling via Dublin” <https://www.theguardian.com/uk-news/2025/oct/26/ni-parents-caught-in-uk-crackdown-lose-child-benefit-after-travelling-via-dublin>

² Guardian 29 October 2025 “HMRC pauses child benefit crackdown after 23,500 families caught up in data error” <https://www.theguardian.com/society/2025/oct/29/hmrc-pauses-child-benefit-crackdown-after-23500-families-caught-up-in-data-error>

passport, which by rights they should do, then the Home Office will see this person leaving on an EU passport.

- At the juxtaposed borders, people can present their UK passport at exit checks. However, there is no specific guidance provided to dual nationals that they should do this.

Entry checks:

- The Home Office will again have access to booking details sent by carriers.
- However, they also have access to the border control entry checks. Passengers can (and should) present their British passports at UK entry checks, whether flying into the UK or using juxtaposed borders.

There is therefore enormous scope for the entry and exit records of a dual national to be mismatched, depending on the mode of travel (which can of course be further complicated by a flight in one direction and a ferry/train in another direction) and the choice of passports attached to bookings and presented at various control points.

Our diagram on page 5 of our main submission shows these various potentials for mismatch.

When someone furthermore has an EU passport in their maiden name, and a UK passport in their married name, this makes it even more complex for the Home Office to know a dual national's presence in the UK.

In my own case, I believe that the Home Office may see a Monique [redacted maiden name] leaving the UK repeatedly and never coming back, and a Monique Hawkins entering the UK repeatedly never having left in the first place.

In the case of the Polish / British dual national mentioned in the Guardian article, it is not unlikely that Home Office holds a record of her leaving on her Polish passport and returning on her British passport, so that when HMRC cross-checked their records with the Home Office they did not get the full correct picture.