

1. Introduction

This is a submission by the3million to the Independent Chief Inspector's invitation¹ to submit evidence relating to the Home Office's administrative reviews.

The3million is the largest grassroots organisation for EU citizens in the UK, formed after the 2016 referendum to protect the rights of people who have made the UK their home. (We use EU citizens as a shorthand for citizens of the EU, EEA and Switzerland and their non-EU family members.)

The Withdrawal Agreement, signed by the EU and the UK, governs the rights of EU citizens in the UK and British citizens in the EU. It allows the UK and EU Member States to require citizens to apply for a new immigration status in order to continue living in their host state after Brexit. The EU Settlement Scheme [EUSS] was set up as the implementation of that requirement for EU citizens in the UK.

The ICIBI's invitation sets out:

I would be pleased to hear about both what is working well and what could be improved in the following areas:

- *the quality, timeliness, and consistency of decision-making*
- *the effectiveness of the administrative review process in identifying and correcting case working errors*
- *the availability and quality of guidance and advice provided by the Home Office on administrative reviews*
- *communication and engagement between administrative review teams, applicants, and other stakeholders*
- *the Home Office's handling of correspondence and customer complaints in relation to administrative reviews*

As I have not yet finalised the scope of this inspection, I would be happy to receive any other evidence that falls outside these areas that you consider to be relevant to the Home Office's management of administrative reviews.

The3million is primarily a campaigning organisation, and our policy and advocacy work is based on evidence gathered through our engagement with individuals with lived experience, and other organisations who provide legal advice to those individuals. As such, we do not do casework ourselves, and therefore our submission does not focus on the 2nd to 5th bullet points raised in the ICIBI's list above.

Rather, we have focused primarily on the first bullet point, and - given the excessive delays that we set out in our submission - the impacts suffered by people while they wait for a decision. Although Administrative Reviews [ARs] apply across many UK immigration routes, our submission is focused entirely on ARs within the context of the EUSS.

In Section 2 we set out the rules around ARs within the EUSS, and explain when the AR route within the EUSS was closed.

In Section 3 we show the extent of the delays to AR decision making within the EUSS.

¹ <https://www.gov.uk/government/news/call-for-evidence-an-inspection-of-the-home-offices-management-of-administrative-reviews>

In Section 4 we describe the impacts that are experienced by people while they wait for an AR decision.

In Section 5 we comment on the Independent Monitoring Authority and whether it has been effective in holding the Home Office to account with regard to AR delays.

Finally, we include three Annexes. Annex A sets out 30 case examples that have been reported to us over the last three years by people waiting for an AR. Annex B and C provide excerpts from EUSS decision letters that inform applicants about their right to AR.

2. Administrative Reviews in the EU Settlement Scheme

Article 18(1)(r) of the Withdrawal Agreement² states:

“the applicant shall have access to judicial and, where appropriate, administrative redress procedures in the host State against any decision refusing to grant the residence status. The redress procedures shall allow for an examination of the legality of the decision, as well as of the facts and circumstances on which the proposed decision is based. Such redress procedures shall ensure that the decision is not disproportionate.”

Decisions under the EUSS could be challenged by either submitting an AR within 28 days, or by appealing the decision to the First-tier Tribunal within 14 days (28 days if abroad). ARs could be submitted either from within the UK or from overseas. It cost £80 to submit an AR.

Unlike in other UK immigration routes, it was possible to attach fresh evidence to an EUSS AR.

It was possible not only to submit an AR against an EUSS refusal decision, but also against an EUSS grant of pre-settled status where the applicant considered they should be eligible for settled status instead, or a decision to curtail status under the EUSS.

In the early stages of the EUSS, it was possible to submit an appeal concurrently with an AR, at any time while an AR was outstanding, or within 14 days (28 days if abroad) of a negative AR decision.

We include a copy of the relevant section of a EUSS refusal letter in Annex B, and the relevant section of a pre-settled status grant letter in Annex C.

Following a consultation by the Tribunal Procedure Committee³ in the summer of 2023, the rules were changed such that it was only possible to submit an appeal within 14 days (28 days if abroad) of an EUSS decision, or within 14 days (28 days if abroad) of a negative AR decision. If someone wanted to submit an appeal because their AR had been outstanding for such a long time, they would need to **withdraw their AR** first, and then appeal within 14 days (28 days if abroad) of receiving the acceptance note of their AR withdrawal.

A statement to the House of Commons⁴ on 7th September 2023 announced the **closure of the AR route** for decisions under the EUSS made from 5 October 2023:

² <https://www.gov.uk/government/publications/new-withdrawal-agreement-and-political-declaration>

³ <https://www.gov.uk/government/consultations/possible-changes-to-the-first-tier-tribunal-immigration-and-asylum-chamber-rules-and-the-upper-tribunal-rules>

⁴ <https://questions-statements.parliament.uk/written-statements/detail/2023-09-07/hcws1009>

“The effect of the changes is the removal of the right of administrative review for EUSS eligibility refusals and relevant cancellation decisions made on or after 5 October 2023. In line with the Citizens’ Rights Agreements, a right of redress will continue to be provided through a right of appeal. The changes create streamlined arrangements for challenging a decision and align with the approach taken in the rest of the immigration system (where no dual right of redress exists).”

Taking into account a transitional period for late submissions of AR under the EUSS, the route was finally closed on 4 April 2024 - see the EUSS AR webpage⁵ which was updated on 4 April 2024 to state:

“You can no longer apply for an administrative review of the decision on your application for the EU Settlement Scheme.

Any application for administrative review submitted on or after 4 April 2024 will not be considered.”

We were very disappointed by the decision to remove AR for EUSS decision, for all the following reasons:

- We consider that Article 18(1)(r) points at both “*judicial **and**, where appropriate, administrative redress*”.
- We consider that ARs are far more appropriate than appeals when it comes to challenging the Home Office’s assessment of evidence, or when a caseworker clearly did not follow the EUSS Caseworker Guidance⁶ correctly (as opposed to the challenge being on a point of law, where an appeal is more appropriate for courts to decide the point of law in question). In the [last \(Dec 2017\) position note](#) during the [citizens’ rights negotiations](#), point 28 - agreed by both sides to the negotiation - said “*Competent authorities will give applicants the opportunity to furnish supplementary evidence or remedy any deficiencies where it appears a simple omission has taken place. A principle of evidential flexibility will apply, enabling competent authorities to exercise discretion in favour of the applicant where appropriate.*”
- Whereas we gather that the Home Office views the need for AR not to be required by the WA, since it was also not available under the EEA Regulations, we consider this not to be a fair comparison. Before Brexit, given the declaratory nature of residence documents, someone refused one could simply apply again with better evidence. After Brexit however, a refusal of EUSS status has far-reaching implications, and simply applying again is likely to result in the application being considered invalid due to lack of reasonable grounds for a late application, and hence rejected without a right of appeal.
- The removal of AR therefore removed the only *administrative* right of redress under the WA.
- An appeal is far more expensive and complex than an AR, and is more likely to require legal representation.

⁵ <https://www.gov.uk/guidance/eu-settlement-scheme-apply-for-an-administrative-review>

⁶ <https://www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance>

- Without legal aid, many applicants struggle to properly prepare appeals without representation, hindering their access to ‘judicial redress’ as required by the Withdrawal Agreement.
- In contrast to the Explanatory Memorandum to the change⁷ which stated “*There is no, or no significant, impact on business, charities or voluntary bodies*”, we considered this change would have a **significant** impact on the free advice sector, including the Home Office granted-funded organisations (GFOs). See our letter to the Home Office of March 2024⁸ which argued that the removal of AR had taken away the ability for ‘Lot A’ GFOs to challenge refusals, and increased pressure on ‘Lot B’ GFOs to have to submit appeals instead, which requires vastly more work than an AR. See in particular question Q4 and its relevance on future GFO funding.
- It would narrow the timeframe from being able to challenge an EUSS decision (from within the UK) from 28 days to 14 days.

A recent example of a case we came across which would really have benefited from the right to an AR:

The UK-Switzerland Citizens’ Rights Agreement provides that the spouse / civil partner of a Swiss citizen EUSS sponsor is eligible to apply to the EUSS even if their marriage / civil partnership occurred after 31 December 2020, but before 1 January 2026.

The EUSS application process does not appear to ask a question around the Swiss nationality of the applicant’s spouse/civil partner, so a caseworker error can be made relatively easily.

However, the caseworker guidance is very clear on this issue, and therefore the challenge would not be on a point of law.

We spoke to someone in this situation, who said “*the refusal arose from an obvious misapplication of the rules, as the application was assessed under the durable partner criteria instead of the spouse of a Swiss citizen criteria, which should have been the correct route.*” and “*My embassy mentioned they were aware of a couple of cases where this mistake has happened and they didn’t apply the criteria for spouses of Swiss Citizens.*”

It would appear that, because the couple married after 31 December 2020, the caseworker had mistakenly considered that they were not eligible for the EUSS. This is exactly the kind of situation where another HO caseworker, independent from the original caseworker, should be able to simply review the application.

Instead, this applicant is facing thousands of pounds of legal fees, engaging a solicitor to lodge an appeal.

⁷ <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1780-7-september-2023>

⁸ <https://the3million.org.uk/publication/2024030501>

3. Administrative Review Delays

Although, as we set out in section 2, there are many positives about the existence of a simple, effective, Administrative Review process, our experience of ARs in the context of EUSS is that it is a system beset by extreme delays.

The regular published immigration statistics do not include statistics on EUSS Administrative Reviews.

However, a series of requests under the Freedom of Information Act help to illustrate these delays:

- Jun 2019 - whatdotheyknow.com/request/euss_administrative_review_stati
- Jan 2022 - whatdotheyknow.com/request/euss_administrative_reviews
- Apr 2022 - whatdotheyknow.com/request/euss_administrative_review_proce
- Jun 2022 - whatdotheyknow.com/request/euss_administrative_review_outco
- Sep 2022 - whatdotheyknow.com/request/euss_administrative_reviews_30_s
- Dec 2022 - whatdotheyknow.com/request/euss_administrative_reviews_31_d
- Mar 2023 - whatdotheyknow.com/request/euss_administrative_reviews_31_m
- Jun 2023 - whatdotheyknow.com/request/euss_administrative_reviews_30_j
- Sep 2023 - whatdotheyknow.com/request/euss_administrative_reviews_30_s_2
- Dec 2024 - whatdotheyknow.com/request/euss_administrative_review_outco_2

We will focus here on the two most recent ones, as the figures of September 2023 are just before the AR route was announced for closure, and the figures of December 2024 show a useful comparator of the progress made in the subsequent 15 months.

	ARs submitted	ARs processed	ARs unprocessed
As at end September 2023	22,678	8,710	13,968
As at end December 2024	26,604	17,060	9,544
Submitted and processed during the 15 months Oct 23 - Dec 24 (ARs were accepted until 4 Apr 24, for EUSS decisions on or before 4 Oct 23).	3,926	8,350	

From the above table, it appears that 8,350 ARs were processed between the 15 month period Oct 23 - Dec 24. This means that an average number of **557 ARs per month** were processed during this period.

We also know from the most recent FOI that the number of unprocessed ARs as at 11 Mar 2025 was 8,166, meaning that a further 1,378 ARs were processed during the 2.35 month period Jan 25 - 11 Mar 25. This means that an average number of **585 ARs per month** were processed per month during this period.

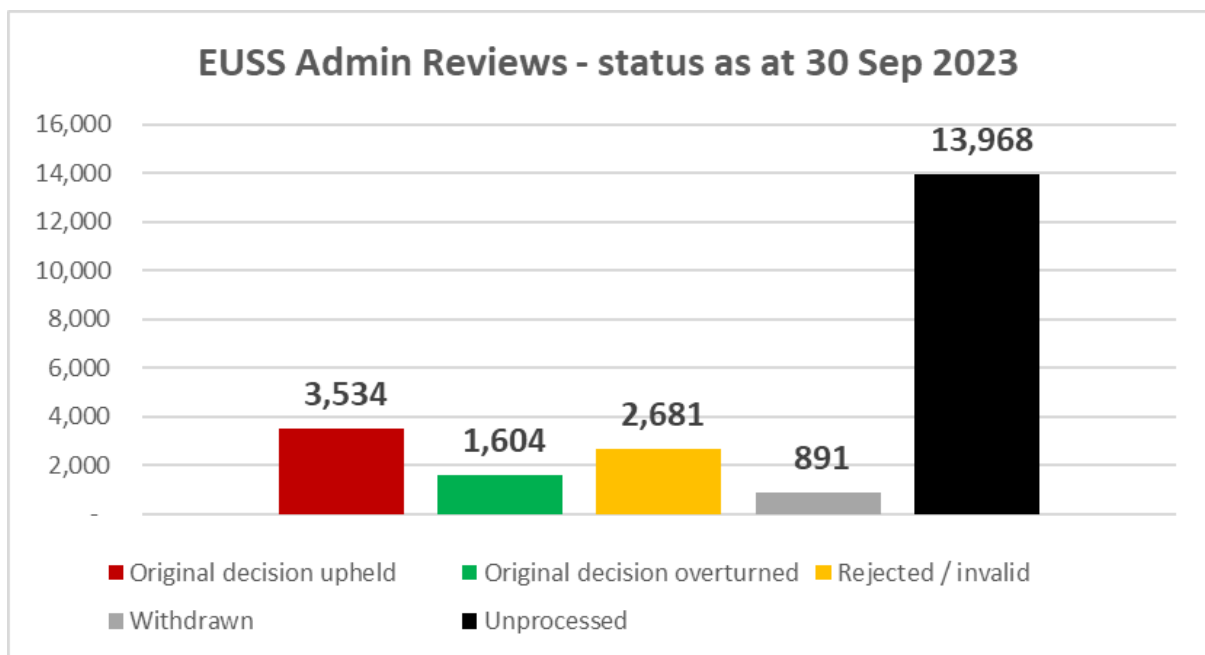
If the processing of the remaining 8,166 outstanding ARs (as at 11 March 2025) continues at the same most recent processing rate of 585 ARs per month, that would mean it would take another **14 months to process all outstanding ARs, taking us to mid-May 2026**.

We consider this entirely unacceptable and cannot understand why sufficient resources cannot be allocated to clear the remaining ARs. This is made very much worse by the obstacles put in the way of people with pending EUSS applications (compared those with granted EUSS status) by the UK Government, which we expand on in Section 4.

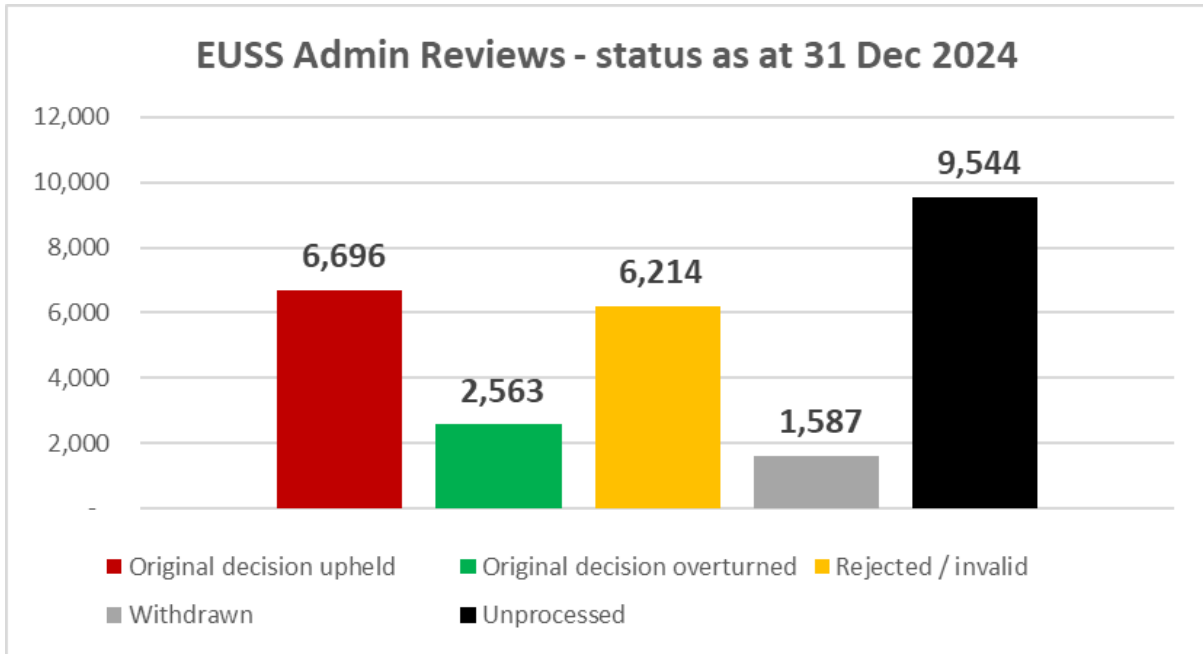
In the final section of our submission we share some accounts of people who have been stuck in limbo waiting for an AR decision.

It is worth highlighting that the average number of EUSS decisions taken per month⁹ over the scheme’s lifetime is 115,000. The minimum number of EUSS decisions taken per month was 41,702 (in December 2024) - which is **71 times more than the number of ARs resolved per month**.

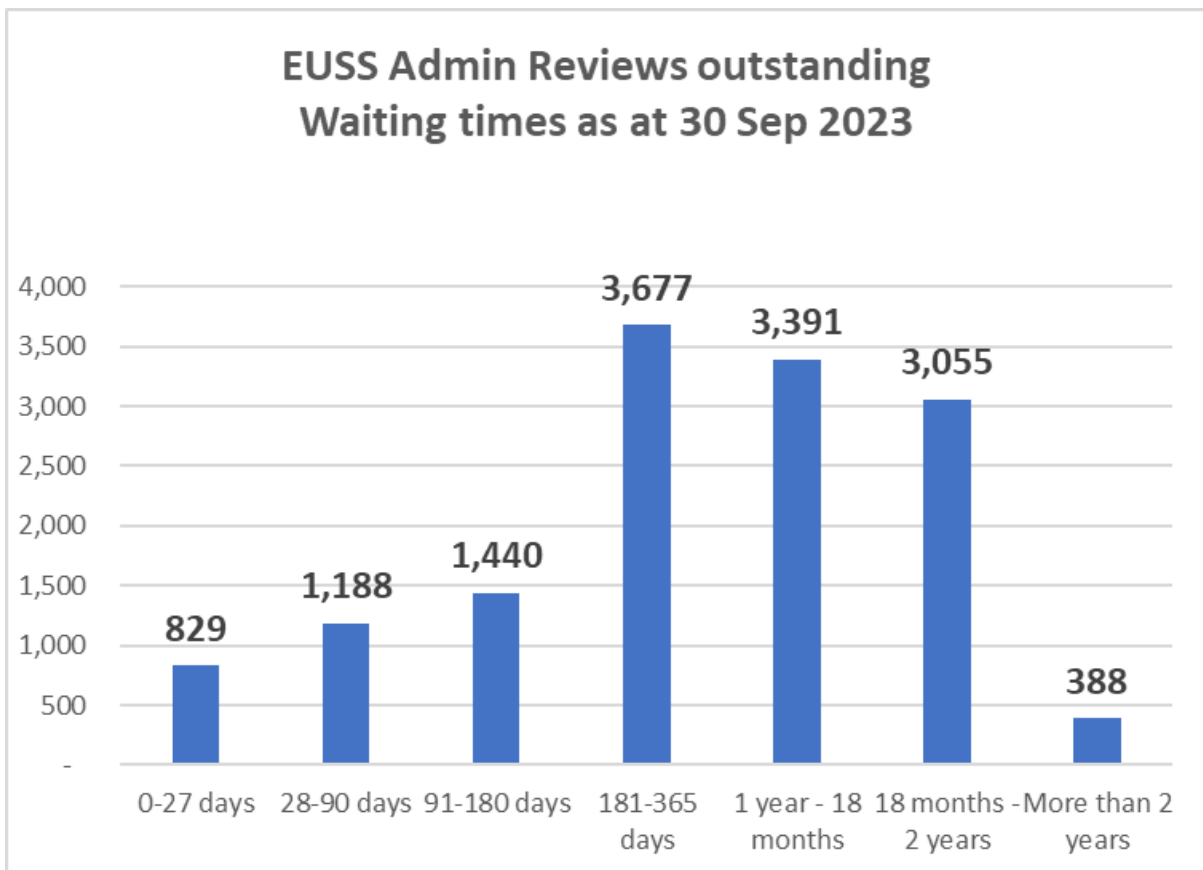
The following two charts compare the breakdown of all submitted ARs at 30 Sep 2023 and 31 Dec 2024 respectively - between upholding the original decision, overturning the original decision, rejecting the AR as invalid, the AR being withdrawn, and the AR as yet unprocessed.

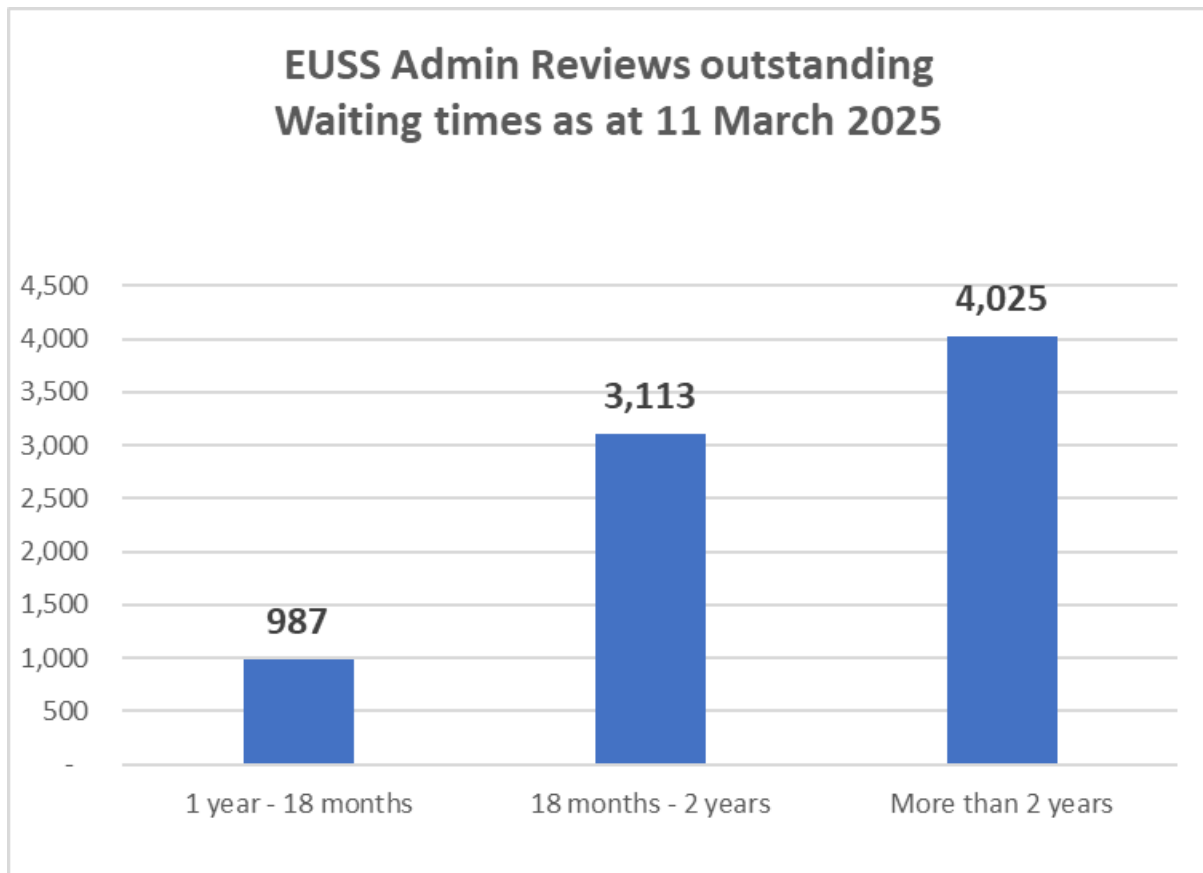


⁹ <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-december-2024/how-many-people-have-been-granted-settlement-via-the-eu-settlement-scheme>



The FOIs also show a breakdown of the unprocessed ARs, split by length of waiting time, between submission of the AR and the current date.





While the Withdrawal Agreement does not have any specific provisions about processing times, there are some paragraphs that are relevant to some extent.

Article 18(1)(e) states: *“the host State shall ensure that any administrative procedures for applications are smooth, transparent and simple, and that any unnecessary administrative burdens are avoided;”*

Article 18(1)(o) states: *“the competent authorities of the host State shall help the applicants to prove their eligibility and to avoid any errors or omissions in their applications; they shall give the applicants the opportunity to furnish supplementary evidence and to correct any deficiencies, errors or omissions;”*

The ‘EU Settlement Scheme: administrative review’ webpage¹⁰ currently states

“We have experienced unprecedented levels of applications which are causing a delay to our service. It can take 30 months or more to receive a result.

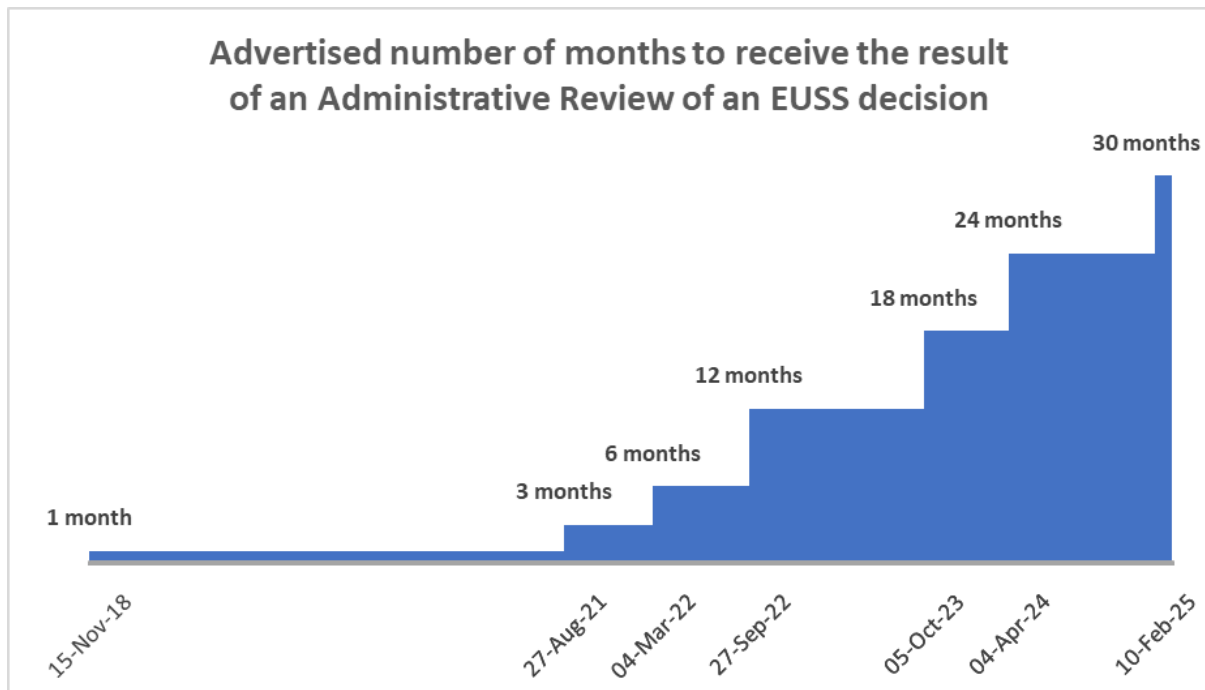
If we have not made a decision within 6 months, we’ll contact you to update you on the situation.”

Archived iterations¹¹ of this webpage show just how much this advertised timescale has increased.

Note it has continued to increase even after the AR route was closed.

¹⁰ <https://www.gov.uk/guidance/eu-settlement-scheme-apply-for-an-administrative-review>

¹¹ <https://webarchive.nationalarchives.gov.uk/search/>



There is no option (besides judicial review) for an individual to challenge a delay in processing their AR. It appears that EUSS ARs are considered by the same allocation of Home Office resources as ARs under other immigration routes, and that AR applications are being considered in chronological order.

People receive an update every six months, and an example of such an update (received in July 2024, when the stated waiting time was 24 months or more) says:

“Administrative Review has seen a 50% annual increase in applications across numerous immigration routes, including EUSS, which is causing a delay to expected decision times. Resources have been and continue to be increased in order to address the significant demand.

Applications are allocated chronologically to conclude in the fairest way and are allocated for review as quickly as possible.

Currently it can take 24 months or more to receive the result of your administrative review.”

People try other ways to challenge the delays, such as writing to their MP, or issuing pre-action protocol proceedings, but this has limited success. There are clear costs (and risk of liability for defendant’s costs) for anyone proceeding to lodge a full judicial review, and that process is lengthy in itself.

A very recent example of a reply from an MP to their constituent - having made enquiries to the Home Office on their constituent’s behalf - simply restates that ARs are taking a long time:

“We have experienced unprecedented levels of applications for Administrative Reviews (AR), which are causing a delay to our service. It can take 30 months or more to receive a result. We are sorry for the delay.

With an AR, your rights are protected until your application is finally decided. This includes where the outcome of any appeal or administrative review against a decision to refuse status is pending.”

4. Impact on individuals

Article 18(3) of the Withdrawal Agreement states:

“Pending a final decision by the competent authorities on any application referred to in paragraph 1, and pending a final judgment handed down in case of judicial redress sought against any rejection of such application by the competent administrative authorities, all rights provided for in this Part shall be deemed to apply to the applicant, including Article 21 on safeguards and right of appeal, subject to the conditions set out in Article 20(4).”

However, not only do people suffer stress and anxiety due to not knowing if their future in the UK is secured, they are also in a worse position with a pending application than a granted status:

- **Right to Work** - if their digital status is working correctly, people with a EUSS AR should see they have a ‘Certificate of Application’ (CoA) and be able to generate a share code to provide to a (prospective) employer. However, the employer will be told to repeat the Right to Work test within six months. In practice this leads to discrimination as many employers will be reticent to employ someone with time-limited permission to work. If their digital status is not working, then the employer needs to understand the concept of a CoA and agree to contact the Home Office’s Employer Checking Service, to wait for a ‘Positive Verification Notice’ which is valid for six months.¹²

If on the other hand they had granted EUSS status (whether settled or pre-settled status), the employer would receive a statutory excuse which is not time limited, in other words they do not need to re-check the person’s right to work in the future.

Note that the frequent reports of problems with digital status and share codes means this impact is exacerbated.

- **Right to Rent** (applicable to England only) - as with Right to Work, people should be able to generate a share code, or the landlord will need to use the Landlord Checking Service. This should give a statutory excuse for 12 months.¹³

If on the other hand they had granted EUSS status (whether settled or pre-settled status), the landlord would receive a statutory excuse which is not time limited, in other words they do not need to re-check the person’s right to rent in the future.

Note that the frequent reports of problems with digital status and share codes means this impact is exacerbated.

- **Access to benefits** - People with a CoA will only be able to access welfare benefits and homeless assistance if they satisfy an additional ‘Right to Reside’ test. This test is not

¹² <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

¹³ <https://www.gov.uk/government/publications/landlords-guide-to-right-to-rent-checks>

applied to British citizens or people with settled status under the EUSS, therefore it puts someone with a CoA into the same situation as someone with pre-settled status - having to satisfy the extra hurdle of the Right to Reside test. This additional barrier something that the3million is challenging in court¹⁴.

Therefore someone, who is ultimately granted *settled* status, is denied their 'equal treatment rights' (being able to access benefits on the same basis as a British citizen) during the entire time that they are waiting on their AR decision.

Furthermore, someone with a CoA is not able to benefit from the destitution safety net determined by the judgment in *AT v SSWP*¹⁵ which ensures that destitute EU nationals (and their family members) with pre-settled status can rely on the EU Charter of Fundamental Rights to obtain Universal Credit.

- **Travel** - the Home Office does not recognise that the right to enter the UK is covered by Article 18(3) of the WA. The EU Commission disputes this¹⁶. The Border Force guidance¹⁷ sets out in its section "Arriving passengers with a pending valid EU Settlement Scheme application – overview" that in order to be admitted to the UK while an EUSS application is pending (including while waiting for an AR decision), only people who were resident in the UK before 31 December 2020, and can prove it to a Border Force officer, can be admitted.

There have been many media reports of people denied entry to the UK while waiting for an AR:

- Jan 2024: [Spanish woman removed from UK after returning from Christmas holiday](#)¹⁸
- Nov 2024: [EU citizen caught up in Home Office residency backlog forcibly removed from UK](#)¹⁹
- **Driving licences** - it is not possible to apply for a driving licence, or exchange an EU driving licence for a British one, while an EUSS application is still pending.
- **EHIC card** - it is not possible to apply for an EHIC card while an EUSS application is pending. Instead people can request a Provisional Replacement Certificate (PRC) but this cannot be applied for in advance, rather it is only applied for once known emergency treatment is required.

The3million has written to the Home Office about all these limitations on several occasions, and this correspondence is available on the Publications page of our website²⁰.

¹⁴ <https://www.crowdjustice.com/case/eu-citizens-rights-to-dignity/>

¹⁵ <https://cpag.org.uk/welfare-rights/test-cases/test-case-updates/destitute-eu-nationals-pss-can-rely-eu-charter-fundamental-rights-obtain>

¹⁶ https://www.europarl.europa.eu/doceo/document/E-9-2024-000062-ASW_EN.pdf

¹⁷ <https://www.gov.uk/government/publications/eea-nationals-at-the-border-post-grace-period>

¹⁸ <https://www.theguardian.com/politics/2024/jan/07/spanish-woman-deported-from-uk-after-returning-from-christmas-holiday>

¹⁹ <https://www.theguardian.com/uk-news/2024/nov/01/eu-citizen-caught-up-in-home-office-residency-backlog-forcibly-removed-from-uk-costa-koushiappis>

²⁰ <https://the3million.org.uk/publication/2023062901>

In particular, we wrote a letter on 28th April 2023²¹ summarising all the areas where we knew people struggled to access rights while waiting on a decision. We stressed that this is made all the worse by long waiting times for a first decision under the EUSS. This did not highlight the extended waiting times caused by ARs and appeals, but all the arguments in the remainder of the letter are of course identical for this cohort.

The Home Office replied on 29th June 2023²², which acknowledges that people with a pending application:

- cannot apply for an EHIC card;
- experience extra friction when proving their right to work and right to rent (the situation has improved since the date of that letter, as it is no longer mandatory to use the ECS / LCS, and instead a share code will suffice, however it is still the case that such a share code will give only a 6-month / 12-month statutory excuse for working/renting respectively);
- cannot apply for or exchange a driving licence; and
- do not have a WA right to enter the UK;

The case examples in Annex A illustrate the following areas of impact:

- **Traveling** - fear of travelling, reports of being challenged / detained at the border, or removal from the UK. *Almost every case example contains a mention of travel problems. Cases 2, 5 and 9 include denial of entry at the UK border, case 9 a denial of boarding on a return flight to the UK.*
- **Working** - see cases 6, 10, 15, 18, 19, 21 and 25.
- **Renting in England** - see cases 2 and 15.
- **Studying** - see cases 23, 26, 28 and 30.
- **Obtaining a National Insurance number** - see case 10.
- **Applying for welfare benefits** - see case 10.
- **Opening bank accounts** - see case 22.
- **Applying to the EUSS for family member** - see case 13.
- **Applying for British citizenship** - see case 24.
- **Financial hardship** - see cases 7, 12 and 25.
- **Mental health** - many of the reports, in particular cases 3, 7, 14, 23, 25, 26, 28 and 30.

It must be stressed that all these impacts are hugely **exacerbated when there is also a problem with the digital status**, or eVisa, and people struggle even to assert their rights while waiting for a final decision on their immigration application. *See cases 17, 18, 24, 27, 28 and 29.*

5. Independent Monitoring Authority and ARs

Given the extreme and unreasonable delays of determining Administrative Reviews, which unlike appeals are entirely within the remit of the Home Office, we have been disappointed with the level of attention paid to ARs by the Independent Monitoring Authority (IMA).

²¹ <https://the3million.org.uk/sites/default/files/documents/t3m-letter-HO-AccessingRightsWithPendingEUSS-28Apr2023.pdf>

²² <https://the3million.org.uk/sites/default/files/documents/HO-reply-t3m-AccessingRightsWithPendingEUSS-29Jun2023.pdf>

We have written several reports to the IMA, which can be found on our website at <https://the3million.org.uk/ima-reports>. As early as November 2021, our third report to the IMA focused on delays in EUSS decision making²³. At the time, ARs were taking around three months or more (see paragraph 84), and our recommendation included a call for the Home Office to:

“Increase resources for dealing with administrative reviews and appeals”.

Our fourth report to the IMA²⁴ (March 2022) contains a section on digital status problems for those waiting for AR, and includes a recommendation to:

“Ensure that every individual always sees, and shares, a status that properly reflects their legal rights when using the View & Prove process. For example, a granted settled status should not show the person having pre-settled status, a pre-settled status with a pending application for settled status must show the person has pre-settled status rights, and a refused application undergoing administrative review or appeal must show the person has a pending application. Previously incomplete or withdrawn applications must not interfere with showing someone’s correct legal status.”

Our fifth report to the IMA²⁵ (November 2022) is focused on travel challenges, and includes references to increasing delays in ARs.

In September 2023, the IMA launched an inquiry to investigate EU Settlement Scheme application delays²⁶. Earlier that year, when discussing the potential for the inquiry, the3million had requested that ARs would be included in such an inquiry. The inquiry’s terms of reference²⁷ do not make it clear whether delays to ARs were within scope. Other legal professionals, advisors, and individuals raised their confusion around this, so we emailed the IMA and requested clarification, requesting also for clarification within the Call for Evidence itself.

In response, the IMA confirmed that ARs were not within scope of the inquiry, and that they were being reviewed as a separate piece of work.

The IMA website shows the following pieces of work on this, both with a status of ‘Open’ on their Issues Log webpage²⁸:

- [EUSS- Rights of travel for holders of a Certificate of Application \(COA\) when an EUSS application is pending or subject to administrative review or appeal](#), stating *“The IMA has received information that citizens who hold a valid Certificate of Application are having issues at the UK border, including being denied entry to the UK or are subject to removal directions. The IMA has written to the Home Office to seek clarification of the rights of citizens travelling when in receipt of a COA and/or when an active review was pending.”*

²³ <https://the3million.org.uk/publication/2021112402>

²⁴ <https://the3million.org.uk/publication/2022032801>

²⁵ <https://the3million.org.uk/publication/2022112301>

²⁶ https://ima-citizensrights.org.uk/news_events/ima-launches-new-inquiry-to-investigate-eu-settlement-scheme-application-delays

²⁷ <https://ima-citizensrights.org.uk/wp-content/uploads/2023/09/EUSS-Delays-Inquiry-TOR-FINAL-040923.docx>

²⁸ <https://ima-citizensrights.org.uk/our-work/what-were-working-on/>

- [EUSS Administrative Reviews and Appeals](#), stating *“The IMA has received information and complaints about lengthy EUSS administrative reviews and an inability by applicants to obtain updated information as the review progresses.”*

We raised the issue again in a recent meeting between the3million and the IMA, also asking when the inquiry into EUSS application delays (launched 18 months ago) would be published.

On AR reviews, we were told *“Administrative Reviews have been subject to a separate compliance piece of work, we are monitoring this and have been collecting data from the Home Office to understand the cause and reasons for the significant backlog in EUSS applications submitted for an Administrative Review. We are aware there are protracted waiting times, and this causes a significant impact and uncertainty on individuals subject to these delays. We are currently considering our next steps in relation to this area.”*

On the inquiry, we were told that we would be updated once a publication date was fixed.

Separately, the IMA is looking into the travel issues for people with pending EUSS applications. This news article²⁹ included a quote from the IMA: *“The IMA has written to the Home Office after receiving information that citizens who hold a valid certificate of application (CoA) are having issues at the UK border, including being denied entry to the UK or are subject to removal directions. This includes administrative review of applications pending.”*

We welcome this investigation on the travel impact, and look forward to further updates on this piece of work.

However, we are disappointed that the IMA has apparently not done (or published) more on the general issue of AR delays.

²⁹ <https://www.theguardian.com/uk-news/2024/nov/18/home-office-pressed-on-eu-citizens-removed-from-uk-while-awaiting-approval-to-stay>

Annex A - Case examples

The3million receives account of people affected by delays to their AR being decided, via the reporting tool³⁰ or the contact form³¹ on our website.

Below, we share a redacted selection of such accounts. We have removed most facts and reasons for refusal from the accounts, but retained descriptions of the impact of the AR delays on people.

We group these in the following sections:

1. Still waiting for AR decision where no other status is held
2. Still waiting for AR decision where pre-settled status is held
3. Received AR decision

A.1 Still waiting for AR decision where no other status is held

Case 1 - Uncertainty and inability to travel during 16 month AR wait (at time of report)

"I'm still waiting for an admin review on my pre Settlement status (since October 2023). Last update Email says February 2025. Every time I ask Home Office about travelling they only say: we'd advise you not to travel. My parents are both old and my daughter hasn't seen them and her dad for ages. Do you know if there is anyone I could ask for help? I don't mind the waiting I just really want to visit my family in Germany. My daughter wanted to go on a school trip to [EU] and even the school and the my local Council didn't get any different answer other than: if you travel abroad you loose your status. The Email from home office comes every half year and predicts the timing of the outcome of the admin review. This time it said February 2025...I'm waiting since March 2023. I'm working and pay taxes, I'm renting and pay council taxes, I have a car and pay taxed...but I'm not allowed to visit my family in [EU]. It's not logic or fair." - September 2024

"Last year I wrote with one of your colleagues and she said to contact you if there was a development. My mental health took a very bad turn in December 2024 due to the stress of not knowing if we are allowed to stay in the UK. I contacted my MP and they intervened on my behalf. The home office replied with the Email following here." - February 2025 [Email from Home Office requested further residence evidence]

³⁰ <https://the3million.org.uk/report-it>

³¹ <https://the3million.org.uk/contact-us>

Case 2 - Struggle to rent and denied entry to the UK during 2-year AR wait (at time of report)

"I recently got denied entry into the UK. I have an EUSS Admin Review in progress since 2022 but this time they said that doesn't matter at the border. I find it unacceptable that processing the Admin Review takes this long. I always find it hard to find a place to rent. They usually choose someone else over me. I will lose my job soon since I was denied entry into the UK. It is probably because of my status that I can't even get a credit card. I have a girlfriend and a friend group in the UK who I can't visit. The way they treated me at the border still often comes to mind and affects my mood. I've contacted the EU Settlement Resolution Centre, the Admin Review team email, my embassy, and none of them could help me with the progress of my application. I contacted my local Law Centre. They recommended that I submit a Judicial Review against the home office saying that it isn't lawful that the processing of the Admin Review takes this long. I've decided against pursuing this because other lawyers said that this won't make the process faster." - December 2024

Case 3 - Mental health impact during 22-month AR wait (at time of report)

"I applied for the euss and was refused in december 2022 under grounds for insufficient evidence that I was in the uk before brexit. I had then applied for an administrative review the week following that decision with further evidence. Since January 2023 I have not heard back from the home office - making that almost 2 years without a decision. I have lived and worked here most of my life & This has hindered all travel outside of the uk for me. This has taken a massive toll on me particularly mentally." - November 2024

Case 4 - Uncertainty and questioned at the border, 22-month AR wait (at time of report)

"I applied for a late application in July 2022 but it got refused because I had been in my home country [EU] for too long. This was because of COVID, and I wasn't allowed to travel at that time. The guidance clearly stated that COVID was a legitimate reason to be out of the country for an extended period. So I applied for an administrative review and haven't had an update since. Returning to the UK is always a problem, I can't use the passport gates, will get questioned lots of times and delays my travel time loads. Besides that it's horrible not knowing what the resolution will be. I want to know if I can stay in the UK and I want to continue my life, starting a family, buying a house etc." - May 2024

Case 5 - Denied entry to the UK during AR wait

"I have just had a client call. He is [EU]. The EUSS applications for him and his wife were refused and both had taken their cases to Admin Review. Neither had an outcome. He went to [EU] for a visit and, when he returned, was stopped and he showed his acknowledgement letter in respect of his original application. The Border Force officer made various calls and then told him that he had no grounds for his original application which had therefore been refused. My caller had the impression that he was told the Admin Review had been determined then and there. He was given a letter explaining that his application was unsuccessful. He was then told that, as he was entering the UK to live and work, not as a visitor, he was declined admission. He was put on immigration bail with a condition to report to [redacted] Airport in one week to leave the country." - May 2024

Case 6 - Uncertainty and struggle to find employment during 2-year AR wait (at time of report)

"I have made an application to EUSS, I received a refusal in 2022, I requested an admin review since I was sure the case worker missed something or didn't do a proper due diligence. As of today I haven't heard from the HO, I involved my local MP and all he could get out of them was we are dealing with backlog admin review cases and yeah, but I don't know how long the home office would take to get to my case and make a decision, if I have appealed by then I am sure I would have a court hearing long time ago. it's frustrating to sit here without any status and they are not even bothered to communicate with me.

I can't find jobs, every time I do interview and the employer finds out I have certificate of application, they reject straight away." - April 2024

Case 7 - Financial and mental health strain during 1-year AR wait (at time of report)

"I originally applied to confirm my status as a husband to an EEA citizen. The application was refused because the Home Office thinks I am not physically present in the UK. This is despite that I have given them evidence that I am here and could only enrol my biometric details in person in the UK. Following that refusal, I applied for administrative review in April 2023. The Home Office promised a response in 6 months from that time. I patiently waited and chased after 7 months and still have not received response. It is almost a year and I still have not had responses. This is causing enormous strain and stress on me and our family life. I cannot work because I do not have the document to prove my status. We are really struggling financially and mentally. My wife and I do not know what to do." - March 2024

Case 8 - Denial of boarding during AR wait

"My husband applied for euss before the deadline. It is currently under administrative review. We went to his home country for a holiday. On trying to return home [redacted] airlines said he couldn't board the flight with his CoA and he needs a visa. I have travelled home without him. I am trying desperately to no avail to get him home." - February 2024

Case 9 - Refused entry to the UK, 6-month AR wait (at time of report)

"I am reporting on behalf of one of our students. They had been enrolled to study a BA in during covid and were studying remotely for 2 years. Unfortunately they then applied for a student visa to complete their final year. They became aware that they could apply for status under the EUSS, and the late application was submitted in Feb 2023 which was rejected in June 2023. They submitted an admin review in July. While the admin review has been pending, they went home for specialist treatment during the Christmas break and were refused entry into the UK this month at Luton Airport even though they have the right to travel when an application is pending. I have emailed the border force in Luton to argue the refusal of entry and they have yet to respond and there seems to be no avenues to resolve this. They are now not able to complete their Masters programme as a result." - January 2024

Case 10 - Unable to apply for NINo or welfare, 20-month AR wait (at time of report)

"They applied to EUSS in Oct 2021, got CoA in Dec 2021. They were refused in April 2022. Submitted Admin Review with additional evidence. Still waiting on outcome of admin review. They cannot apply for a National Insurance number because status is pending. Was first told by Department of Communities in Northern Ireland that they needed a UK visa or Residence card, disputed she had a right to work. Eventually they conceded she has a right to work but still refuse to allocate a NINo until the HO make a decision. Cannot get a free bus pass (over 60), cannot apply for PIP or NI, is rejected for many jobs." - January 2024

Case 11 - Unable to renew passport, other impacts during 18-month AR wait (at time of report)

“Despite our best efforts and cooperation with the required application processes, we have faced several difficulties. Firstly, it appears that our application may not have been thoroughly reviewed by the Home Office, as we received email inquiries requesting information that had already been provided in our initial application, complete with supporting documentation.

Moreover, I am unable to obtain a new [EU] passport due to the requirement of proof of residence/outcome of the Application. This restriction complicates our situation further, as it is essential for my travel and identity documentation.

We are waiting for 18 months now for an Admin Review decision. We are facing so many issues because of this:

- 1. ****Uncertainty Regarding Immigration Status:**** The delays in our application processing have created uncertainty about our immigration status in the UK, making it difficult to plan for our family's future.*
- 2. ****Inability to Work:**** The lack of essential documents, such as a National Insurance Number (NINO), a UK Tax Number, and a UK Driving License, has hindered my ability to work and support my family financially.*
- 3. ****Inability to Obtain a New [EU] Passport:**** Without proof of residence/ outcome of the Application, I am unable to obtain a new [EU] passport for me and my daughter, which is crucial for travel and identity documentation, limiting your mobility and access to certain services.*
- 4. ****Emotional and Psychological Impact:**** The continued uncertainty and potential need to leave the UK have taken a toll on my daughter's emotional well-being, compounding the emotional distress she experienced prior to your relocation.*
- 5. ****Disruption of Education:**** Leaving the UK before she completes her education would disrupt her academic progress and potentially limit her future opportunities.*
- 6. ****Impact on Family Relationships:**** Relocating or facing continued uncertainty could impact family relationships and the support network we have in the UK, which is crucial for our family's well-being.*
- 7. ****Financial Burden:**** The extended delays and inability to work due to document-related issues have placed a significant financial burden on our family.*
- 8. ****Legal Expenses:**** Engaging a solicitor to navigate the complexities of the application process has incurred additional legal expenses.*
- 9. ****Impact on Quality of Life:**** The overall impact of these challenges has affected our family's quality of life and created a precarious situation that requires urgent resolution.” - November 2023*

Case 12 - Other visa expense & digital status issues during 22-month AR wait (at time of report)

“An administrative review was filed in December 2021 and has been outstanding since then. In mid 2022 an internship opportunity presented itself to me, and the host university requested I obtain a student visa. I did so, completed the internship, and this visa now expires imminently. In retrospect applying for this visa was probably unnecessary, but the concern was that if my AR was rejected mid-study then this would pose significant problems. I have now moved on to another internship - this one as an employee in private practice - but cannot prove my euss status nor can the employer seemingly access this through the checking service. I have still received proforma email updates apologising for the delay in processing my EUSS AR so believe the application is still pending. Essentially, my problems are 1. The review has taken an unacceptably long time. 2. I cannot prove my right to work beyond the imminent expiry of the student visa. 3. I am due to travel to [EU] for a work-related course just after the visa expires and am concerned I will have trouble re-entering the country. Both myself and my employer are concerned regarding my right to work status. They wish for me to apply for a sponsored work visa. I am concerned this may automatically withdraw my EUSS AR. My partner and I have made a life here - we bought a house and have good job prospects. While I can get the sponsored work visa for this job, having to do so for future opportunities may limit my options.” - October 2023

Case 13 - Cannot travel to UK or apply for family member, 2-year AR wait (at time of report)

“I've applied to pre settlement scheme within the deadline in June 2021, after a month it came denied. They sent an automated email stating they tried to contact me several times, which is an absolute lie. I then applied for an administrative review in September 2021. Till now I've got absolutely no response! Nothing. I've contacted the home office several times by now. Sent various paid emails, called them on the phone, etc. They just say I have to wait. And it's been a year and a half by now! Since I applied from outside the UK the Immigration border say I have to wait outside. I left UK in November 2021, and am outside till now! Besides I cannot put my son as my dependent because I haven't received my status, just the COA that doesn't allow to add anyone.” - March 2023

“It's been on administrative review since 12 September 2021! I already contacted the home office, lawyers, everyone hundreds of times, and got no outcome!!! It's causing me stress, anxiety, cardiac problems, severe eczema, been away from family in UK, having several issues assessing services!” - September 2023

Case 14 - Inability to settle and get on with life during long AR wait

“I was told I had insufficient proof- I have lived in the UK since 2011 - both children were granted settled status with the same proof. My application is stuck in admin review - I needed to pay £80 and it has been there since Brexit. I have emailed and called countless times and contacted my MP. I have 2 minor children and I'm worried I'll be denied and need to leave - I don't know what to do next- this is very stressful- I would like to settle, but I'm too worried I'll be denied.” - July 2023

Case 15 - Problems travelling, renting and working during 16-month AR wait (at time of report)

"I submitted my application for pre-settled status prior to the deadline in June 2021. In February 2022, my application for pre-settled status was unfortunately refused due to a perceived lack of evidence. Following this, we immediately filed for an administrative review of the decision. However, we have received no update or decision on this matter to date.

Recently, I was compelled to leave the UK for a few days due to crucial family matters. Upon my return, I faced a challenging encounter with border control. The officers contended that my certificate of application did not grant me the right to reside in the UK. Despite this, I was allowed entry but was cautioned that I risked deportation to [redacted] during my next attempt to enter the UK.

I am reaching out in hopes that you may be able to offer some guidance in this predicament. I am anxious about the unresolved status of my administrative review and the potential risks given the recent experience at the border.

Due to the lack of a definitive response to my application, my rights are severely limited:

- *Border officials threaten to deny me entry into the country despite an extremely important trip caused by a family member's illness*
- *I am afraid to leave the country for a few days to visit a sick family member*
- *The situation is very stressful and also negatively affects my mental health*
- *Renting a property has become extremely difficult; landlords expect me to pay at least six months' rent upfront*
- *It's very hard to find an employer who won't mind confirming my right to work with Home Office.*
- *My employer refuses to sign a permanent contract with me and every three months we sign a new contract, which is very stressful*
- *The lack of a clear response from the Home Office regarding the legality of my stay in the country greatly complicates my life.*
- *I have contacted several solicitors to determine my situation, and each one presents my rights completely differently, which may mean that there are no clearly defined rules for people waiting for status outcome." - June 2023*

Case 16 - Challenged at airport during 16-month AR wait (at time of report)

"I applied in 2021 and my application got declined even if I applied with my husband, he got accepted but I didn't. I applied for administrative review in October 2021. It's February 2023 and still no response. I got stopped at the airport and they told me I can't exit the uk if I want to come back. Problem is I work here. But my family lives in [redacted] and [redacted]. I'm stuck here and given how long they're taking I'll be stuck here for longer. I feel like my rights are not protected. And I keep receiving these emails saying that due to a high demand they are taking a long time." - February 2023

Case 17 - Detained at airport, incorrect digital status during 21-month AR wait (at time of report)

“On three occasions when I entered the UK (LCY in Oct 2021 and May 2022, Heathrow in Jan 2023), the Border Force held me up for an hour or more in a cage or cattle-pen-like structure to check if the administrative review really was still pending, because their system apparently only showed that my EUSS application had been refused, but not that the admin review was still ongoing.

I realised only recently that my UKVI account only displays that my EUSS application was rejected on 'xx May 2021'; that is actually the day I applied for administrative review. Probably it has never displayed anything else and this is the reason why I was held up by the Border Force. I have luckily never needed a Share Code so I did not realise I should be able to generate one. Being held in that cage was awful every time. I was not treated badly, but these experiences have taught me how captivity in and by itself is terrible. I was very frightened and nervous and it brought back memories of other times I've been powerless or in danger.” - February 2023

Case 18 - Forced to leave UK due to wrong digital status, 8-month AR wait (at time of report)

“I arrived in the UK, in March 2010. In 2021 I applied for Settlement Scheme, and I received COA, in May of the same year. In June 2022, I was notified by the Home Office, informing that my application for the Settlement Scheme was refused. I applied for an administrative review, after that, I was no longer able to work in the UK, because I lost access to my share Code.

I have contacted the home office many times, and the answers that I receive is always the same, sorry for the delay, and it doesn't solve problem. No longer able to access my share code, not able to work in the UK, I felt forced to move out, and im still waiting for the decision. It affected everything in my life, from the moment I lost the right to work in the Uk. I'm struggling pay my bills, continue improve my skills in the UK.” - February 2023

Case 19 - Struggle to work or travel without BRC during 13-month AR wait (at time of report)

“I applied for pre-settlement in May 2021. In August 2021 my application got refused. I applied for Administrative review application. Since then, I have not received any reply regarding my application from them. It has been a year now. I am a non-EU citizen, and It is without biometric card which restricted my employment as many jobs require me to have BRP. I find it hard to travel without physical residence card.” - October 2022

Case 20 - Detained at ports & incorrect Home Office advice, 10-month AR wait (at time of report)

"I applied for EU Settlement Scheme well before the post-Brexit deadline. My name is on council tax, rental lease, and utilities since 2017. I was in England during the period in question, and since it was the Covid lockdown, I left the house only to take a walk. I called the Home Office to check on my application and they said it looked fine and my documents were complete. Yet I was denied in September 2021 for lack of proof of being in the UK. They said the purchases I made online could have been ordered from anywhere. I am handicapped so I don't get around as much as most people. I got an expensive lawyer and applied for an administrative review. So now I'm in limbo, held up all the time at ports of entry. The last time I entered through Heathrow they delayed me for two hours while they checked my status. At the Eurostar in Paris in June, they pulled me out of the line and kept me waiting while they investigated, making me wonder if I would miss my train, which was the last train to London that night. They always apologize, and say they see a lot of people in my predicament. When I called the Home Office for advice, they suggested I withdraw my Settlement Scheme application and reapply. But the lawyer told me that was very bad advice that could have hurt my status, leaving me with a feeling of mistrust." - July 2022

Case 21 - Detained at airport, lost job offer during 10-month AR wait (at time of report)

"I was detained at the airport two weeks ago due to my admin review still pending.

I moved to the UK in 2011 (did my BA and MA here, worked) and left in 2016. I returned in 2018 and have been here since working full-time, have a mortgage, a dog, married to a UK citizen. I applied for the pre-settlement status and was rejected in August 2021 due to "missing documents". What those were I've no idea.

I applied for admin review in Sept 2021 and got a job offer in October. The position was held for me until January 2022 when I complained to the home office about not having heard back. Sadly, I couldn't accept the position due to my status and I was told by the home office that I had no grounds for a complaint and that my case wasn't considered urgent.

When I was detained after coming back from [redacted], I was told by the airport guy that my file hadn't been looked at by home office since April 2022. So my question is what do I do? I understand there is a massive backlog but it's coming up to a year since application and my life is on hold. I'm unable to move jobs.

I am gutted. My whole life is here and my case is pretty straightforward. I'm in my early thirties and at an important place in my life where losing out on a great job had a massive impact on where I am mentally." - June 2022

Case 22 - Challenged at ports & unable to open bank a/c, 9-month AR wait (at time of report)

"In May 2021 I was granted an EEA Family Permit to join my unmarried partner in England. 2 weeks later I traveled to London, and on the same day I applied for the Pre Settle Status Scheme. My PSS was denied in August 2021, based on eligibility grounds saying I did not have a Family Permit in my name. I applied for an Administrative Review since I have my Family Permit in my passport and since my application to the PSS was before it expired. Currently, in 3 days, it will be 9 months since I am waiting for the outcome. I am a [redacted] and I have to travel a lot for work (thanks to my EEA Family Permit), so several immigration officers at the airport suggested that I should contact Home Office as my case should not be taking so long as they saw that everything with my case was simple and was everything ok. I have written emails to the email box EUSS.Admin.Review.Enquiries@homeoffice.gov.uk but I can't get any reply from Home Office. Also my MP tried to help me contacting them, but it didn't work either. Since my immigration status is still pending, and since I have to travel a lot for work, when I return to England I always get stopped to check my status. Also, I cannot open bank accounts in UK banks since I do not have my BRC card to prove that I am a resident, only my COA and my link to share with employers and landlords." - May 2022

Case 23 - Stress and impact on study options, 6-month AR wait (at time of report)

"My original application for pre-settlement status got rejected. I applied for an administrative review in October 2021 but since then I have not received any update on my status. I graduate university in June and I need pre-settled status to prepare for graduate schemes and prospective jobs. It has been very stressfull not knowing if I will be able to continue my studies next year and the complete lack of ways of contacting the immigration office is frustrating." - April 2022

A.2 Still waiting for AR decision where pre-settled status is held

Case 24 - Inability to apply for citizenship during 32-month AR wait (at time of report)

"I currently have Pre-Settled status. (started studying in London back in 2017). My application for Settled Status got rejected in December 2021 after I was asked to provide more details 3 times in a row, for different date ranges every time. (I ended up providing proof I was in Uni, all my tenancy contracts and several bills, as well as employment records and it still wasn't enough)

I applied for an administrative review in January '22 and I still have not gotten the decision as of September 2024. My Pre-Settled status is currently due to run out in January 2025, and I still will not have had any answer from the Home Office other than that they expect "delays of 18 months or more" in processing. This matters because I wanted to apply for citizenship right after I got my settled status (2022) but that never came to be. I want to travel and work outside of the UK without fearing that I won't be allowed to come back, especially after 7 years here. I've had several job offers I had to turn down so that I could continue living in the UK, in hopes that the government will eventually do right by me and follow up with the Administrative Review." - September 2024

Case 25 - Financial, job, travel & mental health impacts, 17-month AR wait (at time of report)

"I applied for Settled Status in September 2021, and was refused. The refusal included the line 'you have not provided sufficient evidence to confirm that you have ever resided in the UK and Islands'. In my application and supporting documents there were piles of evidence to show that I had lived in the UK for many years. In the years of tax I have paid to HMRC, there is evidence of this. The very fact that I already had Pre-Settled Status is evidence of this. Clearly no one had read my application.

I had been stuck in [redacted] and unable to return home to the UK as it was illegal during the pandemic for [redacted] citizens to leave. (I had been there to help a family member and got stuck.) It meant I had been out of the country for more than 6 months, and I provided evidence to show that it was due to pandemic laws. I applied for an Administrative Review in February 2022. It has now been 17 months since my Administrative Review.

I have written to two different MPs to help expedite the Admin Review as I have lived in two different areas - and in both instances I received a generic reply that the Home Office isn't able to do anything about it. One of the generic emails included the line 'Please do not contact the Admin Review Team unless circumstances are urgent or exceptional'. I explained about my grandmother and my mental health and asked what they classify as 'urgent an exceptional'. The second generic email they sent back was the same but with that line omitted. It is a farce.

I do understand that many people would be in a much worse position than I am: I have a job that would sponsor me if need be; I have the savings to pay the NHS surcharge if I required the Skilled Worker Visa; I have the funds to pay for a solicitor to help me. Here are the ways this has affected me: I was restricted in what bank loans I could apply for because of the Pre-Settled Status I had, and that meant I couldn't go with a lower interest rate loan. I haven't been able to go for a different role because my current job is on the list for Skilled Worker Visa and I will need that job to apply for the Skilled Worker Visa. This has limited my earning capacity while I wait for a result. I have had to save in case I need to pay for the Skilled Worker Visa, which means I haven't been able to do improvement works on my flat. Most important are the mental health consequences: First, I am scared of travelling to [redacted] to visit my grandmother who is very elderly and ill, because when I travel (within Europe) I am stopped at the UK border and my passport is confiscated and my right to enter rescinded until they decide to let me back in and I am terrified of travelling to [redacted] and them not believing me and cancelling my Pre-Settled Status. I know this last one sounds ridiculous but it is a genuine real fear and all evidence shows that the Home Office and Border Control can do whatever they like for absolutely no reason. It means I haven't seen my grandmother in about 2 years. Second is that my life is on hold. I am anxious and scared. I can't plan for the future because I don't know what my future is. I am in a relationship, but how much of myself do I put into that relationship? It's very clear to me that I could be kicked out at any time, for any reason.

As an additional note, I am also finding it extremely difficult to find information. Am I allowed to stay on past the end of my Pre-Settled Status if it takes longer than that date (for me, May 2024) to receive a reply about my Administrative Review? If the answer is yes, and if I then get a rejection from the Administrative Review after May 2024, how long would I have to leave the country? If there is a time period eg you have 14 days to leave the country, am I allowed to work during that time, so that I can apply for a Skilled Worker Visa and not leave?" - July 2023

Case 26 - Uncertainty and impact on study during 7-month AR wait (at time of report)

"I am reaching out to you to ask you whether you know how long administrative reviews are taking and if you have any piece of advice to share with me.

7 months have now passed since I submitted and paid for an administrative review (in December 2021). I have followed up several times with the home office via e-mail and I still don't have any feedback. I also tried to call the home office, but no luck with getting through to someone

I am 17.5 years old and I was granted pre-settled status although my mother was granted the settled status. The EU Settlement Scheme indicates that the child (under 21y old) gets the same status as the parent, so I submitted an administrative review but I still haven't heard back. I need to know asap as I am soon going to be studying at university in the UK and need to know what my status will be." - July 2022

A.3 Received AR decision

Case 27 - Incorrect digital status leading person not to understand that their AR was rejected

"I have been living in the UK for nearly a decade and a half, went to secondary school and university to study electronic engineering, I have since graduated and employed as an engineer. My application was rejected despite providing the evidence in 2021, I wrongly assumed the whole time that it was a glitch in the system. I have resubmitted my evidence in 2023 with additional documents and context. I only received a certificate of application and complete disregard ever since. I am privileged enough to get by with my certificate of application but the whole experience is horrible, I feel like I am stuck in a limbo. I have been stopped at the border check during my travels and it is always nerve wrecking. I'm worried that there might be one day when I wake up and my certificate will be gone. EU Settlement Scheme is one of the worst things that ever happened to me, it is so heartbreaking. I do not understand how the government could not check the electoral registration records, education records, border control records, health system, DVSA, as well as HMRC documents to back the claims of people like me." - March 2025

During a subsequent call with this person, it transpired that their 2023 AR was refused shortly after submission on the grounds of being out of time. The person had not understood this however, partly because their CoA has kept functioning ever since, partly through knowing from others that ARs are taking years to resolve, and partly because they found the letter confusing. They were under the impression that their EUSS application was still somehow under consideration. They were able to continue generating share codes, with their employer aware that they need to check their right to work every six months. While being questioned at the border, Border Force officers continued to allow them entry to the UK and told them their application was still under consideration.

Case 28 - Successful AR (took over 2 years) but incorrect digital status impacting study and travel

"In September 2024, I was granted EU pre-settled status via a successful administrative review after more than two years of waiting. As there is currently no physical card for pre-settled status, I rely entirely on the eVisa system to prove my status. However, to this date (Feb 2025), my eVisa displays incorrect personal details, despite repeated attempts over the past five months to have these corrected. This leaves me without access to legal proof of my immigration status. My university has now repeatedly asked for a share code for my pre-settled status, which I am unable to provide.

I also experienced issues with my EUSS administrative review. My EUSS application was rejected in July 2022. I lodged an administrative review in August 2022. Shortly thereafter, I encountered problems at passport gates when returning to the UK after visiting my family. On three separate occasions, I was briefly detained at the airport for about an hour each time due to the EUSS rejection being flagged in the system, despite holding a valid student visa. Despite extensive communication with the Home Office, no assistance was provided. These issues were only resolved after several months and required the intervention of my MP.

The administrative review itself took over two years to complete, with the Home Office repeatedly extending the stated deadline when it was reached. This unreasonably long delay effectively denied me my rights, and my requests for updates throughout this period were consistently ignored.

The Home Office's failure to correct inaccuracies in my eVisa account has caused me significant emotional distress, leaving me in a constant state of anxiety. Accurate proof of my immigration status is essential for studying, working, travelling, and accessing services, yet I have been unable to obtain this proof for months. Repeated delays, inadequate responses, and unresolved processes have made every attempt to address the issue feel futile, leaving me feeling ignored and helpless.

This ongoing issue affects nearly every aspect of my life. My university continues to request proof of my status, which I am unable to provide, putting my studies and research at risk. My ability to travel remains uncertain, as I fear being denied re-entry to the UK. Even routine tasks, such as proving my right to access essential services, require disproportionate effort and depend on third-party processes that are slow and inadequate for broader purposes. The lack of resolution has left me feeling as though help is only accessible after something serious happens—but I do not want to wait until I am denied entry, my studies are interrupted, or I lose access to essential services for my concerns to be taken seriously. This approach leaves me vulnerable and exacerbates my constant sense of insecurity.

Instead of focusing on my PhD research, I am forced to continuously follow up with the Home Office, resubmitting the same forms repeatedly and being told to wait—for five months now. In the meantime, I must track all communication, document the errors, and repeatedly explain why I still cannot prove my status. This makes it incredibly difficult to focus on my academic work and perform at my best. I already endured over two years of delays to receive the pre-settled status I was eligible for, spending that time chasing the Home Office, resolving issues during travel, and feeling constant anxiety about being detained or denied entry. Despite following all the correct procedures, I now find myself in the same position, denied my rights yet again. I feel trapped in a cycle of inaction, left to bear the consequences of the Home Office's failures." - February 2025

Case 29 - Successful AR but incorrect digital status causing concern over travel

"Client received pre-settled status after successful Admin Review in November 2023. Today we have been approached by her daughter that when she checked her mom's status it showed that she has Certificate of Application and was worried that it might affect her mother's ability to travel. We confirmed with the EU Resolution Centre that the client indeed has pre-settled status. When generating share code for right to work, it shows that she can work until November 2028 just as if she's got pre-settled status. When generating share code for anything else, however, it shows that she has Certificate of Application. They are worried that she might be stopped at the border if the Border Control think she does not have a status granted yet." - February 2025

Case 30 - Impact of refused AR (took over 2 years)

"I applied to get Pre-Settled Status in Feb 2021, was refused in April because I had "not provided sufficient evidence to confirm that you have ever resided in the UK". Applied for Administrative Review in May 2021 and did not hear from Home Office again until Sept 2022, when they asked (much to my surprise) for evidence of my return and being resident in the UK and for the reasons of my absence (related to Covid). I provided what evidence I could provide in Oct and was refused again on last month because my evidence did "not prove the continuous qualifying period of less than five years". The main problems seem to be 1) the Covid-related absence of more than 12 months, for which my reasons and/or the evidence I have for them were apparently deemed insufficient; the other, shorter absence may also become a problem though it might be permitted as being for study as an 'important reason'; 2) what evidence I have for being resident in the UK: as full-time student living in College accommodation I essentially have only letters and bills from the University and my College, which should be acceptable evidence according to gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence but were considered insufficient for me. I now face being illegalised in 4 days all of a sudden in the midst of my studies. Due to the stress and anxiety resulting from this I have barely been able to sleep since I got the decision. I'll have to either appeal this decision or abandon getting Pre-Settled Status and apply for a student visa instead, both of which come with significant financial costs and further nagging uncertainty. Needless to say I can hardly study at all in this situation. This feels so absurd and I couldn't have imagined that such a thing would be possible." - February 2023

Annex B - excerpt from EUSS refusal decision letter

(dated November 2021)

If you disagree with our decision

Appeal rights

You can appeal this decision to the First-tier Tribunal under the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020.

If you are in the UK on the date of this decision you have 14 calendar days after the date this letter is sent to appeal. If you are outside the UK on the date of this decision you have 28 calendar days from the date you receive this letter to appeal.

You can appeal on the basis that the decision is not in accordance with the EU Settlement Scheme rules, or that it breaches any rights you have under the Withdrawal Agreement, the EEA EFTA Separation Agreement, or the Swiss Citizens' Rights Agreement.

Information and support on how to appeal, the process, and the fees payable are all available online at www.gov.uk/immigration-asylum-tribunal/overview.

You can get help and advice from a solicitor or an immigration adviser. You can also contact Citizens Advice. If you are not getting help from a legal representative you can read the guide on representing yourself. See www.gov.uk/represent-yourself-in-court for further information.

Should you appeal against this decision within the relevant timeframe for making an appeal, you can continue to rely on your Certificate of Application as evidence of your residence rights under the Withdrawal Agreement, the EEA EFTA Separation Agreement, or the Swiss Citizens' Rights Agreement until your appeal is finally determined.

Administrative review

Alternatively, you can apply for administrative review if you think the decision maker made an error or did not follow the published guidance, or where you have new information or evidence in support of your application.

You have 28 calendar days from the date on which you receive this decision to apply for an administrative review, unless you are detained on that date you receive this decision in which case you have seven calendar days from that date to apply for an administrative review.

Information on how to apply for an administrative review, the process and the fees payable are all available online at: www.gov.uk/guidance/eu-settlement-scheme-apply-for-an-administrative-review.

The administrative review application form is available online at: visasimmigration.service.gov.uk/product/administrative-review.

If you do not appeal now and do apply for an administrative review you will be able to appeal later if your administrative review is unsuccessful. You can only appeal once. If you appeal now and apply for administrative review, you will not be able to appeal later. Your administrative review decision will give you further details on how to appeal.

If you apply for an administrative review and do not appeal now you can continue to rely on your Certificate of Application as evidence of your residence rights until either:

- the time limit for appealing after you receive your administrative review decision has passed; or
- if you appeal following the administrative review decision, until the appeal is finally determined.

Annex C - excerpt from EUSS grant of PSS decision letter

(dated September 2021)

If you disagree with our decision

You can apply for administrative review if you think the decision maker made an error or did not follow the published guidance, or where you have new information or evidence in support of your application.

You have 28 calendar days from the date on which you receive this decision to apply for administrative review.

Information on how to apply for administrative review, the process and the fees payable are all available online at: www.gov.uk/guidance/eu-settlement-scheme-apply-for-anadministrative-review.

The administrative review application form is available online at: visasimmigration.service.gov.uk/product/administrative-review.

You can also appeal this decision to the First Tier Tribunal under the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020.

If you are in the UK on the date of this decision you have 14 calendar days after the date this letter is sent to appeal. If you are outside the UK on the date of this decision you have 28 calendar days from the date you receive this letter to appeal.

You can appeal on the basis that the decision is not in accordance with the EU Settlement Scheme rules, or that it breaches any rights you have under the Withdrawal Agreement, the EEA EFTA Separation Agreement, or the Swiss Citizens' Rights Agreement. You may bring or continue an appeal from inside or outside the UK.

Information and support on how to appeal, the process, and the fees payable are all available online at www.gov.uk/immigration-asylum-tribunal/overview.

You can get help and advice from a solicitor or an immigration adviser. You can also contact Citizens Advice. If you are not getting help from a legal representative you can read the guide on representing yourself.

If you do not appeal now and do apply for an administrative review you will be able to appeal later if your administrative review is unsuccessful. Your administrative review decision will give you further details on how to appeal.