

Bristol, 11th February 2020

Rt Hon Kevin Foster MP
Home Office
2 Marsham Street
London SW1P 4DF

EU Settlement Scheme and travel to the UK from abroad

CC: Rt Hon. Priti Patel MP, Secretary of State for the Home Department
Yvette Cooper MP, Chair of the Home Affairs Committee
Hilary Benn MP, Chair of the Exiting the European Union Committee

Dear Kevin Foster MP,

I am writing to you as chair of [the3million](#), the largest campaign organisation for EU27 citizens in the UK. We are wanting to publish some helpful summary information on our website about EU citizens and their family members travelling to the EU, and travelling to the UK from abroad, after Brexit.

There is one area in particular in which we have some uncertainty, and this concerns EU citizens travelling into the UK after the end of the transition period, i.e. from 1st January 2021. We would like to have more information about what happens in the foreign country before EU citizens board their flight, ship or train to the UK.

We have already heard anecdotal reports of EU citizens being asked for physical proof of residence when attempting to board a flight. For example, one Dutch citizen with settled status under the EU Settlement Scheme was recently trying to return from Tokyo to the UK with an American airline. They were repeatedly asked for physical proof of permanent residence. Eventually after 45 minutes and bringing up the Home Office website on their laptop they were able to convince two senior airline staff to allow them to board.

Another one of our EU citizen members reported that when boarding a flight from South America to the UK, they were informed at the check-in desk that once 'freedom of movement' ends in the UK, any EU citizens will be treated in the same way as non-EU visa free nationals. They were told that therefore such EU citizens would in the future need to either present a ticket out of the UK within 6 months, or provide proof of legal residence in the UK.

Our impression is that this is a misunderstanding on behalf of that check-in desk attendant, as we assume that such an EU citizen will not be able to provide proof of legal residence in the UK. Our assumption is based both on the fact that (pre-) settled status for EU citizens is digital only, and the presumption that check-in desks and passport controls around the world will not all have access to the UK's settled status database.

We also take note of the [Government's guidance on Passenger documents](#)¹ which states that carriers are liable to a £2,000 charge for each 'inadequately documented arrival'. The [Immigration and Asylum Act 1999, Section 40](#)² makes clear that this charge relates to individuals who fail to produce "an immigration document which is in force and which satisfactorily establishes his identity and his nationality or

¹ <https://www.gov.uk/government/publications/passenger-documents-help-for-carriers-to-reduce-charges/passenger-documents-get-help-to-reduce-your-charges>

² <http://www.legislation.gov.uk/ukpga/1999/33/section/40>

citizenship". The [Charging Procedures Guide for Carriers on Section 40](#)³ states in paragraph 1.3 that "Section 40 charges do not apply to persons who are British Citizens, or other nationals of the European Economic Area, or Switzerland".

In order for us to give the correct information to our members, would you be able to confirm whether:

- 1) The current exemption for EEA/Swiss nationals from Section 40 charges will continue even after a repeal of free movement in the UK, and that check-in desks / passport controls around the world will all be informed that EU citizens should continue to be allowed to board flights, ships and trains to the UK without having to provide proof of legal residence in the UK; or
- 2) The current exemption for EEA/Swiss nationals from Section 40 charges will be revoked after a repeal of free movement in the UK, in which case, is it the case that:
 - a) Check-in desks / passport controls around the world will have access to the UK's settlement scheme database such that they **can** check whether citizens have legal residence in the UK; or
 - b) EU citizens will have to prove to the check-in desk / passport control that they have legal residence in the UK, and if so how? Would they be required for example to use a smartphone or laptop to log into their (pre-) settled status and show the result to the relevant officer?

We would be grateful for your earliest reply.

Yours sincerely,

Nicolas Hatton, [the3million](#)