



A positive future for
EU citizens in the UK

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Briefing Paper

Efficacy of Certificate of Application (CoA) at the UK Border and risk of removals of EU citizens from the UK

July 2025

Individuals who have made a valid application under the EU Settlement Scheme (EUSS) are issued with a Certificate of Application (CoA). Issuing a Certificate of Application is a requirement under the [UK-EU Withdrawal Agreement](#). Article 18(1b) states:

“A certificate of application for the residence status shall be issued immediately”

A Certificate of Application provides evidence that applicants under the EUSS have certain rights while their application for residence is under consideration. If an application is refused, applicants have a right of appeal to an independent tribunal and previously had the right to request an administrative review of the decision.

A Certificate of Application is valid until an EUSS application is finally dealt with, either on appeal to an independent tribunal or by administrative review to the Home Office. The UK-EU Withdrawal Agreement. Article 18(3) 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).”

The reference to “all rights provided for in this Part” in the extract above include the right to travel freely. Article 14 states:

“1. Union citizens and United Kingdom nationals, their respective family members, and other persons, who reside in the territory of the host State in accordance with the conditions set out in this Title shall have the right to leave the host State and the right to enter it, as set out in Article 4(1) and the first subparagraph of Article 5(1) of Directive 2004/38/EC, with a valid passport or national identity card in

the case of Union citizens and United Kingdom nationals, and with a valid passport in the case of their respective family members and other persons who are not Union citizens or United Kingdom nationals.

Five years after the end of the transition period, the host State may decide no longer to accept national identity cards for the purposes of entry to or exit from its territory if such cards do not include a chip that complies with the applicable International Civil Aviation Organisation standards related to biometric identification.

2. No exit visa, entry visa or equivalent formality shall be required of holders of a valid document issued in accordance with Article 18 or 26.

3. Where the host State requires family members who join the Union citizen or United Kingdom national after the end of the transition period to have an entry visa, the host State shall grant such persons every facility to obtain the necessary visas. Such visas shall be issued free of charge as soon as possible, and on the basis of an accelerated procedure.”

Settled is concerned about the rise in cases of individuals who have made a valid application under the EUSS and hold a Certificate of Application but are denied entry at the UK Border or are detained on arrival and then removed from the UK. Our casework demonstrates that enforcement action is taken against individuals who hold a Certificate of Application notwithstanding a pending application, administrative review or appeal. Settled is particularly concerned that denial of entry and removal of individuals with a pending application, administrative review or appeal does not accord with due process and is in violation of the Withdrawal Agreement.

Delays a contributing factor

We are aware that the Home Office has notified some applicants under the EUSS that as a result of delays in processing the backlog of requests for administrative reviews the waiting time for a decision has been extended by two years. This is in addition to time already spent. Therefore, a person who submitted a request for an administrative review two years ago will now have to wait four years or longer for a decision. The lengthy period that people may have to wait upon the final resolution of a further appeal that they may submit only adds to the significant period of time spent waiting for the outcome of their matter. It is understandable that people will want or need to travel outside the UK during this period.

Problems likely during holiday periods

We anticipate that problems at the Border are likely to increase as EU citizens with pending applications travel outside the UK during holidays periods such as Christmas, Easter and July/August. We are concerned they will be refused re-entry despite being in possession of a valid Certificate of Application.

Confusion about rights conferred by a Certificate of Application

Over time, there have been several changes made to the text of the Certificates of Application issued by the Home Office. This means that an individual EU citizen may hold a current, valid Certificate of Application, but the text may differ from the Certificate of Application issued to a different individual later. Crucially, it is a matter of fact that a recently issued Certification of Application will describe more restrictive rights than one issued earlier.

Settled highlights in the table below the difference in wording in three examples of Certificates of Application issued between May 2023 and August 2024.

<p><u>Sample one:</u> text from Certificate of Application dated 9/5/2023 Highlighted is text missing from sample two.</p>	<p><u>Sample two:</u> text from Certificate of Application dated 19/03/2024 Highlighted is variation in text from sample one.</p>	<p><u>Sample three:</u> text from Certificate of Application dated 28/08/2024 Highlighted is variation in text from sample two.</p>
<p>Travelling in and out of the UK</p> <p>Subject to the usual immigration, customs and health checks at the border, your certificate of application allows you to travel in and out of the UK pending a final decision on your application, including during any appeal.</p>	<p>Travelling in and out of the UK</p> <p>Subject to the usual immigration, customs and health checks at the border, your certificate of application allows you to travel in and out of the UK pending a final decision on your application, including during any appeal.</p> <p>Please see the below for information on the documents required for travel and entry:</p>	<p>Travelling in and out of the UK</p> <p>You are advised not to travel in or out of the UK pending the outcome of your application, including any appeal.</p> <p>If you do so, please see the information below on the documents required for travel and entry:</p>
<p>If you applied to the EU Settlement Scheme on the basis of your residence in the UK by 31 December 2020 you will also need a valid passport (or your valid national identity card, if you are an EEA or Swiss citizen) in order to enter the UK.</p> <p>You may be delayed at the border if your passport or identity card is</p>	<p>If you applied to the EU Settlement Scheme on the basis of your residence in the UK by 31 December 2020 you will also need a valid passport (or your valid national identity card, if you are an EEA or Swiss citizen) in order to enter the UK.</p> <p>You may be delayed at the border if your passport or identity card is</p>	<p>If you applied to the EU Settlement Scheme on the basis of your residence in the UK by 31 December 2020 you will also need a valid passport (or your valid national identity card, if you are an EEA or Swiss citizen) in order to enter the UK.</p> <p>You may be delayed at the border if your passport or identity card is</p>

<p>not registered on your UK visas and immigration account at www.gov.uk/update-uk-visas-immigration-account-details.</p>	<p>not registered on your UK visas and immigration account at www.gov.uk/update-uk-visas-immigration-account-details.</p> <p>At the border, you may be asked for evidence to show that you were resident in the UK by 31 December 2020.</p>	<p>not registered on your UK visas and immigration account at www.gov.uk/update-uk-visas-immigration-account-details.</p> <p>At the border, you may also be asked for evidence to show that you were qualify for status under the EU Settlement Scheme, such as evidence that you were continuously resident in the UK by 31 December 2020 and have remained so since. For further information see: www.gov.uk/settled-status-eu-citizens-families/what-youll-need-to-apply. Without such evidence, entry to the UK may be refused.</p>
<p>If you are a visa national, you will be required to show your carrier (for example, an airline or ferry operator) a valid visa exemption document (for example, a Biometric Residence Card or an EU Settlement Scheme family permit) in order to travel to the UK.</p> <p>If you applied to the EU Settlement Scheme after 30 June 2021, you may also be asked for evidence to show that you were resident in the UK by 31 December 2020.</p>		
<p>If you are a non-EEA national, you may be asked for evidence of the basis on which you qualify for the EU Settlement Scheme (for example, your family relationship to a relevant EEA or Swiss citizen).</p>	<p>If you are a non-EEA national, you may also be asked for a document showing you have previously been accepted as the family member of an EEA or Swiss national who was living in the UK by 31 December 2020 (such as an EU</p>	<p>In addition, if you are a non-EEA national, you may also be asked for evidence of the family relationship on which you rely in your EU Settlement Scheme application (for example, an in-date or expired UK-issued biometric residence card, or EEA or EU Settlement Scheme family</p>

	<p>Settlement Scheme family permit or UK-issued biometric residence card), or other evidence of the basis on which you qualify for the EU Settlement Scheme (for example, your family relationship to a relevant EEA or Swiss citizen).</p>	<p>permit, showing you have previously been accepted as the family member of the relevant EU, other EEA or Swiss citizen who was living in the UK by 31 December 2020, or other credible evidence of that family relationship).</p> <p>Without such evidence, entry to the UK may be refused.</p>
	<p>If you are a visa national, you will also be required to show your carrier (for example, an airline or ferry operator) a valid visa exemption document (for example, a UK-issued biometric residence card or an EU Settlement Scheme family permit) in order to travel to the UK.</p>	<p>If you are a visa national, you will also be required to show your carrier (for example, an airline or ferry operator) a valid visa or visa exemption document (for example, a UK-issued biometric residence card or an in-date EU Settlement Scheme family permit) in order to travel to the UK.</p>
<p>If you applied to the EU Settlement Scheme as the joining family member of a relevant sponsor you are advised not to travel in or out of the UK until your application has been decided, unless you have previously been issued with an EU Settlement Scheme family permit, EEA family permit or UK-issued biometric residence card recognising your family relationship to a relevant EEA or Swiss citizen.</p> <p>If you have applied while in the UK as a visitor and you leave the UK, you may not be permitted to re-enter until your application has been granted.</p> <p>You will need a valid passport (or your valid national identity card, if you are an EEA or Swiss citizen</p>	<p>If you applied to the EU Settlement Scheme as the joining family member of a relevant sponsor you are advised not to travel in or out of the UK until your application has been decided, unless you have previously been issued with an EU Settlement Scheme family permit or UK-issued biometric residence card recognising your family relationship to a relevant EEA or Swiss citizen.</p> <p>If you have applied while in the UK as a visitor and you leave the UK, you may not be permitted to re-enter until your application has been granted.</p> <p>You will need a valid passport (or your valid national identity card, if you are an EEA or Swiss citizen and you hold a valid EU</p>	<p>If you applied to the EU Settlement Scheme as the joining family member of a relevant sponsor in order to enter the UK, you will need a valid passport (or your valid national identity card, if you are an EEA or Swiss citizen and you hold an EU Settlement Scheme family permit, which can have expired if your EU Settlement Scheme application is awaiting an initial decision) in order to enter the UK.</p> <p>You may be delayed at the border if your passport or identity card is not registered on your UK visas and immigration account at: www.gov.uk/update-uk-visas-immigration-account-details.</p> <p>To enter the UK with a pending joining family member application to the EU Settlement</p>

<p>and you hold a valid EUSS family permit) in order to enter the UK.</p> <p>You may be delayed at the border if your passport or identity card is not registered on your UK visas and immigration account at www.gov.uk/update-uk-visas-immigration-account-details.</p> <p>At the border, you may be asked to provide an EU Settlement Scheme family permit, EEA family permit or UK-issued biometric residence card (these documents may be valid or expired).</p>	<p>Settlement Scheme family permit) in order to enter the UK.</p> <p>You may be delayed at the border if your passport or identity card is not registered on your UK visas and immigration account at www.gov.uk/update-uk-visas-immigration-account-details.</p> <p>At the border, you may be asked to provide an EU Settlement Scheme family permit UK-issued biometric residence card (for EEA nationals, these documents may have expired).</p>	<p>Scheme, you will normally be required to hold an in-date EU Settlement Scheme family permit involving the same sponsor. If that family permit has expired, you can still rely on it for this purpose where you are awaiting a Home Office decision on your EU Settlement Scheme application (but not where that application has been refused and you are awaiting the outcome of an administrative review or appeal).</p> <p>Otherwise, without such evidence, entry to the UK may be refused.</p>
<p>If you are a visa national, you will be required to show your carrier (for example, an airline or ferry operator) a valid visa exemption document (for example, a Biometric Residence Card or an EU Settlement Scheme family permit) in order to travel to the UK.</p>	<p>If you are a visa national, you will be required to show your carrier (for example an airline or ferry operator) a valid visa exemption document (for example, a UK-issued biometric residence card or an EU Settlement Scheme family permit) in order to travel to the UK.</p>	<p>If you are a visa national, you will also be required to show your carrier (for example, an airline or ferry operator) a valid visa or visa exemption document (for example, an in-date, UK-issued biometric residence card or an in-date EU Settlement Scheme family permit) in order to travel to the UK.</p> <p>Your certificate of application to the EU Settlement Scheme is not evidence of a visa or visa exemption document. If you have applied to the EU Settlement Scheme while in the UK as a visitor and you leave the UK, you may not be permitted to re-enter the UK pending the outcome of your application, including any appeal.</p>

The Home Office position

In response to a letter from the campaign group the3million, Seema Malhotra MP, Minister for Migration & Citizenship, wrote on 26th November 2024 (you can read the full response [here](#)) :

"Those with a pending valid initial application under the EUSS receive a Certificate of Application confirming the temporary protection of their rights under Article 18(3) of the WA. While a Certificate of Application is not a visa exemption document – and therefore does not permit the holder to enter the UK without entry clearance where this is required, as is generally the case for those seeking entry other than as a visitor – Border Force will admit an EU citizen with a Certificate of Application if they provide evidence of residence in the UK before and since the end of the transition period, or an EUSS family permit where they have applied to the EUSS as a joining family member."

Border Force Guidance

Increased scrutiny of EU citizens at UK borders coincides with new EU Settlement Scheme: Border Force [guidance](#) issued in October 2024 and then more recently in June 2025. The guidance purports to direct Border Officers that those with pending applications and in possession of a Certificate of Application should be investigated further before entry is allowed. These checks include but are not limited to checks on the dates of residence and absences from the UK. Regarding joining family members in particular, the Certificate of Application is deemed insufficient for entry.

A few relevant sections from the guidance dated 9 June 2025 are below.

"Since 1 July 2021, all European Economic Area (EEA) nationals (except Irish nationals covered by section 3ZA of the Immigration Act 1971) seeking entry to the UK on the basis that they are protected by the Agreements are required to have applied to the EUSS or obtained an EUSS family permit, hold entry clearance as a Service Provider from Switzerland, or hold a frontier worker permit, unless they are seeking permission to enter as an S2 Healthcare Visitor or they wish to enter the UK on a temporary basis for another purpose which does not require entry clearance. All other EEA nationals coming to the UK for a purpose requiring entry clearance are required to have obtained this before they travel." (page 15)

"Where an EEA national has a pending valid in-time EUSS application (as evidenced by a Certificate of Application) and there is no reason to doubt they were continuously resident in the UK by 31 December 2020 and have remained so since, they will have a saved right of admission under the EEA Regulations 2016. (page 61)" You are not required to determine whether an individual is eligible for the EUSS. Where an individual has a Certificate of Application and can satisfy you by evidence provided or available that they were resident in the UK by 31 December 2020 and have not since been absent from the UK for more than 6 months (or that an exception applies), then, where they do not have a saved right of admission under the EEA Regulations 2016 (as set out above), you may grant them LOTR on the basis of Temporary Protection. Where the pending EUSS application has been refused as

ineligible on residence grounds and the individual is awaiting the outcome of an administrative review or appeal, then, if they can satisfy you by evidence provided or available that they were resident in the UK by 31 December 2020 and have not since been absent from the UK for more than 6 months (or that an exception applies), then, where they do not have a saved right of admission under the EEA Regulations 2016 (as set out above), you may grant them LOTR on the basis of Temporary Protection.” (page 62)

“Where an individual has made a valid late application to the EU Settlement Scheme (EUSS), as evidenced by a Certificate of Application, on or after 1 July 2021, based on being resident in the UK by 11pm on 31 December 2020, and their application (or any administrative review or appeal) remains pending, you must ask them to provide evidence that they were continuously resident in the UK by 31 December 2020 and have remained so since and (where they rely on being the family member of an EEA national resident in the UK by then) evidence of that family relationship.” (page 70)

“A pending valid EUSS application as a joining family member (as evidenced by a Certificate of Application) does not of itself provide a basis for entry, and is not a visa or entry clearance document as required by those seeking to live or work in the UK.” (Page 73)

Two significant case examples from Settled

Case example 1

The case of Settled's client Mr. Koushiappis, who was removed from the UK in November 2024, was reported in The Guardian [here](#) and [here](#). Mr. Koushiappis has a pending administrative review which he submitted November 2022 (so there has already been a two year wait for a decision) and a Certificate of Application issued on 28th March 2022. He travelled outside the UK for a short period. He attempted to return on 28th October 2024 but was refused entry. Removal Directions were subsequently set. He was given three days to make arrangements to leave the UK. Mr. Koushiappis has no criminal convictions and poses no risk or threat to the public and has a job in the UK. Despite [Border Force Guidance](#) containing provisions that could allow Leave Outside the Rules for 28 days which could have provided more time for Mr. Koushiappis to present acceptable evidence to the authorities, this option was ignored and he was removed.

Settled acting on his behalf submitted a copy of his Certificate of Application, evidence of his residence in the UK, reasons for previous periods of absence from the UK and evidence that he has a pending administrative review. Nevertheless, the removal went ahead. We believe that linked with the guidance above, i.e. CoA with evidence to demonstrate a WA right of residence, this was a breach of policy in proceeding with removal.

Mr. Koushiappis' Certificate of Application dated 28/3/22, states that he has permission to travel. Furthermore, it says:

*If you applied to the EU Settlement Scheme after 30 June 2021, you **may** also be asked for evidence to show that you were resident in the UK by 31 December 2020. If you are a non-EEA national, you may be asked for evidence of the basis on which you qualify for the EU Settlement Scheme (for example, your family relationship to a relevant EEA or Swiss citizen).*

But it does not state that he **must** have evidence of his residence in the UK prior to 31 December 2020 on his person at the UK border and that he may otherwise be removed. The usage of the word **may** instead of **must** is relevant because of the real-life effect it has on ordinary people's understanding of what is being communicated. We represent clients who are understanding the guidance in a particular way because of words used. People being allowed to enter the UK and thus continue with their livelihoods can depend on the significant difference between *may* and *must*, and the Border Force are treating people as if they must.

Case example 2

A Bulgarian woman whose partner has EU Settled Status made an application to the EU Settlement Scheme as a Joining Family Member in the middle of 2024. Their evidence included evidence that it was a long-term relationship, and a Certificate of Application was granted. She travelled to the UK and was offered and accepted employment on the basis that she was given a Certificate of Application evidence a right to work.

The version of the Certificate of Application that she had been issued stated that she is advised not to travel outside the UK while her case is pending. Nevertheless, in October 2024 the couple travelled to the Netherlands by car and ferry for a weekend.

On return, they were stopped by UK Border passport control. Despite showing the Certificate of Application and other documents, she was questioned and detained for over six hours by border officials. Eventually it was decided that she would be allowed to enter the UK.

Unfortunately, the couple took the wrong direction driving out of the port and ended up at passport control again instead of the exit. She was questioned and detained again for a further 3 hours. At one point she became so stressed that she fainted. This time it was decided not to allow her to enter the UK. She was required to return to Bulgaria. Now, a whole year later, she remains in Bulgaria where she is trying to argue her right to return to the UK and she told Settled that she felt she was made to feel like a criminal and is still suffering flashbacks. The inconsistency in the way not only differing CoAs are interpreted but the same CoA as in this case and consequent stress caused by the way in which she was treated should be highlighted.

Media coverage of other cases

In January 2024, a woman from Spain was removed after returning from a Christmas holiday despite presenting a Certificate of Application to Border Officers. According to *The Guardian's* [report](#), her EUSS application was refused in June 2023 on the grounds that she did not provide sufficient evidence, but she had asked for an administrative review of the decision and had a CoA from the Home Office, stating that “you can work in the UK until you receive a decision on your application to the EU settlement scheme.”

In November 2024, a Portuguese man, and his three children were issued with a notice that they were liable for removal. He had made an application for pre-settled status and was in possession of a Certificate of Application. He was detained on return from holiday. According to BBC news:

“Mr Baptista was held in part because the Home Office had changed its guidance in July to advise applicants not to travel while their settled status applications were still being decided. Before July, the government had told applicants that, subject to “usual immigration customs and health checks”, they could travel freely. Chris Boyle, at North East Law Centre, is supporting Mr Baptista and his family and said applicants were not notified of this change. “Even lawyers may not be aware of it because there are so many guidance documents,” he said.”

The importance of due process

In addition to concerns already raised above, Settled is concerned that it is not made clear to EU citizens in advance of travelling what additional documentary evidence is sufficient to ensure the right to re-enter the UK.

In the two Settled case examples described above we believe there was insufficient willingness by Border Force to consider documentary evidence presented. In the case of the young Bulgarian woman it took several hours for her to convince border officers of her right to travel to the UK despite showing them documents in addition to her Certificate of Application, only for permission to enter to be withdrawn when she accidentally entered passport control a second time. In the case of Mr Koushiappis several relevant pieces of documentary evidence were presented during the three-day period as a reason to pause removal proceedings, but these were not accepted.

Border Force guidance warns that officers are not tasked with determining whether an individual is eligible under the EUSS at the port. Increasingly, decisions to refuse entry or remove a person with a pending administrative review are taken pre-emptively and before a detailed decision-making process.

The decision to refuse entry and remove an individual at the border also means that any further steps to pursue an EU Settlement Scheme application, administrative review or appeal must be taken from

outside the UK which is more difficult. Our position is that this was not what was envisaged by the UK-EU Withdrawal Agreement.

Settled is concerned that the Certificate of Application carries some weight if a person is inside the UK but is slowly losing any significance at the UK Border. Settled believes there should be a return to what was envisaged by the UK-EU Withdrawal Agreement, namely that the Certificate of Application should facilitate travel into the UK whilst their application is pending, as explained by the EU Commission, below.

The opinion of the European Commission

The EU Commission position published in April 2024 (see [here](#)) states:

“In the Commission’s view, the Withdrawal Agreement provides that a person who has a valid certificate of application issued under Article 18(1)(b) of the Withdrawal Agreement has a right of entry and residence in the host State as long as there is no final decision on the application for Withdrawal Agreement beneficiary status. A decision on the application for Withdrawal Agreement beneficiary status has not become final where the person concerned has made use of available appeal possibilities and the appeal is still being dealt with. In such a situation, the holder of a certificate of application must not, in the Commission’s view, be removed nor be denied entry based on not having provided, to a border guard, (sufficient) evidence of residence in the host State by 31 December 2020.”

The European Commission’s position was reiterated at the most recent [Specialised Committee on Citizens’ Rights](#) on 14 November 2024.

The Commission’s position is also set out in the Guidance document on the European Commission [website](#) (under [Rules concerning travelling with a national identity card for EU citizens residing in the UK under the Withdrawal Agreement](#)):

In this guidance it says:

7. I have applied to the EU Settlement Scheme as a “joining family member” – I have a Certificate of Application but have not yet been granted a status under the EU Settlement Scheme. Can I still use my national identity card to enter the UK?

*If you applied to the EU Settlement Scheme as a “joining family member” from outside the UK and you have not yet received a decision on your application, you are not **generally** able to use your Certificate of Application and national identity card to enter the UK. If you have been issued with an EU Settlement Scheme family permit, you can use this document to enter the UK with your national identity card. If you were issued with an EU Settlement Scheme family permit and have now applied to the EU Settlement Scheme as a “joining family member” inside the UK, you can travel in and out of the UK using your EU Settlement Scheme family permit, your Certificate of Application and your national identity card. If you applied to the EU Settlement Scheme as a “joining family member” after entering*

the UK as a visitor, the UK Home Office strongly advises you not to try to travel in and out of the country until you are granted status. If you try to travel before you are granted status you may not be permitted to re- enter the UK.

The fact that there are 4 different ways in which a person who holds a CoA should act depending on the above variables shows how hard it is for ordinary citizens and their dependents to navigate this process and how easy it is for them to fall prey to Border Force officials who fail to give them the benefit of the doubt. In the second case above of the Bulgarian woman denied entry to the UK, what is remarkable is that the same person was first allowed in by a border force official but unfortunately was later denied entry by another border force official, in the same day, in the same airport. If she had not made that wrong turn, she would have been in the UK. The net effect is that the exercise of discretion by the Border Force is arbitrary and Border Force has final say pre-empting a decision on her ongoing application.

The opinion of The3million

The3million has been corresponding to gain further clarification from the Home Office regarding travel restrictions for individuals with pending EUSS applications since 2022, for example [here](#), [here](#) and [here](#)

The view of The3million ([here](#)) is:

“Article 18(3) of the Withdrawal Agreement very clearly sets out that individuals who have made a valid application for their new residence status under the EUSS should have the benefit of all the residence rights set out in the Withdrawal Agreement while they wait for a final decision, including if they are waiting for the outcome of an Administrative Review or Appeal process.”

And their request is:

“The new Government should ensure that those who have submitted a valid application to the EUSS, as evidenced by a Certificate of Application (CoA), should have access to all residence rights under the Withdrawal Agreement, including supporting rights that the residence rights depend on. Given that holders of a CoA can create share codes in exactly the same way as holders of EUSS status, the required policy changes should be extremely easy to implement.

These include Travel - change Border Force and carrier guidance to allow non-visa nationals, and visa nationals who submitted in-country EUSS applications, to board carriers and enter the UK with a CoA.”

Intervention by the Independent Monitoring Authority

The Independent Monitoring Authority for the Citizens' Rights Agreements (IMA) wrote to the Home Office in November 2024 to seek clarification of its position on the rights of citizens in receipt of a CoA

when travelling, including where an administrative review is pending, which you can read [here](#) and as reported [here](#). The IMA makes clear that while a Certificate of Application does not confirm that the person has immigration status in the UK under the EUSS, it can be used to evidence the temporary protection of their rights, such as the right to work, rent or access benefits, while the decision on their application, or any administrative review or appeal, remains pending.

Settled's Recommendations for the Home Office including Border Force

1. Reduce delays in processing EU Settlement Scheme applications and administrative reviews.
2. Uphold the rights set out in the UK-EU Withdrawal Agreement to exit and enter the UK border with a Certificate of Application.
3. Ensure that EUSS applicants who hold an earlier version of a Certificate of Application that states they have the right to travel out and re-enter the UK are allowed to exercise those rights without difficulty.
4. Recognise that a Certificate of Application which gives the right to work in the UK should have a corresponding right to travel freely. The current situation does not ensure the right to travel and re-enter the UK, is paradoxical, confusing, and risks people lawfully employed in jobs in the UK being prevented from re-entering to return to those jobs. This is not only detrimental to them and their families but also their employers, the services they provide and the wider economy and society.
5. Provide documentation to EUSS applicants which is clearly written and easy to understand.
6. If additional documentary evidence is required, then communicate this clearly, allow sufficient time to gather that evidence and consider all factors before making a final decision.
7. Respect the Withdrawal Agreement and allow applicants sufficient time to respond to a notice of removal in the case of an individual with a pending administrative review on their EU Settlement Scheme application.
8. Respect and engage with expert, multi-lingual intermediaries like Settled, who can assist EU citizens detained at UK borders.

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Key references

All were last accessed online 7 July 2025.

Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community 2019/C 384 I/01, at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12019W/TXT%2802%29>

Answer given by Mr Reynders on behalf of the European Commission (11.4.2024), EN - E-000062/2024, at https://www.europarl.europa.eu/doceo/document/E-9-2024-000062-ASW_EN.pdf

European Union Specialised Committee on Citizens' Rights, "Joint statement following the fifteenth meeting of the Specialised Committee on Citizens' Rights," 14 November 2024, at: https://commission.europa.eu/publications/joint-statement-following-fifteenth-meeting-specialised-committee-citizens-rights_en

Home Office, "EU Settlement Scheme: Border Force guidance, Version 4.0," 9 June 2025, at: https://assets.publishing.service.gov.uk/media/670d11f33b919067bb4830e2/EU+Settlement+Scheme+Border+Force+guidance__1_.pdf

Independent Monitoring Authority for the Citizens' Rights Agreements, "IMA calls for clarification from the Home Office," 18 November 2024, at https://ima-citizensrights.org.uk/news_events/ima-calls-for-clarification-from-the-home-office/

Murugesu, Jason Arunn, *BBC News*, "Family 'stressed' over UK removal threat," 11 November 2024, at: https://www.bbc.co.uk/news/articles/c3vl3k1dkppo?mc_cid=5a07735afa&mc_eid=7978aee308

O'Carroll, Lisa, *The Guardian*, "EU citizen who applied for pre-settled status is to be deported from Scotland," 31 October 2024, at: <https://www.theguardian.com/politics/2024/oct/31/eu-citizen-who-applied-for-pre-settled-status-set-to-be-deported-from-scotland>

O'Carroll, Lisa, *The Guardian*, "EU citizen caught up in Home Office residency backlog forcibly removed from UK," 1 November 2024, at: <https://www.theguardian.com/uk-news/2024/nov/01/eu-citizen-caught-up-in-home-office-residency-backlog-forcibly-removed-from-uk-costa-koushiappis>

O'Carroll, Lisa, *The Guardian*, "Home Office pressed on EU citizens removed while awaiting approval to stay," 18 November 2024, at: <https://www.theguardian.com/uk-news/2024/nov/18/home-office-pressed-on-eu-citizens-removed-from-uk-while-awaiting-approval-to-stay>

O'Carroll, Lisa, *The Guardian*, "Spanish woman removed from UK after returning from Christmas holiday," 7 January 2024, at: <https://www.theguardian.com/politics/2024/jan/07/spanish-woman-deported-from-uk-after-returning-from-christmas-holiday>

The3million, "Give full Withdrawal Agreement rights to those waiting in the backlog," December 27th, 2024, at <https://the3million.org.uk/sites/default/files/documents/t3m-briefing-HO-EUSS-RightsPendingApplication-15Jul2024.pdf>

The3million, "Reply from the Home Office about accessing rights for those waiting on a decision on an EU Settlement Scheme application," June 29th, 2023, at <https://the3million.org.uk/sites/default/files/documents/HO-reply-t3m-AccessingRightsWithPendingEUSS-29Jun2023.pdf>

The3million, "Reply from Home Office about travel restrictions for individuals with pending EUSS applications - see first part of their letter," August 19th, 2022, at <https://the3million.org.uk/sites/default/files/documents/HO-reply-t3m-TravelIssues-19Aug2022-3.pdf>