



European Affairs Committee

Corrected oral evidence: Independent Monitoring Authority (non-inquiry session)

Tuesday 14 May 2024

4 pm

[Watch the meeting](#)

Members present: Lord Ricketts (The Chair); Baroness Anelay of St Johns; Baroness Ashton of Upholland; Baroness Hayter of Kentish Town; Lord Jackson of Peterborough; Lord Jay of Ewelme; Baroness Lawlor; Baroness Ludford; Baroness Nicholson of Winterbourne.

Evidence Session No. 1

Heard in Public

Questions 1 - 10

Witnesses

I: Leo O'Reilly, Interim Chair, Independent Monitoring Authority; Miranda Biddle, Chief Executive, Independent Monitoring Authority; Pam Everett, Director of Operational Delivery, Independent Monitoring Authority; Rhys Davies, General Counsel, Independent Monitoring Authority.

USE OF THE TRANSCRIPT

1. This is an uncorrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.
2. Any public use of, or reference to, the contents should make clear that neither Members nor witnesses have had the opportunity to correct the record. If in doubt as to the propriety of using the transcript, please contact the Clerk of the Committee.
3. Members and witnesses are asked to send corrections to the Clerk of the Committee within 14 days of receipt.

Examination of witnesses

Leo O'Reilly, Miranda Biddle, Pam Everett and Rhys Davies.

Q1 **The Chair:** A warm welcome back to the European Affairs Committee, where we are now changing subject this afternoon. We are going to have a public evidence session with the Independent Monitoring Authority to discuss the rights of EU citizens in the UK and the implementation of those rights. Thank you for joining us; I will ask you to start in just a moment. Let me say at the outset that I should declare an interest: I am a non-executive director of Getlink Eurotunnel, so I have that involvement.

With that, I will hand the floor to our witness and ask them to start us off with a broad sense of the Independent Monitoring Authority. What are your roles and your tasks? How is your relationship with the Government at the moment? We will then tease out a number of issues that have been controversial over the past year or two.

Leo O'Reilly: Thank you for this opportunity for me and my colleagues to come here today, address the committee and answer your questions. I am currently the interim chair of the IMA, pending the conclusion of a public appointments process that is under way. I have been a non-executive member of the IMA since it was founded in 2020; it came into operation at the end of 2020.

As you may know, the basic role of the IMA is to ensure that EU, EEA and EFTA citizens and their families who are covered by the terms of the withdrawal and separation agreements can continue to live, work and raise families in the UK and Gibraltar, just as they did before the UK left the EU. Those citizens have specified rights under the agreements, including rights of residency—those include the right to enter, leave and return to the UK freely—and the right to work, which includes self-employment and the right to be a frontier worker. They also include the mutual recognition of professional qualifications, the co-ordination of social security systems and various provisions on equal treatment and non-discrimination, including access to certain public services—such as education, healthcare and housing—and certain other benefits.

We have two key duties under the law: to monitor and to promote the adequate and effective implementation of the agreements. In practice, this means that we monitor public bodies to ensure that, as far as possible, they are applying the rights in the agreement correctly to EU citizens who fall within the scope of the agreements. We work with citizens to highlight their rights and ensure that they are empowered to act if they need to.

We also have the power to receive complaints, launch inquiries and take legal action where we judge that to be appropriate. Over the past three years, we have exercised all those powers to various degrees. One of the things we have learned over that period, which we will undoubtedly come back to, is that these rights issues have turned out to be quite complex

and multilayered. They can impact all aspects of citizens' rights, including on residency and travel, and there are increasingly issues surrounding access to healthcare, education, employment and housing.

We believe it is important that we focus on our relationship with public bodies and have a close working relationship with public bodies that have a responsibility for the effective implementation of these rights. We are focused on receiving complaints, but we also recognise that complaints do not in and of themselves give us a full picture of the situation with regard to the rights of EU citizens covered by the agreements. So we are increasingly focused on building centralised systems of intelligence gathering. By that, I mean collecting data and information using insights and reports from our various sources. Those sources include third sector organisations in particular, which we have found to be a very valuable source of information in terms of the generic types of difficulties that citizens are facing. When we visit Scotland, Wales and Gibraltar, we make a point of meeting those organisations.

We are aware that we are a relatively small organisation. We cover a wide range of rights and have a remit that covers all the UK and Gibraltar. We therefore have to judge and use our resources carefully; again, that goes back to our focus on seeking both to empower individuals in exercising their rights and to encourage public bodies to ensure that they are treating citizens in accordance with the agreements.

Finally, on the question about our relationship with government, I want to highlight a few points. That relationship operates at various levels. First, we obviously have a relationship with the Ministry of Justice as our sponsor department. I would describe that relationship as very good; it has been very constructive. The department has been supportive to us from our inception. We occasionally have issues around resourcing but that is, I suspect, not unique to ourselves. The relationship works well. I know that Miranda will say a bit about her relationship with that organisation.

In terms of other departments, we have a key relationship with the Home Office, obviously, since many of the initial issues that we have had to deal with focus on the operation of the EU settlement scheme and the difficulties that have arisen there. That relationship has gone up and down. It has become more positive over the past nine months, I would say, when we have been able to engage with officials in that department more constructively.

We have emerging issues with DWP in the light of some recent legal cases that have raised issues concerning both the rights of EU citizens to benefits and the interaction between the agreements and the European Charter of Fundamental Rights; again, we can come back to that during this hearing. As I mentioned, we also have issues arising concerning social security, healthcare, housing, education and social services.

The issue there, of course, is that, unlike with DWP and the Home Office, those responsibilities are largely devolved to the three devolved Administrations. In England, they are exercised largely through local authorities, which opens up a much wider spectrum of organisations that we sometimes have to engage with. Again, that obviously creates issues for our available resources.

As I mentioned, we have sometimes faced delays in receiving information. We will come back to that in this hearing, I am sure. We do feel that, at times, the resolution of certain issues could have been expedited but was not. However, we continue to seek to build a positive relationship with our stakeholders, partners and public bodies, as well as to ensure that we are a visible presence to support both individual EU citizens and those organisations in the UK that seek to support their rights.

The Chair: Thank you. That sets the scene well. We will pick up each of those points as we go through our individual questions; perhaps, Ms Biddle, you could come in at the appropriate point to make it a more fluid exchange.

Q2 Lord Stirrup: In the context of that very broad remit you have set out—it is particularly broad for a relatively small organisation—it would be helpful if we could set the scene before we drill down into specific details. What do you see as the main challenges facing EU citizens in the UK today? Within that broad remit, what are the areas that you are particularly having to focus on?

Leo O'Reilly: I will pass that one over to Miranda if that is okay.

Miranda Biddle: Absolutely. One of the things I would highlight is that the EUSS was set up at pace. We always need to recognise that. It was a very quick agreement that was done. There was a two-year initial period for registration for settled status. In the context of not knowing the cohort size, it was very ambitious, I think. The system was there very much to protect rights; there was a real commitment from the British Government to doing that.

What we have seen is a challenge around the numbers—an underestimation of the complexity and the numbers involved, perhaps. We are now nearly three years after the cut-off date for applying, and what we are seeing is the challenge and the complexity in terms of how many citizens remain outstanding in having their status settled.

The first challenge that we see primarily for EU citizens is around gaining status—there are a number of reasons for that—and how that practically impacts on citizens. It is about uncertainty: if you are an EU citizen who has not yet gained your settled status, how long is that going to take, what will happen and what impact will it have on your life? The challenges that are fed back to us are can be very practical. For example, how do you prove your rights to work, to stay, to access benefits and to

life in the UK when you are still waiting for your status? The big challenge that remains because of that timeframe is around people gaining status.

Three years on, we are seeing some challenges not only in the group of people who do not have status but among those who have. Looking to the future, what will that mean? The key challenges that we see include someone's confidence and efficacy in their ability to prove their status. The committee will be aware of, and has asked questions about, "view and prove". That challenge is still reported to us, whether it is a perception or a reality at the time. How do you continually prove that? If you cannot, that can have an impact on your life and the choices you can make.

More broadly, we are seeing some challenges around interpretations—

The Chair: I must stop you in mid-flow, I am afraid, because there is a vote in the House. We will pause this public session and come back as soon as the two, I think, votes are out of the way. Apologies. We will be back soon.

Committee suspended for a Division in the House.

The Chair: We are back in the committee after a vote, which interrupted Ms Biddle. It was a close vote. Ms Biddle, please take up the point you were making.

Miranda Biddle: Before the break, I was talking about the complexity of the numbers. The withdrawal agreement was implemented within a very short timeframe without knowing the cohort size. One of the difficulties of working in this field is getting definitive numbers and data. Prior to the withdrawal agreement, EU citizens were not required to register their residency in the UK, so one of the challenges was knowing where people were and who was relevant under the withdrawal agreement. It is broadly thought that around 7 million citizens were impacted and were covered by the withdrawal agreement.

As part of the arrangements, all those citizens were required to seek settled status, so that whole cohort of 7 million needed to provide authorised and approved documents in order that they could settle in the UK after we left Europe. It is believed that around 2.8 million citizens remain in that pre-settled cohort. So, out of around 7 million, a large number have progressed and had their status settled, but we are seeing that just under 3 million citizens are still waiting confirmation of whether their status will be honoured and recognised in the UK. Those are quite sizeable numbers.

One of the practical details and challenges that we hear about from citizens is the range of evidence needed to get settled status, particularly when proving unbroken residency. We also have to remember that during this period there was Covid, so it can be quite challenging for some of those citizens to prove their residency or work experience over that time.

The cohort that still have pre-settled status are waiting—they are in the queue, if you like—to have their documentation checked. Some of the challenges that we hear about from that group are about transparency: “How long is it going to take? When will I know? How can I plan? Is there anything more that I need to do?” I know the committee has heard from government-funded support organisations, and they talk about that challenge. “Have you got all the evidence you need? What if you are in a complex group? What if you do not have access to that evidence? What if you have had personal circumstances—will that mean you get settled status?”

The challenge involves the evidence and the processing, and how that practically manifests itself. If you are applying for a tenancy on a house, one of the things you have to prove is that you have the right to reside in the UK. At the moment, you need to use a digital system that shows whether or not you have got that right. If any of us were applying for a job or housing, we would rely on our CV, our evidence and our passports, but this group also has to show that digital status. I will ask Pam to explain to those of you who have not come across it what the digital status is and what is required.

Pam Everett: Under the withdrawal agreement, a digital-only status is allowed. There is no requirement per se to have a physical alternative. As Miranda says, if you need to prove your right to work, study, healthcare or travel then you need to access your UK Visas and Immigration account in order to access the information that gives you what you need to prove status. That works well for many people a lot of the time, but it can be subject to technical issues. For example, there can be outages, and of course if the system is down then that will affect everyone who needs to access it in that time.

There can be other challenges. We have heard that on occasion people think they have updated their information on the system but that can take time to work through or there can be errors, so people can struggle. When they log on to the system their own information is not played back to them. That then makes it difficult, depending on who they need to prove their rights to. Then there will always be people who are less digitally literate or do not have a good command of the English language. They will often struggle as well.

There is a back-up: individuals who are struggling can contact the EU Settlement Resolution Centre—in effect, a call centre that individuals can call for assistance. However, that is open only during normal office hours, so there will be times of the day, including weekends, when individuals cannot access their back-up. We have seen examples of where citizens need to prove their status at that moment in order to access work, education or whatever but are unable to do so. That can cause them great problems if they are unable, for example, to secure a job. The fear that the system may not work when you need it will cause a degree of uncertainty, which can be very unsettling.

Q3 Lord Jackson of Peterborough: I want to press you on a point about the legal case you brought against the Home Office. I have to say you should be in the Diplomatic Service, Mr O'Reilly; you said, "We have had mixed relations recently with the Government", but it probably does not help when you are suing them, which is not that conducive to cordial relationships—en passant.

The argument that you used in bringing forward that case was that the reasonable grounds, which were in the agreement that was signed by the UK and the EU, for allowing late applications should be set aside—that every late application was reasonable grounds—and therefore it was unfair to those individuals who had failed to re-register. I suppose what I am asking is: what was the rationale and basis for the legal case that you launched against the Government in 2023?

Leo O'Reilly: I refer that question to general counsel.

Rhys Davies: Back in 2021 we had concerns about particular elements of the EU settlement scheme that we have already talked about. In essence, it provided for a time-limited right to reside in the UK for a certain cohort of people—those with pre-settled status who have not built up the necessary period of residence in the UK to affirm settled status for permanent residence in the UK. In essence, they were granted a five-year period of residence, and at the expiry of that period they were required in advance to apply again to the scheme to seek settled status or a permanent right to reside.

In our view, the withdrawal agreement was quite clear that you could lose your rights under that agreement only in certain limited circumstances: broadly speaking, for conduct—criminal conduct in particular—or if you had been absent from the UK for a particular period of time. Nowhere did we feel that it was permitted to limit or restrict someone's rights on the basis of a failure to make a second application. We raised our concerns with the Home Office. Unfortunately, we had a difference in opinion, so we went to court to seek clarity on that question. Clarity was provided by the High Court in late 2022, and since then we have been engaging with the Home Office to seek to understand how it is going to implement that judgment, which was in our favour.

Lord Jackson of Peterborough: I want to press you a bit. If the original agreement—we have this constitutive system that we adopted—contained a caveat of reasonable grounds for not putting in an application for extended status, then I do not understand why that was put in the agreement in the first place if it is assumed that every application for someone who has not applied properly and in a timely fashion should be reasonable grounds. Do you see what I am getting at?

Rhys Davies: I think so.

Lord Jackson of Peterborough: I am not a lawyer and you are.

Rhys Davies: But it is very complicated, and this is a theme that we have already alluded to. There are two issues there. There is the possibility for late applications, which we are looking at. There is a policy in place from the UK Government that means that individuals must have reasonable grounds in order to make a late application. However, the challenge was concerned with this automatic loss of rights if you fail to make a second application within the necessary period.

In our view, there are no circumstances within which a second application is required. So even if you created a scheme whereby an individual could apply late at the end of that five-year period, there is still the risk that individuals would lose their rights if they failed to put forward a reasonable reason for applying late. The key take-away from that case for us is that you can remove rights only if there are conduct issues or there has been an absence from the UK for a specific period.

Q4 **Lord Jackson of Peterborough:** Finally, given that you are a unique body because there is no analogous body in any of the other 27 EU countries, because it is a competency as between the European Commission and the individual countries, what is your sense of how other countries that have constitutive regimes are treating citizens with similar issues, and particularly around the legal areas that arose from this court case?

Rhys Davies: I will answer that first, in case anybody wants to jump in afterwards. Our remit is on the UK. We do not monitor what occurs in other member states. In the course of those proceedings, what was happening in specifically Slovenia and Romania was raised. However, in our view, we were focused on what was the case in the UK and what was happening for EU citizens. We do not necessarily have the remit to consider what happens in other member states, whether they have decided on a constitutive or on a declaratory scheme.

Miranda Biddle: I would add the assurance that there are some mechanisms to observe that. There are a couple of other committees that oversee, and the FCDO works with the EU delegation to get a full sense of what is happening across Europe and the individual states. There is joint reporting for the number of applications and some comparative reviews around delays. Although it is not in the IMA's remit, there is scrutiny of how that is working, and it is part of routine joint conversations with the FCDO.

The Chair: And the consular sections around EU states keep in close touch with UK citizens about their individual cases, I expect.

Q5 **Baroness Ashton of Upholland:** You have already talked about the delays in the processing of the settlement scheme applications and the impact they have on citizens, which is, at one level, uncertainty and the stress that can go with that, as well as the potential for that to prevent them from moving on in career terms, housing or whatever it is. I am content with what you said about that and the numbers that are still waiting, but do you see any change on the upside? Are we moving to a

point where there is a reduction in the delays? Is there more going on and how are you able to interact with the Home Office to try and chivvy it on or to help support it in understanding that it is important to get on with this?

Pam Everett: We currently have an inquiry under way with the Home Office looking into delays in providing status under the EUSS. As you say, the potential impact on the citizens can range from uncertainty to being unable to demonstrate their rights, in particular around travel. They will typically have a certificate of application that demonstrates that they have applied to the scheme, but that is not sufficient for them to be able to move smoothly between the borders. We also have heard of some people being turned down for employment opportunities and benefits, for example.

We are working closely with the Home Office on this. We are grateful for everything that it has done. We visited its offices, including the UKVI, UK Visas and Immigration, earlier this year and we undertook what we tend to refer to as dip sampling to understand and try to get beneath the surface, if you like, of some of the causes of these delays. We are just concluding that evidence-gathering phase now and moving on to consider what our recommendations might be. But we are still in discussion with the Home Office. We are not quite at the stage where we have any firm findings by which we can say that there are issues here or there. But, yes, it is an important matter. We are seeing in the data from the Home Office some relatively small reduction in numbers that are waiting long times and in the length of time that they wait, but it is fair to say those reductions at the moment are moderate and there is still some way to go for these matters to be resolved.

Baroness Hayter of Kentish Town: You can see I am struggling. I am sure that the figures are in what I have seen, but when you talk about people waiting, that is people who have already taken some steps. But presumably there is another group who have not even done that yet. What is the size of that group if the original 7 million figure is accurate?

Miranda Biddle: Yes, absolutely. There are broad groups. We have the overall cohort of those who were eligible. We have the cohort that we have talked about of just over 2.5 million who are still in the pre-settled status. What is difficult to ascertain are the unknowns who have not yet applied. It is difficult for us to quantify that and know the numbers involved.

The IMA is routinely working with third sector organisations to hear from them. I was with the Citizens' Rights group in Scotland over the weekend, and it was identifying citizens who have lived here for years and did not realise it pertained to them. They have not applied. I was given examples of citizens who maybe had mental health difficulties or vulnerabilities and, again, were not engaged with services and did not know that they needed to apply. There is no data on how many are left who may need to apply. That is one of the challenges. It is why we and others are keen to promote, encourage and explain that people need to

register and make sure that there are support agencies there for people to explain. In rural areas, among older populations and vulnerable groups, there are still citizens who are yet to apply. But I cannot tell you the numbers.

Baroness Hayter of Kentish Town: Is your best guess half a million?

Miranda Biddle: It would be difficult to quantify because of that original point that we do not know the cohort size, but it would be true to say that there are citizens who should and could apply but have not done so yet.

Q6 **Baroness Scott of Needham Market:** I was going to ask about digital only, but I think you have covered that, so I will ask a completely different question about resources, which, Chair, you referred to. Can you give an idea of what you cannot do because of resource constraints? Without putting words in your mouth, do you get into a position whereby the delays in processing are adding to your workload as people start coming to you? In other words, it is just pushing the resource requirement on to you.

Leo O'Reilly: I will pass over to Miranda for the details, but at a high level, it means we have to be selective in the areas where we seek to get involved in detail. The difficulty with most of these issues is that once you get involved, the detail is quite complex and therefore requires a lot of work to drill down, to understand and to engage with and visit departments. For example, regarding issues you may come back to later on borders, staff have had to go out and visit airports such as Stansted and actively observe what is going on in order to understand. The constraint is in terms of our capacity to take on issues, and deal with and investigate them, and instead focus on what we can identify as the priority issues. That is the key constraint in terms of our available resources.

Miranda Biddle: I think my answer would probably be the same as those of many organisations. One challenge is getting adequate data—that goes across all government departments, not just the IMA—having access to data and being able to analyse it, use it effectively to tell the story and know where you are using resources. As a small organisation, I would very much like more analysis and ability to use that as a pivot point with public authorities.

Secondly, the IMA has to focus very much on systemic challenges, so we do not have the resources to be more of an ombudsman in terms of answering individual complaints. There are some challenges in terms of where citizens go to. There is some funding to support citizens in seeking their status, but the committee will be aware that citizens advice agencies are very much under pressure. This is an additional area of complexity. It is not something that the IMA can necessarily do, and that is a challenge across the system.

More widely, to fulfil our duties in monitoring with every public authority, that is a lot in England, Scotland, Wales, Northern Ireland and Gibraltar. We have to focus on systemic matters where we can intervene with litigation, shine a light and highlight. However, some of our focus has to be on building those relationships with public authorities so that they are doing some of the assurance as well.

Q7 **Baroness Lawlor:** On digital, what I found interesting was your account that it is allowed but it is also used to prove your rights to be here and to apply for pre-settled or settled status. What exactly is looked for on the digital form? Are passports of EU citizens digitised? I may have a couple of supplementary questions depending on your answers.

Miranda Biddle: Here begins the complexity for EU citizens. There is almost a two-tier system. Some EU citizens will have a biometric passport; some will have an identification card; and some will have paper documentation. That is what they would have from their home nation.

On top of that, they need the account that Pam referenced, which shows their status. If any of you have rented a car recently, you will know that you have to download your code so that you can show it to the rental car company. It is very similar for a citizen: they have to request a share code that they can then share with an employer, a prospective employer or a housing provider.

Baroness Lawlor: That comes from whom?

Miranda Biddle: From the account that Pam talked about. At the front end, you are asked for a code, then the host or employer will check that and have a look at it.

Baroness Lawlor: The biometric will be digitised, I presume. Will ID cards be digitised?

Miranda Biddle: Some will. That is down to the 27 European states. You will have heard, I am sure, some of the discussions that are coming up at the moment around encouraging anybody with an ID card also to apply for settled status.

Baroness Lawlor: With regard to the record, certain things are required in order to apply for pre-settled or settled status. Are they digitised? Do the applicants have them in digital form?

Miranda Biddle: It is varied, I think.

Pam Everett: When you apply for the account that we are talking about, you have to give evidence to demonstrate that you are entitled to settled or pre-settled status. You have to provide evidence that you are who you say you are—for example, with your passport, your ID card or something along those lines—and evidence that you lived in the UK in the relevant period.

Baroness Lawlor: What would that evidence be?

Pam Everett: It can be varied. I do not think that the Home Office has ever said comprehensively what it can be, but it is often in the form of payslips, for example. You may be asked to provide payslips. In the case of a child, you may be asked to provide evidence of them being in education, for example. There will be a set of evidence that you are asked for to determine that you are who you say you are and that you have the right to live and work in the UK.

Q8 **Baroness Lawlor:** Great. My next question is: what about people who do not have documentation? We hear that, apart from the 1 million applications to the scheme after 30 June 2021, 50,000 applications are received each month from people wishing to join family for family reunion reasons. How on earth are those without proper digitised papers and, perhaps, payslips in a digital form supposed to be processed? Is there not a danger that many people will still try to get in, perhaps—I do not mean this in an aggressive way—fraudulently? We are now in 2024. We are looking back eight years. How on earth can there be applications at the rate of 50,000 a month, bona fides? I do not imagine for a moment that you have not done your job to promote and encourage people to apply.

Miranda Biddle: This goes back to the points that we made earlier. I would not say that the 50,000 applications are new people randomly coming up. When we look at the applications coming in, we see that there are some groups of citizens who did not realise that they needed to register. Some groups now have pre-settled status and are awaiting the status.

Some of those individuals will have dependent family members that are coming. If you think about the timeframe, it may be that one citizen was working in the UK while their family was resident in Germany. They now need to comply with the regulations to have their dependent member come and join; that could be a partner, a child or a parent. They would have to go through the same system to provide the evidence that they are both dependent and eligible.

Baroness Lawlor: Which countries are the most digitised? Where do you get the most applications from?

Miranda Biddle: Having digital evidence is not a necessity when you are making the application. You can upload payslips or it could be birth certificates, similar to the system that we would use in the UK. It is not dependent on a European nation having a digital system. It is about how you transport your evidence to create the UK-based digital system, which then means that you can access your rights.

Baroness Lawlor: Can you tell me briefly which countries most of these 50,000 applications come from?

Miranda Biddle: I can send the full data to the committee; the Home Office produces the data. It is from all European states, so it is reflective of those whose have received settled status. Some of the breakdowns by nationality are in the collected report that we publish to the Joint

Committee; that identifies how many applications are made by nation. The Home Office also produces that data. We can certainly send it as evidence afterwards.

The Chair: Please do send that to us.

Q9 **Lord Jay of Ewelme:** You have covered a lot of the ground on digital systems and Pam Everett has given us some helpful information on that. Since there are clearly a lot of problems with a digital-only approach, are there alternatives using a system other than a digital system that would speed the system up or reduce the number of people having real difficulties?

Leo O'Reilly: On the concerns raised, as the committee will be aware, the plan is to extend digital-only information for certain types of categories of people coming into the UK beyond the current EU settlement scheme. The argument is often made by lobby groups and individuals that there should be some sort of paper-based back-up—for example, a share code or some other type of document-based information—to allow individuals, in the event of a problem, a default or someone who simply does not have the capacity to manage a digital system to have some sort of back-up. The indications to date are that that type of back-up system will not be made available once these new arrangements become fully effective. That remains an area of concern, not just for us but for lots of other individuals who are outside the EU settlement scheme but will still have to avail themselves of a digital system to enter the UK.

I will pass over to Pam for more detail, but a significant concern is that, if you turn up at Border Force at the moment, you will at least be dealing with Border Force in the UK, which can access our local systems to check identity and so on at the border and decide whether an individual has the right to enter the UK. The difficulty with these arrangements is that they are meant to happen in the country of origin. In a sense, we are then relying on individuals who are based overseas to carry out the initial checks on citizens from those countries who wish to travel to the UK to determine their eligibility to enter the UK before they travel. There is a range of issues and concerns from these emerging arrangements.

Pam Everett: As I said earlier, the withdrawal agreement allows for a digital-only system. From the IMA's point of view, it is difficult to see how we can challenge that directly. Our concern is that that system works when it needs to; that is our area of interest and we are always interested to hear where there are problems.

As Rhys said earlier, we do not have a remit across the European Union and its member states, but I believe that there are member states in Europe that have adopted a similar system to ours and have chosen not to have a digital-only system. There are alternatives if there is a policy desire to implement something different, but, in life, we are heading to more and more digital systems, are we not?

Lord Jay of Ewelme: When you are talking among yourselves, do you say, “Well, if we only had a system such as A, B or C, it would be much easier for everybody”? Is there an alternative, in your mind, which could work or could work better for certain people—the mentally handicapped, say, or somebody who finds it difficult to do everything digitally, as many of us do?

Leo O’Reilly: At one extreme, a fully digital system that operated all the time would be ideal and would have lots of advantages. The difficulty is that it might not work all the time. Secondly, there may be individuals who have difficulty coping with a digital system. For example, we can download boarding passes for an aircraft, but some of us always print them anyway, just in case. We have got into that way of working of using digital but hoping that there is a back-up if your phone does not work on the day, when you are at the boarding gate.

Q10 **Baroness Ludford:** Could you tell us a little about what the experience of entering and exiting the UK has been at the border for both pre-settled and settled status holders? Do you think there could be changes in processes at the border for those persons?

Pam Everett: We are aware of a number of challenges being faced at the border, by citizens with both settled and pre-settled status. The issues potentially arise more frequently for holders of pre-settled status. The concern that we hear about most often is as Leo alluded to earlier: in essence, when you are in a country and trying to travel back to the UK, you are dependent on the carrier—the airline, in most cases—being assured that you are entitled to enter the UK. We have heard quite a lot about that.

Another area that we hear about is when individuals arrive at the border in the UK and sometimes have problems passing through. Sometimes they are relatively minor; it could be just a small delay while someone from Border Force double-checks their information. Sometimes it can be more severe than that. We are aware of a number of issues, and holders of pre-settled status tend to hit those problems more often.

We are also aware of people who do not even have pre-settled status yet; they have applied to the EUSS and have a certificate of application which proves that they have applied, but they do not yet have either pre-settled or settled status. Those citizens can sometimes struggle to get through the border, because there may be a misunderstanding about what information the citizen needs to turn up at the border with, either for the carrier or physically at the UK border. That can cause problems on occasion.

Baroness Ludford: Are things improving as carriers and Border Force staff get more familiar with the systems?

Pam Everett: That is a difficult one. We continue to hear of problems, so they have not gone away, but we certainly have not had as many complaints or as much hard intelligence of issues more recently. There

will still be problems. There are also problems for people who have applied but have been rejected, maybe because they had not provided all the information or did not understand what they needed to provide. Those people are flagged on the system, as they have been rejected in a previous application and have subsequently made another application with fuller information. Even when those individuals have been granted settled status, they can still be stopped at the border because of those flags from having been rejected previously.

Miranda Biddle: Some of the challenges from a citizen's perspective are that fear of the unknown. If you are still waiting for or if you have status, you might need to visit family and friends or have life events. You might be travelling for work.

I am going to stop talking because the Division bells are ringing.

The Chair: I know; it is always when you are talking. We have almost got to the end of our questions, but ought to finish the public session there. If there is more information, you are always welcome to write to us. I thank you. I am sorry for the interruptions, but we have gained some valuable information and the committee will consider how to follow it up.