



Home Office

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Tel **0300 790 6268**

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Web **www.gov.uk/uk-visas-immigration**

`\${fullname}`

`\${addressline1}`

`\${addressline2}`

`\${addressline3}`

`\${addressline4}`

`\${postcode}`

Date

`\${todaysDate}`

Dear `\${fullname}`

Ref: `\${UAN}`

If you are the Immigration Adviser or Responsible Adult for the person named above, please ensure this email is passed to them immediately and you should help them to read and understand the information below.

Your pre-settled status (also known as limited leave to enter or remain) granted under Appendix EU to the Immigration Rules has been curtailed (meaning that your pre-settled status has been removed) so that it now ends on [insert date].

What this means for you

You can appeal the decision to curtail your pre-settled status. The appeal is to the First-tier Tribunal under regulation 3(1)(a) of the Immigration (Citizens' Rights Appeals) (EU Exit) Regulations 2020. You can appeal on the basis that:

- the decision breaches any rights you have under the Withdrawal Agreement, - the EEA EFTA Separation Agreement, or the Swiss Citizens' Rights Agreement

or

- the decision is not in accordance with the specified curtailment grounds, as set out in Annex 3 of Appendix EU to the Immigration Rules.

You do **not** have to leave the UK while your appeal is being decided. You will continue to hold your pre-settled status for a further 14 days from the date this letter is sent (the date on which your right to appeal expires). If you do not appeal by that date, your leave to remain will be curtailed from that date without further notice. If you appeal this decision by that date, your pre-settled status will be extended while your appeal is pending.

Information on how to appeal is in the 'next steps' section.

The 'next steps' section also tells you what you must do if you decide not to appeal.

The reasons for this decision are set out in the 'reasons for decision' section.

If you want to seek legal advice you must do so now.

Information about help and advice on leaving the UK is in the 'next steps' section.

Yours sincerely

Insert caseworker name

Insert team name

On behalf of the Secretary of State for the Home Department

Your personal information

The Data Protection Act 2018 governs how we use personal data. For details of how we will use your personal information and who we may share it with please see our Privacy Notice for the Border, Immigration and Citizenship system at <https://www.gov.uk/government/publications/personal-information-use-in-borders-immigration-and-citizenship>. This also explains your key rights under the Act, how you can access your personal information and how to complain if you have concerns.

Reasons for decision

Your pre-settled status has been curtailed for the following reason(s).

On **insert date**, you were granted pre-settled status under the EU Settlement Scheme (EUSS).

Appendix EU to the Immigration Rules sets out that pre-settled status may be curtailed where the status holder no longer meets the requirements of that Appendix, and it is proportionate to do so.

On **insert date**, we wrote to tell you that we were considering whether to curtail your pre-settled status under Annex 3 of Appendix EU as you have ceased to meet, or never met, the requirements of that Appendix because you have not been continuously resident in the UK. **You were asked to provide any reasons why we should not curtail your leave**

Option – use if reasons not to curtail were provided and include the date or dates these were received.

On **insert date(s)**, you provided the following information which we have taken into account when considering whether to curtail your pre-settled status:

Free text to set out the evidence provided post MTC contact (residence/proportionality)

End of option if reasons were provided

Option – use if reasons were not provided

You have not provided any further information and have not requested further time to submit any information.

End of option if reasons were not provided

To establish your residence in the UK, we have reviewed available HM Revenue & Customs (HMRC) and certain Department for Work and Pensions (DWP) records, which show when you were working or claiming some benefits in the UK, and Home Office travel data, which provides information on your travel to and from the UK. We have also reviewed any other available evidence that you have provided on previous EUSS applications.

Free text to explain the available residence evidence

We have considered the information and evidence available to us, **including your representations**, and we are satisfied that you no longer meet the requirements of Appendix EU to the Immigration Rules, and you are no longer eligible for pre-settled status under that Appendix.

This is because the evidence set out above shows that you have been resident in the UK for a total of approximately **X** months in the most recent five-year period. To maintain your continuous residence you must reside in the UK for at least 30 months in the most recent 60-month period. The information also shows that you have not resided in the UK for at least six months in any given 12-month period for a period of five consecutive years or previously completed a five-year continuous qualifying period.

As such, the available information shows that you have not maintained your continuous residence in the UK, due to absences that exceed the thresholds to be able to maintain your pre-settled status as set out in Appendix EU.

Option – Section 55 - Child affected - Delete the following paragraph if not applicable

As **a child is affected** by this decision, we have taken into account how this decision may have an impact on **the child's** best interests.

The following circumstances have been taken into account:

- Any children potentially linked to your status may have established a private life in the UK, attending school, and building relationships, and
- the possible effect on **you/the affected child/children** of curtailing your leave to **enter/remain**.

Taking these factors into account as well as the public interest in maintaining immigration control, the curtailment of **your** leave to **remain** and the possibility of **you and your child** having to leave the UK is reasonable because it is considered that you would be able to resettle as a family unit in your EEA country of nationality, and your child would be able to access schooling and healthcare there.

End of option Section 55

We have also considered whether a decision to curtail your pre-settled status on this basis is proportionate. In making this assessment we have considered any relevant circumstances surrounding your absence or absences from the UK and any other relevant factors which would affect the impact of a curtailment decision.

We have considered your known personal circumstances alongside any evidence you have submitted against the proportionality test requirements and principles set out in published guidance and we are satisfied that **curtailment** of your pre-settled status is proportionate for the reasons set out below.

Free text to consider proportionality in making the decision to curtail the individual's leave

We are therefore satisfied that your pre-settled status should be curtailed under Annex 3 of Appendix EU to the Immigration Rules.

Next steps

You may now do one of the following:

- appeal the decision to curtail your limited leave
- seek help and advice on leaving the UK

Right of appeal

You have 14 days from the date this decision was sent to apply for an appeal.

Include only where the decision has been posted

The postmark on the envelope this decision came in shows the date it was sent.

Please make sure you keep a copy of the envelope.

End of option where the decision has been posted

You do not have to leave the UK:

- during the time period in which you may appeal
- if you appeal, until that appeal has been decided.

However, you may leave the UK and continue your appeal from outside the UK should you wish to do so.

Your limited leave to remain will be extended:

- during the time period in which you may appeal
- if you appeal, until that appeal has been decided.

How to appeal

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

Help and advice on leaving the UK

The Voluntary Returns Service (VRS) can be contacted for help and advice on leaving the UK. The VRS can discuss the status of your case and the next steps in your departure from the UK.

The VRS can provide practical support – from providing access to a passport or emergency travel document, purchasing your flight ticket or help to arrange a complex return with reintegration support for those who are eligible. Please contact the VRS team to obtain practical support regarding your return.

Contact the Voluntary Returns Service

Online: www.gov.uk/return-home-voluntarily/

Telephone: 0300 004 0202 (Monday – Friday between 09.00 and 17.00)

Liability for removal

You do not have to leave the UK and you will not be removed during the time period in which you may appeal or, if you do appeal, until that appeal has been decided

Curtailment of EUSS limited leave

However, you may leave the UK and continue your appeal from outside the UK should you wish to do so.

If you do not appeal, or if your appeal is unsuccessful, you will become liable to removal unless you qualify to stay in the UK under another immigration route. Further information about the various immigration routes and the relevant requirements can be found here: www.gov.uk/browse/visas-immigration.

If you do not have permission to stay in the UK, a separate decision will be taken on your removal from the UK and you will be given the opportunity to provide reasons why you should be allowed to stay in the UK. Any of the reasons that you provided for why your limited leave should not be curtailed that are relevant to a decision on removal will also be considered at that time.