

To Whom It May Concern

We are writing this letter to highlight that those living in the UK with pre-settled status under the EU Settlement Scheme (EUSS) have a right to work which is not time limited. Important changes were made to the Employer's Guide to Right to Work Checks in June 2024, which set out that the Home Office no longer requires employers to carry out repeat checks on holders of pre-settled status.

In December 2022, the [High Court found](#) that a person's rights associated with their having pre-settled status under the EUSS do not expire simply because that person did not make a further application to the EUSS by the point of their status expiry date. In effect, this means that pre-settled status does not expire.

Pre-settled status will be automatically extended as long as the holder continues to reside in the UK (with few exceptions), or upgraded to settled status if the holder is found to be eligible for that upgrade. the3million has been told by the Home Office that this automatic extension of pre-settled status is carried out in any given individual case 1-2 months prior to the expiry date shown on their status through the View & Prove system.

The Home Office has also removed the pre-settled status expiry date from the digital profiles shown to third parties in the online checking services for Right to Work. These changes are confirmed in [this GOV.UK press release](#).

The [Employer's Guide to Right to Work Checks](#) states the following about people with pre-settled status:

"The Home Office no longer requires employers to carry out repeat checks on holders of pre-settled status. Accordingly, a right to work check on holders of pre-settled and settled status granted under the EUSS is only required prior to the commencement of employment.

Where initial checks were correctly undertaken prior to the commencement of employment on a holder of pre-settled status, and providing you are not knowingly employing someone without the right to work, the Home Office shall not take civil penalty action against you.

If you choose to carry out follow-up checks, you must ensure that you do so in a non-discriminatory manner. The '[Code of Practice for employers: avoiding unlawful discrimination while preventing illegal working](#)' provides practical guidance on how to avoid unlawful discrimination when conducting right to work checks."

Employers are likewise reminded of their obligations regarding non-discrimination during employment, as set out in the Code of Practice, which states:

"Once a person who has time-limited permission to stay in the UK has established their initial and ongoing entitlement to work, they should not be treated less favourably during their employment, including as to the terms of their employment, opportunities for training, promotion or transfer, benefits, facilities or services, or by dismissing the worker or subjecting them to some other detriment, other than further right to work checks as prescribed in the guidance"

About the3million

the3million was formed after the 2016 EU referendum to protect the rights of EU citizens who have made the UK their home. Our work includes monitoring the implementation of the Withdrawal Agreement, and informing people of their rights. For more information see www.the3million.org.uk.