

To Whom It May Concern

We are writing this letter to highlight that most migrants living in the UK will have documents that are due to expire at the end of 2024. This does not mean that their right to remain in the UK, and entitlements associated with that leave to remain, are also due to expire.

The UK is transitioning to a digital-only immigration system, and as a result everyone with an immigration status is expected to transition to a digital eVisa by the end of 2024. All Biometric Residence Permits (BRPs) and Biometric Residence Cards (BRCs) therefore have an expiry date of no later than 31.12.2024. Individuals without biometric cards, but with legacy documents such as an old Home Office letter, or an ink stamp or vignette sticker in a passport, are encouraged *but not mandated* to obtain an eVisa.

The expiry date on a BRP/BRC therefore in most cases does not reflect the validity of the individual's leave to remain, or visa status. Many people will have a visa, or leave to remain, for longer than the validity of their BRP/BRC, including indefinite leave to remain. Rights associated with immigration status are not conditional on the BRP/BRC or its validity. Decision makers must be aware of this in order to balance their obligations to conduct immigration and eligibility checks with their duty to avoid discrimination.

The transition to eVisas was explained in a [media factsheet produced by the Home Office](#) on 2 October 2024:

“An eVisa is an electronic record of a person's immigration status. It replaces the need for physical documents such as the biometric residence permit (BRP), ink stamps or vignette visa stickers in passports, or the biometric residence card (BRC). It explains the immigration status of the holder, including the conditions of the immigration permission such as any limitations on their right to work.”

For individuals who have already made the switch to an eVisa, by applying for a UKVI account, decision makers should be able to securely access information about their immigration status. This is also set out clearly in the government's [eVisa checker factsheet](#) of August 2024 which says:

“This means that when these customers seek to access UK government services and benefits, they will not be asked to present proof of status when their entitlement to access those services is assessed.”

If an individual has not applied for an eVisa by the time their BRP expires, however, they are not penalised by the Home Office and there is no impact on the expiry of their leave to remain. In cases where an individual has already been assessed as being eligible for support, the expiry of a BRP should not, in and of itself, constitute a trigger for a further assessment.

Decision-makers are likewise reminded of their obligations regarding non-discrimination as set out in the [Equality Act 2010](#).

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.

About Migrants Organise

Migrants Organise is a charity which provides a platform for refugees and migrants to organise for power, dignity and justice. It combines grassroots organising with advice and support for those affected by the UK's hostile environment immigration policies. For more information see <https://www.migrantsorganise.org>.