

## FAQ on changes to the EUSS absence policy: What these changes mean for people with pre-settled status the3million webinar 15 July 2025

The webinar, held on 15 July 2025 by the3million together with Seraphus, explains the changes to the EU Settlement Scheme (EUSS) absence policy - announced by the Government on 24 June 2025, and taking effect from 16 July 2025.

The webinar answers many questions that were sent to the3million ahead of the webinar. This document aims to address the questions that could not be answered within the webinar time constraints.

- Watch the webinar at: [Pre-settled status: Changes to absence policy | Q&A webinar](#)

### Key facts and resources

- the3million webpage explaining the changes, with some example scenarios: [Changes to the absence policy for pre-settled status holders under the EU Settlement Scheme](#)
- the3million webpage summarising all the major changes to the EU Settlement Scheme since it first opened in 2018: [Summary of changes to the EU Settlement Scheme since 2018](#)
- the3million webpage containing a downloadable Excel calculator to help you work out how many months' total absence you have in the last 60 months: [Absence calculator](#)

### Structure of this Q&A document

The questions in this document are arranged in the following sections:

1. General questions around the rule changes
2. Submitting an application for settled status
3. How to evidence continuous residence when applying for settled status
4. What if you have broken continuous residence and don't currently meet the new rules?
5. Has your pre-settled status lapsed due to an absence longer than 2 years?
6. What if you switched from pre-settled status into a different immigration status?
7. Automated upgrades to settled status
8. Using the absence calculator
9. Family members with pre-settled status

## 1. General questions around the rule changes

On 24 June 2025, the Home Office published a [‘statement of changes of the immigration rules’](#) to announce changes to the EUSS absence policy which take effect from 16 July 2025. The accompanying explanatory notes said:

*A pre-settled status holder must maintain their continuous residence in the UK in order to qualify for settled status. Currently, ‘continuous residence’ generally means that they have not been absent from the UK for more than six months in total in any given 12-month period. There are some exceptions to this, such as a single period of absence of up to 12 months for an important reason, as well as some exceptions for absences related to COVID 19.*

*However, stakeholders have highlighted some confusion on the part of pre-settled status holders regarding permitted absences from the UK, which may have led some to inadvertently break their continuous residence in the UK (and thereby cease to be eligible for settled status) by exceeding the permitted absence(s) from the UK. **To simplify the assessment of continuous residence, these changes enable a pre-settled status holder to be granted settled status where they have been resident in the UK for at least 30 months in total in the most recent 60-month period. This can be any 30 months within that 60-month period.***

See also our webpage explaining the changes, with some example scenarios: [Changes to the absence policy for pre-settled status holders under the EU Settlement Scheme](#).

**Important:** Pre-settled status holders who hold EUSS status as a family member of a sponsor (an EEA/Swiss citizen with EUSS status who was resident in the UK by 31 December 2020) must also satisfy other eligibility requirements in addition to proving residence, such as maintaining their qualifying relationship, or demonstrating that they have 'retained rights of residence'.

1. **Q I don't have pre-settled status because my application is under appeal. What is the day from which you need to have at least 30 months?**

**A** The simplified continuous residence rules (having at least 30 months' residence in the last 60 months) only apply to people who have already been granted pre-settled status.

If you do not yet have pre-settled status, because your application was refused and it is under appeal, then you are unable to benefit from these policy changes for the purposes of your appeal to be granted pre-settled status (if your appeal succeeds then you will be able to use the change in policy to move from pre-settled to settled status). In your appeal you will still need to satisfy the original continuous residence rules, which means having been resident in the UK for at least 6 months out of every 12 months since 31 December 2020 - with some exceptions for longer absences for an important reason or related to COVID 19. (You do not need to have been living in the UK by 31 December 2020 if you are applying for EUSS status as a joining family member of an EEA or Swiss sponsor who was resident in the UK by 31 December 2020). We recommend [seeking legal advice](#).

2. **Q** When do "the last 5 years" start? Do I simply need to calculate when I have 30 months of continuous residence and then apply for settled status under the new rules no matter if I have applied before?

**A** When someone with pre-settled status applies for settled status, the 60-month period under consideration starts exactly 5 years before the date of submitting the application. This means your UK residence must have started at least 5 years ago when you apply for settled status (see question 3). Once the automated upgrade processes start taking into account the '30/60' rules, the 60-month period starts exactly 5 years before the date at which the automated process is considering someone's pre-settled status.

If you have applied for settled status before, and been refused under the old '6/12' rules because the Home Office considered you broke your continuous residence, you can make another application if you are eligible under the '30/60' rules.

3. **Q** Can people apply early? For example if someone arrived in November 2020 but they have 30 months residence in the last 60, can they apply now in August 2025? Or if a joining family member arrives in the UK in February 2023, and gets pre-settled status, can they apply 30 months later in August 2025 if they've not left the UK during those 30 months?

**Q** I am a non-EU citizen with pre-settled status and my wife who sponsored me is British now. I am aware that I have to use a paper application to switch to settled. So as the process of switching to settled takes 3-4 months, can I submit my request three months before completing the 5 years? Or how many days exactly before completing the 5 years I can submit the application? I entered the UK with EUSS visa in March 2021 and I have lived in the UK since then for minimum 45 months that I can submit pay slips for.

**A** No, you cannot apply early. Just like with the old rules, you still need to demonstrate 5 years of continuous residence at the date you make your application (not the date the Home Office looks at the application), so you can only apply 5 years after first arriving in the UK. The change in absence rules is only about making it possible for the absences to be spread more flexibly over the last 5 years, the change is not to allow pre-settled status holders to qualify for settled status any earlier.

4. **Q** Should the 30-month residence be continuous or is it OK if there are absences in between?

**A** The 30 months residence does not have to be continuous. To work out if you are eligible, you add up all the time that you have physically been in the UK over the last 60 months, and see if your **total residence adds up to more than 30 months** altogether.

Another way of approaching this is to add up all your absences over the last 60 months, and check that your **total absences add up to less than 30 months** altogether. On our website we have an [Absence Calculator](#), which is a downloadable Excel tool where you can enter all your trips out of the UK and the tool calculates your total absences in the last 60 months.

5. **Q** If we have lived in the UK for over 30 months in the past 5 years, have the pre-settled status, but are in the EU now, can we still apply?

**Q** At the end of 60 months of continuous residence, is it necessary to reside in the UK at the time of applying for settled status?

**A** You can apply for settled status regardless of where you are now, as long as you currently hold pre-settled status, you started living in the UK at least 5 years ago, and have lived in the UK for over 30 months in 5 years preceding your application date.

6. **Q** Is there a risk of those new EU settlement rules being changed under the new immigration law to be presented during the Autumn budget?

**A** While there is always the theoretical possibility of rules being changed in the future, we would judge it extremely unlikely that this change would be undone in the near future.

7. **Q** If someone mistakenly answered “yes” to the question about being in the UK at the time of applying for pre-settled status — when in fact they had been in the UK earlier that year but had already left due to the pandemic — does that affect their status or eligibility? The mistake was made in good faith, as they believed that due to COVID and remote study/travel restrictions, they didn’t need to be physically present at that exact moment. The pre-settled status was granted without any issues.

**A** It is not possible to definitively answer this question as it will depend on a range of factors.

However, if someone has made an innocent mistake in their EUSS application but their underlying circumstances means that they still met the requirements to be granted EUSS status, then there should be no reason to remove the status or prevent the person moving to settled status (if they meet the conditions). It may be necessary to demonstrate to the Home Office that the EUSS conditions are met to show that status should not be removed.

If however, the incorrect information provided in the application led the Home Office to believe that the EUSS conditions were met when in fact they were not, this could be a reason to remove the status.

We recommend [seeking legal advice](#).

## 2. Submitting an application for settled status

8. **Q** Is it the same application procedure as the process with the old criteria?

**Q** Based on the future changes of the absence rules, I can now apply for settled status. I'd like to do it by myself and would like to know how to go about it (from July 16th).

**A** Yes, if you have pre-settled status then to make an application for settled status is exactly as before. The only difference is that when your application comes to be considered, a more flexible approach will be taken to your absences. See also our FAQ [How do I upgrade my pre-settled status to settled status?](#) which explains that it is important to start a new application rather than adding residence evidence to your previous pre-settled status application.

9. **Q** **If I remember correctly, during the application for settled status they used to ask whether you have spent more than 180-day out during each rolling 12-month period. Will the application form now be updated to ask whether you have spent '30 months in 60-month period'?**

**Do travel days (the day you depart / return) count as absence?**

**A** The application asks you to declare that you have been continuously resident for 5 years. We expect that question to remain the same. The only difference is that for pre-settled status holders, the definition of 'continuously resident' has now changed to become more flexible as to when absences occurred within those 5 years.

Although the EUSS rules do not stipulate whether travel days count as absences from the UK or not, in other immigration routes travel days to and from the UK are not considered absences and therefore, the same approach should apply to the EUSS.

10. **Q** **On the application process, there is this question: 'Do you have 5 years continuous residence in the UK?' The possible answers are 'YES' or 'NO'. If I have been absent between December 2019 - October 2021, what should I answer?**

**A** Regardless of your absence between December 2019 and October 2021, if you hold pre-settled status and have been resident in the UK for at least 30 months out of the last 60 months, then you can answer Yes. That is because the definition of continuous residence has become more flexible for those with pre-settled status.

11. **Q** **What happens if you're currently awaiting for the resolution of your Settled Status application? I applied at the beginning of April, but haven't heard back yet. Will these new rules apply since they haven't taken a look at it yet?**

**A** Any applications that were submitted before the rules changed, will be considered under the new rules if a decision had not yet been made by 16 July 2025.

12. **Q** **Is there any downside to submitting an application, if I think I qualify? It sounds like even if my application is rejected, the worst-case scenario is that I get to stay for the remainder of my pre-settled status.**

**A** You are right in saying that if your application is refused, this should not have any effect on your existing pre-settled status (unless there are other issues with your status unrelated to the residence conditions). If you think you qualify, and you submit an application, make sure you monitor your emails and respond to any requests from the Home Office for further evidence.

There can be a downside in having a refusal on your record. We know that in some cases this has caused inconvenience while travelling, where carriers have asked people with a previous refusal to demonstrate their status, or where it is not possible to pass through eGates on arrival in the UK, instead being redirected to a UK Border Officer. However, we have been told that work is being done to address this issue.

There are also reports of applications for settled status resulting in caseworkers looking again at the original grant of pre-settled status, and questioning the original evidence given to the Home Office, especially where there is uncertainty around evidence of entering the UK before 31 December 2020, or evidence of family relationship or dependency if the status is for a family member. If you are in any doubt about your eligibility for EUSS status, [seek legal advice](#).

13. **Q** If I apply for Settled Status as from the 16th of July, and I'm pretty sure the automated check will find at least 2 and half years of residency, and I have proof that I was in the UK before the 16th of July 2020, will I be granted Settled status automatically - or will this still need to be processed by a case-worker?

**I'm hesitating to apply from the 16th of July itself or to wait a bit further, as I started working as from December 2020 (and guess the automated checks, based on NI contributions will find me as from December 2020 only). If I apply now, I may need to provide a documented evidence of my presence before December 2020.**

**A** You do not say whether you have pre-settled status, our answer will assume that you do. If you do not, then please [seek legal advice](#) as soon as possible, as these changes do not apply to you.

The automated checks on tax and benefit data do not yet operate using the new 30/60 rules, so your application is likely to require a caseworker to look at your application in any case.

However, a caseworker will look at the data returned from the automated checks, and then look to see if there are 30 months of tax and benefit data in the last 60 months. They may not need to look back as far as 2020 if you have been mostly resident in the UK since you arrived. The Home Office will also now look at travel data when a person applies for EUSS status and so if the tax and benefit data are not conclusive, it may be possible to establish the 30 months of residence using travel data.

The hope is that there will be less need to write out to applicants to ask them for extra residence evidence.

### 3. How to evidence continuous residence when applying for settled status

#### General information:

In an application for settled status, the Home Office will consider the following sources of residence evidence in sequence, to determine if the applicant meets the residence conditions (i.e. has 30 months of residence in the last 60 months):

- National Insurance records (HMRC and DWP records)
- Travel Data (i.e. case workers look at travel in and out of the UK to determine periods of UK residence)
- Evidence provided by the applicant (see the guidance on residence evidence on the Home Office website at [EU Settlement Scheme: evidence of UK residence](#))

It is still recommended that if you are applying for settled status that you upload documents to show your UK residence with your application. However, if you have limited evidence of your UK residence then the Home Office checking your travel data should hopefully assist to prove that you have been living in the UK and qualify for settled status.

14. **Q** When they mean 30 out of 60 months, what do they mean with evidence per month? Is one day showing activity on a bank account per month enough?

**Q** When does an absence negate a whole month? For example 1 day away in one month is probably fine, but would 3 weeks negate that month? Or do you just need to have been present in the UK for 1 day in a month for that month to count towards the 30 in 60?

**A** It is useful to think of the question of satisfying continuous residence in two parts.

Firstly, the application asks you to make a declaration that you were continuously resident for 5 years. This means continuously resident according to the immigration rules. You can satisfy these either using the existing rules (maximum of a total of six months' absence in any 12-month period starting by 31 December 2020, with some exemptions for longer absences relating to an important reason or COVID), or using the new rules (maximum of a total of 30 months' absence in the 60 months leading up to application date). You can use Excel [absence calculators available on our website](#), where you can enter all your absences from the UK, to determine whether you satisfy these conditions.

Secondly, assuming you **do** satisfy the continuous residence condition, the Home Office might ask for evidence that shows residence in each of 30 months if the National Insurance check and travel data are inconclusive). The Home Office website [EU Settlement Scheme: evidence of UK residence](#) gives guidance on the type of residence evidence that is accepted.

So to go back to the original question, if you have bank statements covering 30 separate months in the last 60, each of which shows at least one UK-based activity, that should be enough evidence. This is because it would be completely impractical for the Home Office to ask you to provide evidence of every single day of residence in the UK.

However it is important to remember that you also need to make that declaration of being continuously resident. So if you were only actually in the UK for 1 day in each of 30 months, you will not have been continuously resident. As noted, the Home Office will be using travel data when processing a settled status application which will give a clearer indication of the dates pre-settled status holders have been present in the UK (by looking at travel outside of the UK).

15. **Q** When applying to convert from pre-settled to settled status, do we also need to supply evidence for short absences like holidays?

**A** No you don't need to provide evidence of absences. Rather, you need to do the opposite, and provide evidence of residence in the UK. The Home Office website [EU Settlement Scheme: evidence of UK residence](#) gives guidance on the type of residence evidence that is accepted.

Under the 6/12 continuous residence rules, it was necessary to justify the reason for absences for an important reason that were outside of the normal six months in any twelve months allowance. So you would need to provide evidence of 'an important reason' for being absent, or evidence of how your absence was related to COVID. However, under the 30/60 continuous residence rules, there is no need to justify any absences at all, so long as you can provide evidence of at least 30 months' residence.

16. **Q** Do you still need to submit any form of evidence of residency before December 2020? Example: Granted pre-settled based on 31st of December 2020 and you would only submit evidence from 2022-2025 on the 1st of January 2026?

**A** You need to provide evidence of residence for at least 30 months in the 60 months (5 years) immediately preceding the date of applying for settled status which can be any period during the 5 years. Your pre-settled status should be the confirmation that you began your UK residence by 31 December 2020 and so you should not be asked to re-evidence this\*. Therefore, if you make an application on 1 January 2026, the 60-month period runs from 1 January 2021 to 1 January 2026, meaning in principle your residence evidence only needs to cover 2022-2025 to show the 30 months of residence required.

\*Note we are aware in some cases the Home Office has challenged pre-settled status holders to prove they were resident by 31 December 2020, even though they have been granted pre-settled status. If this happens to you then please [seek legal advice](#) as soon as possible and [report your case to the3million](#).

17. **Q** I arrived in the UK in July 2020 and was granted pre-settled status. During my first year, I was studying, so I don't have any tax records for that period. Under the new rules, considering that I haven't been outside the UK for more than 2 weeks since 2025 and I've been working continuously, does this mean I won't need to provide evidence for my first year in the UK when applying for settled status?

**A** Your question says you weren't outside the UK for more than 2 weeks since 2025, but we will assume that is a typo and that perhaps you meant since 2020. In which case, yes these changes would mean that you no longer need to provide evidence for your first year in the UK, if the HMRC data shows at least 30 months' residence in the last 60 months.

18. **Q** Could you provide a ranking of residence evidence types? NINO seems the best, but if that is not available, what types of evidence in your experience result in the shortest, successful application turnaround?

**A** the3million does not do casework, so we can't comment on this. The Home Office website [EU Settlement Scheme: evidence of UK residence](#) gives guidance on the type of residence evidence that is accepted. A National Insurance number is indeed good, but only if the automated checks with

HMRC and/or DWP return a sufficient digital footprint. More details about those automated checks can be found on the Home Office website [EU Settlement Scheme: UK tax and benefits records automated check](#). As noted above, the Home Office will now look at travel data in EUSS applications which hopefully makes the process more efficient, but it is still possible that you will need to provide evidence for your application.

19. **Q** What happens for freelancers in terms of NI proof if we haven't paid the taxes yet for the last year?

**A** The automated checks that are made, via your National Insurance number, against tax and benefit data can only return data on what is already on their systems. The Home Office website [EU Settlement Scheme: UK tax and benefits records automated check](#) addresses this and explains in their section "Reasons why the automated check may not find evidence of your UK residence" that the automated checks might not work if "you're self-employed and your self-assessment tax returns only go up to the previous tax year which means there will be no self-assessment records for any period after the end of the last tax return". However, it also explains that where this happens, they will write to you and ask you to upload other evidence instead.

With the new simplified 30/60 rules, it may be that the Home Office doesn't need evidence of the last year, if they can find at least 30 months of residence in previous years (but still within the last 5 years). See the general information above which sets out the sequence in which the Home Office assesses evidence of residence in an application.

20. **Q** Is enrolment at university sufficient for the residency evidence?

**A** The Home Office website [EU Settlement Scheme: evidence of UK residence](#) gives guidance on the type of residence evidence that is accepted. Enrolment on its own is likely not sufficient evidence of residence in the UK, however the guidance includes the following examples:

- *letter or certificate from your school, college, university or other accredited educational or training organisation showing the dates you enrolled, attended and completed your course*
- *invoice for fees from your school, college, university or other accredited educational or training organisation and evidence of payment*
- *document showing a UK address from a student finance body in England, Wales, Scotland or Northern Ireland or from the Student Loans Company*

21. **Q** Will the system pull the same proofs if I already sent them for pre-settled?

**A** Caseworkers should look at residence proof that has already been submitted with the pre-settled application, when considering an application to upgrade to settled status.

22. **Q** Can border data be used against you?

**A** Currently, the Home Office does not operate a policy of looking to curtail (remove) people’s status for excessive absences from the UK. However, they have said they may start doing so by the end of this year, but details about how exactly that might work are not available, and subject to ongoing consultation with ministers and other stakeholders. It seems likely that travel data will be used to identify pre-settled status holders who have been absent from the UK for a long time. See the next section on what happens if the Home Office is considering removing pre-settle status due to long absences.

Since 16 July 2025, when a pre-settled status holder submits an application for settled status, residence evidence will be assessed to see if the applicant can satisfy the 30/60 rule. The caseworker will first check a case against tax and benefit data using the National Insurance number. If that is not sufficient, then travel data will be used to see if that can support the application. If that is still not enough, then additional evidence from the applicant will be considered. If the travel data indicates a person has been absent for more than 30 months in the last 60 months and there is insufficient evidence to disprove this, it is likely that the Home Office will not grant settled status to the applicant. In the future if the pre-settled status holder has 30 months, they can reapply for settled status.

## 4. What if you have broken continuous residence and don’t currently meet the new rules?

### General information:

The Home Office EUSS rules mean that pre-settled status can be removed if the status holder no longer meets the residence requirements of the scheme (and / or no longer meets other EUSS conditions such as maintaining family relationships). This means pre-settled status is at risk of being removed if the status holder has “broken” their continuity of residence (i.e. been absent from the UK for too long). Removing pre-settled status is known as curtailment or curtailing status, though sometimes it is referred to as cancelling status. The Home Office is required to notify a pre-settled status holder if they are considering removing pre-settled status based on an assessment that the status holder has broken their continuity of residence.

The Home Office must offer the pre-settled status holder the opportunity to respond before curtailing status and must take into account:

- 1) Any evidence or information provided by the pre-settled status holder to show that they have not broken their continuity of residence, and;
- 2) If the pre-settled status holder has broken their continuity of residence (or cannot prove that they have not), any reasons why it would be unreasonable (disproportionate) to remove the status.

If after assessing these considerations the Home Office proceeds to remove the pre-settled status, the status holder is entitled to appeal this decision to the Immigration Tribunal where an independent judge will review the Home Office decision to decide whether it is legally correct.

If the Home Office is considering curtailing status, they will most likely write out to pre-settled status holders by email using the email address linked to the UKVI account, which means it is extremely important to keep your UKVI account details up to date and check your emails for communication from the Home Office.

The power to remove pre-settled status means that if you have broken your continuity of residence (under both the old and the new residence eligibility rules), then you are at risk until you are able to meet the new continuous residence rules by having 30 months residence in the last 60 months - where “last 60 months” means counting backwards from the date you apply.

Many people who have broken their continuity of residence are contacting us to ask whether they will be able to build up their residence to 30 months’, before the Home Office tries to curtail their status. Others who are no longer living in the UK are asking if they can return to the UK and resume their residence, again in the hope of reaching 30 months’ residence before the Home Office tries to curtail their status.

It is not possible for us to advise individuals as to how likely it is that they can reach the required residence before their pre-settled status is considered for curtailment as we do not have any details of the Home Office policy on this.

However, a few factors might help people to work out the risk in their individual case:

- First, currently, the Home Office has not yet introduced a process to write out to people about curtailing their pre-settled status on the grounds of having broken their continuity of residence. They have indicated that this process may start by the end of the year. (It is important to know that this process *is* already happening in other circumstances, for example for those whose status is dependent on their family relationship to an EEA/Swiss citizen, and that relationship has broken down, or in cases where the Home Office considers that pre-settled status was obtained with fraudulent documentation.)
- Secondly, when this process does start, the Home Office has indicated that they will be examining people whose status is nearing its expiry date, rather than examining all pre-settled status holders at once. We cannot be certain that this process will continue in the same way, but this is what we understand the current intention is.
- Thirdly, the Home Office has indicated that they will prioritise those who they think have the longest absences. It is not possible to give any exact thresholds, however what this means is that the Home Office is more likely to consider for curtailment someone whose total absences exceed the allowed threshold of 30 months by **a year**, than someone whose absences exceed that threshold by **a month**.
- Lastly, it is important to remember that the Home Office must assess the proportionality of removing status, which means there may be situations where pre-settled status holders who have broken continuous residence may still be entitled to keep their status. The more time a person has spent in the UK the less proportionate it would be to remove the status even if the residence conditions are not met.

For those whose absences currently exceed 30 months in the last 60 months, we recommend using our Excel absence calculator (<https://the3million.org.uk/absence-calculator>), to find out when they are likely to get their absences down to a maximum of 30 months in 60 months leading up to a future potential application date (assuming they have or will resume UK residence). They can then compare that with their pre-settled status expiry date, and review their situation in light of the above information.

23. **Q** My status has not lapsed, yet I have a 4 year absence since 2021. Now it is July 2025, will I be able to stay until the end of my extension (2030) and get settled status thanks to that time?

**Q** Will people with broken residence be granted settled status if they stay 5 years never leaving until the end of the extension? Or will they revoke PSS holders who broke the absence rules regardless?

**Q** If someone has been granted the extension - and then expiry date is 2029 - can the home office cancel the PSS at any point from now until 2029?

**A** Currently we understand that the Home Office will only look at your status again a few months before your expiry date. However we cannot guarantee that this process will not change in future, as the Home Office may start to look at pre-settled statuses even if they are not expiring for several years. If the process remains to only look at pre-settled statuses close to their expiry date, then you should have the chance to build up 30 months of residence before your extended expiry date.

24. **Q** But that would not be fair to the people that will be "caught" before the 30months vs the people that will be caught maybe 5 years after the 5 of extension.

**A** It is true that those pre-settled status holders who currently have an extension several years into the future, have the advantage that they have longer to build up their 30 months' residence.

However, the Home Office have indicated that, once they start looking to curtail people's status, they will start by prioritising those with the longest absences.

25. **Q** Will they still grant the 5-year extension for pre-settled status holders who haven't received the extension yet?

**Q** Will I be able to use the extension to rebuild my residence period if I am not eligible for SS before the expiring date of my PSS? If yes, will I keep my pre-settled status while waiting to submit a SS application? I have been living and working in the UK with no absences since August 2024.

**A** This depends on when the pre-settled status holder's expiry date is, what the Home Office policy is at the time of considering this pre-settled status holder, and how many absences the pre-settled status holder has had.

If the Home Office has not yet introduced a process of trying to remove status from people with excessive absences from the UK, then pre-settled status will still be extended by 5-years shortly before it is due to expire.

Once the Home Office *has* introduced a process that includes potential curtailments (which they have indicated they may do towards the end of 2025), then it depends on the level of absence in the 60 months leading up to the date at which the Home Office is considering someone's pre-settled status.

We do not have any details of how this process might work, but because the Home Office have indicated that they are likely to prioritise those with the longest absences, we guess that when they consider an individual, there may be one of three outcomes. Firstly, they may be automatically

granted settled status if the person is eligible for an automated grant. Secondly, the Home Office may write out to the status holder telling them that they are considering curtailing their status due to excessive absences, but giving that person the opportunity to provide evidence and information to inform the decision (as described above). And thirdly, if it is not possible to automatically grant them settled status, yet the Home Office considers that the absences are at a level that they don't want to try removing status, then they may extend the pre-settled status (which would allow the person to build up sufficient time to qualify for settled status).

26. **Q** **Background: Pre-settled status granted May 2019 while on a UK Master's programme. Left the UK the same month and did not resume residence until April 2023. Status automatically extended by 2 years to May 2026 (no 5-year extension yet). Application for settled status refused because my long COVID-era absence broke continuous residence. I am now unemployed, living in my home country, and make one-week visits to the UK roughly every two months while job-hunting remotely.**

**Question: Given this pattern of residence and absences, will my pre-settled status be extended again after May 2026, and from what date can a new 5-year qualifying period for settled status validly start?**

**A** It is very difficult to answer this, because this depends on what the exact Home Office process will be by the time you are approaching your expiry date of May 2026. The Home Office have indicated that by the end of 2025 they may start a process of looking to curtail people's status who have excessive absences, but we don't have details of how this process will work exactly.

All we know is that the Home Office has indicated that they will prioritise curtailment of statuses with the longest absences. So possibly the only advice that can be given to people in your situation is that if you wish to gain settled status in the UK, you should return to the UK as soon as possible and build up as much residence before your status will be looked at by the Home Office sometime before May 2026.

We are certainly not able to say with certainty that your pre-settled status would be extended again after May 2026.

You also ask from what date a new 5-year qualifying period can start, however that is not the right way of looking at it. At any date, what is relevant is the 5 years immediately before that date. So if the Home Office will inspect your status in April 2026 for example, then they would consider your residence in the period April 2021 to April 2026. If you have more than 30 months' absence in that time, then you are at risk of your status being removed. However, as we said above the Home Office have said that they will prioritise those with the longest absences - so if your total absence is only a small number of months above the allowed 30, you have more chance of having your status extended (and qualifying for settled status in the future).

We cannot however be sure, and give definite advice. Please do look at our [absence calculator](#), to get a sense of when your absences might be reduced to at most 30 months in the last 60.

27. **Q** **My pre-settled status ends in September 2025. I will be missing 5 months to reach the 30 months criteria in the new rules. Can I still get the 5-year extension for the pre-settled status and use it to cover the 5 missing months and then apply for settled status after 5 months? With the**

**new rules, could this work for me to get settled status? I was previously told that the 5-year extension could not be used to meet the continuous residence criteria.**

**A** Because your pre-settled status currently shows an expiry date of September 2025, you are likely to get a 5-year extension in August 2025. (The Home Office is not yet implementing a process of curtailing status due to extended absences, and you say that you won't be eligible for an automated upgrade to settled status).

Before the recent change in the absence rules, it was indeed the case that extensions to pre-settled status could not be used to meet the continuous residence criteria if continuous residence had been broken. This was because no matter whether someone was applying for settled status in 2025 or 2028, the rules meant that people had to demonstrate continuous residence that was unbroken since 31 December 2020.

With the new absence rules, the Home Office will only consider the last 60 months (before the date of application), which means that the qualifying period is dynamic (i.e. not fixed to 31 December 2020), and therefore that now extensions to pre-settled status *can* be used to meet the (new) continuous residence criteria.

28. **Q** **If a person is granted pre-settled status under the EU Settlement Scheme in October 2020 and person started living in UK from August 2022 until now, based on new rules from the home office on continuous residence on June 24th. Assuming the person gets a 5 year extension in October 2025, can he use the 2 years from extension to apply for settled status in August 2027? (This will satisfy past 60 months living in the UK).**

**A** This question appears similar to the previous question. However, there is a question around whether this person is eligible for status under the EUSS scheme, if they only started living in the UK from August 2022. If they obtained status in October 2020 but had not yet been living in the UK by then, it is possible that the Home Office may consider that this status was granted in error.

If on the other hand the person obtained status as a joining family member, and was granted status in October 2020 but only arrived in the UK in August 2022, then they should be eligible for settled status in August 2027, provided they have maintained continuous residence, and that the family relationship is maintained or they have retained residence rights.

29. **Q** **If you have been in the UK for, say, 25 months by the time your original PSS expires, can you use the extension to build up the extra 5 months to qualify for settled status?**

**A** Yes you can, subject to the considerations highlighted in the questions above about when exactly your expiry date is, and how many months' absence you have in the 60 months leading up to the date where your pre-settled status is considered for extension.

30. **Q** **My daughter who was granted pre-settled status in August 2020, lived in the UK with us for 1 year until August 2021 then studied in Canada for 3 academic years 2021/2024 to get her degree (but always came back to the UK every 6 months for holidays)- does getting a degree in Canada give you a valid reason for not living in the UK ? She is now back in the UK since July 2024 and pursuing her study.**

**A** Under the previous definition of continuous residence (of maximum 6 months absence in any 12-month period, with some exemptions), it was possible to have a single absence for up to **one year** for an important reason which could be study (there could be longer absences related to the Covid-19 pandemic). A three-year absence (albeit with visits back) would not be covered by the important reason exemption.

Under the new definition of continuous residence available as an alternative for pre-settled status holders, the only thing that is considered is the total amount of absence in the 60 months leading up to the date of making an application, or the date of the Home Office inspecting the status as part of its automation programmes.

If your daughter was granted pre-settled status in August 2020, then it is likely to have an expiry date of August 2025, therefore it is likely to be extended by 5 years very soon (because the Home Office have not yet implemented a process of looking to curtail pre-settled status where people have broken their continuous residence).

Therefore, if she remains in the UK, she is likely to be able to build up 30 months of residence, although this might take her until early 2027, and become eligible to apply for settled status. At that point, there is no need to justify the absence between 2021 and 2024, it will be sufficient to demonstrate 30 months of residence between July 2024 and early 2027. However, as noted above the Home Office may seek to curtail status from persons who have broken their continuous residence and so it is not possible to say that your daughter will definitely be able to qualify for settled status in the future.

We recommend taking a look at our [absence calculator](#) on our website.

31. **Q** I was granted pre-settled status in October 2018. Since then, I have three absences totalling 31 months: two for 18 months (COVID-related) and one for 13 months.

**Still, I have never broken the 2-year continuous absence rule (i.e. never spent more than 23 months abroad), which means that my PSS had not lapsed.**

**With an extension, would I be able to rely on it to build a continuous qualifying period (CQP) from 2023 to 2028 under the new rules?**

**What is the list of sources (including those not specified in official guidance) authorities are using to check for absences and CQP?**

**Are there any additional planned changes to the EUSS that you are aware of? These are getting more and more confusing. What to expect?**

**A** You don't give the approximate dates of these absences, but if your 18-month COVID absences for example were between March 2020 and September 2021, and then your 13 month absence was between November 2022 and December 2023, then depending on what other absences you have had since then you may have acquired 30 months residence already, or be able to acquire it very soon.

The rules do not mean that you have to start a complete new qualifying period, from 2023 to 2028. Rather, at any given date you need to look at the 5 years leading up to that date, and see if your total absences were below 30 months.

Please use our [absence calculator](#) on our website and put in your detailed absences.

See the section in this Q&A document about evidence, noting that the Home Office will now use travel data to assess dates of UK residence / absences from the UK over the 5 year qualifying period in an application for settled status.

And we agree that the changes to the EUSS have become quite confusing! We have therefore created a new page on our website: [Summary of changes to the EU Settlement Scheme since 2018](#). As for what to expect next, the Home Office have indicated that they intend to start a process by the end of 2025 to remove the status from those pre-settled status holders with the longest absences.

## 5. Has your pre-settled status lapsed due to an absence longer than 2 years?

### General information:

Until 21 May 2024, it was the case that if you had pre-settled status and spent 2 years continuously outside the UK, the Home Office consider that you lost your EUSS rights automatically (the pre-settled status would be deemed to have 'lapsed') and you could be refused permission to enter the UK. However, this was changed on 21 May 2024 such that pre-settled status is now only deemed to have automatically lapsed after an absence of 5 continuous years. However, if someone had already been absent for 2 years continuously by 21 May 2024, then their status would already have been deemed to have lapsed.

However, this loss of status often is not reflected in a person's UKVI account, so that people still see pre-settled status in their account, and can still create share codes to give to employers and landlords etc.

Some people with 'lapsed' status may also have received emails from the Home Office telling them their pre-settled status has been extended by 5 years (or by 2 years if the extension took place in the earlier phase of the auto-extension policy). The Home Office considers that where someone with lapsed leave receives an extension email, that extension is not valid, as they say it is not possible to extend something that no longer exists in law.

This all feels incredibly unfair, and not very logical, in the context of the updates to the absence policy. The policy states that if a pre-settled status holder had a 30-month absence followed by a 30-month presence in the UK, they should be eligible for settled status. It therefore doesn't make sense if that same person is then excluded from the policy for that same 30-month absence on the basis of their status having lapsed.

Furthermore, it creates a very unfair distinction between two people with a 30-month absence, where one made a very short visit back to the UK in the middle of the 30-month absence, and the other didn't. The status of the first person would not have lapsed, whereas the Home Office would consider that the status of the second would have lapsed. This is especially unfair in the context of the COVID-19 pandemic, as many

long absences for pre-settled status holders are most likely to have occurred during the pandemic years 2020-2022, before the rules on lapsing leave were changed in May 2024.

The Home Office appear to recognise this unfairness, and have told the3million and other stakeholders:

- *Prior to 21 May 2024, pre-settled status would automatically lapse if the holder spent more than two continuous years outside the UK.*
- *Changes were made to the Leave to Enter and Remain Order 2000 to remove this provision, but it was not possible to make this change retrospective.*
- *However, we are considering our approach with the ambition to allow pre-settled status holders whose leave had lapsed after two years to benefit from this change.*

We will provide updates through our website and our newsletter (subscribe [here](#)) once we have more information about the Home Office approach to such cases.

32. **Q** **Just to confirm: if a person is away from the UK for more than 2 years (as in they are not permanently living in the UK), but they enter the country multiple times in that >2 year period for a few days, that doesn't cause the status to lapse, is that correct?**

**A** That is correct. Each entry into the UK resets the absence period, and leave is only deemed to have lapsed in law when someone was away for the entire 2-year period (now 5-year period from 21 May 2024) without any visits back.

33. **Q** **If I understand correctly if someone with pre-settled status has been outside the UK for longer than 2 years before 31 May 2024 this individual has automatically lost its status. Hence the new rules will not apply to him/her because she/he does not have valid pre-settled status in the first place. Is that correct? It seems that it defeats the purpose of the new rules**

**A** Yes this is correct – although the change occurred on 21 May 2024 not 31 May – and we agree that it does defeat the purpose of the new rules. We are pleased that the Home Office appear to agree with this, which is why they have said they will consider how to enable pre-settled status holders whose leave is deemed to have lapsed to still benefit from the new rules.

34. **Q** **My pre-settled status should be lapsed after a 4-year absence, yet it is not. My PSS is valid and I am working and living in the UK. My PSS has been extended until 2030, and on the chat of the gov website they said I can stay until the end. Will I be eligible for settled status in 2030 or will they curtail me?**

**Q** I have a question because I think I got confused on this topic. My pre settled status should have lapsed under the law, because my long absence has been before May 2024. I came back to UK because I could see my status was active and I've been living here since then building my 5 years based on this information and on my extension. Is my status lapsed despite this extension? Are we unlawful right now based on this situation? I see there are many people in the same situation... I forgot to add that I came back in 2022 and lived in the UK since then.

**A** As explained above, it is possible for your pre-settled status to be considered lapsed under the law, even if it does not show this on your digital status, and even if you have received an email telling you about an extension. This approach unfortunately creates a lot of confusion for people and there is a lack of legal clarity.

However, the Home Office have made clear that they want to put measures in place to allow pre-settled status holders with lapsed leave to still be able to apply for settled status once they reach 30 months of residence in the 60 months leading up to the date of application. If these measures are put in place, then it should resolve these problems as the grant of settled status would be a new grant of lawful status that could be relied on.

35. **Q** So should people just be scared that at any point they will be curtailed? The ones who broke lapsing leave...and should be lapsed

**A** It is very difficult to advise, because of all the issues described at the top of this section, and the previous section “*What if you have broken continuous residence and don’t currently meet the new rules?*” All we can say is that the Home Office says they want to put measures in place to allow pre-settled status holders with lapsed leave to still be able to apply for settled status once they reach 30 months of residence, and that the Home Office - once they start considering curtailing people’s pre-settled status due to breaking continuity of residence - will prioritise those with the longest absences.

We recommend using our [absence calculator](#), and [seeking legal advice](#).

36. **Q** Do you think it is worth it to go anyway and work hoping that they will not revoke my pre-settled status? I had 2+ years of absence but I have the extension

**A** It sounds from your question as though you are currently outside the UK, and have been outside for more than 2 years. People who are outside the UK when their leave is deemed to have lapsed are at risk of being refused entry back into the UK, and having their digital status removed (due to it having lapsed) at the UK border. However, we do hear of people who were able to return to the UK without being challenged and stopped, who resumed their residence in the UK.

Ultimately it is a personal decision about the level of uncertainty that people are prepared to accept about their future in the UK.

We recommend using our [absence calculator](#) to get an indication of how soon you would be likely to get your absences down to a total of 30 months.

37. **Q** I didn’t come back to the UK in 2021 because I was scared of being lapsed. I am so heartbroken because so many people moved back regardless of being lapsed!!! Why shouldn't I think that if I complete the 5 years on my extension I will then be valid for settled?? Since rules always change.

**A** We agree, and it looks like the Home Office does too, so hopefully you will be able to achieve settled status if you are able to accrue 30 months residence within the last 60 months at the time of making an application.

## 6. What if you switched from pre-settled status into a different immigration status?

### General information:

We received two questions on this before the webinar, which were answered during the webinar itself. However, we include the questions again in this document, because of their potential importance to other people in the same situation.

Furthermore, the Home Office position on this has since been confirmed in the [EU Settlement Scheme Caseworker Guidance](#), which makes two references to this:

Page 39: ***“Where the applicant has pre-settled status, which has, or had, not lapsed or been cancelled, curtailed or invalidated, and obtains another form of immigration leave, such as indefinite leave to enter or remain under Appendix Victim of Domestic Abuse, they will retain their pre-settled status alongside the other form of immigration leave and there is no deadline for them to apply, if they wish, for settled status under Appendix EU once they are eligible for it based on their continuous residence in the UK.”***

Page 68: ***“Where a person who has pre-settled status under the EU Settlement Scheme (which has not been cancelled, curtailed or invalidated) makes a valid application for leave to enter or remain under another part of the Immigration Rules and, following caseworker consideration, that further application falls to be granted, that person will retain their pre-settled status alongside the other immigration leave. Only their most recently granted leave will be displayed in their digital status; they will need to rely on the manual checking services, such as the Employer Checking Service, to evidence their earlier grant of pre-settled status.”***

38. **Q** I got pre settled status in March 2020 but I could not qualify for settled status because I was away for 23 months. I moved back to the UK in 2022 so I fit the new rules.

Knowing that my pre settled status would lapse in early 2025 and following advice from a lawyer I gave up my pre settled status and got a spouse visa.

However if the rules were changed 6 months ago I could have qualified.

With the spouse visa and NHS fee costing over £3000 every 2.5 years I feel it’s unfair that they changed the rules after some of us already switched to other (expensive) visas.

So the question is: if I went on another visa because I could not qualify for settled status under the previous absences rules, is there a way to appeal and argue that I qualify under the new rules so that I can get settled status?

**Q** I have a question for those of us who have recently switched to other types of visa (e.g. skilled worker visa) due to long absences, despite being granted an extension of the pre-settled status. More specifically, what will happen to someone who had been granted pre-settled status, had a

long absence from the UK (over two years) and, despite getting the automatic 5-year extension of the pre-settled status, decided to switch to another type of visa due to fear of pre-settled status being cancelled? Before the new rules, retaining a pre-settled status was dependent on meeting the continuous residency requirements, and we were advised to switch to another visa due to long absence.

**Can we go back to pre-settled status? Can we apply to settled status once obtaining proof of residence of 30 months in the latest 60-month period, similar to pre-settled status holders with long absences who have come back to the UK using the extension despite breaking the continuous residence requirements?**

**A** As per the information provided in the Home Office guidance cited above, there is now a recognition by the Home Office that where people move away from pre-settled status into a different immigration category, they will keep their pre-settled status rather than losing it which would be the normal thing to happen under UK immigration law (a process known as varying one type of immigration status to another). Although keeping the pre-settled status is new Home Office policy, there is no reason why it should not be applied to someone who moved from pre-settled status to another immigration status before the caseworker guidance was published.

Even though the digital status will only reflect the last status granted (in the cases above, showing a spouse visa or a skilled worker visa), the pre-settled status is still in existence 'in the background'.

As the pre-settled status is not taken away when a person moves into another immigration category we have been told by the Home Office that people in this situation are eligible for status under the new 30/60 rules and can make an application for settled status. The EUSS caseworker should be able to see the original grant of pre-settled status, and consider the application for settled status despite the grant of the other immigration status in the meantime.

Note that if the pre-settled status is deemed to have lapsed because the status holder was outside the UK for two years continuously before 21 May 2024 (covered in Section 5), then this situation will not apply because the pre-settled status does not continue to exist in the background when the new immigration status was granted.

## 7. Automated upgrades to settled status

### General information:

Since January 2025, the Home Office has been [operating a process](#) to automatically convert eligible pre-settled status holders to settled status, without the individual needing to make an application themselves.

This process considers individuals whose pre-settled status is approaching its expiry date, and uses the status holder's National Insurance number to carry out automated checks against tax and benefits data to see if someone has 5 years' continuous residence. These are the same automated checks as when someone makes an application to the EUSS, checking someone's National Insurance number against HMRC and DWP data - see [here](#) for more information about these checks.

To be automatically upgraded from pre-settled to settled status the following conditions need to be met:

- You need to be an EU / EEA / Swiss citizen
- You need to be over 18 years old
- You need to have been resident in the UK by 31 December 2020
- You need to be approaching the expiry of your pre-settled status
- You need to have a National Insurance number
- You need to have 5 years of tax and benefits data that shows you have been resident in the UK for a minimum of 6 months in every 12 months of your qualifying period

As can be seen in the last bullet point, at the moment the automated system still works on the old 6/12 absence rules, as although the new 30/60 absence rules took effect from 16 July 2025, the automated checks against tax and benefit data do not yet take these new rules into account at time of writing. The Home Office has told us that work is underway to update the automated system as soon as possible to allow the checks to assess the new 30/60 absence rule.

Therefore anyone with pre-settled status who is eligible under the 30/60 absence rules, but not under the 6/12 absence rules, and wants to obtain settled status, will need to make a manual application for the time being.

Furthermore, only EU/EEA and Swiss citizens who meet all of the above bullet points can have their pre-settled status automatically upgraded in this way. Anyone who does not satisfy all the bullet points will need to make a manual application to upgrade their pre-settled to settled status (e.g. anyone sponsored as a family member, who is under 18 years old or does not have 5 years of tax and benefits data needs to apply for settled status).

39. **Q** Many people have received extensions on their PSS because they weren't initially eligible for SS. Do you know if these people will be considered for automatic upgrade before the next expiry date?

**Q** If my pre-settled status has already been extended for 5 years, does it mean that I should not wait for automatic upgrade and submit it manually?

**A** As we understand it, the automated upgrade process considers those whose pre-settled status is close to expiry (within 1-2 months).

The Home Office first started considering status for automated upgrade to settled status in January 2025. At the time, they ran a 'catch-up' exercise to also include everyone who had received a five-year extension since September 2024, in order that this cohort did not have to wait for another five years until being considered for automated upgrade. They did not include those who had received 2-year extensions between September 2023 and September 2024 in this 'catch-up' exercise, because that cohort will be reaching their (extended) expiry date between September 2025 and September 2026, so will be considered for automated upgrade then.

Currently, the automated upgrade process is still working on the existing '6 out of every 12 months' absence rules. At some point, the process will be updated so that it can also work on the new '30 out

of every 60 months' absence rules. We do not know if the Home Office then intends to do another 'catch-up' exercise, to reconsider under the new residence rules all those considered for automated upgrade since January 2025 who were ineligible under the old residence rules.

We would recommend that people whose pre-settled status expiry date is a long way into the future, and who are eligible for settled status under the new rules, make a manual application for settled status.

40. **Q** I received a letter (from UK government) a few months ago saying that settled status will be automatic after 5 years, if no long absence, so do we really need to apply for SS

**Q** With those new rules providing more flexibility, would that mean that when we reach the 5 year period mark and we have been more than 30 months in the UK, will we be granted settled status automatically, or do we still need to apply to get SS?

**A** An automated grant of status can only be made to EEA or Swiss citizens who were resident in the UK by 31 December 2020, and whose tax and benefit data records show that they have been continuously resident in the UK for at least 5 years (under either old continuous residence rules, or at some point, under the new 30 months in the last 60 rules).

If you are an EEA/Swiss citizen who arrived in the UK on or after 1 January 2021, and your status is therefore dependent on an EEA/Swiss sponsor who was already in the UK by 31 December 2020, you cannot be granted settled status via the automated process, and instead you would need to make an application for settled status yourself.

If you are a non-EU family member, regardless of when you started living in the UK, you will also not be able to get an automated grant of settled status. The same goes for children under the age of 18, those with derivative rights and those with retained rights.

Finally, even if you are an EEA/Swiss citizen who arrived in the UK by 31 December 2020, if the automated checks via your national insurance number (see [here](#) for more details on these checks) do not show a 5 year continuous residence period under either the old or the new rules (once applied), then it will not be possible to receive an automated grant of settled status.

Note that until software changes are made, the process that looks to automatically grant settled status is not yet using the new absence rules. Whereas all manual applications for settled status that are considered from 16 July 2025 *will* be able to use the new absence rules.

41. **Q** In May 2026 I understood I would have been granted an extension of pre settled status (after 5 years in the UK) with the old rules. Should I expect an automatic settled status instead with the new rules?

**A** If by May 2026 you consider that you would not have been eligible under the old rules because you had broken your continuity of residence, but that you will be eligible under the new rules, then it would be reasonable to expect an automated grant of settled status (subject to you being an EEA/Swiss citizen who was resident in the UK by 31 December 2020, and that you are not under 18, and that your tax and benefit data show the required residence).

It is worth highlighting that if these rules had not changed, then rather than getting an extension of pre-settled status in May 2026, the Home Office may instead have been informing you that they want to curtail your status because of having broken your continuous residence.

## 8. Using the absence calculator

On the3million's website, we have two downloadable Excel calculators - see <https://the3million.org.uk/absence-calculator>. One of them works out whether you have any 12-month periods that contained more than a total of six months' absences.

The other works out if you have had more than 30 months' absence in the last 60 months, in other words, if you are a pre-settled status holder, whether you are eligible for settled status. If you are not yet eligible, either because you first arrived in the UK less than 5 years ago, or because you've had more than 30 months' absence in the last 60 months, the calculator gives an indication of when your total absences might fall below 30 months. This means - as long as you have put in all your absences to date and your planned future absences - you can get an idea of when / if you might become eligible for settled status.

It is important to point out that the3million cannot be held liable for any errors in the calculator. If you find any results that you cannot understand or think are wrong, please do [contact us](#). Also, the calculator will not work properly unless your regional settings on your computer are set to English - if this applies to you, please contact us. We may be able to give you an alternative calculator that uses some macros (and therefore cannot be uploaded onto our website), or you can give us a list of absences, and we can run them through a calculator and send you a screenshot of the result.

42. **Q** For the calculator of dates, do we also need to account of holidays (ie leaving the UK for a week or two in a country other than your country of origin)?

**A** Yes, it does not matter where your trip is to, or what the purpose of your trip is, what matters is that you put in all your absences from the UK. This is because eligibility for the EUSS is based on physical presence in the UK. Please put in the dates of every trip that took you outside of the UK.

43. **Q** How multiple short travels outside the UK, in case of weekly commuting between London and Paris, would be counted (can 1,2 till 4 nights) depending on the travel?

**A** Based on the way the Home Office calculates absences dates in other immigration routes – which we assume is the way absences are calculated under the EUSS – the dates of travel are not counted as absences. So if you leave on a Monday, spend one night away, and come back on a Tuesday, then that does not count as an absence at all.

If you leave on a Monday and come back on a Wednesday (two nights away), then that counts as one day's absence - only the Tuesday counts as an absence.

Similarly, a stay of 4 nights away counts as three days' absence.

The calculator deals with this automatically if you put in your travel days.

44. **Q** I moved to the UK in Sept 2020 and got granted pre-settled status in the same month. I was doing my Erasmus year in Scotland from Sept to July. Then I went back to Spain to finish my last year of uni from July 2021 to August 2022 when I moved back to work in the UK and I have been living here since. Nonetheless, I go to Spain in the summer for a month or so. Would that be a problem? Should I apply to settled status in September? Does it need to be the same specific date or can I do it end of August?

**A** We suggest just putting these absences into the calculator and letting it check for you. From what you write, a summer holiday of a month or so each year would not break continuous residence. The calculator will also make clear that you can only apply 5 years after first moving to the UK, so you cannot apply for settled status before September 2025. Given that your pre-settled status is likely to also have an expiry date of September 2025, you may find that it is extended by 5 years shortly before September.

## 9. Family members with pre-settled status

45. **Q** What else besides the duration of residence will be taken into account for joining family members?

**A** The basic rules of the EUSS have not changed, the only thing that has changed is that there is an alternative, more flexible way, of proving continuous residence in the UK.

It was always the case that family members of EEA/Swiss citizens (who themselves have EUSS status and were in the UK by 31 December 2020) had to show that they had maintained their qualifying family relationship, or that they have retained residence rights. These requirements are unchanged by the 30 months in 60 changes.

If you had to prove you were a **dependent** family member when you applied for pre-settled status, you will not need to provide proof of dependency again when you apply for settled status.

See also our FAQs on retained rights of residence:

- [I am a non-EU citizen and was granted pre-settled status on the basis of my relationship with an EU family member. My family member has left the UK / passed away, will I still be able to apply for settled status?](#)
- [I am a non-EU citizen and was granted pre-settled status on the basis of my relationship with my EU partner. The relationship has broken down, will I still be able to apply for settled status?](#)

46. **Q** I am a non-EU citizen and I was granted my pre-settled in March 2020 (under the EUSS as a family member of a qualifying British citizen).

**My pre-settled status has been extended for another 5 years. It is now dated 1 March 2030. Can the Home Office review and cancel my pre settled status if I am not meeting the requirements or I am safe for another 5 years?**

**If I arrived on a tourist visa on 30 June 2019 with my British husband and our three children and granted pre settled status on 2 March 2019, can I count my 5 years from 30 June 2019 (even I was on a tourist visa)?**

**A** It is not possible to answer this question without a legal advisor discussing with you all the details of your circumstances. When someone has status under the EUSS as a family member, eligibility is not just determined by residence in the UK, it is also dependent on family relationships being maintained. The start date of the continuous residence is also more complex, as it is not just the date of arrival in the UK that matters, rather it is the date of starting the relationship that forms the basis of the EUSS eligibility that matters. It should also be noted that the **family member of a qualifying British citizen** category has different rules attached than ‘normal’ EUSS applications which need to be factored in.

We would advise that you seek [legal advice](#).

47. **Q** **My wife came on a visit visa in 2019 and then due to covid she could not return back to India. She was asked in 2020 to apply for a family visa under EUSS and she was granted pre-settled status in March 2021. Can she apply for settled status as she had come in 2019? My daughter in law is an EU citizen.**

**I also have pre-settled status, granted in April 2022, I arrived on family permit in October 2021, my pre-settled status was granted in April 2022**

**A** It appears that your wife’s 5-year qualifying period for settled status is complete as she began living in the UK in 2019, assuming she has been continuously resident in the UK with her EU sponsor. Your 5-year qualifying period began when you arrived in the UK in October 2021 and so in principle will be completed in October 2026.

Please note that this assessment is based on the information in your question however, we would advise that you seek [legal advice](#) before applying to ensure you and your wife meet the relevant conditions to upgrade to settled status.

48. **Q** **If a person applied for and was granted pre-settled status as a dependent parent before June 30, 2021, is the child on whom they are dependent required to remain living in the UK during the parent’s 60 months of pre-settled status?**

**A** The EUSS allows sponsored family members (those resident by 31 December 2020 and who ‘join’ their EU / EEA / Swiss sponsor after this date), to acquire settled status once they have completed (in most cases) a 5-year continuous qualifying period as a sponsored family member (unless retained rights of residence apply). We understand this to generally mean that the EU / EEA / Swiss sponsor will also be resident during the qualifying period.

If your EU / EEA / Swiss sponsor has not been living in the UK we recommend you seek [legal advice](#).

49. **Q** I applied for pre-settled status as a dependent parent in April 2021. This was subsequently granted. Do I have my own pre-settled status or as a family member?

**A** You have pre-settled status as a family member.

50. **Q** My boyfriend (Italian citizen, we're in a relationship for 12 years) would like to apply for the EU Settlement Scheme family permit. The requirement is: *'You can apply for the permit if your family member started living in the UK by 31 December 2020'*.

I lived here 2017-2019 and moved back in 2022, and am still living here. Does the change in rule of absence for the EU pre-settlement status also impact this requirement for the EU Settlement Scheme family permit? Because I do like to understand if my boyfriend can apply for this status.

**A** Your question is about whether you can be a sponsor for your boyfriend. Firstly you can only be a sponsor if you are an EEA or Swiss citizen yourself, and if you have been continuously resident since 31 December 2020 and have been granted EUSS status.

Your continuous residence (under the new, more flexible) continuous residence definition still started by 31 December 2020, despite having longer absences. However, do read the section about lapsed leave because if you were absent from the UK between 2019 and 2022 without any trips back to the UK at all, then your status may be deemed to have lapsed which means that you cannot sponsor your boyfriend (unless you are granted settled status in the future).

If you are eligible for settled status under the new rules, then you still fulfil the definition of a sponsor who was in the UK by 31 December 2020 and who has maintained their continuity of residence.

Whether your boyfriend is then eligible for the EUSS also depends on whether you can prove that you were in a durable relationship by 31 December 2020 and have continued to be in a relationship at the point of application, which can be difficult to evidence.

We would advise that you seek [legal advice](#).

51. **Q** Does Retention of Right still apply in 2025? Also, does the EU National have to exercise treaty rights during the proceeding of the divorce for the Non EU spouse to qualify for Retention of right?

**Q** I would like to request that please can you highlight the Retain right of residence application criteria and its requirement as well does these new changes touch that also.

**A** Nothing has changed about retained rights of residence under the EUSS. It is not necessary for the EU citizen to have been exercising treaty rights during the divorce proceedings. There are various routes to retaining residence rights, one of them is for the marriage to have lasted three years before divorce proceedings were initiated, and for both of you to have been living in the UK for at least one year during that time.

See our FAQ [I am a non-EU citizen and was granted pre-settled status on the basis of my relationship with my EU partner. The relationship has broken down, will I still be able to apply for settled status?](#)