

Questions on pre-settled status: extensions, automatic conversions to settled status, absences the3million webinar 1 April 2025

Link to re-watch the webinar:

- <https://youtu.be/8IPuBZt07vE>

Key facts

- At the moment, **all pre-settled status holders are being granted a five-year extension** shortly before their initial pre-settled status is due to expire. This happens without the Home Office assessing people's continued eligibility.
- If you have been absent for more than 6 months in any 12-month period, you may have broken your continuity of residence. In the majority of cases, **the extension cannot be used to build up the required 5-year qualifying period of residence for settled status**, as this needs to have started before 31 December 2020.
- The Home Office is currently considering what to do when they believe someone no longer qualifies for status (for example, when they have broken their continuity of residence). They may start to take away status. What has not been decided is how and when they will start to do this, nor what approach will be implemented, to ensure the process is proportionate and fair. Before the Home Office could take away a person's status, that person would have to be notified and provided with an opportunity to respond. **Any decision to take away or cancel status (sometimes called curtailment) would have to come with a right of appeal.** Your status cannot simply be taken away without the Home Office contacting you - this is why it is **extremely important to keep your contact details updated**, see our FAQ [I've changed my email address / mobile number. Do I really need to keep my UKVI account / eVisa updated? What happens if I don't update my digital status with my new contact details?](#)
- The immigration rules define limits on absence in a very strict, binary way. Therefore there will be people with pre-settled status, who have exceeded their allowable absence by only a small amount, **who will not be able to successfully apply for settled status** under the rules, **but** who are **unlikely to have their pre-settled status removed** because it would be disproportionate for the Home Office to do so. This cohort is therefore somewhat in limbo at the moment, and all we can do is advise that you wait until the Home Office makes it clear what their process and proportionality policy will look like.

Resources

If you think you may have broken your continuity of residence, or if you want help to justify absences in your residence which were for an important reason or due to the Covid-19 pandemic:

- It's crucial you get legal advice. the3million is not accredited to provide individual immigration legal advice. Please find useful contact details of organisations which offer free help, as well as law firms specialised in immigration (which may charge a fee): www.the3million.org.uk/useful-links.
- We invite you to join our [Peer Support Group](#).

The questions in this document are gathered under the following headings:

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the3million's campaigning on grants of settled status

1. **Q** You said this was the third podcast, do you have recordings of the first two and if so, where do we find this?

A You can find full information on our webpage [Changes to pre-settled status: Automatic extensions following High Court's ruling on the EU Settlement Scheme](#) including the two previous webinars and the previous Q&A document.

2. **Q** Regarding PSS-holders not being able to accumulate 5 years after an absence longer than a year after 2021. Is there any petition or anything in the pipeline requesting to erase this requirement and allow PSS-holders to accumulate the 5 years as part of the PS extension? If so, how likely is it to be approved?

A We don't have a petition on this, but the3million included it in our "Ten Urgent Fixes" that we first sent to the new Government in July 2024. As part of our ask "[Clear the persistent EU Settlement Scheme backlog](#)", endorsed by over 30 other organisations, we proposed "*a pragmatic approach of granting settled status automatically to those who were already granted pre-settled status and have held that status for five years.*"

We raise this whenever we can in all our meetings with Home Office decision makers, and at the EU-UK Specialised Committee on Citizens' Rights. We urge the Home Office to take a generous approach

to considering extended absences, taking into account confusing Home Office communications and the unprecedented COVID pandemic. Allowing people to start a new 5-year continuous residence would be another way to achieve settlement for people, if the Home Office is not prepared to simply grant settled status to anyone holding pre-settled status for 5 years.

We do not know how likely it is to be approved, and we will need to await the Home Office publication of their curtailment plans. However we will continue to try to persuade them, which is done most effectively by sharing stories of people who have broken their continuity of residence but who are making their life in the UK and desperately want the security to be able to continue doing so.

If this applies to you, we invite you to join our [Peer Support Group](#). We understand different life circumstances have led to people being away for more than six months. We believe people who have made their lives in the UK should be welcomed and encouraged to continue to live here - this is our home. The aim of this group is to support each other, find solidarity and compassion within one another, and potentially, safe ways of sharing the potential impact of this policy with decision makers.

3. **Q** Kezia mentioned in the webinar “We are hoping to get the Government to grant everyone Settled Status at their 5-year anniversary of Pre-Settled Status”, do you mean that also in regard to people who have broken their continuous residence?

A Yes, see our answer to question 2 above. As described there, we do not know how likely it is that the Home Office would agree to this. See our [second of ten Urgent Fixes](#) for more detail, in particular that our ask would not apply to those where there are serious suitability issues, or those who have left the UK without intention to make their life in the UK.

Rules around absences

General rules around absences

4. **Q** Once you have been granted settled status, can you be absent from the UK for any length of time?

A People with settled status can be absent from the UK for up to five years (four years if you are Swiss). As long as you come back within those five (or four) years, even for a brief period of time, you can ‘reset the clock’ on your settled status. See more info see our FAQ [I have settled status but left the UK. How long can I be away without losing my status?](#)

5. **Q** What is the Home Office’s current position on absences that exceed 180 days but are linked to serious health or family-related circumstances, such as bereavement or long-term illness?

A The EUSS rules operate on a rule of 6 months, rather than 180 days, although elsewhere in the Immigration Rules the Home Office takes the position that 6 months equals 180 days. This could create some uncertainty about how 6 months is calculated, particularly if different periods of absence are added together rather than consecutive months of absence which is easier to assess. It is likely that for cumulative absences, exceeding six months in a 12-month period means spending 183 days or more outside the UK (though this issue has not been considered by the Courts and so is not a settled point of law).

The [EUSS caseworker guidance](#) sets out the Home Office approach to longer absences for an ‘important reason’ in the section ‘Continuous qualifying period’ within ‘Qualifying residence’. Seek [legal advice](#) if you need help on determining whether these exceptions apply to you, and what evidence you should provide.

6. **Q** How does the Home Office currently view multiple absences from the UK that add up to more than 6 months in a 12-month period, even when they relate to serious medical or compassionate reasons? Is there any flexibility when those absences are clearly linked to the same underlying issue?

For example: if someone was a student in the UK and left temporarily due to their course moving online during strike action, but then developed serious health issues while abroad and underwent treatment—requiring them to travel back and forth to attend mandatory in-person academic sessions—would this be considered a single important reason covering multiple absences? Or would each absence be assessed separately?

A The [EUSS caseworker guidance](#) states that the exception for a longer absence for an important reason is a ‘single period of absence’. We consider it unfair that someone who is continuously absent for an 11-month period for an important reason is in a different position to someone who is also absent for an 11-month period for an important reason but visits the UK once during those 11 months. We would recommend seeking [legal advice](#) to get the best possible representations of your absences.

7. **Q** It is stated that study is an acceptable excuse for an absence of over 6 months. Does that apply only for students of UK universities that had to study abroad in a placement, or does it also apply to students from non-UK universities?

A The [EUSS caseworker guidance](#) does not specify that study has to apply only to certain students or certain types of study, it says that people should provide “*evidence to support an absence as a result of study, vocational training or an overseas posting might take the form of a letter or other records from the relevant educational establishment or employer*”. We recommend seeking [legal advice](#) from an organisation that has experience of making representations and is likely to know what types of evidence are accepted by the Home Office. the3million is not authorised to give such advice, and does not do casework so does not have that experience.

8. **Q** I currently hold an EU Settlement Scheme Pre-Settled as a Portugal citizen since 8 October 2020, but I had some absences that I had left UK which are the follows:

- o. 2 December 2020 to 31 March 2021 (COVID-19)
- o. 13 July 2023 to 13 November 2023 (Family member passed away)
- o. 20 December 2023 to 6 June 2024 (I was trying to get a graduate job in UK, but just got the first in mid-June 2024)

My pre settled status expires on 8th October 2025, and I am concerned if my pre settled is going to be extended for 5 more years or not getting a settled status.

Could you please help and give me advice on what steps I should take.

A Unfortunately your absences from 13 July 2023 to 13 November 2023, and from 20 December 2023 to 6 June 2024 exceed the allowed six months in 12 months. Therefore, unless one of these absences can be argued to be 'for an important reason' that the Home Office will accept, with the right evidence, you would not be eligible for settled status under the rules if you made an application.

As explained by Chris Benn during the webinar, there might be many people with pre-settled status who, if they **apply** for settled status, will get a refusal, because the absence rules have to be applied very strictly. But if the Home Office have to decide to **remove** their pre-settled status, they would have to apply a proportionality test to work out whether it is reasonable to remove their status. We do not yet know any details about what the Home Office plans to do about cancelling status, and what their proportionality policy will look like.

As a general rule we would recommend that if you have pre-settled status, and do not think that you would be granted settled status if you make an application, then you should wait until the Government publishes the detail on their plans around cancelling status and proportionality. You can seek [legal advice](#) to help you work out whether you think you would be granted settled status if you make an application.

9. **Q** I haven't worked continuously in the UK although I've been living here. Would that be a problem when getting settlement?

A The eligibility criteria for getting status under the EU Settlement Scheme do not require people to have worked in the UK, only that they have lived in the UK. See the [What you'll need to apply](#) step on the Government's webpage about applying to the EU Settlement Scheme.

10. **Q** Is it necessary to be in the UK every day of a month for you to be considered as being in the UK for the whole month?

A The six-month in any 12-month rule is not calculated in full months. So if you are in the UK for half of January and outside the UK for half of January then you calculate the number of days you are

outside, and this is the number of days absent that you add to other absences in the 12 month period. We have a downloadable Excel absence calculator on our website, which is available here: <https://the3million.org.uk/absence-calculator>.

11. **Q** Is continuous residence judged on months or days? All the government documentation refers to 6 months out of 12, not 180 days out of 365.

A It is 6 months, not 180 days. This is because it's based on the EU Freedom of Movement Directive, which says six months. See also our answer to Question 5 above.

Rules covid absences vs other absences

12. **Q** What are the rules around Covid long absences, and how forgiving are they?

A Chris Benn from Seraphus (who was answering questions during this webinar) has recently updated an article ([How does absence from the UK work under the EU settlement scheme?](#)) on the FreeMovement website, which sets out how these absences work together.

The GOV.UK website provides two places of guidance:

- o. Guidance for applicants: [Coronavirus \(COVID-19\): EU Settlement Scheme - guidance for applicants](#)
- o. Guidance for caseworkers, see the section **COVID-19** within the chapter on **Qualifying residence / Continuous qualifying period** in [EU Settlement Scheme: caseworker guidance](#).

13. **Q** How strict is the 12-month absence period for a pre-settled? If someone could show records of abroad work, covid or studies for a period longer than 12 months, but under 24?

A Note that the normal absence requirements are for no more than six months in any 12-month period. However, there can be one longer absence for up to 12 months for an 'important reason' that is unrelated to Covid, which we assume this question to be about. The rules are clear that this cannot exceed 12 months.

However, separately there are concessions about longer absences that are allowed if related to Covid. See question 12 above.

Lapsed leave - automatic loss of status

14. **Q** I believe that currently the 5-year absence rule (which leads to automatic loss of status) is applicable to both pre-settled and settled status under the EUSS. I have read online suggestions that breaking this 5-year absence can be done even by a short visit to the UK during this period (and no long-term residence is required to have this breaking effect) which seems to make the 'maintenance' of this status fairly easy. My question is - how certain is this advice? Do we know that from official

UK confirmation (government, case law, etc.), or from just EU case law/practice (not binding on the UK, but assuming reciprocity)? Is that likely to change later?

A We have an FAQ on our website about this, see "[I have settled status but left the UK. How long can I be away without losing my status?](#)" The Home Office have now set this out on their EU Settlement Scheme website. There is also some relevant CJEU case law which is not binding on the UK but would make it less likely that the Home Office would change its position on this later.

As you said in your question, this also applies to pre-settled status. However, please be aware that unless someone with pre-settled status has already built up 5 years of continuous residence (and is therefore eligible for settled status), an extended absence could remove their ability to ever qualify for settled status and in future the Home Office could remove the pre-settled status if proportionate to do so.

15. **Q** Are there circumstances when the EUSS settled status can be revived despite over 5 years absence from the UK? If so, what examples

A Once settled status is lost, there may be a possibility of regaining it by applying for a Returning Resident visa. See this GOV.UK guidance "[Return to the UK if you had indefinite leave to remain](#)".

However, a person who qualifies for Indefinite Leave under the returning resident rules is not granted EUSS settled status as this cannot be revived.

16. **Q** If someone that has EUSS then goes and works abroad as a teacher but comes back to the UK after their contract, will there be any issues in breach of their contract? (after 2 years away)

A We're not entirely sure what is being asked. Please [contact the3million](#) and provide a bit more information and we will try to answer your question.

Automated extensions of pre-settled status

Who will be auto-extended

17. **Q** Let's say PSS expires on June 5th, when should the person worry the document has not been updated? What steps should the person take?

A Generally, any grants of pre-settled status showing an expiration date at any time in June would be automatically extended at the beginning of the previous month, i.e. the beginning of May. Recently, the Home Office told us that it would start these extensions slightly earlier, so that they would be around the middle of the month before the previous month, i.e. the middle of April.

If someone finds their status has not been updated by then, this is likely due to a glitch and it is very important it is resolved. We recommend they:

- o. Contact the Resolution Centre on 0300 123 7379 or via their webchat at <https://ukimmigration-support-webchat.homeoffice.gov.uk/euss>.
- o. Report it to the3million at <https://www.the3million/report-it>
- o. Report it to the Independent Monitoring Authority at <https://ima-citizensrights.org.uk/report-complaint/>
- o. Contact their MP - see <https://www.parliament.uk/get-involved/contact-an-mp-or-lord/contact-your-mp/>

18. **Q** Does an individual need to apply to the settled status in order to obtain any extension?

A No. The extensions are currently granted to everyone who has pre-settled status, and the extensions should be applied at least six weeks before the 'expiry date' as shown on the pre-settled status.

19. **Q** How do I know if my pre-settled status is going to be extended? (I am aware that the extension is given near the expiry date but if I don't get an extension then I'll need a visa and will be unable to continue my studies).

A A High Court judgment said that Withdrawal Agreement status, once acquired, could not simply 'expire' - it requires a decision to remove that status and that decision has to come with a right of appeal. Currently, Home Office policy is to extend **everyone's** pre-settled status shortly before its 'expiry date' - so if your status is not extended, this would be a glitch and you should report it to the Home Office urgently to get it fixed.

Assuming the Home Office decides to start trying to remove pre-settled status from those people it thinks are no longer eligible for it, they would need to first contact you, and give you an opportunity to provide evidence that you have not broken your continuity of residence, or if you have broken it, an opportunity to provide evidence and information showing why it would not be proportionate to remove your pre-settled status. After considering your evidence, if they then decide to remove your status, this would come with a right of appeal.

If you are worried that you may not be eligible for further status under the EU Settlement Scheme, and that your pre-settled status may be removed at some stage, please seek [legal advice](#) to look at your situation and options in more detail.

Can extensions count towards 5-year continuous residence

20. **Q** If extended, can a person (who has too long absences) apply for settled after accumulating 5 years? If not, what options does he/she have?

Q Whether a person with a 5-year of automatic extension of pre-settled will be entitled to apply for settled status in the future when finishing their 5-year period of time?

Q Can the extension of the pre settled status work as a transition towards settled status, as in, can the time granted be used for applying for settled status at the end of it?

A The EU Settlement Scheme rules are such that in the majority of cases, the extensions cannot be used to build up the required 5 years qualifying period of residence for settled status, as this period needs to have started before 31 December 2020. There are times when it can, for example:

- o. if you are a joining family member (of a sponsor who does have unbroken residence since 31 December 2020);
- o. if you were granted pre-settled status very early and then had a long absence but came back to the UK before 31 December 2020; or
- o. if you had a long COVID-related absence which paused rather than broke your continuity of residence.

If you think you are unable to qualify for settled status, seek [legal advice](#) and consider joining our [peer support group](#).

21. **Q** Can the extension of pre-settled status be used to make up absences? My daughter has two absences. The first absence is 14 months and the second is 10 months. Both absences are justifiable with medical certificates and school certificates. She was not in good health and remained in Italy during COVID, as a result she had to attend high school in Italy to get her diploma. Will the Home Office allow using extensions to make up absences? My daughter was in the UK before 31 December 2020, so she is entitled to her rights.

A As a rule, extensions cannot be used to make up for absences - see also the previous question. However, we recommend seeking [legal advice](#) so that a legal advisor can look at your situation in detail. For example it may be possible to justify the two absences under the current rules, if one is for a non-Covid important reason and the other can be covered by the COVID exemptions. As another example, it may also be possible to look at whether your daughter could re-apply to the EU Settlement Scheme as a joining family member. However it really requires good advice to help you work out which options could be applicable, and which are most recommended.

Two-year extensions vs. five-year extensions

22. **Q** I got 2 years extension half a year after they started extending for 5 years - i.e. my friend got 5 years at the same time. Not sure what that means or why?

A This sounds like a technical glitch. Please [contact the3million](#) or [fill in a digital status report](#), and we can discuss this further with you.

Rights during extensions

23. **Q** If I'm on the extended period for my pre-settled visa, can I travel abroad for holiday and be sure I can come back to UK without the immigration causing me issues at the border? Or is it not recommended for people on extended visa to avoid travelling outside of the country?

A This would depend on your circumstances. The [EU Settlement Scheme Border Force guidance](#) contains a section entitled "**Grounds for cancellation of leave**". This lists circumstances in which EUSS status **must** be cancelled at the border (relating to suitability / criminality concerns), and circumstances in which it may be cancelled if proportionate to do so (this includes pre-settled status holders having broken their continuity of residence). There is a separate section entitled "**Ceasing to meet the requirements of Appendix EU**" which gives more information, including on the factors that must be taken into account in the proportionality assessment. Any cancellation of status would come with a right of appeal. If you are concerned about your individual situation, we recommend [seeking legal advice](#).

24. **Q** I currently have pre settled status. Does the expiry date show whenever landlords check the right to rent or employers check the right to work in the UK?

A No. Pre-settled status expiry dates are no longer visible to employers, landlords and other checkers. This change was implemented in May 2024. Also no further checks are required to be done by landlords or employers once someone is in a job or tenancy (i.e. after the pre-settled status holder has passed a right to work or rent check).

What happens at the end of extensions?

25. **Q** What happens at the end of the two-year extension period if the pre-settled status holder does not meet the '180 days in a 360-day period' requirement? *[the3million note: the requirement is 6 months in a year, not 180 days in a 360-day period - see Question 5]* If you don't apply for settled status, you don't have a denial, right? So what does that mean?

Q What happens after the 5-year extension?

A It is true that if you don't apply for settled status, you don't have a refusal. However, the indications are that at some point the Home Office will change their current policy of extending pre-settled status without making any checks as to whether people are still eligible for status, and instead they will consider whether they want to cancel some people's pre-settled status. However, the Home Office would contact you first (it's important to [keep your contact details up to date](#)) to ask you to provide further evidence, and any decision to cancel your status would come with a right of appeal.

Automated upgrades to settled status

Who is eligible for automated upgrades?

26. **Q** Are extended family members (who have pre-settled status via EFM of an EU citizen) on a non-EU passport also converting from pre-settled to settled automatically? For context, I'm EU settled, my unmarried partner is pre-settled as my extended family member, but on a non-EU passport.

A During the first phase of automatic upgrades from pre-settled to settled status (which started in late January 2025), non-EU family members, and those under 21, are not considered for automatic upgrades. That is because for these cohorts, extra checks need to be made by a caseworker, such as whether they are still a family member. Since the first phase is fully automated, depending only on the result of automated checks with HMRC and DWP, there is therefore no possibility within the process of including that caseworking step.

The Home Office have said that during the next automation phase, the process will be changed to include the ability for a caseworker to look at the status, and at this point they will also be able to consider family members and joining family members. However, we do not yet have any details of how exactly this next phase will work, or when it is likely to happen.

27. **Q** The Home Office currently states it relies on HMRC and DWP data for automatic conversion checks. Are you aware of any plans to include further sources, such as Student Finance data?

A We are not aware of any intentions to use student finance data. However, the Home Office have stated that they do intend to start using border crossing data. We do not have any further details about the exact nature of that border crossing data.

Automated extensions versus automated upgrades

28. **Q** What determines whether someone's pre-settled status is extended or automatically converted to settled status?

For context: I'm unable to use the app to apply for settled status on my phone and thus have to rely on automatic extensions / conversion. So when my initial pre-settled status was about to expire in March, I was hoping that it would be automatically converted to settled status given the recent announcement at the beginning of the year and considering that I have never left the UK since arrival here in 2016 and my HMRC records should also evidence continuous residence, but unfortunately it was only extended until 2030.

A We would ordinarily have expected that someone whose HMRC records indicate continuous residence would be eligible for an automated upgrade to settled status.

We understand that the very first cohort of people considered for automated upgrade was those who were granted a 5-year extension in September 2024. This is with the aim of 'catching up' everyone who was granted a 5-year extension because otherwise they would be waiting for a very long time (their current expiry date in 5 years' time) before being considered for an automated upgrade. Whereas those who received a 2-year extension will have less long to wait before they are considered for an automated upgrade.

Therefore it may be possible that your status has not yet been considered for an automated upgrade. We would be interested to hear from you so that we can look into this further. We would in particular like to know whether you were sent an email notifying you that you were being considered for an automated upgrade.

We also suggest you get advice on proactively making an application for settled status, rather than relying on the automatic process. If you cannot use the phone app you can still submit an application. You can find contact details of organisations which can help here: <https://the3million.org.uk/useful-links>.

29. **Q** For the cohort of PSS who are now coming to the end of their 5 years who have not yet received any automatic PSS extensions, is it possible they may still get a 5-year extension automatically OR will they now be assessed automatically for conversion to SS?

A Both - technically they get the PSS extension first and then if they can automatically be upgraded to settled status, then this will take over from the PSS extension. If they cannot be automatically upgraded, they just stick with the PSS extension.

Process of automated upgrades

30. **Q** So if you have been contacted that your case is being looked at for automatic update - how long does this take to hear back anything? Happened about a month ago and I now feel very anxious about the outcome.

A You should have received a five-year extension of your pre-settled status while they consider you for the automatic upgrade. If you have not received that extension, please contact the Resolution Centre, and also [report it to us](#). You should receive a notification in due course as to whether they were able to automatically upgrade your status, if they cannot that does not mean the Home Office think you are not eligible for settled status, it only means that the automated HMRC/DWP checks did not provide sufficient information for you to be upgraded automatically. In that case you will then still have your pre-settled status, extended by five years. If the Home Office tell you that you cannot be automatically upgraded, and you think you are eligible for settled status, you can submit an application to the EU Settlement Scheme yourself.

If you have checked your spam/junk folders, and you still do not get a response from the Home Office within the next few weeks, please report this to us so that we can see if we can find out more information.

Consequences of not being upgraded automatically

31. **Q** If someone is not automatically converted to settled status under the current roll out AND have broken their continuity of residence at some point but clearly are living herewill this trigger curtailment at that point (and then get to argue proportionality) OR in the automatic assessment have their settled status refused with only a right of appeal against settled status and no opportunity to argue proportionality?

Q For those not automatically upgraded to settled status, is it possible that the Home Office may eventually review past absences when the pre-settled status nears expiry and request justifications at that point?

A There are currently only two outcomes to automation, either settled status is granted or pre-settled status is extended. There is no curtailment / cancellation action and no engagement with the pre-settled status holder under the automation process. In the future, it appears that if someone cannot be automatically moved to settled status this may then trigger engagement about whether they have broken continuous residence and whether this should lead to curtailment subject to a proportionality assessment. The Home Office will need to update on this if the policy changes in this way.

Submitting an application for settled status

When to apply for settled status

32. **Q** Should I apply when I'm eligible or wait to be contacted to apply? New rules came giving a grace period, so do I have 2 years to apply after my status expires? Does that mean I can be pre settled for 2 more years?

A If you think you may be likely to have your status automatically extended soon, then you could wait for this process. This might be the case if:

- o. your status was extended by 5-years since September 2024, or your expiry date is coming up very soon, and;
- o. you provided your National Insurance number with your pre-settled status; and
- o. you think you have a full 5-year record with HMRC / DWP.

If however you *don't* think you're imminently likely to be eligible for an automatic upgrade to settled status (or you were considered for one and didn't get it), then we would recommend applying for settled status as soon as you are eligible, and can evidence five years of continuous residence that started by 31 December 2020 (unless you are a joining family member).

You can continue to stay on your pre-settled status if you do not want to submit an application, however having a grant of settled status will make it easier for you to demonstrate rights such as the ability to leave the UK for up to 5 years without loss of status, and to access welfare benefits.

33. Q I am about to be eligible for EU settled status, as I'll have spent 5 years in the UK in August. When should I submit my application? Do I have to wait until August to submit my application?

Q Is it correct that a person has completed 5 years of continuous residency 6 months before the 60th month (assuming they have been in the UK for the preceding 6 months)? That being the case, is it possible to apply for settled status at that time?

A It is not correct that a person completes 5 years of continuous residence after 4 years and 6 months. You do need to wait until you have spent 5 years in the UK before applying for settled status. Although we are aware of *some* applications that have been granted before the 5 years are completed (based on thinking that someone could be absent from the UK for the final 6 months of the last year, so they can apply after 4 years and 6 months), we are also aware of many applications that have been refused because they were submitted early. Such refusals don't lead to a loss of pre-settled status, and also don't prevent another application being submitted later on, but having a refusal on your record can unfortunately sometimes lead to delays at the border when returning to the UK from a trip abroad.

34. Q My pre-settled status is valid until 7 April 2026 (it was granted on 7 April 2021). When is the earliest I can apply for settled status? I spent 2020 working overseas so I had a break in my time in the UK--I'm afraid I don't have continuous time in the UK prior to April 2021. And if I get rejected due to insufficient time in the UK, can I apply again closer to the date, or is there just one chance for the application?

A We recommend speaking to a [legal advisor](#), because without knowing more about your exact dates that you were in the UK it is difficult to comment. The required five-year period of continuous residence for settled status needs to have started by 31 December 2020 (unless you are a joining family member). Depending on whether you have broken your continuity of residence, you may not be eligible for settled status under the rules - but you may be in a position where it would not be proportionate to remove your pre-settled status either. In which case it will be better to wait until the Home Office publishes its policy on cancellation of status along with the details of their proportionality assessments.

Regarding your question of whether there is only one chance to make an application: it is possible to apply more than once, because a refusal (of an application to get settled status) does not affect existing pre-settled status. However, refusals on your record can cause delays at the border when returning to the UK, so it is better to be well informed and advised before submitting an application.

How long do settled status applications take

35. **Q** Both myself and a mate of mine applied for EUSS in December 2024, after having obtained pre-settled status 5 years prior.

It originally took only 4 weeks to obtain the pre-settled status and it's now been 4 months without a word. There is no reason why we should not get the EUSS, so I was wondering how long we should expect to wait before hearing anything?

Q I applied for settlement in mid-January, no answer up to now (except an automatic confirmation of application).

What period of time does the Home Office need in average for decision-making (for cases without automatic change to settlement?)

A It is difficult to say - backlogs and response times have varied a lot during the course of the EU Settlement Scheme - see the3million's webpage on [EU Settlement Scheme Statistics](#). We have heard anecdotally that many recent applications have been taking between 4 and 6 months.

Process of applying for settled status

36. **Q** I never worked in the UK, therefore I don't have a National Insurance Number, but I have a Unique Tax Payers Number. I arrived in the UK and asked for pre-settled status in August 2020 and made my tax returns for the tax year starting in April 2021 and the following years.

Should I forward this number to the Home Office when I want to switch from pre-settled to settled status?

A The automated checks against HMRC and DWP records are made via National Insurance numbers, rather than via the UTR (Unique Taxpayer Reference) - see gov.uk/guidance/eu-settlement-scheme-uk-tax-and-benefits-records-automated-check for more details.

This webpage gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence gives information on the types of evidence that can be added to an application for settled status.

Note, when you want to switch from pre-settled to settled status, you need to start an entirely new application (starting with the ID scanning app), rather than just adding extra residence evidence to your previous (closed and decided) pre-settled status application. See our FAQ: [How do I upgrade my pre-settled status to settled status?](#)

37. **Q** Last year I made an application for a Non-European to convert pre-settled status to settled status, when filling the question: Do you have a UK residence card with a biometric chip?
- I informed that the applicant had BRC.

- **During the analysis of the application, the Home Office reported that it should have answered NO and should submit a new application.**
- **How to proceed before this question if the applicant has BRC? Reply YES or NO??**

A It is difficult to comment on this without knowing more. We would think that if the question asks whether the applicant has a UK-issued residence card with a chip, and the applicant has such a card (note, it should be a UK-issued one, not an EU-issued one), then the correct answer should be Yes. We are aware that occasionally there are glitches with the application process, and also we hear occasional reports of the Home Office Resolution Centre giving incorrect advice.

It may be worth contacting one of the organisations that help many people submit EUSS applications (for example, Settled, or Migrant Help - see our [Useful Links](#) page for their details), and asking them this question.

38. Q Are there any restrictions or obstacles when converting from pre-settlement to settlement while being out of the UK?

A No, if you have pre-settled status, and are eligible for settled status, then you can make your application from outside the UK.

39. Q Has the system changed since 2021? At that time, applying from PRE to Settled meant the system was telling "In Progress" and it wasn't saying the applicant already had status.

A Yes, this has changed. Many pre-settled status holders complained at the time that when they submitted an application for settled status, their pre-settled status was no longer visible on their View & Prove profile page (called the UKVI account). The Home Office then changed their algorithms so that the existing pre-settled status was shown instead. See this [December 2021 letter](#) from the Home Office to the3million.

40. Q I have continuous residency in the UK since January 2020, and my pre settled status has been automatically extended for another 5 years. I have had a National Insurance Number since February 2020, and so will have a 5-year record for that by now. But due to moving right before Covid hit, I had no income of my own and I did not start my own business and started paying tax until June 2022. Will my 5-year National Insurance Number records be enough to meet the criteria for settled status?

A Anyone who already has five years of continuous residence can make an application for settled status providing evidence of their residence - even if this evidence is not related to their employment. If the Home Office does not automatically see from HMRC data that someone has been continuously resident for 5 years, they will ask for additional evidence covering the specific period.

41. Q My question is with regard to this question during the application process:

When did you first arrive in the UK to begin your residency?

Does it have to be the same date or time frame that I indicated in the pre-settled application? If yes, do I need to cover exactly this time frame from that date or can it be a different one? So can I or / do I have to indicate here the date from which I will provide my evidence for? So for example if in my pre-settled application I gave evidence for July 2019, but now for settled status I want to provide evidence from Feb 2020-Feb. 2025. With which date do I need to answer this question?

A There is no strict rule on this. You could say that your residency (that you are now relying on) began in February 2020. Alternatively, you can answer that you arrived in 2019. Either way, you will only need to provide 5 years of residence evidence *as long as* that 5-year period started by 31 December 2020. If you had excess absences before February 2020 for example, you could include a covering letter to explain that, and to make clear that you are relying on the five-year period between February 2020 and February 2025.

42. **Q** What if someone made a mistake when applying for settled status and answered "yes" to the question asking whether you are currently in the UK, but they actually weren't in the UK at the time due to Covid? Their pre-settled status was granted, but what does this mean in terms of their chances of getting settled status?

A We strongly recommend speaking to a [legal advisor](#), because it would be important to find out a lot more facts around the situation of the individual, such as whether they were eligible for pre-settled status, and whether the mistake would be considered fraudulent or not.

Residence evidence

43. **Q** Do caseworkers have different opinions on what is considered evidence of residence?

I've seen multiple cases in which one person had their evidence of residence accepted (Case Worker 1) while another person had the same type of evidence declined (Caseworker 2) despite it being portrayed as acceptable on public and Caseworker guidance. This seems to happen a lot with bank statements from foreign or online banks, university letters, plane tickets, university or landlord letters. The Northampton Paramedic case further enforces this is a real problem, meaning that people risk having Settled declined despite providing evidence for the required residency period.

A I assume your reference to the Northampton Paramedic case to be [this case reported by Daventry News](#). Although we do not have first-hand knowledge of this case, it is possible that there was a technical glitch that resulted in his digital status incorrectly showing as refused, rather than that his pre-settled status was revoked. See also question 50 for a similar situation. If however, his pre-settled status was revoked as reported in the article, that would indicate a serious departure from Home Office policy.

Regarding your main question about caseworkers having different opinions when assessing evidence of residence, we have indeed heard from several people and organisations about inconsistencies in applying the EU Settlement Scheme caseworking guidance. It is obviously desirable that case workers apply consistency in assessing evidence however, the most important thing is that all evidence

submitted with an application is considered properly and if there are any issues with evidence, or more evidence is required before a decision is reached, that the applicant is clearly informed about what information or evidence they are being asked to provide.

We recently wrote to the Home Office about this - see the3million.org.uk/publication/2025020701 for our letter, and the Home Office reply.

44. **Q** Does the Home Office rely more heavily on border records or on documentation like phone bills, university letters and student finance information when assessing continuous residence?

A At the moment we understand that Home Office caseworkers do not use border data to assess continuous residence. An EUSS application first checks National Insurance records (if a National Insurance number is provided) and if the National Insurance records do not show continuous residence (or only partial residence), then documentation evidencing residence in the UK will be asked for. However, there are proposals to start using border data in future phases of automated grants of settled status. Once these are finalised, Home Office caseworkers are then also likely to start looking at border records if these indicate that someone has not had excess absences.

45. **Q** I am due to apply for settled status, but I have a question/I am seeking advice for absences. I have never broken continuous residency, but I do travel considerably outside the UK (around 70 days/365 period) and my trips are very spaced out. For example, last year I travelled outside of the UK on the last weekend of May, 3 weekends in June, 10th-30th July, 4th-8th September, 13th September-24th September, 30th October-3rd November, 11th-13th November, 15-18th November, 20th November-24th November, 19th December-6th January, 10th-17th February.

Due to study commitments, I have to send proof of residency for a few years as I did not pay tax in the UK, and one of the main documents I have to do that are bank statements. However, as per the dates above, most of my monthly bank statements last year have spending abroad. Can this negatively impact my application as I am concerned they can take I was away from the UK for 6-7 months last year, even if my absences are lower than 180 days/365 days? [*the3million note: the requirement is 6 months in a year, not 180 days in a 360-day period - see Question 5*] However, all monthly bank statements do contain spending in the UK in between trips, so would I still risk being questioned about absences or not? Should I leave the bank statements from last year all out of the application since I have other documents (council tax, bills, rental agreement, etc) to back up my application?

A If your bank statements also contain spending in the UK, it should not be a problem if they also contain spending abroad. You will be asked to declare if you have exceeded your allowable absences, so if you have not, there shouldn't be a problem. You could enter all your absences into our downloadable Excel [absence calculator](#) to assure yourself that you have never exceeded the absence threshold in any 12 month period.

If you are sure that you have sufficient other evidence that covers the period (see also this [GOV.UK page for acceptable evidence](#) and the time periods the different types of evidence apply to), you could leave out the bank statements if you feel more comfortable.

46. **Q** What kind of practical evidences are ok to provide proof of staying in the UK?

A This UK Government web page gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence shows the types of evidence that is accepted to show residence in the UK.

47. **Q** On the subject of translations, you mentioned translations need to be professional; however, re medical evidence, what if the overseas doctor that provided your treatment while overseas (during an absence) produces a clinical summary statement directly in English, is that okay?

A Yes, if the original overseas document is written in English, then that does not need to be translated.

48. **Q** Is it necessary to have a house rental contract throughout the 5 years of continuous residency? What would be the situation if a person spent some of those 5 years house sitting?

A No, it is not necessary to have a house rental throughout. This UK Government web page gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence shows the types of evidence that is accepted to show residence in the UK, and it is possible to provide different types of evidence for different periods. If you are providing rental contracts, and there is an obvious gap in them, you need to make sure you have other residence evidence that covers that gap - although of course you only need to provide evidence for 6 months of the year, as you could have had an allowable absence each year. You could also consider including a covering letter setting out that you were house sitting for various periods, and drawing the caseworker's attention to other evidence of UK residence in those periods, for example bank statements showing clear expenditure in the UK.

If your application to upgrade from pre-settled status to settled status is refused

49. **Q** Will your pre-settled status be cancelled straight away as a Non EEA person, if the application for settled status is declined for lack of evidence, or would the pre-settled status still remain?

A When someone with pre-settled status makes an application for settled status, this is an entirely new application. If the decision is positive, then the existing pre-settled status is 'varied' to become settled status. If the decision is refused, then normally the existing pre-settled status remains in place (the decision can be appealed and / or a new settled status application could be made). However, if settled status is refused because the relationship between a non-EEA family member and the EEA sponsor has ended, then the Home Office may consider cancelling the pre-settled status as well. This decision would come with a right of appeal.

50. **Q** If a person did not receive the extension for 2 years PSS and his SS has been refused and now the EU settlement shows it is expired and he did not appeal the decision, can he make a new application for settled status?

A At the moment, everyone with pre-settled status should receive an extension before its original expiry date, regardless of eligibility. We have seen cases where this has not happened, due to an error by the Home Office, or an error in the digital system.

It is really important to report this to the Resolution Centre, to get his pre-settled status correctly showing, so that he can create share codes and access all his rights. Please also report it to the3million using our [Report-It tool](#).

Separately, this person should be able to submit a new application for settled status. The first upgrade application is separate from their original pre-settled status application, and the refusal should not have affected their pre-settled status.

51. **Q** If something goes wrong and we think the decision is unfair, is making an appeal likely to help? Or should I get a solicitor?

A If you receive a decision from the Home Office that you do not agree with, then unless you for example still have existing pre-settled status, it is extremely important to appeal the decision within the deadline (usually 14 days after the date of the decision letter). We would also recommend at the same time getting legal advice - see our website [Useful Links](#) for a list of organisations that can help.

Note that it is relatively easy to submit an appeal online yourself, even before you have found someone to help you with the appeal, so do not miss the deadline as you can always find a legal adviser after your appeal has been submitted.

Joining family members

52. **Q** Re a non-EEA national unmarried partner of an EEA national.

- The non-EEA national had PSS which the UKVI curtailed when the EEA national reported the end of the relationship.
- The UKVI have now agreed to reconsider their curtailment decision because they failed to carry out the required proportionality assessment. We expect to get that decision by June 2025.
- If, when they have completed the reconsideration, they cancel the curtailment (which they might do because there's a chance the PSS-holder was a victim of domestic abuse), the PSS will run till September 2025.
- In that case, will the automatic extension of PSS still apply?

- **(For context, the SET(DV) has been refused on the basis of the weak state of the evidence. We are working on an Admin Review, which will challenge the UKVI assessment of the evidence and will most probably still be pending by September 2025.)**

A If someone gets a curtailment decision but appeals this, then in most cases the pre-settled status remains intact during the appeal (and so continues to the existing expiry date if the appeal is successful). It is a little less clear with a reconsideration of a curtailment decision because this is not an official appeal / redress avenue. It is likely that if the Home Office withdraws the curtailment following reconsideration, then the pre-settled status is 'reinstated' with the existing expiry date (as the decision to curtail effectively never happened).

Under the current policy that pre-settled status would be extended automatically just before the expiry. However, it is possible that the Home Office might be applying a different policy in September 2025 in terms of automation and curtailment.

53. **Q** **If a non-EU spouse of an EU citizen, who has pre-settled status, breaks continuous residence by being absent for almost 20 months without exceptional excuses, can he re-apply for pre-settled status again while the relationship is still exist and substantial? The EU citizen has settled status and lives in the UK.**

A Yes, if the EU spouse has not broken their continuity of residence, and the relationship still exists, then the non-EU spouse can apply for a new grant of pre-settled status and start a new period of continuous residence in the UK with their spouse.

54. **Q** **Is it possible for a non-EU dependent to apply for settled status without the cooperation of the EU sponsor, especially in cases of estrangement (or abuse)?**

A We would recommend seeking legal advice as it depends on the facts of the individual case in terms of estrangement. Situations of abuse normally mean the family member(s) have a retained right of residence that allows them to move to settled status.

In the case of abuse of a partner (spouse, civil partner, unmarried partner), legal advice is also needed to assess whether the person can get immediate access to welfare benefits by applying for status under the Migrant Victims of Domestic Abuse Concession (MVDAC). See the EU Settlement Scheme section of [this Rights of Women webpage](#) for more information.

55. **Q** **I am a Canadian citizen and my wife is Swiss. We live together in London. I have a question about the new extension on settled status for EEA citizens from 3 years to 5 years. Would it be possible to move me from my spousal visa to my wife's settled status with the new extension? I am sure you can understand that this would save considerable stress, not to mention money. Here's the timeline:**

- **She received her UK settled status in 2021, while resident in DE. We met in 2020 but did not live together officially until 2023.**
- **She moved back to the UK in November of 2022.**

- We were married on 13th April 2023.
- I moved to the UK in 2023 to join her (visiting within the 6-month tourist visa window at first) and became an official resident at her address upon the granting of my spousal visa at the beginning of August 2023.

A Spouses of Swiss citizens can be eligible for EU Settlement Scheme status if they marry before 31 December 2025 (as opposed to before 31 December 2020 for spouses of EEA citizens). To be a suitable sponsor:

- If the Swiss citizen holds pre-settled status under the EUSS, they need to have maintained continuity of residence that started by 31 December 2020
- If the Swiss citizen holds settled status under the EUSS, they are entitled to be absent from the UK for up to four years before losing that settled status and the ability to sponsor a spouse.

On the face of what you have told us therefore, it would appear that you could apply to the EU Settlement Scheme as the joining family member of a Swiss citizen - although you should speak to a [legal advisor](#) if in doubt.

56. **Q** What legal support or services are available for non-EU dependents who may be vulnerable, undocumented, or unsure of their rights after a separation from an EU sponsor?

A On our website, we have a page [Useful Links](#) which lists many organisations that can provide advice for free to vulnerable people, some of them funded directly by grants from the Home Office. In particular, there is a charity called Rights of Women which is specialised in providing advice to women who may struggle with their immigration status and rights after a separation from an EU sponsor. They also have briefings on their website, see <https://www.rightsofwomen.org.uk/get-advice/immigration-asylum-law-information/>.

57. **Q** Since I arrived in September 2021, I haven't left the country again. My daughter has pre-settled status, and my husband has pre-settled status with a family permit. I have all the hospital documents from when I was treated in London, as well as the COVID documents and from when I gave birth. When I applied, they told me those documents weren't sufficient and that I wasn't entitled to either pre-settled or settled status.

A We recommend that you urgently seek [legal advice](#), as it is possible that you may not be eligible for the EU Settlement Scheme.

If you wish to apply to the EU Settlement Scheme as a joining family member, you need to have a suitable sponsor. If your husband has a family permit, it sounds like he may possibly not be an EEA or Swiss citizen who was resident in the UK by 31 December 2020, in which case he would not be able to sponsor you under the EUSS. If on the other hand your daughter is an EEA or Swiss citizen and was resident in the UK by 31 December 2020, then she could only sponsor you if you could prove that you were dependent on her. It may be that there are other family members that you did not tell us about

- but this is what a legal advisor will be able to discuss with you. (the3million is not authorised to give legal advice). A legal advisor can also discuss whether there are other ways of obtaining UK immigration status under other routes.

What next if you have broken your continuity of residence

General information applicable to all questions in this section:

- Seek legal advice - see the3million.org.uk/useful-links. Some of the organisations listed there do not charge a fee when giving advice or helping to submit an application to the EU Settlement Scheme.
- Keep your contact details updated - see our FAQ [I've changed my email address / mobile number. Do I really need to keep my UKVI account / eVisa updated? What happens if I don't update my digital status with my new contact details?](#)
- Consider joining our [peer support group](#), facilitated by the3million for people who have pre-settled status and are worried about absences in their residence in the UK, find the current Home Office policy confusing, and are anxious about their future. People facing the same issues can come together, ask questions, share their stories, and support each other.

58. **Q** Can a person get settled status if they have stayed for longer than 6 months out of the UK, but then moved and lived in the UK for the following 5 years continuously (thanks to the extension)?

A Unless you are a joining family member, you will need to have five years' continuous qualifying residence that started by 31 December 2020. Therefore, if your continuous residence was broken at some point after 31 December 2020, this extension does not help to build up a qualifying residency period.

There are some circumstances however, where the extension will count towards the qualifying residency period for settled status:

- Where someone had an absence related to COVID that was longer than 12 months, and which falls within the [Government's exemptions](#) for a longer absence relating to Covid. In such cases, continuous residence will be paused rather than broken, and some people would have had to apply for another grant of pre-settled status to be able to build up five years' continuous residence in the UK. For these people, this automated extension means they don't need to make a separate application. However, they will still need to provide suitable

evidence that their absence was covered by the exemption if they make an application for settled status.

- o. Joining family members who obtain pre-settled status from abroad, and then travel to the UK would find that their pre-settled status expires before they are able to build up five years' continuous residence in the UK. For these people, the automated extension means they don't need to make a second pre-settled status application just to reach the five-year point.
- o. Where someone was granted pre-settled status in, for example, 2019, then broke their continuity of residence with a long absence in 2019/2020, but returned to the UK by 31 December 2020, their pre-settled status would have expired without having built up five years' continuous residence in the UK. For these people, an extension will help to build up a qualifying residence period, because that new period of continuous residence will have started by 31 December 2020.

59. **Q** What can I do if I have broken continuous residence because I was given wrong information by the Resolution Centre?

Q I hold pre-settled status and I have broken the continuous residence because of misleading information given by the Resolution Centre. Can I respond to the HO whether they contact me about the continuous residence evidence that I did break the continuous residence because of the misleading information of the Resolution Centre? I was told that whether I don't qualify for the SS I would get the PSS again. And what would happen whether I don't respond them?

Q If we are asked by the Home Office to provide evidence for continuous residence, are we legally obliged to provide it?

A Assuming the Home Office introduces a policy to cancel pre-settled status where the Home Office thinks continuous residence has been broken (and it is proportionate to do so), you may be contacted and requested to submit any information and evidence to support your situation.

The Home Office will need to make an assessment as to whether it is proportionate to cancel your pre-settled status. If you don't respond to such requests, the Home Office may be more likely to conclude that it is proportionate to cancel your status. That is why it is so important to keep your contact details in your UKVI account up to date. If they proceed to issue you with a decision letter cancelling your status, then you would have the right to appeal this decision.

A legal advisor can help you present your case, which could perhaps include a statement from you about the information you were given by the Resolution Centre.

See also the general information given at the top of this section on broken continuity of residence.

60. **Q** Is there a way to check my current status to see if the UK counted any long absences? I find it so challenging to not know.

A If the Home Office have extended your pre-settled status, they will have done this automatically, without checking any absences or other factors which affect your eligibility. If they later decide they want to cancel your status on the grounds of long absences (a process that is not in place yet), they will need to contact you first to ask for more information about your situation. If after considering all your information and evidence they proceed to issue you with a decision letter cancelling your status, then you would have the right to appeal this decision.

You can submit a Subject Access Request to the Home Office to ask what data is held on you, including border date - see <https://www.gov.uk/government/publications/requests-for-personal-data-uk-visas-and-immigration/request-personal-information-held-by-uk-visas-and-immigration>.

See also the general information given at the top of this section on broken continuity of residence.

61. **Q** We have pre-settled status since August 2020. During Covid we were forced to a longer absence from the end of October 2020 until the end of March 2021. From then on there was no longer interval of absence. We do not have a National insurance number but can provide continuous bills of gas and water and documents of council taxes. Can you anticipate how the home office will react?

Q Absence of 11 months. My family and I, 2 children have an absence of 11 months from June 23, 2021 to June 8, 2022. My husband was not working, I could not find places in schools for my children (due to covid), my daughter was 14 years old then and was not well, for months we tried with the GP and the hospital who did not help us. We went to Italy and enrolled the children in school. We discovered allergy problems in my daughter and a depression. We stayed to treat her and finish the school year. Now we are afraid that we cannot go from pre-settled to settled because of this absence.

Q I came in September 2019, I was out from February 2020 until January 2021, can I apply for settled status during 2025?

A Although we cannot comment on individual cases or provide legal advice, from what you say it sounds like you had one long absence of more than six but less than 12 months. Depending on your exact circumstances, it is possible that this absence would fall within the exemptions of either an 'important reason' for a single absence of up to 12 months, or a longer absence relating to COVID. A legal advisor can help you work out whether that is the case and whether you can make an application for settled status.

If you are advised that your application for settled status would likely not succeed, then we advise you to wait (while in possession of pre-settled status which should be extended when it gets close to its expiry date) until the Home Office provides more detail on their policy to cancel status, and their proportionality assessments. There will be people who cannot make an application for settled status, but where the Home Office would not find it proportionate to cancel their pre-settled status.

See also the general information given at the top of this section on broken continuity of residence.

62. **Q** Can a PSS extension be cancelled anytime? If it is the case, is it immediate or do I have time to apply for the required visa?

I was absent from the British territory for a very long time, but never received any kind of warnings from the Home Office, are there new policies concerning immigration that would threaten my pre-settled status? Or new measures about reviews of pre-settled status coming soon due to the recent updates concerning immigration?

I do have a pre-settled status since December 2020, it expires in December 2025.

I received an email in 2023 concerning a 2-year extension. However, I left the UK in April 2021, and punctually came back for a few days each year for vacation. In fact, between April 2021 and August 2023, I was not living in the UK.

In September 2023, I did my last year of studies in London and left in April 2024. I haven't been in the UK since.

I am extremely concerned about the possibility that my pre-settled status might be cancelled. I am currently applying to universities in the UK, and they are asking me if I will need a visa but I am confused about the extensions as I received information about a 2-year extension but not about a 5-year extension. There is no clear information whatsoever on this matter, and depending on the institution information changes or is not the same.

A From what you say, it sounds like you have not left the UK for a continuous period of 2 years before May 2024, or a continuous period of 5 years since. If that is the case, your pre-settled status should not have lapsed automatically, and is therefore still valid.

The Home Office extension process changed over time. Until August 2024, pre-settled status was extended by 2 years, and the extensions took effect around 1-2 months before the original expiry date shown on the status. Since September 2024, pre-settled status extensions are for 5 years instead of 2. The email you got in 2023 would have been a general information email sent to everyone who held status under the EU Settlement Scheme, to explain the Home Office would be introducing pre-settled status extensions.

If nothing at all changed in Home Office extensions policy, then a pre-settled status showing an expiry date of December 2025 would be automatically extended by five years without checking anything about your situation and your previous absences, and this extension would take place around the middle of October 2025.

However, it is possible that the Home Office introduces new policy before then, and stops issuing automatic extensions - instead looking into people's situation in more detail and cancelling pre-settled status if they think someone has broken continuous residence and it is proportionate to do so. They would always need to contact you beforehand, giving you an opportunity to provide any evidence or additional information. Such a cancellation of status would also come with a right of appeal. Therefore to answer your question, an extension cannot be simply cancelled without warning or right of appeal.

You would need legal advice on whether it is possible to apply for your university place on the basis of your existing pre-settled status, and on what might happen if you need to apply for a student visa instead (or whether you have any other options), and whether that affects whether you pay Home Fees or International Fees.

See also the general information given at the top of this section on broken continuity of residence.

63. **Q** I currently have pre-settlement status that expires in March 2026. On that date I will have no 5-year consecutive stay in UK. As I was a high school student I was living in my home country in EU until October 2022 when I came to the UK for studies and my intention is to stay in the UK further working. During October 2024 I received an email stating that a two-year extension will be given by the expiry date. By the expiry date, will I get an extension of my pre-settlement for 5 more years as the new arrangement? Am I eligible for settled status as I was abroad until October 2022? How can I satisfy the 5 years rule to be eligible for a settled status?

A If the current Home Office policy remains unchanged, then your pre-settled status would be automatically extended by five years, and this extension should take place sometime in January 2026. However, the Home Office has signalled that it will change its policy, and start examining people's circumstances before extending people's pre-settled status, and will look to cancel where they think people have broken their continuity of residence and it is proportionate to cancel status.

To answer your question on whether you are eligible for settled status, we'd recommend getting legal advice to look at your circumstances in detail. This would include an advisor finding out when you first came to the UK, whether you were granted status as a family member or in your own right. These factors will make a difference to your eligibility.

See also the general information given at the top of this section on broken continuity of residence.

64. **Q** I am a Swiss citizen who started a Bachelor's in England in September 2020 and obtained pre-settled status, valid until July 2026. I left the UK in August 2023 to pursue a Master's in Switzerland, visiting the UK only briefly since. I recently received a PhD offer from a university in the UK, which depends on my pre-settled status. Based on the UK government website, my status may either be retained or lost, but the information is unclear. The site states that pre-settled status requires staying in the UK for at least six months in any 12-month period unless an exemption applies. One exemption allows an absence of up to 12 months for study.

- Do I still have this pre-settled status?

Since this Master finishes in June 2025, that would mean I would have been absent for more than 2 years. I believe as stated above that I can justify the first 12 months of my Master being away but not the 2nd year. Considering I should not be more than another 6-month period out of the UK, I am still quite anxious how this would impact my status now and later.

- From what I understand I would not qualify for settled status, but would pre-settled status be extended in order for me to finish this PhD?

A Ordinarily, people keep their pre-settled status until it is cancelled by the Home Office. However, the Home Office also treats status as ‘lapsing’ (this means automatically expiring) due to excessive absences from the UK. Until May 2024, pre-settled status was treated as lapsing after a continuous 2-year absence. In May 2024 this was changed so that it would only lapse after a 5-year absence (though this did not act retrospectively, if someone already had a 2-year absence before May 2024, it would still have lapsed). Any visit back to the UK also resets the clock on the length of absence. From your description, it does not appear that your status would have lapsed. You do therefore still have this pre-settled status.

Currently, all pre-settled status is being extended if it cannot be auto-upgraded to settled status, but the Home Office have indicated that this policy will change perhaps even later this year, and that instead they will start investigating the continuous residence of those who cannot be upgraded to settled status. This will therefore likely lead to cancellations, but the Home Office has not published any details of their policy around this yet.

The problem is that, as you say yourself, you have not continued to meet the requirements of pre-settled status, which means that you are unable to make a successful application for settled status. It also means that, at some point in the future, the Home Office could consider your status for cancellation due to breaking continuous residence. They would need to write out to you and ask for evidence of residence; they would need to make an assessment of whether it was proportionate to remove your status; and you would have a right of appeal if they do cancel your status. If your pre-settled status is removed by the Home Office then you would need an alternative immigration status (e.g. Student Visa), in order to complete a PhD in the UK.

You, like many others, are therefore in a difficult position of not knowing what will happen to your immigration status in the UK.

We would recommend joining our peer support group of those who are in a similar situation, you can find the details in the general information given at the top of this section on broken continuity of residence.

65. **Q** I am one of many people worried about the process of switching from pre-settled to settled status, due to a very long absence during Covid pandemic. In November 2019 I went back to Romania to spend some time with my family. My intention was to spend about 4-5 months there, being aware about the time I was away. But the pandemic started and I got so panicked about it, I was afraid to come back. I remained in Romania, continued to work (self-employed) from there and paid my taxes in UK-submitting my self assessment. I got my pre-settled status in April 2021 while I was in Romania. I returned in UK in October 2021 after I got vaccinated under the Romanian Government Scheme, and things got better.

I know that being away for 672 days (November 2019 - October 2021) is a very long time and I am aware I might not qualify for settled status and that's why I am asking for your help.

I was considering to wait, maybe I will get the automated switch based on my UK GOV -taxes submitted for the last 7 years. I don't have any proof to demonstrate the fact that I had a good reason

to be absent for such a long time except the fact that I was so panicked about the whole thing, and I felt more secure being in Romania, helping and getting help from my family. I didn't get the disease, and my family went through it after I returned to UK...I understand that I can write a letter to explain my absence, but I don't know what to write, so it will actually help in this process. Is there a possibility that I can get help with that?

Q I know I have broken my pre settled status (for about 21 months - I can explain one year with covid, but the remaining time was for a job overseas with a non-UK based company (although I could prove it was relevant for my career). I was given an automatic 5-year extension of my pre-settled status. I am also a home owner and I have a permanent contract with an income higher than the required threshold. A few questions:

- o. Should I wait to apply for settled status for as long as possible? And will the fact that I am a homeowner and have a job help my situation or does the home office not care about this?

Will the fact that my time working abroad was important for my career be seen as a reasonable absence?

A There is help available to help you submit explanations about absences with their applications for settled status. A legal advisor will also be able to check your situation and advise whether your absences are likely to be accepted as part of the COVID exemptions, or a combination of COVID exemptions and absences for an 'important reason'. For details of where to get help and legal advice, see the general information given at the top of this section on broken continuity of residence.

66. **Q** I am an Australian married to a UK citizen and as I lived with my spouse in an EU Country I applied for and was granted pre-settled status in February 2021 (commenced living in the U.K. in August 2020, applied for the EU Settlement Scheme in October 2020).

I have had an extended period of absence (September 2023 - present) for reasons I don't believe would be permissible (death of a parent and handling of probate and Estate matters) and thought that I would regretfully lose my pre-settled status owing to this. However, with all the changes surrounding extensions and speculation regarding how periods of absence are going to be dealt with I am very unclear as to what position I might find myself in if I return to the U.K but hope that there might be a way for me to lawfully continue residing in the U.K under my pre-settled status, should I return soon.

I understand that the five year extension cannot be used to start a new 5 years' continuous residence period for the purposes of obtaining settled status as that period must have started before 31st December 2020 but as I commenced living in the U.K. prior to this date (in August 2020), despite having a period of absence would this qualify me to start a new continuous residence period? Prior to leaving in September 2023 I had three consecutive years of residence.

Please could you tell me if you consider that I might still have an entitlement to complete my five years continuous residence if and when I re-enter the U.K. and, to that end, is it best for me to re-

enter the U.K. before this period of absence has reached a full two years (i.e.. arrive back before September 2025), or would I have until my pre-settled status is due to expire (and then be extended) in February 2026?

I left the U.K. via Ireland and have two children who are U.K citizens if that has any bearing at all.

A Your long absence will have broken your continuity of residence under the EUSS rules, and therefore you would be unable to make a successful application for settled status. It also means that, at some point in the future, the Home Office could consider your status for cancellation due to breaking continuous residence. They would need to write out to you and ask for evidence of residence; they would need to make an assessment of whether it was proportionate to remove your status; and you would have a right of appeal if they do cancel your status. We would strongly recommend seeking legal advice - for more information see the general information given at the top of this section on broken continuity of residence.

67. **Q** I lived in London before from 2016 to November 2019. But I left and returned to London on March 14, 2020. I was pregnant and alone in the UK. I returned to Spain. I married the baby's father. I gave birth in November 2020 and applied for pre-settled status in December 2020. They approved it, and I waited for my husband's appointment in 2021. It was due in May, but I tested positive for COVID. In September, I was able to travel, and we all came. The father was working because I couldn't work until 2022. In April 2024, I applied for settlement, but it was denied. They gave me 14 days to appeal, but I'm not allowed to do it. Can I do it again this year? What will happen to my family who lives here? Can they give me an extension to appeal this denial?

A Without knowing a bit more about the total number and lengths of your absences, it is difficult to comment. We strongly recommend getting legal advice as soon as possible - for details see the general information given at the top of this section on broken continuity of residence. If someone already has pre-settled status, then a refusal for an application for settled status does not have any effect on the existing pre-settled status. (Unfortunately, you may find that you get questioned by Border Force officers because a refusal on your file can trigger some questioning, even for people who have status). While it is difficult to get an extension to appeal a refused application, it is possible to submit a new application - but we do recommend that you discuss your situation in detail with a legal advisor before doing so.

68. **Q** If I have an absence of 11 months and I have pre-settled status, when I return to the UK after a holiday can Border Force cancel the pre-settled status at the airport?

Q My pre-settled status has been extended until June 2026. My pre-settled status was originally due to end in June 2024. I have broken my residency status because I was away for 9 months in 2021. If I travel abroad and enter through a UK airport, can the immigration officer cancel my residency status? I have been using Dublin Airport to enter the UK to avoid immigration questions.

A See question 23 for more details of circumstances in which Border Force can cancel people's pre-settled status. In summary, Border Force can cancel pre-settled status where they think that someone has broken their continuity of residence, however they need to apply a proportionality assessment before doing so, and cancelling status would come with a right of appeal. In both these questions the absence is under 12 months which means continuous residence may not have been broken, if there is an important reason for the absence.

Regarding travelling through Dublin Airport to avoid immigration questions, see this GOV.UK webpage [Travelling to the UK from Ireland, Isle of Man, Guernsey or Jersey](#) for more information.

See also the general information given at the top of this section on broken continuity of residence.

69. **Q** I have been outside the UK for 1 year and 11 months while being on pre-settled status. From what I understand, I will get the automatic 5-year pre-settled extension. However, I will have ceased to meet the eligibility requirements for the settled status. Does that mean I will remain on pre-settled forever?

A No, it likely does not mean that you will be on pre-settled status forever. *Currently*, all pre-settled statuses are being extended by 5 years shortly before their expiry, without the Home Office checking whether people are entitled to those extensions. However, this policy is likely to change so that the Home Office will seek to cancel someone's status if they are not eligible for settled status. However, such cancellations have to be subject to a proportionality assessment - and we do not yet have any details of what this will look like. We recommend waiting until we know more, and consider joining our peer support group - for more information see the general information given at the top of this section on broken continuity of residence.

70. **Q** Suppose you have Pre-settled Status and own a home or have a business in the UK. What would happen to you and your property if the Border Force were to revoke your Pre-settled Status due to a breach of the '180 days within a 360-day period' requirement? [*the3million note: the requirement is 6 months in a year, not 180 days in a 360-day period - see Question 5*]

Q If you get employed while on a pre-settled extension (2 or 5 years) and the Home Office eventually takes the ultimate decision to curtail it, what happens with your employment? What should you tell your employer and what course of action should you generally adopt?

Q If a pre-settled status is cancelled before the expiry date, is the Home Office giving time to apply for another visa or is the person forced to leave the territory?

Q I had multiple absences and I know that I have broken my continuity, but I came back due to a permanent job. In case my Pre-Settled Status is not extended due to these absences, would it be possible to switch to a Skilled Worker Visa from the UK or the Home Office will refuse to approve my application?

A Firstly, it is important to note that currently there is no policy in place to cancel people's pre-settled status on the basis of having broken continuous residence. We will have to wait until the Home Office announces its plans on this. However, any cancellation of status will have to be subject to a proportionality assessment, and come with a right of appeal. We are urging the Government to be as generous as possible when it comes to assessing whether it is proportionate to remove someone's status, especially when they clearly have a life in the UK. We appreciate how frustrating it is for people to be stuck in limbo and not know what immigration policy will apply to their future life in the UK.

A cancellation of pre-settled status would not have an impact on whether you are eligible for another type of visa - however you will need to fulfil the general eligibility criteria of the relevant other visa type. See this GOV.UK webpage [Visas and immigration](#) for information on other visa routes. There are rules relating to switching visas whilst in the UK and so it is important to check this before applying.

To find out whether you would be able to get a different type of visa in your circumstances, we recommend getting legal advice. For details, see the general information given at the top of this section on broken continuity of residence, and also consider joining our peer support group.

71. Q I wonder if based on the cases you have seen regarding absences, has the HO been reaching out to people seeking further information or mostly revoking people's PSS?

A The Home Office is not currently operating a policy of cancelling pre-settled status on the basis of absences, as this policy has not yet been finalised. However, once they do, they would always need to write out to people first to give them an opportunity to provide evidence and information, and any cancellation of status would be subject to a proportionality assessment and come with a right of appeal. See the information given at the top of this section on broken continuity of residence, including the need to keep your contact details updated.

In contrast, they are already operating a policy of cancelling status for non-EU citizens whose pre-settled status depends on their relationship to an EU citizen sponsor, where that relationship has broken down and the non-EU citizen does not have a "retained rights of residence" enabling them to hold on to their EU Settlement Scheme status. And Border Force are able to cancel people's status at the border if they consider people have been out of the UK for too long - see question 23 for more details.

Other questions

72. Q EU nationals on social media argue that pre-settled status practically never expires and should always be automatically renewed as long as the requirements for continuous residence are met. They quote a judgment providing the ground for that, only a legislative change to that effect is what is lacking. When is this change going to take effect?

A It is true that if someone maintains their requirements for continuous residence, then their pre-settled status should not expire.

The judgment being referred to can be found [here](#), it was the case of the Independent Monitoring Authority v Home Office (with interventions by the3million and the European Commission). We have more information about the judgment on our website: [Changes to pre-settled status: Automatic extensions following High Court's ruling on the EU Settlement Scheme](#).

The judgment has 'direct effect', and does not strictly need a legislative change for it to take effect.

The judgment is why the Home Office implemented its policy of automatically extending people's pre-settled status a month or so before it would otherwise expire - this policy is a direct result of the judgment. It was implemented before the first grants of settled status (in late 2018) reached their original expiry date.

At the same time, the Home Office continues to encourage people who are eligible for it to apply for settled status. It is not mandatory to do so, but it makes accessing certain rights more straightforward - as just a few examples it is then easier to demonstrate eligibility for welfare benefits, or show long term rights in the UK when applying for mortgages.

73. **Q** Can you comment on the applicability of all of this to Swiss citizens?

A Almost everything that was discussed in the webinar, and in these Q&A, is equally applicable to Swiss citizens.

Although the Independent Monitoring Authority (IMA) does not represent Swiss citizens, a footnote in the judgment makes clear *"Swiss citizens are protected under a separate Swiss Citizens Rights Agreement ("SCRA"). The claimant does not have a role in relation to the SCRA, which makes no provision for a monitoring authority. The claimant suggests, however, that there is no reason why the substantive rights of Swiss citizens in the United Kingdom are any different for present purposes than those of EU citizens and EEA EFTA nationals. The defendant does not demur."*, and the concluding paragraph of the judgment states *"Having found for the claimant on both issues, the claimant is entitled to a declaration that the defendant's interpretation of the Withdrawal Agreement, the EEA EFTA Agreement and the Swiss Citizens Rights Agreement is wrong in law and that the EUSS is accordingly unlawful insofar as it (a) purports (as described in the court's findings on the first issue) to abrogate rights of residence arising under the Agreements in respect of those granted limited leave to remain; and (b) purports to abrogate the right of permanent residence in the manner described in the court's findings in respect of the second issue."*

The Swiss Citizens Rights Agreement broadly mirrors the EU Withdrawal Agreement and the EEA EFTA Agreement, but some interesting differences include:

- o. Swiss citizens and their family members with pre-settled status do not automatically acquire permanent residence rights and therefore, it is very important that these persons apply to upgrade from pre-settled status to settled status once eligible (or are moved automatically to settled status by the Home Office) in order to benefit from settled status rights.

- o. Swiss citizens and their family members with settled status can only be absent from the UK for 4 years in a row before losing their settled status, as opposed to 5 years for EEA citizens and their family members.
- o. A spouse of a Swiss citizen can get status under the EU Settlement Scheme if their marriage took place before 31 December 2025, as opposed to spouses of EEA citizens who needed to have been married by 31 December 2020 in order to rely on their marriage for the EU Settlement Scheme.
- o. The EU Charter of Fundamental Rights ('Charter') does not apply to Swiss, or indeed to EFTA, citizens. This means that Swiss and EFTA citizens (and their family members) with pre-settled status cannot benefit from the 'AT' judgment. This judgment allows EU citizens and their family members, in circumstances where they would not ordinarily be eligible for benefits because for example they are not working, to nevertheless get access to benefits if they cannot work and would face destitution without getting help from the state.
- o. There is no requirement for a monitoring authority for the Swiss Citizens Rights Agreement, so the Independent Monitoring Authority (IMA) does not include Swiss citizens or their family members in its remit.

74. **Q** **EUSS status basis: my understanding is that status under the EUSS (pre-settled/settled status) is ultimately based on the UK-EU Withdrawal Agreement. This status is translated into UK law as a special type of limited/indefinite leave to remain. Once this is obtained as a matter of UK (domestic) law, is the fate of this status still directly tied to the Withdrawal Agreement and/or the EU? As a more specific (although theoretical) question: If the 'EU background' of someone with a settled status is subsequently lost - either by losing their EU citizenship, by their EU country of citizenship exiting the EU, or say by dissolution of the EU altogether (highly theoretical, I know) - would this affect their settled status in the UK?**

A This is an extremely complex question, and is currently being litigated through the courts. When implementing the Withdrawal Agreement, the UK chose not to test for strict adherence to the Free Movement Citizens' Rights Directive (i.e. being a worker, self-employed, or student/self-sufficient with comprehensive sickness insurance, or a family member of such a person), when granting status under the EU Settlement Scheme. Instead it only asked people to show that they were simply living in the UK. This gave rise over time of discussion of a 'true cohort' - those who could use 'direct effect' to directly claim rights from the Withdrawal Agreement, and the 'extra cohort' those who could not.

Recently, the Home Office has introduced an amendment to the Border Security, Asylum and Immigration Bill to close this gap, so that all EEA/Swiss citizens can be deemed to have directly effective Withdrawal Agreement rights. See our recent statement here for a bit more information: [One less barrier towards equal treatment for EU citizens in the UK](#).

To your more specific theoretical question, we would assume that an EU citizen with pre-settled status, who lost their EU citizenship by giving it up before they had achieved five years of continuous residence, might not be eligible for settled status. However, if the EU citizenship was lost through their

EU Member State leaving the EU, or the EU dissolving altogether, then we would imagine the resulting legal questions would take many years to resolve through the courts. Once settled status has been acquired then in principle the status holder should not be impacted by losing their EU citizenship (regardless of how this loss of EU citizenship occurred).

However, in the meantime people with EUSS status do have a UK domestic immigration status, leave to remain or indefinite leave to remain, so it would be an enormous political decision to remove this status from millions of people because of something changing in the European Union.

75. **Q** Where do you apply for a Schengen visa for someone with pre-settled status of non-EEA passport such as Turkish for example?

A This European Commission webpage [Applying for a Schengen visa](#) has lots of useful information about who needs to apply, what documents are needed, and where to apply. You need to apply at the consulate of the country you intend to visit. If you are visiting several Schengen countries, you need to apply to the consulate of the country where you will spend the longest time (or the first country you will visit if you intend to spend equal time in each country). For example, if you are wanting to visit the Netherlands, searching for Netherlands and Schengen visas results in this webpage: <https://www.government.nl/topics/immigration-to-the-netherlands/question-and-answer/how-do-i-apply-for-a-short-stay-schengen-visa-for-the-netherlands>. This page then tells you that you need to apply for the visa in the country that you live (the UK) which would take you to this webpage that contains the necessary information: <https://www.netherlandsworldwide.nl/visa-the-netherlands/schengen-visa/apply-united-kingdom>.

76. **Q** Can I live in Gibraltar or any other overseas territory if I have pre-settled status?

A The EU Settlement Scheme for the UK is entirely separate from the residency rights in Gibraltar. Gibraltar chose not to have a requirement to apply to a residence scheme, so any EU or EEA citizen who lived in Gibraltar by 31 December 2020 in accordance with EU law, and their family members, has the right to reside in Gibraltar. Someone with EUSS status on the other hand, has the right to reside in the UK. If you wish to live in Gibraltar, you would need to get a visa or residence permit - see <https://www.gibraltar.gov.gi/civil-status-registration-office> for more information, or seek legal advice from immigration advisors who have experience in obtaining residence in Gibraltar.

77. **Q** I applied for settled status in November 24, and it was rejected as invalid in December 2024. And was told to submit NTL. which is still on going now. I have been told many times that I am holding Evisa on my invalid settled status and I need to withdraw NTL through home office. I have never been absent from uk since many years. Home office creating trouble for me to getting access for my Evisa. How can I sort problem about my status to get access for my Evisa.

A the3million is not authorised to give any legal advice, but we have a list of organisations on our website at <https://the3million.org.uk/useful-links> that can give such advice. We recommend that you speak to a legal advisor as soon as possible to establish if you have an eVisa or if you require an

immigration status (which could be under the EU Settlement Scheme). With some small exceptions, only EU citizens and their family members are eligible for status under the EU Settlement Scheme. You could start by going to your nearest Law Centre - see <https://www.lawcentres.org.uk/>.

If you already have an immigration status in the UK, and you are unable to see your eVisa online or get a share code to prove your status, you need to contact the Home Office. Depending on what happens when you log in to View & Prove <https://www.gov.uk/view-prove-immigration-status>, you should do the following:

- o. If you get an error message and can't reach a page that gives details of your status, then you should contact UK Visas & Immigration. Call 0300 790 6268 and select option 3, or contact them online via <https://ukimmigration-support-webchat.homeoffice.gov.uk/evisa>.
- o. If on the other hand you can see details of your status, but the details are incorrect, or you get an error when trying to get a share code, then you should use a Home Office error reporting form available at <https://www.gov.uk/report-error-evisa>.

You can also report problems with your eVisa at <https://evisa-problems.org.uk>.