



Global Immigration alert

May 2024

United Kingdom

Changes to the EU Settlement Scheme confirmed

Executive summary

On 21 May 2024, the UK Home Office [confirmed](#) changes to the EU Settlement Scheme (EUSS). These expected changes will ensure that eligible “citizens” (i.e., those granted pre-settled status under the EU Settlement Scheme) can continue to prove their right to reside in the UK in a more efficient manner and provide clarity to those who need to check immigration status of individuals.

Background

On 17 July 2023, the UK government [published](#) a Statement of Changes to the Immigration Rules, which included changes to the EUSS. The Statement clarified that effective 9 August 2023, the government would extend individuals’ limited leave to enter or remain (pre-settled status) under the EUSS without the individual submitting a valid application. This enabled people with pre-settled status under the EUSS to have their leave automatically extended by two years before the expiry date even if they had not applied for an extension and be granted settled status. This process was automated by the Home Office and reflected in applicants’ [digital immigration status](#). This change was introduced to ensure that no citizen would lose their immigration status in the UK if they did not apply to switch from pre-settled to settled status.

This change was a result of the implementation of the High Court judgment in the judicial review proceedings brought by the Independent Monitoring Authority for the Citizens’ Rights Agreements (IMA). Following these changes published in July 2023, the government has now announced further updates.

Key developments

On 21 May 2024, the UK Home Office confirmed an update regarding the EUSS, changing the duration of pre-settled status extensions from two to five years. The Home Office will also remove the pre-settled status expiry date from individuals’ digital profiles shown to third parties in the online checking services for right to work, right to rent, and view and prove purposes. Consequently, following an initial right to work or rent check, those who are required to check individuals’ immigration status (e.g., employers, landlords, letting agents) will no longer need to conduct subsequent follow-up checks for holders of pre-settled status during the course of their employment or tenancy.

Additionally, the [Immigration \(Leave to Enter and Remain\) \(Amendment\) Order 2024](#), which was laid before the UK Parliament for approval on 11 March 2024, has now become a [UK Statutory Instrument](#). Effective 21 May 2024, leave will no longer automatically lapse for holders of pre-settled status if they remain outside the Common Travel Area for more than two consecutive years. For these individuals, leave granted under Appendix EU will not automatically lapse unless they stay outside the UK for more than five consecutive years (or four years in the case of Swiss nationals and their family members), similar to the rules for holders of settled status.

Impact on employers

Impacted citizens and their family members can continue to reside in the UK without losing their immigration status as a result of not applying for settled status. Organizations that employ impacted individuals will be positively impacted as they will be able to more easily retain these individuals, who will gain further evidence of their right to work and reside permanently in the UK.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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EYG no. 004815-24Gbl

2101-3682263
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