



Home Office

The Lord Murray of Blidworth  
Parliamentary Under  
Secretary of State

Home Office  
2 Marsham Street  
SW1P 4DF

[www.gov.uk/home-office](http://www.gov.uk/home-office)

Rt Hon Dame Diana Johnson MP  
Chair, Home Affairs Select Committee  
House of Commons  
London  
SW1P 4DF

19 July 2023

Dear Dame Diana,

### **REFORMS TO THE EU SETTLEMENT SCHEME**

I am writing to update you on changes being made to the EU Settlement Scheme (EUSS) following the Statement of Changes in Immigration Rules laid before Parliament on 17 July. These changes support the implementation of a key aspect of the High Court judgment in the judicial review proceedings brought by the Independent Monitoring Authority.

In its judgment of 21 December 2022,<sup>1</sup> the High Court found that the Withdrawal Agreement residence right of a person with pre-settled status under the EUSS (five years' limited leave to enter or remain) does not expire for failure to make a second application to the scheme.

The Rules changes reflect the fact that we will extend pre-settled status in relevant cases without the need for an application, to ensure that nobody with pre-settled status loses their immigration status because they have not made a second application to the EUSS. Those pre-settled status holders who have not yet obtained settled status ahead of the date on which their pre-settled status is currently due to expire will have their pre-settled status automatically extended by two years. The extension will be applied automatically to their digital status and there will be no need for them to contact the Home Office. They will be notified once the extension has been applied.

---

<sup>1</sup> [High Court Judgment Template \(ima-citizensrights.org.uk\)](https://www.citizensrights.org.uk/high-court-judgment-template)

Should we find that a person no longer meets the criteria for pre-settled status as set out in the Immigration Rules for the EUSS in Appendix EU, then we will take steps to cancel or curtail their status. Any such decision will be subject to a right of appeal. Whilst the first test phase grants of pre-settled status were set to expire in August, all those individuals have already obtained settled status, so these changes will be implemented from September.

Our overarching objective remains to encourage those eligible for settled status to obtain this, and thus obtain confirmation of their right to remain indefinitely in the UK, as soon as possible. Therefore, alongside the changes above, we also intend to take steps to automatically switch as many eligible pre-settled status holders as possible to settled status without them needing to make a further application. To do this, we plan to undertake automated checks of pre-settled status holders against government-held information, for example in respect of their ongoing continuous residence in the UK. We are aiming to have this automated process and associated Rules changes in place during 2024.

In the meantime, we will continue to encourage pre-settled status holders who meet the eligibility requirements for settled status to apply to switch free of charge as soon as they are eligible to do so and there will continue to be a range of help available to applicants who need it. As of 31 March 2023, nearly 548,000 people had already switched from pre-settled to settled status.

The judicial review judgment also concluded that a pre-settled status holder acquires the right of permanent residence under the Withdrawal Agreement automatically once the conditions for it are met. The planned process to automatically switch eligible pre-settled status holders to settled status and encouraging applications for settled status by those pre-settled status holders eligible for it will support the implementation of this aspect of the judgment. I will provide detail on further steps we will take to operationalise this part of the judgment in due course.

Anyone with settled status already is unaffected by these changes. Holders of both pre-settled status and settled status under the EUSS can continue to use their digital status to evidence their Withdrawal Agreement rights.

The EUSS has successfully enabled 5.6 million people to obtain status under the scheme by 31 March 2023. However, it is now more than two years since the 30 June 2021 deadline for EUSS applications by those resident in the UK by the end of the transition period and we are seeing an increasing number of spurious applications and resulting refusals. The Immigration Rules changes laid this week will provide certainty, but will also help to protect the integrity of the EUSS, ensuring that it continues to deliver for existing status holders, genuine late applicants and the public.


In particular, as the Minister of State for Immigration set out in his letter to you on Monday's Statement of Changes in Immigration Rules, the changes will enable us, in line with the Withdrawal Agreement, to consider whether there are reasonable grounds for a late EUSS application as a preliminary issue, before going on to consider whether a valid application meets the relevant eligibility and suitability requirements. This will prevent those making a spurious late application obtaining a

Certificate of Application and thereby benefiting from temporary protection of rights under the Withdrawal Agreement pending the final outcome of their application.

Alongside these changes, we are now ceasing to issue a 28-day notice encouraging a person encountered by Border Force or Immigration Enforcement who may perhaps be eligible for the EUSS to make a late application. There will remain scope for them to make a valid late application to the EUSS where there are reasonable grounds for their delay in making their application. However, we will otherwise be taking steps to progress enforcement measures in respect of EU citizens and their family members in the UK without the correct immigration status.

A copy of this letter will be placed in the Libraries of both Houses.

Yours sincerely,

A handwritten signature in black ink, reading "Murray of Blidworth". The signature is written in a cursive style with a horizontal line underneath.

**The Lord Murray of Blidworth  
Parliamentary Under Secretary of State**