



## EU Settlement Scheme: Information for Employers

### Background

- The EU Settlement Scheme (EUSS) was established to enable EU, EEA and Swiss citizens resident in the UK by 31 December 2020, and their family members, to get the immigration status they need to continue to live, work, study and access benefits and services, such as healthcare, in the UK after 30 June 2021.
- For those citizens resident in the UK by 31 December 2020, the deadline for applications was 30 June 2021.
- As an employer you are not responsible for making sure your EU employees have applied. However, for many organisations the EUSS has been an important aspect of workforce planning and retention. The information below is intended to help you understand your role and obligations as an employer, in particular relating to late applications to the scheme and right to work checks.
- Individuals who applied by the deadline of 30 June 2021 will have their existing rights protected until their application is decided. Rights are also protected where the outcome of any appeal against a decision to refuse status is pending.
- Employees awaiting the outcome of their application will be provided with a Certificate of Application (CoA). They can use this to prove their right to work. Those who do not yet have a digital CoA can rely on their EU Settlement Scheme email (or letter if they submitted a paper application) confirming receipt of their application, as proof of their right to work, when this is verified by the [Home Office Employer Checking Service](#).

### EU citizens you employed by 30 June 2021

- As an employer you are not responsible for making sure your EU employees have applied to the scheme and you do not need to undertake retrospective right to work checks on EU citizens who were employed on or before 30 June 2021. You will have a continuous statutory excuse against a civil penalty if you carried out an initial right to work check in the correct way at the time you completed the check, such as where an EU



citizen provided their passport or national identity card to you to prove their right to work prior to 30 June.

- However, some employers may wish to conduct retrospective checks to ensure the stability of their workforce. If you choose to carry out retrospective checks, you must ensure that you do so in a non-discriminatory manner.
- There may be situations after 30 June 2021 in which you identify an EU citizen in your workforce who has not applied to the EUSS by the deadline and does not hold any other form of leave in the UK. They may tell you they have missed the deadline through no fault of their own and you may believe it to be disproportionate were you to take immediate steps to cease their employment.
- Full guidance has been published on the [steps you should take as an employer](#) if this situation arises.

## How to conduct a right to work check from 1 July 2021

- There are two types of right to work check: a manual check and an online check. The type of check you conduct will depend on the status of the individual you intend to employ, and in some circumstances, the individual's preference.
- A manual check can be completed for UK and Irish citizens who can use their passport as proof of right to work. You will also need to complete a manual check for individuals if they are not able to share their right to work information with you online.
- Many individuals can now share their right to work online. This includes anyone with online access to their immigration status information (an eVisa) and holders of biometric residence permits and cards.
- **An online right to work check is required for individuals who hold an eVisa. This applies to most EU citizens, including those with settled or pre-settled status under the EUSS**, and some other nationalities who have moved to the UK more recently under the points-based immigration system.
- To carry out an online right to work check, you'll need the applicant's date of birth and their share code which they will have obtained online. You can then [complete the check online on the Right to work service](#).



- There is a [guide for EU citizens](#) which you can use to provide information to EU citizen job applicants about the right to work process and their responsibilities.
- If an individual has submitted an application to the EU Settlement Scheme before 30 June 2021, but the application has not been concluded yet, they will maintain a right to work until their application is finally determined. Employers should check their digital CoA via the online View a job applicant's right to work details service or verify their EUSS email (or letter if they submitted a paper application), confirming receipt of their application with the Home Office Employer Checking Service.
- If an EU citizen applies for a job with you after 30 June 2021 but has not applied to the EUSS by the 30 June 2021 deadline and has no alternative immigration status in the UK (such as a visa under the points-based immigration system), then they will not be able to pass a right to work check.

## Reasonable grounds for late applications

- The EU Settlement Scheme has made provisions for late applications to be made by EU, EEA and Swiss citizens and their family members who can show they have reasonable grounds for missing the deadline.
- [Non-exhaustive caseworker guidance on late applications](#) is available online. The guidance sets out a wide range of circumstances which may be considered reasonable grounds for making a late application.
- Eligible applicants who have not yet applied should [make a late application to the EUSS](#) as soon as possible.

## Avoiding discrimination

- You should not discriminate when conducting right to work checks. The Home Office has published [statutory codes of practice](#) for employers on how to avoid unlawful discrimination when undertaking checks. It clearly stipulates that employers should provide individuals with every opportunity to demonstrate their right to work and should not discriminate on the basis of race or any of the other protected characteristics.



## Hiring from the EU

- EU citizens not eligible for status under the EU Settlement Scheme will need to obtain an immigration status under the points-based system in the same way as other foreign nationals. As an employer you can [learn more about the way you hire from the EU on GOV.UK](#).

## Support available for Employers

- [More information on the EU Settlement Scheme is available on GOV.UK](#).
- You can call or email for help and advice on preventing illegal working.
- Individuals can contact the Resolution Centre, which provides telephone and email support to those using the online immigration status services. This includes supporting users through the online journey:
  - helping them to access or recover their account
  - helping them to update their personal details
  - sharing status on behalf of individuals if they are unable to do so themselves

### Phone

Telephone: 0300 790 6268  
Monday to Thursday, 9am to 4:45pm  
Friday, 9am to 4:30pm  
[Find out about call charges](#)

### Email

[businesshelpdesk@homeoffice.gov.uk](mailto:businesshelpdesk@homeoffice.gov.uk) - if you're an employer or Tier 1 investor  
[educatorshelpdesk@homeoffice.gov.uk](mailto:educatorshelpdesk@homeoffice.gov.uk) - if you're from an educational institution or you're a Student sponsor

## Support available for late EU Settlement Scheme applicants

There remains a range of support available from over the phone advice, to one-to-one support, as well as help with translations and technology. You should signpost your employees to the following services:



## **EU Settlement Scheme Resolution Centre**

For questions about their application, EU citizens can call 0300 123 7379 from inside the UK or +44 (0) 20 3080 0010 from outside the UK (Monday to Friday, 8am to 8pm and Saturday to Sunday, 9.30am to 4.30pm).

[Find out about call charges](#)

## **Assisted Digital**

The [Assisted Digital service](#) helps people who do not have the right access, skills or confidence to complete the online application form and is available over the phone and in person, free of charge. Contact We-Are-Digital by calling 03333 445 675 (Mon–Fri, 9am–5pm) or text the word “VISA” to 07537 416944.

## **ID document scanning service**

The [ID document scanning service](#) is available to complete the identity verification step if you do not have access to the EU Exit: ID Document Check app. There may be an administrative fee to use this service.

## **Community support**

If applicants need more support help with their application, they can contact a nearby [community support organisation](#). They can also [find local support by using the postcode checker](#) on the EU Settlement Scheme help page.