



Home Office

EU Settlement Scheme: cancellation and curtailment

Version 1.0

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About this guidance

This guidance tells you how to consider cancellation or curtailment of an individual's:

- limited leave to enter or remain (also known as pre-settled status) granted under the EU Settlement Scheme (EUSS)
- limited leave to enter granted under Appendix EU (Family Permit) by virtue of having arrived in the UK with an EUSS family permit

Further information on the EUSS can be found in the EU Settlement Scheme EU, other EEA, Swiss citizens and family members guidance.

The best interests of a child

The duty in [section 55 of the Borders, Citizenship and Immigration Act 2009](#) to have regard to the need to safeguard and promote the welfare of a child under the age of 18 in the UK, together with Article 3 of the UN Convention on the Rights of the Child, means that consideration of the child's best interests must be a primary consideration in immigration decisions affecting them. This guidance and the Immigration Rules it covers form part of the arrangements for ensuring that we give practical effect to these obligations.

Where a child or children in the UK will be affected by the decision, you must have regard to their best interests in making the decision. You must carefully consider all the information and evidence provided concerning the best interests of a child in the UK and the impact the decision may have on the child.

Although the duty in section 55 only applies to children in the UK, the statutory guidance – [Every Child Matters – Change for Children](#) – provides guidance on the extent to which the spirit of the duty should be applied to children overseas. You must adhere to the spirit of the duty and make enquiries when you have reason to suspect that a child may be in need of protection or safeguarding, or presents welfare needs that require attention. In some instances, international or local agreements are in place that permit or require children to be referred to the authorities of other countries and you are to abide by these and work with local agencies to develop arrangements that protect children and reduce the risk of trafficking and exploitation.

Further guidance can be found in paragraphs 2.34 to 2.36 of the [Every Child matters: statutory guidance](#).

For further guidance on how to deal with applications concerning children see: [Applications in respect of children](#).

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors, then email the EEA Citizens' Rights & Hong Kong Unit.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance, Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **1.0**
- published for Home Office staff on **08 April 2026**

Changes from last version of this guidance

This is new guidance.

Related content

EU Settlement Scheme Border Force guidance

[Contents](#)

Related external links

[EU Settlement Scheme: Border Force guidance - GOV.UK](#)

Cancellation and curtailment of limited leave to enter or remain granted under Appendix EU or leave to enter granted under Appendix EU (Family Permit)

The following table sets out the list of appendices, paragraphs or parts of the Immigration Rules under which limited leave to enter (LTE) or remain (LTR) granted under Appendix EU or Appendix EU (Family Permit) may be cancelled or curtailed and the guidance documents in which they can be found. For completeness, revocation of entry clearance granted under Appendix EU (Family Permit) is also covered.

| Appendix | Cancellation or curtailment paragraphs that apply | Relevant guidance |
|-----------------------------|--|--|
| Appendix EU | <p>Mandatory grounds to cancel LTE / LTR under Appendix EU</p> <p>A3.1. A3.1A. A3.1B.</p> <p>Discretionary grounds to cancel LTE / LTR</p> <p>A3.2.(a) A3.2.(b)</p> | <p>EU Settlement Scheme suitability requirements EU Settlement Scheme: Border Force guidance</p> |
| Appendix EU | <p>Discretionary grounds to cancel LTE / LTR</p> <p>A3.3.(a) A3.3.(b)</p> <p>Discretionary grounds to curtail LTE / LTR</p> <p>A3.4.(a) A3.4.(b) A3.4.(c) A3.4.(d)</p> | <p>EU Settlement Scheme: Cancellation and curtailment</p> |
| Appendix EU (Family Permit) | <p>Mandatory grounds to revoke entry clearance granted under Appendix EU (Family Permit) must</p> | <p>EU Settlement Scheme suitability requirements EU Settlement Scheme Family permits</p> |

| Appendix | Cancellation or curtailment paragraphs that apply | Relevant guidance |
|------------------------------------|--|--|
| | <p>be revoked prior to arrival under A3.1. A3.1A. A3.1B.</p> <p>Discretionary grounds to revoke entry clearance granted under Appendix EU (Family Permit) must be revoked prior to arrival under A3.2.(a) A3.2.(b) A3.2.(c)</p> <p>Mandatory grounds to cancel LTE granted by virtue of having arrived in the UK with entry clearance A3.3.</p> | <p>EU Settlement Scheme: Border Force guidance</p> |
| <p>Appendix EU (Family Permit)</p> | <p>Discretionary grounds to cancel LTE granted by virtue of having arrived in the UK with entry clearance A3.4.(a) A3.4.(b) A3.4.(c)</p> <p>Discretionary grounds to curtail LTE granted by virtue of having arrived in the UK with entry clearance A3.5.(a) A3.5.(b)</p> | <p>EU Settlement Scheme suitability requirements EU Settlement Scheme Family permits EU Settlement Scheme: Border Force guidance</p> |

Part Suitability of the Immigration Rules does not apply to Appendix EU or Appendix EU (Family Permit).

The Status Review Unit (SRU) is the team responsible for most EU Settlement Scheme (EUSS) curtailment and cancellation decisions. The exceptions to this are cancellation decisions taken at the border by Border Force officers and curtailment or cancellation decisions where a person has ceased to meet the requirements of Appendix EU due to identified excess absences from the UK which EUSS caseworkers will decide. See: [Due to identified excess absences from the UK](#).

EUSS grounds for cancellation or curtailment

This guidance tells you about the circumstances in which you **may** cancel or curtail an individual's leave to enter or remain granted under the EUSS. As well as LTE / LTR granted under Appendix EU (pre-settled status), this includes cancellation or curtailment of leave to enter granted under Appendix EU (Family Permit) by virtue of having arrived in the UK with an EUSS family permit.

Pre-settled status may be cancelled or curtailed at any time, including following a pre-settled status extension being applied to that status.

This guidance does not apply to those who have already been granted settled status (indefinite leave to enter or remain) under the EUSS or the circumstances in which it is mandatory to cancel or curtail pre-settled status.

Cancellation or curtailment of EUSS limited leave to enter or remain (pre-settled status)

The discretionary grounds under which limited leave to enter or remain under Appendix EU may be cancelled or curtailed are:

- **A3.2.(a)** A person's indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix **may be cancelled** on or before their arrival in the UK where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where because of the person's conduct committed before the specified date, the cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 27 of the Immigration (European Economic Area) Regulations 2016, irrespective of whether the EEA Regulations apply to that person (except that in regulation 27 for "a right of permanent residence under regulation 15" read "indefinite leave to enter or remain under, or who would be granted indefinite leave to enter or remain if they made a valid application under, Appendix EU to the Immigration Rules"; and for "an EEA decision" read "a decision under paragraph A3.2.(a) of Annex 3 to Appendix EU to the Immigration Rules")
- **A3.2.(b)** A person's indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix **may be cancelled** on or before their arrival in the UK where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where the cancellation is

justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant leave to enter or remain under this Appendix

- **A3.3.(a)** A person's limited leave to enter or remain granted under this Appendix **may be cancelled** on or before their arrival in the UK where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where the person ceases to meet, or never met, the requirements of this Appendix
- **A3.3.(b)** A person's limited leave to enter or remain granted under this Appendix **may be cancelled** on or before their arrival in the UK where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where cancellation is justified on grounds that it is more likely than not that, after the specified date, the person has assisted another person fraudulently to obtain, or to attempt to obtain, entry clearance to, or leave to enter or remain in, the UK
- **A3.4.(a)** A person's limited leave to enter or remain granted under this Appendix **may be curtailed** where the Secretary of State is satisfied that it is proportionate to curtail that leave where curtailment is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant leave to enter or remain under this Appendix
- **A3.4.(b)** A person's limited leave to enter or remain granted under this Appendix **may be curtailed** where the Secretary of State is satisfied that it is proportionate to curtail that leave where curtailment is justified on grounds that it is more likely than not that, after the specified date, the person has entered, attempted to enter or assisted another person to enter or to attempt to enter, a marriage, civil partnership or durable partnership of convenience
- **A3.4.(c)** A person's limited leave to enter or remain granted under this Appendix **may be curtailed** where the Secretary of State is satisfied that it is proportionate to curtail that leave because the person ceases to meet, or never met, the requirements of this Appendix
- **A3.4.(d)** A person's limited leave to enter or remain granted under this Appendix **may be curtailed** where the Secretary of State is satisfied that it is proportionate to curtail that leave where curtailment is justified on grounds that it is more likely than not that, after the specified date, the person has assisted another person fraudulently to obtain, or to attempt to obtain, entry clearance to, or leave to enter or remain in, the UK

Cancellation or curtailment of EUSS family permit leave to enter

The discretionary cancellation or curtailment grounds which apply to a person who has leave to enter granted by virtue of having arrived in the UK with an entry clearance granted under Appendix EU (Family Permit) are:

- **A3.4.(a)** A person's leave to enter granted by virtue of having arrived in the UK with an entry clearance granted under this Appendix **may be cancelled** where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where, because of the person's conduct committed before the specified date, cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 27 of the Immigration (European Economic Area) Regulations 2016, irrespective of whether the EEA Regulations apply to that person (except that for "a right of permanent residence under regulation 15" read "indefinite leave to enter or remain under, or who would be granted indefinite leave to enter or remain if they made a valid application under, Appendix EU to the Immigration Rules"; and for "an EEA decision" read "a decision under paragraph A3.4.(a) of Annex 3 to Appendix EU (Family Permit) to the Immigration Rules")
- **A3.4.(b)** A person's leave to enter granted by virtue of having arrived in the UK with an entry clearance granted under this Appendix **may be cancelled** where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where cancellation is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under this Appendix
- **A3.4.(c)** A person's leave to enter granted by virtue of having arrived in the UK with an entry clearance granted under this Appendix **may be cancelled** where the Secretary of State or an Immigration Officer is satisfied that it is proportionate to cancel that leave where, since the entry clearance was granted, there has been a change in circumstances that is, or would have been, relevant to that person's eligibility for that entry clearance, such that their leave to enter ought to be cancelled
- **A3.5.(a)** A person's leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this Appendix **may be curtailed** where the Secretary of State is satisfied that it is proportionate to curtail that leave where curtailment is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under this Appendix

- **A3.5.(b)** A person's leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under this Appendix **may be curtailed** where the Secretary of State is satisfied that it is proportionate to curtail that leave where curtailment is justified on grounds that it is more likely than not that, after the specified date, the person has entered, attempted to enter or assisted another person to enter or to attempt to enter, a marriage, civil partnership or durable partnership of convenience

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Proportionality consideration

Under Annex 3 of Appendix EU and Annex 3 of Appendix EU (Family Permit) there are discretionary grounds, as listed in the [Cancellation and curtailment of limited leave to enter or remain granted under Appendix EU or leave to enter granted under Appendix EU \(Family Permit\) table](#), under which a person's limited leave to enter (LTE) by virtue of having arrived in the UK with an entry clearance that was granted under Appendix EU (Family Permit), or leave to enter or remain (LTE / LTR) granted under Appendix EU, may be cancelled or curtailed where you are satisfied that it is proportionate to do so.

The right to reside in the UK under the Withdrawal Agreement with the European Union is subject to limitations and conditions set out in the Treaty of the Functioning of the European Union and the Free Movement Directive (Directive 2004/38/EC). The Separation Agreement with the other European Economic Area (EEA) states (Norway, Iceland and Liechtenstein) contains equivalent provision. References in this guidance to the Withdrawal Agreement should be read to include the Separation Agreement.

Under Directive 2004/38/EC ("the Directive"), residence rights can be restricted where an individual no longer meets, or never met, the necessary conditions for residence, including where there has been fraud relating to evidencing a right of residence or where there has been a misuse of a right of residence. Residence rights can also be restricted on grounds of public policy, public security or public health.

The Directive requires that decisions to restrict residence rights should include an assessment of proportionality. Therefore, decisions to restrict residence through curtailment of status under the EU Settlement Scheme (EUSS) will only be made where it is proportionate to do so, taking into account all relevant factors, including the particular circumstances of the individual. In every case, you, as the decision maker, must be satisfied that it is proportionate to cancel or curtail the person's leave before proceeding with such a decision. You must consider each case on an individual basis.

When considering whether it is proportionate to proceed with a cancellation or curtailment decision, you must balance the individual circumstances of the case against the legitimate aim of maintaining an effective system of immigration control. This requires consideration of the following factors in assessing the proportionality of your decision:

- the circumstances, severity and weight of the individual's conduct
- any other relevant factors which would affect the impact of a curtailment or cancellation decision on the individual, such as age, state of health or integration

The circumstances, severity and weight of the individual's conduct must first be considered. If you are satisfied the individual's conduct is sufficient to warrant

consideration of cancellation or curtailment of the person's leave, you must then consider any other relevant factors which would affect the proportionality of a curtailment or cancellation decision, such as the individual's age, state of health or integration, paying particular regard to the [section 55 duty](#) in respect of the best interests of children.

You do not need to consider other relevant factors if you decide that it is not proportionate to cancel or curtail a person's status due to the circumstances, severity and weight of the individual's conduct.

Relevant factors which would affect the impact of a curtailment or cancellation decision on the status holder

Other relevant factors which could affect the impact of a curtailment or cancellation decision on the individual include, but are not limited to, considering the person's:

- age
- state of health
- vulnerabilities (such as disabilities, whether or not the status holder has been homeless or is a victim of domestic abuse / violence)
- whether the individual can reasonably be regarded as resident in the UK
- the length of time that the individual has resided in the UK, both in terms of duration and as a proportion of their life
- the ties that the individual has to the UK, including family (and whether family members, such as dependants, will be impacted, paying particular regard to the section 55 duty in respect of the best interests of children), work, study and private life
- the ties that the individual has in their home country
- any specific compelling compassionate circumstances relating to the individual or their family
- economic situation
- integration

There may be other compelling or compassionate circumstances not mentioned above which need to be considered. Each case must be considered on its individual merits.

Relevant evidence

Relevant evidence may include:

- birth certificate
- passport
- card or letter from a hospital or other healthcare professional confirming a hospital stay or appointments the person has made or attended, long-term medical diagnosis or treatment plans
- a dated and signed letter from a registered care home confirming residence

- a letter from an overseas government department, public service or charity showing that the person dealt with them on a particular date or for a particular period
- birth certificates of dependants
- a dated and signed letter from an accredited educational organisation in the UK confirming physical attendance at a course and its duration
- a dated and signed letter from an employer, confirming the duration of a period of UK-based employment which has been undertaken, and confirmation of the employer's status

This list is non-exhaustive and other evidence can be considered. The documents should be from an official or impartial source.

You cannot accept:

- photos and videos
- letters or references from family and friends
- greeting cards or postcards
- personal scrapbooks

To make this decision, you must have regard to all relevant information, including any additional evidence provided by the individual. However, the responsibility lies with the individual to satisfy you that, on the balance of probabilities, the cancellation or curtailment decision is not suitable or appropriate to maintaining the integrity of the scheme and, as such, it is not proportionate to proceed with the cancellation or curtailment decision.

As with all decisions under the EUSS, the principle of evidential flexibility applies. You may request more information or clarification if this additional information could make a material difference to your assessment of proportionality.

Decision

If, having considered the circumstances, severity and weight of the individual's conduct and any other relevant factors, you decide that it is not proportionate to cancel or curtail a person's leave, you must maintain the individual's LTE or LTR by checking the relevant box on the caseworking system. A notification will be sent automatically to the individual informing them of this outcome.

If, having considered all the relevant factors, you decide that it is proportionate to cancel or curtail the person's leave, then cancellation or curtailment action must be pursued. To do this you must check the information available to you to establish whether the person is inside or outside the UK. Where an individual is identified to be in the UK, their LTR will be curtailed but their Withdrawal Agreement rights will be extended for the period during which they can bring an appeal, that is for 14 days, and for the duration of any appeal, unless their removal is certified. Where an individual is identified to be outside the UK, their leave will be cancelled before the outcome of any appeal. In instances where a person's leave is cancelled or curtailed,

but the appeal against this decision is successful, their pre-settled status must be reinstated in line with our obligations under the Withdrawal Agreement.

Where the decision is taken that it is proportionate to cancel or curtail a person's status, you must identify any joining family members who would not otherwise qualify for EUSS leave in their own right on another basis, and curtail their pre-settled status accordingly.

Related content

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How to undertake a decision to cancel or curtail pre-settled status or EUSS family permit leave to enter

Cases for consideration by the Status Review Unit

When you (in the SRU) receive a referral for cancellation or curtailment of EU Settlement Scheme (EUSS) limited leave or EUSS family permit leave to enter on which you consider it may be appropriate to take action, you will usually need to notify the person that you are considering cancellation or curtailment of their leave by serving a 'minded to cancel' or 'minded to curtail' notification letter, setting out the reasons why cancellation or curtailment is being considered and allowing them the opportunity to provide reasons and evidence as to why their leave should not be cancelled or curtailed. Additionally, they must provide evidence confirming whether they are currently inside or outside the UK, to ensure the appropriate decision can be made on whether to cancel or curtail their leave. The notification will also make clear that any decision to remove leave will be subject to a right of appeal.

The 'minded to cancel' or 'minded to curtail' notification letter must be used in all cases to allow the person the opportunity to respond to the allegations, except in a marriage or civil partnership termination case where the referral comes from the pre-settled status holder themselves and you have all the information available to make a decision.

You must also use the 'minded to cancel' or 'minded to curtail' notification letter if you decide you need further information or evidence to assist you in assessing the proportionality of cancellation or curtailment.

In using the 'minded to cancel' or 'minded to curtail' notification letter, you must select a time period of 21 days for the person to respond. If they contact you with a reasonable request for more time to provide information or evidence, you may extend the time period, taking into consideration the circumstances and any evidence provided for the request. Given the implications of a person losing their leave, you should take a practical approach, so where an individual has sought to engage with the notification, an extension will usually be appropriate.

After the deadline you have given the person has passed, you must make a decision based on all the information and evidence available to you.

If, after a response to the 'minded to cancel' or 'minded to curtail' letter has been received, you are unable to make a decision based on the information and evidence available to you, you may invite the person to interview as a further opportunity to provide information or evidence relevant to their case.

Cases for consideration by EUSS caseworkers

In a case where the person appears to have ceased to meet the requirements of Appendix EU due to excess absences from the UK in which you decide that, having reviewed all the information available to you, it is appropriate to pursue cancellation or curtailment of a person's leave, you must first issue a 'minded to curtail' notification to the individual. The 'minded to curtail' notification will also serve as a request for the individual to submit information and evidence demonstrating that they are eligible for indefinite leave to remain (ILR) under the EUSS (settled status), or that it would not be proportionate to cancel or curtail their leave granted under the EUSS.

Additionally, the person must provide evidence confirming whether they are currently inside or outside the UK, to ensure the appropriate decision can be made on whether to cancel or curtail their leave. The notification will also make clear that any decision to remove pre-settled status will be subject to a right of appeal.

The individual will be given 28 calendar days to provide evidence through the link provided in the 'minded to curtail' notification. If they contact you with a reasonable request for more time to provide information or evidence, you may extend the time period, taking into consideration the circumstances and any evidence provided for this request. Given the implications of a person losing their leave, you should take a practical approach, so where an individual has sought to engage with the notification an extension will usually be appropriate.

After the deadline you have given the person has passed, you must make a decision based on all the information and evidence available to you.

If, after a response to the 'minded to curtail' letter has been received, you are unable to make a decision based on the information and evidence available to you may choose to request further evidence from the individual and put their case on hold for a further period.

Alternatively, if after the 28 calendar days from when the 'minded to curtail' letter is sent, the individual has not made contact with the Home Office, you must review their case for any evidence submitted with their original EUSS application and where evidence of vulnerability is identified, you must send a further request for evidence to the individual and put their case on hold for a further period. If there is no evidence of vulnerability you must make a decision based on all the information and evidence available to you.

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Considering cases that have ceased to meet the requirements of Appendix EU (and Appendix EU Family Permit)

EU Settlement Scheme (EUSS) pre-settled status holders must continue to meet the eligibility requirements for pre-settled status which they met at the date of application (except for any which relate to dependency as a child, dependent parent or dependent relative), or otherwise meet other eligibility requirements for pre-settled status.

When considering whether a pre-settled status holder has ceased to meet the relevant requirements, it may be identified that they never met the requirements to begin with (for example, they were granted in error or they provided fraudulent or misleading information with their application). In these circumstances it will generally be proportionate to curtail the person's status, but caseworkers should consider the case using the relevant section of the guidance below.

For EUSS family permit holders, where since the entry clearance was granted, there has been a change in circumstances that is, or would have been, relevant to that person's eligibility for that entry clearance, their EUSS family permit must be considered for cancellation.

Due to identified excess absences from the UK

A pre-settled status holder must remain continuously resident in the UK and Islands to maintain their pre-settled status and to qualify for settled status under Appendix EU.

How will excess absences be identified?

The Home Office has been operating a process to automatically convert eligible pre-settled status holders to settled status where possible, without a valid application having been made.

Under this process, the Home Office first conducts checks against tax and benefit data to verify a person's continuous residence in the UK, as well as reviewing any evidence of criminal conduct. Where the Home Office can establish eligibility for settled status, their digital status will be automatically converted to settled status and the person will be notified of this.

Where the Home Office is unable to confirm eligibility for settled status through these checks, a prioritisation process is then applied using Home Office travel data to determine which pre-settled status holders no longer meet the requirements due to periods of absence from the UK of more than 30 months in the most recent 60-month period from the UK. Those identified with the longest periods of absence from

the UK in the most recent 5-year period will be prioritised, and the case will be referred to a caseworker to consider whether it might be appropriate to cancel or curtail the pre-settled status. When reviewing the case, you must examine tax and benefit records, and Home Office travel data before pursuing curtailment.

Proportionality

Circumstances surrounding the absence or absences from the UK

Where a pre-settled status holder has exceeded the permitted absence threshold, meaning the balance of residence and absence from the UK satisfies you that it may be suitable to curtail or cancel their pre-settled status, you must consider the circumstances surrounding the excessive absences from the UK before curtailment or cancellation is pursued. This consideration must include:

- any relevant reason or reasons the person had for leaving the UK throughout the relevant period
- the amount of time by which the person has broken their continuous qualifying period (as outlined in Appendix EU)
- any relevant reason or reasons the status holder did not return to the UK earlier

Relevant reasons may include (but are not limited to):

- illness or medical emergency
- caring responsibilities
- travel delays
- overseas employment
- overseas training or education course

Relevant evidence

Generally, the longer the period in which the status holder was outside the UK, beyond the permitted absences, the more substantive reason or reasons the person must present for not maintaining their continuous qualifying period in the UK and not returning to the UK earlier.

Relevant evidence may include:

- a dated and signed employer letter confirming the duration of a period of employment undertaken outside of the UK, and evidence that employer is genuine, for example their [Companies House number](#)
- letter or certificate from a school, college, university or other accredited educational or training organisation showing the dates of enrolment, attendance and course completion
- invoice for fees from a school, college, university or other accredited educational or training organisation and evidence of payment
- letter from a hospital or other healthcare professional confirming a hospital stay or appointments the person has attended
- a dated and signed letter from a registered care home confirming residence

- a letter from an overseas government department, public service or charity showing the person dealt with them on a particular date or for a particular period

This list is non-exhaustive and other evidence can be considered. The documents should be from an official or impartial source.

You cannot accept:

- photos and videos
- letters or references from family and friends
- greeting cards or postcards
- personal scrapbooks

If after considering the available evidence you are satisfied the person has resided in the UK for at least 30 months in the most recent 60 months or has maintained their continuous qualifying period by not being absent for more than 6 months in total in any 12-month period for 5 years (with some exceptions – see the ‘Continuous qualifying period’ section in EU Settlement Scheme EU, other EEA, Swiss citizens and family members), you must grant them settled status. They will be notified of this, and their digital status will be updated automatically to reflect this.

Alternatively, if, having considered the reasons for the absence and the relevant evidence, you do not think it is proportionate to cancel or curtail pre-settled status, a notification will be issued to the individual informing them of that decision and confirming that they maintain their pre-settled status. They must be resident in the UK for at least 30 months in total in the most recent 60-month period to become eligible for settled status. A person who holds pre-settled status can make an application for settled status as soon as they are eligible for it.

If, having considered the reasons for the absence and the relevant evidence, you think it may still be proportionate to proceed to cancel or curtail status on the basis of excess absences from the UK, you must then consider whether there are any other relevant factors which mean it would not be proportionate to cancel or curtail pre-settled status. See: [Other relevant factors which would affect the impact of a curtailment or cancellation decision on the status holder](#)

Where you have considered all the available information and evidence and you have reached a decision as to whether it is or is not proportionate to cancel or curtail the person’s leave see [Decision](#) for how to progress the case.

Where you decide it would not be proportionate to cancel or curtail a person’s pre-settled status, you must maintain the individual’s leave by checking the relevant box on the caseworking system. A notification will be sent automatically to the individual informing them of this outcome and will set out how they may become eligible for EUSS settled status (ILR). They must be resident in the UK for at least 30 months in total in the most recent 60-month period to become eligible for settled status. A person who holds pre-settled status can make an application for settled status as soon as they are eligible. Alternatively, they may wait for their eligibility for settled

status to be considered when their case is reviewed again under the EUSS automated process.

Due to serving a sentence of imprisonment

Under Appendix EU, serving a sentence of imprisonment of any length in the UK and Islands will break a pre-settled status holder's continuous qualifying period, unless the conviction which led to it has been overturned or the person met the eligibility requirements for settled status before they served a sentence of imprisonment. It may also break and restart any continuous qualifying period of residence of less than 5 years on which their family member relies. For further information, see the 'Continuous qualifying period' section of EU Settlement Scheme EU, other EEA, Swiss citizens and family members.

Proportionality

The circumstances, severity and weight of the individual's conduct

Where a pre-settled status holder has not, prior to serving a sentence of imprisonment, fulfilled the required continuous qualifying period to obtain settled status, and their continuous qualifying period has been broken due to serving a sentence of imprisonment, the strong public interest in maintenance of an effective system of immigration control means that the breaking of their continuous qualifying period in the UK due to a sentence of imprisonment will be of considerable weight in a curtailment decision.

However, you must consider all relevant circumstances to determine whether there are any additional and countervailing factors which would mean it would not be proportionate to proceed with the curtailment decision. This includes the seriousness of the offence, rehabilitation, length of time since sentence of imprisonment and any re-offending since release.

You do not need to consider other relevant factors if you decide that it is not proportionate to cancel or curtail a person's leave because of the circumstances and severity of the individual's conduct.

If, having considered the circumstances and severity of the individual's conduct, you think it may still be proportionate to proceed to cancel or curtail pre-settled status, you must then consider whether there are any relevant factors which mean it would not be proportionate to cancel or curtail LTE or LTR. See: [Other relevant factors which would affect the impact of a curtailment or cancellation decision on the status holder](#).

Where you have considered all the available information and evidence and you have reached a decision as to whether it is or is not proportionate to cancel or curtail the person's leave see [Decision](#) for how to progress the case.

Due to a permanent breakdown of the relevant family relationship

Where a person who holds pre-settled status no longer meets the eligibility requirements of Appendix EU due to a permanent breakdown of their relationship with a relevant European Economic Area (EEA) citizen (or qualifying British citizen or relevant sponsor), you should consider whether it is proportionate to cancel or curtail that leave.

Under Appendix EU, it is not required that a marriage or civil partnership be subsisting whilst a couple remain legally married, although it must not be a marriage or civil partnership of convenience. Curtailment or cancellation decisions must not be made on the grounds that a spouse or civil partner has separated from their relevant EEA citizen family member, if that marriage or civil partnership has not legally ended.

An individual who ceases to meet the eligibility requirements under which they were granted pre-settled status, may still meet alternative eligibility requirements of Appendix EU. For example, under Appendix EU, they may have become eligible for settled status by virtue of having completed a continuous qualifying period of residence of 5 years as the spouse or civil partner of a relevant EEA citizen before the divorce or dissolution, or they may be eligible for leave to enter or remain or indefinite leave to enter or remain as a family member who has retained the right of residence, as defined in Appendix EU – see the section on ‘A family member who has retained the right of residence’ in EU Settlement Scheme EU, other EEA, Swiss citizens and family members.

Therefore, you must assess whether the individual, notwithstanding the breakdown of the family relationship, still satisfies the eligibility criteria under that Appendix before curtailing EUSS limited leave on the basis that the person ceases to meet the requirements of Appendix EU.

Proportionality

While the retained rights provisions already provide an element of proportionality in circumstances surrounding the breakdown of family relationships, where you are satisfied that the individual does not meet any of the other requirements of Appendix EU, you must still consider whether it is proportionate to cancel or curtail their pre-settled status.

You must first consider the circumstances surrounding the permanent breakdown of the relevant family relationship before curtailment or cancellation is pursued. This consideration must include the reasons for the breakdown of the relevant family relationship, the length of time the relationship subsisted before breakdown, and the length of time the individual was resident in the UK while in the relevant relationship.

If, having considered the circumstances surrounding the breakdown of the family relationship, you think it may still be proportionate to proceed to cancel or curtail pre-settled status, you must then consider whether there are any relevant factors which mean it would not be proportionate to cancel or curtail their leave. See: [Other](#)

[relevant factors which would affect the impact of a curtailment or cancellation decision on the status holder](#).

Where you have considered all the available information and evidence and you have reached a decision as to whether it is or is not proportionate to cancel or curtail the person's leave see [Decision](#) for how to progress the case.

False or misleading information, representations or documents

When you are considering the cancellation or curtailment of EUSS limited leave or EUSS family permit leave to enter, or the cancellation of EUSS indefinite leave due to false or misleading information, representations or documents having been submitted in the relevant application, or to any person to obtain a document in support of the application (in either case, whether or not to the leave holder's knowledge), you must consider whether the false or misleading information, representation or documentation was material to the decision to grant the person that leave or an EUSS family permit.

It is material if the false or misleading information, representation or documentation affects the applicant's ability to meet the requirements of Appendix EU (or Appendix EU (Family Permit) because discounting that information, representation or documentation means that the applicant is either not eligible for leave under Appendix EU or eligible for limited leave to enter or remain rather than indefinite leave to enter or remain.

Examples of false or misleading information, representations or documents include, but are not limited to the individual:

- providing false documentation, or using false information in order to acquire documentation, for example in respect of the individual's claimed period of continuous qualifying period of residence in the UK
- falsely declaring that they have been resident in the UK for a continuous qualifying period of 5 years
- falsely claiming a family relationship, dependence or retained right of residence that does not exist
- providing false identity and nationality documentation for an individual on whom the individual's eligibility for the scheme depends
- failing to declare a criminality conviction overseas that, had the Home Office been made aware of at the time of the decision, would have had a material difference as to whether to grant EUSS status

You must have evidence to show that, whether or not to the individual's knowledge and on the balance of probabilities, the individual or a third party had provided false or misleading information, representations or documents, which were material to the decision to grant the applicant indefinite or limited leave to enter or remain under Appendix EU or entry clearance under Appendix EU (Family Permit). You must also consider whether a decision to cancel or curtail leave on this basis is proportionate.

You must not cancel or curtail leave on the basis of false or misleading information, representations or documents, or of non-disclosure of material facts, unless you are satisfied that deliberate dishonesty or deception is involved. This dishonesty or deception may either be on the part of the individual or a third party.

Proportionality

Where an individual has obtained leave by deception using false information or documents and was therefore never eligible for that leave, this will carry considerable weight in the proportionality consideration of any cancellation or curtailment decision, given the legitimate aim of maintaining an effective system of immigration control. In such cases, the original grant of leave was based on false representations and cannot give rise to a legitimate expectation of continued leave under the EUSS.

The circumstances, severity and weight of the individual's conduct

Where you are satisfied on the balance of probabilities, false or misleading information, representations or documents have been provided, which were material to the decision to grant the applicant indefinite or limited leave to enter or remain under Appendix EU or entry clearance under Appendix EU (Family Permit) you must consider the individual's circumstances, including the severity and weight of the behaviour. In most cases, where there is evidence of false or misleading information, representations or documents it will be considered proportionate to cancel or curtail that leave.

The consideration must include:

- the seriousness of the dishonesty or deception
- whether the applicant knew about the dishonesty or deception (even if the person was unaware of the deception, curtailment action can still be taken)

If, having considered the circumstances, severity and weight of the individual's conduct, you think it may still be proportionate to proceed to cancel or curtail LTE or LTR, you must then consider whether there are any relevant factors which mean it would not be proportionate to cancel or curtail their leave. See: [Other relevant factors which would affect the impact of a curtailment or cancellation decision on the status holder](#)

Where you have considered all the available information and evidence and you have reached a decision as to whether it is or is not proportionate to cancel or curtail the person's leave see [Decision](#) for how to progress the case.

Marriage, civil partnership or durable partnership of convenience

In marriage, civil partnership or durable partnership of convenience cases, you must consider whether the relationship was material to the grant of EUSS limited leave or an EUSS family permit (that is, directly because of the claimed relationship), or

whether it involves a person whose own EUSS limited leave or EUSS family permit was not dependent on a marriage or civil partnership of convenience but their involvement in such behaviour (whether or not it was successful) would be grounds to curtail their EUSS limited leave or EUSS family permit leave to enter. Curtailment action should be considered in both scenarios. You must also consider when the relevant conduct started. For more information, see marriage investigations: determining when relevant conduct commenced.

Where the person has EUSS limited leave or EUSS family permit leave to enter and you consider that curtailment is justified and proportionate on grounds that it is more likely than not that, since the end of the transition period at 11:00pm on 31 December 2020, they have entered, attempted to enter or assisted another person to enter or to attempt to enter a marriage or civil partnership of convenience (as defined in Appendix EU or Appendix EU (Family Permit)), the case must be considered for curtailment.

If you receive a referral where a person or couple have taken part or attempted to take part in, or have assisted another person to enter or attempt to enter into a marriage or civil partnership of convenience, you can consider the relevant conduct to have started when they are confirmed to have first acted to gain an immigration advantage through the relationship, for example: this may be when they confirmed their intention to marry or form a civil partnership. It does not have to be when a relationship began, or when a marriage or civil ceremony took place.

If the marriage, civil partnership or durable partnership of convenience conduct was not material to the grant of EUSS limited leave or an EUSS family permit and commenced before 11:00pm on 31 December 2020, you need to refer the case to National Returns Progression Command European Casework for deportation consideration under public policy or security grounds.

Full details of all removal pathways and related actions on the basis of involvement in a marriage or civil partnership of convenience are provided in a summary table in: Marriage investigations.

See also: Suitability: sham marriage or civil partnership guidance for further information.

Proportionality

Where a person has entered or attempted to enter a marriage, civil partnership or durable partnership of convenience, and has obtained their EUSS leave as a result of that relationship, and was therefore never eligible for that leave, this will carry considerable weight in the proportionality consideration of any curtailment or cancellation decision. In such cases, the original grant of leave was based on a persisting relationship with a EUSS status holder and cannot give rise to a legitimate expectation of continued leave under the EUSS.

The circumstances, severity and weight of the individual's conduct

You must consider the circumstances of the individual case as it may not always be appropriate or proportionate to take action following a sham marriage determination, or to take the same action against both parties of a sham relationship. For example, it is unlikely to be appropriate to take action on sham marriage grounds against a party of a sham relationship where that relationship was not material to the grant of EUSS leave and, on a balance of probabilities, evidence suggests that they were duped or deceived as to the true nature and purpose of the relationship, or where the union was forced.

You must also carefully consider the duty in [section 55 of the Borders, Citizenship and Immigration Act 2009](#) to have regard to the need to safeguard and promote the welfare of a child in the UK, together with Article 3 of the UN Convention on the Rights of the Child, which mean that consideration of the child's best interests must be a primary consideration in immigration and nationality decisions affecting them.

If, having considered the circumstances, severity and weight of the individual's conduct, you think it may still be proportionate to proceed to cancel or curtail LTE or LTR, you must then consider whether there are any relevant factors which mean it would not be proportionate to cancel or curtail their leave. See: [Other relevant factors which would affect the impact of a curtailment or cancellation decision on the status holder](#)

Where you have considered all the available information and evidence and you have reached a decision as to whether it is or is not proportionate to cancel or curtail the person's leave see [Decision](#) for how to progress the case.

Assisting another person to fraudulently obtain, or attempt to obtain entry clearance to, or leave to enter or remain in, the UK

Where a person holds EUSS limited leave and it is more likely than not that, since the end of the transition period at 11:00pm on 31 December 2020, they have assisted another person fraudulently to obtain, or to attempt to obtain, entry clearance to, or leave to enter or remain in, the UK, you must consider whether it is proportionate to cancel or curtail their leave.

This ground for curtailment or cancellation does not apply to holders of EUSS settled status or leave to enter granted by virtue of having arrived in the UK with an EUSS family permit.

Examples may include where an EEA citizen has EUSS limited leave and they have been complicit in sponsoring, or seeking to sponsor, multiple EUSS applications (or applications under another part of the Immigration Rules) from individuals who are not family members as claimed, irrespective of whether or not those applications were granted.

Where the conduct took place before the end of the transition period or the individual has EUSS settled status, you must make a referral to your senior caseworker for further consideration of next steps.

Official – sensitive: start of section

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Official – sensitive: end of section

Proportionality

If you are satisfied that false or misleading information, representations or documentation was used and the sponsor was complicit in the attempts to obtain leave, you must then consider whether cancellation or curtailment of the sponsor's leave would be proportionate, in light of all the known circumstances of the case and the available evidence.

Where you are satisfied the sponsor was complicit in the attempts to obtain leave, this will carry considerable weight in the proportionality consideration of any cancellation or curtailment decision. In cases where the original grant of leave was based on false representations, this cannot give rise to a legitimate expectation of continued leave under the EUSS.

The consideration must include:

- the seriousness of the deception
- the circumstances behind the deception

- the extent to which the individual is personally responsible for or had knowledge of any deception

If, having considered the circumstances, severity and weight of the individual's conduct, you think it may still be proportionate to proceed to cancel or curtail their LTE or LTR, you must then consider whether there are any relevant factors which mean it would not be proportionate to cancel or curtail a person's leave. See: [Other relevant factors which would affect the impact of a curtailment or cancellation decision on the status holder](#)

Where you have considered all the available information and evidence and you have reached a decision as to whether it is or is not proportionate to cancel or curtail the person's leave see [Decision](#) for how to progress the case.

Examples

Example 1 – Absences from the UK and Islands

A was granted pre-settled status in June 2020. In August 2022, A left the UK to care for their widowed mother as her only family member. A did not return to the UK until June 2025 because A's mother died and A needed to make arrangements for and attend the funeral overseas. A's spousal partner and children remained in the UK during this period.

A was absent from the UK for 2 years and 11 months meaning they have not maintained their continuous qualifying period in the UK. A informs the Home Office that they were unable to return to the UK earlier because of these reasons. A provides the Home Office with confirmation of their mother's extended hospital stay, from August 2022 to May 2025, and her death certificate. Based on these compassionate circumstances, it is not proportionate to proceed to curtail A's pre-settled status and they maintain their pre-settled status.

For A to be considered eligible for settled status, A is informed by the Home Office that they need to be resident in the UK for at least 30 months in total in the most recent 60-month period.

Example 2 – Absences from the UK and Islands

B was granted pre-settled status in September 2020 having lived in the UK since January 2019. It is assessed that B has broken their continuous qualifying period due to an excess absence from the UK between January 2022 and January 2025 which totals 3 years.

B left the UK to travel abroad, without any compelling reason for the absence. However, since returning to the UK, B has developed a serious health condition and is receiving ongoing treatment through the NHS. B has no access to equivalent healthcare in their country of origin. B is also financially dependent on a UK-based family member and due to their illness has no prospect of employment in their home country. B is being considered for curtailment of status in June 2026 and does not

have reasonable prospects of obtaining alternative leave under the Immigration Rules.

As curtailment would have a greater detrimental impact on B because removing B's status would likely leave them without a basis of stay in the UK and liable for NHS charges, which would severely impact B's wellbeing, and taking into account B's length of residence and family ties in the UK, it is not proportionate to curtail their pre-settled status. For B to be considered eligible for settled status, B must be resident in the UK for at least 30 months in total in the most recent 60-month period.

Example 3 – Absences from the UK and Islands

C was granted pre-settled status in May 2020, having lived in the UK since September 2018. In September 2022 C left the UK and remains outside the UK at the date of consideration for curtailment in September 2026, meaning they have been absent from the UK for 4 years. The length of C's absence from the UK alone means it may be proportionate to curtail or cancel their pre-settled status.

C notifies the Home Office that they were resident at their second home and working overseas for the periods they were absent from the UK. As C does not provide any other relevant reason they had for leaving the UK or why they did not return to the UK earlier, or any evidence that there are other relevant factors which would affect the impact of a cancellation on the status holder, it is proportionate for a caseworker to proceed to cancel their status.

Example 4 – Serving a sentence of imprisonment

D is an EEA citizen who has been resident in the UK since 2020. D was granted pre-settled status in March 2021. In June 2023, D was sentenced to and served a month's imprisonment for shoplifting. D was not considered for deportation action due to the short length of sentence and was released in July 2023. D has several family members, including children who are dependent on them, residing in the UK with EUSS status. Although a continuous qualifying period is broken where the person served or is serving a sentence of imprisonment of any length in the UK and Islands, it is not proportionate to curtail D's pre-settled status given D committed a low-level offence, is not a reoffender, does not pose a danger to public safety and has extensive family ties to the UK.

Example 5 – Relationship breakdown

E was granted pre-settled status as the durable partner of a relevant EEA citizen in September 2020. In February 2023, the relevant EEA citizen informed the Home Office that his relationship with E had ended.

It is assessed that E has broken their continuous qualifying period as they no longer have a relevant family relationship with a relevant EEA citizen. It is assessed that E does not meet any other eligibility criteria.

In response to a minded to curtail letter, E informs the Home Office that the relationship ended because she became aware the relevant EEA citizen was involved in criminal activity; activity she reported to the police which led to the relevant EEA citizen's imprisonment.

Additionally, E informs the Home Office that she has a 9-year-old child who resides with her. The relevant EEA citizen is not the father of the child; the child was born in the UK and holds indefinite leave to remain as the family member of her biological father.

It would not be proportionate to curtail E's pre-settled status given she has custody of a child who was born in the UK and who holds indefinite leave to remain. Additionally, the relationship ended due to particularly difficult circumstances outside of E's control.

Example 6 - False or misleading information, representations or documents

G was granted pre-settled status as a relevant EEA citizen in March 2021 and later applied for settled status. During the consideration of this application, it was identified that G had submitted false documents to demonstrate their eligibility for pre-settled status in March 2021. The application for settled status was supported by Home Office travel data and genuine evidence of residence which demonstrated that G had been resident in the UK for 39 months out of the most recent 60 months. G did not respond to a minded to refuse letter and the application for settled status was refused on suitability grounds. G's pre-settled status was referred for curtailment.

G is issued with a minded to curtail letter but fails to respond. As G does not provide any evidence that there are other relevant factors which would affect the impact of a cancellation on them, it is proportionate for a caseworker to proceed to cancel their status.

Related content

[Contents](#)

Service of notices: EUSS limited leave and EUSS family permit leave to enter curtailment (non-certified)

EU Settlement Scheme (EUSS) limited leave to remain and EUSS family permit leave to enter curtailment decisions must be sent on the relevant template which sets out the right of appeal. Where the person is in the UK at the time of the curtailment decision and the decision is not being certified, these are:

- curtailment of EUSS limited leave
- curtailment of EUSS family permit leave to enter

You must select the option which reflects the reason you are curtailing the person's EUSS limited leave to remain or EUSS family permit leave to enter and ensure you demonstrate why you are satisfied that curtailment is proportionate. The 'next steps' section sets out the person's right of appeal. This notice informs the person that they will not be removed from the UK during the period in which they can appeal or, if they lodge an appeal, until it has been finally determined (unless you have decided to certify the removal).

If you decide that, after having reviewed the person's case, you are not going to curtail their leave, you must issue the relevant template, either the:

- reinstated status - NFA on minded to curtail EUSS status
- reinstated EUSS family permit – NFA on minded to curtail EUSS FP

Actions required post decision

Casework system actions

Following service of an EUSS limited leave to remain or EUSS family permit leave to enter curtailment decision, you must update the casework system, by selecting the appropriate case type and case outcome.

Status Review Unit

Case types: EUSS curtailment

You must choose from the following case types:

- curtailment EUSS – dependant
- curtailment EUSS – other
- curtailment EUSS – spouse / partner

Case outcomes: EUSS curtailment

Where the person is in the UK at the time of the curtailment decision and you have chosen not to certify the decision, you must choose from the following case outcomes:

- EUSS Curtail – With Immediate Effect
- EUSS Curtailment not Pursued – Compliant

Reinstatement of EUSS limited leave to remain or EUSS family permit leave to enter

If you are reinstating EUSS leave after it has been curtailed, for example following a successful appeal of the curtailment decision or a reconsideration of the curtailment decision, or where a decision to curtail was made in error, you must select the following outcome:

- EUSS leave reinstated

EUSS Casework

Reinstatement of EUSS limited leave to remain

If you are reinstating EUSS leave after it has been curtailed, for example following a successful appeal of the curtailment decision or a reconsideration of the curtailment decision, you must go into the Service Delivery and select Manage Case > Post Decision Request. Within this you will be able to select the reason you are reinstating leave and enter the relevant dates of validity and conditions of that leave.

Liability to removal

Where EUSS limited leave to remain or EUSS family permit leave to enter is curtailed, the person can appeal the decision. They do not have to leave the UK and will not be removed while they could bring an appeal or while their appeal is in progress, save for those whose removal has been certified under regulation 16 or 16A of [The Immigration \(Citizens' Rights Appeals\) \(EU Exit\) Regulations 2020](#) (“the Citizens’ Rights Appeals Regulations”).

As a result, anyone (other than those whose removal has been certified under regulation 16 or 16A of the Citizens’ Rights Appeals Regulations) who has their EUSS limited leave or EUSS family permit leave to enter curtailed, will only become removable under [section 10\(1\) of the Immigration and Asylum Act 1999](#) (as a person who requires but does not have leave to enter or remain in the UK) once they become Appeal Rights Exhausted (ARE). This means where no appeal has been lodged within the time frame for bringing an appeal, or if an appeal is lodged, where it has been finally determined.

National Returns Progression Command (NRPC) will need to take a separate decision on the person’s removal from the UK. If they remain liable to removal,

NRPC must serve the person with a notice of liability to remove. This notice contains a section 120 notice which gives the person the opportunity to provide any reasons why they should be allowed to stay in the UK. Any such reasons must be considered and addressed prior to any removal action.

Right of Appeal

Any decision to remove limited leave to enter (LTE) or remain (LTR) will be subject to a right of appeal.

Where a person has LTE or LTR and a decision is taken after 11:00pm on 31 January 2020 to cancel or curtail that leave (to vary that leave so that the person does not have leave to enter or remain in the UK), there is a right of appeal against that decision under regulation 3(1)(a) of the Citizens' Rights Appeals Regulations. This appeal right may be exercised in or out of country.

If the curtailment decision is taken while the person is in the UK, their pre-settled status will be extended while they are in-time to bring that appeal (that is, for 14 days). If they bring an appeal under regulation 3(1)(a) of the Citizens' Rights Appeals Regulations, their leave will be extended by regulation 13A of those regulations until that appeal is finally determined, unless their removal is certified. Leave extended by regulation 13A will not lapse simply because a person has left the UK, though it may lapse in accordance with Article 13(4) of the Immigration (Leave to Enter and Remain) Order 2000 if the person leaves the UK and Islands for more than 5 consecutive years (or more than 4 consecutive years in the case of Swiss nationals and their family members).

Where a person has leave to enter granted by virtue of having arrived in the UK with an EUSS family permit and a decision is taken after 11:00pm on 31 January 2020 to curtail that leave, there is a right of appeal against that decision under regulation 5(1)(d) of the Citizens' Rights Appeals Regulations. This appeal may be exercised in or out of country. Leave is not extended under regulation 13A while such an appeal is pending, though the appeal (unless certified under regulation 16 or 16A of the Citizens' Rights Appeals Regulations) will be suspensive of removal.

For further information, see guidance on Rights of Appeal.

Where a person is identified to be in the UK or you cannot determine whether the person is in the UK or outside the UK, their pre-settled status will be retained until their appeal rights are exhausted (ARE).

Where a person is identified to be outside the UK, their pre-settled status will be removed at the point of the cancellation decision. If the individual chooses to appeal the decision and the appeal is successful, their pre-settled status will be reinstated in line with our obligations under the Withdrawal Agreement.

In cases of cancellation decisions, a person will be permitted to return to the UK for the purposes of their appeal.

Related content

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