

# Mobility: Immigration alert

March 2024



## United Kingdom

### Updated guidance regarding online immigration status for holders of Biometric Residence Permits and other documents

#### Executive summary

On 21 March 2024, UK Visas and Immigration (UKVI) updated the [guidance](#) on online immigration status (eVisas) to provide clarifications to individuals who have a physical document other than a Biometric Residence Permit (BRP). This comes three days after UKVI updated the same guidance to provide clarifications for holders of BRPs and how they will be able to prove their status effective 1 January 2025.

#### Background

On 30 October 2023, UKVI informed they were developing a digital immigration system (i.e., eVisas) which would replace physical documents with online records of applicants' immigration status. An eVisa is an online record of the immigration status and conditions of an individual's permission to enter or stay in the UK. The new eVisa system will replace the following documents:

- ▶ BRPs, which are currently held by some individuals with limited leave longer than six months or who are settled in the UK
- ▶ Biometric Residence Cards (BRC), which are currently held by some EU Settlement Scheme (EUSS) participants
- ▶ Passport endorsements, such as indefinite leave to enter wet ink stamps
- ▶ Vignette stickers in passports, such as entry clearance or visa vignettes

eVisas are expected to provide certain benefits, including the following:

- ▶ They are secure and cannot be lost, stolen or altered.

- ▶ Individuals will not be required to wait for, or collect, a physical document after the application is decided.
- ▶ It will be quicker and easier for individuals to prove their status at the UK borders and share their status with third parties such as employers and landlords.
- ▶ UKVI will continue to share relevant information about individuals' immigration status automatically with certain government departments and public authorities. This may reduce the need for individuals to interact with online services to prove their immigration status.

Until the end of 2024, individuals must continue to carry their physical documents when traveling abroad. Effective 1 January 2025, they will be able to use an eVisa to travel to the UK and will not need to carry a physical document except their passport, which must be linked to their UKVI account. Replacing physical documents with an eVisa will not affect individuals' immigration status or the conditions of their permission to enter or stay.

#### Key developments

UKVI announced the following on 18 March 2024:

- ▶ If an individual has a BRP that expires on 31 December 2024, UKVI will inform them how to create a UKVI account and access their eVisa before the expiry date.
- ▶ UKVI will contact individuals via email or decision letters, with detailed instructions on how to create a UKVI account.
- ▶ To create a UKVI account and access their eVisa, individuals

must provide personal details and have access to an email address, a phone number and a smartphone.

- ▶ Once the UKVI has contacted an individual and an account is created, the individual will be able to share their status with third parties by generating a share code, which will give them access to their immigration status information for a limited time.
- ▶ eVisas will be linked to individuals' passports, and therefore, these individuals must keep their passport numbers up to date in their UKVI account, so that their status can be easily identified at the UK border (travelers will still be required to carry their physical passports).
- ▶ In case an individual has a new passport and is waiting for confirmation that their UKVI account has been updated, they may also provide their old passport at the border (along with the new passport) to avoid unnecessary delays.

UKVI announced the following on 21 March 2024:

- ▶ Individuals who have indefinite leave to enter or remain and have a physical document other than a BRP to prove their status (e.g., a wet ink stamp in a passport or a vignette sticker) must file a "no time limit" (NTL) application. Successful applicants will be issued a BRP, and they will then be able to create a UKVI account to access their eVisa.
- ▶ Individuals who have a BRC and have been granted status under the EUSS do not need to take any action as they have already been issued an eVisa. However, BRCs held by individuals who have not been granted status under the EUSS will be deemed invalid irrespective of the document's expiry date. These individuals may seek immigration advice in order to try to regularize their status.

UKVI informed that they have begun contacting individuals who hold a BRP with an expiry date of 31 December 2024 and are inviting them to create a UKVI account and providing them with further clarification regarding how to prove their immigration status from 2025 onwards.

### Impact on employers

Employers may review the right to work checks due on 31 December 2024 for which they are responsible and consider assisting impacted employees with completing an early repeat check using the online process. They may also consider assisting employees with creating their UKVI accounts in a timely manner and before their next repeat right to work check.

### Key steps

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

Seema Farazi, Partner  
Global Immigration  
+ 44 207 951 7122  
seema.farazi@uk.ey.com

Lisa Amos, Partner  
Global Immigration  
+ 44 778 715 1456  
lisa.amos@uk.ey.com

Kellie Sullivan, Director  
Global Immigration  
+ 44 207 806 9707  
kellie.sullivan1@uk.ey.com

Vicky Cregan, Director  
Global Immigration  
+44 20 7951 1897  
vcregan@uk.ey.com

Nikita Potdar, Director  
Global Immigration  
+44 20 7760 8208  
nikita.potdar@uk.ey.com

Charlotte Nicolas, Senior Manager  
Global Immigration  
+ 44 207 197 5228  
charlotte.nicolas@uk.ey.com

Martin Maddocks, Senior Manager  
Global Immigration  
+ 44 207 806 9078  
martin.maddocks@uk.ey.com

Jodie Rogerson, Senior Manager  
Global Immigration  
+44 20 7951 8136  
jodie.rogerson@uk.ey.com

Charlotte Hall, Senior Manager  
Global Immigration  
+44 20 7951 4353  
chall@uk.ey.com

Gowsi Ganeshalingam, Senior Manager  
Global Immigration  
+44 20 7951 7735  
gganeshalingam@uk.ey.com

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EYG no. 002574-24Gbl

2101-3682263  
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