

Right to work update: eVisas

26 November 2024  Bénédicte Viort de La Batie and Laura Chinyere-Ezeh

The Home Office will implement a **fully digital** UK border and immigration system by **31 December 2024**, under which all physical evidence of migrants' Right to Work in the UK will be replaced by eVisas. This update will tell employers what you need to know and what employers need to do.

What you need to know

- All non-British/Irish employees who currently hold a **non-digital immigration status**, such as a biometric residence permit, ("BRP"), biometric residence card ("BRC"), passport endorsement, such as an indefinite leave to enter wet ink stamp, or vignette sticker in a passport must take action **to create an immigration account and a digital status**.
- The Home Office has already contacted some affected individuals directly with instructions on how to do this (as well as some employers where affected individuals are sponsored to work in the UK by their employer).
- No action will be required by EU/EEA/Swiss nationals who have status under the EU Settlement Scheme or who have already been granted a Digital Immigration Status (eVisa).

It is important that all employees affected are made aware of the changes and can carry out the necessary steps by 31 December 2024:

Failure to do this is likely to cause problems

- To the employees when they need to evidence their Right to Work in the UK if travelling out of the UK and attempting to return after 31 December 2024
- To the employers when carrying out further right to work checks digitally to verify employees ongoing right to work in the UK

We therefore recommend that **employers take the following steps**:

Employers should carefully monitor visa expiry dates before 31 December 2024.

All BRPs issued over the past few years will show an expiry date on 31 December 2024 but unless the visa granted expired before then, it is likely that the actual visa expiry date will be later.

Further online right to work checks for individuals with physical evidence of their Right to Work expiring on 31 December 2024:

- Employers must be using the share code, in order to establish **the expiry date of the actual visa**, and record this in the HR system or file so the necessary follow-up action can be taken prior to the actual visa expiry date.
- Where employers have used a BRP to undertake a right to work check but have accurately recorded the actual visa expiry date rather than the date on which the BRP expires, no further right to work check will be required.
- Employers should contact their affected employees (i.e. all non-British/Irish employees who may not already hold a digital immigration status) to advise them on the steps required to transfer their status to an eVisa and to explain the importance of them taking these steps to avoid future issues.
- Employers must review and update right to work policies and provisions in offer letters and/or employment contracts to make it clear that physical evidence of right to work are no longer acceptable for any non-British/Irish nationals from 1 January 2025.
- Update recruitment policies and process to ensure Digital status checks are used when checking right to work from this date.

If it would help, Browne Jacobson can provide a draft email for you to send to your affected employees which explains the steps they are required to take.

And feel free to reach out to us should you have any questions regarding [right to work checks](#), [immigration](#) and [visa sponsorship](#).

Key contacts



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