

## Why Do Biometric Residence Permits Expire On 31 December 2024?

Many non-British/Irish employees with UK immigration permission will have been issued with a Biometric Residence Permit (BRP) with an expiry date of 31 December 2024. In most cases, this does not mean that their permission to stay and work in the UK expires on 31 December 2024 – only the BRP itself will expire on that date.

BRPs have expiry dates of 31 December 2024 (even if the employee's permission expires at a later date) because the Home Office is developing a digital immigration system, which is intended to replace physical documents (such as BRPs) with online records in the form of electronic visas (eVisas) by 2025.

An eVisa is an online record of a non-British/Irish citizen's immigration status and the conditions of their permission to stay in the UK. Many non-British/Irish citizens in the UK already have eVisas, including those granted status under the EU Settlement Scheme.

## What Do Affected Employees Need To Do?

Before 31 December 2024, anyone with a BRP expiring on that date will need to create a UK Visas and Immigration (UKVI) account to be able to access their eVisa.

Updating a BRP to an eVisa does not affect an employee's immigration status or the conditions of their permission to stay and work in the UK. There is no cost for updating a BRP to an eVisa.

Many BRP holders will already have received an email from the Home Office explaining what they need to do before 31 December 2024, but if any of your employees with BRPs need further guidance, you can share this [guide](#).

Where BRP holders have not created a UKVI account before their BRP expires at the end of 2024, the Home Office has said they will still be able to prove their rights while they create an account. Holders of expired BRPs will still be able to use these to create a UKVI account after 31 December 2024.

Any employee with a BRP expiring **before** 31 December 2024 should apply to extend their permission to stay in the UK in the usual way prior to the expiry date (with the support of their employer if they hold a sponsored work visa).

## What Do Employers Need To Do?

As part of the obligation to carry out compliant right to work checks, and in addition to retaining proof of the right to work for each employee, any employer with employees who hold time-limited immigration permission must keep a record of the expiry date of that permission. We recommend that all employers carry out regular internal audits to ensure that they hold the necessary records and that those records are complete and up to date.

Most employees with time-limited immigration permission whose current employment started on or after 6 April 2022 will have been required to [obtain a share code](#) so that their employer could do an [online right to work check](#) (taking a copy of an original BRP ceased to be a valid right to work check from that date). Where an online right to work check has been completed, it will confirm the employee's *actual* immigration permission expiry date (including those that fall after 31 December 2024). In those cases, the employer does not need to take any further action, other than keeping a record of the expiry date and completing a follow-up right to work check prior to that date in the usual way.

However, if your records show only that an employee's time-limited immigration permission expires on 31 December 2024 or if you have no records at all, you should complete an online right to work check (as described above) as soon as possible. This online check will confirm the employee's actual immigration permission expiry date, enabling you to keep a record of that date and complete a follow-up right to work check in the usual way prior to that date.

Employers who do not have an accurate record of time-limited immigration permission expiry dates run the risk of allowing employees to work beyond their permission expiry dates, leading to civil penalties of up to £60,000 per employee.

If you have any questions relating to right to work checks, UK visa applications or any other business immigration matters, please get in touch with your usual contact at our business immigration team or Annabel Mace, partner and Head of UK Immigration.

## Contact



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