



Right to Work Scheme Update: In-time Applications and 3C leave

On **26 January 2023**, changes came into force enabling some individuals with an outstanding, in-time application for permission to stay in the UK, or an appeal, or Administrative Review to prove their right to work using the Home Office online checking service.

Summary:

- **What is 3C Leave?**

Section 3C of the Immigration Act 1971 is to prevent a person, who makes an in-time application to extend their leave, from becoming an overstayer while they are awaiting a decision on that application, and while any appeal or Administrative Review they are entitled to, is pending.

This means their existing leave gets extended until a decision is made on the pending application.

- **What has changed?**

Where applicable, those with in-time applications will now have their 3C leave reflected within their digital profile, allowing them to prove their rights, such as right to work.

Prior to 26 January 2023, for all individuals, employers were required to contact the Home Office Online Checking Service to obtain a Positive Verification Notice (PVN) which provided the employer with a statutory excuse valid for six months.

- **Who will benefit?**

The change will only support those who submit an in-time application after 26 January 2023, and not existing holders of 3C leave. It currently applies to those who hold an eVisa and are subsequently applying for another eVisa to stay in the UK.

This change **does not apply** to those on non-digital routes, those who are applying for non-digital route status and those who have leave through the EU Settlement Scheme or as a frontier worker.



Home Office

A person who has section 3C leave remains subject to the conditions attached to their previous leave. For example, should they be permitted to work, this will continue as before.

Background:

- Since 1997, all employers have had the responsibility to prevent illegal working. They do this by conducting simple right to work checks before employing someone to make sure the individual is not disqualified from carrying out the work in question by reason of their immigration status.
- The Right to Work Scheme in the UK: 'Right to work checks: an employer's guide' on GOV.UK <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide> applies to everyone seeking employment, regardless of nationality. Compliance with the Scheme ensures employers are protected from liability for a civil penalty in the event that they employ someone who is not permitted to work, whilst also demonstrating non-discriminatory, transparent and consistent recruitment practices.
- For further support in carrying out a right to work check, employers should call the Employer Enquiry helpline on **0300 790 6268**, (Monday to Thursday, 9am to 4:45pm; Friday 9am to 4:30pm). Calls made to this number will be charged at local rate. More information can be found at <https://www.gov.uk/call-charges>.

Any queries about the Right to Work Scheme can be sent to:

RighttoRentandRighttoWork@homeoffice.gov.uk

Employers can [sign up](#) to receive updates about the Right to Work Scheme on GOV.UK.