



# Working in the UK a guide for

- seasonal worker visa holder
- seasonal worker with granted Pre-Settled Status

This guide is for seasonal migrant workers who take temporary work in agriculture. You may take the work as a migrant with granted Pre-Settled Status or as a Seasonal Worker Visa holder (Tier 5).

This guide provides an overview of your rights and support information for your stay in the UK.

This guide was co-produced by New Europeans UK in collaboration with the School of Sociology and Social Policy University of Leeds, COMPAS University of Oxford.



# I am a seasonal worker visa holder

This leaflet aims to inform migrant agricultural workers in the UK employed under the seasonal workers' visa scheme about their rights while working in the UK on a Tier 5 visa.

The information below is specifically for workers who are working in the UK on a Seasonal Worker Visa (Tier 5).

## you can ✓

- stay in the UK and work for the period that is described in your certificate of sponsorship
- return and re-apply for a similar visa if you want to return for seasonal work another year or if you are interested in another visa for UK

## safety and protection ✓

- you have an equal right to protection from physical harm, injury, assault, and abuse as every other person in the UK
- if you are a victim of a serious crime or abuse, or you fear you may be imminently harmed, you should call the police on 999 for immediate help and protection

## employment rights ✓

- you have a right to national minimum wage
- you have a right to reasonable, comfortable and safe accommodation provided by your employer



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advice for employees and employers  
[acas.org.uk](https://www.acas.org.uk)

# I am a seasonal workers visa holder

## you can't

- take a permanent job
- work in a second job that isn't described in your certificate of sponsorship
- get public funds (such as housing benefit, income support or Universal Credit from the UK government)
- bring family members with you
- switch into other immigration route while being in the UK
- remain in the UK after your visa expires (your visa is usually valid for 6 months)\*

\*you can reapply, but you must make your application when you are back in your country of origin

## health care

- in case of urgent medical assistance, you can use accident and emergency services, whether provided at an A&E unit, or elsewhere, up until the point the patient is accepted as an inpatient or given an outpatient appointment
- where charges do apply, urgent hospital treatment can never be withheld if someone cannot pay
- it is recommended arranging a private health insurance to cover your stay in the UK



NHS  
nhs.uk



coronavirus advice  
[doctorsoftheworld.org.uk/coronavirus-information/](https://doctorsoftheworld.org.uk/coronavirus-information/)

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For 2021, there are 4 certified operators to bring workers under the Seasonal Worker Visa (Tier 5):

- Concordia (YSV)
- Pro-Force
- AG Recruitment
- Fruitful Jobs

# I am

## a seasonal worker with granted Pre-Settled Status

The information below is specifically for workers who have been granted Pre-Settled Status. This would mean you lived in the UK by 31 December 2020.

### you can



- work in the UK
- access the NHS
- enrol in education or continue studying
- you can change your employer
- you can look for a job while you are in the UK
- you have right to live in the UK for 5 years
- travel in and out of the UK
- have limited access to public funds (subject to change)
- bring certain family members to live in the UK
  - spouse, civil partner, durable partner, child, grandchild, great-grandchild, parents, grand parent, great-grand parent (including those of spouse or civil partner)
  - dependent relative (including in some cases, of the spouse or civil partner)

### view and prove your status



you will need

- passport/ID/biometric card number that you applied with
- date of birth
- email address or mobile telephone number you applied with

after viewing your status, you can create a share code which is a code that you can provide to your landlord, employer etc.



view and prove your status  
[gov.uk/view-prove-immigration-status](https://gov.uk/view-prove-immigration-status)



how to guide  
[new europeans.uk/managing-your-status/](https://new europeans.uk/managing-your-status/)

scan with your phone  
for more info



# I am a seasonal worker with granted Pre-Settled Status

## entitlement to settled status (indefinite leave to remain) means

- you completed a continuous qualifying period of 5 years in the UK
- you must have been resident in the UK for at least 6 months in every 12-month period
- one longer single absence of up to 12 months is permitted, but only for an important reason (listed as pregnancy, childbirth, serious illness, study, vocational training or an overseas posting or, in some cases due to the COVID-19 pandemic)

>> in some cases, absences that exceed 12 months because of the COVID-19 pandemic may also be accepted.

- any absence from the UK because of military service or the Crown service does not break your qualifying residence even if this absence exceeds 12 months

## losing your pre-settled status !

- absences of 2 years or more cause Pre-Settled Status to be automatically cancelled
- however, if you hold Pre-Settled Status and want to be granted Settled Status in the future you cannot be absent for a period of up to 2 years as your continuous residence in the UK will be broken by the long absence
- if you are not eligible for Settled Status because you have broken your continuous residence, you will be expected to leave the UK before your Pre-Settled Status expires unless you can apply for a different type of UK immigration status
- **if you want to get Settled Status in the future, please disregard the rule that permits you to retain your Pre-Settled Status if you are outside the UK for up to 2 years**

### Permitted absences due to COVID-19:

- a single absence of up to 12 months related to COVID-19 will be accepted as an important reason
- you can write a statement or letter with your application explaining this when you submit your application
- a single absence of more than 12 months related to COVID-19
- you need to show that you could not return or that you were advised not to return (by your employer, doctor; for example, had COVID-19 or must isolate)

## useful contacts

### Human Trafficking and Exploitation

helpline: 0800 0 121 700 (24 hours a day, 7 days a week, ask for an interpreter if needed)

website: [www.modernslaveryhelpline.org](http://www.modernslaveryhelpline.org)

### Emergencies

police, ambulance or fire and rescue: 999 (ask for an interpreter if needed)

### Union support

website: [www.unitetheunion.org/contact-us/](http://www.unitetheunion.org/contact-us/)

### Report irregularities with your pay and work rights under the National Minimum Wage

website: [www.gov.uk/government/publications/pay-and-work-rights-complaints](http://www.gov.uk/government/publications/pay-and-work-rights-complaints)

### Report mistreatment to Gangmaster and Labour Authority

telephone: 0800 432 0804

website: [www.gla.gov.uk/contact-us/](http://www.gla.gov.uk/contact-us/)

### Guidance for seasonal workers in Scotland

website: [www.sasa.gov.uk/sites/default/files/Guidance%20-%20Seasonal%20migrant%20workers%20-%20EnglishSWP%20-%20March%202021.pdf](http://www.sasa.gov.uk/sites/default/files/Guidance%20-%20Seasonal%20migrant%20workers%20-%20EnglishSWP%20-%20March%202021.pdf)

RSABI seasonal workers helpline (Scotland only): 0300 111 4160

### NHS

helpline: 111 (ask for an interpreter if needed)

### Coronavirus (COVID-19) Healthcare

helpline: 0800 028 2816

website: [www.nhs.uk/conditions/coronavirus-covid-19/](http://www.nhs.uk/conditions/coronavirus-covid-19/)

