

Ekrem Uka
16 Charnham St
Hungerford
RG17 0ES

To: **The Home Office & West Berkshire Council**

EXPLANATION/CONFIRMATION LETTER

Dear Sirs,

I am writing to explain the position of the two staff members encountered in the business on 14/12/2022. First of all, I would like to make clear the position of the staff members interviewed by the Home Office on 14/12/2022/. I have highlighted each one separately below:

- 1- **Greek National/EU Citizen** Management has enclosed with this letter the Right to Work checks. Management has made the right to work checks. When Management has checked with the Home Office, Management could see that is waiting for a decision under EUSS. The Certificate of application states that has the right to work while waiting for a decision. Rule 3C of Immigration Rules states that while a case is pending the individual has the right to work. Under EU law when someone is waiting for a decision that individual has all the rights. EUSS scheme is a process leading EU citizen from EEA regulations to UK Immigration rules. Under both EU rules and UK Rules, they both enjoy the right to work. Above all, Management has done their part and have checked share code which states the Right to Work. If anything, I blame the Home Office for lack of clarity. If Home Office provides an individual with a document that clearly and openly states that the individual has the right to work this means Management is not at fault at all. In my clear conscience Management has done everything to ensure they are legally working. This person no longer works in the business.

- 2- **Italian National/EU Citizen** Management has enclosed with this letter the Right to Work checks. Management has made the right to work checks. When it was checked with the Home Office, Management could see that is waiting for a decision under EUSS. The Certificate of application states that has the right to work while waiting for a decision. The Right to Work Check can clearly show in Green that had the right to work. Rule 3C of Immigration Rules states that while a case is pending the individual has the right to work. Under EU law when someone is waiting for a decision that individual has all the rights. EUSS scheme is a process leading EU citizen from EEA regulations to UK Immigration rules. Under both EU rules and UK Rules, they both enjoy the right to work. Above all, Management has done their part and have checked his share code which states the Right to Work. If anything, I blame the Home Office for lack of clarity. If Home Office provides an individual with a document that clearly and openly states that the individual has the right to work this means Management is not at fault at all. In my clear conscience Management has done everything to ensure they are legally working. This person no longer works in the business. Strange enough,

Department for Work and Pensions has issued _____ with National Insurance number relying on his EUSS application because even Department for Work and Pensions accepts that when someone's EUSS application is pending then the applicant has the right to work. Two Government Departments have contradictory positions.

- 3- **In my view there is strong contradictory information.** When someone applies under EUSS then Department issues applicants with temporary right to work, right to NHS, right to public funds and right to study. However, the Immigration Officers had a different view. Brexit has created chaos and has created challenges for Immigration Officers who need to adapt change but also for businesses as they need to be on top of all constant and ongoing changes. However, Common Law prevails in the UK. The law should be applied the same for all. In this instance it has not. I say this because that night there were four EU citizens working in the business. All four of them had a pending EUSS application. Two of them were advised that they are working illegally and two of them were advised that their status is fine, and they can continue working. Isn't this contradictory? Hence why I raise the case for some sort of clarity.

With this email I have also attached evidence of all I mentioned above for your attention.

I hope you will be able to review the hard copy evidence provided. I hope this will be adequate for the Home Office and West Berkshire Council to close this matter.

I look forward to hearing from you with a decision.

Kind Regards,

Ekrem Uka

Premise Licence Holder – Amore Restaurant”