



Home Office

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Dear Monique Hawkins,

Thank you for your email of 8 November 2023 enclosing a letter about online-only immigration status and discussions of alternative solutions.

We appreciate your continued interest in this matter and have considered the points raised in your letter.

We have considered whether we could use an approach similar to the COVID-19 certification to issue physical proof of status, using a QR code, and responded to your previous letters about the QR code proposal on 03 March 2022 and 07 June 2023.

We continue to maintain open lines of communication with our key stakeholders, in particular, through the Advisory Groups, which you have been invited to attend. We also understand that you have been in discussions with Matt Heath in UKVI via the digital status engagement forum, which was established to gain comprehensive customer insight into our online services and where status related technical issues arise, their resolution and continues improvement can be raised and discussed.

We live in a digital age and immigration systems across the world are moving online. The UK's new immigration system follows the example set by countries such as Australia, the USA and Canada.

We have previously explained that we are working towards a digital border and immigration system - the transition towards eVisas is already underway, and most physical documents, such as biometric residence permits and cards (BRP/Cs) are being phased out, with millions of customers already receiving an eVisa and using our online services.

Should any customers find themselves needing support in using online services, or unable to access their eVisa online, the dedicated UKVI Resolution Centre (RC) will be available to assist them. When issues are reported to the RC, they are investigated and resolved as soon as possible.

We believe that this meets the need to ensure support for individuals who cannot themselves access our online service, while maintaining necessary safeguards in the system design.

We remain committed to a digital system of real-time checks, and we will not compromise on this principle.

We can confirm that offline proof of immigration status will not be required for travel permission checks by airlines and carriers bringing people to the UK.

As part of our move towards a digital immigration system, carriers will receive automated digital confirmation of their passengers' permission to travel to the UK automatically. We anticipate the roll-out of the technology required to enable this transition to digital permissions will be completed by the end of 2024, at which point we expect to remove the use of physical documents as proof of immigration status for all nationalities and most visa routes. If a Home Office outage meant that codes could not be transmitted to carriers for a period, carriers would not be liable for a Carriers' Liability penalty during that period if they inadvertently brought passengers to the UK who did not have the correct permission.

In the meantime, non-visa nationals will not need to provide evidence of a permission to travel to their carriers (other than those who require an ETA (Electronic Travel Authorisation)), and visa nationals should continue to carry their visa or other physical documents, such as BRP card, when travelling.

In your letter, you state that you have direct evidence of negative impact on individuals during the View and Prove outages in August. We can confirm that employers and other organisations should not be rejecting applications for work, to rent etc. because the online checking services are temporarily unavailable.

The Home Office issue comprehensive guidance and statutory codes of practice to make clear that checks on eligibility to access work, rent, benefits and services as part of the UK's immigration system must be carried out in a non-discriminatory manner.

In respect of the Right to Work and Right to Rent Schemes, all persons, regardless of nationality, are required to undergo a right to work or rent check prior to employment or leasing a property.

There are a range of ways in which the employer, landlord or letting agent can conduct the check. Employers and landlords cannot mandate how an individual proves their right to work or rent. For an employer or landlord to ensure they do not discriminate against anyone, they should provide every opportunity to enable an individual to prove their rights.

The RC can assist users who are experiencing technical issues, and where necessary, enable a user's status to be verified through alternative means.

Where necessary, to support employers and landlords, they may also contact the Home Office Employer or Landlord Checking Services (ECS/LCS) to verify an individual's right to

work or rent. These established services can be used where an employer or landlord is unable to check an individual's rights online using their share code, or manually using original documents.

You have requested us to provide you with more information about our data-sharing interfaces. The Home Office provides a range of data-sharing interfaces or APIs which can be used by other Government Departments or Agencies to directly check an individual's digital immigration status without the need for the individual to generate a share code. Broadly speaking, all the APIs require the consumer (i.e. the other Government department using the API) to feed in identity details for the individual whose status they wish to check, which must include an identity document number such as a passport number. This is to ensure that two individuals with similar names and dates of birth are not mixed up. If the Home Office system finds a match for these details, we return details of the immigration status held by the individual, enabling the consumer to determine the individual's eligibility for benefits and services in the UK. Border Force also use an API to retrieve digital immigration status details for individuals arriving at the UK Border.

This means in some of the most common scenarios where an individual is required to prove their immigration status – when travelling, using the NHS or claiming benefits and services like Universal Credit – proof can be obtained via an API without the need for the individual to generate a share code, they only need provide their ID document to the relevant department or service provider.

We do not agree that third party status checkers are unwilling to engage with the share code-based checking process. We regularly engage with a broad range of stakeholders about changes to our border and immigration system, including, for example, through our Advisory Groups, and will continue our engagement throughout 2024, to ensure they understand their responsibilities, ensure people are not disadvantaged and checkers understand the benefits of doing an online check.

We have also produced guidance for employers and landlords to help them understand eVisas, and how to check right to work and rent, which is available on our website:

<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

<https://www.gov.uk/government/publications/landlords-guide-to-right-to-rent-checks>

Rejecting an employee or a tenant because of the need for an online immigration check may be considered indirect discrimination. Anyone who believes that they have been discriminated against, either directly or indirectly, may bring a complaint in an Employment Tribunal, or an Industrial Tribunal in Northern Ireland (in cases of right to work check) or before a county court (in cases of right to rent check). More information is available in our Codes of Practice at:

<https://www.gov.uk/government/publications/right-to-work-checks-code-of-practice-on-avoiding-discrimination>

<https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice>

We are committed to reviewing statistics and feedback on our services and, where necessary, making improvements. Feedback and user satisfaction scores for checkers and migrants are collected from our GOV.UK services and are published as a part of our transparency data on a quarterly basis:

<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-armed-forces>

We analyse and review this feedback monthly and use it to improve the service. We also collate and conduct trend analysis on incidents that are reported to us by checkers and migrants to make improvements.

As explained above, carriers do not currently need to check that a non-visa national has any immigration status in the UK – they only need to check the person has a valid travel document. We continue to issue visa nationals with BRPs, which they can use, along with a valid passport, to provide evidence of their immigration status to carriers for the purposes of travel, which will continue until the technology is in place to enable carriers to check immigration status automatically via systems checks.

We remain open to new ideas for improving our services, especially improvements that benefit digitally disadvantaged or excluded customers. We are grateful for your continued input on these issues.

However, we must reiterate that we will not compromise on the real-time aspect of our digital services. Any check of an individual's immigration status must be done in real-time to reflect the current immigration status held on our system. For this reason, we are unable to accept the suggestion to use a token (printed QR code or otherwise) that can be used offline as proof of immigration status, regardless of any validity time limit built in.

Your sincerely

eVisas Policy team

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