

By email:

Minister Kevin Foster MP  
Copied: Home Office SUG team

12 August 2022

Dear Kevin Foster MP,

**Entangled immigration statuses and incomplete portal set-up**

I am writing to you about two separate types of problems with digital immigration status. They both result in people unable to correctly view or prove their immigration status.

**1. Entangled immigration status - where logging in with one person's identity document displays the immigration status of another person**

We have seen several instances where an individual's online immigration status has become entangled with someone else's. In the appendix to this letter *[redacted from this published version]*, we describe three cases where people have logged in to Home Office systems resulting in a display either of someone else's status, or an inconsistent mixture of their own and someone else's status.

It is particularly concerning that in some of these cases, a status was correctly accessible before it then became inaccessible / entangled at a later date. Moreover, the status appeared to require correcting by the Home Office more than once.

In one of these cases, the status holder is left (after Home Office intervention) unable to generate share codes other than for right to work or rent. Furthermore, even these right to work or rent share codes can only be obtained by logging in via a portal that is not appropriate to their status and which does not use the security mechanism of sending a one-time passcode via SMS or email.

We would like to gain some understanding of the circumstances which can lead to this situation. We therefore have the following questions:

- Q1. What type or types of event can cause a status to change from being correctly visible through View & Prove to no longer being correctly visible? In particular:
- a. Can this be caused as a result of a status holder updating their immigration status with a new address?
  - b. Can this be caused as a result of a status holder updating their immigration status with a new identity document?
  - c. Can this be caused by any other actions initiated by a status holder?
  - d. Can this be caused by a bug in a Home Office maintenance or upgrade process?
  - e. Can this be caused by any other cause identified by the Home Office?

- Q2. Does the change (from status correctly visible through View & Prove to status no longer correctly visible) affect the record of the immigration status itself, or is it limited to entangled access details and/or user profiles?
- Q3. Is the Home Office able to run a programmatic audit to identify all affected records where access to the status via any of the websites “View and Prove your Immigration Status”<sup>1</sup> [V&P], “Prove your right to work to an employer”<sup>2</sup> [RtW] or “Prove your right to rent in England”<sup>3</sup> [RtR] displays the immigration status details of someone other than the owner of the identity document used to log in?
- If so, has the Home Office run such an audit? Has it contacted individuals?
  - If not, why is this not possible?
- Q4. What circumstances can lead to someone, with status under the EU Settlement Scheme [EUSS] and a Biometric Residence Card [BRC], being unable to log in via V&P but instead being able to log in via RtW and RtR and choosing the option of “I have a biometric residence card or permit”? As a result their status is shown without using the security mechanism available to EUSS and other eVisa status holders.
- Q5. Has a fix been identified to correct the digital status of affected individuals? If so:
- When was this fix identified and when was it implemented?
  - Does the fix have to be manually applied for every individual who reports an entangled status to the Home Office, or is a system-wide fix available which can repair all such affected digital status?
- Q6. Have all instances of entangled status identified been reported to the Information Commissioner’s Office as personal data breaches?
- Q7. Have you communicated personal data breaches arising from entangled status to the individuals impacted?
- Q8. Were the above issues identified in the Data Protection Impact Assessment (‘DPIA’)? Are you in a position to now disclose the DPIA?<sup>4</sup>

## 2. Incomplete set-up of portal records

We have also received many accounts where people are able to pass the first stage of digital status login, and receive a security code via SMS or email, but then go on to encounter a message indicating that their status is not available.

The identity document and date of birth have clearly been recognised by one part of the Home Office’s systems, namely the part that stores the status holder’s telephone number and email address and is able to send a security code via SMS or email.

---

<sup>1</sup> <https://www.gov.uk/view-prove-immigration-status>

<sup>2</sup> <https://www.gov.uk/prove-right-to-work>

<sup>3</sup> <https://www.gov.uk/prove-right-to-rent>

<sup>4</sup>

<https://www.whatdotheyknow.com/request/802225/response/1920850/attach/html/5/FOI%20Response%2066630%20T%20Kazim%20V0.1.pdf.html> this FOIA request highlighted that it would be disclosed

However, those same log in details (identity document and date of birth, which are not re-entered by the user, rather they are passed through programmatically) are then not recognised by another part of the Home Office's systems, namely the part that retrieves and displays the immigration status.

To illustrate, we received this account from the legal representative who had submitted a paper application to the EUSS on behalf of their client:

- Three weeks after submitting the application the legal representative received a Certificate of Application by letter, explaining that this was not digital because the application had not included a telephone number or email address (this was incorrect, as the legal representative had in fact included their organisation's email and telephone number)
- After four weeks of regular contact with the Home Office, the legal representative was told that they could now log in to V&P to view the digital CoA and generate a share code
- However, although logging in correctly generated a security code, which was then correctly input into the website, the legal representative was then shown the following error message: *"We cannot find your current status in this service. This is probably because your application is still in progress. Try again when you have received a decision letter or email from the Home Office about your application."*
- When the legal representative contacted the Home Office again, she was told that there was a problem with the portal, and that the status had not yet been uploaded to the portal. The Home Office agreed to the legal representative's request to urgently escalate this problem. However, no time scale was given in which this could be fixed.
- The client is facing very severe consequences from that, as they are very vulnerable and their local authority is refusing to provide housing without seeing a share code.

Q9. Is the Home Office able to run a programmatic audit to identify all affected records where login details stored in the system that generates security codes do not have corresponding records in the system that stores immigration status?

- a. If so, has the Home Office run such an audit? Are proactive efforts made to correct these incomplete portal set-ups?
- b. If not, why is this not possible?

We would be grateful to receive a reply by Friday 16 September 2022.

Kind regards,

Monique Hawkins

Policy and Research Officer, the3million