

By email:

The Rt Hon Robert Jenrick MP - Minister for Immigration  
Lord Murray of Blidworth - Parliamentary Under Secretary of State at the Home Office

CC:

Home Office SUG team  
Independent Monitoring Authority

1 August 2023

Dear Robert Jenrick MP,

**Ongoing problem viewing and proving digital status, and entangled proof of status**

We are writing to you regarding ongoing problems with digital status, specifically being unable to access digital status at all, inability to generate share codes, or incorrect data being presented in digital status which constitute a data breach under GDPR.

We previously wrote to you about this in August 2022, and received a reply from you dated November 2022. See <https://the3million.org.uk/publication/2023011901> for both these letters.

We also wrote to you in February 2023 about a related issue, that of appeal implementation and how digital status is updated accordingly, to which we are still awaiting your response. See <https://the3million.org.uk/publication/2023021601> for our letter.

Having received more reports from affected citizens who are struggling to access employment, housing and other services with their digital-only status, we are now writing with some updated questions which follow on from our letter in August 2022.

**Inability to access digital status**

In our letter of August 2022, we asked about accounts where people are able to pass the first stage of digital status login to receive their two-factor authentication security code, but are then faced with a message that their status is not available.

When we asked our question Q9 about this situation, we had made the assumption that there were missing records in the system that stores immigration status. We asked:

*“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?”*

Your reply stated

*“Anyone who has a digital status under EUSS will have a UKVI Account, therefore we do not have any known issues where an individual has immigration status stored, without a UKVI Account that will receive security codes (two factor authentication).”*

Your reply actually addressed the opposite situation to the one we described, namely where someone has immigration status without a corresponding UKVI account (generating two-factor authentication codes). We were asking about someone who has a UKVI account (generating two-factor authentication codes) without having a corresponding immigration status *record*.

We have continued to regularly receive reports where someone can enter their details and receive their two-factor authentication code, but then cannot progress to view or prove their immigration status.

For example, this person contacted us to describe their inability to view or prove their status:

*“I cannot generate any share codes or update my passport on my pre-settled status. When I log on, I get my security code but after I enter it, the website returns an error saying **“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. Alternatively, contact us:...”**. This is despite having received my decision letter for pre-settled status 6 months ago.*

*We are currently trying to complete a mortgage application and the bank has asked for the share code, we are unsure if we will be able to proceed without it and as a consequence might lose out on the house we wish to purchase.*

*I have contacted the Resolution Centre, but am always met with the same response of 'we are looking into it' but no action has been taken for 6 months, the problem is still unresolved.”*

We also see cases where someone can successfully log in to **View** their status, but then gets an error message as soon as they proceed to press the button **Prove your status**.

For example, this person told us:

*“I can view my status online, but I'm unable to get a share code to prove my right to work. I have contacted the Home office EU Resolution Centre multiple times about it. They were also unable to generate a code for me. They tried to login on my behalf with my permission but were unable to get a share code. All they say is "we are sorry for the trouble and it is a technical problem which has been raised to our technical department".*

*I'm a student. I'm already living on a tight budget. I can only work during my semester break which is just 6 weeks. I already have lost 3 weeks just because I'm unable to get the share code. At this time of the year work is quieter. It was hard to find a job. The employer invited me for induction but I was unable to give the employer a share code. I told them to use the "employer service" to check my right to work which can take up to 10 days. So I lost this job.*

*Then I got another job offer. I provided them with all other documents except the share code and told the employer to verify my right to work by using the employer service or calling the Home Office. But in the afternoon I just received a text message from the employer "sorry the*

*vacancy has been filled". Obviously why would they bother to call and stay on a long queue for me??? When they have a lot of applicants!!!*

*I will be the one who will be having financial problems during my coming semester! I'm very stressed about it."*

We therefore ask the following questions:

#### **Problems viewing status**

- Q1. What can cause the situation where someone can log in to their UKVI account and receive a two-factor authentication code, but then receives an error instead of being presented with their immigration status?
- Q2. Is it correct for us to describe this situation as being a mismatch in status holder identification details / access keys between the UKVI account and the Person Centric Data Platform (PCDP)? If not, why not?
- Q3. Is the Home Office able to run a programmatic audit to identify all affected records in which people can successfully log into their UKVI accounts and receive a two-factor authentication code, but then receive an error instead of being presented with their immigration status?
  - a. If so, has the Home Office run such an audit? Are proactive efforts made to correct these mismatched records?
  - b. If not, why is this not possible?
- Q4. Are there additional situations where the PCDP is only temporarily unavailable to an individual, so that the same individual *is* able to view their immigration status after inputting their two-factor authentication code when they try again at a later time? If so, what causes these situations?

#### **Problems proving status**

- Q5. What can cause the situation whereby someone can log into their UKVI account, view their immigration status, but receive an error when pressing the "Prove your status" button?
- Q6. Are there situations where the status sharing services are unavailable to an individual, so that they are unable to use the "Prove your status" button, because that individual's data needs correcting? Or do such situations only arise due to problems with the availability or connectivity of Home Office services?
- Q7. Do the status sharing services (for generating *Right to Work*, *Right to Rent* and *Something Else* share codes) have their own access keys, and can those keys be misaligned with the identification details / access keys held in UKVI/PCDP?
- Q8. Is the Home Office able to run a programmatic audit to identify all affected records in which there have been instances where people can log in and view their UKVI accounts, but receive an error when they want to go on to prove their status?

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

**Further form of 'entangled status': 'entangled proof of status'**

In our letter of August 2022 we described situations whereby someone logs into their UKVI account with their identity document, but then sees the immigration status of another person, or a mixture of their own and someone else's status. We called this 'entangled status'.

Your reply acknowledges that this can happen due to data matching problems, but that in most cases it occurs with family members where biometric information is very similar. You stated that it would be 'extremely unlikely' that non-family members would be affected.

Your reply also acknowledges that this situation can happen during case working, where a case worker updates an account incorrectly.

Finally, you said that not all entangled immigration statuses result in an individual's profile being incorrect.

Since writing our letter last year, we have identified another form of entangled status. In these cases, people can successfully access their UKVI account, and at the first stage all immigration status details appear correct, including the individual's name, status type, expiry date and photograph.

However, when they proceed to generate a share code for an employer or a landlord, the system at that stage displays a status that is entangled with someone else's immigration details. For example we have received reports of where the Right to Work preview displayed the status holder's photograph, but an entirely different person's name and expiry date (even though the status holder had settled status under the EU Settlement Scheme and therefore does not have an expiry of their immigration status).

This makes the Right to Work / Right to Rent share codes worthless, since an employer / landlord will not be able to use the (entangled) proof that is presented to them as a statutory excuse for the purposes of their Right to Work / Right to Rent check.

One person we spoke to said:

*"When my prospective employer asked for my sharecode, I went on the government website to produce one. I was really shocked to see the website showing me my photo, with someone else's name and an expiry date of next January. It was all wrong.*

*I called the Home Office's Resolution Centre, thinking they would help me. I was on the phone for countless hours, with different workers who were telling me different things. I even asked my mum to join me because I really didn't understand what they wanted me to do, when it was clearly a technical problem.*

*The job I was offered went to someone else. Then I found another one. The Resolution Centre asked me to tell the employer they must go to the Employer Checking Service to check my status. I told them this - and the employer ignored me. Another lost opportunity. It took over*

*three months to fix my digital status - a mistake I was not responsible for led to me losing on income, on work experience, and so much time."*

In the cases that we have seen, there was no family relationship between the status holder and the other person whose details were being shown. The status holders we spoke to said they did not know the other person in any way, and there was no similarity in either name or type of immigration status.

In all the cases we encountered, the status holder had not updated their account in any way between share codes having worked successfully, and them then becoming entangled with someone else's.

Furthermore, it took the Home Office between six weeks and three months to fix these cases after the matter was reported to the Resolution Centre.

We will refer to this form of entangled status as 'entangled proof of status' in the rest of this letter.

We therefore ask the following questions, which comprise both follow-on questions from your reply to our August 2022 letter, and questions about this 'entangled proof of status' which we have encountered.

Q9. In your answer to our previous question Q1.b, you explained that

*"As part of processing a request to update a UKVI account holder's ID Document, we have operational safeguards in place to ensure that immigration statuses are not entangled due to a mistake by the account holder (for example if they were to input a document number incorrectly)."*

However, we spoke to someone who, together with his partner, attempted to update both their UKVI accounts with their respective renewed passports. After the update, logging in with **either** his own new passport/date of birth or his partner's new passport/date of birth resulted in his partner's immigration status being displayed, with his own immigration status becoming inaccessible. It took a month to resolve this situation after reporting to the Resolution Centre. In his initial report to us, he explained:

*"My passport got linked by mistake into my partner's profile when we updated both our accounts with new ID documents at the same time; we have no idea how this happened (perhaps via cookie settings; I may have closed the browser after updating his profile and then been redirected to his profile via cookies when I thought I had logged in using my own details). When we applied for a remortgage, we found that I could not prove my status any longer. Instead both of us could prove **his** status. Which is very concerning -, both of us have different nationalities, different names, different dates of birth."*

Recalling your assurance in your answer to our previous question Q1.b above, please provide details about the operational safeguards you have in place to prevent this happening. How would the above situation have occurred despite these safeguards?

Q10. In your answer to our previous question Q3, you stated

*"Please note that not all entangled immigration statuses result in an individual's status profile appearing incorrect."*

Do you include our description of ‘entangled proof of status’ in your set of “*entangled immigration statuses [which do not] result in an individual’s status profile appearing incorrect*”, due to the fact that their profile appears correct at the first stage (before an attempt to prove the status via share code sharing reveals the entanglement)?

Q11. Could you describe all situations you referred to where entangled immigration statuses do not result in an individual’s status profile appearing incorrect? In what ways, other than the visible, might an immigration status be entangled?

Q12. In your answer to our previous August 2022 question Q3(a), you explained that you were able to scan your data platforms to identify risks that an entangled immigration status has occurred, and that you ran this in August 2022, and that you continue to improve it.

a. For the August 2022 scan:

- i. How many cases of immigration status that were affected by entanglement did you encounter?
- ii. Out of these, in how many cases had the individual contacted you to notify you that they had discovered this?
- iii. In how many cases did you fix the entanglement before it was discovered by the individual?

b. Where someone’s display of status shows it is entangled with the details of another person, has the display of status also been entangled for the other individual?

c. How many subsequent scans were run, when were they run, and what were the above metrics for those scans?

d. Are these scans run on a regular basis, and if so how frequently?

Q13. In your answer to our previous August 2022 question Q8, you said that you would release the Data Protection Impact Assessment (DPIA) at a future date. We have seen a DPIA for the Person Centric Data Platform (PCDP), released via FOI<sup>1</sup> in December 2022.

a. Is the PCDP DPIA the same as the DPIA for View & Prove that was refused in another FOI<sup>2</sup> in November 2021? This FOI requested in its question 3 “*Please provide copies of any equality impact assessments or data protection impact assessments completed in relation to the View and Prove service.*” and was refused on the grounds of being “*exempt from disclosure under section 22 of the FOIA. This provides that information can be withheld if it is intended for future publication.*”

b. If the View & Prove DPIA is distinct from the PCDP DPIA, are you now in a position to disclose the View & Prove DPIA? If not, what is the reason for not disclosing it now if in November 2021 you stated it was intended for future publication?

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<sup>1</sup> [https://www.whatdotheyknow.com/request/transfer\\_of\\_data\\_from\\_case\\_infor](https://www.whatdotheyknow.com/request/transfer_of_data_from_case_infor)

<sup>2</sup> [https://www.whatdotheyknow.com/request/information\\_collected\\_through\\_th](https://www.whatdotheyknow.com/request/information_collected_through_th)

- Q14. What can cause the situation where someone can log into their UKVI account, view their correct immigration status details, but when pressing the “Prove your status” button then see entangled proof of status?
- Q15. The experiences shared with us indicate that fixing these problems can take from weeks to months. Why does it require such a long time to repair an individual’s entangled status, or entangled proof of status, after it has been reported to the Settlement Resolution Centre?
- Q16. How many reports of entangled status, and of entangled proof of status, has the Settlement Resolution Centre received since 1 July 2021?
- Q17. Is the Home Office able to run a programmatic audit to identify all affected records where people can log into their UKVI accounts and view their correct immigration status details, but when pressing the “Prove your status” button then see entangled proof of status?
- a. If so, has the Home Office run such an audit? Are proactive efforts made to correct these mismatched records?
  - b. Where someone’s proof of status shows it is entangled with the details of another person, has the proof of status also been entangled for the other individual?
  - c. If an audit has been run, how many records were identified as affected by ‘entangled proof of status’?
  - d. If an audit has not been run, why is this not possible?

We would be grateful to receive a reply by the end of September 2023.

Kind regards,

Monique Hawkins  
Policy and Research Officer, the3million