

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

18 July 2023

Dear Robert Jenrick MP,

**Loss of rights caused by flawed communications and circular upgrade-trap from pre-settled to settled**

We wrote to the Home Office in [May 2022](#)<sup>1</sup>, setting out in detail the problematic advertising around the upgrade path from pre-settled to settled status. We explained that many people will be led to incorrectly add residence evidence to already decided applications, which will not be looked at by the Home Office.

To summarise the problem - if people follow the instructions on the GOV.UK website they are highly likely to:

- sign in to their dashboard and add evidence to their (completed) pre-settled status application, rather than
- start completely afresh with proving identity and providing biometrics by using the “EU Exit: ID Document Check” app to create a brand-new application for settled status.

We have created a video to illustrate the problem visually - which is available to [watch here](#).

We have alerted the Home Office to this on numerous occasions over the last year<sup>2</sup> but nothing has improved. Our concerns were ignored and the problem got worse, as we set out below.

The wording of Home Office mass emails (to those whose pre-settled status is due to expire) **strongly reinforces the misleading instruction to sign in** to existing applications. In March 2023 we had sight of the mass mailer that was sent out to those pre-settled status holders whose status would expire within six months. The mailer included the text (our emphasis):

*“It is free to apply. If applying for settled status, visit [www.gov.uk/eusettlementscheme](http://www.gov.uk/eusettlementscheme) and follow the instructions on GOV.UK, **including signing in** to your digital UK Visas and Immigration (UKVI)*

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<sup>1</sup> <https://the3million.org.uk/publication/2022053001>

<sup>2</sup> See <https://the3million.org.uk/publication/2022100401> for the entire correspondence chain. In May 2022, the Home Office welcomed our feedback but did not engage with any substance. In August 2022 we wrote a follow-up letter, and in October 2022 we again received a letter which did not engage with our questions and suggestions around the upgrade process.

*account. You will have created a UKVI account when you first applied to the EUSS. A link to sign into your account is included in the GOV.UK application page.”*

Nothing had changed to improve instructions on the GOV.UK website, or on what is shown to people when they sign into their dashboard. We raised our concern on the working in the mass mailer via the EU Delegation, but the Home Office did not make any changes as a result.

On 17th May 2023, I raised the issue at an FBIS Engagement meeting which included a discussion about the Home Office’s increased drive to **re-use** biometrics. I mentioned that in contrast, EUSS upgrade applications require people specifically to **re-supply** their biometrics. The Engagement Lead emailed me after the meeting requesting more information, and I supplied the previous correspondence, pointing to our May 2022 letter which sets out full details. I have heard nothing since.

On 19th June 2023, I raised the issue again at a meeting of the Stakeholder Users Group (SUG), and was asked to forward the correspondence again. I was informed on 27th June that various colleagues at the Home Office have been looking into the issue.

On 10th July, we received an email from the SUG with a copy of the latest monthly mass mailer to be sent out. It includes text identical to that quoted above from the March 2023 mailer. No additional information is given explaining that people must NOT sign in to their digital UKVI account, and must instead start afresh to provide biometrics and proof of identity that they have already supplied.

We are extremely disappointed that you have not engaged with our concerns and constructive feedback. We continue to encounter people who think they are waiting for a decision on a settled status application, whereas in reality they have added evidence to an already decided application which will not be considered or even looked at.

These people:

- are being denied the security they are seeking in having settled status
- may be denied access to welfare support that they should have been entitled to receive
- may be forced to pay higher mortgage rates, or indeed be unable to access a mortgage at all, by virtue of having only a time-limited pre-settled status
- may have a newborn baby who would have been born British if only the parent had received settled status in time - instead having to pay substantial fees if they want to have their child registered as a British citizen at a later date

Above all, they are suffering the anxiety of waiting for a decision from the Home Office - that will never come - in a UK climate which is increasingly hostile to immigrants, and where the number of refusals are steadily increasing.

We therefore now ask the following questions:

Q1. Please revisit [our letter of 18 May 2022](#)<sup>3</sup>, and reply individually to each of the questions Q1 to Q7 in that letter.

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<sup>3</sup> <https://the3million.org.uk/sites/default/files/documents/t3m-Settled-letter-HO-UpgradePathPSSstoSS-18May2022.pdf>

Q2. We have repeatedly alerted the Home Office to the administrative obstacles and misleading communications which mean that many people are not successfully submitting correct applications for settled status.

Upgrade applications are only submitted correctly if people prove their identity afresh<sup>4</sup>, which involves:

- going through the process of using an app to scan their identity document - even if they have already done so in the past when applying for pre-settled status, or
- If they cannot use the app, entering their document details online and sending their identity document by post, or
- if they cannot use the two previous options, they must request a paper application or visit a scanning centre<sup>5</sup> many of which have closed over time (the website still refers to Covid closures even at time of writing). If their identity document has expired since their pre-settled status application, they are required to face the expense of renewing their passport, even if they never travel. However, this option is not available from the website<sup>6</sup> under the heading “*I will prove my identity in another way*” which instead only provides a link (labelled “*I want to use the app or book an appointment*”) back to a page giving a choice of using the app or sending identity documents by post. This is therefore a circular link which does not allow people to reach the information about scanning centres.

The aforementioned GOV.UK webpage on proving identity (<https://apply-to-visit-or-stay-in-the-uk.homeoffice.gov.uk/euss/prove-your-identity>) states that after the identity document is checked, a UK Visas and Immigration account will be created. This is confusing to those upgrading from pre-settled status to settled status because they will already have a UK Visas and Immigration account. This is likely to therefore lead them to abandon this step, instead returning to the previous page and signing into their existing UK Visas and Immigration account, adding evidence to their closed pre-settled status applications.

Article 18(1)(e) of the Withdrawal Agreement states “*the host State shall ensure that any administrative procedures for applications are smooth, transparent and simple, and that any unnecessary administrative burdens are avoided;*”.

Would you agree the Home Office is in breach of Article 18(1)(e) of the Withdrawal Agreement specifically with respect to these upgrade applications?

See our appendix for recent screenshots of the Dashboard and EU Settlement Scheme upgrade instructions.

Kind regards,

Monique Hawkins  
Policy and Research Officer and Interim Co-CEO, the3million

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<sup>4</sup> <https://apply-to-visit-or-stay-in-the-uk.homeoffice.gov.uk/euss/prove-your-identity>

<sup>5</sup> <https://www.gov.uk/government/publications/eu-settlement-scheme-id-document-scanner-locations>

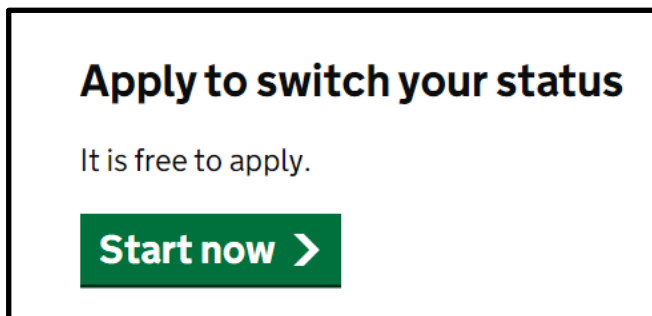
<sup>6</sup> <https://apply-to-visit-or-stay-in-the-uk.homeoffice.gov.uk/euss/send-identity-document-post>

## Appendix

Showing screenshots of the government's EU Settlement Scheme instructions, and UKVI Dashboard.

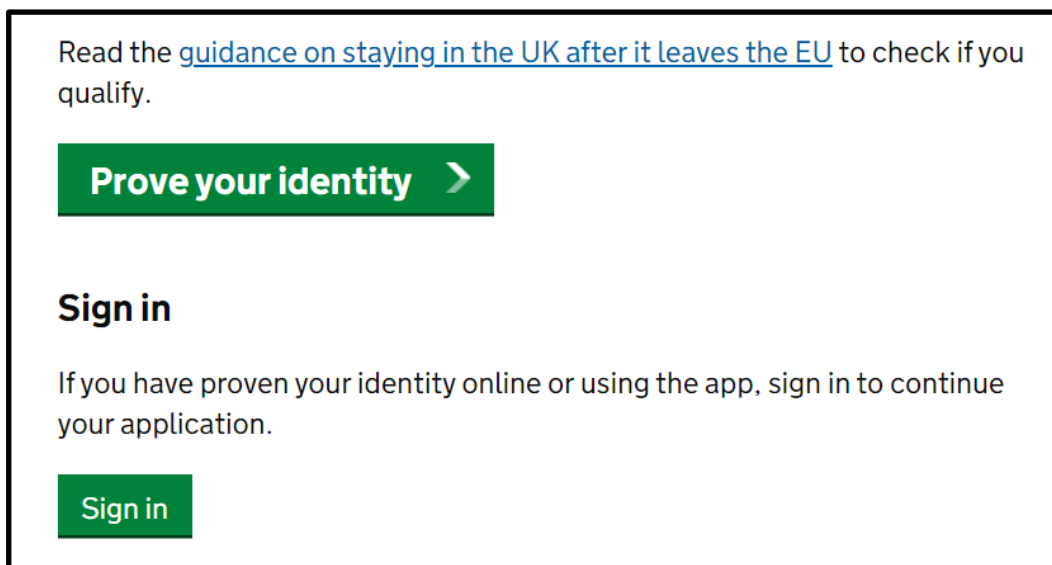
### GOV.UK Page: Switch from pre-settled status to settled status

<https://www.gov.uk/settled-status-eu-citizens-families/switch-from-presettled-status-to-settled-status>



Pressing this button takes one to

[https://apply-to-visit-or-stay-in-the-uk.homeoffice.gov.uk/euss?\\_ga=2.84206737.928110530.1689240125-438564869.1683626801](https://apply-to-visit-or-stay-in-the-uk.homeoffice.gov.uk/euss?_ga=2.84206737.928110530.1689240125-438564869.1683626801), which includes text with two buttons:



People understand that they need to prove their identity, but many read the sentence "*If you have proven your identity online or using the app*" to mean that they do not need to do so again if they have previously proved their identity to the Home Office. **The mass mailer text strongly reinforces this (incorrect) interpretation.**

## If choosing “Prove your identity”:

Following the link “Prove your identity” leads one to the following screen:

# How you prove your identity

To help us confirm your identity and nationality, we need to check your identity document.

You can:

- use the 'EU Exit: ID Document Check' iPhone app or Android app on your phone or someone else's
- enter your document details online and send your identity document by post

If you send your identity document by post, we will return it by Royal Mail Signed For 2nd Class delivery.

## After your identity document has been checked

Using details from your identity document, we will create your UK Visas and Immigration account and send you a code to access it.

You will need to sign in to complete your application.

If your application is successful, you can use your account to [view and prove your immigration status](#).

You can complete your application on a computer or any device.

[Continue](#)

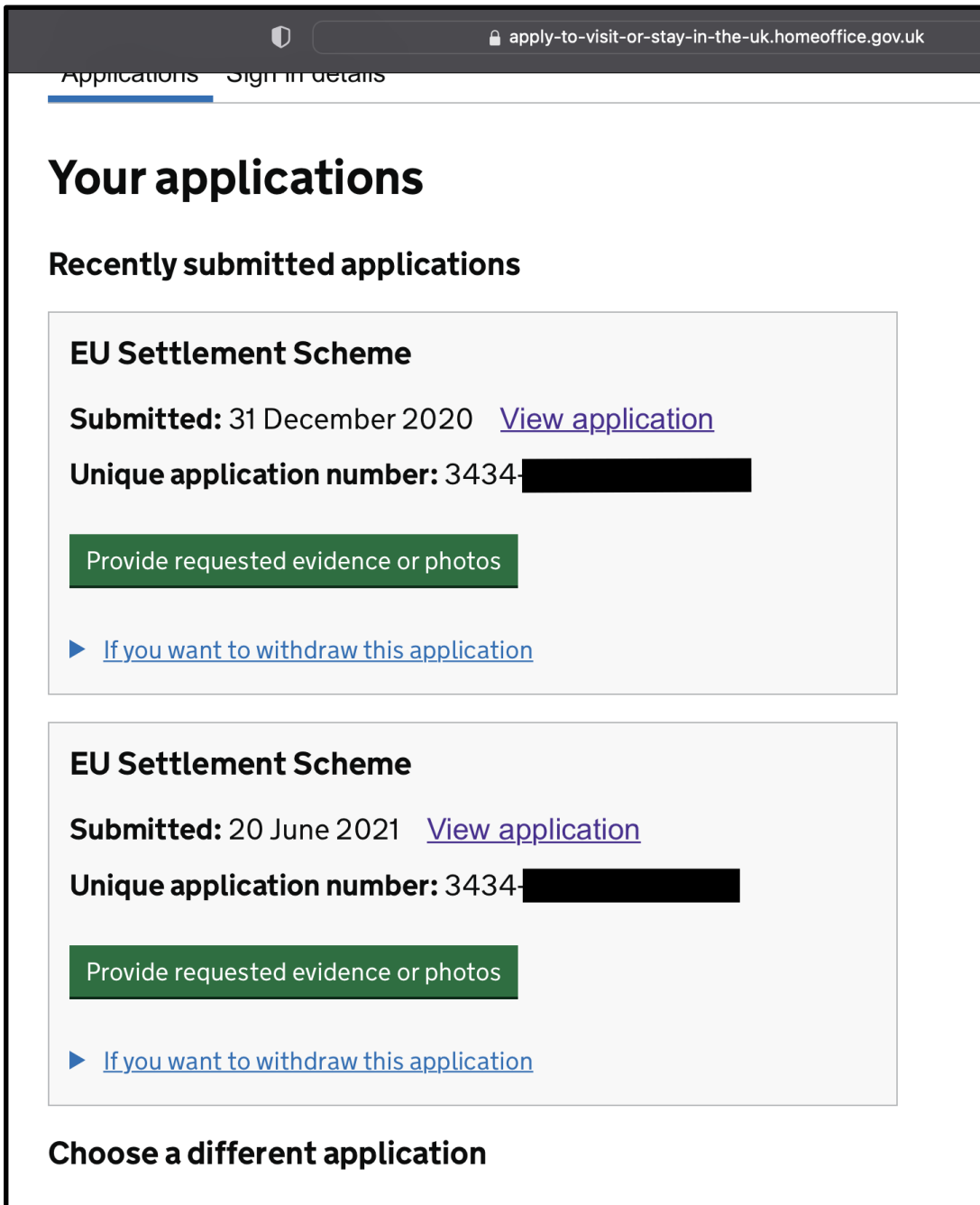
Because this screen says that after checking identity, a UK Visas and Immigration account will be created, people may think this is an incorrect path to have gone down, because they already have a UK Visas and Immigration account.

They may therefore return from here, and choose the “Sign-In” path instead.

## If choosing “Sign-In”:

When people choose the “Sign In” button, they are taken to their UKVI Dashboard (as also referred to in the mass mailer text).

Below is an example of what someone sees who had an application refused, before receiving help and submitting another application that was granted.



The screenshot shows a web browser window with the URL `apply-to-visit-or-stay-in-the-uk.homeoffice.gov.uk`. The page title is "Applications" and the current page is "Sign in details". The main heading is "Your applications". Underneath, there is a section titled "Recently submitted applications". There are two application entries, both for the "EU Settlement Scheme".

**EU Settlement Scheme**  
**Submitted:** 31 December 2020 [View application](#)  
**Unique application number:** 3434- [REDACTED]

[Provide requested evidence or photos](#)

[If you want to withdraw this application](#)

**EU Settlement Scheme**  
**Submitted:** 20 June 2021 [View application](#)  
**Unique application number:** 3434- [REDACTED]

[Provide requested evidence or photos](#)

[If you want to withdraw this application](#)

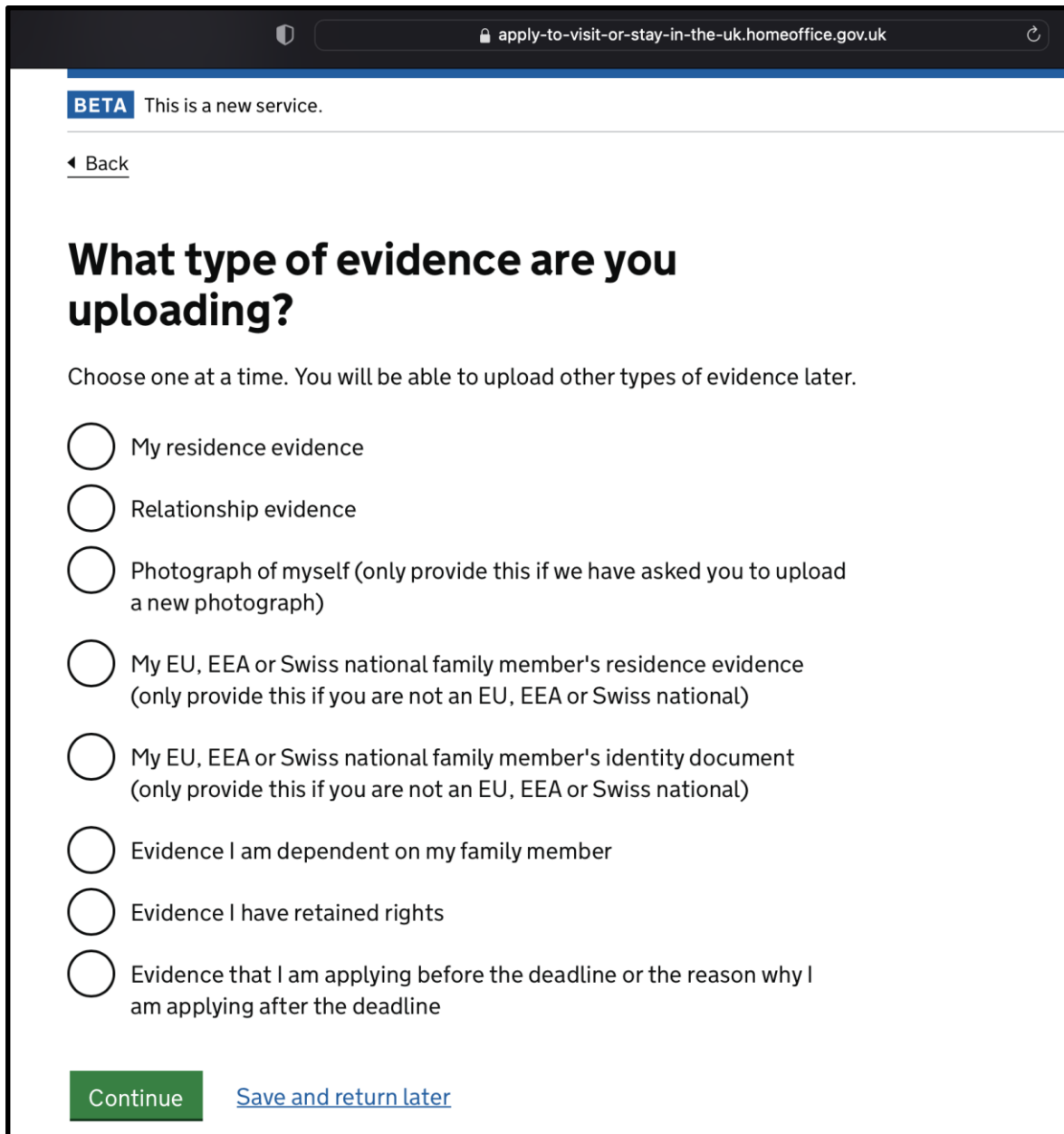
**Choose a different application**

Nothing on this dashboard shows:

- Whether the application is open or closed
- The outcome of the application (as it turns out, the earlier one is closed and refused, the later one is closed and granted pre-settled status)

On the contrary, each of these (closed) applications has an active button stating “Provide requested evidence or photos”.

Despite the applications now being closed, this button can be accessed on both applications, leading to the following screen:

A screenshot of a web browser showing a form titled "What type of evidence are you uploading?". The browser's address bar shows "apply-to-visit-or-stay-in-the-uk.homeoffice.gov.uk". At the top left of the page, there is a "BETA" label and the text "This is a new service.". Below this is a "Back" link. The main heading is "What type of evidence are you uploading?". Below the heading is the instruction "Choose one at a time. You will be able to upload other types of evidence later.". There are eight radio button options: "My residence evidence", "Relationship evidence", "Photograph of myself (only provide this if we have asked you to upload a new photograph)", "My EU, EEA or Swiss national family member's residence evidence (only provide this if you are not an EU, EEA or Swiss national)", "My EU, EEA or Swiss national family member's identity document (only provide this if you are not an EU, EEA or Swiss national)", "Evidence I am dependent on my family member", "Evidence I have retained rights", and "Evidence that I am applying before the deadline or the reason why I am applying after the deadline". At the bottom left is a green "Continue" button, and at the bottom right is a blue "Save and return later" link.

It is entirely understandable that someone would select “My residence evidence” and add additional evidence to show they have now been in the UK for five years.