

By email only

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cc: Paul Howarth, Head of Engagement, Strategic Engagement & Delivery Improvement Unit, Future Border & Immigration System (FBIS) Programme, Migration and Borders Group, Home Office

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Dear Ed,

The UK's Transition to eVisas: A Digital-only Immigration System Not Fit for Purpose

We, the undersigned, write to express our considerable concerns with the processes involved in the digitalisation of immigration status in the UK. We represent experienced practitioners, advisers, frontline workers, experts, and organisations working in the field of immigration and asylum, many of whom have been engaged with the Home Office through various forums and stakeholder and advisory groups for considerable time.

However, numerous concerns, which we have consistently raised, have not been addressed and do not appear to have been factored into the rushed roll-out of the transition to eVisas. We write to ensure that our collective expertise is heeded.

Our Concerns

We have repeatedly raised, to various Home Office representatives, issues relating to the:

- Roll-out of eVisas and the impending deadline of 31 December 2024;
- Creation of UKVI accounts for physical immigration document holders;
- View and Prove system failures and technical issues;
- Concurrent roll-out of Electronic Travel Authorisation (ETA); and
- Carriers' Liability changes and the requirement to access interactive Advance Passenger Information (iAPI).

We have five cross-cutting concerns:

I. Lack of harmonisation in the wider strategy for digitalisation of the immigration system

There does not appear to be a harmonious roadmap across the various Home Office policy teams, departments, officials, etc., which delivers a consolidated and comprehensive view of all the changes which are being introduced, including with the cliff-edge deadline of 31 December 2024, and of the collective impact of the wider strategy. The introduction of the ETA scheme is scheduled to coincide with the digitalisation of physical immigration documents. The ETA scheme

is already going to be a steep learning curve for carriers, given it entails a new universal permission to travel requirement. Alongside this, the Home Office intends to introduce significant changes to liability of carriers who must check that migrants who require no visa to visit the UK, have not been refused an ETA or had one cancelled, and have the appropriate permission to travel (including in electronic form) or the carriers are at risk of a £50,000 civil penalty;¹ the implementation of a completely new iAPI system for carriers, which is part of a Home Office digital environment with extensive known flaws; and the self-imposed deadline for the Home Office to digitalise Biometric Residence Permits (BRPs) and Biometric Residence Cards (BRCs). It appears as if each policy is being considered in isolation, without consideration of the full implications of other changes in policy which share the same timeline. For example, stakeholders are told in meetings about ETAs that discussions of digitalisation are irrelevant. This exemplifies not only the lack of a coordinated approach, but also ignorance of stakeholder expertise with regard to the impact that these sweeping simultaneous changes will have.

II. Absence of transitional phase after 31 December 2024

We remain highly concerned that the Home Office's self-imposed deadline, of 31 December 2024, for the majority of immigration digitalisation policies will be a disastrous cliff-edge for many of the millions of migrants in the UK subject to this change. Not only will migrants be affected, so too will British employers, landlords, families, and vulnerable persons. There is, for example, no planned transitional phase to enable individuals to show expired BRPs to carriers, to enable individuals overseas to safely travel back to the UK. There is no back-up plan to enable individuals to have offline proof of their status. If a physical immigration document is still needed for a specific unforeseen purpose, such as if View and Prove fails to show the individual's correct personal or immigration status information, the catastrophic effect of that cliff-edge will be increased. We harbour no doubt that this will result in a second scandal, akin to Windrush, insofar as people will be unable to prove and enforce their ability to enter the UK, as well as live, work, and rent in it. Their inability to prove their status may result in them losing a home they wish to rent, being passed over for a role, and the inability to travel, including to be with family or to return to their home, school, or job in the UK.

III. Technical errors

The inability of migrants to work, rent, bank or access basic services if they cannot prove their immigration status is well known, and most vividly exemplified by the injustices suffered by the Windrush generation. With the complete digitalisation of the immigration system, numerous new systems (ETA, iAPI, eVisas and View and Prove) must all function seamlessly. There can be no allowance for even small percentage errors given the consequential significant interference with the rights of thousands if not millions of individuals.

The Home Office has had five years to prepare for the phasing out of BRPs and BRCs, but it has built no safety net in this time, to protect individuals from the adverse effects of technology's failure, such as outage, glitches, or breaches of security. In the last month, we have seen chaos at airports, reported by [the Telegraph](#) to have been caused by a complete shutdown of the main

¹ See Home Office, 'Authority to Carry Scheme 2023' (3 April 2023) <<https://www.gov.uk/government/publications/authority-to-carry-scheme-2023/authority-to-carry-scheme-2023-accessible>> accessed 23 May 2024.

Border Force security database. We have seen a subsidiary of the Home Office’s commercial partner Sopra Steria, which holds the contract for scanning the passports of individuals and taking their biometrics, be [hacked](#). We are concerned by the existing documented issues, not least those referred to by [The Guardian](#), faced by thousands of migrants where their eVisa records someone else’s personal information and shows the wrong name, photograph, or status due to a flaw in the Home Office’s data platform. The Horizon Post Office scandal exemplifies the scale and severity of faulty software’s human and legal impact. This Government has these scandals from which to learn.

We are also concerned by reports from the 3million about carriers’ unwillingness to engage in the View and Prove process, with people being denied boarding as a result. This interferes with the rights of individuals to respect for their private and family lives.

We are concerned with the failure of the Government to address these concerns at speed, given the year-end cut-off deadline. It is compounded by the failure to set up a dedicated and free 24/7 contact centre, accessible from the UK and abroad, staffed by Home Office officials with expertise in View and Prove, the digital system, and immigration visa statuses, for which we have long called.

Clearly, there is a significant risk of migrants being left without documentation to prove their status. The necessary steps are not being taken to remove this risk.

IV. Vulnerable Migrants

Those who are likely to be worst affected and most vulnerable when the cliff-edge comes on 1 January 2025 include migrants with disabilities, learning difficulties, language barriers, age barriers, a lack of access to technology, children and young people in care or those who have been victims of abuse or other crimes. These cohorts of migrants are less likely to have access to smartphones or the internet, on which the entire eVisa system is based, and consequently risk becoming subject to the UK’s “hostile environment” measures much more easily.

There has been insufficient engagement with these cohorts. Only now, at the eleventh hour, is the Home Office beginning to consider if organisations can provide support.² We are concerned by the lack of effort to address the experiences of these migrants, to make reasonable adjustments, and to action our recommendations thus far.

V. Public Awareness

Many of us have been “consulted” on the Home Office’s planned communications around eVisas through the Future Borders & Immigration System (FBIS) advisory groups. We are concerned about the Home Office’s failure to raise sufficient public awareness in two respects.

First, communications are too late. The Home Office has unnecessarily imposed a deadline of 31 December 2024 and has been issuing BRPs with this deadline for years. Whilst the reason for the

² Transition to eVisa Fund (open 13 May 2024, closing 19 June 2024) <<https://find-government-grants.service.gov.uk/grants/transition-to-evisa-fund-1#apply>> accessed 23 May 2024.

chosen expiry date changed when the UK left the EU, there has been zero public awareness raising.

The Home Office is only now beginning to send emails to status-holders who need to create a UKVI account to access their status. The Home Office cannot and should not assume that an email sent to the address on its records will reach the individual concerned for multiple reasons. The Home Office's present approach is to send emails with no identifying details to ensure the correct person receives the email.³ Currently, no application numbers or names of the individuals are included in those emails. We welcomed the indication given in early April that this would be addressed and look forward to receiving emails with some form of identifying marker. However, we have yet to see any. Rather, the Home Office has continued to send generic emails with no means of identifying who they are intended to address. The Government's own guidance advises in 'spotting fake email addresses' that official Home Office email addresses are always in the format name.surname@homeoffice.gov.uk, whereas emails are being sent from donotreply.evisadirectmail@notifications.service.gov.uk.⁴

Second, communications are unclear. The examples of campaigns we have seen do not make explicit the consequences of not having an eVisa when travelling (that you may not be able to return home). They also do not provide sufficient detail as to how proving of status beyond 31 December 2024 will occur, for example when travelling.

The majority of Home Office awareness communications so far have been via stakeholder groups. The Home Office should take responsibility for raising awareness with the wider general public, since the Government is pushing its rushed timeline. Even if this is done now, at this late hour, we are concerned that the limited awareness which may be raised last-minute will not protect people from being stranded overseas.

We are reminded of the Government's awareness campaigns following the introduction of the EU Settlement Scheme (EUSS) ahead of the UK leaving the EU. These campaigns included emails, public posters, communications via representatives, and community groups, as well as engagement with charities and organisations assisting vulnerable persons. We acknowledge that although it was significant, it was still insufficient. This is clearly illustrated by the more than 230,000 successful grants of status to "late" EUSS applicants for those who were legally resident in the UK prior to 31 December 2020.⁵ When we consider the recent failings of the EUSS awareness campaigns and the comparatively extremely low levels of engagement on digitalisation, against the huge potential for adverse consequences stemming from the digitalisation project, it is clear that the Government's efforts are woefully inadequate.

³ ILPA, 'ILPA letter to FBIS in response to emails inviting the creation of a UKVI account' (19 March 2024) <<https://ilpa.org.uk/ilpa-letter-to-fbis-in-response-to-emails-inviting-the-creation-of-a-ukvi-account-19-march-2024/>> accessed 23 May 2024.

⁴ UKVI, 'Fraud, tricks and scams: guidance' (8 May 2024) <<https://www.gov.uk/government/publications/frauds-tricks-and-scams/fraud-tricks-and-scams>> accessed 23 May 2024.

⁵ Home Office, 'How many people have been granted settlement via the EU Settlement Scheme?' (23 May 2024) <<https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-march-2024/how-many-people-have-been-granted-settlement-via-the-eu-settlement-scheme#s3>> accessed 23 May 2024.

Our Recommendations

We have been abundantly clear that we believe that millions of people could be adversely affected, including British citizens and children, by the systemic current and future failures of the new digital-only immigration system.

We implore you to accept and action our recommendations, which are borne from significant expertise, knowledge, and experience in this field.

In the Immediate Term:

1. Instead of leaving individuals in precarious situations and unable to prove their rights when technology fails or is inaccessible, until it is certain that *every person* can prove and access their status without technological error in any circumstance they would require it, the Home Office must:
 - a. Accept expired physical evidence of immigration status; and/or
 - b. Issue new physical evidence of immigration status.

2. Engagement must be meaningful. We recommend informative personalised and tailored as well as mass forms of communication across a wider-range of media, including advertisements, wider email campaigns, and direct engagement with charities and community groups. Most importantly the lessons from EUSS and Windrush must be learned and mistakes must not be repeated.

3. There must be a helpline that can be contacted in the UK and abroad for free by, and that is available 24/7 with translation services, to migrants, carriers, employers, landlords and others for:
 - a. obtaining certified on the spot confirmation of a person's UK immigration status where the normal mechanisms fail;
 - b. one-off assistance with transfer to eVisa; and
 - c. ongoing problems accessing status.

In the Medium Term:

4. The Home Office should introduce digital tokens akin to the QR codes used for COVID-Status Certification which could be accessed either without internet connection and/or be printed out.⁶ The use of a secure QR-based alternative is in line with recommendations of the International Civil Aviation Organisation.

We look forward to hearing from you and to future direct, meaningful, and responsive engagement.

⁶ the3million, 'the3million paper on cost-effective, secure physical proof of status' (10 June 2021) <<https://the3million.org.uk/publication/2021061001>> accessed 11 March 2024; the3million, 'Letter to Home Office minister on 'fixing the digital status' proposal' (8 March 2022) <<https://the3million.org.uk/publication/2022030802>> accessed 11 March 2024; the3million, 'Reply to Home Office addressing their questions to us around alternative solutions to digital-only status' (8 November 2023) <<https://the3million.org.uk/publication/2023110801>> accessed 11 March 2024; the3million, 'the3million briefing calling on the Government to give everyone with pre-settled status access to welfare support, provide a physical back-up to digital immigration status, and stop unfair NHS charges.' (6 October 2023) <<https://the3million.org.uk/publication/2023100601>> accessed 11 March 2024.

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