



Home Office

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Dame Meg Hillier MP
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30 March 2022

Dear Meg,

Thank you for your letters of 16 December 2021 and 20 January where you ask about amendments to the Nationality and Borders Bill, which would have required the Secretary of State to issue physical proof confirming immigration status, and about progress with considering an app-based method of proving status. I am sorry for the delay in replying.

Our existing online services enable those issued with an eVisa to demonstrate their status easily and quickly. Employers and landlords (in England) who check proof of status using the online service do acquire a statutory excuse against prosecution, as they would when checking a physical document.

We are continuing to modernise and digitise the Right to Work and Rent Schemes and support employers and landlords by simplifying their checks and processes. As part of this modernization, from 6 April 2022 holders of biometric residence cards (BRCs) and biometric residence permits (BRPs) will need to use the secure online 'right to rent' and 'right to work' services to share their status with employers and landlords, rather than presenting the physical card. This will both increase the security of the Schemes and make checks more efficient.

Advance notice of the change has been communicated to stakeholders and GOV.UK has been updated. The Immigration (Restrictions on Employment and Residential Accommodation) (Prescribed Requirements and Codes of Practice) and Licensing Act 2003 (Personal and Premises Licences) (Forms) etc, Regulations 2022, which give effect to the requirement for BRC and BRP holders to demonstrate their right to work and rent using the online service, was laid in Parliament on 9 March.

As part of this work, we are also taking steps to reduce the number of circumstances where individuals need to provide evidence of their immigration status. This includes the development of services to make the relevant immigration status information available automatically through system-to-system checks. At the point where a person seeks to access public services, the service provider will check status directly with the Home Office, removing the need for the individual to prove their status. Currently, this applies to services with the Department for Work and Pensions (DWP), HM Revenue and Customs (HMRC) and NHS England and Wales, as well as at the UK border.

Non-visa nationals, including EEA citizens, who have an eVisa are not required to provide evidence of status at the UK border. Provided the individual travels using a document they either used to apply, or have additionally registered to their UKVI account, their eVisa will be automatically recognised at the border. Where an individual travels on a document which is not known to the Home Office, they may be asked further questions or further manual checks may be conducted to verify their status and allow them to proceed.

We have put in place numerous safeguards to ensure those who are less digitally capable are able to navigate the online services and prove their rights. The Resolution Centre provides telephone support to those using the online services. It can:

- support users through the online journey;
- help them to access or recover their account;
- help them to update their personal details;
- share status on behalf of individuals if they are unable to do so themselves.

The Resolution Centre is also able to assist users who are experiencing technical issues, and where necessary, enable a user's status to be verified through alternative means.

We have carefully considered the 3Million suggestion we should use an approach similar to the COVID-19 certification to issue physical proof of status, using a QR code (the app-based solution to which you refer in your letter, whereby an app would be used to read the QR code on a document). We considered a wide range of factors, not least using this method in the context of demonstrating vaccination status is not equivalent to using it to show real-time immigration status, since a person's immigration status can change in a way which their vaccination status, which is a historic record, cannot. The information on an insecure printed document, even one validated by a QR code, would not be a secure method of sharing and proving immigration status in a way which gives confidence to the user and the checker. We consider it would open the system up to potential fraud and abuse because the QR code would not be sufficient to verify the identity of the document holder.

We explored whether we could incorporate a facial image into the QR code, but we have found the technology would not support inclusion of high-resolution facial images due to the limitation on the amount of data which can be encoded in a QR code. Nor would sharing status using a persistent QR code adhere to the principles of data minimisation, whereby only as much personal data as needed for the checking purpose should be shared and should only be accessible for as long as is required, to avoid unnecessary sharing of personal information. A single QR code could not provide this differentiated and time limited sharing. In addition, the checker would require an app on an internet enabled device capable of reading the code, whereas any internet enabled device with a web browser can be used to check a share code, which is designed to work on a range of devices to which a checker may have access.

Our reply to the 3Million provides a full explanation and is available on their website at:

<https://www.the3million.org.uk/library>.

Having heard the arguments put forward in support of and against clause 79 at Report stage on 8 March, the House of Lords voted against adding the clause to the Nationality and Borders Bill which would have required the Secretary of State to issue physical proof confirming immigration status to anyone who asks for such proof.

We are committed to continuously improving our services based on feedback from users. As an example, based on feedback some share codes generated through the View and

Prove services sometimes expire before they can be used, their validity duration has been increased from 30 to 90 days. This will help reduce the need for third parties to contact the person to ask them to generate a fresh share code, whilst maintaining the principle third-party access to a person's immigration status should not be indefinite.

We will continue to work to improve the user experience and will announce any further initiatives as we make them. We are aware the 3Million have now made further representations in support of their proposals. We will consider the points they have raised and respond in due course.

With my very best wishes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K Foster', with a large flourish at the end.

Kevin Foster MP
Minister for Safe and Legal Migration