

Provide EU citizens with a physical document as proof of (pre-)settled status

The Government has responded to a [petition](#)¹ calling for a physical document as proof of settled and pre-settled status. **the3million**, which represents EU citizens having to apply via the scheme, wishes to react to the response.

the3million has long argued that physical documents to evidence immigration status are essential to navigate the UK's hostile environment, and you can read their arguments [here](#)².

In summary:

It is essential that EU citizens be given a physical document to prove their status:

- lack of physical documents is proven to lead to **discrimination**
- **centralised databases** should be introduced with extreme caution
- physical documents provide **security**
- online systems can be **temporarily offline**
- online systems can be and frequently are **hacked**

the3million's response follows each part of the Government's response inside a box in italics. Bold emphasis has been added by this paper, and is not in the original text.

*The EU Settlement Scheme protects the rights of EU citizens in UK law and gives them a secure digital status, which unlike a physical document, cannot be **lost, stolen, damaged or tampered with**.*

It is not correct to say that a digital status cannot be lost or damaged. Aside from the ever-present risk of digital data being lost or corrupted, a citizen's access to the data is easily lost if they lose their passport, telephone or access to their email account.

To access the status, recipients need to enter their passport number and date of birth. They then are issued a code sent to their phone or email address. We know of cases where confusion was created by someone who changed telephone provider and took a new email address, both at the same time. It was impossible to get to various accounts, as two-step verification sends codes to places that become inaccessible. If a passport is **stolen or lost**, the citizen will not be able to access their status if they do not know their passport number.

We have seen an EU citizen who has settled status, but on trying to access the right-to-work scheme to generate a code for an employer has faced the error message "We can't show your record" - so the status was **lost** for all practical purposes at that point in time.

It is not correct to say that a digital status cannot be **stolen**. Digital data is regularly stolen – see [this article](#)³ which states "Seldom does a week go by without a major data breach being reported."

We have seen an EU citizen whose photograph has disappeared when they access their settled status online. Their status has been **damaged**.

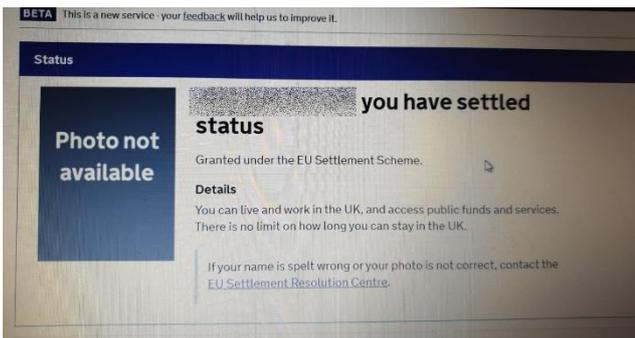
¹ <https://petition.parliament.uk/petitions/240611>

² https://bit.ly/t3m_EUSS_PhysicalDocuments

³ <https://www.computerworld.com/article/3412255/the-most-significant-data-breaches.html>

It is not correct to say that a digital status cannot be **tampered with**. Being digital, it can be tampered with far more easily without the status holder’s knowledge than a physical card in their protection. Indeed, we know of an EU citizen who recently discovered that the photograph of her digital settled status had been swapped for a different photograph (sourced from her Permanent Residence application) without her knowledge or consent. That is totally unacceptable.

To the citizen, to be in possession of a physical document would feel like a status that was truly “given to them”, whereas a digital status feels more like a “loan” - less secure for the citizen and at the grace of the “lender” of the status, the Home Office. If a photograph can be changed or removed without consent or knowledge, if a record can be withheld for no reason, the status itself can be changed or withdrawn - whether by the Home Office or a malicious outside agent.



*As set out in the Government’s White Paper on the future skills-based immigration system, from 2021 individuals will increasingly be required to use online services to demonstrate their immigration status to others. However, the Home Office is transitioning towards digital status, **recognising individuals and organisations need time to adjust**. We have been clear that EEA and Swiss citizens can continue to use their passport or national identity card to travel to and evidence their status in the UK until the new border and immigration system is introduced in 2021. There is no requirement for them to start using their digital status until then.*

At the time of writing, 2021 is only 16 months away. At that time, over 3 million EU citizens will be the forced guinea pigs in a new digital system, in which they will be the **only** group of citizens to have a digital-only status. The Netherlands recently trialled such a digital identity system, using far more secure technology than the EU Settlement Scheme, and carefully trialled it with both citizens and businesses in two municipalities. The trial was to be “subjected to scientific research to explore the social, ethical, technological, legal, economic and consumer aspects. The results will form the basis for determining whether and how the idea should be pursued.”⁴ The research is ongoing, and the digital identity is not anticipated to be used in the near future. In contrast, **the EU Settlement Scheme digital-only scheme is going ahead without any trials, backup or even support from its intended users**. Given the risks to security of status, potential problems with discrimination (set out below) and other barriers it is reckless to subject such a large number of people to something that has yet to be substantively trialed.

⁴ <https://www.tudelft.nl/en/2018/tu-delft/tu-delft-helps-develop-digital-id-for-use-on-your-phone/>

*This provides significant period of transition during which individuals can choose whether to use their digital status. Many of those granted status under the EU Settlement Scheme (EUSS) are already using their digital status to prove their right to work. And our research with users indicates that **many people granted EUSS leave want to use their digital status to prove their rights** across a range of other scenarios. **Feedback so far on the digital status service has been positive.** Users find it simple and easy to use. The service has been designed to be widely accessible so that most users will not require any assistance accessing or using their status. We recognise there will be a small minority who do not find it as easy to use; that is why we provide a range of support to them.*

This is untrue on all counts.

There is no effective transition. EU citizens currently **do not require** their digital status to prove their right to work – they only need their EU passport or identity card. Those that **are** choosing to use their digital status under EUSS to prove their right to work are mostly non-EU family members, and they actually **do** receive a physical proof of status in addition to a digital status.

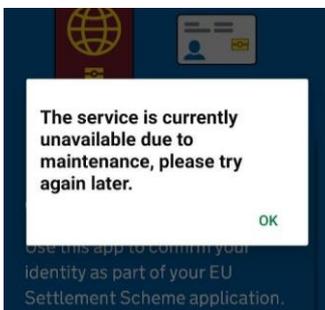
Feedback shows a strong preference for physical cards. The Government ran a trial for right-to-work, which was for people who had **both** a physical proof of status, **and** a digital status. Their own assessment of the trial⁵ had as one of its recommendations: *“Ensure that the **strong evidence of preference for a physical card** that the team have found is taken into account before any decision is taken to remove or replace it. **Removing the card without effective mitigation could have a significant impact on vulnerable users.**”*

For EU citizens there will be no such physical card, and no transition period. EU citizens will move abruptly from being able to use their EU passport or identity card, to having to use their digital status – without any backup of physical proof of status.

The Government response admits that there will be users who will not find it easy to use – the support suggested will do nothing whatsoever to prevent inevitable discrimination for such people.

*Applicants to the EUSS continue to receive written notice of their immigration status by email or letter, which they can keep for their personal records. However, due to the possibility of fraud and abuse **this document cannot be used to evidence an individual’s immigration status to external organisations.***

This is a clear admission that such an email is indeed useless for proof of status. Therefore at the point at which a citizen wants to prove their status to an external organisation, and for whatever reason it is not possible to access the digital status at that exact moment in time, that citizen will very likely suffer negative consequences or discrimination. There are regular reports about computer system outages – (British Airways⁶ and O2⁷ to mention but two very recent ones). Indeed the EU Settlement Scheme itself has already suffered several outages⁸.



⁵ <https://www.gov.uk/service-standard-reports/prove-your-right-to-work-beta>

⁶ <https://www.bloomberg.com/news/articles/2017-06-06/british-airways-points-to-human-error-for-may-flight-outrage>

⁷ <https://www.bbc.co.uk/news/business-46464730>

⁸ <https://twitter.com/the3million/status/1164174104410431489>

*Immigration decisions and the rights and conditions that flow from those decisions have been recorded digitally by the Home Office since the turn of the century, but physical documents have historically been issued to enable individuals to evidence their status to others when required. While physical documents have evolved over time to address security weaknesses **the risk of forgery and counterfeiting still exists.***

This is an irrelevant argument. Would the Home Office be suggesting getting rid of passport documents for British citizens? The **clear discriminatory disadvantages being forced onto an extremely large group of citizens** seems to weigh less heavily than a theoretical risk of forgery, which plays into a narrative of guilty until proven innocent for migrants.

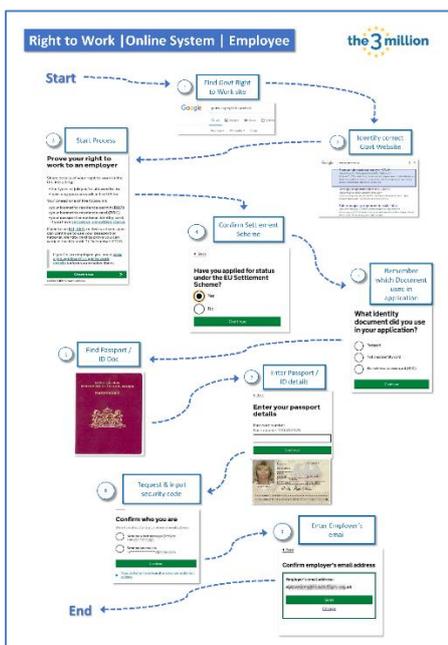
*Since 2018, it has been increasingly possible for individuals to view the digital record of their immigration status held by the Home Office. The **online status service is secure** and can be accessed and shared with others anywhere and in real time. Unlike physical documents, **digital status cannot be lost, stolen or tampered with and puts individuals in control of their own data**; giving them direct access to information held by the Home Office and, in line with the principles of data minimisation, will share only the information required by a checker, rather than all the information held on a physical card. **Digital status will make it simpler** for those conducting status checks. Instead of checking a myriad of physical documents they will be able to conduct one quick and simple online check via Home Office systems.*

We have already addressed the fact that **online data is not necessarily secure** – there have been countless reports of online data breaches and hacks throughout the world.

The fact that the status can be shared with “others anywhere” is in fact a cause for major concern. When citizens apply for settled status they have to agree to the Home Office Privacy notice which makes clear their data can be shared with public and private organisations in the UK and abroad.⁹

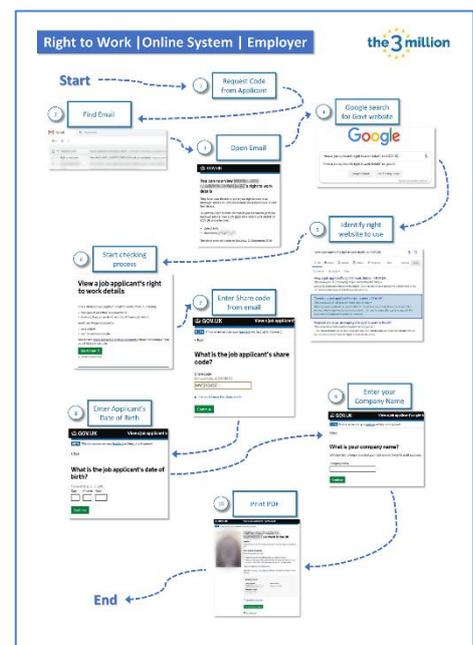
We have already addressed the fact that these systems may often not be available in real time, at which point EU citizens have no backup physical proof of their status.

We have addressed the headline points about **lost, stolen or tampered with.**



Finally, it is **misleading to state that digital status will make it simpler** for those conducting status checks, and will use minimal data.

Rather than photocopying a physical card and noting the date the copy was taken, the citizen and the employer have to navigate many steps, during which time the citizen's date of birth is required, and their photograph will be seen.



⁹ <https://www.gov.uk/government/publications/personal-information-use-in-borders-immigration-and-citizenship/borders-immigration-and-citizenship-privacy-information-notice>

*A digital status is also **easier to use for visually impaired users**, who may have difficulty reading a physical document.*

Does the Government mean visually impaired employers, or visually impaired citizens? If employers, they will need to be able to read the physical documents of British or non-EEA citizens in any case. We presume the Government means visually impaired citizens - however these **citizens will need to read the number off their own passport or identity card before inputting into a website, each and every time** they want to prove their right to work or access other services. Whereas if they had a physical card they could hand it over to the prospective employer or service provider, without needing to read it. So it is mystifying how this system will help visually impaired users.

All Home Office systems, including online status services, are secure by design and undergo rigorous cyber assessments before launch. Our IT systems include several mechanisms to detect and respond to malicious intrusions. The processing and storage of information related to this service is conducted on highly available and resilient systems.

All data is encrypted both in transit and at rest. Our IT staff are security cleared and data will only be accessed by those who have a valid business reason to access it. The Home Office regularly monitors the systems for abuse and misuse.

*With this non-exhaustive list of measures, **we ensure the online status service is resilient to external attack** and is available for the public to use.*

Companies whose data has been hacked and breached all state that their data and systems are secure by design and undergo rigorous cyber assessments before launch. It is not realistic to claim that digital data is fully secure. **A sobering quote from NATO¹⁰ reveals “Cyber threats and attacks are becoming more common, sophisticated and damaging. [...] an evolving complex threat environment [...] the growing sophistication of the cyber threats and attacks it faces.”** This report¹¹ of cyber attacks ‘celebrates’ the fact that June 2019 had lowest number of leaked data records since May 2018 - with a staggering 39.7 million records leaked.

*Non-EEA citizens granted status under other immigration routes can already prove their right to work digitally via the Employee Checking Service. Since this service went live in April 2018 there have been over 40,000 employer profile views. A similar service to enable right to rent checks is in private test phase and will be launched later this year. **We are introducing these services in advance of moving to a fully digital environment**, allowing us to develop and improve them based on feedback, and to embed the concept amongst users.*

These non-EEA citizens have all had a physical proof of their status as a fallback. The Government’s own assessment of this trial¹² stated “**There is a clearly identified user need for the physical card at present, and without strong evidence that this need can be mitigated for vulnerable, low-digital skill users, it should be retained.**” and “**This research raises concerns around BRP cards being retired in favour of digital only services, as the team has very strong evidence that this would cause low digital users a lot of issues.** This is

¹⁰ https://www.nato.int/cps/en/natohq/topics_78170.htm

¹¹ <https://www.itgovernance.co.uk/blog/list-of-data-breaches-and-cyber-attacks-in-june-2019-39-7-million-records-leaked>

¹² <https://www.gov.uk/service-standard-reports/prove-your-right-to-work-beta>

something that needs careful consideration with the drive to convert more services to digital and potentially remove their physical counterparts - that **digital by default doesn't mean 100% digital.**"

We repeat our assertion that it is not acceptable for an extremely large group of citizens to be forced guinea pigs in a **digital-only** system.

*We are committed to delivering an approach that will enable users to demonstrate their status and access the services they are eligible for in the simplest and most secure way possible. When accessing public services, e.g. benefits and healthcare, **the Home Office will increasingly make the relevant aspects of an individual's status available automatically** through system to system checks, at the point at which they seek to access the public services. Individuals will simply need to provide relevant identifying information for government departments and public bodies to confirm their eligibility.*

EU citizens will therefore be increasingly vulnerable to a Hostile Environment in which they are wholly at the mercy of computer systems being available, up and running, not under maintenance, not subject to a data breach or power cut or lack of internet. The word "simply" in "Individuals will simply need to provide.." is utterly disingenuous.

Furthermore, the Home Office will be able to build up a **complete digital trail** about citizens who need digital status - a file containing each job application, every rental application, every visit to a hospital. British citizens are not subject to such **intrusive scrutiny of their lives** - and it is utterly unacceptable that EU citizens who have made their home in the United Kingdom should be.

See https://bit.ly/t3m_EUSS_PhysicalDocuments for the3million's short paper on physical documents.