

## eVisas: the transition to an online-only immigration system

### What's changing?

The Home Office is [transitioning](#) from a system of providing physical proof of immigration status to a digital-only, “eVisa” system. Presently, most of those granted leave to enter or remain in the UK are issued either a visa printed in their passport or a physical biometric residence card or permit (BRC/BRP).

EEA and Swiss nationals with status through the EU Settlement Scheme (EUSS) have relied on a digital-only system for proof of their status since 2019. From 1st January 2025, everyone else with leave to remain in the UK will no longer have a physical immigration document that evidences their status and rights, but will instead have to prove their immigration status through the UKVI system. As part of this transition, BRPs /BRCs issued in recent years have been given an expiry date of 31st December 2024.

We are extremely concerned that this process will lead to the exclusion of many, and vulnerable groups in particular, who may neither realise they need an online account nor be able to set up and navigate one, especially in the absence of support. This may lead to a situation in which people with leave to remain in the UK find themselves unable to prove their rights and entitlements, just as happened to the Windrush generation. Some may even end up losing their permission to be in the UK as a result of difficulties navigating the system – exposing them to all the dangers of the hostile environment.

### *Risks*

We foresee many risks with regards to the transition to, and the day-to-day operation of, a solely digital immigration system based both on experience with existing digital systems and the Windrush scandal. A 2018 analysis by the Government Digital Service of the “Prove your right to work” system concluded that there was “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.” Despite the Home Office having operated the digital-only EUSS for five years, we have yet to see an evaluation of this system, or any evidence that the need for physical card no longer exists.

### **Insufficient, inconsistent and unclear communication about the transition**

There is still [limited](#) Home Office guidance on how the eVisa system will work or transition process. Communications to individuals and legal representatives have been inconsistent and confusing. Although it is stated that individuals will be contacted when they need to create an account, it's unclear how this will happen given that there is no guarantee the Home Office holds their up to date contact details. Many may be unaware of the need to create an account until the point at which they need to use the digital system to prove their rights. We are particularly concerned about how this will affect **people who hold older paper documents, including those who already have indefinite leave to remain (ILR) in the UK** – a cohort the Home Office has estimated at around 200,000, some of whom may have been in the UK for decades,

### **Barriers to creating an account**

Some groups experience digital exclusion and will face particular barriers to creating and using online systems. The elderly, those with disabilities and excluded groups such as Roma may be less able to access such systems for a range of reasons including digital illiteracy, actual illiteracy and/or lack of access to the internet. The factors influencing access are intersectional and exclusion may be more prevalent in groups such as older women. Efforts to counter these problems in the EUSS have been inadequate.

Not everyone will possess the identity documents needed to set up a UKVI account. Even among the EEA cohort, where possession of documents was reasonably high, Praxis regularly saw clients without documents. Some had sent old passports to the Home Office which never returned them and, being destitute, had no money for renewals.

Those who hold older paper documents, including those with ILR, are currently being advised to first make a “No Time Limit” application to get a BRP, and then to create an online account. While this is a free application, it is complex and requires evidence of residence for every year spent in the UK. This may be challenging for those who have been resident for decades and those without legal advice.

### **Technical and system errors**

Praxis advisors have seen numerous cases in recent months where digital status details have been incorrect or accidentally merged with the details of another individual. For example, when one service user first accessed her online status it showed her photograph but the name, date of birth and other details of an entirely different (male) individual. Our experience has been that getting such errors corrected often takes several weeks, during which individuals may be prevented from working or from accessing other essential services. For instance, we have one client who is struggling to access childcare entitlements because of an error in her BRP that is taking weeks to resolve, which is putting her job at risk.

Existing systems have also been known to suffer from system-wide crashes for periods of time. While the Home Office maintains that evidencing status is not likely to be time critical, it can be in some circumstances, such as when attempting to travel back to the UK or renting a property.

### **Consequences**

**Barriers in accessing services and support:** all of the above create risks that people may find themselves unable to prove their status, either because they were unaware of the transition or because they have been unable to navigate the process. This usually becomes an issue at a point of crisis or transition, for example the loss of a job, period of ill health or moving from employment to retirement. People may experience delays in access to services or be refused welfare benefits, housing or healthcare, often at the point when they are most in need. Others risk losing their immigration status because they are unable to check the expiry date of their leave, and thus miss a critical application deadline.

**Exploitation:** the Home Office states that a solely digital system will reduce exploitation and abuse through by preventing control through withholding of a physical status document. Yet access to the system is still linked to a passport or other physical ID, and those with few or no digital skills will be forced to rely on others to assist them to access details, creating further opportunities for exploitation.

**Discrimination:** there is already evidence that online checking systems lead to discrimination against those without British passports, often because landlords and employers fear high penalties or prefer to avoid the hassle of checking status. Particularly in areas such as property letting where there is very high demand, the digital status-checking system will widen disadvantage as more people fall into its scope.

**Pressure on advice services:** advice services are already seeing an increase in approaches from people questioning the expiry date of their leave or asking for help to make a new application and we anticipate this will increase as the deadline nears. Due to the communications problems outlined above, some wrongly believe their leave expires on 31<sup>st</sup> December 2024, and may make an early application to extend it, incurring thousands of pounds in unnecessary costs. The Home Office has only recently moved to address this gap in advice services, suggesting that insufficient attention is being paid to the needs of vulnerable people.

### *Conclusion*

Wendy Williams noted in the Windrush Lessons Learned Review that the sincerity of Home Office apologies about the Windrush scandal would be shown by *“how far the Home Office demonstrates a commitment to learn from its mistakes by making fundamental changes to its culture and way of working”*. At present, the impending switch to eVisas does not suggest much has been learned from previous experience.

The shift to an online system may be inevitable, but the deadline of 31<sup>st</sup> December 2024 is not. We urge the Home Office to consider extending the transition period and putting in place measures to mitigate some of the risks we foresee.

### *Recommendations*

Drawing on the experience of our immigration advice service, including supporting vulnerable people to navigate the EUSS digital system and to support those caught up in the Windrush scandal, we make the following recommendations together with allies the Immigration Law Practitioners Association, the3million and others:

- The Home Office must do either or both of the following until it is certain that everyone can prove access their status in all circumstances they would require it:
  - o Accept expired physical evidence of immigration status; and/or
  - o Issue new physical evidence of immigration status.
- Urgently invest in both targeted and mass communications, and direct engagement with charities and community groups, to ensure that as many people as possible are aware of the transition.
- Establish a 24/7 helpline that can be contacted from the UK and abroad for free, with translation services, for migrants, employers, landlords and others to:
  - o obtain certified on the spot confirmation of a person’s UK immigration status where the normal mechanisms fail;
  - o one-off assistance with the transfer to eVisa; and
  - o ongoing problems accessing status.