



By email:

The Rt Hon Mel Stride MP - Secretary of State for Work and Pensions

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

22 March 2023

Dear Sirs,

We are writing to inquire about the Department for Work and Pensions' (DWP) actions as a result of the Home Office's failure to update UKVI accounts of EU Settlement Scheme (EUSS) applications refused status between June 2021 and April 2022, where those accounts had continued to show a Certificate of Application rather than a refused status. We became aware of the issue through the [Independent Monitoring Authority's communication with the Home Office](#).

We are concerned about the potential risks posed to the 141,000 people who received a refusal decision between 27 June 2021 and 19th April 2022, and whose status displayed incorrectly for an extended period of time.

We have a number of questions about the process the DWP will go through in regards to the people from this cohort who have accessed welfare support:

1. Is the DWP taking active steps to identify people whose status displayed incorrectly due to the Home Office error, leading to potential welfare overpayment? If so:
 - a. How many people have been identified to have been incorrectly in receipt of welfare payments for the period between their final decision (including administrative review and/or appeal following refusal) and their digital status being updated?
 - b. What is the total value of welfare payments paid to this cohort of people between the date of their final decision and their digital status being updated?
2. Has the DWP suspended or is planning to suspend welfare support from people who have been previously granted support, and subsequently have been refused under the EU Settlement Scheme between 27 June 2021 and 19th April 2022? What process has the DWP established to ensure people who have submitted a subsequent application to the EUSS, an appeal or an administrative review, will not be wrongly denied their rights?
3. Has the DWP claimed or is planning to claim welfare overpayments from people who the Home Office had incorrectly classified as having a Certificate of Application, when in fact they had been refused under the EU Settlement Scheme? If so, is the DWP considering utilising appropriate repayment plans to mitigate the risk of vulnerable clients being thrown into circumstances of destitution?



4. If people's welfare support has been suspended, or if welfare overpayment claims have been issued, how has the DWP communicated with claimants the reason for the suspension or the overpayment, considering that the responsibility of the error lies with the Home Office? What processes have been put in place to ensure transparency in decision making and to provide claimants with accurate information on the reasons their welfare support has been terminated?
5. What communication has the Home Office or the DWP shared with the entire cohort of people whose status displayed incorrectly for extended periods of time due to the department's error?

In line with concerns raised by the Independent Monitoring Authority, we express concern at this failing by the Home Office, not least because it draws into question the suitability and efficacy of the digital-only nature of the EUSS, but also because it raises wider questions about the Home Office's use and interaction with digital systems in its administration of the UK's immigration regime.

Though we understand that the Home Office's reliance on digital systems is increasing due to modernisation and efficiency related goals, failings of this kind do little to instil confidence among practitioners and civil society organisations about future Home Office practice, many of whom represent vulnerable clients and for whom the accurate administration of their immigration status is paramount to their ability to access support where required.

In the circumstances, we want to make clear in the strongest possible terms that we would consider it unacceptable for people to be asked to repay any welfare benefits already paid out as a result of the failure of the View & Prove system to correctly reflect an individual's immigration status. Given that these errors span back to as far as June 2021, the sums are likely to be substantial for an individual. Putting aside the Home Office's responsibility for this error, we are concerned that seeking repayments of welfare benefits from potentially vulnerable clients during a cost-of-living crisis is likely to have a significant detrimental impact on the affected population, and will only increase the burden of clients requiring assistance from local authorities, but also from NGOs and civil society organisations like ourselves.

We look forward to hearing from you and obtaining some much needed clarity in relation to these outstanding issues.

Yours sincerely,

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