

# Fix the UK's Digital-Only Immigration Status

## Overview

By the end of 2024 the UK Government had rolled out digital-only immigration status to all migrants with status in the UK. This eVisa system fails to provide people with secure, tangible, and independently accessible proof of status. It is critically flawed, technologically unreliable, and exclusionary - leaving many unable to prove their rights.



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## Key Issues

- **No individually-held proof:** Status holders are not given a digital document they can save, print, or present when requested. Instead, they must access a GOV.UK platform, complete two-factor authentication, and generate a 9-character share code each time their status needs verification - a fragmented View & Prove process which is not fit for purpose.
- **Accessibility failures:** Those who are digitally excluded and vulnerable are unable to navigate the system. Sometimes the two-factor authentication codes are sent to the third parties who originally helped set up the accounts, locking people out of their own status. In areas with poor connectivity or no digital access, status becomes unreachable for everyone. This often happens at the border.
- **Data integrity concerns:** There are frequent problems with the Home Office databases. Entangled records display the wrong biodata, someone else's photograph, or the wrong status details. The Government says status cannot be 'broken, stolen, or tampered with', yet that is exactly the impact that is felt by people when their status is corrupted at the Home Office end.
- **Significant impact:** When that happens, people are left unable to take up offers of work, are refused the right to rent, cannot access education and healthcare due to the inability to prove their status - paralleling the failures seen in the Windrush scandal. At the point of travel, people are refused boarding and are prevented from coming home to the UK. Many airlines will not engage with the View & Prove process. Users are left feeling constantly insecure, and worried that their status won't be available for them to prove when needed at critical moments.

## Recommendations

- **Independent review:** Launch a full, independent, review into the current form of digital only immigration status. No meaningful stakeholder consultation was undertaken before the rushed roll out, and the current iteration (still labelled as BETA) is not fit for purpose.
- **Consideration of alternatives:** Explore viable alternatives, including proposals already developed that use affordable secure QR-code-based documents akin to the NHS Covid Pass.
- **Accept liability for errors and provide compensation:** The Government currently denies all liability for when things go wrong. That has to change. People must be compensated for their losses when the system fails them.

# Risks and Concerns: Curtailment of Pre-Settled Status

## Overview

Following a 2023 High Court judgment, the Home Office had to change the way pre-settled status (PSS) under the EU Settlement Scheme operates. Originally designed to expire after five years if there was no application to upgrade to settled status, PSS is now automatically extended by a further five years for everyone who has not obtained settled status by the original expiry date.

The Home Office is now in the process of defining its approach to actively curtailing PSS in cases where it believes the terms and conditions of that status have been broken, such as when someone has had excessive absences from the UK.



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## Key Issues

- **Creating uncertainty:** Targeting those who have broken the continuity of their residence puts people in a constant state of uncertainty. Exceeding 180 days outside the UK in any rolling 12-month period breaks continuity of residence. These rules are complex. Original decision letters stressed that people only lost PSS after an absence of two years, which contributed to a lot of misunderstanding of the rules. Furthermore, all this applies to the years of the Covid-19 pandemic when so much was in flux. The situation is made even more confusing by the Home Office's decision to grant extensions of PSS to everyone, even those who have broken that continuity and whose status may later be curtailed as a result.
- **Disrupting lives:** This affects people who have built their lives in the UK, for whom the UK is home. These are people who have gone on to receive extensions of their PSS, whose children go to school here, who have established careers and whose ties to the UK continue to develop and entrench. They risk losing all of that.
- **Legal and administrative burden:** The Home Office already uses curtailment powers in specific circumstances (e.g. if someone has obtained status fraudulently, or if a relationship breaks down before a family member is able to claim retained rights), but scaling this up for all PSS holders with excessive absences will be legally and administratively complex. It could lead to thousands of people losing their rights to live, work, rent, or access healthcare in the UK. The subsequent legal challenges will create a further Home Office backlog. There is also a risk that many may lose their status unfairly without the resources to challenge it.

## Recommendations

- **Take a pragmatic approach:** Simply upgrade to settled status all those with PSS who have held that status for 5 years and continue to reside in the UK.