

## Mitigate against the UK Hostile Environment cliff-edge of expiration of all UK residence cards on 31 December 2024

### What?

All biometric residence cards (BRCs) and biometric residence permits (BRPs) are set to expire by 31 December 2024 even when people's permission to enter and remain in the UK extends beyond that date or is indefinite.

The Home Office is requiring the holders of these documents - an estimated 4 to 5 million people - to apply for an eVisa in order to access their rights in the UK after 31 December 2024.

The rollout of this transfer programme is already severely behind schedule, so millions of people with valid leave to enter and remain in the UK do not yet have an eVisa. There are many accounts of technical problems for those attempting to transfer to an eVisa. Even for those who do obtain an eVisa, the EU Settlement Scheme has shown there are many technical problems with the Home Office's databases underpinning the online-only status.

Urgent mitigation measures are required to avoid a disaster from 1 January 2025 where people will lose jobs, job opportunities, housing, benefits and more. A transition period must be created during which expired documentation is accepted. 24/7 helplines must be set up and sufficiently resourced.

### Why?

Someone with an expired BRP/C who does not have an eVisa will be unable to prove their right to work, to rent in England, to apply for or renew a driving licence, to open a bank account, or to prove their entitlement to other decision makers. This is because without an eVisa, they will be unable to generate a 'Share Code'. Many are already receiving (incorrect) communications from DWP that their benefits will be terminated upon expiry of their BRP/C.

Even though these individuals have the right to remain in the UK, they will effectively become undocumented and face the full force of the Hostile Environment, in a direct repeat of the Windrush scandal.

### Why not? Reasoning behind UK Govt position and why we disagree

The Home Office have remained emphatically committed to the provisions of the Hostile Environment, including recently significantly increasing fines and criminal sanctions for employers/landlords for employing/letting accommodation to people without proof of immigration status. This new Government must make bold decisions to avert a huge disaster caused by the Home Office's self-imposed deadline of 31 December 2024, by either altering the Hostile Environment policies, or at a minimum mandating the acceptance of documents that expire on 31 December.

### Cost?

There is no cost to the Treasury to alter the Hostile Environment or mandate the acceptance of immigration documents that expire on 31 December 2024.

Not to do so is likely to incur the cost of significant litigation against the Home Office.

However, funds will be required to provide appropriate resources for 24/7 Home Office helplines.

## How?

- Primary legislation
- Secondary legislation
- Immigration Rules
- Guidance change**

## The detail

There is no legislation to be changed, all recommendations are a matter of Home Office policy changes. The mitigation measures include:

- Suspend the provisions of the Hostile Environment including changing the Guidance for Employers and Landlords to no longer require them to inspect anyone's immigration status in order to obtain a statutory excuse against civil or criminal liability.
- Alternatively, at a minimum, change the Guidance for Employers and Landlords to accept expired BRPs and legacy ILR documentation.
- Change the logic of the Right to Work / Right to Rent websites such that expired BRPs can be used to generate a share code, and ensure that such share codes correctly generate evidence of the right to work/rent to employers/landlords.
- Provide a 24/7 helpline for anyone struggling to set up a new eVisa.
- Provide a 24/7 helpline for anyone struggling to prove their rights through an eVisa or expired immigration document.