

WE SAY NO TO DIGITAL ONLY (PRE-) SETTLED STATUS

Background

the3million is the largest organisation representing EU¹ citizens in the UK, formed after the 2016 EU referendum to protect the rights of people who have made the UK their home.

Over 3.5 million EU citizens and their families need to apply and acquire settled status or pre-settled status to continue living and working in the UK. It is therefore vital that the EU Settlement Scheme works for everyone, so that people are able to easily prove their status and continue to access their rights in daily life.

EU citizens will have no physical proof of status under the EU Settlement Scheme, having to rely instead on a digital-only status. In contrast, their non-EU family members will receive a physical, credit-card sized document evidencing their settled or pre-settled status.

In the largest survey to date of EU citizens' experience of the EU Settlement Scheme², **the vast majority (89%) expressed unhappiness about their dependence on a digital-only status.**

As the Rt Hon Michael Gove said in a recent House of Lords European Union Select Committee:

"The moral and social case for it [documentary proof of status] remains as strong as ever"³

EU citizens need the **option of a physical document** to prove their status:

- To exercise their **right to privacy** in the same way British and non-EEA citizens are able to
- It is not acceptable to force citizens of certain nationalities be **guinea pigs in an untested trial**

Right to privacy

"In the UK's Hostile Environment EU citizens need to be able to show a card instead of having to ask the Home Office for renewed permission at every interaction with employers, landlords etc - allowing the Home Office to conveniently Track & Trace them."⁴

After the EU Settlement Scheme deadline, EU citizens will need to prove their status to a number of actors such as employers and landlords.

Whenever they want to prove their status, they need to go through an online process, starting from the website www.gov.uk/view-prove-immigration-status.

¹ For brevity, we use 'EU citizens' to also include EEA and Swiss citizens

² <http://www.t3m.org.uk/SettledStatusSurvey>

³ <https://twitter.com/the3million/status/1257687213929893888>

⁴ Comment on [the3million petition](#) to 'Give EU citizens #physicalproof of Settled Status'

After inputting their passport number and date of birth along with a verification code sent to them by email or text message, they are asked for the reason for checking the status.

These reasons currently include “*Work in the UK*”, “*Get hospital treatment*”, “*Claim benefits or tax credits*”, “*Get homeless assistance or council housing*”, “*Open a bank or building society account*”, “*Get a loan or credit card*”, “*Another reason*” [to be filled in by the user of the service].

A code is then generated, which an employer or service provider has to input into another web link in order to check the applicant’s details (including name, photograph and status). The employer or service provider has to provide a company name or job title and organisation name.

As confirmed by a recent Freedom of Information Act Request⁵, “**these details are recorded to provide a record of who has made the check**” to help the Home Office “improve the service and to prevent abuse.”

We are very concerned about the impact this is having on **privacy rights**. Non-EU citizens and British citizens have an alternative to this digital “track and trace”, as they have the option to prove their right to work and access other services simply by showing a physical card or passport. In contrast, **EU citizens will have no choice** but to have their every interaction with society logged into a database.

Guinea pigs in an untested trial

A digital only status, backed by a system with an expanding, centralised, multi-access database, is being introduced into the UK by the back door without debate or trial. One very large group of citizens - those with EU nationalities, will be dependent on this status. They will have no choice but to use it, and they will have no control over how much of their data is shared between institutions via the Home Office. In fact they will even struggle to access their data even if they request it⁶.

This is unacceptable in a modern democracy.

Such schemes should only be introduced with extreme caution, after research, trials and rigorous evaluation. For example, a Dutch trial to introduce a digital identity⁷ was developed in collaboration with Delft University, used far more advanced security technology based on blockchain and was tested in two municipalities by a voluntary test group of citizens and service providers. The trial stated that the scheme “*will 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*” (our emphasis).

EU citizens should have the option of a physical proof of status rather than a digital-only status.

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<https://www.whatdotheyknow.com/request/652604/response/1552072/attach/3/58117%20Axel%20Antoni%20Response.pdf>

⁶ <https://www.openrightsgroup.org/press/releases/2019/controversial-immigration-exemption-used-in-60-of-cases,-court-case-reveals>

⁷ <https://www.tudelft.nl/en/2018/tu-delft/tu-delft-helps-develop-digital-id-for-use-on-your-phone>