

By email: Minister Kevin Foster MP  
Home Office SUG team  
Cc: The Rt Hon Thérèse Coffey MP

23 August 2021

Dear Kevin Foster MP,

**“You must take urgent action to secure your rights” letter dated 9 August 2021 sent to EEA/Swiss citizens**

We are writing to complain about the nature and content of a letter dated 9 August 2021 to EEA and Swiss citizens living in the UK. A redacted example of such a letter can be found [here](#).

We assume this to be the second letter as referred to in [this letter](#) from DWP to Revenues and Benefit managers, arising from the 1 July 2021 data match exercise conducted by the Home Office.

Unlike the first automatic mailing sent between 14 and 28 May 2021 which simply informed people of the need to apply, this automatic mailing threatens loss of right to work and access to public services and benefits for those who don't apply, or those who don't inform the Home Office that they received the letter in error.

Our concerns can be summarised as follows:

- People without immigration status face potential termination of benefits and loss of access to services
- People with immigration status or British nationality are being made responsible for correcting Home Office datasets or face potential termination of benefits and loss of access to services
- Existing concerns for people whose name on their (pre-)settled status is different to that used by DWP/HMRC are exacerbated as they now face potential termination of benefits and loss of access to services
- There are reports of two letters being sent, from different datasets, without any acknowledgement of this within the letters
- The timeline and helpline provided is creating anxiety and panic
- The letter is justifiably being treated as a scam phishing exercise by many

### **People without immigration status**

We refer back to our letters of [6 August](#) and [18 August](#). There will be many citizens in this cohort who will have disabilities, including impaired mental capacity, which means they are unable to apply to the EUSS without substantial assistance. Sending a series of letters is not enough, and the Government needs to do far more. In these letters we have asked several questions and we await your response.

### **People with immigration status or British nationality**

The letter makes allowances for those who have applied to the EU Settlement Scheme before the deadline and are awaiting a decision. However, the letter requires anyone with immigration status or British or Irish nationality, who received the letter in error, to contact the Government so that their records can be updated.

We have received many reports of people who have received this letter in error because:

- they have already been granted pre-settled or settled status a long time ago (many since 2019), or
- they have naturalised as British citizens, or
- they have been granted indefinite leave to remain under the Windrush scheme

These people fall within the groups of recipients described in the letter who must contact the Home Office within 28 days of the date of the letter in order that *“we can update our records and ensure we do not contact you again, and we do not take any further action with regard to any benefit payments you may be receiving”*.

These groups will inevitably include people with disabilities, including impaired mental capacity, who needed help applying to the EUSS but may not understand this letter telling them to take this additional action to prevent loss of benefits.

For people who have already gone through a process to obtain immigration status or British citizenship, it is not acceptable that the onus is on them to successfully respond to a letter that was sent to them in error in order to avoid loss of rights.

Q1: You have records of people with EU Settlement Scheme status, people with Irish citizenship and people with British citizenship. What measures are you putting in place to prevent DWP from making a decision to terminate benefits for these people, including if they do not respond to this letter?

### **Difference between name as used by DWP/HMRC and name on (pre-)settled status**

You will be aware that many EU citizens have raised concerns, with us and with their MPs, about the mismatch between the name in which their (pre-) settled status is issued, and the name they use in their daily life in the UK, and which is therefore the name used by their employers, HMRC and/or DWP.

We understand that the reason for this is that the 'EU Exit: ID Document Check' app reads the machine-readable-zone [MRZ] of their identity document. For several EU countries, the MRZ will always contain the birth name of citizens. Married citizens are not able to include their married name in this MRZ zone, although they may be able to show a 'spouse of' name in the human readable area of their passports.

In a recent [parliamentary debate](#), Angela Crawley raised this issue, and although you acknowledged in your response that this can produce some issues for people, the system must operate in the way it does due to security reasons.

We have asked the Home Office team responsible for View and Prove whether it is possible for the EUSS status to show other names alongside that as read from the MRZ. After all, the EUSS application process asks people what other names they are known by, it allows people to upload marriage certificates, and it asks for a photograph of the identity document (further to the MRZ-scan of the identity document). We have not received a reply to this suggestion. We have been shown the reply from an MP just last week to a constituent who made the same suggestion, which said:

*"at this time, our position remains that status under the EUSS is issued in line with the name recorded in the machine readable zone (MRZ) of an applicant's passport, in order to maintain secure identity and ensure continuity between an individual's status and their immigration document. As mentioned in our previous response, [...] can continue to evidence her rights in the UK by using her passport in conjunction with her digital status under the EUSS and does not need to worry about losing access to her rights.*

*I appreciate that the French authorities are not willing to amend [...] passport to reflect her married name in its MRZ. However, I am unable to comment further on how the French authorities record an individual's name in their passport as the documentation of their citizens is not within our remit."*

Clearly, this 9 August mailshot letter **does** now cause issues for anyone who received it due to being included in the data matching exercise between EUSS data and HMRC / DWP data. One of the many reports we received this week was from someone in this position:

*"On 18 Aug 2021 I received the letter claiming I do not have settled status. In fact I gained this in Feb 2019, plus I have an unlimited residence permit dated Jan 2021, gained under Windrush rules. However both these are in my Dutch name, which is the name in my passport. The letter today is in my married name. I feel extreme anger and anxiety. I have lived here nearly 40 years, have worked continuously, and now I'm threatened with loss of healthcare etc.*

*I managed to speak to the helpline this morning after an hour on hold and I was told to reapply for SS, but having spent the morning on the gov website I still do not understand what to do and the website did not recognise my Residence permit number. The website does show valid SS, in my Dutch name. I have sent a query to the resolution centre but could not get through on the phone."*

It is not acceptable for the Home Office to refuse to engage with the legislation surrounding identity documents in the other 27 EU countries, or to say that this documentation "is not within our remit", given that it was the UK Government's decision to leave the EU, and to set up and design the EU Settlement Scheme to allow all affected citizens who have made the UK their home to retain their rights.

the3million raised a series of questions to the Home Office in 2018, while the EUSS was being designed, and we raised this issue even in its earliest edition of April 2018 ([https://bit.ly/t3m\\_HOQuestions\\_1\\_0](https://bit.ly/t3m_HOQuestions_1_0)) where we asked in questions 1.21 and 1.22:

*What provisions will be made for applicants whose names do not match the name on their passport? Some examples:*

- ***married women must have their maiden name in their passport, with optional "spouse of ..." (e.g. Netherlands)***
- ***it is customary for married women to use a hyphenated "married surname-maiden surname" in everyday life (e.g. Netherlands)***
- *citizens may have a formal name in their passport, but use a different given name all their lives – including on all UK documentation (e.g. Netherlands)*
- *the order of first names and middle names on the passport may not match the name in use in everyday life (e.g. Sweden)*

Now that practical issues are indeed arising, as warned, the responses from the Home Office, from MPs, from the mailshot helpline and from the EU Settlement Resolution Centre to demand people change their passports or reapply for EUSS status is completely unacceptable.

Q2: Will you agree to set up a meeting to discuss in detail the issues facing those whose name in everyday use does not match their EUSS name, and agree to look at our simple proposal to allow additional names to be shown on EUSS documentation alongside the name as found in the MRZ of the identity document?

### **Duplicate letters sent**

We have seen reports of people who have received two identical letters, with the only difference being a different case number at the top left of the letter, and a different coding alongside the left of the letter. In one letter it is HM004\_2\_L931152\_090821\_DWP\.... and in the other it is HM004\_2\_L931152\_090821\_HMRC\....

It appears therefore that these letters have been generated as two separate data matching exercises, one with DWP data and the other with HMRC data.

However, each identically worded letter discusses benefit payments from both HMRC and DWP. Neither letter anticipates that people may receive both letters by including a reassuring sentence that may receive two letters.

### **Timeline and helpline for “You must take urgent action to secure your rights” letter**

The date on the letter is 9 August 2021. However, most people reporting to us stated they received the letter on 18 August 2021, nine days later. We continued to receive reports of people receiving the letter on 19 and 20 August.

The letter states that if it is received in error, people must “*contact 0300 1050 888 (lines will be open 09:30-4:30pm Monday - Friday) within 28 days of the date of this letter so we can update our records.*”

We have multiple concerns with this approach:

- 28 days is a very short timeframe, cut even shorter by the very delayed arrival of the letter for many. 28 days from 9 August 2021 is 6 September 2021.

The letter was sent in August, which is not only a peak holiday time but moreover the first time many EEA/Swiss citizens will have been able to visit family in their countries of origin after lengthy COVID-19 related restrictions. Therefore, those arriving back in the UK just before or even after 6 September will face even greater anxiety and panic than the reports we have already received.

- The helpline is reportedly extremely busy, with many people telling us they simply could not get through even to get into the initial queue. Others who did get through told us they waited for over an hour on hold before they could speak to someone.
- The helpline has very restricted opening hours for something so urgent. 09:30-16:30 is a short working day, and the helpline is not available on weekends. This completely fails to cater for someone who is employed and is not able to spend time on extremely lengthy telephone calls during working hours.

Q3: Will you urgently increase staffing resources for this helpline, lengthen the opening times to those of the EU Settlement Resolution Centre (08:00-20:00 Monday to Friday, 09:30-16:30 on Saturday and Sunday), and widely advertise these changed opening hours including on an automated message that people receive when telephoning the helpline during the original hours?

### **Lack of trust that the letter is genuine**

Many people are reporting that they do not believe the letter is genuine, and that they are worried it is a scam or a phishing exercise.

Whilst we, as an organisation, are inclined to accept the letter is genuine because it was forewarned in the 2 July DWP letter mentioned earlier, we very much agree that this is a justified concern.

Indeed this page by the Home Office (<https://www.gov.uk/government/publications/frauds-tricks-and-scams/fraud-tricks-and-scams>) states:

*“If you receive an unexpected email, telephone call or letter from someone who claims to be from the Home Office, it may be a scam. We will never contact you to ask for money or your personal details.”*

However, people are reporting to us that when they ring the telephone number, they are asked for their identity document number, their date of birth and national insurance number - which is in direct contradiction of the above stating “we will never contact you to ask for your personal details.”

Furthermore the letterhead (it only says HM Government, does not mention Home Office) and the sign-off (there is no signature or name, and only the words “Office Manager”) do not engender trust and confidence.

These details are potentially enough to clone someone’s identity. Combined with the fact that this letter appears to have been sent out very widely and indiscriminately, it is extremely understandable that people are acutely wary of trusting its authenticity.

This Government webpage <https://www.gov.uk/report-suspicious-emails-websites-phishing> contains a link to search for official government services and phone numbers <https://www.gov.uk/search>. The given helpline number, 0300 1050 888, yields zero results.

HMRC publish all their letters so that people who receive a letter by post can check that it is genuine: <https://www.gov.uk/guidance/check-if-a-letter-youve-received-from-hmrc-is-genuine>

Q4: Will you immediately publish prominent information on the EU Settlement Scheme pages about the authenticity of this letter, provide a service like HMRC so that people can check letters from the Home Office are genuine, and send a letter of apology to exactly the same set of recipients as the 9 August 2021 letter informing them how they can check the authenticity of the letter? This letter should also make it very clear to people that they will not face imminent termination of benefits.

We are very disappointed in the poor data management and lack of care and attention that has been applied to this communication.

Given the urgency of this situation, and the fact that it is linked to our letter of [18 August](#), please respond by 4pm Tuesday 31 August.

Kind regards,

Monique Hawkins  
Policy and Research Officer, **the3million**