

By email: Minister Kevin Foster MP

Copied: Home Office SUG team

8 March 2022

Dear Kevin Foster MP,

We received a [letter from the Home Office](#) on 3 March 2022, setting out why the Home Office will not be adopting our proposal for a secure QR code solution (as we explored and proposed in our document here: <https://www.the3million.org.uk/fixing-the-digital-status>) to the problems people face with accessing their status via the 'View and Prove' system.

We have responded in detail to the points raised in that letter, and you can see that response [here](#).

It has become clear that since the full launch of View and Prove last year, numerous problems have arisen both with the View and Prove service and the helpline that is present to support people. We are finalising a further report of the issues with View and Prove to the IMA (which we will provide you with a copy of) and refer you to our previous correspondence relating to the service received via the helpline. A clear picture is emerging that more needs to be done to mitigate the problems arising from the online only View and Prove service (which includes both the View and Prove portal and the helpline).

A secure QR code solution, we maintain, is the most viable option and will address the concerns that were raised in the recent aforementioned correspondence. A large number of them are rooted in a misunderstanding of the proposal, so we are pleased to say they can be surmounted easily.

We are disappointed that the Home Office team did not meet with us to discuss the concerns raised in their letter. We are also concerned why it has taken over eight months to provide us with this feedback and particularly note the timing of the correspondence in relation to the debate in the House of Lords as part of the Nationality and Borders Bill.

As we state in our response, we request a follow-up meeting to narrow the issues and strive towards a solution that will help people impacted by the current digital only process. This being said, we want to bring to your attention in addition to the letter we have sent to the Home Office two fundamental areas of concern.

Government impact assessment of online-only status

We do not consider that the Home Office has fully acknowledged or addressed the problems that an online-only status poses for *individuals* who struggle with technology, or in *circumstances* where the internet or government online services cannot be reached.

The Central Digital and Data Office assessment¹ of the beta online right-to-work service in March 2018 stated (our emphasis):

*“In particular there is a need as the service becomes mandatory to ensure that it is usable by all users, including those with a current preference for a physical object. Significant care will be required before any decision to remove the physical ‘Biometric Residence Permit’, due to these strongly held concerns, particularly with users with low digital skills. There is a clearly identified user need for the physical card at present, **and without strong evidence that this need can be mitigated for vulnerable, low-digital skill users, it should be retained.**”*

*“The services are easy for digital savvy users to get through, and the team have a good support model in place for helping low digital users through the service, although they are aware from user research how unlikely it is that low digital users are to use the online service at all. This research raises concerns around BRP cards being retired in favour of digital only services, as the team has very strong evidence that this would cause low digital users a lot of issues. This is something that needs careful consideration with the drive to convert more services to digital and potentially remove their physical counterparts - that **digital by default doesn’t mean 100% digital.**”*

Their recommendations stated:

“Ensure that the strong evidence of preference for a physical card that the team have found is taken into account before any decision is taken to remove or replace it. Removing the card without effective mitigation could have a significant impact on vulnerable users.”

We have not seen any evidence that the clearly identified user need for a physical card can be mitigated for vulnerable, low-digital skill users. The suggestion is that the telephone line is sufficient to dispel any concerns around View and Prove. The evidence we have acquired and the department's own statistics show otherwise (as we have previously corresponded on).

Rather, **the3million’s** evidence of the harms created by an online only status appear to have been ignored, and an opportunity to meaningfully engage with us in a constructive manner on an alternative proposal has been squandered.

The Home Office previously made clear that issuing biometric residence cards to all EU citizens would be considered too costly and not sufficiently secure. **the3million’s** proposal constructively addressed this by proposing an alternative implementation which, while still firmly rooted in the digital, would be highly secure and cost-effective and effortlessly provide for a physical backup. We discussed this proposal extensively with technology experts before approaching the Home Office.

Meaningful engagement

As a reminder, the timeline of engagement around this proposal, and our attempts to receive updates via emails, parliamentary questions, parliamentary select committees and UK-EU specialised committees, is provided in the annex at the end of this letter. This timeline makes clear that following our initial meeting with the Home Office on 25 June 2021, your letter is the first and only substantive response we have received in over eight months, and it does not invite any further discussion.

Most of the points within the Home Office letter could easily have been raised, and satisfactorily addressed, within weeks of our initial meeting.

¹ <https://www.gov.uk/service-standard-reports/prove-your-right-to-work-beta>

You will know that the [Wendy Williams Lessons Learned Review](#) made several recommendations, all of which were accepted in full by the Home Secretary. One of these, “**Recommendation 8 - Engage meaningfully with stakeholders and communities**” states (our emphasis):

*“The Home Office should take steps to understand the groups and communities that its policies affect through improved engagement, social research, **and by involving service users in designing its services**. In doing this, ministers should make clear that they expect officials to seek out a diverse range of voices and prioritise community-focused policy by engaging with communities, civil society and the public. The Windrush volunteer programme should provide a model to develop how the department engages with communities in future. The same applies to how it involves its staff in feeding back their information and knowledge from this engagement to improve policy and the service to the public.”*

Do you consider a single meeting followed by a rejection over eight months later without the opportunity to respond to any of the Home Office’s points raised, to be meaningful engagement? I am sure you can agree that this falls short of what was recommended and expected. In the spirit of meaningful engagement, we invite you again to meet with us to discuss the evidence we have acquired and the pragmatic solution we have identified to address them.

Kind regards,

Monique Hawkins

Policy and research officer, the3million

Annex: Timeline of engagement around secure QR code proposal

- **15 April 2021** - **the3million** writes to the Home Office about the proposal, requesting a meeting.
- **19 April 2021** - the Home Office replies, dismissing both the proposal and the meeting request.
- **25 May 2021** - **the3million** gives evidence to the House of Lords European Affairs committee for their [Citizens' Rights report](#), and includes references to the proposal.
- **17 June 2021** - **the3million** attends the EU-UK Specialised Committee on Citizens' Rights, and explains the lack of engagement from the Home Office following previous correspondence on this issue. At the meeting, **the3million** is provided with a dedicated View & Prove email address, through which a meeting is set up.
- **22 June 2021** - Home Office gives evidence to the House of Lords European Affairs committee for their [Citizens' Rights report](#), and states that they do not plan to issue physical documents.
- **25 June 2021** - **the3million** meets with Home Office representatives from the View & Prove team to discuss the proposal.
- **2 July 2021** - **the3million** provides extra information requested by Home Office regarding the ability to embed photographs within a Secure QR codes.
- **12 July 2021** - Home Office replies to a [Parliamentary Question](#) from The Earl of Clancarty stating they are "considering the feasibility of the suggested approach".
- **16 July 2021** - Home Office similarly replies to a [Parliamentary Question](#) from Charlotte Nichols MP.
- **23 July 2021** - **the3million** requests a follow up meeting.
- **1 September 2021** - the Home Office does not agree to a follow up meeting but states they are continuing to consider the proposal.
- **3 September 2021** - **the3million** adds comments regarding expiring dates of physical documents.
- No further communications received from the View & Prove email address provided to **the3million**, despite **the3million** raising some further general issues related to View & Prove.
- **2 November 2021** - Home Office replies to a [Parliamentary Question](#) from Daisy Cooper MP stating they are "actively considering the feasibility of the suggested approach".
- **19 November 2021** - Home Office [response](#) to House of Lords European Affairs Committee's Citizens' Rights Report states "*The use of QR codes is something we will consider, but there are numerous issues to work through to assess the feasibility of such a solution, including ensuring users' data is secure, that images can be included within the code and checking organisations, such as employers and landlords, have confidence in the data they are presented with.*"
- **7 December 2021** - Dame Meg Hillier raises physical proof of immigration status in the Nationality and Borders Bill debate, and the Home Office intervene to say that they will look at **the3million's** app-based solution
- **24 January 2022** - **the3million** attends the EU-UK Specialised Committee on Citizens' Rights and requests an update on the Home Office's consideration of the proposal, and the Home Office representative states that they do not have an update.
- **10 February 2022** - Lord Oates raises physical proof of immigration status at Committee stage in the Nationality and Borders bill debate, and the Home Office minister replies that she will raise the QR code proposal with the Home Office and report back on progress
- **24 February 2022** - Lord Oates tables Report stage amendment to the Nationality and Borders bill
- **3 March 2022** - **the3million** receives response from the Home Office