

By email:

Minister Kevin Foster MP
Copied: Home Office SUG team

12 May 2022

Dear Kevin Foster MP,

Status shown in 'View & Prove' when an individual has multiple UK immigration applications

Last year we corresponded with you about how individuals are identified across digital immigration applications (see [our letter](#) and [your response](#)¹). We asked questions around people with multiple immigration applications, and what is shown when they login to their immigration account and share their status.

Examples of this included someone with pre-settled status who has applied for settled status, and someone who was refused EUSS status but later applied for, or was granted, EUSS status.

Your reply stated: *"This issue was caused by the logic by which our Status services react to casework events such as applications or grants of status. When the problem was occurring, it was because our service's logic was to overwrite old statuses with a new one, because we believed this would be the most relevant one to display. We have changed the logic in response to feedback, so a person with pre-settled status continues to see this status when they make a fresh application."*

We appreciate the efforts made to ensure that for anyone whose eVisa was updated to show a COA for the settled application, their eVisas would be changed to show their pre-settled status.

However, we and other organisations have continued to see instances where people see a COA rather than their pre-settled status, even after the date when we were told this issue had been fixed.

There are more complex situations involving multiple applications than just upgrading from pre-settled to settled status however. We covered some of these in our March 2022 report to the Independent Monitoring Authority².

Since writing that report, we have received further examples of where it is problematic that only information about a single application is shown, and moreover it is not immediately obvious how automated logic should select the application to display.

¹ <https://www.the3million.org.uk/library>, December 2021

² <https://www.the3million.org.uk/ima-report-mar-22>, paragraphs 186 - 194

For example, we have spoken to an individual whose situation is summarised as follows:

- They applied for pre-settled status very shortly after the 30 June 2021 EUSS deadline (the reason for applying late was COVID-19 related).
- They received a (non-digital) certificate of application in July 2021, which made clear they would have no rights to seek new employment, or new rentals (in England) until status was granted, and did not mention any other rights while their application was pending.
- Shortly afterwards on 6 August 2021, the UK Government announced³ that late applicants would have their rights protected while their applications are pending.
- However, our individual - who was resuming their university studies in the UK in September 2021 following a COVID-related absence - was not informed of their rights, and was not granted pre-settled status before their university term started. Despite calling the EU Settlement Resolution Centre several times, they were not able to receive a progress update on their application.
- In September 2021 therefore, they applied for a student visa (incurring a visa fee and payment of Immigration Health Surcharge), fearing that otherwise they would not be eligible to continue their studies. This visa was granted relatively quickly.
- Currently, their EU Settlement Scheme application is still pending, and they are unable to receive any progress updates ([this transcript](#) of a call to the EU Settlement Resolution Centre shows that all options requesting progress updates are automatically terminated before being able to speak to an agent).
- You confirmed to us in [a letter](#) of 11 November 2021⁴ that *“In addition, since 13 September, we have been issuing a revised CoA to late applicants which reflects the temporary protection of their rights. Until recently, all CoAs to late applicants were in a non-digital form. However, I am pleased to inform you, since 20 October, all those who have made a valid EUSS application since 30 June have received a CoA in a digital format which reflects the temporary protection of their rights. We are currently in the process of updating these applicants by letter or email about their new digital CoA and how they can access their online status through the ‘View and Prove your immigration status’ service on GOV.UK.”*
- However, this individual did not receive any such communications about a digital CoA from the Home Office. In any case, this digital CoA is unreachable for this individual. This is because when they log in to View & Prove, they can see only the Student Visa.

We presume this is a case where the logic used by Home Office Status services has automatically elected to show the granted status (the student visa) rather than the pending status (the EU Settlement Scheme application), in line with the decision to set the logic to show pre-settled status in favour of a pending settled status application.

³ <https://www.gov.uk/government/news/temporary-protection-for-more-applicants-to-the-settlement-scheme>

⁴ <https://www.the3million.org.uk/library> - November 2021

For this individual, the consequence of this is that they have not been informed about the rights that they have with a pending application. Indeed, they only have a non-digital CoA which is incorrect, and they have no access to their digital CoA.

In light of this, we have the following questions:

- Q1. Would you agree that it may be difficult to design algorithmic logic to decide which application status should be shown when people with multiple immigration applications log in to View & Prove, such that the most relevant information is shown to each individual in every circumstance?
- Q2. Can View & Prove be updated such that people see *both* any granted status *and* any pending immigration application, see their rights associated with both, and be able to generate a share code with both? If so, when could this update be implemented by?
- Q3. Could View & Prove also be updated such that all attached identity documents can be listed, to confirm to people that they can travel with each of these documents? (This is also discussed in our recent report to the IMA⁵).
- Q4. As also asked in our separate letter 'Upgrading from pre-settled to settled status', can the dashboard view of people's applications be updated to show improved information for each application, including whether a granted EUSS status is for pre-settled or settled status, and including the state (granted, refused, invalid, withdrawn, void) of each application?
- Q5. Can the EU Settlement Resolution Centre telephone options be urgently reviewed to allow people to speak to an agent about the progress of their application, instead of automatically terminating their call?
- Q6. Will the Government refund people for any visa application fees, immigration healthcare surcharges and other associated costs resulting from unnecessary visa applications due to incorrectly being informed that pending late applications do not grant any rights until status is granted?

Kind regards,

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⁵ <https://www.the3million.org.uk/ima-report-mar-22>, paragraphs 79 - 82.