

BRIEFING

20 November 2024

REFUGEE AND MIGRANT RIGHTS

eVisas replacing physical status documents

In May 2021, the Home Office announced that, by 2025, nobody would be able to use a physical document to prove their immigration status.ⁱ Instead, people must rely on an eVisa system. This briefing explains the new system and concerns about it.

What is an eVisa?

An eVisa is an online record of someone's immigration status.ⁱⁱ The information it holds includes:

- that the person is permitted to be in the UK;
- whether that permission is time limited and, if so, when it will end; and
- any conditions on which that permission has been granted (e.g., restrictions on whether the person is permitted to work, study, or have access to public funds).

The use of eVisas is **replacing physical documents** such as:

- biometric residence permits issued when someone is granted permission to stay in the UK; and
- stickers (known as vignettes) placed in passports when someone is granted permission to come to the UK (known as entry clearance).

Why is this important?

British and Irish citizens are generally free to live in the UK.ⁱⁱⁱ Other people must have **permission** to do so.^{iv} Permission can be for a fixed or indefinite period.^v If for a fixed period, conditions may be placed on it (e.g., not allowing the person to work, or limiting the work they may do or whom they may work for).^{vi}

Whether they are a citizen or not, **immigration policy requires people to prove their status** in the UK to many different people for various purposes. For example, it is necessary for people to show:

- an employer that the employer may employ them;^{vii}
- an NHS hospital that they may be treated for free;^{viii}
- an educational institution that the person is permitted to study;^{ix}
- a local authority that the authority may provide them housing or other support;^x
- a landlord that the person is allowed to rent accommodation;^{xi}
- a bank that the bank may open an account for them;^{xii}
- the Driver and Vehicle Licensing Agency (DVLA) that it may issue them a driving license;^{xiii}
- a benefits office that the person is entitled to apply for welfare benefits;^{xiv} and
- an immigration official that the person is permitted to be in the UK.^{xv}



How can someone prove their immigration status with an eVisa?

An eVisa cannot be carried around like a biometric residence permit could be. Someone with an eVisa cannot simply show it to someone else.

Instead, to prove their status to another person, people must grant that other person access to the online system that holds their eVisa. People with permission to be in the UK need a **UKVI account** to do this.^{xvi} This is a digital account with the Home Office UK Visas and Immigration (UKVI). The person needs an email address and a telephone number to operate the account.

The UKVI account allows someone to log into the online system on which their eVisa is held. The person can then obtain a code. For a limited period of time, this code will grant access to view relevant information held by the eVisa that relates to their status. The person can share the code so that a potential employer, landlord or service provider can check the person's immigration status permits them to be employed, provided accommodation or receive services.^{xvii}

Why is the Home Office changing to eVisas?

The Home Office says there are several benefits of eVisas. However, whether what it says are benefits are truly beneficial is open to doubt. For example:^{xviii}

1. **The Home Office says an eVisa cannot be lost, stolen or damaged.** However, online records can be lost, stolen or damaged – just not in the same way as physical documents. A major difference between an online record and a physical document is who controls it. An eVisa is held and mostly controlled by the Home Office (it possesses and operates the eVisa system). Unlike a physical document, the security of someone's eVisa is mostly out of their hands and in the hands of the Home Office.
2. **The Home Office says an eVisa allows people to prove their rights “*instantly, accurately and securely to anyone who requests it while sharing only necessary information.*”** Physical documents allow this too and without the need to remember login details or obtain a code to be shared. While a physical document may display more information than someone else needs to see, it will not normally show a great deal more. Someone's eVisa is not, however, in their control. They must rely on the Home Office system to work instantly, accurately and securely. A physical document does not depend on this.
3. **The Home Office says people “*...can easily keep the Home Office updated with any changes... to their name and nationality, travel document (such as passport), email, telephone and postal address contact details.*”** The Home Office has created an online system for people to do this. However, an eVisa is not needed for this and someone with a physical document could update the Home Office in the same way.
4. **The Home Office says people “*...can access many UK government services and benefits without needing to present proof of immigration status... because selected government departments and authorities... can securely access immigration status information automatically through system to system checks.*”^{xix}** The extent of data-sharing by government departments is a concern to many people. In any case, eVisas are not needed for this data-sharing, which was done long before eVisas were introduced.
5. **The Home Office says, “*It is also simpler for those who need to check someone's UK immigration status (such as employers and landlords), to use online services, rather than having to maintain awareness of, and look through, different types of physical immigration documents, some of which may be in bad condition, or even fraudulent.*”** Some employers and landlords may find the eVisa system easier. However, some may find an online system less easy. Much depends on whether the Home Office keeps the system working quickly, accurately and securely. On the other hand, the Home Office had already reduced the variety of physical documents in use. It could have taken further steps to do so.

The reason for the change to eVisas seems, therefore, to be **about reducing Home Office costs** because it no longer needs to produce, issue and replace biometric residence permits or other physical documents. Whether this saves costs in the long run may be another matter. Much depends on whether the Home Office keeps the system working well. If not, the disruption that may be caused could be extensive and very costly – though not all such costs would fall upon the Home Office.

Amnesty's concerns about the change to eVisas

Whether and how someone can prove their immigration status is vital. Much daily life – including activity that is necessary to people's health, welfare, housing, sustenance, much social engagement, and personal development and fulfilment – depends on this. Proving immigration status may also be necessary to avoid being wrongly detained or removed from the UK, including separation from family.

Amnesty first raised concerns with the Home Office about eVisas in June 2021.^{xx} Our main concerns are:

- **some people will be disadvantaged** if they cannot or others will not use an online system;^{xxi}
- the system **removes people's control over proof of their own status** leaving control in the hands of the Home Office (and the technology used by the department). This does not prevent the person being controlled by someone else, who may take control of access to a UKVI account just as they may previously have taken control of the person's passport or biometric residence permit;
- the system is **entirely dependent on the Home Office accurately and safely storing and transferring people's personal data** and yet that department has been granted a wide exemption from basic legal duties to accurately and safely store and transfer data;^{xxii}
- **someone will not know if their eVisa (i.e., the online record of their status) is damaged, stolen or wrongly altered** until something goes wrong for them (e.g., they are refused a job or tenancy) and they will be **without alternative proof of their status** to put things right;^{xxiii}
- the Home Office seems **over confident in claims about the benefits and safety of this system** and this casts doubt that it properly or fully recognizes the risks involved or how these can be managed.

The Home Office has produced information and set up contact centres (known as Resolution centres) to provide guidance and help to people affected. There are, however, real **concerns about how accessible this support is**. It is unclear how long the department will continue to develop, update or provide this support. A risk is that much of this will be discontinued over time to save Home Office costs.

It would be possible to keep the use of physical documents alongside an eVisa system. Any eVisa benefits could then be delivered without taking away the security that people have by possessing physical proof of their status. This would mitigate the risks of an online system. People would have something to prove their status if the system was at fault or someone else (e.g., a landlord) could not or refused to use that system.

Conclusion

A **widespread fault or cyber-attack on the eVisa system** could cause serious difficulties for a very large number of people. A **mistake or fault affecting one person's eVisa** could still cause serious harm to that person.^{xxiv} People should hold on to any Home Office letters or emails that are sent to them that notify them about their status. These may be all they have to rely on if something goes wrong with the system.

However, **the Home Office should think again about the risks** it is taking with so many people's lives. Parliament should do so too. It should also act to **remove or restrict the exemption from basic legal duties to protect people's data** that has been given to the Home Office.

There are wider concerns about data-sharing and data-storage by the Home Office and others, including other government departments. These are not the subject of this briefing.

Notes

- ⁱ [New Plan for Immigration: legal migration and border control strategy statement](#), 24 May 2021, CP 441, paragraph 81
- ⁱⁱ The Home Office produced what it calls a [Media factsheet: eVisas](#) on 2 October 2024, which describes what an eVisa is and makes various claims about this system.
- ⁱⁱⁱ Sections 1(1) and 2 of the Immigration Act 1971 apply to British citizens, and section 3ZA applies to Irish citizens.
- ^{iv} section 1(2), Immigration Act 1971
- ^v section 3(1)(b), Immigration Act 1971
- ^{vi} section 3(1)(c), Immigration Act 1971
- ^{vii} The Immigration, Asylum and Nationality Act 2006 includes potential civil financial penalties or criminal penalties of fines or imprisonment where an employer employs someone who is not permitted to work. The Immigration Act 2016 made this scheme significantly harsher.
- ^{viii} There are different regulations in England, Wales, Northern Ireland and Scotland governing whether free access to NHS healthcare is available to people generally described in these regulations as “overseas visitors”. People with permission to be in the UK for six months or more are generally required to have paid an immigration health charge to obtain that permission, and are entitled to free NHS treatment. This health charge was introduced by the Immigration Act 2014.
- ^{ix} Educational institutions are generally required to fulfil various requirements to be able to accept international students onto their courses under a sponsorship scheme first established by the Home Office in 2008. Under this scheme an educational institution is at risk of losing its license to accept international students if it does not meet these requirements.
- ^x There are various relevant legal provisions including section 115 of the Immigration and Asylum Act 1999, section 3(1)(c)(ii) of the Immigration Act 1971, and Schedule 3 of the Nationality, Immigration and Asylum Act 2002.
- ^{xi} This is required by a scheme established by the Immigration Act 2014 and Immigration Act 2016, which includes potential civil financial penalties or criminal penalties of fines or imprisonment for a landlord who fails to abide by the scheme.
- ^{xii} This is required by a scheme established by the Immigration Act 2014.
- ^{xiii} This is required by a scheme established by the Immigration Act 2014.
- ^{xiv} There are various relevant legal provisions including section 115 of the Immigration and Asylum Act 1999 and section 3(1)(c)(ii) of the Immigration Act 1971.
- ^{xv} This may be necessary at a port of entry to the UK or various places in the UK such as when a person is arrested in an immigration raid, at a random immigration check as sometimes happens in public places such as railway stations, or as a result of an employer, the police or some other body reporting someone to the Home Office.
- ^{xvi} Home Office information about this is currently available online on gov.uk: [Get access to your eVisa](#).
- ^{xvii} The Home Office has published [guidance](#) about how the eVisa system is intended to work.
- ^{xviii} These reasons are given in the Home Office [Media factsheet: eVisas](#).
- ^{xix} The Home Office [Media factsheet: eVisas](#) gives the Department of Work and Pensions and NHS in England as examples.
- ^{xx} Amnesty wrote to the Minister for Future Borders and Immigration on [2 June 2021](#) and received a response from the Home Office in August 2021. Amnesty also wrote to a Home Office Deputy Director on [13 June 2024](#).
- ^{xxi} Home Office contact centres (known as Resolution centres) are intended to support people who find online processes difficult. This was said in the Home Office response to Amnesty in [August 2021](#). The [Independent Monitoring Authority](#), which is particularly concerned with rights under the EU Citizens’ Rights Agreement, set out further information from the Home Office in [June 2023](#).
- ^{xxii} Paragraph 4 of Schedule 2 to the Data Protection Act 2018 provides the Home Office with a wide exemption from basic legal protections that apply to personal data. Amnesty explained various concerns and misunderstandings relating to that exemption in a [submission to the Data Protection Public Bill Committee in March 2018](#), all of which were widely ignored.
- ^{xxiii} If the Home Office disputes their status, people may need to rely on the Home Office emails and letters they receive notifying them of decisions about their status. However, this is unlikely to help people to persuade other people and organisations to accept their status; and they may have serious difficulties if the Home Office delays or refuses to recognize their status and reinstate or correct their eVisa.
- ^{xxiv} A September 2024 [Open Rights Group report](#) identifies several errors in the eVisa system. Although the Home Office [Media factsheet: eVisas](#) emphasises the department’s view that the system is secure and accurate, it is silent about how anyone will be protected if that proves wrong. The department’s response to Amnesty in [August 2021](#) set out what it says are safeguards. These safeguards are all in the hands of the Home Office and outside the control of the person who must rely on the eVisa; and the Open Rights Group report casts doubt on the department’s assurances.

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