

URGENT BRIEFING: THE IMMIGRATION (RESTRICTIONS ON EMPLOYMENT AND RESIDENTIAL ACCOMMODATION) (PRESCRIBED REQUIREMENTS AND CODES OF PRACTICE) AND LICENSING ACT 2003 (PERSONAL AND PREMISES LICENCES) (FORMS), ETC., REGULATIONS 2022

1. The Government on 7 March 2022 made [regulations](#)¹ that will make online only checks mandatory for right to work and rent for all people with an immigration status in the UK. For over a decade people with biometric cards and permits have used these documents to prove their rights to live, work and rent in the UK. From 6 April 2022 (when these regulations take effect) people with these documents will no longer be able to rely on them to work and rent in the UK. They will instead need to use one of two portals: [right to work](#)² and [right to rent](#)³.
2. The Home Office on 1 July 2021 made it mandatory for EU, EEA and Swiss citizens to prove their status via an online portal called '[View and Prove](#)'⁴. These citizens can only prove their lawful status to employers or landlords or other parties, by generating a 'share code' so that third parties can independently confirm their rights. This online approach is being rolled out to all nationals with an immigration status in the UK from 6 April 2022, with little to no publicity or awareness raising to the public.
3. We and various other organisations supporting EU citizens with digital only status have identified numerous concerns since the digital portal's launch on 1 July 2021. The four key areas of concern are as follows:
 - a. **There are people for whom an online status can never work.** We have received numerous accounts of vulnerable adults not being able to access their status because they can't use the technology or don't have access to it including older people, those with disabilities, and people from certain communities such as Roma.
 - b. **There are circumstances in which an online status doesn't work.** The online portal is prone to error. We have received numerous reports of people being unable to access their status and are facing error messages/incorrect information. In addition, the portal is reliant on other technology working to function – for example where a phone breaks or runs out of battery, or internet access is lost, people lose access to their status.
 - c. **The maintenance of online status can break access.** Access and use of the online status is reliant on the status holder to update and manage it via the portal. This creates inbuilt barriers that further disconnect people from their rights. For example, updating status with a renewed passport has led to some not being able to access or prove their status with either old or new passport details. We

¹ <https://www.legislation.gov.uk/ukSI/2022/242/contents/made>

² <https://www.gov.uk/prove-right-to-work>

³ <https://www.gov.uk/prove-right-to-rent>

⁴ <https://www.gov.uk/view-prove-immigration-status>

have received numerous reports of issues and have analysed them in our most recent report [here](#)⁵ to the Independent Monitoring Authority.

- d. **The existing mitigations to all the above are inadequate.** The government has a call centre (SRC) to assist those having difficulty with the view and prove system. However recent data shows that in the 12 months to October 2021, 56% of calls to the SRC were abandoned. In July 2021, the first month that people had to rely on their digital-only status, only 31% of calls were handled. Please see our correspondence with the Home Office from our library in December 2021 [here](#)⁶.
4. The above have real life implications for people. They lose access to their status and their ability to live normally in the UK. Be it renting a home, applying for a job, boarding a plane, or accessing help from the Government/local authorities. They are reliant on the process working effectively. It does not, and it meaningfully excludes people.
5. The explanatory notes accompanying the regulations state that no impact assessments have been undertaken. Given that this is a significant shift in how people prove their status to live and work in the UK, we are concerned that assessments relating to the Equalities Act and Data Protection were not undertaken. This is especially important given the above findings and those in our [most recent report](#)⁷ mentioned above.
6. The regulations have been made negative and the objection period ends on 28 April. We would be grateful if you were to object to these regulations and encourage a debate on them.
7. This is a significant change to the way all migrants in the UK must prove their rights to live and work. They should be debated to establish what safeguards are in place and what assessments have been undertaken on how the scheme has been performing as well as impact assessments.

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

⁶ <https://www.the3million.org.uk/library>

⁷ <https://www.the3million.org.uk/ima-report-mar-22>