



OPEN RIGHTS
GROUP

E-VISAS: THE PROBLEM

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The problem

From 1 January 2025, people who have right to remain in the UK must have an e-Visas to apply for work, apply to use housing and other services, and to re-enter the UK. Other documents such as Biometric Residence Permits (BRPs) will no longer be accepted. Problems with the scheme include:

- Mismatched personal data and out-of date-decisions replacing current decisions.
- Resistance from the international carriers who will have responsibility for checking e-Visas from 1 January 2024.
- Confusion over the requirements for approximately 200,000 UK residents who have legacy documents proving their right to remain in the UK. To get an e-Visa, holders of legacy documents must provide evidence of continuing residence in the UK since being granted leave to remain.
- Biometric Residence Permits (BRP) will no longer be issued, after October 31, 2024¹ but are needed to apply for an e-Visa.² If paper documents can be used to prove immigration status, this information needs to be published.^{3 4}
- Refugees with travel documents issued from the UK have been unable to link their travel documents to their e-Visa because of a mismatch between their nationality and the UK as the place of issue of their travel documents.⁵
- There have been significant problems with the software systems.^{6 7} Some of these relate to the lack of a stored on-device record; any check relies on an

1 <https://www.gov.uk/guidance/online-immigration-status-evisa>

2 Ibid

3 <https://homeofficemedia.blog.gov.uk/2024/10/02/media-factsheet-evisas-2/>

4 at least one Home Office official has contradicted this advice, saying they could be denied entry into the UK if they rely on these documents .

<https://www.theguardian.com/uk-news/2024/oct/06/people-who-have-lived-in-uk-for-decades-fear-being-locked-out-by-evisas>

5 See Hostile and Broken, (2024) Open Rights Group, p. 21

<https://www.openrightsgroup.org/publications/e-visas-hostile-and-broken/>

6 "[Loss and Liability - Glitching immigration status as a feature of the British border after Brexit](#)". Journal of Immigration, Asylum & Nationality Law. By Kuba Jablonowski and Monique Hawkins

7 <https://www.openrightsgroup.org/publications/e-visas-hostile-and-broken/>

active Internet connection. Others relate to data errors mentioned above.

How to solve the problem

The Home Office's objection to allowing a digitally stored e-Visa, or a paper equivalent such as a printed QR code, is the result of the department's desire to ensure that e-Visas can be rescinded rapidly, in a "digital hostile environment". The Home Office accepts no liability for the ensuing problems. The Home Office needs to explain:

1. Whether people with legacy documents, such as stamps in passports, need to apply for an e-Visa;
2. Whether and how people who have legacy documents will be able to use them to re-enter the UK after January 1, 2024;
3. The application process for legacy document holders after October 31, 2024 when BRPs are no longer issued;
4. If and how the Home Office will guarantee that the immigration status of legacy document holders will not change through the e-Visa application process, eg if they are unable to provide evidence of residence since being granted indefinite leave to remain;
5. How refugees and others should seek resolution where they cannot link their travel document to their e-Visa as a result of their UK travel document not matching their nationality as the place of issue;
6. How international travellers experiencing problems re-entering the UK as a result of failures with e-Visas can resolve these;
7. Whether the Home Office will accept any liability for individuals being stranded overseas.

The Home Office should also:

8. Publish the Data Protection Impact Assessment and the Equalities and Human Rights Impact Assessment for the e-Visa scheme and any mitigation plans they have;

In the New year, the Home Office should provide means to:

9. Digitally store an e-Visa on a device
10. Provide a paper system e-Visa holders to allow third parties to access their e-Visa record, such as a QR code