



## Equality Impact Assessment [EIA]

### Demonstrating Compliance with the Public Sector Equality Duty (PSED)

#### **Due regard must be shown:**

- Decision-makers must be made aware of their duty to have ‘due regard’ and to the aims of the duty
- Due regard is fulfilled before and at the time a particular policy or operational activity, that will or might affect people with protected characteristics is under consideration, as well as at the time a decision is taken. It is not a box ticking exercise.
- Due regard involves a conscious approach and state of mind. The duty must be exercised with rigour and an open mind.
- The duty cannot be delegated to another body and will always remain on the body subject to it.
- The duty is a continuing one.
- It is good practice for the public body to keep an adequate record showing that they have considered their equality duties and considered relevant questions.

#### **1. Name and outline of policy proposal, guidance or operational activity**

In line with the Public Sector Equality Duty, this Equality Impact Assessment (EIA) considers the likely equalities impact of the proposal to:

Mandate digital only right to work and rent checks for holders of biometric cards (Biometric Residence Cards (BRCs) and Biometric Residence Permits (BRPs) from 6 April 2022.

Limiting the use of physical biometric cards, in order to prove status to employers and landlords. Thereby requiring holders to use the cards to access Home Office online services only.

#### Background

The Right to Work and Rent Schemes (the Schemes) form part of a suite of measures designed to tackle and deter illegal immigration. The legislative measures are underpinned by secondary legislation and statutory codes of practice for employers and landlords. The Schemes are intended to prevent those without lawful status from taking up employment or accessing the private rented sector and support efforts to tackle those who exploit vulnerable migrants. Eligibility to undertake employment or rent private accommodation under the Schemes is predicated on the individual proving their rights by presenting prescribed acceptable documents, or by using the Home Office online services. The checks should be applied equally to everyone, including British citizens. Employers and landlords must keep a copy of the documents checked to have a defence against liability for a civil penalty if the individual is later found to have no lawful status in the UK.

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The border and immigration system is undergoing an end-to-end transformation. We are moving away from a complex system reliant on people proving their rights through physical documents that are sometimes decades old, to a streamlined system that is digital by default. The ambition is to achieve this by the end of 2024.

The Equality Impacts of these changes have been considered in the following EIAs: <https://www.gov.uk/government/publications/eu-settlement-scheme-policyequality-statement/policy-equality-statement-eu-settlement-scheme>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/939712/Equality\\_Impact\\_Assessment\\_PointsBased\\_Immigration\\_System.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/939712/Equality_Impact_Assessment_PointsBased_Immigration_System.pdf)

The UK has left the European Union (EU) and free movement for EEA citizens ended on 31 December 2020. A grace period followed until 30 June 2021, during which some aspects of free movement were saved. EEA citizens and their family members are now required to evidence lawful immigration status in the UK under the EU Settlement Scheme (EUSS) or points-based system in order to access, work, accommodation, benefits and services. [The Immigration \(Restrictions on Employment and Residential Accommodation\) \(Prescribed Requirements and Codes of Practice\) and Licensing Act 2003 \(Personal and Premises Licences\) \(Forms\) Order 2021](#) removed EEA passports, national identity cards and other EEA regulation documents from the lists of acceptable documents. Since 1 July, most EEA citizens with valid UK immigration status rely solely on the Home Office online services to evidence their right to work and rent and to access other services.

Holders of biometric cards have been able to use our online right to work and rent services to provide satisfactory evidence to employers and landlords for a statutory excuse since 2019 and 2020 respectively. BRC and BRP holders access the services with their card number and date of birth and can then generate a share code for the prospective employer or landlord to give them time-limited access to the relevant information. Individuals who go on to gain status under EUSS, or the new points-based system and are issued an eVisa then gain a UKVI account to access our View and Prove service. Account holders can also access the right to work and rent services directly, using their account credentials to sign in.

Since the end of the grace period, it has not been possible to determine from a physical check of an unexpired BRC if the holder has gained lawful immigration status under the EU Settlement Scheme (EUSS). Therefore, there are some individuals who hold an unexpired BRC, or an EEA legacy vignette but have no lawful status in the UK. Some holders of these unexpired documents will have consciously not applied to the EUSS, as they will not be eligible, and others believe they do not need to take action because they have conflated an unexpired BRC with ongoing leave. Determination of status for those with an unexpired BRC can only be

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determined by conducting a check using the Home Office online right to work and rent services.

There is also a cohort of non-EEA nationals who hold legacy EEA Regulation vignettes. These were issued until 2015, and, therefore, denote a validity up to and including 2025. We are unable to determine the volume of legacy vignette holders who have not made an application to the EUSS. However, key strands of EUSS communications have been directed at this cohort to encourage applications on or before 30 June 2021. Therefore, it remains our intention to also remove these vignettes from the lists of acceptable documents to prove right to work and rent from 6 April 2022. As a result, those who have not made a valid application by this time will no longer be able to access services until such time they do. When this change comes into force this cohort, like BRC holders, will have had an additional nine months to apply to the EUSS. Additionally, clear communications to employers and landlords will be issued ahead of the change; where they encounter these documents, individuals should be signposted to apply to the EUSS. Once they make a valid EUSS application they will be able to prove their right to work or rent.

Information has been published to advise non-EEA family members of the need to apply for status under the EUSS. However, some individuals believe they can rely on Home Office issued documents that don't expire until well into the future, such as an unexpired BRC (up to 2030) as evidence of lawful status. Posts on the Home Office Facebook page prior to the end of the grace period confirmed some believe they do not need to make an application until their BRC expires. There may be vulnerable people in this cohort, and whilst these individuals do not have lawful status, unlike the Windrush generation who were in the UK lawfully, comparisons might be drawn by the media if they are denied access to work and accommodation.

Ministers previously agreed, for a limited time period, to maintain the status quo in the right to work and rent document lists allowing unexpired BRCs and legacy vignettes to be used as evidence of right to work and rent, regardless of the holder's immigration status. This was to enable them to make an application to the EUSS. However, we now believe the risk of allowing a number of people who have not secured EUSS status to continue to work and rent, undermining the purpose of the Schemes and placing one group of individuals without lawful status at an advantage over other groups without status, now outweighs the risks of removing BRCs from the list of acceptable documents.

#### Policy Proposal

From 6 April 2022, holders of BRCs and BRPs will be required to use their biometric cards to access Home Office online right to work and rent services, in order to prove their status to employers or landlords, rather than a physical check. They use their card number and date of birth to access the online services, to then share their status with an employer or landlord.

BRPs are also being removed from the lists of acceptable documents as a result of its similarity in appearance to a BRC. We do not believe it is

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reasonable to require employers and landlords to distinguish between these, and, to date, have never required them to do so. Failure to differentiate between a BRC and BRP, could result in a would-be compliant employer or landlord being issued with a civil penalty, which would likely undermine confidence in the Schemes and increase the risk of litigation. We also believe it could make employers and landlords risk averse and not accept BRPs for fear of accepting the wrong document because they could not distinguish it from a BRC.

The cards will be removed from the lists of acceptable documents, which means an employer or landlord will only obtain a statutory excuse against liability for a civil penalty by carrying out a check using the Home Office online services, not undertaking a physical check of the card.

The online service can only be used to demonstrate status by those with a valid (not expired) BRP. Removing BRPs from the acceptable document list will, therefore, deliver a further change to the Right to Rent Scheme, as individuals with indefinite leave to remain have been able to use a current or expired BRP to prove their right to rent. However, as individuals are required by law<sup>1</sup> to apply for a replacement BRP when their card expires or is reported lost or stolen, we believe this is a proportionate change to make to the Right to Rent Scheme. We are looking at options to make the process of renewing a BRP easier.

This policy proposal feeds into the wider intention to roll out the online immigration status services to all migrants and to remove physical documents completely by the end of 2024.

This EIA sets out the further analysis of the equalities issues in relation to the proposed prioritisation of roll out of digital status and the removal of physical documents, namely BRCs and BRPs.

## **2. Summary of the evidence considered in demonstrating due regard to the Public-Sector Equality Duty**

When considering the policy proposal, we have taken account of the Home Office objective to develop a border and immigration system which is “digital by default”, which means over time we will increasingly replace issue and use of physical documents with accessible, easy to use, online and digital services.

It is quicker, more secure and cost effective to enable individuals to view and share information on their immigration status using an online service. It can be accessed at any time and any place and, unlike a physical document, immigration status information accessible online cannot be lost, stolen or tampered with and it can be shared securely with third parties such as employers or landlords.

### General Information

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<sup>1</sup> <https://www.legislation.gov.uk/uksi/2008/3048/contents/made>

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Consultation with Home Office strategic communications indicates reaching non-EEA family members through appropriate communication channels could be challenging. However, strides have been made to communicate the changes to the relevant cohorts. This is reflected in the applications to the

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EUSS by 30 June 2021, where there has been approximately 409,500<sup>2</sup> applications by non-EEA family members, which likely includes existing EEA Rights BRC holders.

In March 2021, there was an estimated c.135k EEA Rights BRC holders who had yet to apply to the EUSS. Since then, data cleansing has been undertaken to refine the dataset and identify viable contact details. Between March and June, the number reduced to c.51k following data matching. Direct communications were then issued to c.21k for whom we held a viable email address, encouraging applications to the EUSS, where appropriate, before 30 June 2021. Additionally, c.800 immigration advisers were contacted to encourage applications from BRC holders.

It should be noted there has never been an expectation the number of extant BRC holders would be reduced to zero. Some BRC holders will not be entitled to leave under the EUSS, where there is no longer an enduring relationship with an EEA citizen or the EEA citizen is no longer exercising treaty rights, some will have left the UK, and some may have sadly passed away.

As the policy proposal will require biometric card holders to access Home Office online right to work and rent services, BRC holders who have failed to make an EUSS application and have no other leave will be unable to satisfy a right to work or a right to rent check. Those individuals will be required to take action to regularise their status.

On 6 August 2021, the Government announced temporary protection for more applicants to the EUSS. This means those who apply from 1 July 2021, and joining family members, will have their rights protected while their application and any appeal is determined. Therefore, it remains available to BRC holders who are eligible to make an application to the EUSS and go on to evidence their rights via a Certificate of Application (CoA). Applicants to the EUSS will be able to prove their right to work or right to rent, whilst they await the outcome of their application.

A total of £22 million of grant funding has been made available to 72 organisations across the UK who provide invaluable support to help families, the vulnerable and hard to reach individuals and groups, apply to the EUSS. Further funding will also be provided to existing grant funding organisations between 1 October 2021 and 31 March 2022. We are working closely with the grant funded network to agree the level of funding, commensurate to demand, to ensure vulnerable and hard to reach applicants remain supported.

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<sup>2</sup> <https://www.gov.uk/government/statistics/eu-settlement-scheme-statistics-table-total-applications-by-nationality-up-to-30-june-2021>

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Moreover, the Home Office Resolution Centre will provide help and support to those with questions about how to apply to the EU Settlement Scheme and can be contacted as follows:

Telephone: 0300 123 7379

Monday to Friday (excluding bank holidays), 8am to 8pm UK local time

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Saturday and Sunday, 9:30am to 4:30pm UK local time

## Legislation and policy

### EU Exit legislation

- The Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020  
<https://www.legislation.gov.uk/ukdsi/2020/9780348212204/contents>
- Withdrawal Agreement  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/840655/Agreement\\_on\\_the\\_withdrawal\\_of\\_the\\_United\\_Kingdom\\_of\\_Great\\_Britain\\_and\\_Northern\\_Ireland\\_from\\_the\\_European\\_Union\\_and\\_the\\_European\\_Atomic\\_Energy\\_Community.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840655/Agreement_on_the_withdrawal_of_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_from_the_European_Union_and_the_European_Atomic_Energy_Community.pdf)

### Right to work and right to rent legislation and policy

- The Immigration (Restrictions on Employment and Residential Accommodation) (Prescribed Requirements and Codes of Practice) and Licensing Act 2003 (Personal and Premises Licence) (Forms) Order 2021  
<https://www.legislation.gov.uk/uksi/2021/689/contents/made>
- The Immigration (Residential Accommodation) (Prescribed Requirements and Codes of Practice) (Amendment) Order 2020  
<https://www.legislation.gov.uk/uksi/2020/1047/contents/made>
- The Immigration (Restrictions on Employment) (Code of Practice and Amendment) Order 2018  
<https://www.legislation.gov.uk/uksi/2018/1340/contents/made>
- Immigration Act 2016  
<https://www.legislation.gov.uk/ukpga/2016/19/contents/enacted>
- Immigration Act 2014  
<https://www.legislation.gov.uk/ukpga/2014/22/contents/enacted>
- Immigration, Asylum and Nationality Act 2006  
<https://www.legislation.gov.uk/ukpga/2006/13/contents>

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- Code of Practice on preventing illegal working: civil penalty scheme for employers  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1001525/FINAL\\_code\\_of\\_practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001525/FINAL_code_of_practice.pdf)
- Code of Practice for employers: avoiding unlawful discrimination while preventing illegal working  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/311665/Code\\_of\\_practice\\_on\\_avoiding\\_unlawful\\_discrimination\\_while\\_preventing\\_illegal\\_working.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/311665/Code_of_practice_on_avoiding_unlawful_discrimination_while_preventing_illegal_working.pdf)
- Code of Practice on Right to Rent: civil penalty scheme for landlords and the agents  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/999750/2021.06.28\\_RTR\\_Code\\_of\\_Practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/999750/2021.06.28_RTR_Code_of_Practice.pdf)
- Code of Practice on illegal immigrants and private rented accommodation and the Code of Practice for landlords on avoiding unlawful discrimination when conducting 'right to rent' checks in the private rented sector  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/376789/Code\\_of\\_Practice\\_for\\_Landlords\\_web\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/376789/Code_of_Practice_for_Landlords_web_.pdf)

#### Public Sector Equality Duty:

1. The Public Sector Equality Duty is set out in s149(1) of the Equality Act 2010, which states that a public authority, in the exercise of its functions, must have due regard to the need to:
  - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2. Under s149 the eight specified protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race (including ethnic or national origins, colour, or nationality); religion or belief; sex; and sexual orientation.
3. Schedule 18 of the Act sets out exceptions to the public sector equality duty. In relation to the exercise of immigration and nationality functions, s149(1)(b) – advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it – does

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not apply to the protected characteristics of age, race (insofar as it relates to nationality or ethnic or national origins) or religion or belief.

### Avoiding Discrimination

Since 1 July, EEA citizens and their family members have been required to evidence lawful immigration status in the UK under the EUSS or points-based system to access work, benefits, and services. However, some non-EEA family members, were required to apply to the EUSS to remain in the UK after the end of the grace period and have not made an application. This scenario presents the following issues:

- a. Some EEA Rights BRC holders will not have lawful status, despite being in possession of an apparent valid HO issued document.
- b. Employers and landlords will not be able differentiate between those with, and those without, status if presented with a physical document.
- c. Some would-be compliant document holders are not aware of the need to apply to the EUSS, despite being eligible.

In order to ensure those lawfully present in the UK and those would-be compliant individuals are not adversely impacted by right to work and rent checks, Ministers agreed BRCs could continue to be accepted as evidence of a right to work and rent, until early 2022, regardless of whether the holder had obtained status under the EUSS.

It is our intention to end this position on 5 April 2022. Ministers' previously agreed to retain the use of BRCs for the purpose of proving eligibility for right to work and rent despite the removal of EEA passports and ID cards. In effect, this resulted in differing treatment between EUSS-eligible EEA citizens and non-EEA citizens. This disparity will cease when all BRC holders use the Home Office online services to evidence their right to work and rent.

The Schemes have statutory codes of practice and supporting guidance, advising employers and landlords how to carry out the checks in the prescribed manner. There are also associated statutory codes of practice on avoiding unlawful discrimination when complying with their obligations under the relevant Act.

### Digital

Employers and landlords have been able to rely on the online right to work and rent services to provide a defence against a civil penalty since 28 January 2019 and 20 November 2020 respectively. At present, individuals with a valid BRC or BRP can choose to use the online services or their physical card to prove their right to work or rent, employers or landlords cannot insist upon either.

Although use of the online service is optional at present, we have already seen significant numbers of individuals and checking organisations using the online services. Published statistics show how many times the services have been used by individuals, employers and landlords.

Figures to Q2 2021

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Jobseeker profile view	Employer profile view	Tenant profile views	Landlord profile views
2,065,278	661,724	87,587	20,948

We have already seen significant numbers of individuals and checking organisations using the online service. Since, the previous EIA in March 2021, recently published statistics for Q2 2021, show there has been over 1.1 million further jobseeker profile views and over 410,000 further employer profile views. Similarly, there has been almost 80,000 further tenant profile views, and over 20,000 further landlord profile views.

Average user satisfaction across individuals and checkers using the service is above 84%. Figures taken from Home Office Transparency data published on GOV.UK at the link below:

<https://www.gov.uk/government/publications/home-office-data-q2-2021>

The Home Office Resolution Centre provides telephone and email support to all account holders using the online immigration status services, and BRC and BRP holders using the online right to work or right to rent services. This support service will assist users through the online journey, ensuring they are not disadvantaged due to any inability to access or use digital services.

The Resolution Centre (RC) will have the capability to walk account holders through their online journey or, if necessary, share the account holder's status by generating a share code for them. The share code can then be provided to the individual account holder or provided direct to a third party. The RC also provides advice and support to employers and landlords where they experience difficulties with the right to work and rent online services, in advance of this policy proposal being introduced.

Whilst holders of a valid BRC/P have been able to choose how they evidence their right to work/rent, either presenting their card or use the Home Office online services. moves BRC/P holders to digital only right to work and right to rent checks in advance of 2024 when the Home Offices aims to be digital by default.

The Home Office is additionally building the necessary infrastructure and systems to make information about a person's immigration status automatically available to other government departments, minimising the instances where individuals need to prove their status. Such systems are already in place for DWP and HMRC in assessing benefits claims.

### **3a. Consideration of limb 1 of the duty: Eliminate unlawful discrimination, harassment, victimisation, and any other conduct prohibited by the Equality Act**

The proposals do not change the underpinning policy of the Right to Work or the Right to Rent Schemes. They do not alter the duties on employers and

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landlords to conduct right to work or rent checks, nor the legal protections that prospective employees and tenants enjoy against unlawful discrimination, set out in the existing statutory codes of practice.

### Age

Consideration has been given to the impacts of the proposed change and whether it will or will not be likely to lead to discrimination or disadvantage, based on the protected characteristics of age as specified in the Equality Act 2010.

### Direct Discrimination

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There is no direct discrimination or disadvantage on the basis of a person's age for this proposal. The Home Office online right to work and rent checks are designed to ensure that all persons who have a right to work in the UK or rent in England can demonstrate this easily, and changes proposed remain consistent with that objective. The policies apply to all adults aged 16 and over for right to work and aged 18 and over for right to rent.

### Indirect Discrimination

There could be indirect discrimination on the basis of a person's age. This policy may impact older individuals who may not be able to, or be inclined to, use an online process to evidence their right to work or rent.

The impact is considered proportionate, as it supports the legitimate aim to move to a more efficient immigration system, providing access to more accurate personal data. The online checking services provide a more secure way for individuals to evidence their information and ensures employers and landlords have access to the most up to date record of an individual's immigration status.

The ONS survey of 'Internet users in the UK<sup>3</sup>' for 2020 found that 54% of adults aged 75 or over were recent internet users, a 7% increase compared to 47% in 2019. This is compared with 85% of those aged 65-74 (up by 2%), and 99.4% of those aged 16-44. In 2019, 7.5% of adults had never used the internet; in 2020, this number was 6.3%, with 1.2% more adults using the internet than the previous year. This represents a steady fall of adults who have never used the internet. A decade ago, almost 20% of adult women and almost 15% of men had never used the internet. Trends suggest this percentage will reduce even further over the next five to 10 years.

Age range	2019	2020	Increase
16-44	99%	99%	0%
45-54	99%	99%	0%
55-64	92%	94%	2%
65-75	83%	85%	2%
75+	47%	54%	7%

The figures may be different for those for whom English is not their first language.

The Home Office is developing a border and immigration system which is digital by default for all migrants, which over time means we will increasingly replace physical and paper-based products for all immigration routes with accessible, easy-to-use online and digital services. Many people already use

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<sup>3</sup> ONS Internet Users, UK - 2020  
<https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/bulletins/internetusers/2020>

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digital services to access banking, claim benefits or pay taxes. The Home Office is working closely with other government departments, notably the Department of Health and Social Care, the National Health Service, the Department for Work and Pensions and HM Revenue & Customs, to enable

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people to demonstrate their immigration status and access the services for which they are eligible in the simplest and most secure way possible.

The COVID-19 pandemic has seen an increase in use of digital technologies, which have enabled many people to work from home, shop and obtain government services remotely. Moreover, Ofcom<sup>4</sup> reports the pandemic appears to have accelerated the adoption of online services to keep in touch with friends and family. More than 70% of adults in the UK who use the internet are now making video calls at least weekly, up from 35% prelockdown. This trend is particularly noticeable among older internet users; the proportion of adults aged 65+ who use the internet making a least one videocall each week increased from 22% in February 2020 to 61% by May 2020.

As increasing numbers of individuals are brought into scope of digital checks, and we increase our communications regarding accessing and checking immigration status information online, it will increasingly become common practice. The latest published Transaction Explorer data for Q2, 2021 shows a significant increase in use of the online services. In Q2, 2021 alone, 733,477 individuals viewed their right to work profile: a 76% increase on the previous quarter. Similarly, 271,321 employers viewed job seekers' right to work profiles: a 94% increase on the previous quarter.

The right to rent online service has seen a 74% increase in number of tenant profile views since Q1, 2021 (50,765 for Q2, 2021), and 156% increase, in the number of landlord profile views (14,402 views for Q2, 2021) which equates to almost triple the previous quarter.

### **Supporting Evidence**

These changes are considered justified and proportionate as they ensure individuals without lawful immigration status cannot access employment or accommodation in the private rented sector. Furthermore, they are being carried out in a way that minimises the impact to older people. This is demonstrated in the supporting evidence below.

For those who find it difficult to use online services we will continue to develop the necessary support systems to ensure no users will be disadvantaged. Where there is a requirement for additional support the Home Office provides a dedicated contact centre, the Resolution Centre. This service offers phone support seven days a week, to support customers through the digital journey where they need additional help. Where the customer is unable to access the

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<sup>4</sup> Ofcom UK's internet use surges to record levels – 2020

<https://www.ofcom.org.uk/aboutofcom/latest/media/media-releases/2020/uk-internet-use-surges>

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online service, or is unable to navigate it even with assistance, the Resolution Centre will have the capability to share the customers immigration status information with a third party on their behalf. This may be by providing the individual with the share code they need to provide to the third party, by sharing the code directly with the third party on the individual's behalf, or otherwise facilitating a check of their immigration status.

The RC will offer support to all users interacting with their immigration status online and can be contacted by telephone.

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The RC will also provide advice and support to employers and landlords where they experience difficulties with the online services in advance of this policy proposal being introduced. Guidance is also published for employers and landlords including advice on carrying out online checks.

We will increase our communications regarding accessing and checking immigration status information online. We will ensure individuals and those who need to check status are aware of how to do so and how to access the support available to those who may find it difficult to do so.

We are developing an extensive package of communications to ensure individuals, employers, landlords and other third parties are fully aware of the move to digital and how to check a person's immigration status.

A lead-in time of six months (April 2022) to introduce this change allows for sufficient opportunity to deliver communications in advance. This will be undertaken via stakeholders, direct communications and digital media channels.

The mitigations we have put in place will limit any indirect discrimination on the basis of age. Taking the mitigations into account, we consider that any limited indirect discrimination is objectively justified in relation to the importance of the public policy objective of increasing the security and ease of use of immigration services.

## **Disability**

### **Direct Discrimination**

There is no direct discrimination or disadvantage on the basis of disability. The Home Office online right to work and rent checks are designed to ensure that all persons who have a right to work in the UK or rent in England can demonstrate this easily, and the changes proposed remain consistent with that objective.

### **Indirect Discrimination**

There could be indirect discrimination or disadvantage on the basis of disability. The ONS survey of 'Internet users in the UK' for 2020 found that

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81% of adults with a disability have used the internet within the last 3 months, with 15% of adults with a disability never using the internet. This compares to 92% of the overall population who have used the internet in the last 3 months. This policy change would not impact all with disabilities in the same way, whilst some with cognitive impairment may be more negatively impacted, some with limited mobility may be positively impacted.

We have considered the impact of mandating the use of Home Office online services for right to work and rent checks on those with disabilities. The impact is considered proportionate, as it supports the legitimate aim to move to a more efficient immigration system, providing access to more accurate personal data. The online checking services provide a more secure way for individuals to evidence their information and ensures employers and landlords have access to the most up to date record of an individual's immigration status.

Accessibility Statements have been published for both the [online right to work](#) and [online right to rent](#) services.

The online right to work and rent services are currently partially compliant with the [Web Content Accessibility Guidelines version 2.1 AA standard](#).

#### The services allow users to

- change colours, contrast levels and fonts
- zoom in up to 300% without the text spilling off the screen
- navigate most of the service using just a keyboard
- navigate most of the service using speech recognition software
- listen to most of the service using a screen reader (including the most recent versions of JAWS, NVDA and VoiceOver)
- the service text has been made as simple as possible to understand

Where there is known non-compliance with the accessibility regulations this is identified on the accessibility statement and a target date set for resolution of the issue. Statements will continue to be updated on a regular basis, as issues are resolved, or new issues identified.

The statements include information on how users can report accessibility issues so that these can be investigated and resolved by Home Office the technical teams.

#### **Reasonable Adjustments**

The RC will offer support to all users interacting with their immigration status online and can be contacted by telephone. The service will assist users who are experiencing technical issues with their online immigration status, and where necessary, enable account holders' status to be verified through alternative means.

The RC will also provide advice and support to employers and landlords where they experience difficulties with the online services in advance of this

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policy proposal being introduced. Guidance is also published for employers and landlords including advice on carrying out online checks.

The mitigations we have put in place will limit any indirect discrimination on the basis of disability. Taking the mitigations into account, we consider that any limited indirect discrimination is objectively justified in relation to the importance of the public policy objective of increasing the security and ease of use of immigration services.

## **Gender Reassignment**

### **Direct Discrimination**

We do not consider there to be any direct discrimination on the basis of gender reassignment. There is no evidence to indicate that those falling within the protected characteristic of gender reassignment will be affected by this policy proposal.

### **Indirect Discrimination**

We do not consider there to be any indirect discrimination on the basis of a change of gender. There may be positive impacts. A digital service may make it easier for people to update personal profiles, including their name, gender, and facial appearance. Thus, making the online right to work and rent checks a more accurate representation of an individual's appearance, name, gender etc than a historic physical document and able to mitigate discrimination.

We have published further guidance for individuals looking to update their details on GOV.UK at: <https://www.gov.uk/guidance/using-your-uk-visas-and-immigrationaccount#your-ukvi-account>

## **Marriage and Civil Partnership**

### **Direct Discrimination**

We do not consider there to be any direct discrimination on the basis of marriage or civil partnership. There is no evidence to indicate that those falling within the protected characteristic of marriage and civil partnership will be affected by this policy proposal.

### **Indirect Discrimination**

We do not consider there to be any indirect discrimination on people the basis of marriage or civil partnership. There may be positive impacts. A digital service may make it easier for people to update personal profiles, including their name and marital or civil partnership status, as the online update details service develops. Thus, making the online right to work and rent checks a more accurate representation of an individual's current marital of civil partnership status than a historic physical document.

We have published further guidance for individuals looking to update their details on GOV.UK at: <https://www.gov.uk/guidance/using-your-uk-visas-and-immigrationaccount#your-ukvi-account>

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## Pregnancy and Maternity

### Direct Discrimination

We do not consider there to be any direct discrimination on the basis of pregnancy or maternity. There is no evidence to indicate that those falling within the protected characteristic of pregnancy or maternity will be affected by this policy proposal.

### Indirect Discrimination

We do not consider there to be any indirect discrimination on the basis of pregnancy or maternity. There is no evidence to indicate that those falling within the protected characteristic of pregnancy or maternity will be affected by this policy proposal.

## Race

### Direct Discrimination

We do not consider there to be any direct discrimination on the basis of race. There is nothing, at the present time, to indicate that those falling within the protected characteristic of race will be adversely affected this policy proposal.

### Indirect Discrimination

There may be indirect discrimination against ethnic groups who are at a disadvantage resulting from lack of IT skills and access to technology.

We have considered this from the perspective of colour, and we have not identified any impacts either direct or indirect.

However, the ONS survey of 'Internet users in the UK' for 2020<sup>5</sup> shows recent internet use by ethnic group to be at an estimated average of 94.9%. The lowest recent usage by ethnic group is individuals of Bangladeshi heritage at 87.8%; this has decreased from 2019 figures of 91.9%. Therefore, the impact is considered proportionate, as it supports the legitimate aim to move to a more efficient immigration system, providing access to more accurate personal data. The online checking services provide a more secure way for individuals to evidence their information and ensures employers and landlords have access to the most up to date record of an individual's immigration status.

### Supporting Evidence

These changes are considered justified and proportionate as they ensure individuals without lawful immigration status cannot access employment or rental accommodation and represents a further step towards parity between all individuals interacting with the immigration system, regardless of nationality and race. Furthermore, effective communication and a sufficient lead-in times

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<sup>5</sup> ONS Internet Users, UK - 2020

<https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/bulletins/internetusers/2020>

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should minimise the impact. This is demonstrated in the supporting evidence below.

The RC will offer support to all users interacting with their immigration status online and can be contacted by telephone. The service will assist users who are experiencing technical issues with their online immigration status, and where necessary, enable account holders' status to be verified through alternative means. From the end of October 2021, they will use the Big Word translation services, where required, for customers who need or request additional support.

The RC will also provide advice and support to employers and landlords where they experience difficulties with the online services in advance of this policy proposal being introduced. Guidance is also published for employers and landlords including advice on carrying out online checks.

We are developing an extensive package of communications to ensure individuals, employers, landlords and other third parties are fully aware of the move to digital and how to check a person's immigration status.

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A lead-in time of six months (April 2022) to introduce this change allows for sufficient opportunity to deliver communications in advance. This will be undertaken via stakeholders, direct communications and digital media channels.

Consideration should be made in relation to the Roma community. There is evidence<sup>6</sup> people from the Roma community, estimated at around 200,000 in 2012 may lack IT skills and access to technology which may present barriers to using the online right to work and rent services. However, in the intervening years there has been a significant change in digital accessibility and operations, across many sectors and services. Therefore, many would have already transitioned, this will include via the EU Settlement Scheme as well as other services. There is a wide range of support outside the Home Office, including voluntary and community organisations which can give support across the range of vulnerabilities. A number of these directly support the Roma Community, such as the Refugee and Migrant Centre who have engaged with and supported more than 9,000 people with their EUSS applications in Birmingham, Wolverhampton, and Walsall.

The government has committed to providing parity between EEA and nonEEA citizens under the new immigration system. All migrants coming to the UK will be required to obtain the correct immigration status, regardless of their nationality. Failure to deliver this change will mean the government will not deliver this commitment and will arguably be discriminating against non-EEA nationals.

## Religion or Belief

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## **Direct Discrimination**

We do not consider there to be any direct discrimination on the basis of religion or belief. There is no evidence to indicate that those falling within the protected characteristic of religion or belief will be affected by this policy proposal.

## **Indirect Discrimination**

We do not consider there to be any indirect discrimination on the basis of religion or belief. The requirements for facial images to be recorded on either the physical document or online service conforms to the standards set out by the International Civil Aviation Organization (ICAO), which is designed to reflect a wide range of requirements to cater for those who follow practices based upon their religion or religious beliefs.

The requirement for an employer or landlord to check the likeness of an individual against their online profile is the same as currently required for a check of a physical document.

## **Sex**

### **Direct Discrimination**

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<sup>6</sup> 'Statement on the impact of EU Settlement Scheme digital-only status on the Roma Community in the UK', Roma Support Group, [https://www.romasupportgroup.org.uk/uploads/9/3/6/8/93687016/statement\\_on\\_the\\_impact\\_of\\_the\\_eu\\_settlement\\_scheme\\_digital\\_only\\_status\\_on\\_roma\\_communities\\_in\\_the\\_uk\\_final.pdf](https://www.romasupportgroup.org.uk/uploads/9/3/6/8/93687016/statement_on_the_impact_of_the_eu_settlement_scheme_digital_only_status_on_roma_communities_in_the_uk_final.pdf)

We do not consider there to be any direct discrimination on the basis of sex. There is no evidence to indicate that those falling within the protected characteristic of sex will be affected by this policy proposal.

### **Indirect Discrimination**

There may be the potential for indirect discrimination on the basis of sex. The ONS survey of 'Internet users in the UK'<sup>3</sup> 2020 found the proportion of men who had recently used the internet in 2019 was higher than women, at 93% and 91% respectively. Overall, there is a higher proportion of women who had never used the internet at 7.3%, compared with men at 5.3%. It is worth noting these percentages have decreased since 2019: 8.7% women had never used the internet, and 6.3% of men had never used the internet.

The COVID-19 pandemic has seen an increase in use of digital technologies, which have enabled many people to work from home, shop and obtain government services remotely, such as undertaking right to work and rent checks.

However, there may be indirect discrimination against women, as they have been identified as being over-represented in many groups identified as

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vulnerable<sup>6</sup>; and are over-represented amongst non-internet users, albeit marginally.

### **Supporting Evidence**

These changes are considered justified and proportionate to ensure individuals without lawful immigration status cannot access employment or accommodation in the private rented sector. Furthermore, they are being carried out in a way that minimises the impact to all. This is demonstrated in the supporting evidence below. This is demonstrated in the supporting evidence below.

The RC will offer support to all users interacting with their immigration status online and can be contacted by telephone. The service will assist users who are experiencing technical issues with their online immigration status, and where necessary, enable account holders' status to be verified through alternative means.

The RC will also provide advice and support to employers and landlords where they experience difficulties with the online services in advance of this policy proposal being introduced. Guidance is also published for employers and landlords including advice on carrying out online checks.

We are developing an extensive package of communications to ensure individuals, employers, landlords and other third parties are fully aware of the move to digital and how to check a person's immigration status.

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A lead-in time of six months (April 2022) to introduce this change allows for sufficient opportunity to deliver communications in advance. This will be undertaken via stakeholders, direct communications and digital media channels.

### **Sexual Orientation**

#### **Direct Discrimination**

We do not consider there to be any direct discrimination on the basis of sexual orientation. There is no evidence to indicate that those falling within the protected characteristic of sexual orientation will be affected by this policy proposal.

#### **Indirect Discrimination**

We do not consider there to be any indirect discrimination on the basis of sexual orientation. There is nothing, at the present time, to indicate that those

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<sup>6</sup> 'How the EU Settlement Scheme affects Women and Girls', [NPC](https://www.thinknpc.org/resource-hub/how-the-eu-settlement-scheme-affects-women-andgirls/)  
<https://www.thinknpc.org/resource-hub/how-the-eu-settlement-scheme-affects-women-andgirls/>; 'Unsettled Status – 2020: Which EU citizens are at Risk of Failing to Secure their Rights after Brexit?' The Migration Observatory  
<https://migrationobservatory.ox.ac.uk/resources/reports/unsettled-status-2020/>

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falling within the protected characteristic of sexual orientation will be disproportionately affected by the policy proposal.

### **Overall equality assessment relating to BRC and BRP holders demonstrating status digitally only:**

The evidencing of rights digitally, was examined by the House of Commons Exiting the European Union Committee<sup>7</sup>. They recognised the roll-out of the digital checking service was already being welcomed by employers and other service providers as providing simplification of the current system, under which they are expected to differentiate between a wide range of documents. As EEA citizens and their family members have been required to rely on their digital status since 1 July 2021, this means they will have adequate time to become familiar with the new process.

The policy is considered to be justified as it is a proportionate means of achieving a legitimate aim. We have designed our digital services and products to be easy to use, along with support for those who need it and, as described above, with reasonable adjustments where these are required, in order to provide a better overall level of service. Evidence of immigration status online cannot be lost, stolen, damaged or tampered with in the way a physical document can. A physical document, such as a BRP or BRC can also be controlled by another person, such as a perpetrator of domestic violence or abuse or of modern slavery. While concerns may be raised that a third party may seek to do the same with online access to immigration status, processes are in place to help individuals regain access to their online information in the rare scenario where a third party refuses to permit access.

Online access to immigration status information allows individuals to view information about their immigration status whenever they wish and means they can allow a third party, such as an employer or a landlord, to have secure, time-limited access to their immigration status to confirm relevant information about their entitlements. The online services allow checks to be

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carried out by video call. Employers or landlords do not need to see physical documents as the individual's information is provided in real time, directly from Home Office systems. The online checks support the Right to Work and Right to Rent Schemes by making it easier for employers and landlords to comply with business processes.

Making immigration status information accessible online also simplifies matters for employers, landlords and service providers. They no longer have to consider a very wide range of identity and status documents, which, even if the document is genuine and not damaged, can be difficult to interpret to establish that the holder has the appropriate immigration status in the UK. In

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<sup>7</sup> [The progress of the UK's negotiations on EU Withdrawal: The rights of UK and EU citizens: Government Response to the Committee's Eighth Report \(parliament.uk\)](#)

addition, making immigration status information accessible online enables information to be tailored for specific purposes. For example, status holders choosing to share information with an employer will share only the data that is relevant to their employment conditions.

**3b. Consideration of limb 2: Advance equality of opportunity** between people who share a protected characteristic and people who do not share it.

Schedule 18 paragraph 2 (1) of the Equality Act 2010 states that in relation to the exercise of immigration and nationality functions subsection 149(1)(b) (to have due regard to the need to advance equality of opportunity) does not apply to age, religion or belief or race (in so far as it relates to nationality or national or ethnic origins).

The requirements of limb 2 are set out further in s149(3), which defines having due regard to the need to advance equality of opportunity as having due regard, in particular, to the need to:

- (a) remove or minimise disadvantage suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (d) above (participation in public life) is not relevant to the change being discussed. (a) and (b) may have relevance, and this is discussed below in relation to the protected characteristics.

The law preventing illegal working is set out in The [Immigration, Asylum and Nationality Act 2006 \(section 15 - 25\)](#), under section 15 of that Act an employer may be liable for a civil penalty if they employ someone who does not have the requisite immigration status to undertake the work in question, if that person commenced employment or after 29 February 2008. The civil penalty provision in the 2006 Act do not apply to continuous employment with the same employer that commenced before the 29 February 2008.

The [Immigration Act 2016 sections 34 and 34](#) make it a criminal offence if an employer knows or have reasonable cause to believe that they are employing an illegal worker and an offence to work illegally in the UK.

The aim of the [Immigration 2014 Act \(Part 3 Chapter 1 Residential Tenancies\)](#) is to prevent disqualified persons, (a person with no legal immigration status in the UK) from accessing the private rented residential sector irrespective of their nationality or other protected characteristic.

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The proposals do not change the operation of the Right to Work or the Right to Rent Schemes. They do not alter the duties on employers and landlords to conduct right to work or rent checks, nor the legal protections that employees and tenants enjoy against unlawful discrimination set out in the existing statutory codes of practice.

## Age

We recognise that elderly people are more likely to be indirectly affected by the policy proposal. However, the existing mitigations, such as Home Office support provided by the RC, to all interacting with their immigration status online as well as supporting employers and landlords, should ensure elderly people are not disadvantaged. A range of charities and non-profit organisations offer free support and help for older people navigating digital technology, offering the potential to upskill previously disenfranchised cohorts.

This policy proposal neither promotes nor diminishes equality of opportunity in this area.

## Disability

This policy proposal has the potential to advance equality of opportunity for those who have a disability, as it may make a right to work or rent check easier. The online services enable right to work and rent checks to be carried out remotely via video call and does not require the employer or landlord to be in possession of the individual's documents. The Home Office online services work in real time, with the output providing the employer or landlord with a defence against liability for a civil penalty.

However, we also recognise that some disabled people are more likely to be indirectly affected by this policy proposal. Some individuals who live with learning or cognitive difficulties may experience difficulties in proving their right to work or rent using the Home Office online services.

However, the existing mitigations provided by the RC, to all interacting with their immigration status online as well as supporting employers and landlords, should ensure disabled people are not disadvantaged. Moreover, where individuals interacting with the immigration system require, or choose to obtain, assistance from a third party, the online service enables this. The individual may give delegated access to their account to a third party, so that the third party can assist them with the application. This means that both the individual and third party will have log in credentials, to be able to access the application information. However, the individual will be able to update or remove the third party's log in details and we have put in place mechanisms to prevent the third party from then being able to access the online status information or update details functionality.

In the case where a third party has legal responsibility for the individual – for example, where a power of attorney type relationship exists – the third party can provide the log in details, and will have sole access to the account, immigration status and update details services on behalf of the individual.

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They can subsequently transfer ownership of the account and access to the online services to the individual, should the individual become capable of managing the account for themselves – such as in the case of children reaching majority.

Moreover, a range of charities and non-profit organisations offer free support and help for individuals with disabilities to navigate digital technology, offering the potential to upskill previously disenfranchised cohorts.

This policy proposal neither promotes nor diminishes equality of opportunity in this area.

### **Gender Reassignment**

This policy proposal may advance equality of opportunity for those undergoing gender reassignment as it may make a right to work or rent check easier. A online only service may make it simpler for people to comply with the right to work and rent checks as it will be easier for people to update their personal profiles, including their name, gender and facial appearance. Thus, making the online right to work and rent checks a more accurate representation of an individual's appearance, name, gender etc than a historic document.

### **Maternity and Pregnancy**

This policy proposal has the potential to advance equality of opportunity for those who are pregnant or have recently given birth as it may make a right to work or rent check easier. The online services enable right work and rent checks to be carried out remotely via video call and does not require the employer or landlord to be in possession of the individual's documents. The Home Office online services work in real time, with the output providing the employer or landlord with a defence against liability for a civil penalty.

### **Race**

This policy proposal has the potential to advance equality of opportunity as it enables more right to work and rent to rent checks to be carried out remotely via video call and does not require the employer or landlord to be in possession of the individual's documents. The Home Office online services work in real time, with the output providing the employer or landlord with a defence against liability for a civil penalty.

However, the existing mitigations provided by the Resolution Centre (RC) to all interacting with their immigration status online, as well as the availability computers and internet access in many local libraries, should ensure these groups are not disadvantaged. This policy proposal neither promotes nor diminishes equality of opportunity in this area.

### **Religion or Belief**

This policy proposal neither promotes nor diminishes equality of opportunity in this area.

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## Sex

We recognise that women may be more likely to be indirectly affected by the policy proposal. However, the existing mitigations, such as Home Office support, provided by the RC to all interacting with their immigration status online, as well as supporting employers and landlords, should ensure women are not disadvantaged. This policy proposal neither promotes nor diminishes equality of opportunity in this area.

## Sexual Orientation

The policy does not impact on individuals on the basis of sexual orientation, as it applies to everyone regardless of sexual orientation. This policy proposal neither promotes nor diminishes equality of opportunity in this area.

**3c. Consideration of limb 3: Foster good relations** between people who share a protected characteristic and persons who do not share it

## Age

We are aware that elderly people may be less confident in using or interacting with new technology or the internet. However, technology plays an ever more prominent role in the lives of older people, as evidenced by the COVID-19 pandemic. The policy provides them with the opportunity to access services in the same way as younger people, with the potential to upskill previously neglected cohorts.

The COVID-19 pandemic has seen an increase in the use of digital technologies, which have enabled many people to work from home, shop, keep in touch with family and obtain government services remotely, such as undertaking right to work and rent checks.

Ofcom<sup>8</sup> has reported the COVID-19 pandemic appears to have accelerated the adoption of online services to keep in touch with friends and family. This trend is particularly noticeable among older internet users; the proportion of online adults aged 65+ who make a least one video-call each week increased from 22% in February 2020 to 61% by May 2020.

## Disability

Technology plays an ever more positive and prominent role in the lives of people with disabilities. This policy proposal provides them with the opportunity to evidence their eligibility remotely and access services in the same way as people who do not have a disability.

## Gender Reassignment

This policy proposal could have a positive impact for people who have changed gender by making it easier to update personal information and facial images.

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<sup>8</sup> <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2020/uk-internet-usesurges>

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### **Maternity and Pregnancy**

We are not aware of any impacts on maternity and pregnancy for this policy proposal.

### **Race**

Making the move to digital only checks delivers parity to those with status under the points-based immigration system.

### **Religion or Belief**

We are not aware of any impacts on religion or belief for this policy proposal.

### **Sex**

We are not aware of any impacts on sex for this policy proposal.

### **Sexual Orientation**

We are not aware of any impacts on sexual orientation for this policy proposal.

#### 4. Summary of foreseeable impacts of policy proposal, guidance or operational activity on people who share protected characteristics

Protected Characteristic Group	Potential for Positive or Negative Impact?	Explanation	Action to address negative impact
<b>Age</b>	Negative and Positive	<p>Elderly people are more likely to be indirectly affected because they may be less comfortable with using technology and may be more comfortable or used to using a physical document.</p> <p>However, interaction with support services may encourage upskilling in previously disenfranchised/distrustful cohorts.</p>	<p>The RC will provide support for those using the online services.</p> <p>Guidance has been published for employers and landlords looking to navigate the online service.</p>
<b>Disability</b>	Negative and Positive	<p>There is the possibility that some individuals who live with learning or cognitive difficulties may experience difficulties in using the online service.</p> <p>However, there could be positive benefits by providing them with the opportunity to access services in the same way as people who do not have a disability, particularly for those with limited mobility.</p>	<p>The online services partially compliant with <u>Web Content Accessibility Guidelines version 2.1 AA standard</u>. Statements will continue to be updated on a regular basis, as issues are resolved, or new issues identified.</p> <p>The RC will provide support for those using the online services.</p> <p>Guidance has been published for employers and landlords looking to navigate the online service.</p>

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<b>Gender Reassignment</b>	Positive	The digital service could have a positive impact for people who have changed gender by making it easier to update	N/A
		personal profiles, including their name, gender and facial appearance. The Home Office has a policy for change of identity; individuals should find it more straightforward to update digital identity rather than multiple documents.	
<b>Marriage and Civil Partnership</b>	Positive	An online only service may make it easier for people to update personal profiles, including any change of name and marital or civil partnership status.	N/A
<b>Pregnancy and Maternity</b>	Positive	An online only service may make it simpler for those who have recently given birth to comply with the right to work and rent checks.	N/A
<b>Race</b>	Negative and Positive	There may be some nationalities (e.g. Roma) who may lack IT skills and access to technology which may present barriers to using the online services.	The RC will provide support for those using the online services.  Guidance has been published for employers and landlords looking to navigate the online service.
<b>Religion or Belief</b>	Neutral	The requirement for an employer or landlord to check the likeness of an individual against their online profile is	N/A

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		the same as currently required for a check of a physical document.	
<b>Sex</b>	Negative and Positive	Women's use of the internet is slightly less than that of men, so they may be unable or unwilling to use the online services.	The SRC will provide support for those using the online services.
		It is harder to exert control over a vulnerable individual who may be at risk of domestic abuse or modern slavery if they have online status rather than paper documents which can be kept from them by means of control.	
<b>Sexual Orientation</b>	Neutral	Sexual orientation does not affect the ability to use online services.	N/A

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**5. In light of the overall policy objective, are there any ways to avoid or mitigate any of the negative impacts that you have identified above?**

There are no further mitigation measures in addition to those set out in this EIA.

As these are existing policies, employers and landlords already have published guidance to minimise and mitigate discrimination.

**Right to Work**

Employer right to work checks supporting guidance (31 August 2021)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1014298/2021.08.31\\_Employers\\_Guide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1014298/2021.08.31_Employers_Guide.pdf)

Code of practice on preventing illegal working: Civil penalty scheme for employers (1 July 2021)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1001525/FINAL\\_code\\_of\\_practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001525/FINAL_code_of_practice.pdf)

Code of practice for employers: avoiding unlawful discrimination while preventing illegal working (6 April 2020)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/311665/Code\\_of\\_practice\\_on\\_avoiding\\_unlawful\\_discrimination\\_while\\_preventing\\_illegal\\_working.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/311665/Code_of_practice_on_avoiding_unlawful_discrimination_while_preventing_illegal_working.pdf)

Understanding your right to work in the UK: EU, EEA and Swiss citizens

<https://www.gov.uk/government/publications/understanding-your-right-to-work-in-the-uk-eu-eea-and-swiss-citizens>

**Right to Rent**

Landlord's guide to right to rent checks (31 August 2021)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1014300/20210827\\_Landlords\\_Guide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1014300/20210827_Landlords_Guide.pdf)

Right to rent document checks: a user guide (3 September 2021)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1015175/2021.08.24\\_RTR\\_User\\_Guide.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1015175/2021.08.24_RTR_User_Guide.pdf)

Code of practice on right to rent: civil penalty scheme for landlords and their agents (17 August 2021)

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/999750/2021.06.28\\_RTR\\_Code\\_of\\_Practice.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/999750/2021.06.28_RTR_Code_of_Practice.pdf)

Code of Practice on illegal immigrants and private rented accommodation and the Code of Practice for landlords on avoiding unlawful discrimination when conducting 'right to rent' checks in the private rented sector (October 2014)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/376789/Code\\_of\\_Practice\\_for\\_Landlords\\_web\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/376789/Code_of_Practice_for_Landlords_web_.pdf)

**6. Review date** March 2022

## **7. Declaration**

I have read the available evidence and I am satisfied that this demonstrates compliance, where relevant, with Section 149 of the Equality Act and that due regard has been made to the need to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations.

### **SCS sign off:**

**Alison Samedi by email Name/Title: Alison Samedi, Deputy Director  
Directorate/Unit: Compliant Environment and Enforcement Unit Lead  
contact: Lindsay Scott Date: 12 October 2021**

For monitoring purposes all completed EIA documents **must** be sent to the [PSED@homeoffice.gov.uk](mailto:PSED@homeoffice.gov.uk)

**Date sent to PSED Team:**

EIA enquires **must** also be sent to [PSED@homeoffice.gov.uk](mailto:PSED@homeoffice.gov.uk)