

Response to earned settlement consultation online questionnaire

NRPF Network
February 2026

Earned settlement

Q3. Overall, to what extent do you agree or disagree with the proposed changes to the settlement framework?

Strongly disagree

Character

Q1. Do you have any comments on how 'Character' should be considered in relation to settlement?

When a person has been accepted as having a future in the UK under the Immigration Rules, the security of settlement should not automatically be denied due to past behaviour that resulted in a minor criminal conviction or a breach of immigration laws, such as overstaying. Denying people access to settlement takes away an opportunity for rehabilitation, a key element of our justice system. If people perpetually remain subject to a no recourse to public funds condition and at risk of financial insecurity and further criminality, this only serves to reinforce, rather than break, the link between poverty and criminality.

Integration

Q3. Do you have any further comments on how 'Integration' should be considered in relation to settlement?

Councils have a responsibility to serve all residents in their local communities, regardless of English language ability and activities undertaken within the community.

The proposals fail to acknowledge that some residents are unable or cannot reasonably be expected to undertake what is defined through these criteria as 'meaningful engagement' with British society.

These requirements disadvantage:

- People who are not able to achieve a higher level of English due to having a disability or illness, or lacking mental capacity
- People with children or who have other caring responsibilities
- People who are working in multiple roles or full-time employment
- People on sponsored visas who cannot reduce their employment or academic study hours

Contribution

Q1. Do you think the following groups should be exempt from the requirement to have earned above £12,750 for at least 3 to 5 years?

Yes, the following groups should be exempt:

- Those on maternity leave or long-term illness/disability
- Those in certain occupations with different pay arrangements (e.g. Ministers of Religion)

Q2. Are there any other groups that you think should be exempt from the requirement to have earned above £12,750 for at least 3 to 5 years? (Maximum 5 groups)

- Carers (formally or informally for family and friends)
- Single parents
- Parents with pre-school-aged children
- People with a mental or physical health condition or long-term illness or who lack mental capacity
- People receiving, or who have received, accommodation and/or financial support from their council under the Children Act 1989, the Care Act 2014 or section 117 of the Mental Health Act 1983 (and equivalent legislation in Scotland, Wales and Northern Ireland) – includes families, care leavers and adults with care and support needs

Q3. To what extent do you agree or disagree that migrants who have worked in an occupation below RQF level 6 should have their standard qualifying period for settlement set at 15 years?

Strongly disagree

Q7. What do you think about the proposed penalties for applicants claiming public funds?

There should be no penalty for these applicants:

- 5-year penalty for applicants who claim public funds for less than 12 months during their route to settlement - there should be no penalty for these applicants
- 10-year penalty for applicants who claim public funds for more than 12 months during their route to settlement

Q8. To what extent do you agree or disagree that once someone has been granted settlement in the UK they should be eligible to claim public funds (e.g. benefits and housing assistance)?

Strongly agree

Q13. Do you have any further comments on how ‘Contributions’ should be considered in relation to settlement, including any potential benefits or challenges of recognising giving back to the community as a contribution towards settlement?

The minimum earnings requirement discriminates against low-paid and part-time workers, people unable to work, and unpaid carers.

Holding an unpaid NHS debt should not be a mandatory ground for refusal as this disproportionately impacts people on a low-income and women, who are subject to NHS charges for maternity care when they are not exempt under the overseas charging regulations, and may lead to people, including expectant mothers, failing to access vital healthcare.

Applying income and employment criteria disadvantages people on low and medium incomes, including those who provide vital services, as they will:

- Need to meet repeated high costs when renewing their leave
- Remain subject to the NRPF condition for a much longer period
- Be unable to access childcare funding
- Be at risk of exploitation from long-term sponsorship arrangements

Increasing the qualifying period for people who have claimed benefits heavily penalises the small number of people who have been granted access to public funds because the Home Office has accepted that this is necessary to safeguard the welfare of children or alleviate destitution – often single parents, carers, and people with disabilities or long-term illnesses. The change of conditions process will become an ineffective safeguard against homelessness and destitution.

Residence

Q1. Which of the following penalties do you think should be applied to each of the following applicants?

There should be no penalty for:

- Applicants who arrived in the UK illegally
- Applicants who initially entered the UK on a temporary visit visa (typically this visa permits stays of up to 6 months for tourism, visiting family or friends or short-term business activities)
- Applicants who have overstayed their original visa by 6 months or more

Q2. Do you have any further comments on how ‘Residence’ should be considered in relation to settlement?

Penalties for overstaying, entering illegally, entering as a visitor or accessing public funds are likely to primarily apply to people who are already on a 10-year settlement route and who will have been granted leave due to having an established family or private life in the UK, including single parents with British children or children who have lived in the UK for a long time, and people with physical or mental health needs who may have already lived for many

years without access to employment and benefits. Councils already see people on this route losing their lawful status when leave fails to be extended or fees are not raised in time and people are at higher risk of experiencing destitution and homelessness whilst subject to the NRPF condition for lengthy periods.

It is vital that further obstacles to settlement are not imposed on families and individuals due to previous breaches of immigration laws when they have been recognised under the Immigration Rules as having a future in the UK. Increasing their qualifying period will prevent them from successfully integrating and participating in society and fails to promote the best interests or safeguard the welfare of children, including British children.

Eligibility and Equalities

Q1. Where the standard qualifying period is proposed to increase from 5 to 10 years, which option for you think should apply to each of the following visa holder groups?

There should be a reduction (of 5 or 7 years from the standard qualifying period of 10 years) for:

- Applicants on humanitarian visa routes (e.g. Syrian, Afghan)

Q3. To what extent do you agree or disagree that there should not be transitional arrangements for those already on a pathway to settlement?

Strongly disagree

Q4. Do you think the following vulnerable groups should retain their current arrangements and be exempt from the proposed settlement changes?

Yes, the following groups should retain current arrangements:

- Victims of domestic violence and abuse
- Bereaved partners
- Children and young adults who grew up in the UK without immigration status
- Adults with long-term care needs

Q5. Are there any other vulnerable groups that you think should be considered as part of this consultation? [Maximum 5 groups]

- People with leave granted under the family or private life rules for reasons which would confer a 10-year settlement route under the current rules
- Families with children under 18
- People with a disability, mental health condition or long-term illness or who lack mental capacity
- Victims of domestic abuse, modern slavery or trafficking
- People receiving, or who have received, accommodation and/or financial support from their council under the Children Act 1989, the Care Act 2014 or section 117 of the Mental Health Act 1983 (and equivalent legislation in Scotland, Wales and

Northern Ireland) – includes families, care leavers and adults with care and support needs

Q6. Do you think the following Armed Forces groups should retain their current time period to settlement or should further reductions be available to this group?

The following groups should retain current arrangements:

- Members of HM Armed Forces
- Immediate family members of HM Armed Forces

Q7. To what extent do you agree or disagree that dependant partners of migrants should earn settlement in their own right?

Strongly Disagree

Q8. To what extent do you agree or disagree that dependant children of migrants should earn settlement in their own right? (with employment-related requirements waived if they were admitted as a dependant under 18)

Strongly Disagree

Q9. To what extent do you agree or disagree that resettled refugees should have a 10-year route to settlement?

Strongly Disagree

Q12. Do you have any further comments on how specific groups should be considered in relation to settlement? We particularly welcome views on how the proposed changes could affect children in the UK.

To promote integration, economic well-being and community cohesion, and reduce homelessness, settlement qualifying periods should not exceed 5 years for anyone.

People with disabilities, a mental health condition or long-term illness, or who lack capacity, are particularly disadvantaged by the proposals. There is a high risk that any health and care needs will be exacerbated if they are subject to prolonged periods of financial hardship and insecurity, which will result in additional costs to the taxpayer and is contrary to the aim of the Care Act 2014, to prevent, reduce and delay needs.

The proposals conflict with the government's commitment to ensure 'that vulnerable migrant children receive the support that they require, regardless of their immigration status'. However, the proposals will hinder the ability of children, including British citizens, to integrate, develop and thrive. The scheme exacerbates the disadvantages that children can experience whilst their parents remain subject to a NRPF condition for lengthy periods, including the inability to access childcare and the healthy start scheme.

If families and adults with care needs have NRPF for prolonged periods, councils will be required to meet increasing costs arising from the provision of accommodation and financial support to alleviate homelessness and destitution.