Earned settlement briefing - January 2026

Introduction

1. This briefing provides a summary of the new ‘earned settlement’ proposals announced by government, followed

by some background context, then details of the proposals:

- Who is subject to the changes
- The four principles or ‘pillars’
- The standard qualifying period of residence for different groups
- Adjustments that subsequently can make the qualifying period shorter or longer
- Exemptions for vulnerable groups
- New conditions of settlement.

2. We’ve added our own analysis of what’s unknown, next steps, and the potential impacts on services and communities.

3. You can read the original details in 'A Fairer Pathway to Settlement' and key proposals are summarised in this Home Office news item. The consultation closes on 12 February.

Summary of proposals

4. The Fairer Pathway to Settlement proposals cover:

- Government plans to move to the idea of ‘earned’ settlement (for people with temporary permission to live in the UK who want to stay permanently) which will be based on demonstrating a sustained commitment to the UK, rather than enjoying an automatic entitlement based on their length of stay. One aim of this change is to reduce the number of people who are expected to apply for settlement in future.

- Four principles or ‘pillars’ underpin the criteria for settlement: character or suitability, integration, contribution and residence.

- The core proposal is to change the qualifying period - the standard length of waiting time before being eligible to apply for Indefinite Leave to Remain (ILR) - from 5 to 10 years for most migrant groups (but for example, 20 years for refugees coming through the asylum system) with further adjustments to make this wait shorter or longer. These qualifying periods will

depend more on a person’s individual circumstances than previously. The change to a default 10 year period is not subject to consultation itself, having already been announced in the white paper in early 2025.

- While some elements of the settlement process are not being consulted upon (such as a baseline qualifying period of 5 years for people with a BNO visa) some of the elements might still affect this group such as the accelerator and decelerator criteria.

- As well as completing the qualifying period, a person must meet mandatory requirements before applying for settlement. The proposal is to add some new mandatory requirements (for example, minimum earnings) and make some existing requirements harder (such as the required English language level).

- The settlement changes are expected to apply to everyone already in the country who has not already received ILR before Immigration Rules are changed. However, the consultation invites views on whether there should be ‘transitional arrangements’ for those already here and on a route to settlement.

- A further proposal is to add a No Recourse to Public Funds (NRPF) condition to people who have been

granted settlement.

- Some groups fall outside the scope of this consultation (status under the EU Settlement Scheme, the Windrush scheme, children in care and care leavers, and those holding settlement).

Background

5. The Home Secretary launched a consultation in November 2025 on proposals for much longer waits before new arrivals can apply to stay indefinitely in the UK (without needing a visa), as a move to the idea of ‘earned’ settlement based on ‘sustained commitment’ to the UK rather than an automatic entitlement based on length of stay.

6. Settlement is also known as permanent settlement or Indefinite Leave to Remain (ILR), it allows a person to live permanently in the UK without conditions about work or benefits and is a precursor to being able to apply for British citizenship.

7. What's the current system? People arrive in the UK through around 70 different routes, of which:

- Around 40 are 'routes to settlement' (covering work, family, protection and other reasons) that currently allow for a person to apply for settlement in the future, usually after 5 years.

- Some of the other routes allow for immediate settlement (such as for victims of domestic abuse, bereaved partners, children of settled parents, and many resettled refugees), others require a 3 or 10 year wait.

- The remaining routes don't allow a person to apply for settlement, such as visitors, students, temporary workers, and Ukraine schemes.

8. Mostly, people have to demonstrate their integration through their English language level and a Life in the UK test, as well as not breaching the law.

9. Why is this changing? The government wants the UK settlement system to be 'the most controlled and selective in Europe.' One aim of this change to 'earned settlement' is the reduce the number of people who are expected to apply for settlement in future and also to reduce the impacts of that (since settlement grants have been rising with a peak anticipated in

2028 under current rules, following high immigration in recent years and in particular, people on Health and Care and other Skilled Worker visas as well as people on a BNO visa, along with their dependants. Further, more people than seen previously who are settling will be in jobs requiring lower qualification levels.) There's some data in the Earned Settlement document showing these trends as well as calculations of fiscal impacts according to wage levels (comparing tax paid to use of public services).

Detail of the proposals

Who does this apply to?

10. Changes to settlement will apply to all future arrivals who wish to settle here permanently as well as an estimated 2 million people who arrived in the UK since 2021.

11. Some groups are not included in the scope of this consultation: people with status from the EU settlement scheme (who have the right to permanent residence after five years), the Windrush generation, children in the care system or leaving care, family of citizens, and those already with ILR. Further, the government plans to make some vulnerable people exempt from the changes but asks consultation questions to confirm views on this.

12. Beyond specific exclusions, the proposed settlement changes are generally expected to apply to everyone else in the country who has not already received ILR before Immigration Rules are changed. This is subject to the outcome of the consultation, which invites views on whether there should be ‘transitional arrangements’ to exempt some people already in the UK and on a route to settlement, who are considered ‘borderline cases’. This has not been expanded further but might mean, for example, differentiation between those who have only a little time left on their visa before they’d usually meet the residency requirement, compared with those who recently arrived.

The four pillars

13. Four principles or ‘pillars’ underpin the framework of mandatory requirements, the qualifying period and its

adjustments:

- Character or suitability (non-negotiable, covering behaviour such as no criminality, NHS or tax debt, and compliance with immigration requirements)

- Integration (described as ‘meaningful engagement with British society’)

- Contribution (rewarding people for sustained economic contribution)

- Residence (lawful, continuous residence in the UK, rather than arriving through a route not intended for permanent residence).

14. These pillars structure the consultation questionnaire, and respondents can offer general comments on each of these.

Mandatory requirements when applying for settlement

15. There’s a mix of requirements when making a settlement application:

- Minimum earnings over £12,570 for 3 to 5 years or an alternative amount of income (that is, the current threshold for paying income tax and National Insurance contributions) (this is a new requirement, with consultation questions including proposals for exemptions for those with a disability, long term illness or on maternity leave)

- English level at B2 (this is harder than the current B1 requirement)

- Pass Life in the UK test (an existing requirement)

- A clean criminal record (previously the requirement was not to have a prison sentence of over a year. Government is also going to review criminality thresholds)

- No outstanding litigation, NHS, tax or other government debt (previously the requirement was less than £500 debt)

The standard qualifying period of residence

16. The qualifying period of residence will depend more on a person’s individual circumstances than previously.

17. The core proposal of the earned settlement system is to change the standard length of waiting time before being eligible to apply for settlement from 5 to 10 years for most migrant groups with further adjustments to make the wait shorter or longer depending on certain criteria. In sum, the baseline qualifying periods will be:

- 10 years for most migrant groups - such as skilled workers (working at RQF Level 6 or degree level and above) and most resettled refugees

- 15 years for arrivals who are skilled workers whose job falls below RQF Level 6 which includes those who came on the health and social care visa (now closed). This is being justified on the grounds that this group is less likely to make a net fiscal contribution over the long term

- 20 years for people who came through the asylum route, for those dependent on benefits, or people who overstay their visa

- Up to 30 years for people who arrive illegally (understood not to apply to people who are recognised as refugees) or as a visitor

- There will no longer be a separate ‘long residence’ route (currently 10 years).

18. It seems that arrangements won’t be uniform for everyone who is recognised as a refugee:

- Most resettled refugees fall into the standard 10 year qualifying period (justified by government on the basis that they are on a planned migration route capped based on local capacity to ‘absorb’)

- Refugees who came through the asylum route have a qualifying period of 20 years (the paper says that ‘refugees will never be in a better position than those coming to the UK on recognised routes’)

- A later section of the paper on vulnerable groups describes how some resettled refugees are granted settlement without needing a qualifying period of residence at all, and confirms this will continue to be the case, subject to the consultation.

Adjustments to the qualifying period

19. The qualifying period will be increased or decreased according to a further set of criteria. The single greatest accelerator and the single greatest decelerator will be combined to determine the final qualifying period.

20. Accelerators are as follows:

- English at C1 level reduces waiting by 1 year

- High earnings for 3 years (above £125,140 or above £50,270) reduces waiting by 7 or 5 years respectively (this is justified on the basis that it shows progression in a person's contribution since arrival beyond the minimum salary for a Skilled Worker)

- Working in a specified skilled public service occupation for 5 years reduces waiting by 5 years (such as in health and education – including doctors, teachers and nurses - above degree level)

- Working in the community (for example through formal or informal volunteering) reduces waiting by between 3 and 5 years

- Strong attachment to the UK through being a parent, partner or child of a British citizen reduces waiting by 5 years (not subject to consultation)

- The BNO route reduces waiting by 5 years (not subject to consultation)

- Global Talent or Innovator Founder visa holders with 3 years' continuous residence reduces waiting by 7 years

- Specific, vulnerable groups could have a reduced waiting period (the time is subject to consultation)

21. Note that while in effect people with a BNO visa and family members of British citizens will have a baseline qualifying period of 5 years which is not subject to consultation, they appear to still be subject to the accelerator and decelerator criteria.

22. Decelerators include:

- Receiving public funds such as Universal Credit, Housing Benefit or housing assistance during the route to settlement (less than 12 months adds 5 more years, more than 12 months adds 10 years)

- Arriving to settle a route not intended for permanent residence (‘illegally’ on a small boat or clandestinely, on a visit visa, or overstaying by over 6 months) adds up to 20 more years

23. Note that in some cases, these factors could lead to an outright refusal of a settlement application due to having breached their conditions**.**

Exemptions for vulnerable groups

24. The government plans to make some vulnerable people exempt from the changes, but asks consultation questions to confirm views on this:

- Children and young people growing up without status can currently settle 5 years after regularising their status.

- Certain groups have pathways to settlement without any qualifying period of residence: people with long-term care needs provided by a UK-based relative, those whose relationship breakdown was due to domestic abuse, bereaved partners who were on the family

route, and those entering on resettlement schemes.

25. Although the consultation document says resettled refugees will be subject to a 10 year standard waiting period, the listing of resettled refugees in the description of exemptions based on vulnerability or compassionate circumstances implies that some resettled groups might be treated differently. Further, the consultation questions specifically ask whether applicants on humanitarian visa routes ‘(e.g. Syrian, Afghan)’ should have a reduction – but not an exemption - from the standard qualifying period of 10 years).

New conditions of settlement

26. A further proposal is to add a No Recourse to Public Funds (NRPF) condition to people who have been granted settlement.

27. The reason for this is to address the concern that increasing numbers of people projected to be granted settlement soon will impact on public funds. In other words, eligibility for benefits and social housing could depend on having been awarded citizenship, not settlement.

28. No information is given about potential exemptions to this principle, although the Home Office press release advises, ‘Refugees will still retain their eligibility for public funds, subject to the stricter conditions set out in the asylum statement’.

Additional topics: children, dependants, Armed Forces, organisations

29. The Home Office wants to hear about the impact of the proposed changes on children, at what age and under what conditions adult children should earn settlement in their own right (recognising they will not meet some of the requirements for acceleration that relate to earnings), and how best to support children turning 18 to settle when they have lived in the UK most of their lives without realising they don’t have a valid immigration status.

30. Relatedly, the situation for dependants will change. At present for those on economic routes, dependants generally qualify for settlement when the main applicant does. In future, they will also have to ‘earn’ their settlement on their own terms and may have a different waiting period than the main applicant.

31. For those who have served in HM Armed Forces (including non-UK personnel) the Home Office expects to continue their current arrangements and wants to know if they should be subject to further reductions. There's no further detail on this or how it applies to non-UK nationals.

32. The Home Office is interested in the impact on organisations who employ migrants (on their ability to recruit, impact of bureaucracy, and plans to sponsor migrants) and for those who have volunteer (on how easy or difficult it is to evidence volunteering and if there are impacts of that on organisations).

Unknowns

33. Three key issues not explained in detail in the paper include:

- Which changes vulnerable groups will be exempt from: the standard qualifying period, the decelerators, or both.

- Whether there will be exemptions from the NRPF condition at the point of settlement, and there's a lack of certainty that new refugees will remain eligible to

apply for social housing.

- How calculations or assessments of adjustments to the qualifying period will be made. For example, how informal volunteering will be evidenced, or how proposals that include a range will operate (for example, whether the minimum earnings will be set either at 3 or 5 years, or the adjustment will be scaled within this range and determined on a case by case basis by a decision-maker).

Potential impacts

34. A range of possible impacts are being anticipated by commentators, as described below.

35. At the macro level, there could be reduced population growth, fewer people settling permanently in the UK and by extension, possibly, reduced demand upon certain public services. Relatedly, there could be increased skills shortages if skilled workers are deterred from coming to the UK because they wouldn’t meet the highest salary thresholds. There could be a rise eventually in the

undocumented population.

36. Government will have to respond to legal challenges:

- From those who entered under one set of rules yet are subject to these changes

- People who might be discriminated against under requirements around uninterrupted employment, high income and higher language levels, such as women, single parents, older people of working-age, carers, disabled people and low paid workers

- Appeals against poor decision-making in an increasingly complex system.

37. At the individual level, settlement changes are anticipated to negatively impact on integration and community cohesion in many ways for those whose wait for settlement increases. These can be summed up as greater poverty for individuals and their families due to the increased costs during the pre-settlement period (starting with additional visa fees, a reluctance to seek early support for fear of punitive consequences, and taking on long hours or riskier, exploitative work) leaving less time to invest in the local community. There are already media reports of individual

behaviour change in anticipation of the changes. Relatedly, family units who have differing settlement timelines may feel destabilised. Conversely, we know that secure status is linked to higher earnings.

38. Building on the individual and household scale, cohesive, integrated communities are more likely if people can settle quickly and feel confident in planning their future (as described by research participants in some of our research, including ‘Everyday Co-living’ and ‘Living the Weathers and other stories’). People with no real prospect of settling soon will have less personal investment in their community as they won’t feel they belong or are valued, such as those in the health and social care sector. Integration between migrants and British citizens could be hindered, and tensions may develop within migrant communities who have different timelines to settlement.

39. In terms of service demand, in the context of increased complexity in the system on top of precarity, poverty and inequality in localities, there’ll be added pressure on those giving advice, increased need for training and information, and an increased risk of people falling through the cracks. Breaking this down:

- More demand for English language provision at specific levels (that is, B2 and C1).

- While some organisations could benefit from more volunteers, many may feel burdened by having to provide evidence of volunteering.

- More costs on employers and potentially more vacancies. People on skilled work visas will need to keep their sponsor employer for longer, which can lead to inflexibility in the labour market.

- Rises in exploitative employment if workers lose their sponsors, as people seek an alternative to mainstream support, and a rise in unscrupulous legal advice.

- Fewer overseas applicants to higher education institutions, since time spent on the student route will not contribute to the qualifying residence period (unlike the current 10 year route which is being abolished).

- Increased crisis demand on local councils, the voluntary and community sector, and advice services.

Next steps

40. The consultation questionnaire must be completed by 12 February online in a single session. It asks around 40 closed questions about whether or not you agree with specific proposals that sit underneath the standard qualifying residence period becoming 10 years (watch out for a double negative in the question about transitional arrangements). There are also around 7 questions where you can give a short paragraph, mainly about the ‘pillars’. Questions about the consultation can be sent to earnedsettlementconsultationqueries@homeoffice.gov.uk

41. Changes will not happen until at least April 2026. The Immigration Rules have to be changed first (they are updated twice a year) and then changes could be phased in, as determined by government.

42. Planned changes to citizenship will build on these settlement reforms once they are in place (such as the principle of extended qualifying periods that can be accelerated for those making the greatest contributions) and are likely to require primary legislation.

Sources

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About this briefing

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