



9th February 2026

Civil Society EUSS Alliance Response to the ‘Fairer Pathway to Settlement’ Proposal

The Civil Society EUSS Alliance is committed to solidarity with all migrants and refugees and we welcome the opportunity to respond to the [‘Fairer Pathway to Settlement: statement and accompanying consultation on earned settlement’](#) consultation.

The Alliance is a coalition of over 100 advice and support organisations operating across the UK, with extensive experience assisting migrants, particularly EU citizens, often with complex and intersecting needs to navigate the UK immigration system.

In principle, we do not support the introduction of a settlement model that not only fails to recognise migrant communities as diverse and socially valuable, but frames access to settlement as something to be ‘earned’, conditional on narrow and arbitrary indicators which risk deepening inequalities across society.

As a member of the Alliance has stated, settlement:

“should be built on fairness, dignity, and equal treatment — not on forced compliance, moral judgement, or the threat of exclusion for those who are already vulnerable.”

We urge the government to withdraw these proposals and engage meaningfully with affected communities and sectors before pursuing any reform of settlement pathways.

Summary of Impacts

Impact on migrant communities:

- The proposals would prolong immigration insecurity with disproportionate and intersectional impacts on vulnerable people including women, carers and those in low-paid or insecure work.
- The proposals would increase the risk of exploitation, precarity, homelessness, and destitution for migrants.
- The proposals would contribute to family fragmentation and have adverse impacts on wellbeing, education, and long-term outcomes.
- The proposals would lead to long-term exclusion of children and young people from education and employment.

Impact on advice sectors:

- The proposals would create additional administrative and increased demand for charities.
- The proposals would generate sustained demand over decades for the immigration and advice sector already operating beyond capacity, with significant gaps in provision across the UK.

Impact on public services:

- The proposals would reduce engagement with state services and provision, while increasing need and cost for crisis and emergency support and interventions.
- The proposals would significantly increase Home Office casework volume and delays within an already overstretched system, with impacts felt across government departments.

We have below outlined in more detail specific operational concerns, using insights borne out from working with vulnerable EU communities as they navigate their settlement routes.

- The Introduction of a Conditional Model

The Alliance is deeply concerned by the shift from a rights-based settlement framework to a conditional and precarious model. While individuals protected by the Withdrawal Agreement will not be directly affected by *earned settlement*, the proposed changes will have significant consequences for EU communities and other groups. This includes family members of Withdrawal Agreement beneficiaries; individuals who were eligible for EUSS but who have pursued alternative settlement routes; EU nationals arriving after 31 December 2020; and, more broadly, migrant communities living and working alongside EU nationals across the UK.

Based on our experience of EUSS implementation, we believe this proposal will lead to an increase in people, many with long residence and strong ties to the UK, falling into immigration

insecurity through no fault of their own. Since the announcement of the proposal, Alliance members have received enquiries from individuals and families anxious about their future status.

The Alliance is particularly alarmed (joining 300+ charities¹) that volunteering is being presented as a way for people to reduce the baseline qualifying period for settlement. Volunteering opportunities are unevenly distributed across the UK, and is a culturally specific activity and many migrants lack the opportunity or capacity to volunteer due to financial pressures, health conditions, caring responsibilities, or insecure work.

Choosing to volunteer should not be motivated by pressure, or presented as a means for reducing the route to settlement, and it should never be compulsory or tied to immigration status. This risks exposing individuals to the risk of exploitation as they look to reduce the uncertainty of limited, but prolonged leave to remain.

Furthermore, tying volunteering activity to reducing the route to settlement would displace or replace paid work, and risks a two-tier volunteer workforce, separating people into those doing it for status and genuine volunteers. Organisations' resources and staff will inevitably be diverted from the sector's core services, to govern volunteering requirements and ensure appropriate oversight whilst the Home Office would be required to manage and assess compliance.

- The Impact of Extending Limited Leave to Remain

A secure status is widely recognised as a key enabler of integration, facilitating participation in the labour market, community life, and public institutions.

Our EUSS casework shows a clear divergence in outcomes between individuals granted pre-settled status (limited leave) and those granted settled status (indefinite leave). Many people with limited leave under the EUSS report living in prolonged uncertainty, unsure of their rights to travel, work, rent, or make long-term plans regarding housing, careers, and family life.

Additionally, the proposal would substantially increase the financial burden on migrants. Under the current ten-year route, an adult may face costs of approximately £19,330 in application fees, extensions, the Immigration Health Surcharge, settlement fees, and the Life in the UK test. This calculation excludes legal fees (typically £1,000-3,000 per application), English language courses (£300-1,000)², travel costs for biometric appointments, and hidden costs such as time off work. For a family of four, minimum costs over ten years could exceed £65,000. These figures would be even higher under a fifteen-year route, making settlement financially unattainable for many working families.

¹ <https://asylumatters.org/2025/11/14/4099/>

² [Joint Briefing on Visa Fees and the 10 Year Route: Bi-national couples, families and children trapped in a money making](#)

The uncertainty of extended periods of limited leave is often compounded by the fact that landlords, employers, and even service providers may not understand limited leave or may feel hesitant about renting to or employing people whose immigration status is time-limited, further restricting stability and opportunities.

These lessons are not confined to the EUSS but reflect systemic features of prolonged limited leave across the immigration system. In particular, lessons point to the harms caused by complex evidential requirements and extended periods of limited leave (including waiting on certificate of applications or repeated pre-settled status extension), which place people with long residence and vulnerable circumstances at risk of losing lawful status and access to rights.

Extending routes to settlement to a minimum of ten years would significantly exacerbate these harms. As well as the experiences of our clients under the EUSS, there is ample evidence that shows prolonged periods of immigration insecurity disproportionately affect individuals with vulnerabilities and risks creating an underclass living under constant threat of falling out of status, facing destitution, exploitation, and discrimination. The negative impacts on mental health, family stability, employment prospects, education, and long-term integration are well documented and should not be underestimated³.

- The Impact of Retrospectivity

The Alliance is particularly concerned that the proposal would apply retrospectively to individuals already on settlement pathways. Automatically extending five-year routes to ten or fifteen years would affect tens of thousands of people who have made life decisions in good faith based on existing rules. This would undermine legitimate expectations formed in reliance on existing rules and policy assurances. This irrevocably breaks trust in the certainty of the rules-based immigration system designed to be predictable and stable.

The Alliance strongly supports comprehensive transitional arrangements and provisions that allow previous settlement routes to be maintained if subsequent changes are enacted. Without transitional arrangements, these proposals will cause immense hardship, uncertainty, and injustice to people who have built their lives in the UK in good faith.

- The Impact on Decision-making

Extending the qualifying residence period and requiring multiple additional applications for settlement along the route would place significant additional pressure on the Home Office. The requirement of regular engagement for large numbers of migrants would substantially increase Home Office casework in an already overstretched system. Without extensive additional resources, staff and training, long wait times for decisions, prolonged uncertainty and distress would be inevitable.

In our work we see the impact of decision making delays within the Home Office. Nearly five years after the deadline for EUSS, on 30 June 2021, there are still over 9,000 waiting for their

³ [insecure residence status, mental health and resilience | picum](#)

status, despite making an in-time application, meaning that they have been in limbo for nearly five years⁴. The current backlog of the EUSS stands at over 111,000 people with 3,300 people awaiting administrative reviews, requiring an estimated processing time of two and a half years, in spite of the provision of additional teams in the Home Office to undertake the casework, support for those with vulnerabilities and guidance via the Resolution Centre - additional provisions which have not been set out in the proposal for settlement. It is well reported that these issues persist throughout the immigration categories, with asylum backlogs remaining pervasive at both the decision making stage and at appeal⁵⁶. The Alliance sees applicants on the current 10-year Appendix FM/Private Life route already facing waits of approximately 12 months.

An increase in applications would inevitably lead to more appeals, judicial reviews, and challenges placing further strain on an already overstretched court system. It is imperative that a robust policy framework, including clear assessments, effective monitoring, and proper scrutiny of caseworker decision-making and the appeals process is in place.

- The Impact on Immigration Advice Provision

The immigration advice sector is already operating beyond capacity and introducing a complex, multi-pathway settlement system would dramatically increase demand for advice over many years.

An adviser from the Alliance explains:

“The demands of all these groups, coupled with the very limited resources we have and the nationwide shortage in the provision of higher-level, free immigration advice, means that it will be very difficult to cater to the needs of these groups.”

Similar pressures were seen during the implementation of the EUSS in 2019 and their effects are still felt today, with individuals continuing to apply to the scheme or challenging Home Office decisions more than five years after the application deadline passed. Likewise, the transition to eVisas in 2025 has meant that many long-term residents who hold legacy documents are struggling to complete No-Time-Limit applications and unable to fully access their rights.

We acknowledge the differences between EU citizens and their family members who are protected under the Withdrawal Agreement, with a no-cost application process, and who previously had access to free or affordable local legal advice. However, EU citizens with vulnerabilities face significant challenges in navigating the EUSS, and increasingly rely on accredited advisers to support the process. Without accessible advice and support, we witness the devastating impact of EU citizens effectively locked out of protecting and exercising their

⁴ [EU Settlement Scheme Statistics | Giving a voice to EU citizens in the UK.](#)

⁵ [Briefing: the sorry state of the UK asylum system - Free Movement](#)

⁶ [How many cases are in the UK asylum system? - GOV.UK](#)

rights because they live in so-called ‘advice deserts’⁷⁸, facing months-long waits for free legal advice from overstretched and under-resourced services, or exploited by rogue advisers.

This pattern will be replicated by people navigating complex elongated earned settlement requirements.

An adviser from the Alliance explains:

“Professional tailored immigration advice will be very important....In our experience they are very unlikely to be able to resolve their immigration issues under the new earned settlement scheme without this.”

- **The Impact on Vulnerable Groups**

The proposals introduce a points-based, conditional system in which economic contribution (through income and National Insurance contributions), high-level language proficiency, and volunteering could reduce the qualifying period for settlement, while entry routes and use of public funds may extend it. We believe this system will privilege individuals with higher incomes and greater access to education, resources and time, and fails to account for structural barriers, inequalities, and the varied circumstances in which people build their lives in the UK. Not adequately recognising differing backgrounds, vulnerabilities, or family and personal circumstances entrenches disparities between groups, exacerbating socioeconomic, gender, class and racial inequalities.

Within the context of the EUSS the Alliance consistently pushes for the production and sharing of equality impact assessments to ensure scrutiny and safeguards are in place for particularly vulnerable communities.

The earned settlement proposals create barriers that discriminate against those who most need secure status, and any settlement reform must include robust exemptions and safeguards for people with vulnerabilities. The absence of equality impact assessments of the proposals raises serious concerns about compliance with the Public Sector Equality Duty, including the duty to have due regard to the need to eliminate discrimination and advance equality of opportunity. Indeed, we are calling for these earned settlement proposals to be subject to a rigorous and transparent equality impact assessment process, made available for public scrutiny.

Whilst the points outlined in previous sections point to concerns for vulnerable people we would like to draw attention to specific groups we believe will be disproportionately impacted by these proposals.

⁷ [No access to justice: how legal advice deserts fail refugees, migrants and our communities](#)

⁸ [No Access to Justice 2](#)

- Primary Carers (Including Women with Caring Responsibilities)

The proposal requiring dependants to meet settlement criteria independently will disproportionately impact women, who remain the primary caregivers in most families. This includes women who provide childcare while partners work, those caring for elderly or disabled family members, women in cultural contexts where gender roles affect employment opportunities, and single parents managing work and care.

The proposals fail to recognise the enormous economic and social value of unpaid care work, and the practical decisions families make. The proposals would result in those providing unpaid care unable to meet income thresholds, and unable to meet other conditions such as English language skills or taking up volunteering opportunities. Longer settlement routes would tie individuals to sponsors for extended periods, increasing vulnerability to exploitation or abuse.

- Children and Young People

The Alliance is concerned about the negative impact on children of extending the route to settlement set out in these proposals. Through our casework, we consistently see how a parent's insecure immigration status affects children's outcomes, as well as the negative impact of the failure to make a leave application for their child. It is likely that many children will turn 18 before their parents obtain indefinite leave, leaving young people with limited leave to remain and limited access to higher education, employment, or housing⁹.

We emphasise that children should not be penalised for their parents' immigration status or routes of entry. Young people turning 18 before parents reach settlement must not be left in limbo and those children born in the UK during their parents' route to settlement should have a clear pathway to British citizenship.

- People Living in Precarity

By linking the use of public funds to qualifying periods for settlement, these proposals reinforce harmful and misleading narratives about migrant communities 'abusing the system'. Evidence shows that migrants with access to public funds claim at lower rates than UK nationals, contribute their share in taxes in comparison to benefits, and thrive in their communities¹⁰.

We are alarmed that accessing the welfare safety net could delay a person's route to settlement or prevent them from being able to settle in the UK. Under the proposed model, individuals may be forced to choose between accessing support in a crisis and extending their route to settlement, or not accessing support and living with extended uncertainty and precarity.

The framing of these proposals also ignores existing eligibility checks already in place governing access to public funds and the purpose of public funds. Public funds exist as a safeguard to prevent destitution, homelessness, poverty, food insecurity, and the escalation of short-term hardship into long-term harm. In fact, the costs of accessing public funds would not be

⁹ https://ima-citizensrights.org.uk/news_events/eu-citizens-face-ongoing-barriers-five-years-after-brexit/

¹⁰ <https://www.ucl.ac.uk/impact/case-studies/2022/apr/evidence-proves-true-effect-immigration-uk>

eliminated, but simply shifted to crisis and emergency support and services, often provided by the charity sector and local authorities^{11 12}.

Under the EUSS previously those with limited leave to remain who could not meet the 'right to reside' test were ineligible for state support, including Universal Credit, Pension Credit, housing support, and Child Benefit. It was accepted that preventing access to support had a devastating and long-term impact on individuals and families, pushing many into poverty and destitution, and leaving them reliant on emergency assistance for basic needs. The courts found this to contravene multiple EU and international rights frameworks, and as a result policy was changed¹³.

- **Rule of Law**

The government should consider whether these proposals will uphold the values of fairness, equality and dignity for all.

We urge the government to test these proposals against existing legal frameworks and operational implications to ensure they are lawful and fully compliant. Any reform of settlement policy must respect established legal principles, providing a framework that ensures proportionality, legal certainty, consistency, and the avoidance of arbitrary or discriminatory outcomes. The proposed approach would rely on decisions that risk creating unjustifiable distinctions between migrants, potentially undermining these principles.

Increasing the qualifying period for settlement from five years would diverge from standards established in the EU Long-term Residence Directive, which sets a five-year qualifying period for settlement and continues to inform EU nationals' legitimate expectations regarding settlement pathways. The proposed changes would adversely affect EU nationals arriving after 31 December 2020 who are not protected under the Withdrawal Agreement, potentially creating tension in future UK-EU relations and undermining reciprocal arrangements for UK nationals in EU countries.

- **Wider Immigration Policy Changes**

The proposal to shift settlement pathways towards an *earned settlement* model cannot be considered in isolation from recent and ongoing changes to the wider immigration system.

Several immigration routes have been subject to recent change (including increases to skill and salary thresholds for sponsored employment and family reunification routes). As a result, many individuals face reduced flexibility to regularise or stabilise their status, to extend leave or switch into alternative routes, even where they are in sustained employment, have long residency, or strong ties to the UK.

¹¹ [LOCKED OUT OF A LIVELIHOOD:](#)

¹² [No recourse to public funds](#)

¹³ [Destitute EU nationals with PSS can rely on EU Charter of Fundamental Rights to obtain universal credit | CPAG](#)

Secure status facilitates integration, participation in the labour market, civic life, and public institutions. These proposals will have far-reaching and lasting effects across society impacting migrant individuals and families; the resourcing and provision of public support and services; and the availability of immigration advice and charity sectors. By failing to uphold principles of fairness, dignity, and equality these proposals will entrench disadvantage, discrimination, and insecurity within our communities, denying migrants access, opportunity, and full inclusion in society.

- Recommendations

We urge the government to:

1. Abandon the earned settlement proposal and maintain the current five-year route to settlement for most categories.

2. If reforms proceed, ensure:

- No retrospective application to those already on settlement pathways
- Robust transitional arrangements with grandfathering provisions
- Full equality impact assessment published for scrutiny
- Exemptions for all vulnerable groups including primary carers, children and young people
- No link between access to public funds and settlement qualifying periods

3. Invest in:

- Home Office capacity to reduce current backlogs before implementing new systems
- Free immigration advice provision across the UK in the long term
- Support for integration through secure status, not conditional pathways