

# Amnesty International UK

## GUIDANCE – CONSULTATION RESPONSE

### ‘A Fairer Pathway to Settlement’

#### Introduction:

1. This Guidance is intended to encourage and help you respond to the Government’s consultation on what it calls the pathway to settlement. Amnesty UK’s view is that the proposals are not at all fair and will make the immigration system significantly more cruel, inefficient, and costly.
2. Accordingly, we encourage you to respond to the consultation. This may take as little as 20-30 minutes depending on how much you decide you want to say – particularly if you choose not to answer any of the free text Questions.
3. Please note that the most significant assessment made of responses to Government consultations is often about little more than how many people agreed or disagreed with what is proposed. It therefore matters that there should be as many responses as possible.
4. The Government’s proposals can be found at the following link. Amnesty UK encourages you to read the proposals before responding to the consultation (although we have produced material, including in the Guidance, to help you understand what is proposed).  
<https://www.gov.uk/government/consultations/earned-settlement>

#### How to respond:

5. Responses to the consultation are generally required to be done by completing an online survey. **The online survey can be found at a link “Respond Online” on the page here:**  
<https://www.gov.uk/government/consultations/earned-settlement>
6. **Responses must be received no later than 23.59 hours on 12 February 2026.**
7. Below, this document first sets out some short explanation of the consultation proposals; then sets out some short guide to responding to it. That guidance briefly explains how Amnesty proposes someone should respond if they support Amnesty’s position and why. Please note some of the questions are not straightforward – supporting one suggestion may be taken to mean supporting

or opposing something else (and vice versa). For this reason, Amnesty proposes not answering some of the questions (as explained in the below guidance).

8. The guidance provided is for individuals making a response and not for organisations (for whom there are some different questions).

### **The Government's proposals:**

9. In November 2025, the Government published [\*A Fairer Pathway to Settlement: A statement on earned settlement, CP 1448\*](#). This document sets out proposals for changing how the immigration system works. The proposed changes affect how migrant people who are permitted to become permanent residents may do so – particularly:

- whether this is to be available to someone;
- if it is available, how quickly or slowly it may be available; and
- if someone becomes settled, whether this will permit them access to public funds.

10. **Generally, the proposals are:**

- to make permanent residence (sometimes called settlement, settled status or indefinite leave to remain/enter) less available to people;
- to introduce a long starting point concerning the time most people must spend in the immigration system before they may apply for permanent residence far longer (10 years as the starting point for most people; 20 years for refugees);
- to reduce that time period by one year if someone has achieved a higher level of English proficiency;
- to make it possible for people to reduce that time period if they are high earners (by 5 or 7 years), if they hold senior positions in a public service (by 5 years), or if they have undertaken 'extensive' volunteering (by 3-5 years);
- to make that period longer for people who arrived on a visitor visa or have ever breached immigration rules (by up to 20 years), or have ever received public funds (by up to 10 years); and
- to generally exclude permanent residence for people who have ever received a criminal conviction or have outstanding litigation, NHS, tax or other government debts.

11. **Amnesty is opposed to these proposals for several reasons, including:**

- **The proposals will cause many more children to be born in the UK without British citizenship** (because their parents, although long-resident, are neither British citizens nor permanent residents). While the children who grow up here will become entitled to that citizenship under the British Nationality Act 1981, that right is not well understood and has over the last few decades become subject to several unjust barriers meaning many children who grow up here are at risk of losing their citizenship rights altogether.

- **The proposals will undermine integration.** Many migrant people's lives in the UK will become far more uncertain for far longer periods. The financial and other costs to them will be made far greater (having to pay many more times for permission to stay a little longer and pay the very high migrant health charge many more times). At best, people will be made less welcome and more marginalised. At worst, people will be made more at risk of destitution, homelessness, ill-health, and exploitation.
- **The proposals reward xenophobia and racism.** They are a direct response to hostility to migrant people and their immigration. This is precisely the opposite of what any responsible Government should do and risks encouraging even more dreadful demands for policies that penalise and demonise migrant people.
- **The proposals will cause considerably more work and expense** for the Home Office (having to deal with many more applications of people who are either stuck in the immigration system indefinitely or for far longer and needing to frequently and repeatedly apply to stay). That department is already failing to manage its workload fairly and efficiently. The proposals will likely cause other government departments, local authorities, and courts more work too.
- **The proposals are likely** to increase pressure on the European Convention on Human Rights by not satisfying those who are antagonistic to both that Convention and migrant rights, while increasing reliance on human rights laws by migrant people seeking to protect themselves against the proposals' worst consequences. If so, the impact – particularly given the Government is encouraging hostility to migrant people and their rights – is likely to further threaten commitment to the Convention.

#### **Guidance on responding to the consultation:**

12. Please read the following Guidance as you complete the online survey. It goes Question by Question to help you decide how you want to answer and understand how your answer may be understood.
13. Please note that the Questions appear in distinct sections so there is no consecutive numbering of Questions from the start to the finish of the survey. The Guidance below follows the sequence of these sections and the numbering of the Questions in each section (unless it has been revised, e.g., in response to complaints about the survey's usability).
14. Finally, as indicated below, you do not need to answer every Question. However, you do need to pass through (by clicking the respective arrow key) each page of the survey. Please be warned, the online survey (unless it has been amended, e.g., in response to complaints about its usability) does not warn you that the survey is coming to an end and gives no opportunity to check your answers once you have clicked to move on from the final Question. It is best therefore to take your time on each page before moving on.

## BACKGROUND

- These Questions are to collect general data about responders. They are self-explanatory. You are not required to answer all these Questions.

## EARNED SETTLEMENT

- **Question 1:** Amnesty suggests an answer of **“somewhat unclear”**. Some of what is proposed seems very clear – e.g. very higher earners are to be privileged with a relatively fast route to permanent residence whereas most migrant people who may ever be permitted to become permanent residents are to have a slow and painful route. However, some discrete proposals do not seem clear to us; and the general thinking behind what is proposed seems very muddled. The reasons given for making these proposals do not, in our view, add up – as can be seen from what is said above about our opposition to the proposals.
- **Question 2:** Amnesty considers that what is not clear is **“The concept of earned settlement”, “The overall purpose”, “How reductions to the qualifying period will be applied”** and **“How the proposed changes will apply to dependants and children”**.
- **Also on Question 2:** If you also select **“Other”**, you will have an opportunity to say something specific about the consultation that you find unclear or generally disagree with. You could, for example, state your opposition to proposals to compel refugees to remain in uncertainty in the immigration system for up to 20 years (there is no further consultation on this proposal); and/or state your concern that the Government has failed to consider the impact on children born in the UK, many more of whom are to be born without British citizenship even though this is where they will grow up; and/or object to the implicit suggestion in what is proposed that social contribution and integration is really a matter of high earnings or socio-economic status, which is not only a very class-based idea of society but one in which lower classes of people are regarded as little more than burdens and in which good or conscientious parenting, neighbourliness, working or citizenship is thoroughly devalued. ***If you answer this Question which allows you to say something in up to 200 words, you need to choose your own words. Cutting and pasting what Amnesty UK or someone else says will likely be picked up and cause your and their response to be discounted or devalued.***
- **Question 3:** Amnesty UK **“strongly disagrees”** with the proposed changes to the overall immigration framework for reasons briefly explained above.

## CHARACTER

- **Question 1:** Currently, people can be excluded from permanent residence on ‘character’ grounds, such as when they have any criminal conviction. However, this is not mandatory. For example, it allows people to be permitted to become permanent residents where any offence is not so serious that it is thought to justify deporting someone from the UK. The proposals would simply make all

criminal offences (however petty, however long ago) bars to permanent residence leaving someone permanently in the immigration system. This is unjust and unnecessary. It could end up applying even to people born in the UK who have never left the country if their parents fail to register their right to British citizenship in their early childhood. It generally makes no sense. Afterall, if someone is staying (i.e., there are not grounds to deport them), it is better to promote their integration (and rehabilitation) rather than make them and their lives permanently marginalised, uncertain and costly. *If you answer this Question which allows you to say something in up to 200 words, you need to choose your own words. Cutting and pasting what Amnesty UK or someone else says will likely be picked up and cause your and their response to be discounted or devalued.*

## INTEGRATION

- **Question 1:** Amnesty UK suggests **“There should be no reduction for these applicants”**. Most people are already required to demonstrate a level of proficiency in English. Amnesty UK does not believe the proficiency level should be raised; and it should not be implicitly raised by privileging some people for attaining a higher proficiency. What is really needed is investment in English language provision, not penalising some people – who may have significantly less opportunity to attain a higher level than others.
- **Question 2:** Amnesty UK suggests **not answering this Question**. It is a biased Question that implies that some sort of assessment is possible and should be undertaken. However, integration should be encouraged not tested as a means to penalise some people for not being able to demonstrate their integration in any particular way. Moreover, integration is a highly complex matter – and it is not just the responsibility of the individual. The Government’s approach ignores these considerations. For example, the Government’s proposals would reward someone for being very a high earner, with high level qualifications including English proficiency, even though they live a life that is very far removed from the great majority of people. That is not promoting social integration.
- **Question 3:** This is an opportunity to state why the proposals on integration should be rejected. There are various things that might be said. Truly measuring such a complex matter as integration would require enormous expense and consideration of a multitude of different factors any one of which might apply to one person and not to another (depending on where they live, what is their background, what are their family circumstances, where they were born, where they work, how they live, whether they are a good neighbour or colleague and in what way, etc.). It is not fair to exclude so many important considerations and examples of being well integrated; and favouring some narrow considerations is likely only to privilege some people, including some people who are not all that well integrated (even if they do earn highly, have a high level of English, etc.). Moreover, excluding or delaying people who are staying from permanent residence merely makes their integration harder and that of their children

(including children born in the UK without British citizenship). *If you answer this Question which allows you to say something in up to 200 words, you need to choose your own words. Cutting and pasting what Amnesty UK or someone else says will likely be picked up and cause your and their response to be discounted or devalued.*

## CONTRIBUTION

- **Question 1:** While Amnesty UK does not believe that people should be required to have earnings to be settled, we nonetheless consider on balance that it is appropriate to answer this Question “**Yes**” for both people on maternity leave or long-term illness/disability and people on certain occupations with different pay arrangements.
- **Question 2:** This is an opportunity to oppose the earnings requirement. Opposing this requirement is not the same as saying nobody should be required to have any level of earnings, as such requirements already exist in the immigration rules. It is, however, an opportunity to oppose the blanket suggestion that people must have minimum earnings. As with the ‘Character’ Question (see above), the proposals are unjust and unnecessary. If someone is staying, they ought to have a route to permanent residence, which will generally aid their integration and improve their prospects of finding employment, etc. *If you answer this Question which allows you to say something in up to 200 words, you need to choose your own words. Cutting and pasting what Amnesty UK or someone else says will likely be picked up and cause your and their response to be discounted or devalued.*
- **Question 3:** Amnesty UK “**strongly disagrees**” with penalising people because their occupation is regarded as less skilled, and their earnings are lower. They and their integration are no less important than that of high earners. The immigration rules generally determine whether someone is permitted to come or stay in the UK if working at a particular level (or for some other reasons than work). Where this is permitted, there should not be any penalty of delaying when someone can apply for permanent residence compared to someone else more socio-economically privileged than them.
- **Question 4:** As stated in relation to the previous Question, Amnesty UK “**strongly disagrees**” that people should be penalised because their socio-economic status is less privileged. This Question is just a way of inviting responders to agree to penalise these people by agreeing to a ‘benefit’ for more privileged people.
- **Question 5:** For the same reasons as given for our views on the previous two Questions, Amnesty UK considers “**there should be no reduction for these applicants**”.
- **Question 6:** For the same reasons as given for our views on the previous three Questions, Amnesty UK’s answer is “**No**”, people should not be penalised

because they do not work in a public service and do not have a sufficiently senior role in that service. Note that the consultation makes clear this Question does not accurately or fairly present what is being proposed, which is that people in sufficiently senior positions should ‘benefit’ from a quicker route to permanent residence – such as surgeons but not hospital porters, headteachers but not school cleaners.

- **Question 7:** Amnesty UK considers **“there should be no penalty for applicants”** who have claimed public funds. This is not about whether there should be any consequence for claiming public funds when someone is not eligible for these, but about penalising someone who is eligible for these funds. Most migrant people are not eligible; and Amnesty UK considers the exclusion is already too far-reaching, leaving people who are clearly staying at serious financial and other related risks from changes in circumstances they cannot predict or prepare for such as if they become seriously ill, suffer an injury or accident, or are made redundant. This is especially unjust for many migrant people who are already forced to pay far over the odds for their immigration visas and for their healthcare in the UK. In any event, Amnesty UK considers there should certainly be no penalty for someone claiming something for which they are eligible.
- **Question 8:** Amnesty UK **“strongly agrees”** that if someone has become a permanent resident, they should be eligible for public funds. This has been the position for decades. It reflects that once someone becomes a permanent resident there is no power to place conditions on their immigration status in the UK (such as restrictions on work, study, or access to public funds). That should not be changed in any way. Permanent residence reflects that someone has become settled, in the general sense, in the UK – after having lived here (usually) for several years. Although they may still be deported if committing a serious criminal offence, or lose their permanent residence if leaving the UK for a long period (2 or 5 years), the UK has become their settled home. They should be free to get on with their lives in much the same way as everyone else whose home it is.
- **Question 9:** Amnesty UK **“strongly disagrees”** that people should be penalised because they cannot volunteer (perhaps they cannot afford to, have caring responsibilities, there are no suitable opportunities where they live, or they are living with a disability that inhibits this), because they cannot evidence their volunteering (perhaps their good neighbourliness is not delivered in ways that are formally overseen by a person or body that can vouch for them, or which has the resources to record their volunteering and vouch for them), or because they just do not volunteer (there are other perfectly good ways to contribute – including being a good parent, good neighbour, conscientious employee, etc.). This question is presented as if it is about ‘rewarding’ volunteering; but what is proposed is really about ‘penalising’ people who do not or cannot volunteer (unless they are high earners whom the proposals greatly privilege with no need for any volunteering on their part).



- **Question 10:** This is an opportunity to state why the proposals on ‘Contribution’ should be rejected. Much like the earlier Question on ‘Integration’, there are various things that might be said. Truly measuring such a complex matter as contribution would require enormous expense and consideration of a multitude of different factors any one of which might apply to one person and not to another (depending on where they live, what is their background, what are their family circumstances, where they were born, where they work, how they live, whether they are a good neighbour or colleague and in what way, etc.). It is not fair to exclude so many important considerations and examples of contributing; and favouring some narrow considerations is likely only to privilege some people, including some people who do not necessarily make all that much contribution by comparison (volunteering is generally a good thing if someone can do it, but being a good parent, neighbour, colleague or ‘citizen’ is arguably or often significantly more important – of course, the two aren’t mutually exclusive but equally volunteering doesn’t make someone good in any of these other senses). Moreover, excluding or delaying people who are staying from permanent residence merely makes their integration harder and that of their children (including children born in the UK without British citizenship). *If you answer this Question which allows you to say something in up to 200 words, you need to choose your own words. Cutting and pasting what Amnesty UK or someone else says will likely be picked up and cause your and their response to be discounted or devalued.*

## RESIDENCE

- **Question 1:** Amnesty UK considers “there should be no penalty for applicants” who enter the UK without permission, arrive on visit visas or overstay (i.e., stay longer than their visa permits) by more than 6 months. Much like earlier Questions, this Question fails to make clear that people who do any of these things may already be penalised by the immigration system. The Question is not concerned with that. It is solely about whether people who have done these things but have since been permitted to stay on a route to permanent residence should be further penalised by delaying (potentially for up to 20 years) when they can apply for permanent residence. This is an unjust, unnecessary, and counterproductive further penalty. If there are reasons why the person should be staying (which have been accepted), there is no good reason for causing them to be further marginalised, face far higher costs and be at increased risk from such events as ill-health, redundancy, injury or accident, or just being overwhelmed by the pressure and costs of the immigration system with all the harms including destitution, social isolation, homelessness, and exploitation this can lead to.
- **Question 2:** This is an opportunity to spell out reasons why penalties (referred to in the previous Question) are wrong. *If you answer this Question which allow you to say something in up to 200 words, you need to choose your own words. Cutting and pasting what Amnesty UK or someone else says will likely be picked up and cause your and their response to be discounted or devalued.*



## ELIGIBILITY AND EQUALITIES

- **Question 1 & Question 2:** Amnesty UK suggests **not answering** these Questions. These Questions, while presented as about whether there should be some ‘benefit’ provided to some people (mostly people whose socio-economic status is significantly higher than others), are really about whether other people should be penalised. There is no clear way to answer these Questions that objects to penalising other people – agreeing with Questions will likely be taken as agreement to their being penalised; objecting to these Questions will likely be taken as agreeing to penalise everyone; and ‘don’t know/prefer not to say’ suggests uncertainty when, in Amnesty UK’s view, the position is clear (but simply not permitted a response by the bias of the Question).
- **Question 3:** While Amnesty UK opposes the proposals, we nonetheless consider on balance that it is important to **“strongly disagree”** to having no transitional protections for people already on a route to permanent residence. Without transitional protection, people already in the UK on visas who have expected to be able to progress to permanent residence in line with the immigration rules (and many of whom have paid very high sums of money for this) will have their expectations radically changed (even completely dashed) by the rules for them being fundamentally changed. Note that this Question is very badly framed in asking whether you agree or disagree to a negative – so a positive answer (i.e., being in favour of transitional protection) requires the negative response (e.g., strong disagreement).
- **Question 4:** While Amnesty UK opposes the proposals, we nonetheless consider on balance that it is appropriate to answer **“Yes”** that victims of domestic violence and abuse, bereaved partners, children and young adults without immigration status, and adults with long-term care needs should be exempted from the changes. This is because their circumstances are so stark (although there are others whose circumstances are stark too – see below).
- **Question 5:** This is an opportunity to state more about both why the proposals are wrong and why there are others in very stark circumstances (see the previous Question). Amnesty UK considers it is appropriate to highlight other groups in stark circumstances – including refugees (although proposals to severely penalise them are not specifically being consulted about); children and adults who have or had citizenship rights that were not taken care of in their childhood (whether or not they had an immigration status on entering adulthood, which status may be far lesser than that to which they were entitled or eligible but for the failure of adult carers on whom they were dependent); and families (including families that include British citizen parents, partners or children). However, Amnesty UK also considers it essential to be clear in answering this Question that the proposals are opposed across the board. ***If you answer this Question which allows you to say something in up to 200 words, you need to choose your own words. Cutting and pasting what Amnesty UK or someone else***

*says will likely be picked up and cause your and their response to be discounted or devalued.*

- **Question 6:** While Amnesty UK opposes the proposals, we nonetheless consider on balance that it is appropriate to answer “**Yes**” that Armed Forces personnel and their family members should “**retain current arrangements**”.
- **Question 7:** Amnesty UK is generally opposed to ‘earned settlement’ proposals, so considers it appropriate to “**strongly disagree**” with extending these to migrant people’s dependent partners.
- **Question 8:** Amnesty UK is generally opposed to ‘earned settlement’ proposals, so considers it appropriate to “**strongly disagree**” with extending these to migrant people’s dependent children.
- **Question 9:** Amnesty UK suggests **not answering this Question**. No refugee should be penalised, yet the proposals would penalise all refugees – and limiting that penalty to a route to permanent residence of 10 years (it is currently 5 years) rather than 20 years for some refugees is wrong for them and wrong for discriminating between them and other refugees. However, disagreement will simply appear to be a preference for penalising all refugees by requiring the 20 years route. Amnesty UK’s position is clear that these penalties should not be applied, so ‘don’t know/prefer not to say’ is not an appropriate response.
- **Question 10:** This is an opportunity to state more about why the proposals are wrong. Amnesty UK considers it is appropriate to highlight here that refugee integration (and others’ integration) should be promoted not inhibited or even barred. This includes that no refugee should be subjected to a 20 years or even 10 years route. Indeed, Amnesty UK’s position is that refugees – on being granted asylum – should be given permanent residence straightaway. This would aid their integration, save the Home Office considerable work and expense, and would not prevent the Home Office considering whether deportation was appropriate and safe if someone committed a serious criminal offence. It is also possible here to insist that the Government must reconsider what is proposed and start by conducting serious consultations with affected people, and undertaking careful impact assessments including on child rights impact, race, gender and disability equality, and on socio-economic equality. ***If you answer this Question which allows you to say something in up to 200 words, you need to choose your own words. Cutting and pasting what Amnesty UK or someone else says will likely be picked up and cause your and their response to be discounted or devalued.***

Unless the online survey has been revised (e.g., in response to complaints about its usability), this is the end of the survey.