

# BRIEFING

10 December 2025

## REFUGEE AND MIGRANT RIGHTS

### Pathway to Settlement – Government proposals

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The Government has announced proposals on how people who come to the UK may become settled. This briefing sets out a summary and analysis of what is proposed.

#### Introduction

On 20 November 2025, the Home Office published [A Fairer Pathway to Settlement](#).<sup>i</sup> This sets out proposals for changes on the route (or pathway) to settlement – i.e., how people who migrate to the UK may be permitted to become settled (permanent residence). There is a consultation on some of the proposals. On the same day, the Home Secretary made a statement in the House of Commons.<sup>ii</sup>

#### Settlement (permanent residence)

In UK immigration law, a person is settled if they have lawfully made the UK their permanent home. This status (settlement) must be applied for. Generally, to apply for settlement, someone must:

- pay the very high fee (currently £3,029);<sup>iii</sup>
- have been living in the UK with permission for several years (5 years is required for most applicants), paying visa fees and the very high migrant health charge (currently £1,035 per year for adults/£776 per year for children);<sup>iv</sup>
- have complied with immigration rules and have no criminal conviction;<sup>v</sup> and
- demonstrate proficiency in English and pass the Life in the UK test.<sup>vi</sup>

However, not all migrant people are permitted to apply for settlement. Whether they can depends on what type of visa they have. Different types of visa include some different or additional requirements for settlement. Becoming settled is important for more than allowing someone to make the UK their permanent home and the certainty that comes with that. It means:

- their immigration status can no longer be subject to conditions applied by the Home Office (such as restrictions on work, study or accessing public funds);<sup>vii</sup>
- they no longer need to pay immigration fees and the migrant health charge;<sup>viii</sup>
- they can leave the country for long periods (up to 2 years) without losing their status in the UK;<sup>ix</sup>
- any children born to them in the UK will be born British citizens;<sup>x</sup> and
- they can apply to be naturalised as a British citizen.<sup>xi</sup>

#### The Government's key proposals

The Government intends to significantly delay, obstruct or bar more people from becoming settled. It proposes to achieve this by significantly increasing the starting period of time someone will ordinarily be required to be living in the UK under the immigration rules, and paying fees, before they may be permitted to apply for settlement (if they are permitted to so at all). That starting period would be:

- 10 years for most migrant people (this is 5 years longer than the current period).<sup>xii</sup>
- 20 years for most refugees and 10 years for refugees brought to the UK under a resettlement or other refugee scheme (the current period for refugees is 5 years).<sup>xiii</sup>

Some people would be permitted to reduce that starting period by any (but only one) of the following:<sup>xiv</sup>

- A reduction of 1 year if they have attained a higher proficiency of English.
- A reduction of between 3 and 5 years if they can meet a requirement of volunteering or other community work (the Home Secretary has said volunteering should be 'extensive').<sup>xv</sup>
- A reduction of 5 years if they have been employed in a specified job in a public service for 5 years (the Home Secretary has said they should be in a 'senior' position).<sup>xvi</sup>
- A reduction of 5 years if they are on a visa for British Nationals (Overseas) to come to the UK to settle.
- A reduction of 5 years if they are on a visa for a parent, partner, or child of a British citizen to come to the UK to settle with that family member.
- A reduction of 5 years if their taxable earnings in each of the previous 3 years has been at least £50,270.
- A reduction of 7 years if their taxable earnings in each of the previous 3 years has been at least £125, 140.
- A reduction of 7 years if they are on a visa for people designated as Global Talents and Innovator Founders to come to the UK to settle.
- The Government proposes that vulnerable groups will be permitted a reduction but has neither specified who that will cover nor what size of reduction will apply.
- The Government proposes that some sort of exception would be made for children who enter adulthood without anyone having secured them a regular immigration status but has not specified how this would operate.<sup>xvii</sup>

Some people may also have the starting period increased by any (but only one) of the following:<sup>xviii</sup>

- An increase of 5 years for workers in lower wage occupations.<sup>xix</sup>
- An increase of 5 years if they have received public funds for less than 12 months during their route to settlement.
- An increase of 10 years if they have received public funds for more than 12 months during their route to settlement.
- An increase of 20 years if they arrived in the UK without permission (and were required under the immigration rules to have permission to travel to the UK).
- An increase of 20 years if they entered the UK on a visit visa.
- An increase of 20 years if they have previously overstayed permission to be in the UK for a period of 6 months or more (though the consultation also suggests consideration is being given to whether this increase should instead be 5, 10 or 15 years).<sup>xx</sup>

There are other aspects of the proposals that remain unclear. It is, for example, not clear whether or how each of the proposed reductions would apply to refugees.<sup>xxi</sup> The proposals also include a bar to settlement if the person has:<sup>xxii</sup>

- any criminal conviction (which on its face might include a police caution);
- any outstanding litigation, NHS, tax, or other government debt;
- not met a specified level of English;
- not passed the Life in the UK test; or
- not had an income in the UK of at least £12,570 in each of a minimum 3 to 5 years.

In addition to making the route to settlement much harder and longer for many people, the Government is also considering whether to change the law so that settled people may, like migrant people who only have temporary permission to stay, be barred from access to public funds.<sup>xxiii</sup>

## The Government's intention

The Government says that settlement should be 'earned.' It suggests that its proposed changes are necessary to ensure settlement is earned by those who attain this status and promote their effective integration.<sup>xxiv</sup> However, *A Fairer Pathway to Settlement* also suggests other motivations such as:

- promoting social cohesion by satisfying hostility towards immigration and migrants;<sup>xxv</sup>
- deterring people seeking asylum in the UK;<sup>xxvi</sup> and
- reducing the number of people who become settled and saving public funds.<sup>xxvii</sup>

The Government has been clear that people who are already settled will not have that taken away by these changes.<sup>xxviii</sup> However, it is considering whether or how people already on a route to settlement may be affected by its proposals.<sup>xxix</sup>

## Amnesty's opposition to these proposals

It is important to note that while the proposals would make the immigration system far harsher, far longer, far more uncertain, and far more costly for many people, some of what is set out is not new. What is new is very significant, but the overall justification for these proposals is made less transparent because some of what the Government proposes already applies.<sup>xxx</sup>

Among the reasons to oppose the proposals are:

- The proposals are based on a notion that relatively wealthy and privileged people are of benefit to society and other people are not. The class-based bias in the proposals is strong (and this has implications for other inequalities).
- It is in principle wrong to make life harder for some people because of the hostile attitudes and behaviours of some other people towards them. It is dangerous to encourage such attitudes or behaviours by appearing to 'reward' them.
- The proposals would seriously undermine integration of refugees and of many other migrant people who are staying in the UK, whose lives would be made far more uncertain for far longer.<sup>xxxi</sup> This is directly counter to what the Government says it intends.
- The increased cost and uncertainty to many refugees and migrants would increase risks of destitution and ill-health and the possibility they may fall victim to homelessness and exploitation.
- As well as significantly increasing the cost to migrant people (having to pay high immigration and health fees and charges for far longer), the proposals would make far more work for the Home Office (and others) increasing costs to the taxpayer and/or to migrants and increasing delays and dysfunction at the Home Office and elsewhere.
- The Government also appears not to understand or consider that the proposals would increase the number of children born in the UK without British citizenship and worsen the barriers to children growing up in the UK being able to claim their rights to British citizenship.<sup>xxxii</sup>
- By setting out to appease hostile attitudes to migrants while making the asylum and immigration system work even less fairly and efficiently, the Government is even at risk of increasing the need for people to turn to human rights laws to protect them against harm while increasing antagonism towards the European Convention on Human Rights and the Human Rights Act 1998 that is often linked to hostility to immigration and migrants.

## Conclusion

The Government's proposals are wrong, harmful, and dangerous in both principle and practice. They should be swiftly abandoned. People who are on routes to settlement should be encouraged to settle and have their settlement facilitated not obstructed. If people are staying, it makes no sense and does nobody any good to simply make their or their families' lives more miserable, uncertain, or risky.

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## Notes

- <sup>i</sup> [A Fairer Pathway to Settlement](#): statement and accompanying consultation on earned citizenship, CP 1448, November 2025
- <sup>ii</sup> *Hansard* HC, [20 November 2025 : Col 889ff](#)
- <sup>iii</sup> This is the current fee for an application for indefinite leave to remain.
- <sup>iv</sup> Amnesty's January 2025 briefing on [Immigration fees: unfair and inefficient](#) provides more information about these fees.
- <sup>v</sup> These are not merely general requirements for an application to settlement. Failing to comply with immigration rules or being convicted of a criminal offence (also such things as NHS or litigation debts) may cause someone to be barred from and/or required to leave the UK: see e.g., Part Suitability of the immigration rules.
- <sup>vi</sup> See eligibility requirements in the immigration rules.
- <sup>vii</sup> Immigration Act 1971, section 3(1)(c) empowers the Home Office to place these and other conditions on permission granted to someone to come or stay in the UK temporarily (limited leave to enter or remain).
- <sup>viii</sup> The migrant health charge only applies to people applying for temporary residence (limited leave to enter or remain).
- <sup>ix</sup> This general period is 2 years – but it is 4 years for Swiss nationals/family members and 5 years for others granted under the EU settlement scheme.
- <sup>x</sup> British Nationality Act 1981, section 1(1)(b)
- <sup>xi</sup> Having permanent residence (i.e., there being no restriction on the period for which the person may stay) is a precondition for an application for naturalisation: British Nationality Act 1981, Schedule 1, paragraphs 1(2)(c) and 3(c).
- <sup>xii</sup> [A Fairer Pathway to Settlement](#), *op cit*, p20 (and see Figure 1, p9, which summarises the relevant periods currently).
- <sup>xiii</sup> *ibid*, p20 (which also indicates that refugees may be permitted to switch routes if they can meet conditions of other routes)
- <sup>xiv</sup> *ibid*, Table 2, p22 sets out most of the reductions listed here
- <sup>xv</sup> *ibid*, Foreword, p4
- <sup>xvi</sup> *ibid*, Foreword, p4
- <sup>xvii</sup> *ibid*, p26 (other uncertainties concerning proposals affecting children are set out here)
- <sup>xviii</sup> *ibid*, Table 3, pp22-23 sets out most of the increases listed here
- <sup>xix</sup> *ibid*, p25
- <sup>xx</sup> *ibid*, p25
- <sup>xxi</sup> The uncertainty arises because the Government published two policy statements ([A Fairer Pathway to Settlement](#) and [Restoring Order and Control](#)) one straight after the other without being clear how the proposals in each relate to each other.
- <sup>xxii</sup> *ibid*, Table 1, p21 sets out the bars to settlement listed here
- <sup>xxiii</sup> *ibid*, p25
- <sup>xxiv</sup> *ibid*, pp6 & 7; see also the Home Secretary's Foreword, p3
- <sup>xxv</sup> *ibid*, p6; see also the Home Secretary's statement in the House of Commons, *op cit*
- <sup>xxvi</sup> *ibid*, p20 with reference to the Government's related paper and proposals ([Restoring Order and Control](#)), which is addressed in Amnesty's November 2025 briefing on [Government Immigration and Asylum Proposals](#).
- <sup>xxvii</sup> *ibid*, pp6-7
- <sup>xxviii</sup> *ibid*, p6
- <sup>xxix</sup> *ibid*, p25
- <sup>xxx</sup> This can be seen by comparing the Government's key proposals and existing rules on settlement as summarised in this briefing. Generally, the proposals would make the overall system significantly harsher, including some considerations that are not new. Nonetheless, the way in which the proposals are presented or discussed by ministers can risk giving the wrong impression that currently, e.g., there is no Life in the UK test, criminal convictions are no bar to settlement, or that English proficiency is not required (when all of these things are features of the existing system).
- <sup>xxxi</sup> The existing system already undermines integration in ways that are unnecessary, unfair and inefficient. The system would generally be improved by accelerating and/or easing people's settlement in the UK as soon as the system recognises that they will be staying (particularly where this is related to people recognised as having family or private life in the UK, or recognised to be refugees). Delaying or obstructing these people's settlement, and making their lives more precarious (e.g., by barring access to public funds), not only harms them and their families. It leads to wider disruption (including more work for the Home Office), costs and other social problems (e.g., destitution, homelessness, ill-health, and exploitation).
- <sup>xxxii</sup> Amnesty is seeking to support the [Project for the Registration of Children as British Citizens](#) (PRCBC) in raising awareness of this concern.

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