

# Citizens Advice Scotland

## Response to the Home Office's Earned Settlement Consultation

(February 2026)

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### Key points

- > The Citizens Advice network in Scotland is one of the largest providers of immigration advice in Scotland, playing a key role in empowering everyone, including migrants and their families, to access and realise their rights and enabling our diverse communities to thrive.
- > In 2025, our network supported more than 7,200 individuals across Scotland with around 21,700 pieces of immigration advice, up 30% compared to the previous year. In terms of client numbers, we saw a 25% increase compared to 2024.
- > We believe that settlement is the foundation of security and stability for people wanting to build their lives in the UK and a precondition for well-integrated, strong communities.
- > We do not agree that some occupations and those with high incomes are more worthy than others and that some should be fast-tracked while others put on a lengthy route to settlement. No-one should have to wait more than five years to be eligible for settlement.
- > The proposals to extend settlement routes multiple times over for most migrants and to strip settled people of their right to social security will drive and further entrench insecurity and precarity. Introducing tougher mandatory conditions for settlement will mean that some will be permanently locked out of settlement and the security it brings. These changes will likely hinder, not enable integration, with detrimental impacts on all our communities.
- > The proposal to apply these fundamental changes retroactively to people already in the UK appears unprecedented and incompatible with the rule of law and the principle of legal certainty.
- > Under the proposals, people will need to make repeated visa applications for longer to become eligible for ILR and will have to meet harsher criteria for settlement, requiring advice at every stage. There is a chronic shortage of immigration advice in Scotland, including for complex cases amid a lack of legal aid solicitors providing immigration advice in Scotland. This means many will struggle to access advice and support at the required level.

We therefore **wholly reject the concept of "earned settlement"** and **urge the government to abandon the proposed changes to the settlement framework.**

## Our response

### Background

#### Questions 1-4 and 9-10

Citizens Advice Scotland (CAS), Citizens Advice Bureaux (CAB) and the Extra Help Unit (EHU) form Scotland's largest independent advice network. The Citizens Advice network in Scotland plays a crucial role in supporting people across the country to realise their rights. We inform people of their rights and responsibilities and provide holistic, person-centred advice – including advice on social security, debt, energy, housing, employment, family and relationships, complaints processes and legal proceedings. We empower people to secure access to justice by supporting them to navigate systems and procedures to resolve their issues, prevent detriment, and pursue recourse when things go wrong.

The network provides advice via multiple channels: in person in over 300 locations across Scotland, as well as by phone, email, and other channels, and via our freely accessible online advice pages.

Our holistic advice and support changes lives. In 2024/25, we supported nearly 200,000 people, leading to £169.4 million back into the pockets of people and communities. We work with and support some of the most marginalised and intersectionally disadvantaged individuals and communities in Scotland. Last year

- > almost two thirds of people we supported reported having a disability or long-term health condition,
- > more than half were women,
- > one third resided in the most deprived areas in Scotland,
- > and more than 1 in 10 identified as belonging to a minoritised ethnic group; many could be directly affected by the proposed changes to settlement rules.

Our network is **one of the largest providers of immigration advice in Scotland**, having a key role in empowering everyone, including migrants and their families, to access and realise their rights and enabling our diverse communities to thrive.

In 2025, our network supported more than 7,200 individuals<sup>1</sup> across Scotland with around 21,700 pieces of immigration advice, up 30% compared to the previous year. In terms of client numbers, we saw a 25% increase compared to 2024.

Much of this demand for advice continues to be concentrated in the Central Belt of Scotland. In 2025, all Glasgow CAB<sup>2</sup> together provided 27% of our network's immigration advice,

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<sup>1</sup> 5,000 were new clients.

<sup>2</sup> Glasgow Central CAB, Drumchapel CAB, Greater Pollock CAB, Castlemilk CAB, Easterhouse CAB, Bridgeton CAB, Glasgow North West CAB, Parkhead CAB are all independent charities.

followed by Citizens Advice Edinburgh (17%) and Stirling CAB (5%). Outside the Central Belt, Aberdeen CAB covered 5% of our immigration advice and Perth CAB 4%. However, several bureaux beyond these major urban areas and central towns report increasing demand for immigration-related advice in line with local demographic change, including due to asylum dispersal and a growing reliance on international workers in various sectors in Scotland.

Our latest figures (covering the period December 2024 – December 2025) show marked increases in advice need relating to

- Migrant workers – up by 174%
- Nationality and citizenship – up 131%
- Family, dependents and partners – up 68%.

In addition, webpages on immigration on our freely accessible online advice site were viewed almost 30,000 times in 2024/25.

Migration presents in the Scottish Citizens Advice network in other ways too. In 2024/25, more than 1,750 individuals gave their time, knowledge and skills as volunteers to the Scottish CAB network. Their enormous contribution is the lifeblood of the Scottish CAB Service which is rooted in and strengthens local communities. It is important to note that 10% of our volunteers self-identified as belonging to a Black and Minority Ethnic group<sup>3</sup>, many of them migrants. The network also sponsors employees' work visa. If the proposed 'earned settlement' policies are introduced, they will detrimentally impact our volunteers, staff and their families, as well as the local communities that rely on their support.

All advisers in our network, both paid and volunteers, have successfully completed an accredited adviser training which includes Immigration Advice Authority (IAA) level 1 as an essential component. Additionally, in 2024/25, around a third (31%) of CAB had a paid specialist immigration adviser. Due to the embedded nature of immigration advice as part of our holistic advice service, we see a wide spectrum of immigration system-related issues and hold in-depth insight of the problems faced by people across Scotland who are subject to immigration control.

The Citizens Advice network looks at the problems people bring to our advice services and campaigns for change where it's needed most. Our policy work on Human Rights and Access to Justice aims to ensure that people's human rights are protected and realised, that people in Scotland have equal access to the justice system, to legal services and to effective remedies; can navigate and engage appropriately in legal proceedings; and that processes are transparent and fair.

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<sup>3</sup> 9% preferred not to answer.

We have significant concerns about the proposed changes to the settlement framework and welcome this opportunity to respond to the consultation. We will focus on those questions where we can give an informed response.

**Q5. [If organisation based in the UK] Has your organisation ever sponsored employees to work in the UK on a visa?**

Yes – CAS currently sponsors employees.

**Q6. [If organisation based in the UK] Does your organisation intend to sponsor employees to work in the UK on a visa in the future?**

Yes – if they are the best person for the job at interview.

**Q7. [If organisation based in the UK] How many people work for your organisation across the UK as a whole?**

CAS has between 50-249 employees.

**Q8. [If organisation currently sponsors employees to work in the UK on a visa] How many employees are currently sponsored via a UK visa at your organisation?**

CAS currently sponsors under 10 employees to work in the UK on a visa.

### **Earned settlement**

**Q1. Overall, how clear do you find the proposed changes to the settlement framework?**

Somewhat unclear.

**Q2. [If unclear] Which aspects of the proposed changes to settlement are not clear?**

Other (please specify).

CAS believes no clear case has been made that would justify the drastic and far-reaching changes to settlement rules that are currently proposed.

Since the public announcement of changes to immigration policy in relation to settlement in the UK and extensive media reporting, advisers in our network have reported an influx of advice requests on the 'earned settlement' proposals, with many people we support finding the suggested changes and the speed at which they could be introduced alarming and confusing, further complicating an already complex system that is difficult to navigate.

The proposals are creating anxiety and uncertainty for people our network supports as the following Citizens Alert<sup>4</sup> show.

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<sup>4</sup> **Citizens Alerts** are based on a real-time case reporting system operated by the Citizens Advice network in Scotland. These qualitative cases are shared with us from individual Citizens Advice Bureaux (CAB), which provide CAS with unique and unparalleled insight into the lived experiences, situations, and detriment which individuals seeking our support are facing. While Citizens Alerts represent individual client experience, they can also highlight

Comments made in the news about changes to Indefinite Leave to Remain (ILR) have brought Shabana to her East of Scotland CAB. She has been living with her husband and two children (both under 18 years old) in the UK for 7 years and holds ILR. Shabana is anxious that conditions for people with ILR will become more difficult and that her pathway to citizenship may become harder. Shabana has passed the Life in the UK test and has urgently arranged to do an English B1 course. She is concerned about the high naturalisation fee for her and her children. The CAB adviser provided information on the citizenship application process, required documents and evidence and offered an appointment to support her to complete the forms. The bureau adviser flagged significant concerns to CAS that many clients, even long-term residents, are presenting at CAB feeling rushed to apply for citizenship because of announced changes to the settlement framework. This could make families go into debt to pay the fees or inadvertently lose their other citizenship if dual nationality is not allowed in the other country.

Members of our staff and volunteers providing invaluable advice and support in communities across Scotland also report experiencing uncertainty and anxiety, as Jane's<sup>5</sup> experience illustrates.

"I immigrated to Scotland in 2020 as a student, and I am now on a skilled worker visa. Based on the rules when I applied and was granted my visa, I expected to be eligible for settlement in 2028.

Immigrating has never been easy, but until recently, I thought it was well worth the challenges along the way. I love the work I do, the city I live in, and the people I've come to know. Last year, I joined the board of a local community centre that made me feel welcome when I was first finding my feet in the neighbourhood. I've found my home.

Now this feeling is bittersweet. For every moment of joy, there's an undercurrent of anxiety – what if everything that I've built over the last 6 years is taken away and there's nothing I can do about it? Would I have been better off making a different choice in 2020, putting down roots somewhere else?

Maybe so – but it's too late now. This is my home, this is my community, and I'll keep putting in the work to make it better for as long as I can. But despite my best efforts, I'm deeply afraid.

Multiple aspects of the proposed new settlement policy remain unclear, including the following questions:

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patterns and structural issues which need to be addressed. We anonymise this data and compile and analyse it to effect change in policy, law, and practice.

<sup>5</sup> Not her real name.

## Impact on people's rights

- > Has the Government assessed how its proposals will impact people with protected characteristics?
- > Has the Government assessed how its proposals will impact child poverty and homelessness across the UK?
- > How are the proposals aligning with the Government's human rights obligations, as set out, for example, in the 2025 Concluding Observations of the UN Committee on Economic, Social and Cultural Rights in relation to migrants in the UK under the International Covenant on Economic, Social and Cultural Rights,<sup>6</sup> as well as under the 1951 UN Refugee Convention?
- > Will the No Recourse to Public Funds (NRPF) condition be applied to people who already have Indefinite Leave to Remain (ILR)?
- > How does the proposal of introducing these changes retroactively to people already on pathways to settlement and/or to those settled (by applying the NRPF condition to them) align with the rule of law and the principle of legal certainty?

## Impact on economic growth

- > Has the Government assessed how the proposals will impact the economy mid-to long-term beyond the limited analysis of migrants' fiscal impact presented in the consultation paper?<sup>7</sup> This could include a more dynamic model of fiscal impact over the long term and further consideration of other contributions such as migrants crucially supporting vital public services such as the NHS and the wider health and care sector across the UK?<sup>8</sup>

## Scope of changes, administration and process

- > Will the new mandatory settlement requirements apply to everyone, including British Nationals (Overseas) (BNO), people on the EU settlement scheme, and

<sup>6</sup> See especially paragraphs 25c, 27a, 27b, 27c, 31c, 33, 35c, 35d, 45a, 47a, 53a of the [Concluding observations on the 7th periodic report of the United Kingdom of Great Britain and Northern Ireland](#).

<sup>7</sup> Estimates of the fiscal impact of migration heavily depend on migrants' characteristics and family size, immigration policies and visa categories, as well as various assumptions such as about employment rate, income level, propensity to use different types of public services, future (return) migration trends, and the time period considered, see [The Fiscal Impact of Immigration in the UK - Migration Observatory](#). For example, the National Institute of Economic and Social Research recently reported concern that a scenario of "net zero migration would weaken headline GDP growth and materially worsen the public finances, leaving the budget deficit around 0.8 % of GDP (around £37billion) higher by 2040. By contrast, positive net migration supports fiscal sustainability by expanding the working-age population and broadening the tax base." ([Economic Outlook: Normality Under Strain - NIESR](#), Jan 2026)

<sup>8</sup> The consultation paper acknowledges that as "well as fiscal contributions, migrants contribute to the UK in a number of other ways; many migrants work in important roles providing vital services, such as supporting the NHS" (p. 17). However, these varied contributions are ignored and not further considered.

parents/partners/children of British nationals?<sup>9</sup> If exemptions apply, who will they cover?

- > Who will be covered by the stated intent to permit a reduction for vulnerable groups and what kind of reduction will apply?
- > Would and if so how would suggested reductions to the proposed 20-year qualifying period apply to refugees?
- > What exceptions will be made for children reaching adulthood without a regular immigration status and children of migrants who were born/grew up in the UK?
- > How will people who have been placed on an existing 10-year route to settlement based on their right to a family or private life, for example due to not meeting the minimum income requirement, needing access to public funds, or experiencing gaps in their leave to remain, be affected; will they be doubly penalised by having to wait additional years before becoming eligible for settlement?
- > What will qualify as 'volunteering' to be granted a reduction to the qualifying period? How will the Government ensure that this proposal will not increase unpaid work and labour exploitation?
- > How are earnings defined? The consultation paper seems to use taxable income/earned income interchangeably, but they are not the same.

We will detail the above questions further in our responses to the below questions.

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

CAS strongly disagrees with the proposed changes.

We believe that everyone's human rights, including the rights of migrants and their families, should be respected, protected and fulfilled. Indefinite leave to remain (ILR)/settlement is vitally important as it grants people who don't hold British citizenship the right to live, work and study in the UK for as long as they like, to access benefits if they're eligible, and it is one of several preconditions to apply for British citizenship.

Under existing rules, settlement already requires individuals to fulfil a number of conditions such as completing a qualifying period of usually 5 years, meeting suitability requirements (for example, not having a criminal conviction), passing the Life in the UK test and an English language test, and includes the payment of a £3,029 fee. To become eligible for ILR, most people on pathways to settlement are required to pay high visa fees when they first apply and whenever they renew their visa, in addition to an annual Immigration Health Surcharge

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<sup>9</sup> We note that the consultation paper states that these groups are not covered by the changes; however, BNO and parents/partners/children of British nationals are then listed in table 2 (p.26) as having a reduction of 5 years applied to them, while people on EUSS are not mentioned.

(IHS) of currently £1,035 per adult and £776 per child. The IHS constitutes a form of double taxation as most migrants are made to pay for the NHS twice – via the annual IHS in addition to paying for the NHS via their taxes like British citizens.<sup>10</sup> Cumulatively, these costs can be substantial; for example, the total cost from entry to citizenship ranges from around £11,500 for an individual Skilled Work visa holder to around £42,700 for a Skilled Worker with a partner and two children<sup>11</sup>.

Advisers in our network highlight that in order to meet visa fees and IHS payments, people they support often have to set aside money towards these regularly upcoming costs and cannot build up other savings to build security for themselves and their families. We know from specialist immigration advisers at CAB that settlement is already difficult to reach for many and that people on long, expensive and complicated journeys to settlement often face financial hardship, housing and employment insecurity, are regularly barred from accessing their right to social security due to the No Recourse to Public Funds (NRPF) condition, and experience negative impacts on their family relationships, mental health and sense of belonging.<sup>12</sup> Ken's experience illustrates some of these issues.

Ken has lived and worked in the UK for the last five years, currently being employed by his local council. He, his wife and two children came to the UK on his wife's ancestral visa based on his wife's British grandfather. His wife has recently become a British citizen, and their children also qualify for this. Ken was planning to now apply for settlement as the ancestral visa allowed him to do after five years of residence. However, as his wife's status had changed to that of a British citizen, he was no longer able to apply for ILR as a spouse under the ancestral visa route but now seemed to be required to apply as a family member of a British citizen, restarting the 5-year clock on his settlement route. Ken had come to his North of Scotland CAB due to what he experienced as a highly confusing immigration process which was causing him and his family anxiety and stress. He was in panic as his visa was about to run out and he needed to show his employer his valid immigration status and right to work. He had already spent upwards of £14,000 on immigration fees and £1,500 for legal advice from a solicitor but will now likely have to wait another five years on a different route to settlement before he becomes eligible. The CAB adviser sought advice from the Home Office Immigration Resolution Centre on this complex case but was told they didn't know the answer. If even they don't know, how are ordinary people who try to do all the right things expected to navigate this system?

<sup>10</sup> See University of Oxford (2025) [Immigration fees in the UK - Migration Observatory](#); some exemptions and fee waivers exist, for example, for migrants working in the health and care sector who do not have to pay the IHS.

<sup>11</sup> Based on fees as of April 2025, see University of Oxford (2025) [Immigration fees in the UK - Migration Observatory](#).

<sup>12</sup> See also Mort, L. et al. (2023). [Experiences of people on the 10-year route to settlement](#). (IPPR, GMIAU and Praxis).

Anaane is being supported by his East of Scotland CAB. He has been in the UK on a skilled worker visa, but his latest employer cancelled his visa. A solicitor advised him to apply for further leave to remain and told Anaane this could take up to 12 months. However, he has now been waiting for 21 months for a decision on his application. His passport is with the Home Office, and he cannot access statutory support. Anaane is reliant on food bank referrals and lives in temporary homeless accommodation. He has taken this up with his MP and has raised a complaint with the Home Office but feels like nothing is being done. Feeling like nobody was helping him, Anaane attempted to take his own life.

We believe that settlement is the foundation of security and stability for people wanting to build their lives in the UK and a precondition for well-integrated, strong communities.

The proposals to lengthen settlement routes multiple times to 10, 15, 20 and 30 years and to strip settled people of their right to social security when they fall on hard times will extend and further entrench insecurity and precarity. In addition, introducing tougher mandatory conditions for settlement will mean that some will be permanently locked out of settlement and the security it brings. The proposal to apply these fundamental changes retroactively to people already in the UK appears unprecedented and incompatible with the rule of law and the principle of legal certainty.

Overall, the proposed changes risk expanding and entrenching a long-term or permanent group of people with limited rights within our communities. These significant rights regressions will likely deepen harms for already (often multiply) disadvantaged groups, including children, disabled people and those with long term health conditions, people with caring responsibilities, racialised minorities, women and single parents, all of whom may face structural barriers to meeting the suggested criteria. They risk driving up child poverty across the UK, against the government's stated commitments to reduce child poverty in this parliament and to ensure that "vulnerable migrant children receive the support that they require, regardless of their immigration status."<sup>13</sup>

We therefore wholly reject the concept of "earned settlement" and urge the government to abandon the proposed changes to the settlement framework.

## **Character**

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

Our network supports thousands of people each year with debt, especially council tax debt. We know that people can fall into debt due to conditions outwith their control such as the high cost of living and unaffordable rent and energy prices, and at difficult times such as the

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<sup>13</sup> [Our Children, Our Future: Tackling Child Poverty - GOV.UK](#).

loss of employment, illness, bereavement or due to caring responsibilities. High and repeated immigration fees, as set out above (in our response to Earned Settlement Q3), which often need to be prioritised, can be one additional factor that leads people to incurring government debt.

We believe preventing people with government debt from settlement in the UK is counterproductive. ILR status provides the security and stability that makes it easier for people to maintain and find better employment, increase their income and pay off their debts. People may also be discouraged from seeking NHS treatment, anxious about potentially incurring any NHS debt, which can lead to worse health outcomes and cause higher costs in the longer term.

People should also not be automatically barred from settlement for non-compliance with immigration rules. Immigration advisers in our network regularly highlight that people can find themselves - unintentionally or through no fault of their own - in a situation where they become non-compliant with immigration requirements. For example, bad advice, including from 'rogue' unregulated providers, exploitation by an employer who sponsors them, issues around university assessment, illness or an accident can all lead to people 'overstaying' their visa or finding themselves outside the immigration rules (for a period of time). This is demonstrated by Judith's and Ashley's experiences below:

Judith, originally from a West African country, has been living in the UK for 11 years based on renewing her work visa every few years. She currently lives in the West of Scotland with her two teenage sons. Judith's visa expired when the solicitor dealing with her latest visa renewal application left the firm but did not notify Judith of this. She was completely unaware that the Home Office had asked for further information, as nobody at the solicitor firm had picked up her case. When she eventually chased this up, she discovered her renewal application had not been completed, and her previous visa had expired. Judith came to her West of Scotland CAB in distress, as she was now classed a visa overstayer and had lost her right to work, her access to income-related benefits, and experienced financial hardship impacting on her children.

Ashley has come to her East of Scotland CAB for support regarding her immigration status. She had come to the UK on a student visa and had originally been due to complete her studies several months ago. However, she had experienced depression and was given an extension by her university to submit her dissertation. She had now done this but had not yet officially graduated. Her current student visa was about to expire the next day, but she did not seem to be aware of this. Ashley seems to have been badly advised by a solicitor who recommended she apply for a Fee Waiver and for Further Leave to Remain, despite her having no backing of her university or human rights grounds. The Fee Waiver application had been rejected just days earlier, stating she could reapply or apply for Further Leave to Remain within a tight timescale

of ten days. Ashley has been frantically looking for work but has so far been unsuccessful. It appears the advice she received left her at risk of overstaying her visa and severely limiting her options.

Overall, we are concerned about the suggestion that tougher character requirements will be mandatory for everyone. This indicates a high degree of rigidity and inflexibility in the system, which will likely lead to unfair decisions when the specific circumstances of individual cases cannot be taken into account.

## **Integration**

### **Q2. How do you think integration should be assessed? (please select all that apply)**

In another way (please specify).

We understand integration to be a complex and multi-faceted process. It is not one-way and cannot be achieved by an individual's efforts alone but requires support and access to essential services. We would question the idea that there is a way for government departments or agencies to reliably and consistently assess 'how well someone is integrated' via a formal test or course.

Immigration advisers in our network highlight that it is the insecurity of short-term visas and repeatedly changing goalposts of immigration rules that can hinder people's ability to establish themselves and fully participate in their communities and society.

- > Insecure visa status often leads to restricted access for migrants to stable housing, better employment, educational opportunities and essential services, and state-mandated exclusion from the right to social security - all likely driving isolation and segregation rather than integration.
- > The very narrow emphasis on an individual's fiscal contribution and the idea of 'measurable integration' is likely to intensify the exclusion of disabled people and their families, especially when they are unable to meet visa and settlement requirements due to illness, their disabilities or caring responsibilities.
- > Tougher mandatory requirements such as B2 level English language testing will make it harder, even impossible for some to reach settlement. Alongside the cost of English language classes and test fees that are unaffordable for many, we know that some groups, e.g. people with learning difficulties, caring responsibilities, older people, people from non-English speaking countries etc. will face higher barriers to learning English to the required level.

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

We believe that our diverse communities are stronger, mutually interlinked and integrated when people’s rights are respected, protected and fulfilled and their dignity is upheld. To promote integration, alongside investment in community cohesion and anti-racism strategies, the Government should not make the pathway to settlement longer and more difficult but make the settlement process simpler and affordable, so that people can build their lives and put down roots in their communities as active citizens.

## **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?**

- **Those on maternity leave or long-term illness/disability?**

Yes

- **Those in certain occupations with different pay arrangements?**

Yes

**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?**

In our view, having earned above £12,750 for at least 3-5 years should **not** become a mandatory requirement for settlement.

Immigration advisers across our network highlight that migrants on insecure short-term leave to remain often face limited employment opportunities, for example, due to employers’ reluctance to sponsor a work visa. They might also be prevented from accessing employment and earnings above the threshold for other reasons outwith their control such as failures/delays in systems issuing identity documents, eVisa share codes, or national insurance numbers.

They also report that refugees, often after prolonged periods of waiting in the UK asylum system for a decision on their application for refugee status, often without the right to work, can experience various barriers in securing employment, especially employment that is well-paid.<sup>14</sup> Younas’ experience illustrates some of these barriers.

Younas has been granted refugee status in the UK. He has come to his East of Scotland CAB for support after waiting for four months for his Biometric Residence Permit (BRP) and his NINO. He was concerned about whether he would be able to find paid work without these official documents and had raised this with his work coach at the Job Centre in connection with his Universal Credit claim, but he was simply told that he needed to apply for work regardless. It appears Younas was given

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<sup>14</sup> See also Amnesty International and the Runnymede Trust. (2024) [Submission to the Committee on the Elimination of Racial Discrimination \(CERD\)](#).

no further information or support to navigate the various administrative challenges his refugee status would bring. When he raised specific issues with his solicitor and with the DWP an opportunity to signpost him to appropriate support was missed. Younas was understandably frustrated and concerned, especially since he left highly trained work before having to flee his country of origin and was eager to get back to employment as soon as possible. Mechanisms to provide support to people granted refugee status sometimes fail in the first instance. It should be part of DWP procedures to signpost and to check on progress where support needs are evident and/or when a claimant raises specific barriers arising from refugee status, especially when those issues might impact on the person's employability. The CAB was able to assist the client to request the timely provision of the BRP and NINO and offered to follow up with him if this wasn't happening soon.

Structural inequalities shaping gender, racial and disability pay gaps, gaps in employment rates, and varying abilities to work full- or part-time, make it harder for some to work and generate earnings.<sup>15</sup> These include:

- > Women are disproportionately providing unpaid care work in Scotland, with nearly three-quarters of unpaid carers being women.<sup>16</sup> In the Scottish labour market as elsewhere, women are concentrated in underpaid but vital jobs such as social care, childcare, and cleaning. And women are more likely to be in part-time or insecure roles, often because of caring responsibilities,<sup>17</sup> so they will be doubly disadvantaged by this requirement. In addition, women who are experiencing domestic abuse may be unable to evidence/generate required earnings, with 95% of women experiencing domestic abuse reporting they experienced economic abuse.<sup>18</sup>
- > People from racialised minorities in Scotland, on average, earn less than white workers and are more likely to be underemployed and concentrated in low-paid, insecure work than their white counterparts. While ethnicity pay gaps vary by ethnic group, the ethnicity pay gap overall is larger for women than men (16.2% vs. 13% respectively in 2019).<sup>19</sup> And more than two thirds of carers from Black and minority ethnic communities in Scotland recently surveyed reported experiencing financial difficulties due to caring<sup>20</sup>.
- > Disabled people and elderly people who may struggle to work sufficient hours or be unable to work.

<sup>15</sup> See [CAS Submission to the UN Committee on Economic, Social and Cultural Rights](#) (Jan 2025), pp. 6-8.

<sup>16</sup> [Carers Census, Scotland, 2023-24 - gov.scot](#).

<sup>17</sup> [Close the Gap | Blog | From data to action: Why Scotland needs mandatory gender pay gap action plans](#).

<sup>18</sup> Surviving Economic Abuse. [Statistics-on-economic-abuse\\_March-2020.pdf](#). For 2023/24, Police Scotland reported 83% of victims were female and four in five incidents had a female victim and a male suspected perpetrator.

<sup>19</sup> Scotland's estimated ethnicity pay gap was 10.3% in 2019. (Scottish Government [Analysis of Labour Market Outcomes of Scotland's Minority Ethnic Population](#)).

<sup>20</sup> MECOPP (2025) [Unpaid, Unseen and Unheard. Addressing the needs of BME Carers in Scotland](#).

- > Young people as they turn 18 who, according to the proposals, may be required to fulfil mandatory settlement conditions themselves. Many will be in education or low-paid work, with lower National Minimum Wage rates being applied to them.
- > Parents and single parents, especially with young children amidst high childcare cost and uneven free childcare coverage.

**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.

CAS believes no one should be penalised for working in a role considered low-skilled by the government. Roles below RQF level 6 include many essential roles that keep our public services running and our economy functioning, such as Senior Care and Care Workers in the health and (social) care sector, many of whom are poorly paid.<sup>21</sup>

Additionally, immigration advisers in our network regularly report cases in which these essential workers are at risk of exploitation and discrimination, as the following Citizens Alerts illustrate.

A North of Scotland CAB adviser raises concern after seeing a pattern of advice need by care workers on short-term visas in the local community. One of several people the CAB supports is Kavia, a health care professional from South Asia here on a Skilled Worker visa. She has been employed for two years in a local care home where she has been experiencing bullying and harassment, excessive hours and being denied time to take breaks and to take leave from work. She wants to make a complaint against her employer but is anxious that this could affect her immigration status, in case her employer refuses to continue sponsoring her visa. The impact is that people like Kavia appear to be exploited to such an extent as to significantly impact their health and wellbeing and their ability to discharge their responsibilities. Skilled and capable health care workers are likely being driven away from the profession where there is an urgent need for their services in our community.

An East of Scotland CAB is supporting Priti who came to Scotland as a student and has now moved to a Skilled Worker visa after securing a job. Her husband has joined her on a spousal visa. Her employer is taking advantage of her and other employees on work visas with inappropriate behaviour, bullying, harassment, unjustified pay reductions, and constantly uses the threat of withdrawing visa sponsorship to keep Priti and some of her colleagues under control.

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<sup>21</sup> The consultation paper itself acknowledges that as “well as fiscal contributions, migrants contribute to the UK in a number of other ways; many migrants work in important roles providing vital services, such as supporting the NHS” (p. 17).

Tripling their qualifying period for settlement to 15 years will increase the risk of (financial) hardship and precarity for these essential workers, as longer pathways mean increased cost for visa renewal fees and the annual HIS while living with uncertainty whether their next visa will be granted. We therefore oppose this change.

In addition, it goes against the rule of law and the principle of legal certainty to move the goalposts and retroactively triple the qualifying period for migrants who have already come to the UK to fill roles in hard-to-recruit-for employment sectors and are rightfully expecting to be able to apply for settlement after 5 years (see our response to Eligibility and Equalities Q3).

**Q6. Do you think those employed in a public service occupation (i.e. health and education occupations where going rates are based on national pay scales) should be eligible for a reduction in their qualifying period to settlement?**

Prefer not to say.

As set out above, CAS rejects the concept of earned settlement. We do not agree that some occupations and those with high incomes are more worthy than others and that some should be fast-tracked while others put on a lengthy route. Migrants' contributions to our communities, society and economy can take many forms, many of which are difficult to quantify.<sup>22</sup> Public sector employees make valuable contributions but so too do people working in the charity sector, health and care workers, people working in hospitality, cleaning, delivery or transport etc., as the Covid-19 pandemic clearly showed.

We reiterate our belief that settlement is the foundation of security and stability - no-one should have to wait more than 5 years for settlement, irrespective of occupation or pay.

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

**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**

There should be no penalty for these applicants.

The great majority of migrants on time-limited grants of leave to enter or remain are subject to the UK immigration restriction of No Recourse to Public Funds (NRPF) anyway and therefore barred from accessing social security payments such as UC, Child Benefit, Disability Living Allowance or mainstream forms of housing assistance.

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<sup>22</sup> See FN6.

Advisers in our network highlight that NRPF status increases vulnerability to poverty and precarity among migrants and their families, negatively impacting on children.<sup>23</sup> Yolanda's experience illustrates this.

An East of Scotland CAB is supporting Yolanda who is pregnant with her first child. Both her husband and Yolanda came to the UK on work visas to work in the health and care sector. They are subject to NRPF restrictions. Yolanda used to work for the local council as a care worker. She had to leave her job a couple of months earlier due to an accident but has kept her registration and intends to return to work when the baby is a bit older. Now that her husband provides the only household income of approximately £1900-2000 per month, Yolanda is worried about the family's finances, as due to NRPF the only thing she can access is the Baby Box scheme and perhaps Best Start.

Evidence shows that women with NRPF are at particular risk of being forced into destitution, as they cannot access statutory financial support, with 73% of families with NRPF supported by local authorities across England and Scotland being female-led single-parent families.<sup>24</sup> The NRPF condition also increases women and children's risk of having to live with domestic abuse, when women's insecure immigration status and lack of access to funds can be used by the abuser to trap them in the abusive relationship.<sup>25</sup>

The Home Office currently grants removal of the NRPF condition on application only when people meet strict criteria, including where the applicant is at risk of destitution, where there are detrimental impacts on the welfare of children, or where exceptional circumstances affect the applicant's income or expenditure. Advisers in our network report that many people do not know of this option or require specialist advice and support to apply.

Advisers in our network also emphasise that it would be hugely unfair to apply penalties to people after they have previously been granted access to public assistance by the Home Office in recognition of their vulnerability. In other words, after they have legally accessed social security entitlements. Many who have made a 'change of conditions application' have already been subject to a penalty by being moved to a 10-year settlement route; they must not be punished again.

Some people we support are already too afraid to submit a 'change of conditions' application or claim/accept support, even though they are experiencing hardship, as exemplified by Marianne's experience.

<sup>23</sup> See [CAS Submission to the UN Committee on Economic, Social and Cultural Rights](#) (Jan 2025), p. 13. Research by Citizens Advice England and Wales (2021) also found that 81% of people with NRPF status were behind on at least one bill, 60% were behind on rent, 18% were unable to feed themselves or their household because of the policy, and 83% reported that NRPF had a negative impact on their mental health ([How do I survive now? The impact of living with NRPF](#)).

<sup>24</sup> [NRPF Connect Data Report](#) 2023/24.

<sup>25</sup> ['No Recourse to Public Funds' and migrant women living with abuse | Scottish Women's Rights Centre](#).

Marianne is a first-time mum with a young baby. Her husband is on a Skilled Worker visa with a 5-year route to settlement. Marianne had to stop working during her pregnancy. Her husband's income has reduced for several months, putting further pressure on their family finances. Marianne was worried as the family did not have enough money to buy food and has come to her South of Scotland CAB for money advice. Alongside this, the CAB adviser informed her of the option to apply for a change of conditions to the Home Office to have NRPF removed and, additionally, offered to provide a foodbank voucher. Marianne vehemently declined. She had heard that people receiving social security benefits may be put on a longer settlement route. Despite the adviser's gentle insistence that the foodbank voucher that they urgently needed would not jeopardise their current qualifying period, Marianne was too anxious to accept it.

More generally, we believe penalising anyone for having needed state support or assistance by adding an extra 5 or 10 years to their settlement pathways effectively punishes a particularly vulnerable group, including children who may be at risk of harm and families at risk of destitution. This will likely increase financial hardship and drive child poverty and homelessness.

**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.

We believe everyone's right to social security should be protected and realised; like everyone else, migrants may fall on hard times in circumstances beyond their control and they should not be locked out from this crucial safety net.

CAS strongly rejects the government's proposal to attach No Recourse to Public Funds restrictions to settlement as it can have severe, negative impacts on the human rights of people subjected to it. This was also confirmed by the UN Committee for Economic, Social and Cultural Rights in its recent review of the UK in which it called on the UK and devolved governments to urgently review NRPF to prevent increased poverty and precarity among migrants and their families.<sup>26</sup>

We reiterate that advisers in our network highlight that NRPF status increases vulnerability to poverty and precarity among migrants and their families (see our response to Contribution Q7).<sup>27</sup> Evidence shows that women with NRPF are at particular risk of being forced into

<sup>26</sup> [Concluding observations on the 7th periodic report of the United Kingdom of Great Britain and Northern Ireland \(2025\)](#), para 27a.

<sup>27</sup> Research by Citizens Advice England and Wales (2021) also found that 81% of people with NRPF status were behind on at least one bill, 60% were behind on rent, 18% were unable to feed themselves or their household because of the policy, and 83% reported that NRPF had a negative impact on their mental health ([How do I survive now? The impact of living with NRPF](#)).

destitution, as they cannot access statutory financial support, with 73% of families with NRPF supported by local authorities across England and Scotland being female-led single-parent families.<sup>28</sup> The NRPF condition also increases women and children’s risk of having to live with domestic abuse, when women’s insecure immigration status and lack of access to funds can be used to carry out and continue domestic abuse.<sup>29</sup>

We are also highly concerned that extending NPRF restrictions to settlement will likely entrench inequalities between British citizens and those who don’t hold British citizenship, with detrimental impacts on all our communities. Locking large sections of the population out of the human right to social security for extended periods of time will likely hinder, not enable integration.

**Q9. To what extent do you agree or disagree that giving back to local communities (e.g. by volunteering) should be considered as a contribution that can reduce the length of time required to qualify for settlement?**

Strongly disagree.

Migrants already contribute to their local communities, our society and the economy in multiple ways, many of which are hard to quantify.<sup>30</sup> As a network that strengthens communities and supports individuals to thrive by empowering them to participate in society and in the decisions that shape their lives, we have significant concerns that the above proposal runs counter to and risks undermining the spirit of volunteering. By definition, volunteering must be and remain voluntary, entered into and given freely.<sup>31</sup> It should not be connected to immigration control.

Groups such as those with caring responsibilities, people with disabilities or long term health conditions, people in low-paid jobs who often have to work long hours to make ends meet will likely be disproportionately disadvantaged by this proposal, as people will be expected to volunteer to evidence ‘giving back’ on top of already existing work, educational and caring commitments.

Questions also remain as to what will qualify as ‘volunteering’, and how the Home Office would be able to consistently and coherently assess whether someone has sufficiently ‘given back’. We are concerned that this could drive unpaid labour and exploitation, for example, of people who may be offered ‘volunteering roles’ by unscrupulous employers or groups on the promise of being able to shorten their qualifying period for ILR.

In 2024/25, more than 1,750 individuals gave their time, knowledge and skills as volunteers to the Scottish CAB network. Their enormous contribution is the lifeblood of the Scottish CAB

<sup>28</sup> [NRPF Connect Data Report](#) 2023/24.

<sup>29</sup> [‘No Recourse to Public Funds’ and migrant women living with abuse | Scottish Women’s Rights Centre.](#)

<sup>30</sup> See FN6.

<sup>31</sup> See also [Open letter: 300+ charities refuse to comply with Home Secretary’s migrant volunteering plan](#) (Nov 2025).

Service which is rooted in and strengthens local communities. It is important to note that 10% of our volunteers self-identified as belonging to a Black and Minority Ethnic group,<sup>32</sup> many of them migrants themselves. We highly value our volunteers and take great pride in the fact that our extensive adviser training is accredited to SCQF level 6 and that many of our volunteers move on to positive destinations. If the proposed 'earned settlement' policies are introduced, they will detrimentally impact our volunteers, staff and their families, as well as the local communities that rely on their support.

In addition, our network sponsors migrants to work in the UK in various roles across Citizens Advice Scotland and CAB, supporting various essential functions in the biggest advice network in Scotland. Their roles would, under these proposals, not make them eligible for reducing the qualifying period - while a public service role would (see Q6) - nor would someone employed by a charity be eligible for a reduction - while volunteering for a charity would (see Q9). This illustrates how the proposals to value/de-value a person's 'contribution' to society based on earnings, particular occupations and activities such as volunteering risk baking unfairness into the system.

**Q.10 [If organisation] Does your organisation currently accept or manage volunteers?**

Yes.

In 2024/25, more than 1,750 individuals gave their time, knowledge and skills as volunteers to the Scottish CAB network. Their enormous contribution is the lifeblood of the Scottish CAB Service which is rooted in and strengthens local communities. It is important to note that 10% of our volunteers self-identified as belonging to a Black and Minority Ethnic group,<sup>33</sup> many of them migrants themselves. If the proposed 'earned settlement' policies are introduced, they will detrimentally impact many of our volunteers and their families, as well as the local communities that rely on their support.

**Q.11 [If org with volunteers] How easy or difficult do you think it would be for applicants to provide evidence of giving back to the community?**

Don't know/prefer not to say.

This will depend on what evidence the Home Office will be requiring of applicants.

**Q.13 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?**

We would reiterate that proposals to shorten or lengthen a person's settlement pathway based on fixed parameters of occupation, earnings or ability to volunteer risks making the immigration system unfairer, increasing precarity and insecurity for lower-income households, harming our communities and further entrenching inequalities across society.

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<sup>32</sup> 9% preferred not to answer.

<sup>33</sup> 9% preferred not to answer.

We believe no-one should have to wait more than 5 years to be eligible for settlement. Penalising people for having legally accessed social security benefits to which they are entitled by extending their route to settlement by 5 or 10 years is wrong; it targets a particularly vulnerable group and will likely drive their further marginalisation.

We strongly reject the proposal to expand NRPF restrictions to settled people and 'reserve' access to our right to social security to British citizens. This will likely entrench inequalities between British citizens and those who are not, with detrimental impacts on all our communities. Locking large sections of the population out of the human right to social security for extended periods of time will likely hinder, not enable integration and community cohesion.

## Residence

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

	<b>A penalty of 20 years</b>	<b>A penalty of 10 years</b>	<b>A penalty of 5 years</b>	<b>There should be no penalty for these applicants</b>	<b>Don't know / prefer not to say</b>
<b>Applicants who arrived in the UK illegally</b>				X	
<b>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)</b>				X	
<b>Applicants who have overstayed their original visa by 6 months or more</b>				X	

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

The reasons why people enter the UK 'illegally' are complex and can be a result of a lack of accessible and affordable legal routes for people to come to the UK when fleeing persecution or war. It is worth noting that between 2018-2024 around 68% of all initial decisions on

asylum applications from people who arrived by small boat were grants of refugee status, which was higher than the 57% grant rate for asylum applications generally.<sup>34</sup>

Under the current system, people are already being penalised for non-compliance with immigration rules by being placed on a 10-year route to settlement. This proposal risks punishing them again.

Advisers in our network also highlight that people may overstay their leave unintentionally or through no fault of their own. For example, illness or an accident, making an error in the application forms, being unable to afford the required fees or simply having been given bad or misleading advice can all lead to missing an application deadline for visa renewal (see our response to Character Q1).

We have significant concerns that penalising overstaying or irregular entry by extending the pathway to settlement in this way or barring people from settlement (and citizenship) altogether undermines the government's stated expectation that migrants contribute and integrate. As set out earlier, we know that long, complicated and expensive settlement routes can lead to financial hardship, employment and housing insecurity and negatively affect people's family relationship, health and sense of belonging.

Long waits for settlement and an extended processes of having to renew one's visa every few years makes it harder for migrants to put down roots, establish themselves, progress into secure well-paid employment or study. We would urge the government to change course.

### **Eligibility and equalities**

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

A reduction should be applied to applicants on humanitarian visa routes.

**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.

We wholly oppose the proposal to apply these drastic changes retroactively to people already in the UK on a settlement pathway. This plan appears unprecedented and incompatible with the rule of law and the principle of legal certainty.

People came to the UK and started on a pathway to settlement in good faith, on the basis of rules at the time when they arrived or entered a settlement pathway. They will have spent

<sup>34</sup> Migration Observatory at Oxford University (Jan 2026) [People crossing the English Channel in small boats - Migration Observatory](#).

thousands of pounds in immigration fees and charges and made life decisions in line with the expectation to be able to apply for settlement after 5 years. We believe it is wrong to change these rules retroactively.

We reiterate that we oppose the “earned settlement” framework entirely and that the government should abandon the proposed changes. If the government decides to push ahead with them, then transitional arrangements are vital to protect the rights of people in this cohort. These should ensure that people already on the pathway to settlement prior to any rule change coming into force are allowed to complete their journey to settlement according to the rules that would allow the shortest pathway to settlement for them or, should this be too complex to determine, according to the rules that were in place at the time of their arrival.

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

	Yes	No	Don't know / prefer not to say
<b>Victims of domestic violence and abuse</b>	x		
<b>Bereaved partners</b>	x		
<b>Children and young adults who grew up in the UK without immigration status</b>	x		
<b>Adults with long-term care needs</b>	x		

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

We believe the settlement framework should not be changed as proposed. Should the government however push ahead with the proposals, we believe all groups classed as vulnerable should be enabled to settle as quickly as possible, including:

- > **Refugees:** We recognise that the current consultation does not extend to the government’s recently announced asylum reforms ‘[Restoring Order and Control: A statement on the government’s asylum and returns policy](#)’, including the government’s plan of a ‘core protection offer’ under which refugees will be required to wait 20 years before they can apply for settlement, in effect quadrupling their settlement process. Leave granted to individuals recognised as refugees will be reduced to 30 months at a time, with renewals possible if the government determines that they are still in need of international protection. This means people granted refugee status in the UK will have to renew their status eight times before being eligible to settle and access naturalisation proceedings. A temporary protection model that requires regular review

of status is likely to impose overwhelming and unnecessary financial and administrative burden on the Home Office, with backlogs already leading to long wait times on asylum applications.

As the UN High Commissioner for Refugees (UNHCR) recently stated in their observations on the government's above asylum statement, this policy change runs counter to the aim and spirit of Art. 34 of the 1951 UN Refugee Convention which encourages States to expedite naturalisation proceedings for refugees. As the UNHCR clarifies, "a more expeditious route to settlement for refugees than for migrants is objectively justified. Refugees, unlike migrants, lack the protection of their country of origin and citizenship rights"<sup>35</sup> and cannot return home.

A specialist immigration adviser at an East of Scotland CAB also warns that the recent 'Good Character' guidance update is excluding a large number of refugees from applying for British Citizenship. This is because the guidance states that naturalisation applications submitted after February 2025 may be refused if the applicant entered the UK 'illegally' on a 'dangerous journey', regardless of when this occurred. Usually, offences that occurred due to seeking asylum are ignored in immigration decisions, but this updated guidance will disadvantage applicants no matter how much time has passed. Individuals may have no access to another passport, leaving them effectively stateless. In this particular case, this was negatively affecting Mo who had received refugee status in the UK and had been granted ILR after 5 years but was now barred from ever becoming a British citizen.

Similarly to our evidence provided above that requiring migrants to navigate repeated short-term visa on complex and lengthy routes to settlement undermines the government's stated expectation of migrants to contribute and integrate, the UNHCR also highlighted negative impacts on refugees: "Status of such a temporary nature may impact on a person's ability to find housing, seek employment, learn English and develop skills, and risks undermining the Government's intention to enhance refugees' ability to contribute to their new communities".<sup>36</sup>

We would urge the government to consider the Australian case where in 2023 the Australian Government abolished temporary protection visas for refugees after concluding that keeping people in limbo made "no sense – economically or socially"<sup>37</sup>. We urge the government to **not** place refugees on a highly precarious 20-year route to settlement.

<sup>35</sup> [UNHCR observations Asylum statement FINAL](#) (Dec 2025), para 23.

<sup>36</sup> [UNHCR observations Asylum statement FINAL](#) (Dec 2025), para 16.

<sup>37</sup> Australian Government, "[Delivering a permanent pathway for Temporary Protection Visa holders](#)," Media Release by The Hon Andrew Giles MP (13 February 2023).

- > **People with disabilities and long-term health conditions:** It will be much harder for this group to meet the new requirements and disadvantage them further.
- > **Families with children aged under 18:** Children are likely to be negatively impacted as families navigating more complex and conditional settlement processes subject to NRPF for longer will likely face housing and employment insecurity, poverty and stress. As set out above, this will increase the risk of child poverty and likely harm children’s wellbeing, development, and their rights to education and to family life. Families with children under the age of 18 should therefore be exempted from the proposed settlement changes.
- > **People (at risk of) experiencing homelessness:** The proposals will put more people at risk of homelessness due to prolonged insecurity amid high immigration fees, NRPF restrictions, and barriers to stable, long-term housing and employment for people on time-limited visas. They will also make it more difficult for people to exit homelessness, as many won’t seek the support they need under threat of being penalised with an added 5 or 10 years to their settlement route for accessing social security entitlements.
- > **People on the existing 10-year route to settlement:** This group has already been penalised and should be exempt from the proposed changes.

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

Strongly disagree

CAS rejects the proposal to decouple the settlement process of main applicants from their dependants. This proposal will likely lead to a rise in families in which individual family members have different pathways to settlement. Women and children will be disproportionately affected, as they are more likely to be dependants rather than main applicants. Women are more likely to provide unpaid care work in Scotland, with nearly three-quarters of unpaid carers being women.<sup>38</sup> They are also concentrated in underpaid but vital jobs, and disproportionately in part-time or insecure roles (see our response to Contribution Q2), which will make it harder for many women to meet the proposed settlement requirements in their own right. This means, even if the main applicant qualifies for settlement, the partner and children (see below Q8) may face a longer route, prolonging insecurity and cost for the whole family. This could further entrench gender inequalities and increase child poverty.

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<sup>38</sup> [Carers Census, Scotland, 2023-24 - gov.scot](https://www.gov.scot/collections/carers-census-scotland-2023-24).

**Q8. To what extent do you agree or disagree that dependent 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

CAS rejects the proposal that dependent children may be expected to qualify for settlement in their own right. Children and young people who were born/grew up in the UK will have strong roots in the country and consider the UK their home but may be unable to fulfil some of the mandatory settlement criteria personally. Beyond just the employment-related requirements that may be waived, children may also struggle to fulfil the character or residence requirements. For example, children as dependants will have had no power to influence their compliance with immigration laws (such as when their parent, on which their visa status depended, became a visa 'overstayer' for a period of time).

This proposal makes it more likely that different family members will be on different settlement routes; even if the main applicant was able to settle, in effect the whole family would likely continue to experience insecurity amid the need to pay high immigration fees and the instability of short-term leave to remain for other family members (see our response to Eligibility and Equalities Q7). We believe this will likely increase child poverty against the government's stated commitment to reduce child poverty this parliament<sup>39</sup> and may impact on children's right to family life.

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

Strongly disagree

CAS reiterates that refugees as a particularly vulnerable group should be able to settle in the UK as quickly as possible (see our response to Eligibility and Equalities Q5), irrespective of how they arrived in the UK. We believe settled status is the foundation of security and stability, allowing people to thrive. The proposals to double the settlement pathway for resettled refugees to 10 years will undermine the government's stated goal for people to contribute and participate in society.

**Q10. [If organisation providing immigration advice or support services] As an organisation which provides immigration advice or support services, are there any migrant groups in particular that you think will face barriers in demonstrating their eligibility or meeting new requirements for settlement?**

As one of the biggest providers of immigration-related advice in Scotland, our responses above detail our significant concerns about the increased barriers the 'earned settlement' framework will create and their disproportionate impacts on particular groups, including:

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<sup>39</sup> [Our Children, Our Future: Tackling Child Poverty - GOV.UK](https://www.gov.uk/government/consultations/our-children-our-future-tackling-child-poverty).

- > **People who struggle to work full-time or secure a well-paid job** such as women, racialised minorities, people with disabilities or long-term or recurrent health conditions, older people, (single) parents and those with caring responsibilities. (see our response to Contribution Q2; Eligibility and Equalities Q5)
- > **People who have accessed social security benefits** because the Home Office found them to be vulnerable. (see our response to Contribution Q7; Eligibility and Equalities Q5)
- > **People (at risk of) experiencing homelessness** (see our response to Contribution Q7; Eligibility and Equalities Q5)
- > **Refugees**, including those who may have had to enter the UK 'illegally' to be able to claim asylum (see our responses to Residence Q2 and Eligibility and Equalities Q5).
- > **Children and young people** (see our responses to Contribution Q2, Eligibility and Equalities Q2, Q5).
- > **Older people and people with learning disabilities** who may struggle to meet more difficult English language requirements or pass the Life in the UK test (see our response to Integration Q2).
- > **People on existing long routes to settlement** (see our response to Contribution Q7; Eligibility and Equality Q5)

We reiterate our belief that no-one should have to wait more than 5 years to be eligible for settlement. The proposals to increase conditionality and prolong insecurity for most migrants and their families will unfairly penalise care giving and vulnerability and risks entrenching existing structural disadvantage and inequality, driving child poverty, homelessness, labour exploitation, and the expansion of a permanent or long-term group of people with diminished rights in our communities.

We believe this will undermine our network's continuous efforts to build strong, connected and thriving communities in which everyone's human rights are realised.

**Q11. [If organisation providing immigration advice or support services] What are the main barriers that you think this group / these groups will face? (please select all that apply)**

Lack of documentation

Complexity of requirements

Language barriers

Financial barriers

Health-related barriers

Limited access to advice / support

Other (please specify)

The Citizens Advice network in Scotland provides advice and support to everyone in our communities who needs it, including migrants, refugees and their families. We offer and respond to an increasing volume of advice and support need on immigration-related issues, often in conjunction with advice on housing and employment issues, as well as access to education and social security. CAB advisers report that the announcement of these proposals and their media coverage are already causing an influx of advice inquiries. In our responses above we have set out how the proposals will likely entrench existing disadvantage and structural inequalities, increasing multiple intersecting barriers for migrants and their families.

Should these proposals enter into force we expect increased demand for our services at a time when charities like us are already working beyond our capacities without any increases in funding.

Under the proposals, people will need to make repeated visa applications for longer to become eligible for ILR and will have to meet harsher criteria for settlement, requiring advice at every stage. We know that there is a chronic shortage of immigration advice in Scotland, including for complex cases amid a lack of legal aid solicitors providing immigration advice in Scotland. This means many will struggle to access the advice and support they need.

**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.**

Please refer to our response to Eligibility and Equalities Q10, alongside our responses to Contribution Q1 and Eligibility and Equalities Q2, Q5 in relation to children and young people.

We would also reiterate that, should the government bring these proposals into force, it must ensure fair and transparent transitional arrangements for people already in the UK on a settlement pathway. Changing the goalposts for them by retroactively subjecting them to these harmful policies would undermine the principle of legal certainty.

### **Impact on organisations**

**Q1. [If organisation] To what extent, if at all, do you think the proposed reforms will impact your organisation in the following ways:**

Ability to attract suitable candidates

Ability to retain existing migrant workers

Workforce planning

Administrative burden

**Q5. [If organisation] Please provide any evidence you may have on whether the proposed changes might influence visa applicants' or visa holders' decisions to come to or remain in the UK.**

Advisers in our network highlight that the UK's immigration system is already highly complex and difficult to navigate and warn that the proposed changes would make the settlement process even more difficult and protracted, pushing the security and stability that settlement provides further out of reach for many, especially individuals and families who don't have very high salaries. For those who have other options and a choice of where to move to, the UK would likely become a less attractive place to work, study and raise a family. This may make it more difficult to recruit or retain qualified and experienced people in essential but underpaid roles such as in the health and care sector, further and higher education, transport, and the charity sector.

People our network supports and works with are already in the UK, many of whom have strong links to the UK such as family or community ties, have lived here for many years, or are particularly vulnerable, including people fleeing war and persecution who can't return to their countries of citizenship or are stateless. It is unlikely that the proposed changes will influence their decision to remain in the UK. Instead, the proposals will likely make their lives significantly more difficult and insecure for longer, negatively impacting on our communities and support services.

**Q6. [If organisation] Do you have any further comments on the potential impacts on your organisation in relation to the proposed changes to settlement?**

As the biggest independent advice network in Scotland, the Scottish Citizens Advice network provides advice and support to everyone in our communities who needs it, including migrants, refugees and their families. We offer and respond to an increasing volume of advice and support need on immigration-related issues, often in conjunction with advice on housing and employment issues, as well as access to education and social security. CAB advisers report that the announcement of these proposals and their media coverage are already causing an influx of advice inquiries. In our responses above we have set out how the proposals will likely entrench existing disadvantage and structural inequalities, increasing multiple intersecting barriers for migrants and their families.

Under the proposals, people will need to make repeated visa applications for longer to become eligible for ILR and will have to meet harsher criteria for settlement, requiring advice at every stage. We know that there is a chronic shortage of immigration advice in Scotland, including for complex cases amid a lack of legal aid solicitors providing immigration advice in Scotland. This means many will struggle to access the advice and support at the required level. As one East of Scotland CAB adviser noted,

Many people we support are not in a position to pay the costs associated with an immigration solicitor. There is very little in the way of free immigration advice in

Scotland. People like my client India, who works here as a nurse on a Skilled Worker Visa after escaping from her abusive husband to Scotland, and lives here as a single parent of her child, may have to navigate the immigration system on her own without fully understanding the consequences of certain decisions. This puts people like India in a very precarious position.

In many communities across Scotland, the Citizens Advice Bureau is the only port of call for people with immigration-related problems. Should these proposals enter into force we expect increased demand for our services at a time when charities like us are already experiencing increased demand without any additional resources to support this.

Without increased capacity in the voluntary sector and local communities to meet higher support needs we would expect to see more pressure on statutory services and support providers such as local authorities, NHS services, schools, as well as voluntary organisation such as homelessness charities and other frontline support or specialist advice providers.

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