SESCA Earned Settlement Framework Consultation response

This document has been prepared to support care providers and other bodies and organisations from the social care sector to complete the government consultation on 'Earned Settlement', which closes on 12th February. These notes might be useful to individuals who wish to complete the consultation but have not been written for that purpose.

Consultation responses must be submitted online. The consultation papers and a link to the response form can be found at this page: https://www.gov.uk/government/consultations/earned-settlement

Notes on completing the consultation response

This survey is anonymous

The consultation survey will remain open until 23:59 on 12th February 2026.

Please use the navigation arrows at the bottom of each page to move through the survey. Do not use your browser's back or forward buttons, as this may cause you to exit the survey.

If you have any problems contact - earnedsettlementconsultationqueries@homeoffice.gov.uk

If you wish to download a copy of this document you can do so in a variety of formats by selecting 'File' and then 'Download' from the menu options.

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Please follow the route to respond as an organisation

Our industry sector is Human Health and Social Work Activities

Q - Overall, how clear do you find the proposed changes to the settlement framework?

• Very clear

Q. [If unclear] Which aspects of the proposed changes to settlement are not clear? Skip question

Q - Overall, to what extent do you agree or disagree with the proposed changes to the settlement framework?

- Strongly disagree

Section on Character

To be eligible for settlement, applicants will need to meet the suitability requirements set out in the existing Immigration Rules (Part Suitability).
This reformed system will, as now, provide for the refusal of applications where core requirements relating to their character and conduct (for example, having a criminal conviction, non-compliance with immigration requirements and considerations pertaining to the public good). It will be mandatory to meet such requirements and there will be no ability to trade with other considerations to determine the qualifying period.

Q - Do you have any comments on how 'Character' should be considered in relation to settlement? 200 words max

A balanced approach to 'Character' in earned settlement decisions is essential to protect the public while maintaining stability in the social care workforce. Character assessments should clearly differentiate between serious criminality or behaviour genuinely 'not conducive to the public good' and minor, technical, or historic immigration breaches that have no bearing on an individual's ability to provide safe, high-quality care.

Social care employers should be able to submit evidence on an applicant's conduct, safeguarding record, and employment history, ensuring decisions are made in the round and reflect the vital contribution these workers make. Discretionary refusal grounds such as unpaid NHS debt of £500 or missed Home Office reporting events must not be applied in a blanket way that destabilises services or removes trusted staff from people with high support needs.

Character rules must be proportionate, relevant, and actively monitored for equality impacts, given the sector's predominantly female and minority ethnic workforce. Rigid 'one-strike' approaches risk discriminatory outcomes and undermine continuity of care.

In a sector facing chronic vacancies, settlement policy should not automatically exclude workers for time-limited or technical breaches where employers can demonstrate sustained good conduct, regulatory compliance, and safe practice in CQC-regulated roles.

Section on Integration

This section focuses on 'Integration'. To be eligible for settlement applicants will need to

demonstrate meaningful engagement with British society. This includes passing a Life in the UK test and speaking English at an upper intermediate level (B2 standard under the Common European Framework of Reference for Languages).
Under the proposed reforms, applicants who can demonstrate advanced English language ability (at C1 standard) will be able to reduce their route to settlement by one year. C1 level under the Common European Framework of Reference for Languages means the user is proficient and able to perform complex tasks related to social, academic, and professional situations.

Q - What do you think about a 1-year reduction for applications who can

demonstrate advanced English language ability (at C1 standard)?

• The reduction doesn't go far enough (it should be longer than 1 year)

• The reduction is about right

• The reduction goes too far (it should be shorter than 1 year)

• There should be no reduction for these applicants

• Don't know / prefer not to say

Q- How do you think integration should be assessed? (please select all that

apply)

• Through a formal test (such a revised Life in the UK Test)

• Through gathered ongoing evidence (such as participation in certified English-

Language education or employment/volunteering evidence)

• Through completing a cultural orientation course once arrived in the UK

• Through character references from public services professional and British

Nationals

• Through evidence of learning and participation within the wider community (including testimonies from relevant organisations/groups)

• In another way (please specify)

• Don't know / prefer not to say

Q - Do you have any further comments on how 'Integration' should be considered in relation to settlement?

The new Integration criteria require applicants to meet a higher English language standard at B2 (up from B1) and to pass the Life in the UK test. The proposed one-year reduction for achieving C1 English is a relatively weak incentive which aligns symbolically with integration aims but has limited practical impact, especially when compared with the far larger reductions available to high earners and individuals who have volunteered within their community.

For health and care workers facing a 15-year baseline, a single-year reduction is modest and may feel disproportionately small alongside the 5-7 year reductions linked to high taxable incomes. This imbalance is heightened by the fact that most social care visa holders work in occupations skilled below RQF Level 6, meaning they are structurally excluded from the higher earner pathways that attract substantial reductions. A more balanced approach would be to offer greater reductions for C1 proficiency or to introduce stepped reductions that reward progression from B1 to B2 to C1.

To make the policy meaningful and fair, higher language expectations should also be paired with funded, accessible English provision, particularly for lower-paid sectors such as health and social care, where workers often face financial and time barriers to study.

Section on Contribution

This section focuses on 'Contribution'. This reinforces the principle that settlement should be earned through active participation in the economy and wider society. To be eligible for settlement applicants must:

• Have contributed to the Exchequer by having annual earnings above £12,570 for a minimum of 3 to 5 years (subject to this consultation), in line with the current thresholds for paying income tax and National Insurance Contributions (NICs), or an alternative amount of income. Please note, however, that these income-related thresholds would not track future changes to the tax system.
• Have no outstanding litigation, NHS, tax or other government debt.

Q -. 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
(e.g. Ministers of Religion) Skip Q OR

• Don't know / prefer not to say

Q - 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?

Other groups where a strict £12,570 test would be inappropriate include:

Workers whose low earnings are driven by state regulated pay or commissioning decisions, such as many health and social care roles, where government policy and funding actively hold down wages.

Q - 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

To what extent do you agree or disagree that applicants who earn a taxable income above £50,270 should be eligible for a reduction in their time to settlement? Skip question OR

• Don't know / prefer not to say

Q - 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?

• YES

Under the proposed reforms, applicants who claim public funds (e.g. benefits and housing assistance) would face a penalty depending on the length of time they claimed public funds during their route to settlement.
The Home Office recognises that some applicants (such as those from vulnerable groups) may have extenuating circumstances to claim public funds. Later questions will explore whether specific groups should be exempt from the proposed reforms.

Q - What do you think about the proposed penalties for applicants claiming public funds?

• There should be no penalty for these applicants

Q - 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)?

Ensuring that the UK can remain compliant with its international obligations, any change would need to take account of migrants covered by Trade Continuity Agreements, Social Security Coordination Agreements and other international obligations.

• Agree

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

• Strongly agree

Q - Does your organisation currently accept or manage volunteers?

• Yes (if answering yes next 2 questions will open)

• No - move to further comments contributions

• Don't know / prefer not to say

Q - How easy or difficult do you think it would be for applicants to provide evidence of giving back to the community?

• Very easy

• Somewhat easy

• Neither easy nor difficult

• Somewhat difficult

• Very difficult

• Don't know / prefer not to say

Q - Considering any potential benefits or challenges, what would be the overall impact of recognising giving back to the community as a contribution towards settlement for your organisation?

Would this have…

• A very positive impact

• A somewhat positive impact

• No impact

• A somewhat negative impact

• A very negative impact

Q - 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?

Contribution rules should value both taxable work and social value, but the consultation irrationally privileges volunteering over lower paid frontline care and support staff. Volunteers may secure large reductions in qualifying time, while care workers earning below £12,570 often because of state-driven low pay face extended routes or exclusion. Both roles 'give back' to communities, yet only unpaid work is clearly rewarded in the proposal, despite social care being essential, safety-critical and already contributing via tax, NI and service continuity.

Furthermore, penalising individuals for using public funds (e.g. benefits and housing assistance) as an essential safety net by adding 5 to 10 years to their route to settlement is disproportionate, fiscally incoherent, and likely to deepen poverty and instability for families and social care workers. A proportionate approach would only sanction proven abuse, not legitimate, time-limited use of public funds

Section on Residence

This section focuses on 'Residence'. This pillar aims to recognise lawful, continuous residence in the UK. In order to meet the qualifying period for settlement, applicants will need to have spent the required time in the UK on a route, or routes, that leads to settlement as set out in the existing Immigration Rules.
Under the proposed reforms, a person's pathway to settlement will also depend on their history of compliance with immigration laws. Applicants who arrived in the UK illegally (e.g. via a small boat), arrived in the UK on a visit visa, or who have overstayed their visa for 6 months or more, will have additional time added to their standard qualifying period for settlement, or prevented from settling in the UK altogether.

Q- Which of the following penalties do you think should be applied to each of the following applicants?

Applicants who arrived in the UK illegally

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)

Applicants who have overstayed their original visa by 6 months or more

Skip question OR

• Don't know / prefer not to say

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

Residence must not become a hidden driver of large scale workforce displacement from social care into the NHS. The earned settlement model, as drafted, risks exactly that outcome for social care providers. Residence should confirm genuine, continuous presence in the UK, but the interaction with the 'contribution' pillar means route design now creates powerful incentives to move from lower-paid, non-RQF6 social care roles into RQF6-plus public service roles, especially in the NHS. In residence terms, this means the same years of lawful presence will 'count for more' if spent in the NHS than in social care, even where the worker, client group and place remain identical. That is irrational from a system wide perspective, given the NHS's dependence on stable community and residential care capacity to manage flow and discharge.

Section on Eligibility and Equalities

This section focuses on whether specific groups (including potentially vulnerable groups) should be exempt from, or receive reductions to, the proposed earned settlement reforms. Applicants who currently require 3 years continuous residence under the Global Talent Route for example

Skip section

To what extent do you agree or disagree that dependants of migrants who hold Global Talent or Innovator Founder visa status should retain their current 5-year path to settlement?

Skip section

Q - 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

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

YES TO ALL

Victims of domestic violence and abuse

Bereaved partners

Children and young adults who grew up in the UK without immigration status

Adults with long-term care needs

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

Low paid and insecure workers, including many in social care, and other frontline roles, who face fluctuating hours, zero-hours contracts and difficulty meeting fixed earnings thresholds despite essential contributions

Q - Do you think the following Armed Forces groups should retain their current time period to settlement or should further reductions be available to this group?

Skip section

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

• Strongly agree

• Agree

• Neither agree nor disagree

• Disagree

• Strongly Disagree

• Don't know / prefer not to say

Q. To what extent do you agree or disagree that dependant children of migrants should earn settlement in their own right? (with employment-related requirements waived if they were admitted as a dependant under 18)

• Neither agree nor disagree

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

Skip question OR

• Don't know / prefer not to say

Resettled refugees are those who have been granted protection and moved to the UK through official resettlement programmes.

• Strongly agree

• Agree

• Neither agree nor disagree

• Disagree

• Strongly Disagree

• Don't know / prefer not to say

Q. 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?

Families with children, particularly single parent households and those on low incomes, may be less able to meet rising income thresholds, surcharges and settlement fees, and may be penalised if they have needed benefits over time.

Digitally excluded migrants (for example those with low literacy, poor IT access, or language barriers) face particular difficulties where status and applications are entirely online and evidence must be uploaded electronically.

Women with histories of domestic abuse, victims of trafficking or exploitation, and people exiting situations of modern slavery may have

immigration histories controlled by abusers, gaps in lawful status, or no access to key documents or fund.

Q. 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) – this question appears in some instances not always in the online version

• Lack of documentation

• Complexity of requirements

• Language barriers

• Financial barriers

• Health-related barriers

• Limited access to advice/support

• Other (please specify)

Q. Do you have any further comments on how specific should be considered in relation to settlement? We particularly welcome views on how the proposed changes could affect children in the UK.

Children's routes to settlement must be protected from the harshest elements of the earned settlement model. There should be clear guarantees that children and young people under 18 who grow up in the UK are not required to 'earn' settlement through tests or criteria designed for working-age adults.

Children should be recognised as rights-holders rather than economic migrants. Any settlement framework must align with the UN Convention on the Rights of the Child (UNCRC), prioritising best interests, stability, and family unity, not earnings thresholds, National Insurance contributions, or absence records.

The proposed model also risks deepening inequality. It is likely to disproportionately disadvantage women and mothers, who are already overrepresented among those on low incomes or with interrupted work histories due to caring responsibilities. Lower -income families will face significantly higher financial barriers: for example, a 10-year route to settlement for one adult currently costs around £20,000 in visa fees

alone. Health and care workers who are essential to the UK but typically lower paid are particularly exposed to these escalating costs.

Section on Impact on organisations

This section focuses on how the proposed earned settlement reforms may impact your organisation.

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

Very negative impact to all:

Ability to attract suitable candidates

Ability to retain existing migrant workers

Workforce planning

Administrative burden

Q To what extent, if at all, do you think the proposed reforms will affect your organisation's plans to sponsor employees to work in the UK on a visa in the future?
Question not in online system

Q [If education provider organisation with intention to sponsor in future] To what extent, if at all, do you think the proposed reforms will affect your organisation's plans to sponsor students to study in the UK on a visa in the future?
Question not in online system

Q [If organisation with intention to sponsor in future] To what extent, if at all, do you think the proposed reforms will affect your organisation's plans to sponsor refugees and displaced people to work in the UK on a visa in the future? (e.g. such as visa a community sponsorship scheme)
Question not in online system

Q [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.

The Home Office's proposals will reduce retention among social care workers. Extending the qualifying period from five to fifteen years for sub RQF-6 roles, combined with the additional penalties of five to ten years for any use of public funds, creates a potential 20 to 30 year pathway that would place settlement effectively out of reach for many care workers.

These proposals represent a broken promise to care and support workers who stepped up during Covid-19 to answer the UK's call for help. Government data shows that only 2.7% of Universal Credit claimants hold ILR, and nearly a third of these are in employment, demonstrating that ILR holders are not driving welfare expenditure.

SESCA's international recruitment scheme is already reporting that longer qualifying periods, stricter residence rules and high ILR fees are already causing concern among sponsored workers, some of whom will leave the UK rather than commit to a decade or more of temporary status. Social care and support employers warn that prolonged sponsorship obligations and uncertain settlement outcomes undermine the UK's ability to recruit and retain essential staff supporting vulnerable individuals in our communities.

Q. Do you have any further comments on the potential impacts on your organisation in relation to the proposed changes to settlement?

Please answer if you have any additional evidence of the impact.