

Earned Settlement Consultation (ILR): Individual responses:

[https://ukhomeoffice.qualtrics.com/jfe/form/SV\\_1yMmiaG7zqwPuM6](https://ukhomeoffice.qualtrics.com/jfe/form/SV_1yMmiaG7zqwPuM6)

**Things to remember:**

- The consultation is open to individuals and organisations to respond.
- The HO is likely to look at quantity of responses rather than quality to suggest their proposals are popular.
- Don't use AI / ChatGPT - Using your voice and own words is the most powerful thing you can do.
- We know the number of responses is going to be important and we want to make sure our members can make an effective response.
- UNISON will also be writing to the HO with a full policy position objecting to the proposed changes, as well as responding to the House of Lords inquiry on integration and citizenship.

**Overview:**

The consultation is split into 7 sections. The first section is about you, and your personal details. It will then ask about knowledge of the proposed changes which the HO is calling 'Earned Settlement'. Each of the next 5 sections is based on the criteria the HO intends to introduce to judge applications for ILR, and are as follows:

1. Character
2. Integration
3. Contribution
4. Residence
5. Eligibility and Equalities

Most of the questions are multiple choice, some allow for extra space to comment. Some of the questions may be worded strangely and lead you to answer a certain way, UNISON have therefore produced the below guidance to help you answer the consultation questions. The questions are written below with suggested answers and advice on where you can include personal experiences.

**Earned Settlement:**

UNISON strongly disagrees with the idea of 'Earned Settlement' and how it proposes to weight people's contribution to society based on income. It would be discriminatory in practice, fails to value the work done by millions of public service workers both domestic and international, and leaves migrant workers open to exploitation. UNISON suggests answering the following questions like so:

Consultation question	Answer
Overall, how clear do you find the proposed changes to the settlement framework?	Unclear or somewhat unclear *

*\*Unison advice: Answering unclear to question 1 gives the option to provide comment in the next question.*

<p>[If selected unclear for q1] which aspects of the proposed changes to settlement are not clear?</p>	<p><b>Other (Please specify):</b> How these changes with retrospective application have been proposed when overseas workers came to the UK on an understood set of rules and why work in public services is not considered to be an important contribution to the UK.</p>
<p>Overall, to what extent do you agree or disagree with the proposed changes to the settlement framework?</p>	<p><b>Strongly disagree</b></p>

**Character:**

The assessment of character will remain in line with the existing immigration rules, however the Home Office is reaffirming this will be a mandatory requirement when applying for ILR. There is an opportunity in the consultation for you to explain the type of work you do, and the difference it makes.

Consultation question	Answer
<p>Do you have any comments on how 'Character' should be considered in relation to settlement? (Free text 200 words)</p>	<p>As a trusted public service workers, I am subject to stringent rules already. My day-to-day work demonstrates my character and my contribution providing for the community. *</p>

*\*UNISON advice: Add any personal comments to the answer about the work you do and the difference it makes.*

**Integration**

UNISON feels that the HO assessment of integration fails to recognise the work of public service professionals and the work you do within local communities with vulnerable members of society. Overseas workers already have to meet English language requirements. The assessment of English language does not represent true integration as it fails to recognise daily life and work. There is an opportunity to provide more details about how you feel your work and your life represents integration and why the HO should also consider this.

Consultation question	Answer
<p>What do you think about a 1-year reduction for applications who can demonstrate advanced English language ability (at C1 standard)?</p>	<p><b>Don't know / prefer not to say</b></p>
<p>How do you think integration should be assessed?</p>	<p><b>In another way (please specify):</b> Through the type of work being undertaken, i.e. Public service workers, health workers, carers, contributing to critical sectors and enabling service users in turn to live full lives in the community.</p>

Do you have any further comments on how 'Integration' should be considered in relation to settlement? (Free text 200 words)	The proposed measurement of integration does not look at the true integration of migrant workers lives or job roles. Many migrant workers are integrated into local communities providing care for the public and families at their most vulnerable. *
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*\*UNISON advice: Add any further comments and examples about how you have integrated into life in the UK, and with the wider public through the work you do, through your daily life*

**Contribution:**

This section of the consultation looks at the assessment of contribution based on salary something UNISON strongly opposes, particularly as low paid wages in the public sector are set by the government, and these wages do not accurately represent the skill level required. Many jobs in public services and in the health and social care sector are highly skilled but badly paid. This is not acknowledged in the Home Office's consultation. There are some questions within this section which we suggest you do not need to answer as it's either an area not relevant to UNISON's membership or not wanting to suggest agreement to the proposed idea of earned settlement

Consultation question	Answer
Do you think the following groups should be exempt from the requirement to have earned above £12,570 for at least 3 to 5 years? Those on maternity leave, long-term illness/disability: Those in certain occupations with different pay arrangements (e.g. Ministers of religion):	<p>Yes (those on maternity leave, long term sick and those with disability should be exempt.)</p> <p>Don't Know/Prefer not to say*</p>

*\*UNISON advice: We suggest leaving the second half of this question blank. Unison has no policy on those of different occupation groups such as ministers of religion.*

Are there any other groups that you think should be exempt from the requirement to have earned above £12,570 for at least 3 to 5 years? (List up to 5 groups)	<ul style="list-style-type: none"> <li>• Victims of modern slavery</li> <li>• Exploited workers</li> <li>• Workers victimised for trade union activity</li> <li>• Workers experiencing pregnancy and maternity discrimination</li> </ul>
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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?

Don't know/prefer not to say.

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!

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

A 5-year penalty for applicants who claim public funds for less than 12 months during their route to settlement.

There should be no penalty

A 10-year penalty for applicants who claim public funds for more than 12 months during their route to settlement.

There should be no penalty

*\*UNISON advice: UNISON opposes a penalty for those who claim public funds as it allows for discrimination and is most likely to impact those who are most vulnerable. Migrant workers claiming public funds will already have been assessed by the HO for circumstances which require the lifting of the 'no recourse to public funds' criteria. This penalty would particularly penalise women and children. Unison will be providing a more in-depth response to this issue in their response to the ho. We would therefore advise you to answer the following questions as follows*

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

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?

Disagree \*

*\*UNISON advice: We suggests you disagree with this. It would put pressure on those who are already contributing and there is a risk it would allow for further exploitation*

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? (Free text 200 words)

Contribution cannot be assessed on salary alone, all roles in public services have a part to play in contributing to the social and economic fabric of the country and services could not run without workers in roles requiring below RQF6. \*

*\*UNISON advice: Add a personal comment here about your contribution, how services could no run without the work you do., and how you are already giving back to the community in the type of work you do*

### Residence

This section focuses on routes to settlement and provides an opportunity for you to ask the HO to keep the 5-year route to settlement, particularly for those who are already working and residing in the UK.

Consultation question

Answer

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

Applicants who arrived in the UK illegally:

There should be no penalty

Applicants who initially entered the UK on a temporary visit visa:

There should be no penalty

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

There should be no penalty

*\*UNSION Advice: UNISON believes asylum seeking is a legal migration route and disagrees that applicants should be punished for arriving in the UK via this means.*

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

Any application of changes to the immigration system should not be retrospective. 5 years until we can apply for ILR should remain for those of us already residing, working and contributing in the UK\*

*\*UNISON advice: Add any comments here about how 5-year ILR should remain for you.*

**Eligibility and Equalities:**

In this section there are a few questions we would advise leaving blank or answering, 'don't know/prefer not to say', they are not relevant to most of UNISON's membership, and detract from the key issues we want to highlight to the HO. However, there are some questions within this section that are important to answer in relation to transitional arrangements and equalities.

Consultation question	Answer
Where the standard qualifying period is proposed to increase from 5 to 10 years, which option for you think should apply to each of the following visa holder groups? Applicants who currently require 3 years continuous residence under the global talent route: Applicants who currently require 5 continuous years residence under the global talent route: Applicants who currently require 3 continuous years residence under the innovator founder route: Applicants on humanitarian visa routes (e.g. Syrian, Afghan):	Don't know/prefer not to say Don't know/prefer not to say Don't know/prefer not to say Don't know/prefer not to say
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?	Don't know/prefer not to say
To what extent do you agree or disagree that there should <u>not</u> be transitional arrangements for those already on a pathway to settlement?	Strongly disagree *

*\*UNISON advice: UNISON agrees there should be transitional arrangements, and therefore we disagree with this this question.*

<p>Do you think the following vulnerable groups should retain their current arrangements and be exempt from the proposed settlement changes?</p> <p>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:</p>	<p>Yes Yes Yes Yes</p>
<p>Are there any other vulnerable groups that you think should be considered as part of this consultation? (List up to 5)</p>	<ul style="list-style-type: none"> <li>• UNISON believes that discretion should be given by the HO on compassionate and humanitarian grounds to make exemptions including but not exclusively:</li> <li>• Those in exploitative and coercive employment attempting to take employers to court/assisting enforcement action</li> <li>• Those who have suffered exploitation and Modern Slavery</li> <li>• Those with long-term illnesses or requiring long term health treatment such as cancer</li> <li>• Those who have faced maternity/paternity discrimination</li> </ul>
<p>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?</p>	<p>Don't know/prefer not to say</p>
<p>To what extent do you agree or disagree that dependant partners of migrants should earn settlement in their own right?</p> <p><i>*UNISON Advice: UNISON would strongly disagree with this question, we believe that families should be treated as one unit.</i></p>	<p>Strongly Disagree *</p>
<p>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)</p>	<p>Strongly Disagree</p>
<p>To what extent do you agree or disagree that resettled refugees should have a 10-year route to settlement?</p> <p><i>*UNISON advice: We would strongly disagree with this question as 10 years would double the current route to settlement.</i></p>	<p>Strongly Disagree*</p>

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 (Free text 200 words)

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*\*UNISON advice: This is your opportunity to provide any further comments on the proposal that you have not already been able to provide, how they will impact you and your family, what issues do you foresee? What are you worried about most? How do these proposals make you feel? Unison will be making a formal response to the consultation considering our member's testimonies, the impact on public services and equality issues foreseen by these changes.*