

## Briefing for MPs: shorter routes to settlement

October 2022

Government immigration policies are denying thousands of people whose lives and futures are in the UK the certainty they need to belong here, making them wait a decade or more for secure immigration status, with damaging consequences for their ability to integrate, look after their families and be self-sufficient.

*“The ten-year route is a punishment for people and children who are building their lives in this country.” Ahmed<sup>1</sup>*

**What’s the problem?** Most people entitled to apply for permanent residence in the UK can do so after living here for five years. However, some people who are making their homes in the UK because of their family connections, as well as many who have already lived here for a long time, are made to wait much longer in a state of profound insecurity before they can stay permanently. This happens when someone does not fully meet the Government’s eligibility criteria, for instance because they don’t meet the minimum income threshold of £18,600 per year or they have missed the deadline to apply, but where the Government nevertheless recognizes that they have a human-rights based claim to remain in the UK. There are two broad groups on this type of route: (1) those who have children or spouses who are either British citizens or permanent residents (referred to as Family Life grounds); (2) those who have lived in the UK for a substantial period of time already (known as Private Life grounds) (Home Office 2022).

The result of this route is that thousands of people with strong ties to the UK are left waiting 10, 20 or even 30 years to get the security they need to build their lives here. At the same time, they’re required to go through a complicated and costly visa application process every 2.5 years, with applications subject to 11-month processing times on average (Home Office 2022a). By default, they also have no access to welfare benefits due to No Recourse to Public Funds (NRPF).

**What’s the impact?** Approximately 170,000 people are on a 10-year route to settlement (Migration Observatory, 2021). These people face a number of challenges:

**They are denied any sense of security or stability for at least a decade.** This makes it more, rather than less, difficult for people to feel like they belong here, or participate fully in their local communities and/or the economy (We Belong, 2021). This appears counterproductive considering that this group are likely to remain in the UK permanently, and in many cases have been valued members of their local communities for decades already. As well as driving exclusion, this near-total lack of stability combined with the financial hardships caused by fees mean that stress, anxiety and mental health issues are also widespread (We Belong, 2020).

**Though they have the legal right, many struggle to find or keep a job because of the insecurity and additional hurdles created by the requirement to renew their visas every 30 months.** The hostile environment has required employers to conduct immigration checks on employees since 2014, which has already led to migrants with valid visas being wrongfully denied employment (Griffiths and Yeo, 2021). For those with visas that must be renewed every 30 months, problems securing work are exacerbated both by the short-term nature of their visas and because it is currently taking the Home Office 11-months “on average” to process these renewals. This leaves people struggling to prove their immigration

### Case study: Maria

Maria is a mother of three in her early 30s, who has the right to live and work in the UK as the mother of British children. She last applied to renew her visa in June 2022, and has struggled to find a job ever since because employers want to see physical proof of her status. The Home Office has not given her any documents proving her existing rights, and Maria is still waiting on the outcome of her application. This has left Maria locked out of employment just as living costs spiral. She finds this situation absurd and frightening. She needs to work to feed her children and has tried to contact the Home Office many times to solve this issue, but all phone lines lead to a dead end.

<sup>1</sup> All quotes and case studies are drawn from Praxis clients.

status for extended periods, which can lead to some being denied work or suspended from employment (RAMFEL, 2022).

**As a result, many face serious financial hardship and poverty, which is likely to increase given the rising cost of living.**

The requirement to pay £2,608 per person (or £9,662 for a family of four) every two and a half years to renew visas and access the NHS, is onerous. This is particularly true for low wage earners, which someone on a 10-year route is likely to be given that this is a common reason to be on this route. Borrowing in order to pay visa fees is a common coping mechanism. Most people also have the No Recourse to Public Funds condition applied to their leave to remain as a matter of course. The elevated risk of poverty associated with this condition is now widely recognized (Woolley, 2019; Meyer and Bridgen 2022). However, the length of time during which someone is expected to survive without access to the safety net, combined with employment problems highlighted above, heightens this risk.

#### Case study: Rokebor

Rokebor and his wife are both on a 10-year route to settlement, and have to renew their visas every 2.5 years, paying thousands of pounds each time. For years, neither was able to access welfare benefits because of the No Recourse to Public Funds condition, even though one of their two children was born with health complications and requires constant care. In order to afford their visa fees and living costs, Rokebor has got into significant debt - £20,000 and counting – which he is trying to pay off from his salary. However, he and his wife need to renew their visas again soon, and they expect it to cost around £5,000 in total. He’s really worried about how they will afford to pay this without taking on even more debt, especially now that everything is getting more expensive.

**Insecure housing and homelessness are also a risk for those on a 10-year route**, owing to restricted eligibility for welfare benefits and specific challenges faced in securing private rented accommodation, which arise from frequent renewals and long processing times, during which people may be unable to prove their immigration status. As well as pushing people into insecure housing and substandard accommodation, they’re also forced to relocate frequently, making it harder to build social support networks and disrupting children’s education (Migrant Voice, 2022; We Belong, 2021).

Overall, the 10-year route does not function as a pathway to settlement, but instead creates prolonged precarity and uncertainty. It denies tens of thousands of people with strong connections to the UK the security and stability they need to feel like they belong here, and to get on with their lives, whilst simultaneously undermining their ability to look after themselves and making it more likely they will experience poverty. This presents risks to anyone on a 10-year route. However, families with children under the age of 18, as well as those with additional needs, such as mental or physical health conditions, are at particular risk, due to the damaging impacts of

uncertainty, insecurity, stress and poverty which can particularly impact children (We Belong, 2021). For those who have already resided in the UK for over two decades, the requirement to endure a further decade of uncertainty can have particularly deleterious consequences for their mental health.

Finally, the application system itself is fiendishly complicated and, with free legal advice in chronically short supply, simple mistakes that can have devastating consequences are common (Wilding et al, 2021). This lack of access to free legal advice also means that safeguards such as the fee waiver process are simply out of reach for most people. At the same time, **repeated renewals generate significant additional administrative work for the Home Office**. Reducing this complexity would make it easier for people to navigate and alleviate this pressure on the Home Office.

**What’s the solution?** Capping all routes to settlement at 5 years would give everyone the certainty they need to feel like they belong and build their lives, reduce the poverty risks associated with this route and make it far less likely that the system will push them out of status. This would have benefits not just for the individuals concerned but also for their wider communities. Parents with children under the age of 18, those with particular vulnerabilities such as mental and physical health issues, and people who have already lived in the UK for 20 years or more should be prioritized

because of the specific vulnerabilities they face, so that they can reach settlement more quickly and get on with their lives.

**What changes do we want to see?** The Home Office is currently engaged in a review of the immigration rules, with a view to simplifying them. As part of this process, important changes were made last year that will allow some people on a 10-year route to reach settlement after five years. We are urging the Government to make the following changes so that two of the groups that need greater stability and security can access it more quickly:

1. Change the family migration rules for parents on the 10-year family route to settlement who have children under the age of 18, so that they can apply to stay permanently after 5 years; can apply for a single grant of limited leave to remain of 60 months; and can apply for a fee waiver for a corresponding period.
2. Change the private life migration rules for people who have already been in the UK for two decades, and who have a right to settle here under the 20-year long residence rule, so that they can apply to stay permanently after 5 years; can apply for a single grant of limited leave to remain of 60 months; and can apply for a fee waiver for a corresponding period.

These changes would not only benefit these specific groups, but would also help to bring greater uniformity across different parts of the immigration rules, further simplifying them. By shortening the length of routes to settlement and reducing the need for frequent renewals, these changes would also help to reduce the burden on the Home Office.

## References

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