

## Capping routes to permanent settlement at 5 years

September 2023

**What's the ask?** Routes to settlement should be capped at five years maximum. To begin, we recommend parliamentarians commission an independent review of immigration policies and processes.

**What is 'settlement'?** This refers to permanent residence, or Indefinite Leave to Remain (ILR). People who are 'settled' in the UK can live, work and access state support indefinitely, and no longer apply to extend their right to stay every few years. After having ILR for 12 months, [most people](#) can apply for Citizenship.

**Background** Once people enter the UK, they form permanent relationships and communities, and put down roots. However, the UK's current immigration system does not take this into account. Instead, it treats many migrants' presence in the UK as temporary, even after they have been here for years or even decades.

Most migrants with the right to stay in the UK are eligible for settlement after 5 years. However, **many visas come with no pathway to settlement, while others include a long and expensive 10-year route to settlement.** The 10-year route is relatively new, introduced in 2012 in an attempt to reduce net yearly migration. It is designed for people who have family ties or long-term ties to the UK who would otherwise not meet the full requirements for permission to remain set out in the Immigration Rules (for instance, because they do not meet the minimum income requirement for the five-year partner route). In [comparison](#) to EU countries, the UK has both longer and more costly routes to settlement for certain groups.

**Who is on the 10-year route?** An estimated [170,000 people](#) are currently on the so-called 10-year route to settlement. The top 5 nationalities of applicants between 2016 and 2020 were Nigeria, Pakistan, India, Ghana and Bangladesh, according to [analysis](#) of Home Office data, while [more women](#) than men appear to be granted leave on this route. According to one [survey](#), 40% of those in work on the 10-year route were employed in health and social care settings, including as carers, nurses and cleaners.

**What's the problem?** While on this route, people work, pay taxes and enrich our communities. Yet individuals face challenges arising from the length of time before being eligible for settlement, the high cost of fees and charges, the requirement for repeat applications every two-and-a-half years, complex applications with few options for legal advice and restrictions in accessing welfare through the default 'no recourse to public funds' (NRPf) condition. There is clear evidence that the 10-year route causes problems at multiple levels:

**The 10-year route traps people in a cycle of poverty.** It [disproportionately applies to people on low incomes](#), and requires them to pay eye-watering fees every 2.5 years for 10 years: currently, one adult must pay £2,608 to renew their visa and access the NHS, making the total cost of obtaining settlement just under **£13,000 per person**. The [NRPf condition](#), which [indirectly discriminates](#) against women, disabled people and Black and Brown people, pushes thousands into [poverty and insecure housing](#) each year. There is ample evidence that the combination of high fees and no access to the social safety net can push households into financial hardship. According to one [study](#), more than half of people on the 10-year route were struggling to afford bills and food, while almost half had been forced into debt to afford the costs of visa fees.

With fees set to [rise](#) by up to 66%, which would see the [total cost](#) of obtaining settlement for one adult **total more than £18,000**, the risk of financial hardship will become more severe especially given the ongoing cost-of-living crisis. Given that many people on the 10-year route are also working and paying taxes, being charged twice to access the NHS and paying fees that are more than [three times](#) the actual administrative cost to government is discriminatory and unfair.

**Local authorities are burdened with the cost of the challenges these policies create**, [spending](#) at least **£64 million per year** supporting families and adults with care needs left destitute by them, often for extended periods of time.

**The cost, complexity and lack of access to legal advice on the 10-year route can cause people to [lose their immigration status](#)**. According to one [survey](#), almost half of those surveyed reported that the costs associated with applying for leave to remain meant they had decided not to renew their own, or another member of their household's, leave to remain. The resulting loss of immigration status exposes individuals to the hostile environment, including restrictions on access to work, rental accommodation, free healthcare and other key services.

**Existing in a state of protracted instability can have a hugely detrimental [impact](#) on physical and mental health**. 80% of respondents in one [survey](#) reported that their well-being or mental health had been negatively impacted by the 10-year route. [Research](#) by the Children's Commissioner highlights the trauma and stress children subject to immigration control experience due to 'living in a state of limbo.'

**Ongoing insecurity of status leads to precarity and a lack of belonging**. One third of people on the 10-year route [report](#) feeling completely insecure in the UK, despite most having lived in the UK for more than a decade.

**The length and complexity of the 10-year route also [adds to the Home Office's administrative burden](#), with thousands of extension applications needing to be processed**. Long delays in processing applications are common. Currently, the Home Office [advises](#) that extension applications for those applying on the basis of their private life will take 9 months.

**What change is needed? The 10-year route to settlement should be shortened to five years**. This single change would mitigate many of the problems it causes, including reducing the overall cost to individuals and families, shortening the period of uncertainty in their status and reducing the likelihood of poverty and loss of immigration status. In May 2022, the Government took the positive step of introducing a shorter 5-year route to settlement for some young people, including people who came to the UK as children, which could benefit thousands of people. This shows that there is appetite to reform the complex and lengthy 10-year route to settlement, and the ongoing process to [simplify the immigration rules](#) may provide further opportunity to advance this objective.

**Now, we urge decision makers to advocate to build on this positive change, so that all migrants can access permanent settlement after 5 years' documented residence**. This would improve the lives of hundreds of thousands of people who have made the UK their home, enabling people who have lived in the UK for many years to gain security more quickly. All evidence suggests it would also have a positive impact on the economy as people will be supported to settle, work if they choose, and provide for their families and communities, reducing the risk of poverty and reliance on local authority support. By reducing the number of renewal applications, it would also reduce the workload of caseworkers at the Home Office, freeing up capacity for other parts of the system.



**Support for change.** There is widespread support for change to the 10-year route amongst civil society, local authorities and the public. The Independent Chief Inspector of Borders and Immigration has repeatedly [called for the 10-year route to be reviewed](#), due to its impact on families and potential discriminatory impact. The House of Lords Justice and Home Affairs Committee made various recommendations including **capping routes to settlement at five years and reducing visa fees** in its [recent inquiry report](#). Furthermore, according to YouGov [polling](#) in 2022, over half of the public agree that either the costs and/or the frequency of visa renewals should be reduced. More recent polling commissioned by Migrant Voice indicates that “persuadable” audiences on migration tend to be older (55+), with below degree-level qualifications and predominantly white. Of this group, a third agree that migrants are generally good for the economy and improve the UK by bringing new ideas and enriching our culture.

**What else can be done?** En route to making this change, we recommend that parliamentarians commission **an independent review of immigration policies and processes**, including the 10-year route to settlement, to better understand the effects of the route on individuals on the basis of race, gender, age and disability, as well as its impact on wider society, including local and central government policy objectives and budgets.

**What will it cost?** While this recommendation will have implications for Home Office budgets, by reducing income from visa fees and the immigration health surcharge for this cohort, implementing it will **deliver fiscal gains over time** by enabling people on the 10-year route to contribute further economically and by reducing the risks of poverty and loss of status. A full costing of this recommendation is currently being carried out and will be completed by December 2023.

For more detail on this proposal, see the following reports and briefings:

- [We Are Here: Routes to Regularisation for the UK’s Undocumented Population](#) (JCWI, 2021)
- [‘A punishing process.’ experiences of people on the 10-year route to settlement](#) (IPPR, GMIAU and Praxis, 2023)
- [Destroying hopes, dreams and lives: how UK visa application costs and processes impact migrants’ lives](#) (Migrant Voice, 2022)
- [A shorter, more affordable route to resettlement for children and young people](#) (We Belong, 2020)