

## EARNED SETTLEMENT AND CHILDREN

### Children in settlement reform

In the Government paper 'A Fairer Pathway to Settlement', published 20 November 2025, the Home Office recognises that children need special consideration, stating:

*In developing an earned settlement system, we will take full account of the appropriate pathways to settlement and citizenship for children either born in the UK or arriving here.*

*This will include unaccompanied children and other vulnerable children or families. We will take account of their specific needs and vulnerabilities. We particularly welcome views on how the development of an earned settlement system should take account of children.*

Coram Children's Legal Centre welcomes the acknowledgement of the particular position of children.

Further, while regrettably included in the consultation, it is important that the Government paper restates its commitment to young people who have grown up in the UK:

*We intend to adhere to commitments laid out in the 2025 UK Immigration White Paper, titled Restoring Control over the Immigration System, to ensure children who have been in the UK for most of their life, turn 18 and discover they do not have status, are fully supported and able to regularise their status and settle.*

CCLC also welcomes parallel consultation – outside the scope of the earned settlement consultation – on a clear pathway for children in care and care leavers.

### Existing routes to settlement for children

Children on a route to settlement include dependants of skilled workers, international sportspeople, innovator founders, global talent visa-holders, ancestry visa-holders and those on private life and family routes.

Children not on a route to settlement include undocumented children including children in families refused asylum (though some have a right to register as British or can apply to get on a route to settlement) and children of visa-holders on routes that do not lead to settlement: visitors, students, seasonal workers, temporary work visas, global business mobility visas and graduate work visas.

Some important existing provisions for children acquiring settlement include the following:

- a) **Settlement as a dependant:** Children can acquire settlement as dependants without a qualifying period, for example as the dependant of a skilled worker.
- b) **Children born in the UK:** A child born in the UK who has been continuously resident for 7 years can qualify for immediate settlement.
- c) **Long resident children and young people:** For children not born in the UK who have spent 7 years in the UK, and for young adults 18-24 who have spent half their life in UK, there is a 5-year private life route to settlement.

### The proposals

Proposals include:

- **A premise of 'contribution'.**
- **Separating applicants** and putting dependants on their own route.
- **Retrospective effect:** The paper states: 'We propose that these changes apply to everyone in the country today who has not yet received indefinite leave to remain, although we are seeking views on whether some transitional arrangements should be available.'
- **Income requirement for settlement:** Requirement to have an earned income above £12,570 for 3-5 years prior to applying for settlement.

- **Long and differential routes to settlement:** As unveiled in the May white paper, the government proposes a ten-year standard route to settlement. The proposals detail criteria that will reduce or lengthen the route so it could be three years for some very high earners and up to 30 years for those who arrived in the UK illegally, arrived on a visitor visa or overstayed any type of permission for six months or more.
- **Punishing people who have used benefits:** Accessing benefits at all could put you on a 15-year route and accessing them for over a year could put you on a 20-year route.

### Impact of the proposals on children

The scale of these changes cannot be underestimated, especially because the Home Office plans to apply the new requirements to people already on routes to settlement – an estimated 1.35 million people.<sup>1</sup> In 2024, 15.6 per cent of grants of settlement were to children (25,506 of 163,242) and 6.6 per cent were to 18-24s (10,795).<sup>2</sup> Over the coming years the proposals will affect many thousands of children who would have otherwise achieved permanent status and the access to mainstream support systems that it brings; IPPR estimates **300,000 children already in the UK** will be impacted.

CCLC welcomes the Government undertaking a **Child Rights Impact Assessment** and urges its publication as a priority. CCLC predicts the proposals will lead to:

- **Chaos due to retrospective effect:** Families have planned their lives, families, children's education and finances and moved across the world and then the goalposts will change.
- **Legal status lagging integration:** To grow up in a country – to be *from* a country – but not to be recognised legally as permanently belonging to that country creates a disconnect.
- **Increased child poverty:** Data is lacking but in 2023/24, 1 in 2 (50%) children with non UK-born parents were in poverty compared to around 1 in 4 other children (24%) and children with non UK-born parents are more than two times as likely to be in deep poverty (37% versus 16%) and very deep poverty (26% versus 10%).<sup>3</sup> Giving parents no recourse to public funds for longer periods of their children's infancy and childhood will increase child poverty.
- **Unfairness contrary to the Opportunity Mission:** One child will access settlement – with the opportunities and access to support it brings – long before another child, simply based on how much their parent earns. This will affect support, education, career, citizenship, voting.
- **Family members on different routes:** Having different tracks to settlement within families will cause administrative challenges, instability and potential conflict.

Two UK-born children are British. Their older sibling not born in the UK is on a 5-year private life route, having spent half their life in the UK. The children's mother works part-time cleaning on a zero hours contract and receives Universal Credit. She is on her third tranche of leave on the existing ten-year route. The proposals would put her on a 30-year route because of a 20-year penalty for a period of overstaying already considered and disregarded due to her recognised family life with her British children when she was originally granted leave.

A family with British children is on the existing ten-year route to settlement, about to apply for their final tranche of leave before expecting to apply for settlement in 2029. They have saved thousands for the fees. The proposals would give them a 20-year penalty for a period of overstaying which originally came about due to the rejection of an application over 15 years ago because passport photographs they had submitted had the wrong coloured background and multiple subsequent applications were refused due to their status as overstayers which took years to resolve.

<sup>1</sup> <https://www.ippr.org/articles/far-from-settled-the-governments-earned-settlement-consultation>

<sup>2</sup> <https://www.gov.uk/government/statistical-data-sets/immigration-system-statistics-data-tables#settlement>

<sup>3</sup> Joseph Rowntree Foundation, UK Poverty 2026: [UK Poverty 2026: The essential guide to understanding poverty in the UK | Joseph Rowntree Foundation](https://www.jrf.org.uk/report/uk-poverty-2026-essential-guide-understanding-poverty-uk-joseph-rowntree-foundation)

## Principles

- a) **The best interests of children are a primary consideration** under the UK's legal obligations.
- b) **Legitimate expectation must apply.** This means an application will be decided according to the rules as at the date of decision unless you were on an existing route, in which case you must be allowed to continue on that route. Families need predictability.
- c) **Childhood and teenagerhood are a distinct phase of life** in forming a person's identity and the immigration system must reflect this.
- d) **Contribution must include parenting and care-giving** for babies, children and young people.
- e) **Existing nationality law remains unchanged for children.** Fees should be reduced to make children able to register their nationality rights.

## Recommendations

- a) **CRIA:** Publish a Child Rights Impact Assessment. We welcome the government stating in the House of Lords its commitment to the UN Convention on the Rights of the Child in this context<sup>4</sup> and urge early consideration of the impacts on children and section 55.
- b) **Listen:** Consult children and young people growing up on visas or with parents on visas.
- c) **Predict the child poverty increase:** Of the 4.45 million children living in poverty in 2023/24, 1.7 million were children with parents born abroad. Consider the impact of earned settlement on child poverty levels, as well as how to improve data.
- d) **No retrospectivity:** Do not give the proposals retrospective effect. Do not impose the 10/15-year public funds and 20-year immigration breach penalties retrospectively for families already granted leave on the basis of private or family life – routes designed to ensure the UK complies with its human rights obligations.
- e) **Grant leave in line:** Grant children leave in line with their first parent settling. Impose no age cut-off after 18 so a young adult can settle alongside their family without independently meeting requirements, based on the principle that the original decision to come to the UK was made when they were a child. Young adults should have a family-determined route length; they should not, as now, have to evidence financial or other dependency.
- f) **Consider the family unit:** Proportionality and reasonableness of a penalty must be considered in view of the whole family's situation. If a parent has a British child, a 30-year route for the parent due to past overstaying is inappropriate. The British child could spend their entire childhood cut off from mainstream support due to their parent's status.
- g) **Keep the existing rule for children born in the UK:** Protect the born in the UK + 7 years provision for children to be granted ILR.
- h) **Keep the private life rules for children and young people not born in the UK:** Protect the five-year route for non-UK born children who have lived in the UK for 7 years and for 18-24s who have spent half their life in the UK. Alternatively, **grant immediate ILR to children who have spent 7 years in the UK.** This has been done in the past in the UK. 7 years is used as a benchmark in Denmark for those who have spent formative years there.
- i) **Review settlement fees:** Children, young people and families should not be blocked by the £3029 fee. There should be an option to apply for a fee waiver for settlement.
- j) **Review November 2025 suitability changes:** The Home Office should review how many people are being knocked off a route to settlement by the recent suitability changes and consider what will happen to them.

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<sup>4</sup> Lord Hanson stated: 'The UK Government are committed to the United Nations Convention on the Rights of the Child. I give that commitment to the noble Lord: that is what we are committed to. The policies that we are bringing forward, which are subject to consultation, will be in line with those policy objectives.' Hansard, 27 January 2026: <https://hansard.parliament.uk/lords/2026-01-27/debates/2B4BBB9A-BF8C-4E87-93A3-D27354180760/AsylumAndImmigrationChildren>