

Law Centre NI response to UK Government consultation on Earned Settlement

Submission of additional contributions

12 February 2026

About Law Centre NI and our role in supporting migrant communities

1. Law Centre NI (LCNI) promotes social justice by providing specialist legal services to advice organisations and disadvantaged individuals in Northern Ireland. We provide legal advice, casework, training and policy services in the areas of immigration, employment and social security. We operate a regional immigration advice service with expertise in forced migration, offering priority to asylum seekers and refugees as well as victims/survivors of human trafficking and other migrants who are particularly vulnerable. Our Migration Justice Project adopts a unique blend of legal, policy and community engagement tools with the aim to secure positive outcomes for individuals and to bring about social change.
2. Our employment service provides legal advice and representation to migrant workers including persons subject to labour exploitation and forced labour. We publish free information resources and provide bespoke trainings to help ensure that migrant workers are aware of their employment rights.
3. Our social security service has particular expertise in relation to migrants' eligibility to social security including complex right to reside or cross border issues.
4. LCNI informs and seeks to positively influence policy on a local and regional level. We are conveners of the Refugee & Asylum Forum, a NI-wide network of over 200 practitioners with expertise in the frontline support, as well as policy and advocacy for refugee and asylum rights.
5. In this submission of further evidence, we wish to highlight our concerns and particular issues with the proposed 'earned settlement' framework with focus given to migrant communities in Northern Ireland.

Recognising regional barriers to integration in Northern Ireland

6. The Earned Settlement proposals will create a tiered system of immigration rights in which the most vulnerable and lowest earning migrants will face

prolonged insecurity, increased financial burdens and are at risk of never attaining the security of settlement.

7. The proposals ignore regional disparities in integration supports and infrastructure. In this submission of evidence, we outline particular issues that are relevant to Northern Ireland.

a) New mandatory requirements to qualify for settlement

8. The introduction of new mandatory thresholds for settlement will mean that vulnerable groups may never be able to settle in the UK. These include increased English language proficiency requirements (B2 level) and a new minimum income requirement of £12,570.
9. These new thresholds are not under consultation. As the proposals stand, they will have grave implications for the stability and security of women (who are more likely than men to be primary caregivers within families), people with disabilities and refugees – each of whom face distinct, well documented barriers to the labour market.¹ Unlike other countries in the UK², Northern Ireland does not have any government-led refugee or vulnerable migrant employability access schemes that might otherwise be able to address some of these barriers.
10. Increased English language requirements to qualify for settlement will also adversely impact vulnerable migrants in Northern Ireland. Access to ESOL (English for Speakers of Other Languages) in NI remains difficult. The Department for the Economy, which is the responsible department for ESOL in Northern Ireland, reports the ESOL system to be ‘overwhelmed’ by demand.³ This results in lengthy waiting lists for English classes for prospective students who then struggle to take the next steps to gain employment, access education and engage with host communities. Despite calls from community sector organisations on the ground, there is no NI ESOL Strategy to offer a regional and multi-agency response to provision needs.⁴ As a result, migrants without sufficient English language capabilities experience social isolation and marginalisation. Removing the stability of settlement from migrants in this position will exclude vulnerable groups such as people who have experienced forced migration from full engagement in society in Northern Ireland.

¹ Home Office, ‘Refugee Integration Outcomes (RIO) Insights: Embarks, Economic Activity, and Housing between 2015 and 2021’ (HO, 2025). Available [here](#).

² See list of employability supports for refugees in England, Scotland and Wales listed [here](#).

³ Sadeq Al-Wesabi, ‘Call for Northern Ireland English strategy for foreign nationals as demand far outstrips supply’, *ITV News*, 5 December 2025. Available [here](#).

⁴ *ibid*

b) Earned settlement contributions: income

11. The proposed qualifying period for settlement will be set at a new baseline of 10 years. Reductions to the baseline qualifying period of 5 years can be obtained by those with an annual income of over £50,270, or a reduction of 7 years for those with incomes of over £125,140 (both evidenced for the past 3 years). These proposals will ensure that earlier settlement is a privilege only accessible to wealthier migrants. With the average salary of a full-time worker in the UK being £39,000, the reality is that the vast majority of workers in the UK, migrant or not, would not meet these requirements.⁵ For migrants in NI, settlement security is one step further away. This is because wages in Northern Ireland are amongst the lowest in the UK.⁶ Specifically, the average fulltime salary is £37,000.⁷
12. Furthermore, the Living Wage Foundation has calculated that Northern Ireland is the UK region with the highest rate of low paying jobs: 20.6% of jobs in NI pay less than the real Living Wage⁸. The Joseph Rowntree Foundation (JRF) reports that in-work poverty is a pressing issue in NI: “*Northern Ireland remains especially vulnerable to poverty because of lower incomes and limited financial resilience*”.⁹ It will therefore be particularly difficult for migrant communities in NI to meet the proposed income contributions thresholds. Compounding the issue of pay is that that migrants are disproportionately represented in low-paid work for which they are often overqualified.¹⁰
13. Thus, this policy will result in many working migrants being locked out of opportunities for earlier settlement. Migrant workers in Northern Ireland will effectively be penalised for an economic landscape and labour market for which they bear no responsibility. A potential consequence is that some skilled and qualified migrants may choose to leave NI for other locations that offer higher salaries. This would be a detriment to the Northern Irish workforce which is currently reliant on migrant labour in a number of sectors, particularly in health and social care.¹¹

⁵ Office for National Statistics, ‘Employee earnings in the UK: 2025’, (ONS, 2025). Available [here](#).

⁶ Brigid Francis-Devine, ‘Average earnings by age and region’ (HC Library). Available [here](#).

⁷ Northern Ireland Statistics and Research Agency, ‘Annual Survey of Hours and Earnings’ (NISRA, 2025). Available [here](#).

⁸ This is based on the Living Wage Foundation analysis of ONS Figures. See: Belfast Chamber, ‘Belfast Chamber celebrates commitment to Real Living Wage’ (BC, 2025). See [here](#).

⁹ Christine Ellison, Sheena McMullen and Ursula O’Hare, ‘Poverty in Northern Ireland 2025’ (JRF, 2025). Available [here](#).

¹⁰ Mariña Fernández-Reino and Ben Brindle, ‘Migrants in the UK labour market: an overview - Migration Observatory’ (MO, 2025). Available [here](#).

¹¹ Department of Health, ‘Press release: Health Minister condemns racist violence’, 13 June 2025. Available [here](#).

c) Earned settlement contributions: volunteering in the community

14. A 3-5 year reduction to the baseline qualifying period can be achieved for migrants who have evidence of volunteering in the community. Many migrants already volunteer in the sector in Northern Ireland, providing services for local communities while developing skills and enhancing opportunities for social engagement. However, voluntary sector organisations across the UK have spoken out against these proposals, stating that compelling individuals to undertake volunteering roles undermines the nature of volunteering as a free choice. Further, volunteering organisations have come forward to say the sector does not have the resources to record/report volunteers to an as of yet unspecified immigration body.¹²

15. Some individuals cannot devote unpaid time to volunteering and will face detriment, i.e. migrants with caring responsibilities, disabilities or who work long hours/multiple jobs. Refugees and people seeking asylum in NI will face additional barriers. There are current difficulties for refugees and asylum seekers to provide proof of two forms of ID documentation and home address in order to pass [AccessNI checks](#). This means that refugees and asylum seekers are excluded from roles which include engagement with vulnerable groups, such as children and vulnerable adults. People with experience of forced displacement thus face reduced opportunities to volunteer and will be at a detriment compared to other migrants.

d) The Executive Office's duty to promote migrant integration

16. The responsibility for refugee and migrant integration in NI is borne by The Executive Office. The Department's [Refugee Integration Strategy](#) was published in May 2025. The Law Centre voiced concerns about the effectiveness of the Strategy given the lack of tangible action plans¹³, delivery timelines or associated budgets.¹⁴ Despite such criticism, we welcome the publication of the strategy. In particular, we welcome TEO's explicit commitment to **integration from day-one** for migrants who make NI their home.

17. We are concerned that the UK's proposals on settlement will undermine efforts to implement the Refugee Integration Strategy in NI. Under the government's

¹² VolunteerNow, 'Voluntary sector leaders oppose 'earned settlement' proposals'. Available [here](#).

¹³ In contrast, the respective refugee integration strategies in [Scotland](#) and [Wales](#) outline very clear targets and timeframes.

¹⁴ Law Centre NI, 'Migration Justice statement on the publication of the Refugee Integration Strategy' (LCNI, 2025). Available [here](#).

proposed [changes to the asylum system](#) announced last year, refugees will have a new qualifying baseline of 20 years for settlement. This can be reduced to 11 years for those who qualify for a new ‘work and study route’.¹⁵ Refugees can reduce this period further through reductions under the earned settlement framework (increased English language proficiency, high salary thresholds, volunteering in the community, etc).¹⁶

18. Refugees already face distinct barriers and will face further detriment under the proposed framework. This is an intentional policy outcome as set out by the government, “*refugees will never be in a better position than those coming to the UK on recognised migration routes (such as workers)*”.¹⁷ It is difficult to see how ‘integration from day-one’ for refugees can be achieved while they will have less advantages to settle earlier.

Protecting constitutional rights for citizens of Northern Ireland

19. It is proposed that family members (spouses and dependents) of **British citizens** will maintain the ability to settle within five years, subject to meeting mandatory settlement requirements.¹⁸ In other words, there is a shorter baseline qualifying period for the family members of British citizens. Interestingly, this provision is not subject to consultation.
20. No consideration appears to have been given to the implications of this provision for Northern Ireland. Specifically, there is no provision for the family members of people of Northern Ireland who are *Irish* rather than *British*. In effect, the family members of Irish citizens will be subject to a longer qualifying baseline period to settlement. This may be discriminatory.
21. We note that British nationality law has long made provision for naturalization of adults who are married to a British citizen (or civil partner of the British citizen).¹⁹ However, we query whether this new proposal should be reviewed in the context of the [DeSouza case](#), which raised complex issues of citizenship and the implementation of the Good Friday Agreement.
22. Given the risk of potential discrimination, we propose that provision is made for the family members of people born in Northern Ireland who identify as Irish

¹⁵ UK Parliament Hansard, House of Commons, ‘Asylum Reforms: Protected Characteristics’: Alex Norris MP, Minister of State for Border Security and Asylum’, Volume 777, 17 December 2025. Available [here](#).

¹⁶ Home Office, ‘A Fairer Pathway to Settlement: A statement and accompanying consultation on earned settlement’ (HO, 2025) at page 20. Available [here](#).

¹⁷ *ibid*

¹⁸ *ibid*, page 22.

¹⁹ See: [British Nationality Act 1981](#) section 6.

rather than British. The EU Settlement Scheme's 'relevant person of Northern Ireland' could provide a helpful template.

a) EU Settlement Scheme

23. The [EU Settlement Scheme](#) was established in 2019 and permits European citizens to sponsor their family members (including non-European family members).²⁰ EUSS offers many benefits compared to the domestic immigration route for family migration, contained in [Appendix FM](#) route. Whereas the EUSS application process is free, relatively quick and offers a pathway to settlement, Appendix FM is expensive and contains onerous requirements including income thresholds and English language requirements. Applicants to the Appendix FM route also have to pay application fees and the healthcare surcharge.²¹

24. When EUSS was initially introduced, the effect was that British family members were treated less favourably than Irish family members. However, in 2020, the EUSS was amended to make specific provision for the family members of 'relevant persons of Northern Ireland (RPNI)'. A relevant person of NI is a person who was born in Northern Ireland and who had at least one parent who held British/Irish citizenship or who was settled in Northern Ireland at the time of their birth.²² The RPNI provision aligns with the Good Friday Agreement principle whereby people born in Northern Ireland may choose to be British or Irish or dual citizens.²³ It also recognises the issues that were highlighted by the *De Souza* case.²⁴

25. Prior to the introduction of the RPNI provision, it was the family members of *British* people born in Northern Ireland who were adversely impacted. However, with regards the earned settlement provisions, it is the family members of *Irish* people born in Northern Ireland who will be impacted. This needs to be examined carefully so that there is no adverse impact for family members of Irish citizens from NI under the earned settlement framework.

²⁰ The scheme covers EU, EEA and Swiss Citizens (referred collectively as 'EU citizens').

²¹ GOV.UK, 'Family visas: apply, extend or switch'. See [here](#).

²² GOV.UK, 'Immigration Rules Appendix EU', Annex 1, Definitions' (last updated 8 January 2026). Available [here](#).

²³ See Law Centre NI's commentary from this time: Law Centre NI, 'New changes make it easier for NI family members to apply for immigration status', (LCNI, 2020). Available [here](#).

²⁴ See details of *De Souza* in following briefing: John Curtis, Joanna Dawson, Georgina Sturge and Hannah Wilkins, 'Northern Ireland, Citizenship and the Belfast/Good Friday Agreement' (HC Library, 2019). Available [here](#).

Evidence from frontline provision: vulnerable migrants and victims in Northern Ireland

a) Victims of domestic abuse

26. For the past number of years, demand for our immigration advice services from victims and survivors of domestic abuse has grown substantially. We know that insecure immigration status and lack of permanent settlement rights can cause significant instability and uncertainty. This is particularly the case for our clients who are women, single mothers, and victim-survivors of domestic abuse and gender-based violence.

27. Within the proposed earned settlement model, a survivor in this situation could potentially face penalties (i.e. for overstaying), culminating in a **30 year route to settlement**. This would constitute a significant setback in protections for victims of domestic abuse and would be inconsistent with international obligations including the [Istanbul Convention](#).

28. We are deeply concerned that existing protections for victims of domestic abuse may be removed, specifically *Appendix: Victim of Domestic Abuse*, which permits survivors to obtain durable immigration rights in their own right. This is a critical protection and provides the basis on which survivors can rebuild their lives. **We urge the government to maintain the current pathways to settlement for victims of domestic abuse.**

b) Vulnerable children

29. We welcome the UK government's commitment to create a pathway for children who have grown up in the UK without status, to ensure they can regularise their immigration status and settle.²⁵ Durable immigration options for children living in the UK without status will offer a more stable and secure future, enabling access to uninterrupted education, public services and employment later in life.

30. In developing the earned settlement system, the government has said it will consider appropriate pathways for children in care and care leavers, as well as unaccompanied children and otherwise vulnerable children.²⁶ It is vital that vulnerable children in the UK are not subject to the earned settlement proposals, but instead have access to immigration options to enable early settlement.

²⁵ Home Office, A Fairer Pathway to Settlement: A statement and accompanying consultation on earned settlement' (HO, 2025) at page 26. Available [here](#).

²⁶ *ibid* page 7 and 36.

c) The chilling effect of the proposals on vulnerable migrants and families

31. The proposed introduction of penalties for claiming public funds is already creating a chilling effect for vulnerable groups. Our advisers have spoken to several families, including newly granted refugees, who intend to forego claiming social security benefits for fear that their qualifying period for settlement will be extended by **5-10 years**. This is a concern in particular in cases involving minor children given the risk of poverty, destitution and even exploitation. Afraid to claim benefits to which they are legally entitled, parents will have to turn to charitable support and emergency food parcels, an all-too-common reality for thousands of families in NI.²⁷ Moreover, individuals and families may face debt and risk of exploitation from illegal lenders and loan sharks. This carries particular risk for individuals in NI, where paramilitary involvement in illegal lending “*impacts and amplifies*” issues of coercion and control over vulnerable targets.²⁸

How the proposals will impact wider society in Northern Ireland

a) Impact on services

32. We have concerns that earned settlement policies will drive prolonged insecurity, instability and precarity for all migrants. In turn, it will heighten risk of poverty, destitution and exploitation, particularly for migrants who are low-earners, protected groups such as women and people with disabilities, and those most in need of support.

33. If the proposals are implemented as presented in the earned settlement position paper, including a **NRPF condition at settlement**, they will undoubtedly cause increased reliance on public services. The Northern Ireland Departments must consider the impact these proposals will have on health and social care services i.e. mental health services, adult and child safeguarding, A&E, etc.

34. We are also concerned that there will be increased demand placed on third sector organisations such as migrant support organisations, community groups, faith groups and NGOs that support people in the community facing hardship in general.

b) Impact on integration

²⁷ Trussell Trust, ‘Emergency Food Parcel Distribution in Northern Ireland: April 2024 – March 2025’ (Trussell, 2025). Available [here](#).

²⁸ Women’s Resource and Development Agency, ‘WRDA Response to the Northern Ireland Affairs Committee questionnaire on Violence Against Women & Girls in Northern Ireland’ (WRDA, 2025). Available [here](#).

35. It is our view that long and costly routes to settlement negatively impact integration prospects. High immigration application fees already drive families to financial hardship.²⁹ Under the new proposal, migrants and their families will be kept in cycles of precarity, constantly paying expensive immigration fees for twice, three times (or more) the length of time they currently are. This will mean that instead of investing in further education for themselves or their children, obtaining a mortgage or establishing a business, migrants will be forced to put any surplus income toward fees. This will thwart the ability of migrants to be active participants in local economy: with limited spending power and low ability to invest.

c) Impact on the immigration advice sector

36. These proposals will place unsustainable strain upon the immigration advice sector including voluntary and community organisations like the Law Centre. The immigration advice sector in Northern Ireland is very small. A recent report by the respected Dr Jo Wilding described an ‘extreme shortage’ of immigration and asylum legal aid provision in Northern Ireland.³⁰

37. If these proposals are implemented, migrants will be on lengthier routes to settlement and will require additional legal representation to make more immigration applications. Migrants will also need support to navigate and quantify their entitlements under the earned settlement framework, including complex questions already being raised, such as repayment of public funds in light of the announced penalties.

38. Significant investment in immigration advice would be necessary to ensure that migrants can access the support they need.

Conclusion and recommendations

39. Law Centre NI rejects the UK government’s earned settlement proposals.

If the UK government progress to implement the proposals in April³¹, we recommend that:

- ◇ Transitional arrangements are implemented for migrants already on routes to settlement with a legitimate expectation to settle in the UK.

²⁹ Praxis, Migrants in the UK treated as cash-cows, eye-watering visa fee rise kicking in from 4 October. Available [here](#).

³⁰ Dr Jo Wilding, ‘No Access to Justice 2’: mapping the UK’s continuing immigration and asylum legal advice crisis’ (2025). Available [here](#).

³¹ Electric Immigration Network, ‘ILR ‘earned settlement’ changes to proceed, says immigration minister, but transitional arrangements under review’ (EIN, 2025). Available [here](#).

- ◇ Provisions are adopted to ensure that family members of Irish citizens born in Northern Ireland can avail of the same benefits as the family members of British citizens can.
- ◇ Current existing protections for survivors of domestic abuse are maintained (*Appendix: Victims of Domestic Abuse*) as well as for bereaved partners and adults with long-term care needs.
- ◇ Copper-fasten settlement pathways developed for children without immigration status to ensure all vulnerable migrant children are protected; including care leavers and unaccompanied minors.
- ◇ Exempt public funds relating to children and disability from penalties under the earned settlement framework.

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