UK IMMIGRATION UPDATE

EARNED SETTLEMENT: THE LATEST POSITION

Updated 20 September 2026

Introduction

The Government is considering one of the most significant changes to the UK's settlement system in many years.

Under the proposed "earned settlement" model, the standard qualifying period for Indefinite Leave to Remain (ILR) would increase from five years to ten years, with the possibility of shorter or longer periods depending on an individual's circumstances.

However, the proposed 10-year settlement period is not yet part of the Immigration Rules.

There has nevertheless been an important development since our previous newsletter. In a written parliamentary answer dated 9 September 2026, the Home Office confirmed that the proposed new model will increase the standard qualifying period to ten years and stated that, once the final model is introduced, time already spent lawfully in the UK by people on a qualifying route will count towards their qualifying period.

The Government also confirmed on 3 September 2026 that no final decisions have yet been made on transitional arrangements for people already on a pathway to settlement. More than 200,000 consultation responses are being analysed.

LATEST DEVELOPMENT: EXISTING LAWFUL RESIDENCE

The 9 September 2026 parliamentary answer is particularly important for people already living in the UK.

The Government has now stated that, under the proposed model, time already spent lawfully in the UK by people in a qualifying route will count towards the new settlement qualifying period once the final model is introduced.

This does not mean that the new 10-year rule has already taken effect. Nor does it confirm that people who are close to five years' residence will be protected under the current five-year route.

For example, if the final model were introduced in its proposed form, a person who had already completed four years on a qualifying route could potentially have those four years counted towards a new ten-year period. The exact effect will depend on the final Immigration Rules and any transitional provisions.

The Government has expressly said that transitional arrangements are still under consideration.

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What is the Government proposing?

The proposed earned-settlement system would move away from a broadly standard qualifying period towards a system in which the time required for settlement could depend on factors such as salary and economic contribution, occupation and skill level, English-language ability, employment history, use of public funds, community contribution and volunteering, immigration history and other personal circumstances.

The proposed baseline for many migrants would be 10 years rather than the current five years.

Illustrative proposed settlement periods

The following figures come from the Government's consultation proposals. They are illustrative proposals, not current law.

Circumstances	Potential period
Very high earners earning over £125,140	Potentially 3 years
Certain higher-skilled workers earning over £50,270	Potentially 5 years
Certain healthcare and teaching professionals	Potentially 5 years
Certain family visa applicants	Potentially 5 years
Hong Kong BN(O) route	Potentially 5 years
Qualifying community contribution/volunteering	Potentially 5–7 years
Standard baseline	10 years
Certain lower/medium-skilled occupations	Potentially 15 years
Certain protection/asylum cases	Potentially 20 years
Certain cases involving unlawful entry or other penalties	Potentially longer

House of Lords scrutiny

The House of Lords Justice and Home Affairs Committee published its report, Settlement, Citizenship and Integration, in June 2026. The Committee raised substantial concerns about the proposed settlement reforms, including their potential effect on people already living in the UK, families and children, lower-paid workers, integration and the consequences of prolonged temporary immigration status.

The House of Commons Home Affairs Committee has also scrutinised the proposals. Its March 2026 report considered the potential impact on children, workers, employers, the NHS and the wider immigration system.

The parliamentary scrutiny does not itself change the Immigration Rules, but it is relevant to the development of the final policy.

Retrospective application and transitional protection

One of the most important unresolved issues is how the final rules will apply to people who are already in the UK but have not yet obtained ILR.

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The Government's consultation specifically sought views on transitional arrangements for people already on a pathway to settlement. On 3 September 2026, the Home Office confirmed that it had received more than 200,000 responses and was still analysing them, and that no final decisions had been made.

The 9 September statement that existing lawful residence on a qualifying route will count is therefore an important development, but it does not settle the question of whether people approaching the current five-year point will receive transitional protection or otherwise retain access to the current route.

Who could be affected?

Skilled Workers
Many Skilled Workers currently qualify for settlement after five years, subject to the applicable requirements. Under the proposals, outcomes could vary according to salary, occupation and other factors.

Health and Care Workers
The impact could differ according to role, salary and skill level. Some healthcare professionals may fall within proposed shorter routes, while others could face longer qualifying periods.

Lower-paid workers
The consultation contemplated a 15-year starting point for some lower-skilled or medium-skilled occupations.

Higher earners
The consultation proposed faster settlement for certain high earners, including a potential three-year route for those earning over £125,140, subject to the other requirements.

Families and dependants
The proposals could have significant consequences for family members and dependants. Particular issues may arise where children turn 18 before their parents obtain settlement.

Children who have grown up in the UK
Parliamentary scrutiny has highlighted the position of children who arrive at a young age and grow up in the UK. The final model may therefore be important for families with children who have spent substantial periods in the UK.

People receiving benefits
The consultation proposed that certain benefit claims could result in a substantial extension to the settlement qualifying period.

People with criminal convictions
The consultation proposed stricter requirements concerning criminal convictions. The final position has not yet been confirmed.

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EU Settlement Scheme
People whose status derives from the EU Settlement Scheme are outside the scope of the proposed earned-settlement reforms.

Hong Kong BN(O) route
The proposals recognise the particular position of people on the Hong Kong BN(O) route, for whom a five-year settlement period could potentially continue.

Protection and asylum cases
The Government has proposed longer settlement periods for certain protection cases, while transitional provisions already protect certain cases under the current rules. Individual circumstances are important.

What has already changed?

The proposed earned-settlement reforms should be distinguished from changes that have already been made to the Immigration Rules.

A higher English-language standard has been introduced for certain routes, and a higher English standard for settlement on various routes is due to take effect from 26 March 2027.

The Graduate visa will generally reduce from two years to 18 months for applications made from 1 January 2027, while the three-year period remains for PhD graduates.

There have also been significant changes to Skilled Worker sponsorship and social care recruitment.

Is the five-year ILR route still available?

Yes, under the current Immigration Rules, where the relevant route provides a five-year settlement pathway and the applicant meets all applicable requirements.

The proposed 10-year baseline has not yet come into force.

This is an important distinction: the Government has now confirmed its intention to move to a ten-year standard under the proposed model, but the existing rules remain the rules that determine current ILR eligibility.

Anyone who is currently eligible for ILR should therefore consider the current rules and their own circumstances rather than assuming that the proposed ten-year period already applies.

What should you do now?

If you are approaching five years' lawful residence, we recommend reviewing your position now.

You should establish:

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- Your earliest current ILR date.
- Whether you satisfy the current continuous residence requirements.
- Whether you meet the current English-language and Life in the UK requirements.
- Whether your immigration route qualifies for settlement.
- Whether your salary, occupation and employment history could be relevant under the proposed model.
- Whether family members or dependants could be affected.
- Whether any absences or other immigration history could affect your application.
- Whether transitional arrangements may become relevant.

Keep passports, travel records, payslips, P60s, employment evidence and other relevant documents up to date.

If you are close to qualifying under the current rules, obtaining advice before the final model is introduced may be particularly important. Whether an application should be made now depends on the individual's eligibility and circumstances.

What happens next?

The Government has not yet published the final earned-settlement model.

The consultation closed on 12 February 2026 and received more than 200,000 responses. The Government is continuing to analyse those responses and the recommendations arising from parliamentary scrutiny.

Once the Home Secretary has decided the final model, the Government has said that economic and equality impact assessments will be published.

The key issues to watch include the final qualifying periods, the treatment of existing lawful residence, transitional arrangements, the position of children and families, salary and occupation criteria, and the treatment of public funds and criminal convictions.

Key message for clients

The proposed 10-year settlement period is NOT currently law.

The current Immigration Rules continue to determine whether an individual qualifies for ILR today.

At the same time, the Government has now made clear that its proposed model would increase the standard qualifying period to ten years and that qualifying lawful residence already accumulated in the UK is intended to count towards that period once the final model is introduced.

The critical unresolved issue is therefore not simply whether previous residence will count. It is also what transitional protections, if any, will apply to people who are already in the UK and working towards settlement.

We will continue to monitor developments and update clients when the Government publishes the final model and any amendments to the Immigration Rules.

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Important – Disclaimer

This newsletter is provided for general information only and does not constitute legal advice. Immigration law and the Immigration Rules are subject to change, and individual circumstances can significantly affect eligibility for settlement. The proposed earned-settlement model has not yet been implemented and the final rules may differ from the consultation proposals.

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Sources

- UK Parliament, Written Question 26364, answered 9 September 2026.
- UK Parliament, Written Question 24923, answered 3 September 2026.
- House of Commons Library, Changes to UK visa and settlement rules after the 2025 immigration white paper, CBP-10267.
- House of Lords Justice and Home Affairs Committee, Settlement, Citizenship and Integration, June 2026.
- House of Commons Home Affairs Committee, Earned Settlement: Examining the Government's proposed reforms, March 2026.

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