

## Our Response to earned settlement consultation online questionnaire

### About JustRight Scotland

JustRight Scotland is a registered charity (SC047818) established by an experienced group of human rights lawyers. We use the law to defend and extend people's rights, working collaboratively with people and communities to change broken systems as well as individual people's lives with non-lawyers across Scotland.

We provide legal advice and representation on human rights and equalities issues across a range of legal areas including: women's legal justice, trafficking and labour exploitation, EU citizen rights, migration and citizenship, disability and trans legal justice.

Whilst our work is specific to Scotland, our work covers both devolved and reserved policy areas, and as such we endeavour to respond to policy consultations across both Scotland and UK, where appropriate.

As public lawyers for people who face systemic inequalities, discrimination and disadvantage, we use the provisions of the Human Rights Act 1998 (HRA) in our work, daily. In addition to providing direct legal advice to clients, we also run outreach legal surgeries and helplines, deliver rights information, training and legal education, and contribute to research, policy and influencing work.

### Our Response

#### 1. Are you responding to this survey as an individual or as a representative of an organisation?

- Individual
- **Organisation**

#### 2. [If organisation] Are you responding on behalf of an organisation based in the UK?

- **Yes**
- No

#### JustRight Scotland

JustRight Scotland is a Scottish Charitable Incorporated Organisation (SC047818) which provides legal services through its limited liability partnership, JustRight Scotland LLP which trades as JustRight Scotland (SO305962). This firm has been authorised to act as solicitors by the Law Society of Scotland (Registered No 53703).

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**3. [If organisation] Which of the following best describes your type of organisation?**

- Private sector
- **Third sector / Voluntary**
- Public sector
- Education provider
- Business representative organisation or trade union
- Think tank or research/policy organisation
- Other
- Don't know / prefer not to say

**4. [If organisation] Does your organisation provide immigration advice or support services?**

- **Yes**
- No
- Don't know / prefer not to say

**5. [If organisation based in the UK] Has your organisation ever sponsored employees to work in the UK on a visa?**

- Yes – we currently sponsor employees
- Yes – we have sponsored employees in the past
- No – we have never sponsored employees
- **Don't know / prefer not to say**

**6. [If organisation based in the UK] Does your organisation intend to sponsor employees to work in the UK on a visa in the future?**

- Yes
- No
- **Don't know / prefer not to say**

**7. [If organisation based in the UK] How many people work for your organisation across the UK as a whole?**

- Under 10
- **10-49**
- 50-249
- 250+
- Don't know / prefer not to say

**[If organisation currently sponsors employees to work in the UK on a visa] How many employees are currently sponsored via a UK visa at your organisation?**

- Under 10

- 10-49
- 50-249
- 250+
- Don't know / prefer not to say

**[If organisation] Which of the following best describes the industry sector your organisation operates in?**

- Agriculture, forestry and fishing
- Mining and quarrying
- Manufacturing
- Electricity, gas, steam and air conditioning supply
- Water supply, sewerage, waste management and remediation activities
- Construction
- Wholesale and retail trade; repair of motor vehicles and motorcycles
- Transportation and storage
- Accommodation and food service activities
- Information and Communication
- Financial and insurance activities
- Real estate activities
- Professional, scientific and technical activities
- Administrative and support service activities
- Public administration and defence; compulsory social security
- Education
- Human health and social work activities
- Arts, entertainment and recreation
- Other
- Don't know / prefer not to say

**[If organisation based in the UK] In which part of the UK is your organisation mainly based?**

- East of England
- East Midlands
- London or Greater London
- North East
- North West
- South East (excluding London)
- South West
- West Midlands
- Yorkshire and the Humber
- Scotland
- Wales
- Northern Ireland
- Other
- Don't know / prefer not to say

**Overall, how clear do you find the proposed changes to the settlement framework?**

- Very clear
- Somewhat clear
- **Neither clear nor unclear**
- Somewhat unclear
- Very unclear
- Don't know / prefer not to say

**Overall, to what extent do you agree or disagree with the proposed changes to the settlement framework?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- **Strongly disagree**

**Do you have any comments on how 'Character' should be considered in relation to settlement? 200 words -**

*We are concerned about the proposal to extend suitability requirements to individuals who are currently exempt from these requirements when applying for settlement, in particular refugees.*

*There are no legal routes for individuals fleeing persecution to travel to the UK to seek asylum. As a result, refugees are often compelled either to enter the UK irregularly or to use an alternative immigration route, such as a visitor visa, to access protection. This proposal would mean that, in the vast majority of cases, refugees would be unable to qualify for settlement on the basis of having previously breached immigration law.*

*In addition, many survivors of trafficking are compelled to commit crimes as part of their exploitation. They also often have no control over their entry to the UK. The current proposal suggests that there will be no discretion to take factors such as this into account when considering a person's character.*

*We are concerned that the proposal may be incompatible with Article 31 of the 1951 Refugee Convention, which prohibits the imposition of penalties on refugees on account of their irregular entry, and the non-punishment principle in Article 26 of the European Convention on Action Against Trafficking in Human Beings.*

**What do you think about a 1-year reduction for applications who can demonstrate advanced English language ability (at C1 standard)?**

- The reduction doesn't go far enough (it should be longer than 1 year)
- The reduction is about right
- The reduction goes too far (it should be shorter than 1 year)
- There should be no reduction for these applicants
- Don't know / prefer not to say

**How do you think integration should be assessed? (please select all that apply)**

- Through a formal test (such a revised Life in the UK Test)
- Through gathered ongoing evidence (such as participation in certified English-Language education or employment/volunteering evidence)
- Through completing a cultural orientation course once arrived in the UK
- Through character references from public services professional and British Nationals
- Through evidence of learning and participation within the wider community (including testimonies from relevant organisations/groups)
- In another way (please specify)
- Don't know / prefer not to say

**Do you have any further comments on how 'Integration' should be considered in relation to settlement? 200 words**

*We do not consider that any of the proposals set out provide a fair means of assessing integration.*

*Length of residence is already a strong indicator of integration. Under the current framework, migrants are required to have lived in the UK for at least five or ten years in order to qualify for settlement. Most migrants must also pass an English language test and the Life in the UK test. Introducing additional requirements would merely create further barriers to settlement, increasing isolation rather than fostering integration.*

*Integration is a complex and multidimensional process and cannot be meaningfully assessed through a test or other mandated forms of evidence. It is also inherently a two-way process, requiring not only effort on the part of migrants but also openness from the host society. For integration to be possible in practice, essential public services—such as housing, education, and healthcare—must be accessible and adequately funded, which is far from the reality in the UK.*

*The proposals outlined in this consultation do not foster integration. By forcing migrants into a prolonged state of precarity, potentially lasting more than a decade, these proposal risk entrenching alienation and inequality for migrant communities and families.*

**Do you think the following groups should be exempt from the requirement to have earned above £12,750 for at least 3 to 5 years?**

Those on maternity leave or long-term illness/disability

Yes

No

Don't know / prefer not to say

Those in certain occupations with different pay arrangements (e.g. Ministers of Religion)

Yes

No

Don't know / prefer not to say

**Are there any other groups that you think should be exempt from the requirement to have earned above £12,750 for at least 3 to 5 years? Up to 5 groups**

*Survivors of trafficking, refugees, vulnerable individuals (survivors of abuse, torture and suffering from mental and physical ill health, care leavers), carers, single parents*

**To what extent do you agree or disagree that migrants who have worked in an occupation below RQF level 6 should have their standard qualifying period for settlement set at 15 years?**

*Occupations skilled to RQF level 6 are those which require a qualification equivalent to degree level or higher. You can read more about what kind of qualifications this includes [here](#).*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree

• Strongly disagree

Don't know / prefer not to say

**To what extent do you agree or disagree that applicants who earn a taxable income above £50,270 should be eligible for a reduction in their time to settlement?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / prefer not to say

**What do you think about the proposed reductions for applicants based on their annual taxable income?**

No reductions based on income

**6. Do you think those employed in a public service occupation (i.e. health and education occupations where going rates are based on national pay scales) should be eligible for a reduction in their qualifying period to settlement?**

- Yes
- No
- Don't know / prefer not to say

**What do you think about the proposed penalties for applicants claiming public funds?**

There should be no penalty

**8. To what extent do you agree or disagree that once someone has been granted settlement in the UK they should be eligible to claim public funds (e.g. benefits and housing assistance)?**

*Ensuring that the UK can remain compliant with its international obligations, any change would need to take account of migrants covered by Trade Continuity Agreements, Social Security Coordination Agreements and other international obligations.*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / prefer not to say

**To what extent do you agree or disagree that giving back to the local community (e.g. by volunteering) should be considered as a contribution that can reduce the length of time required to qualify for settlement?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / prefer not to say

**10. [If organisation] Does your organisation currently accept or manage volunteers?**

- Yes
- No
- Don't know / prefer not to say -

**[If organisation with volunteers] How easy or difficult do you think it would be for applicants to provide evidence of giving back to the community?**

- Very easy
- Somewhat easy
- Neither easy nor difficult
- Somewhat difficult
- Very difficult
- **Don't know / prefer not to say -**

**13. Do you have any further comments on how 'Contributions' should be considered in relation to settlement, including any potential benefits or challenges of recognising giving back to the community as a contribution towards settlement? 200 words**

*We oppose the proposal to introduce volunteering as a factor for obtaining earlier settlement in the UK. As a third-sector organisation, we recognise and value the contribution that volunteers make to communities. However, volunteering must remain genuinely voluntary and should not be made compulsory.*

*We are also concerned that many migrants would be unable to undertake volunteering due to caring responsibilities, work schedules, or health needs. Making volunteering an expectation would therefore be inherently exclusionary for some migrants.*

*Beyond this, as an organisation working with survivors of trafficking, we are deeply concerned that linking volunteering to early settlement could pressure migrants to undertake unpaid work, increasing the risk of exploitation. Under these proposals, migrants with precarious immigration status may feel compelled to accept exploitative conditions due to fear about their ability to remain in the UK. This would significantly heighten their vulnerability and could create opportunities for traffickers and others seeking to exploit this insecurity.*

**1. Which of the following penalties do you think should be applied to each of the following applicants?**

**No penalty**

**2. Do you have any further comments on how 'Residence' should be considered in relation to settlement? 200 words**

*We oppose the proposal to extend the settlement period for individuals who may have breached immigration rules, particularly in the case of refugees — who lack access to legal routes to the UK— survivors of trafficking and exploitation, who are often coerced to the UK and individuals who have established their lives in the UK. We also believe that*

*children should not be penalised for breaches of immigration rules arising from their parents' conduct, in line with the long-established principle of the best interests of the child.*

*We consider it essential that existing arrangements for individuals already present in the UK are retained, particularly given the scale and impact of the proposed changes. Consideration should also be given to, at a minimum, maintaining existing settlement pathways for specific groups, including, but not limited to, family members of settled sponsors, refugees, survivors of trafficking, and other vulnerable individuals.*

*We also recommend extending the definition of 'residence' to include any time spent in the UK to ensure that people are not penalised for their ability to obtain legal status. We note that often migrants may remain in the UK for extended periods without regular status for reasons beyond their control, such as exploitation.*

**Where the standard qualifying period is proposed to increase from 5 to 10 years, which option for you think should apply to each of the following visa holder groups?**

**Don't know to first 3, reduction to last one**

**To what extent do you agree or disagree that dependants of migrants who hold Global Talent or Innovator Founder visa status should retain their current 5-year path to settlement?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- **Don't know / prefer not to say**

**To what extent do you agree or disagree that there should not be transitional arrangements for those already on a pathway to settlement?**

*Transitional arrangements refer to temporary measures which are designed to ease the impact of the new rules for those already in the UK and on an existing pathway to settlement.*

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- **Strongly disagree**

- Don't know / prefer not to say

**Do you think the following vulnerable groups should retain their current arrangements and be exempt from the proposed settlement changes?**

**Yes**

**Are there any other vulnerable groups that you think should be considered as part of this consultation? Up to 5 groups**

*Survivors of trafficking, refugees, vulnerable individuals (survivors of abuse, torture and suffering from mental and physical ill health, care leavers), carers, single parents*

**Do you think the following Armed Forces groups should retain their current time period to settlement or should further reductions be available to this group?**

**Don't know**

**7. To what extent do you agree or disagree that dependant partners of migrants should earn settlement in their own right?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- **Strongly Disagree**
- Don't know / prefer not to say

**To what extent do you agree or disagree that dependant children of migrants should earn settlement in their own right? (with employment-related requirements waived if they were admitted as a dependant under 18)**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- **Strongly Disagree**
- Don't know / prefer not to say

**9. To what extent do you agree or disagree that resettled refugees should have a 10-year route to settlement?**

*Resettled refugees are those who have been granted protection and moved to the UK through official resettlement programmes.*

- Strongly agree

- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know / prefer not to say

**[If organisation providing immigration advice or support services] As an organisation which provides immigration advice or support services, are there any migrant groups in particular that you think will face barriers in demonstrating their eligibility or meeting new requirements for settlement? *Survivors of trafficking, refugees, vulnerable individuals (survivors of abuse, torture and suffering from mental and physical ill health, care leavers), carers, single parents***

**If organisation providing immigration advice or support services] What are the main barriers that you think this group / these groups will face? (please select all that apply)**

- Lack of documentation
- Complexity of requirements
- Language barriers
- Financial barriers
- Health-related barriers
- Limited access to advice/support
- Other (please specify) legal advice

**Do you have any further comments on how specific should be considered in relation to settlement? We particularly welcome views on how the proposed changes could affect children in the UK 200 words**

*These proposals would place migrants in prolonged precarity, requiring them to apply for permission to remain every 30 months and to pay fees exceeding £3,000 per application over a period lasting more than a decade. This would inevitably result in some migrants—particularly those who are most vulnerable—accruing debt and missing application deadlines for reasons beyond their control, such as relationship breakdown, loss of employment, or ill health. This would, in turn, create a high risk of destitution and homelessness. We are particularly concerned about the impact these proposals would have on children within migrant families, who would be exposed to serious risks of harm.*

*We consider that no individual already living in the UK should be subject to these changes and that robust transitional arrangements are essential.*

*As an organisation working with migrant children and young people, we are deeply worried about the impact of these reforms on this group. Existing arrangements should, at a minimum, be retained for unaccompanied asylum-seeking children, child survivors of trafficking, and children in care and care leavers. These children are among the most*

*vulnerable in society, and we are troubled by the harm these policies would expose them to.*

For further information, please contact JustRight Scotland at:  
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