

# 'A Fairer Pathway to Settlement: Earned Settlement' Consultation



Home Office

## Response by the Latin American Women's Rights Service (LAWRS)

February 2026

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### About the Latin American Women's Rights Service (LAWRS)

LAWRS is a human rights, feminist organisation run by and for Latin American migrant women living in the UK. We support women who are exposed to violations of their fundamental human rights, facing violence against women and girls, exploitation in low-paid sectors, trafficking, and/or enduring severe poverty and deprivation.

We also advocate for women's rights, migrants' rights and the rights of ethnic minorities at local, national and EU levels, working with sister organisations in the women, anti-trafficking, immigration and racial justice sectors, to tackle the vulnerabilities faced by Latin American women who are affected by intersectional layers of discrimination.

For further information, please visit our website: [www.lawrs.org.uk](http://www.lawrs.org.uk)

### Contacts:

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## **A. Background**

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

Organisation

**2. Are you responding on behalf of an organisation based in the UK?**

Yes

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

Third sector

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

Yes

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

No – we have never sponsored employees

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

Don't know / prefer not to say

**7. How many people work for your organisation across the UK as a whole?**

10-49

**9. Which of the following best describes the industry sector your organisation operates in?**

Other

**10. In which part of the UK is your organisation mainly based?**

London or Greater London

## **B. Earned Settlement**

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

Somewhat unclear.

### ***2. Which aspects of the proposed changes to settlement are not clear?***

- The concept of earned settlement
- The overall purpose
- Which groups may be eligible for exemptions from the 10-year qualifying period
- How the proposed changes will apply to dependants and children
- The extent to which the government has considered the potential impact of the settlement changes on victims/survivors of VAWG and modern slavery
- How other vulnerable and/or additionally marginalised migrants (such as Black and minoritised migrant women) will be protected from the disproportionately negative impact of the proposed changes
- The impact these changes will have on migrants on existing settlement routes, many of whom have struggled to pay recurring exorbitant visa fees for themselves and their families, exposing them to abuse and exploitation

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

Strongly disagree.

## **C. Character**

### ***1. Do you have any comments on how 'Character' should be considered in relation to settlement?***

LAWRS opposes the inclusion of "good character" as a settlement requirement: it is subjective and will embed bias into immigration decision-making.

Latin Americans will be unfairly impacted by this model. Structural disadvantages force the majority of Latin Americans into low-paid work, with 40% having gone into debt to cover living

expenses.<sup>1</sup> Debt is a reflection of economic marginalisation, not ‘character’. Instead of facilitating economic integration, these proposals effectively penalise poverty.

The “clean criminal record” requirement will harm survivors of domestic abuse, exploitation, and trafficking who have been criminalised. The well-documented racial discrimination in the criminal justice system means Black and minoritised women’s access to settlement would be disproportionately affected.

Likewise, “non-compliance with immigration requirements” is often a consequence of abuse and exploitation, including immigration abuse by perpetrators and employers who deliberately render victims undocumented. Victims would be directly prevented from accessing settlement as a result.

For many of our service users, high costs, complex requirements, and limited access to legal advice would increase the risk of losing lawful status and the right to work and therefore failing “character” tests. The increased precarity and social exclusion that follows would heighten migrant women’s vulnerability to further exploitation and criminalisation.

## **D. Integration**

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

Don’t know/prefer not to say

*Disclaimer: We believe answering this question reinforces the harmful “earned settlement” model that is being proposed. We want to see shorter, fairer settlement routes for all migrants, not just people with greater access to resources and opportunities, and we are concerned about victims of VAWG, exploitation and trafficking being unfairly disadvantaged by this model.*

### **2. How do you think integration should be assessed?**

In another way (please specify): None of the outlined options consider the impacts of abuse/exploitation, trauma or structural disadvantages.

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<sup>1</sup> McIlwaine, C. J., Juan Camilo, C., & Linneker, B. (2011). No Longer Invisible: the Latin American Community in London. *Queen Mary, University of London, LAWRS, Trust for London*. Online: <https://tfl.ams3.cdn.digitaloceanspaces.com/media/documents/No-Longer-Invisible-report.pdf>

### ***3. Do you have any further comments on how 'Integration' should be considered in relation to settlement?***

"Integration" as currently defined is unworkable as a criteria for immigration control. The proposals ignore the impacts of structural barriers, gender-based violence/exploitation and trauma, and the difficulty of "integrating" whilst experiencing long-term insecure immigration status.

Crucially, extending settlement routes and adding onerous requirements undermines integration, as prolonged insecurity keeps families in limbo, discouraging community participation and long-term planning.

The proposals ignore that most people in current settlement paths work long hours to meet high visa fees, income thresholds and living costs, mostly without access to public funds—they have limited capacity to meet additional integration requirements. Most Latin American migrants are forced into low-paid work or balance multiple jobs, often because their qualifications are not recognised in the UK. Migrant mothers will be especially vulnerable to marginalisation, gender-based abuse and exploitation.

The integration metrics will exacerbate socioeconomic, gender, class and racial inequalities. They favour well-resourced migrants and disadvantage women, who are disproportionately unpaid carers (e.g. caring for children and relatives) and low-paid workers (disproportionately Black, migrant and minoritised women).

The proposals ignore how survivors of gender-based violence, exploitation and trafficking are prevented from participating in public life by perpetrators and/or trauma, making standard integration measures unfair and discriminatory.

## **E. Contribution**

### ***1. 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**.

### ***2. 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?***

- Victims of domestic abuse and violence against women and girls (VAWG)

- Victims of trafficking and exploitation
- Stay at home parents and unpaid full-time carers
- People already in the UK on existing settlement routes
- People with disabilities and long-term health conditions

**3. 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?**

Strongly disagree

**4. 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?**

Don't know / prefer not to say

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

Don't know / prefer not to say

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**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?**

Don't know / prefer not to say

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*not just people with greater access to resources and opportunities, and we are concerned about victims of VAWG, exploitation and trafficking being unfairly disadvantaged by this model.*

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

- 5-year penalty for applicants who claim public funds for less than 12 months during their route to settlement - **There should be no penalty for these applicants**
- 10-year penalty for applicants who claim public funds for more than 12 months during their route to settlement - **There should be no penalty for these applicants**

**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)?**

Strongly agree

**9. 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?**

Don't know / prefer not to say

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

Yes

**11. How easy or difficult do you think it would be for applicants to provide evidence of giving back to the community?**

Very difficult

**12. Considering any potential benefits or challenges, what would be the overall impact of recognising giving back to the community as a contribution towards settlement for your organisation? Would this have...**

A somewhat negative impact

*Disclaimer: We understand the beneficial impact of volunteers for many organisations, including LAWRS. However, we think the logistical and administrative implications of reporting and disclosing volunteering activities to the Home Office, as well as managing a massive influx of volunteers, would be significantly challenging. Additionally, we completely reject the idea of tying volunteering to immigration status. This can create a culture of coerced unpaid labour and might lead to exploitation.*

**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?**

Salary-based contribution requirements are discriminatory and will entrench inequalities. Women are disproportionately in part-time and low-income work, and are more likely to be unpaid carers or have disabilities/long-term health conditions, making it difficult to meet earning thresholds. As a frontline organisation, we are also concerned that the proposals ignore how gender-based violence, exploitation, trauma and discrimination hinder people's ability to 'contribute'.

The contribution requirement will disproportionately impact Latin Americans, the majority of whom work in low-paid, precarious sectors including cleaning, hospitality and domestic work despite overwhelmingly possessing university/tertiary qualifications. The proposed 15-year settlement routes for sectors in which Latin Americans are overrepresented will punish people for experiencing marginalisation, whilst increasing vulnerability to hardship and exploitation.

Retroactively penalising people to whom the Home Office agreed to grant public funds is unacceptable. This will overwhelmingly affect single mothers, children at risk of serious harm and victims of violence who need public funds to access safety.

We reject tying volunteering to settlement, which may make women vulnerable to exploitation. For smaller charities like LAWRS, managing a massive influx of volunteers will create significant operational challenges. Additionally, many migrant women will struggle to volunteer due to caring responsibilities or balancing multiple jobs.

## F. Residence

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

- Applicants who arrived in the UK illegally - **There should be no penalty for these applicants**
- Applicants who initially entered the UK on a temporary visit visa (typically this visa permits stays of up to 6 months for tourism, visiting family or friends or short-term business activities) - **There should be no penalty for these applicants**
- Applicants who have overstayed their original visa by 6 months or more - **There should be no penalty for these applicants**

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

Residence requirements must be flexible, trauma-informed, and include clear exemptions for survivors of VAWG, trafficking and modern slavery, refugees, and long-term residents.

Many of the women supported by LAWRS face complex immigration pathways, Home Office delays and limited access to legal advice, putting them at risk of becoming undocumented. As the rules become more complicated, it is unfair to penalise people for lapses in status, especially as the Home Office will likely struggle to make timely, accurate decisions.

Periods of irregular/unlawful residence are often direct consequences of VAWG and exploitation. Most victims of VAWG with temporary immigration status experience immigration abuse, including threats of deportation or being forcibly made undocumented. In the absence of a full firewall between statutory services and Immigration Enforcement, the proposals will embolden perpetrators' weaponisation of immigration status, and victims who face losing their status and being penalised with longer settlement routes will instead remain trapped in long-term harm.

Additionally, the Latin American diaspora in the UK originated from successive waves of refugees fleeing persecution, war and VAWG, including people with periods of irregular/unlawful status. Punishing refugees with decades-long settlement routes is cruel and will increase their vulnerability to harm and exploitation.

## **G. Eligibility and Equalities**

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

Don't know / prefer not to say

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**2. 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?**

Don't know / prefer not to say

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

Don't know / prefer not to say

*Disclaimer: we believe that no changes should be applied retroactively, therefore there would be no need for transitional arrangements.*

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

- Victims of domestic violence and abuse - **Yes**
- Bereaved partners - **Yes**
- Children and young adults who grew up in the UK without immigration status - **Yes**
- Adults with long-term care needs - **Yes**

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

- ALL victims of domestic violence/VAWG (current arrangements only apply to those on partner visas)
- Victims of trafficking and exploitation.
- People awarded refugee protection.
- People in existing routes to settlement.
- People with disabilities.

***6. 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/prefer not to say

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

Strongly Disagree

***8. To what extent do you agree or disagree that dependent 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 Disagree

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

Strongly Disagree

***10. 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?***

- Victims of domestic abuse/VAWG
- People in low-paid employment and people with No Recourse to Public Funds
- Victims of trafficking and exploitation
- Mothers, especially single mothers

- Black and minoritised migrant women

***11. What are the main barriers that you think this group / these groups will face?***

- Lack of documentation
- Complexity of requirements
- Language barriers
- Financial barriers
- Health-related barriers
- Limited access to advice/support
- Difficulty accessing legal advice

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

LAWRS is deeply concerned that retaining the MVDAC/DVILR, a lifeline for migrant victims of domestic abuse, is subject to consultation. These protections must be retained and extended to all visa types, particularly given the direct risks they face from these proposals.

As the Home Office's VAWG Strategy and Domestic Abuse Guidance recognise, many women's convictions are a consequence of abuse/exploitation, including trafficking into criminal activity or coercion while experiencing abuse. Reliance on criminal and immigration records for settlement will harm these victims.

Making refugees status temporary is cruel and will force people into hardship and distress.

Migrants on existing settlement routes must be exempt. Many have struggled to pay recurring exorbitant visa fees, pushing them into destitution, abuse and exploitation.

The proposals will trap children in long-term precarity. Young adults will be restricted from services, education and healthcare if they are placed on separate routes.

The proposals undermine the UK's Istanbul Convention obligations to provide migrant women with equal protections against violence. Trauma-informed exemptions and fair transition arrangements must apply to victims, refugees, and people on settlement routes. Given the significant potential for disproportionate and discriminatory impacts, a full independent equalities impact assessment must be conducted before implementation.

## H. Impact on organisations

*1. To what extent, if at all, do you think the proposed reforms will impact your organisation in the following ways?*

- Ability to attract suitable candidates - **Very negative impact**
- Ability to retain existing migrant workers - **Very negative impact**
- Workforce planning - **Very negative impact**
- Administrative burden - **Very negative impact**

*2. To what extent, if at all, do you think the proposed reforms will affect your organisation's plans to sponsor employees to work in the UK on a visa in the future?*

Much less likely to sponsor

*3. To what extent, if at all, do you think the proposed reforms will affect your organisation's plans to sponsor students to study in the UK on a visa in the future?*

Much less likely to sponsor

*4. To what extent, if at all, do you think the proposed reforms will affect your organisation's plans to sponsor refugees and displaced people to work in the UK on a visa in the future? (e.g. such as visa a community sponsorship scheme)*

Much less likely to sponsor

*5. Please provide any evidence you may have on whether the proposed changes might influence visa applicants' or visa holders' decisions to come to or remain in the UK.*

The impact of these proposals on decisions to come to or remain in the UK is unclear. What is well-evidenced, however, is that the hostile environment has not reduced immigration; instead, it has harmed migrants, particularly migrant women, and deepened vulnerability to abuse and exploitation. Extending this approach will entrench long-term poverty, dependency, and insecurity, creating conditions that enable coercion, exploitation, and immigration-related abuse.

The proposals overlook how UK immigration policy enables the abuse of migrant women, undermining the Government's VAWG Strategy. They also fail to consider that many migrant women arrive in the UK due to gender-based violence, trafficking or coercion.

Without a full firewall between statutory services and the Home Office, these proposals are likely to intensify migrant survivors' fear and mistrust of authorities, making them less likely to report abuse.

The proposals have already caused substantial distress and uncertainty within migrant communities and specialist organisations. Implementation remains unclear and is expected to unfairly affect those on existing settlement routes, with people lawfully granted access to benefits fearing retroactive consequences for their status.

Amidst this uncertainty, limited access to legal advice will fuel misinformation, exploitation, and unscrupulous advice, further increasing risks and precarity for migrant women.

#### ***6. Do you have any further comments on the potential impacts on your organisation in relation to the proposed changes to settlement?***

The proposals will deepen barriers to accessing services, employment, justice and safety for migrant women. They will undermine people's stability, and we anticipate rising demand for advice and support as a result. Increasing the complexity and volume of immigration applications will likely lead to erroneous and delayed Home Office decision-making - given the significant difficulties in accessing legal advice, migrant women will be at risk of becoming undocumented.

We also anticipate significant demand for mental health and crisis support, given the distressing impact these proposals have already had on marginalised migrant communities, placing pressure both on the NHS and community organisations.

Higher sponsoring costs which are well above the possibilities of the third sector, along with the absence of long-term settlement guarantees, will limit employers' ability to recruit and retain staff. Services like LAWRS work at capacity and support hundreds of women annually. Without adequate, sustained resourcing, increased pressures put the survival of *by and for* organisations like LAWRS at risk.

The Government should withdraw these proposals, or, at the very least, apply clear, trauma-informed exemptions, and conduct a full equality impact assessment to understand adverse consequences on *by and for* services, and disproportionate impacts for certain groups.