

Increased Qualifying Periods and the ‘Earned Settlement’ Model – How Will the Latest UK Immigration Consultation Impact Employers?

On 24 November 2025, the UK government announced details of its proposal to extend the qualifying period before migrants can apply for Indefinite Leave to Remain (ILR), along with the concept of ‘earned settlement’, in what has been coined the [“biggest overhaul of the legal migration model in 50 years”](#).

A [public consultation entitled ‘A Fair Pathway to Settlement’](#) (the Consultation) was launched, proposing substantial reforms and setting out a new ‘earned settlement’ model that could alter the immigration landscape for employers and international staff alike. Understanding the proposals and their potential impact is essential for organisations that employ or sponsor international talent.

What is the ‘earned settlement’ model?

At present, most individuals can apply for ILR, also known as settlement, after five years of continuous residence in the UK. However, the government has proposed to increase the baseline qualifying period for many migrants from five to ten years. Some people may be able to qualify sooner but for others the wait will be much longer.

The Consultation is based on the principle that permanent settlement in the UK should no longer be automatic after a set period of residence. Instead, it should be earned through measurable contribution, integration, character and lawful residence. This approach aims to ensure that individuals demonstrate sustained commitment through work, community involvement or other meaningful contributions before being granted permanent status. Dependents will also no longer automatically qualify for ILR alongside the main applicant.

The Consultation sought views on options to reduce the current forecast volumes for ILR and associated impact over the coming years. The government consulted on a number of options to achieve this, namely by:

- 1) increasing the baseline qualifying period for settlement to ten years;
- 2) increasing the qualifying period for settlement to 15 years for those on the Skilled worker route in roles below RQF Level 6 (equivalent to a bachelor’s degree); and
- 3) implementing a No Recourse to Public Funds (NRPF) condition at Settlement.

Currently, the core requirements for settlement include that the applicant must have spent a qualifying period, usually five years, with a visa on a route to settlement. There are some routes that allow immediate settlement and some which offer a shorter qualifying period of three years. Nevertheless, the standard qualifying period for most applicants is proposed to increase from five to ten years of lawful residence in addition to other reformed core pillars of settlement.

What are the proposed core requirements for settlement?

The reformed immigration system proposes four core pillars of settlement: character, integration, contribution and residence.

- **Character** - The new model will continue to provide for the refusal of applications where core requirements relating to their character and conduct are not met. Suitability requirements will still be considered, for example in relation to criminal convictions, failure to comply with immigration requirements and other considerations pertaining to the public good. It will be mandatory to meet such requirements, and there will be no ability to trade with other considerations to determine the qualifying period. The expectation is that applicants will not be able to settle with a criminal record, but revised thresholds will be set out in due course.
- **Integration** - Applicants will need to demonstrate meaningful engagement with British society. This will include factors such as English language ability and passing the Life in the UK test, which is also undergoing revision.
- **Contribution** - Individuals who have made a sustained and measurable economic contribution to the UK will be rewarded by a shortened qualifying period, on the principle that any accelerated path to settlement should be earned through active participation in the economy. The Consultation suggests this could also be achieved by volunteering in the community.
- **Residence** - Lawful, continuous residence in the UK will continue to be recognised, although individuals will not normally qualify on the basis of residence alone. Specific and vulnerable groups will be acknowledged for a reduction of the qualifying period, such as victims of domestic abuse or those with long-term care needs.

What are the key implications for employers?

Increased sponsorship costs

If employees remain under immigration control for ten to 15 years instead of five, employers will face a decade or more of sponsorship fees and visa renewals. Employers may need to consider the implications for recruitment, retention and workforce stability.

Reduction in mid-level talent

Migrants will likely be reassessing their long-term plans, especially if they are already working towards a five-year settlement goal. Certain sector roles, which are already subject to high turnover and demanding working conditions, may become less attractive if settlement becomes significantly less accessible. Mid-level roles are likely to become harder to market internationally as a ten or 15-year pathway offers much less certainty and a prolonged period of immigration control.

Longer sponsorship means longer reporting duties

Employers will face a longer-term and more compliance-intensive relationship with sponsored workers, which increases the operational and administrative burden placed on HR teams. This

could lead to an increased risk of missing renewals, more reportable events and greater exposure to Home Office compliance visits and audits over a longer timeframe.

When will the changes take effect?

If adopted, the earned settlement model will significantly reshape the long-term residency landscape in the UK and will certainly be costly for employers.

The Consultation closed on 12 February 2026 and whilst the Home Office has not yet published its final policy on the matter, Home Secretary, Shabana Mahmood, confirmed in [interview on 1 March 2026](#) that the government's plans to double the standard qualifying period for ILR will be going ahead. Changes are planned to take effect in autumn 2026 but the proposals are not yet part of the Immigration Rules at this stage.

In the Consultation, the government sought feedback on whether transitional protections should be offered to migrants already on a route to settlement and those close to meeting current five-year ILR rules. Nevertheless, [recent announcements from the Home Office](#) suggest that there will be no transitional arrangements and the new criteria will effectively apply retrospectively.

How can employers prepare for the changes?

In the meantime, employers are advised to:

- continue to monitor the consultation and ongoing immigration announcements;
- review their internal HR and compliance systems;
- identify workers who may be affected by different future models; and
- review their sponsorship pipeline and ensure sponsorship budgets are sufficient for the coming years.

We anticipate many months of uncertainty, which will undoubtedly leave individuals and employers alike feeling concerned about the future job market in the UK. For those who have already reached the qualifying five-year period, we would advise applying for ILR as early as possible and seeking legal advice if needed.

Our expert employment and immigration lawyers can assist with training and advice on the immigration rules and offer support through the upcoming changes. Whether you are a business or individual, please get in touch and we will be happy to help.