

JOINT RESPONSE

# A FAIRER PATHWAY TO SETTLEMENT

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**step**

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## **Our overall view**

The Government's proposals as outlined in the consultation material are wrong, harmful, and dangerous in both principle and practice. They should be swiftly abandoned. People who are on routes to settlement, including children, should be encouraged to settle and have their settlement facilitated not obstructed or made more dangerous.

1. **All routes to settlement should be capped at 5 years.** Giving people realistic routes to settlement is what will allow them to settle, grow, contribute and integrate.
2. **Any changes made must not be retrospective.** These punitive proposals serve neither the legal principle of reasonable expectation or the public duty to act in the best interests of the child.
3. **We don't accept the idea of "earned settlement".** We fundamentally disagree with delaying settlement based on a discriminatory model which is both classist and ableist.

## **Why are we opposing ‘A Fairer Pathway to Settlement’?**

These proposals target and will impact negatively on the rights of all those seeking international protection in the UK. The proposals would make the immigration system far harsher, far longer, far more uncertain, and far more costly for many people. We oppose the proposals in their entirety.

With specific regard to children and their families, the proposed measures would introduce significant risk to their wellbeing and enjoyment of rights. The reforms, if enacted, would mean more children, for longer periods, are unable to enjoy the safety and security of settlement and experience a tightening of access to the welfare safety net. For some children, these proposals put settlement entirely beyond the reach of their childhood.

Despite the ‘suggestion’ that reforms impacting on children remain subject to open consultation, these proposals set out no additional considerations for children and young people, nor do they offer any specific exemptions. Indeed, as drafted, these proposals pave the way for a longer, less secure route to settlement for children and a change in welfare entitlements that will mean more children experience disadvantage and poverty.

Taken alongside the ‘Restoring Order’ proposals and the Border Security, Asylum and Immigration Act (2025), these proposals will contribute significantly to cumulative harms and an unnecessary and disproportionate restriction of rights for all those seeking international protection in the UK, particularly children. There is a particular and deliberate cruelty to children in both the 30-month temporary-leave-to-remain proposal and the restriction of family reunion routes. We fully endorse the [observations of the UNHCR](#) on these issues.

The United Nations Convention on Rights of the Child (UNCRC), to which the UK is signatory, recognises the special status and vulnerability of children fleeing persecution, as well as those that have suffered abuse and neglect. The ‘best interest’ principle, in respect of the need for care and support that prioritises the safeguarding and wellbeing of these children, is not evident in these proposals. Nor is the other cornerstone of domestic children’s legislation, that all children should be able to grow up in circumstances that promotes their development, without discrimination. The rights of children seeking international protection cannot be fulfilled in a system that denies, defines and divides children by their immigration status.

Settlement should not be ‘earned’. It is a necessary pre-condition for safety, stability and full participation in society. These proposals, and their 4-pillars of criteria, are counter-productive and represent the introduction of unnecessary and disproportionate barriers to settlement. They will create a discriminatory system of double-standards for migrants. They will contribute to a growth in the undocumented population and a safeguarding vacuum in which vulnerable children and their families are distanced from support services and face avoidable risk and exploitation.

As well as entrenching a two-tier childhood based on immigration status, these proposals and the language used around them continue to fuel a divisive narrative around those seeking protection, making meaningful social integration into our society and our communities increasingly difficult for children and their families.

## The '4 pillar' approach

The proposals are based on a notion that relatively wealthy and privileged people are of benefit to society and other people are not. The class-based bias in the proposals is strong, and this has implications for other inequalities.

The proposals would seriously undermine integration of refugees and of many other migrant people who are staying in the UK, whose lives would be made far more uncertain for far longer. This is directly counter to what the Government claims its intentions to be.

The increased cost and uncertainty to many refugees and migrants would increase risks of destitution and ill-health and the possibility children, whether accompanied or unaccompanied, may fall victim to homelessness and exploitation.

The Government also appears not to have given due cognisance to its existing responsibilities and commitments to children's rights. The proposals would increase the number of children born in the UK without British citizenship and worsen the barriers to children growing up in the UK being able to claim their rights to British citizenship.

By appeasing and appearing reward hostile attitudes to migrants while making the asylum and immigration system work even less fairly and efficiently, the Government is even at risk of increasing the need for people to turn to human rights laws to protect them against harm while increasing antagonism towards the European Convention on Human Rights and the Human Rights Act 1998 that is often linked to hostility to immigration and migrants.

The '4 pillar' criteria set out in the proposals run contrary to human rights and equality law. We oppose them on the following basis:

- **More people, including children, will end up facing poverty and homelessness:** The insecurity and costs associated with extended settlement proposals will vastly increase the chance of people in this group facing poverty, housing insecurity and exploitation, as well as losing their immigration status entirely. For children and young people, this will characterise their entire childhood.
- **Children who have already spent years in the UK,** who had no independent agency or choice about moving to the UK, and who are trying to navigate young adulthood under already punishing circumstances, will be subjected to new and less-favourable requirements to "earn" settlement or face cruel and indefinite extension of their insecure immigration status.
- **They punish children from lower income households,** by rewarding those who earn high salaries and disadvantaging those who earn less. Lower earners will have to pay far more in visa fees. In particular, health & social care workers and their families are targeted, despite the extent to which our systems and society depend on their low-remuneration labour.
- **They will punish refugees who have arrived 'irregularly', when almost no safe, legal routes exist.** 20 year routes to settlement are unnecessary and inhumane, strip people of their dignity and represent an abdication of the UK's responsibilities under international human rights law.
- **They will punish children for whom parents or carers have claimed benefits perfectly legally.** This is likely to discriminate against women and single parents in particular, who are vastly overrepresented amongst those making successful change of conditions applications.

- **They make an already confusing and delayed system impossibly complex.** The Home Office already struggle to make timely and well-founded decisions within the current system. They are multiplying the number of applications they will have to process, while also making the criteria they have to judge people on more complex. This may lead to chaos in the system, even longer waits and poorer decisions.
- **Proposals on indefinite leave to remain with no recourse to public funds signal the creation of a ‘citizens only’ social security.** This represents a fundamental shift in the way our system works, fails to acknowledge that many migrant people already have no recourse to public funds, and would prevent many people who qualify for settlement accessing much-needed support. It will lead to poverty among an expanded cohort of children in the UK, at a time when the government has pledged to reduce child poverty and child homelessness.
- **They create structural barriers to integration.** Extending the qualifying period will make it impossible for people to establish themselves while they have precarious immigration status. It will also lead to a risk of exploitation and a risk that people will fall out of documented status making them unable to study and earn, all leading to increased risk of poverty/destitution.
- **Volunteering cannot be made mandatory for some sections of society.** Making this a formal requirement leads to migrants being treated differently and expected to ‘prove their worth’ rather than being treated with dignity and respect.
- **They take no account of devolved legislation.** While immigration is a reserved matter, children’s rights are not. Northern Ireland has its own legislation and policy in respect of children’s safeguarding, education, health and wellbeing. We also have our own equality legislation and enjoy additional rights protections under Article 2 of the Windsor Framework. We would welcome clarity as to how the UK Government has considered these factors in the development of these proposals.

## Potential for violation of children's rights

- **Temporary leave to remain and longer route to settlement.** If applied to children and young people, core protection renewals and the 20 year route to settlement would undermine stability and integration, potentially across the entirety of childhood. Prolonged insecurity could disrupt education and social development and compound the risks of child poverty, homelessness and exploitation.
- **Family reunion.** Refugee children should be able to reunite safely with their families, without any unnecessary barriers, to rebuild their lives and integrate in new communities, contributing to social cohesion. Restricting access to safe and legal routes will drive more children into dangerous crossings and make them vulnerable to exploitation and trafficking.
- **Asylum support.** Under these proposals, government plans to revoke its legal duty to provide housing and financial support for asylum seekers. The proposals also include retrospective penalties for people who have accessed benefits legally. This will significantly increase the likelihood of children experiencing destitution and homelessness.
- **Family returns.** We are deeply concerned at government plans to enforce the removal of families, including children. While these plans have yet to be specified, they must not include any provisions which would make children subject to administrative detention. Government should reverse provisions already in place, upon commencement of the Immigration Act 2016, to remove asylum support – both housing and subsistence – from appeal rights exhausted families.
- **Article 8 ECHR rights.** Government intends to legislate for a diminution of the right to respect for private and family life (Article 8 ECHR), restricting the definition of family and prescribing how, when and by whom Article 8 claims can be made. We support the UNHRC position on this issue, as the right to family life for children is specifically protected under the Convention on the Rights of the Child. Due cognisance must be given not just to 'the public interest', but to the rights of the child.
- **Appeals.** Government proposes to replace the current courts-based appeals process with a new 'independent' body of "trained adjudicators". There will be only one appeal per case and cases deemed low-merit may be fast tracked for removal. We are deeply concerned that children and families, who already struggle to access timely, quality legal advice or representation will experience even fewer safeguards in this system and become increasingly vulnerable to destitution and detention or removal.
- **Earned settlement.** Thousands of children who have already made the UK their home will become vulnerable to a system which fails to take account of their rights. Children in low or no-income and single parent families will be particularly vulnerable to NRPF and/or penalties for previously accessing benefits. Children will experience tiered and unequal access to services and support, depending on their country of origin, parental income, parental capacity to volunteer, parental NHS or legal debt. For many children, their entire childhoods will be characterised by the insecurity and instability of lengthy, costly routes to settlement. For others, settlement will be entirely impossible.

- **Retrospective effect.** It is extremely concerning that government is proposing to give these proposals retrospective effect. This goes against the principle of legitimate expectation and will penalise children and families for accessing public funds when to do so was lawful at the time and came with no warning of potential impact on their settlement claim or route.
- **Child's right to register as British.** Children born in the UK have a right to register as British, when one of their parents becomes British or is granted settled status. Under these proposals, children will wait much longer for their parents' applications to be processed and may lose out by turning 18 before they can register. This will disproportionately affect children in lower income families, whose parents will not be eligible for the same reductions in settlement timelines as high earners.

## **Conclusion**

Our clear view is that the Government's proposals will, if taken forward, cause wholesale harm. There is a clear hypocrisy in the Home Secretary's Foreword to the consultation in which she states that, "Fairness is the most fundamental of British values". If that is truly the case, these proposals would be scrapped as the inherent unfairness in what is being proposed, particularly the impact on children, is profoundly concerning.

These changes will force some children into a childhood of precarious and undocumented status. For many more, they will make child poverty and homelessness unavoidable. For all, they will have long term social, emotional and financial consequences and will diminish opportunity for children to reach their full potential.

These proposals should be withdrawn and replaced with safe, legal procedures which complete within 5 years and demonstratively consider and uphold the rights of all children.