

Home Affairs Committee

Oral evidence: Routes to Settlement, HC 1409

Wednesday 21 January 2026

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Watch the meeting

Members present: Dame Karen Bradley (Chair); Mr Paul Kohler; Ben Maguire; Margaret Mullane; Chris Murray; Peter Prinsley; Joani Reid; and Jo White.

Questions 1 to 61

Witnesses

I: Professor Alan Manning, Professor of Economics, London School of Economics; Nicolas Rollason, Partner, Kingsley Napley LLP; and Dr Madeleine Sumption, Director, Oxford Migration Observatory.

Examination of witnesses

Witnesses: Professor Alan Manning, Nicolas Rollason and Dr Madeleine Sumption.

Chair: I welcome our witnesses to our first evidence session in our short inquiry into the changes to immigration status that the Government have announced. We are looking into what we can feed into the consultation, and we are very grateful to start with this panel to give us a background and briefing on the situation. Can I ask the panel to introduce themselves? We will then go into questions.

Nicolas Rollason: I am Nick Rollason, the head of immigration at Kingsley Napley, a London law firm.

Professor Manning: I am Alan Manning, a professor of economics at LSE, and also an ex-chair of the Migration Advisory Committee.

Dr Sumption: I am Madeleine Sumption, the director of the Migration Observatory at the University of Oxford, and also a deputy chair of the Migration Advisory Committee.

Q1 **Ben Maguire:** Thank you all for coming in today. We are obviously looking at the earned settlement proposals that the Government have announced. First, what main objectives do you think the Government are trying to achieve with these planned changes to settlement?

Dr Sumption: The consultation is not that specific on the aims of the particular measures, which is not unusual for a high-level political document. When scrutinising them, it is useful to think through exactly what kinds of things the Government are trying to achieve, and I see basically four main goals of settlement policy.

The first is basically selection: if someone has come in on a particular visa, the Government might want to make sure that they are still eligible at the time. If they had permanent status immediately and then lost their job, the permanent status is the last point at which you are making that decision. You might want a track record of a few years to make sure that they stay in employment or similar. I do not think there is any evidence on precisely what is the right duration to get that track record, although five years tends to be pretty standard across a lot of countries.

The second goal relates to temporary visas, and it is to allow the Government to restrict rights in a way that may reduce some costs of migration, at least for certain groups. Traditionally, restrictions on welfare benefits have come as part of the package of being on a temporary visa, as well as the payment of immigration fees, which changes the economics of those visas. That does not necessarily have to be attached to distinction between temporary visa and ILR, but traditionally it has been.

The third potential goal is to incentivise integration-related behaviours, such as learning the language or entering employment. For the most part,



the duration of settlement does not really do this—in fact, it might have a negative impact, as I suspect we will discuss. The criteria for settlement may well have an incentive effect. We can look in detail at the specific criteria, but a lot of the criteria are not the kinds of things that people can control. People cannot just decide to get a job earning £50,000, for example, as they may not have the qualifications. In theory, you could see some incentive effects based on the criteria.

The last goal is to change the attractiveness of the country. Typically, when people talk about settlement and attractiveness, they are usually talking about a shorter route to attract particular people, but the Government might want to deter people through a longer route. There is not a lot of evidence on whether that happens in practice, and it is actually not clear from the consultation document whether that is in fact the Government's goal.

I might have missed something—maybe Alan will have other ideas—but I think those are the main goals. If you then look at the different criteria, I think it is useful to think about whether they are actually achieving them, which I am sure we will discuss in the rest of the session.

Professor Manning: I agree with that, but I would add just one thing. The consultation is called "A Fairer Pathway to Settlement", so there is this idea that settlement is a privilege, not a right, and that if we are giving people settlement it is reasonable to expect that they should have given us something in return, either in the past or likely in the future.

The implication of the document is that the feeling is that, in some cases, not enough has been asked under the current system, so the balance of contribution relative to rights is out of balance. I think that is the Government's perspective on this.

Q2 Ben Maguire: Do you think that as well as generally making settlement routes more difficult, the proposals will impact migrants leaving the UK, or even not coming to the UK?

I am particularly mindful of some constituency casework last week: a married couple living in the US has been hoping to come back to the UK to settle. The salaries in my region of Cornwall, however, are a lot lower than in other parts of the UK, so the salary threshold is particularly difficult for that couple to meet as a household income target. Do you see any of the proposals having an effect on migrants leaving—because getting the route to settlement is seen as too difficult—or being a deterrent?

Dr Sumption: That is difficult to predict, and different groups are likely to respond in different ways—not least, they will face different pathways to settlement. There are specific situations. The care sector, for example, is one: people might already be here, or people might be considering switching to the care sector as an international student, which is still possible.

If we are talking about jobs that people did not really want to do, but were doing to get settlement, there is a big difference between having to do



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that for five years and having to do it for 15 years—in the care sector, for example. In other cases, if a highly skilled worker is actually quite happy doing that job for a long period, they are less likely to be subject to the rules and the rules may have less deterrent effect, although obviously the more highly skilled and highly paid someone is, the more options they have.

It is therefore possible that we might get some deterrent effect, particularly, looking at highly skilled workers, from the mandatory requirement for spouses, which might have an impact. Is the partner of a CEO of some tech company going to have to work in a minimum-wage job part-time to be able to meet the requirement? That could potentially be unattractive. Broadly speaking, however, it is hard to predict precisely how people will respond to the rules.

Professor Manning: The reality in many of the jobs is that the world is very unequal, so far more people want to migrate than are being allowed to migrate. Although there are cases of migrants shopping around for the best deal, most people who want to migrate do not have multiple offers; they are taking the offer that they get.

Places like the UAE or Singapore offer much less attractive deals than even under the Government's proposals, and yet they are still managing to recruit large numbers of people. There are individual cases, but in the big scheme of things I do not think that this will make that much difference.

Dr Sumption: I agree with that. I cited those cases because they are exceptions, where we might see an impact, but I think that most people will stick it out. That would be my suspicion.

Q3 **Ben Maguire:** A final point to close, following up on all that: do you see any particular group being deterred from coming to the UK and seeking that settlement status, or is it too early to say based on what we have seen so far?

Professor Manning: I do not think I have any particular suggestion.

Ben Maguire: Dr Sumption, you mentioned earlier that the skilled workers have more options. Does that imply that that set of workers will be less deterred from coming here and that the other, less-skilled workers will be more?

Dr Sumption: It is tricky to say because a lot of the high-skilled workers, the people with most options, often do not come here thinking, "I am going to move to the UK. This is a permanent move." They might come and think, "Oh, this is an interesting job in the tech sector", or whatever it is, and then they say, "Maybe I will do it for a couple of years." They then make the decision later, once they are already here.

The people most set on getting settlement are the ones who move knowing that settlement is very important to them and that they want this to be a permanent move. They are probably also the people who are less likely to be deterred by a longer pathway to settlement.



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Nicolas Rollason: May I add to that? I think that anyone paid less than that £50,000 or so will not qualify for 10 years. Our clients who are hiring people and moving people to the UK from all over the world are saying that that will be very unattractive to tell their employees—that they will have to wait 10 years for permanent residence.

Part of that is to do with children, access to education and all the other things that you will probably talk about a little later, but it is also because of global mobility programmes for people on those levels—often they are paid more than that, working in large corporates. They are well informed about what the relevant rules are in each country, and people often ask them, “Well, I am going to this country. What’s the deal? When will I get citizenship?”

If you are blocking people from getting permanent residence via settlement, you are also blocking them from getting citizenship. We see a real level of discussion among clients, which is taking place and it is concerning employers. In addition, employers are also saying that the requirement to sponsor people and keep them in sponsored employment for very long periods of time is making hiring foreign talent very unattractive in some cases, unless they are paid higher amounts.

There are winners and losers in this. The migrants themselves may have less information, but employers are really having to think very carefully about what they do. It is not just about people coming to the UK, remember: we have a whole bunch of students here who can transition into sponsored work. If they are going into entry-level jobs out of university and being hired in graduate roles by companies, those employees will be at lower salaries for quite a long time, and they will not be able to count any of that time towards permanent residence, which means that those employers will have to sponsor them for a very long time.

Hiring graduates in the UK is very unattractive now. It is already unattractive because the salaries are very high, but it is going to become even more unattractive for employers, which will affect migrants’ choices, potentially, about coming to study in the UK; that also has a knock-on effects on other bits. It is important to see that this is not just about the choice of going from A to B. There are a number of different choices for employers and for migrants themselves, and that involves people who are coming here, but also people who are already here.

Q4 **Chris Murray:** Thank you for coming in. I have a few follow-up questions. Before that, I declare the support that my office receives from RAMP.

Net migration has been very high over the last decade. Obviously, it is coming down now, but it peaked at around 900,000 net migrants a year. How far do you think that was influenced by UK settlement policy and the deal that we offer migrants to come here?

Dr Sumption: The decrease in net migration?

Q5 **Chris Murray:** The increase or decrease—what is the influence of



settlement policy on net migration?

Dr Sumption: I would imagine not very big. Obviously, it is very difficult to predict, for the reasons that we have just been discussing. International students were one of the big groups that drove both the increase and also, now, via emigration, are driving the decrease. While many students are interested in settlement, they also are not necessarily looking that far ahead. In fact, some research that the Migration Advisory Committee did suggests that people are often a bit over-optimistic about their chances—they assume that they will be able to sort out some kind of visa and do not necessarily realise; actually sometimes they are quite surprised when they cannot.

Then, you had other routes where it was quite uncertain—if you look at Hong Kong BNOs, for example, we know that a very high share of people expected to apply for settlement, and they were seeing it as a permanent move. The Ukrainians were another of the groups driving the change. The settlement situation is still very unclear for them.

If you think about the other groups that led to that increase and then the decrease, care workers are a case where settlement probably was important, partly because of the phenomenon of a lot of people who do not necessarily want to work in the care sector long term, but saw it as a route to something else.

I think it varies. Overall, it certainly would change were settlement policy not on the agenda at all, although some people would have factored in the understanding that they could get settlement.

Q6 **Chris Murray:** It sounds like you are saying that even if a Government really toughen settlement policy, they should not expect to see a corresponding decline in migration.

Dr Sumption: In some groups there might be. If you have a group of people who are coming and you took away the right to settlement entirely—if you turned it into a temporary visa—I think that would significantly affect the attractiveness. Obviously, the care route is now closed for overseas recruitment anyway, but I think that would have played a role there.

We do not have a lot of evidence, but the very limited evidence that we do have suggests that for a lot of workers the difference between a faster and slower route to settlement does not make a huge amount of difference; an experimental survey study found that. Working out, quantitatively, how much impact it would have is very uncertain.

Q7 **Chris Murray:** I have a couple more questions. We are talking about the purpose and aims of earned settlement. Let me test a hypothesis on you and see what you think. A Government have very few levers to influence behaviour of people in the country. We have the education system, through which we can teach people English and how we want them to behave, and there is the criminal justice system if people commit serious crimes; beyond that, there are not many. Obviously, when migrants



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arrive, they generally will not go through the education system.

In Britain currently, the route to settlement is: just wait out some time, pay some money, don't commit a serious crime and you've got it. This is an opportunity for a Government in the 21st century to be more sophisticated in saying, "There are some things we want to see people doing, like contributing to our economy, speaking English and integrating. We won't punish you for not doing those, but we will give you advantages if you do them." What do you think of that hypothesis?

Nicolas Rollason: May I jump in first? I think there is a little bit of lack of knowledge out in the public about what exactly migrants need to meet in terms of criteria for indefinite leave to remain. It is not actually that simple.

Each route has specific criteria that you have to meet, which might be going rate salaries, or innovation if you are on an innovator visa, or earning certain income in the UK if you are on a global talent visa. They also have a requirement not to be absent from the UK for more than a certain number of days over the five-year period. They also have an English language requirement of B1 at the moment, which is quite high—don't forget that. They also have to pass a "Life in the UK" test. We have clients who cannot pass that because they do not have enough time to read the book, because they are so busy working in their sponsored skilled roles, but it is not that difficult.

There is something to be said about the fact there are already criteria that people have to meet, and it is not just a tick-box exercise. In some cases, it is quite difficult to meet those criteria. If you are on an innovator visa, for example, you have to show that you have employed lots of people, that you have registered patents and all sorts of things.

Each route has separate criteria, and it is not that simple to get indefinite leave to remain. I do not think people understand that. Adding extra layers of complexity on top of that might make some people happy, but it is not really going to solve the issue, which is that there are already people on a route to settlement where there are quite strict criteria that need to be met, and if you do not meet them, you cannot get settlement.

Professor Manning: Some of this goes back to what I said earlier—it is about where you draw the line. On English language requirements, you can have those as higher or lower.

Personally, I think having a requirement for settlement that, for example, when you are interacting with the state, you do not need to use translation services, is for most people not an unreasonable requirement for being a settled person in Britain. That is actually a bit higher than where we are currently in many cases. You can also do those higher language requirements at entry in the first place. That is the other choice you have.

Dr Sumption: If you think about the incentive effect, if the bar is very low obviously there is not much incentive, because it is very easy to meet. If

the bar is too high and people think it is unachievable, there is not an incentive either. In theory, you are trying to find some middle ground that people can aspire to reach, if the goal of this is to create an incentive for integration.

I am struck by table 2 in the consultation document, which shows the criteria for reducing the pathway to settlement. The volunteering thing—which I am sure we will talk about; it is going to be quite messy to implement—is an exception, but for the most part, they are not things that people actually have that much control over, certainly once they have arrived in the country. A lot of people would love to earn £50,000, but they cannot just magically say, “I’m going to start earning £50,000 now.” They can obviously control language, but interestingly, that gets very few points; we know that language is very important for integration, but it does not get many points in the table—it does not give you much of a reduction.

I think the single biggest change is probably the mandatory work—the fact that everyone would have to work, including dependants, family members and so forth. That is a big deal and will have a big impact. The incentive effect is tricky. In theory, you would expect that to effectively force those people into the labour market, assuming that they are employable and can find a job. Otherwise, the threat is that they effectively are permanently in a temporary status. That is a very big incentive effect.

Interestingly, Denmark introduced a similar requirement. The research on Denmark is slightly mixed, but there is one study that looked specifically at the work requirement and, perhaps surprisingly, it does not seem to have had a big impact on increasing employment rates. One of the reasons that the researchers hypothesised is basically that people felt that it was unachievable to have such a long period of work, so they gave up on the idea and then were discouraged and so felt less integrated because they did not think they were going to get to permanent status.

I do not think that is necessarily exactly how it would go in the UK, and there are different studies that find different things, but I think there is a balance between the incentive effect of trying to encourage certain kinds of behaviour and creating the impression that someone is just never going to get settlement, which can have a negative impact on integration.

Nicolas Rollason: The language requirement for those coming into skilled worker roles is now B2, so it is pretty high. It is university entrance level. That is the position now; that has already been changed.

Q8 **Chair:** In some of our previous sessions, we heard that even with the five-year time limit, people were not applying for permanent settlement at five years; it could be much later—it was not the priority. Is that still the case? The implication was that extending the length of time might not have that much impact, as people were not applying at five years anyway.

Dr Sumption: We see in the data that people are applying after five or six years, mostly.

Nicolas Rollason: From our perspective, everybody applies as soon as they meet the criteria.

Chair: As soon as they can; okay. That is helpful.

Professor Manning: There is good data—the migrant journey data—that would actually give you an answer to that.

Dr Sumption: The Migration Observatory website has a nice little table showing exactly when people apply for settlement.

Q9 **Chair:** Thank you. I think it was something we had in one of our briefings at some point, and it did seem slightly odd.

What evidence is there of the impact these changes might have on the UK economy and Government finances?

Professor Manning: On the overall economy, it is probably not that much. In the big scheme of things, this is not that big. It matters a lot to individuals, but in the economy as a whole, not that much. The impact on the public finances is potentially a bit bigger, I think. The single biggest group, which I am sure we will talk about, is care workers who were admitted in the past few years but would no longer be. In some sense, they are a legacy group rather than an ongoing issue.

To give a specific example, with the salary threshold for the skilled worker visa now at £41,700, I cannot see much point in having the extra, higher £50,000 threshold in there, because whether people are eligible for welfare benefits or not, at that level of household income they are not going to get any welfare benefits.

That extra £50,000 threshold seems to be adding complication. It gives a positive incentive to employers not to give their workers pay increases, which is extremely undesirable. I would be inclined to say, “Yes, we have the salary threshold for the skilled worker visa, and as long as you’ve been in line with all of that, the settlement after five years at the moment seems entirely reasonable.”

Q10 **Chris Murray:** How does it incentivise them not to give a pay increase? Sorry, I am not following.

Professor Manning: If you push your worker over that threshold and they get settlement, they are then free to quit, in a way that they are not if they have not got settlement. They can get another person to sponsor their visa, but that is obviously a bit harder. It creates a positive incentive to suppress earnings.

Q11 **Margaret Mullane:** I am the Member of Parliament for Dagenham and Rainham, and since this measure was announced, my inbox has been full. Nicolas, is it usual for the Home Office to make changes of this kind to an existing immigration route? In the emails that have been coming in, the sense of fairness is the big issue. Do you think it is fair to change the requirements?



Nicolas Rollason: I don't think it is fair. It might not be illegal—this is the issue; the Government will no doubt rely on the fact that legally they might be able to do this—but morally, I think, it is not fair. I should also say that in the past the Government—the Home Office—have changed the rules for existing visa categories, but in most cases people in those categories have been grandfathered in: they have been allowed to stay on the same conditions on which they entered until they meet the criteria for settlement, which were those that applied when they first entered the route.

That has been the case for most of the big changes to immigration routes and changes to settlement periods, particularly those increased, say, for spouses. The probationary period used to be one year, then went up to two years and then five years. All those changes were applied without applying them retrospectively, so people already in the route would still qualify within that probationary period. There is one exception to that.

I should also say that lots of immigration routes have been closed—the entrepreneur route, the tier 1 general route, the investor route—but all the people on those routes have been able to finish their periods to get settlement, with some sunset clauses: an end date they have to get settlement by. Some of those still exist. For example, the investor visa sunset clause is not until 2028.

The one exception to the changes to the settlement periods was in 2006, when we saw the increase from four to five years for everybody on long-stay visas. That was the one that caused the big furore over the highly skilled migrants, who then challenged the change in policy in relation to their specific visa category, and were successful on the basis of legitimate expectation. Those changes did apply to people already here who had then to do an extra year. There was a lot of discussion at the time whether that was fair, and whether it was in line with Britain's position as a "fair play" country, where the rule of law applies and legal certainty is guaranteed.

The Government at the time came in for significant criticism. They tried to reassure people by saying there were lots of concessions, so that people could adjust to move into the five-year period. It was a real mess. I expect, if these provisions are applied retrospectively, we may see lots of legal challenges. This is a very long answer to your question: no, it is not fair.

Q12 **Margaret Mullane:** Do you think any groups will be particularly disadvantaged?

Nicolas Rollason: Yes. Clearly, anybody who is on a sub-RQF 6—that is, anybody in a medium or low-skilled occupation who is going up to 15 years. We also have lots of dependants of people who are on skilled worker visas, who may not be working and may be looking after children. We have people on spouse visas, people married to British citizens or people settled here.

We are told the consultation will not apply to spouses, but I don't think that is quite correct because, the way the consultation is drafted, there are mandatory requirements, and spouses of British citizens may have to meet the minimum income threshold to qualify within the five years, as well as meeting multiple other requirements on finances, cohabitation, English language and so on. The particular cohort affected will be those on medium and low-skilled visas, spouses, dependants and, obviously, children.

There will probably be some questions later about children. We think that children will be really badly affected. Having one member of the family not eligible for settlement will cause untold damage to the children, because their status is dependent on both parents getting settlements. They cannot get settlement without that, which then blocks their avenue to education and access to university with home student fees. So, children as well are going to be affected.

Chair: You are right: we will have some questions specifically on children later.

Q13 **Margaret Mullane:** Finally, do you think some transitional protections should be put in place, and if you do, for whom and for how long?

Nicolas Rollason: There is an issue around transitionals as the Government see them. The proposal seems to suggest that there might be some transitional provisions for what they call "borderline cases": that might be someone who is eligible for settlement the day before the rules come into place, or who might have applied for settlement but the rules changed while they were applying. I don't think that is going to help at all, if everybody is subject to this being applied to them retrospectively.

My own view is that I don't think any of the provisions should apply retrospectively. If they are going to apply retrospectively, there will need to be some very clear guidance about who will not be affected, and who may be able to come out and get settlement if they are almost there.

You can imagine that tens of thousands of people will be affected if the thing comes in the day before they are eligible to apply. I cannot imagine how those people would feel—I don't know how your constituents would feel in those circumstances—and that is always the problem of applying these rules retrospectively to people already in the UK.

Q14 **Margaret Mullane:** Do any other members of the panel have thoughts on the fairness of it being retrospective?

Professor Manning: I will make one observation. It is not a good idea to get a reputation for unpredictability about rules. Predictability is a good thing. I am not sure I would say that I would never do it. I think it is relative to the size of the problem. The issue here is around the hundreds of thousands of care workers, which is a much bigger-scale problem than the highly skilled migrants 20 years ago were. Is it absolute, or does it depend on what happens in the alternative scenario?



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Dr Sumption: Quantitatively, the largest group affected are the people affected by the mandatory work requirement. You have got family members of British citizens who are already here—that is 350,000 or so; you have got hundreds of thousands of people who are dependants of either skilled workers or health and care workers; and then you have got British overseas nationals. Those are all quite big groups. The evidence we have suggests that somewhere between a third and half of the adults in those groups are not working.

That single measure, in principle, affects hundreds of thousands of people. Obviously, even for those who can go into work, they would have to do it for a number of years, so that then pushes back the settlement horizon for them. Of course, there will also be people who find it harder, for whatever reason, to go into work. For me, that seems like the biggest single measure in the proposals, but I agree with Alan that, aside from the mandatory work requirement, the largest group is care workers, in terms of the numbers of people affected.

Q15 Chris Murray: I am thinking about people who come from overseas to work hard in our public services and then find that the immigration rules have shifted around them. What is the risk of another Windrush scenario with these changes?

Nicolas Rollason: May I jump in there? I think there is a risk—and it is a real risk. Keeping people on sponsored work visas for up to 15 years, requiring them to stay in sponsored employment and not allowing them to have periods out of work, which seems to be what is being suggested, runs the risk of those people who either lose their job or are unable to work and fall outside the sponsored work system, then falling into irregular status. Trying to regularise that status is going to be difficult; because you will have overstayed, you will then be subject to a 20-year route, according to these proposals. It causes all sorts of problems. It causes problems for children and families.

I think there is a risk, but the risk can be mitigated, in a way, because we know who these people are, where they are and what they have been doing. If they don't renew their visas, we can track where they are. Whereas, with Windrush, it was a slightly different situation where people were arriving, being landed as settled people, staying here over a long period of time, and being treated as British people. It is a different thing, but there is a risk of people falling out of status, and you are making that risk bigger and bigger the longer they have to wait for settlement.

Dr Sumption: If you look at the existing 10-year route to settlement, under the family and private life routes, there is a surprising phenomenon where a lot of people entered that route but not that many are coming out the other end.

If you look at the numbers of grants of settlement to people on the 10-year routes, they are very small compared with the number of people who went in 10 years previously. Some people may have left the country, although this is a group of people who tend not to, for the most part.



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There is an open question. It is not entirely clear why, but there is reason to believe that people are falling off the longer routes to settlement currently.

- Q16 **Peter Prinsley:** Good morning. Thank you for coming. I am Peter Prinsley, the MP for Bury St Edmunds and Stowmarket. Before I did this job I was a hospital consultant, so I am interested in what effect this will have on healthcare workers and care workers. Those of us of a certain age whose parents have perhaps been in care are all aware that many of the care workers have come from other countries. That is true in all countries, actually. Alan, what are the implications of this settlement change, primarily for care workers?

Professor Manning: If it is changed, two things will happen. Care workers will be stuck in social care for longer than they would otherwise have been. We know that there have been quite serious problems with the way that some of these workers have been treated by some employers. They will also not be eligible for welfare benefits. They are pretty low-paid workers on the whole. A Brit earning that much would often be getting more benefits. Some care workers came in with children. That is not possible any more, but those children will be growing up in probably some of the poorest households in the UK. Those are the consequences for them.

If you look on the other side, at the consequences for the Government if care workers are given settlement, it means two things. First, there is eligibility for welfare benefits. That potentially can be quite a large sum of money for the Government at a time when they do not feel flush. Secondly, it gives care workers the freedom to change employers.

It is quite likely that in that situation, many of them will choose to leave the care sector for exactly the same reason that the Brits leave the care sector, namely that pay and conditions are not really attractive enough. That is what happens. In Canada, 10% to 15% of people who entered as care workers on the caregiver visa are still working as care workers 10 years later.

That is how I see the trade-offs on the question whether people should get settlement on the existing rules or we should go to something else. Fifteen years strikes me as a very long time to wait. Even if you were to lengthen the route, it would not necessarily have to be to 15 years.

- Q17 **Peter Prinsley:** Am I correct that we are essentially talking about tied workers? You tie a worker to a low-paid job for 15 years before they are entitled to go for settlement and citizenship, which seems to me an enormously long period of time, especially in a situation where we are very short of care workers. Net migration came down from nearly 1 million to 200,000 or so last year. Do you have a ballpark figure in your head of what the number would need to be to sustain our care sector, or are we at risk of having a care sector with no workers?

Professor Manning: My view on the care sector is that the real decision is: are you going to pay these workers properly and offer competitive pay



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conditions—yes or no? If you say no, you will save the Government money. You will have to use migration. That migration will have to be essentially temporary. That is what other countries do in that scenario. If you say, “We are going to pay them properly,” I don’t think you need a visa, in the same way that we don’t need visas for supermarket workers, and so on. There are lots of people who are able to do this job; they just do not want to do it given the pay and conditions.

Unfortunately, we have had something that falls between those two options. That is why we find ourselves in quite a difficult situation.

Q18 Peter Prinsley: It feels like we are not really going to solve the problem. Dr Sumption, the political problem in the country is that people see these boats coming over, and they see these migrant hotels filling up. Do you think that the changes being proposed are going to affect any of that?

Dr Sumption: The settlement changes will not necessarily affect the number of people coming in small boats. There is the proposal for people who have entered the country illegally to have a much longer route to settlement, which could, in theory, have some impact.

But to be honest, I would not necessarily expect it to have a very big impact, particularly when it comes to those people coming over on small boats who have already been refused asylum in Europe. They have no other options. They are not choosing between multiple countries; they are coming to the UK because they have already been refused elsewhere. For people in that type of situation, a 30-year route to settlement is the only thing on the table, so I would not expect there to be a big impact on small boats.

Can I add a technical point on the 15-year route for care workers? This also applies to the other middle-skilled jobs. Where a route has been closed and this is just a legacy, but you have a cohort of people who are in the UK, there is a challenge. They may still have to be with a licensed sponsor, but we may over time see a diminishing number of these sponsors, because employers will not have an incentive any more to become a sponsor.

Currently there is still an incentive to be a sponsor because there are quite a lot of displaced workers; they are international students. Over time, towards the end of that 15-year period, it will become increasingly difficult for people to switch jobs, because there will not be as many licensed care employers.

There is a technical question about whether the Government want to do anything to try to increase mobility. The Government have no reason to keep people with the same employer—that just increases exploitation. They may want to keep people in the care sector, but it may require some thought as to how to make sure people can still move around between jobs.

Q19 Peter Prinsley: I am worried that we will run out of care workers. We have introduced some changes that are designed to lower the incentives



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to come to this country, but we might actually end up with not enough people to look after us as we age.

Following on from what Margaret Mullane said, there are definitely groups of individuals coming to see me who are very worried about the change in the length of time. They are already in the system—they are nursing assistants—and they were expecting to get citizenship and indefinite leave to remain at time X. They now suddenly see that disappearing into the future, and they feel massively betrayed. These are the people who are the main workers in our care and hospitals. I am worried about that. Do you have a worry about that too?

Dr Sumption: I think that comes back to the fairness discussion. I guess it is a fairness question and a reputational one.

Q20 **Peter Prinsley:** It feels like changing the rules in the middle of the game.

Nicolas Rollason: The other issue is to do with the care worker visa itself and the way the policy was designed. It was pushed by the Department of Health and Social Care, forced on the Home Office and very badly designed, with no assessment of what the demand was in the market, no setting of quotas, no controls, and very lax enforcement and oversight by the Home Office. We have ended up with a very poorly designed policy that allowed a lot of people in, and now those people who came in because they were invited to come in by UK employers are being punished for it. I do not think that is fair.

Peter Prinsley: In a situation that, as Dr Sumption said, is probably going to do nothing about the main political problem, which is that there are desperate people coming across on boats.

Professor Manning: I go back to something I said earlier. Although it is totally understandable that people who came in the expectation that these were going to be the rules are incredibly upset about that, as to whether going forward this affects our ability to recruit workers, I am more sceptical. If you look at the over-production of nurses in the Philippines, for example, there are so many people who want to move to a country like the UK. Their tolerance for poor conditions, I am afraid, is quite high.

Q21 **Peter Prinsley:** But just because they have a tolerance for poor conditions, it does not mean to say that we should be tolerating poor conditions.

Professor Manning: No. That is the moral issue of it, but I do not think it is quite right to say that this means we are going to be unable to hire people.

Q22 **Margaret Mullane:** We had a trade union day where care workers were invited in to meet MPs, and what came over very strongly was that many care workers are sponsored. If you have a rogue employer, to put it mildly, they more or less say to care workers, "Well, if you don't like it, go." Putting aside the sense of fairness, a lot of care homes are privately owned, and they are employers at the end of the day. It is also hard work in a care home. Do you think that, further up the line, when people are



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not coming, which is what I see possibly happening with care homes, this will have to be looked at again—economically, and a sense of fairness aside—because we will not have anybody to look after our elderly and people who need care?

Professor Manning: Given that we have an aging population, it has been universally accepted that social care—the funding, the paying of the workers—is a mess, and has been for a very long time. My view is that we just have to pay care workers properly; then all of these problems would not really be there.

The problem is that that is going to cost the Government money, because most of the fees ultimately come from the Government. Obviously, through the fair pay agreement, the Government are talking about putting more money into social care, but they have talked about an outer envelope of, I think, £500 million, which I just do not think is enough. I suspect that if you talk to the workers, they are more interested in the money in their pockets than the process by which the pay was determined. Government after Government have failed to bite the bullet on this, which is to pay these workers properly.

Q23 **Chair:** Presumably, there is a genuine risk of very abusive exploitation of tied workers who are unable to move to a new employer?

Professor Manning: Personally, I am not in favour of tied visas in jobs where the primary reason for shortages is uncompetitive pay and conditions. It is not that we are short of people who are able to work in social care, but that we are short of people who want to work in social care.

Nicolas Rollason: Can I add one thing to expand this a little beyond the care workers? This will also impact anybody who is in a medium or low-skilled occupation, and there are all sorts of roles that people are doing. Our experience, certainly as regards those roles more than the highly skilled RQF 6, degree-level roles, is that finding a new sponsor if you are made redundant because there is an economic downturn or you have an abusive employer is really difficult. That is because if you go on LinkedIn, or any job site, you will often see that it says, "We do not sponsor roles in this company."

It is tricky to find a new sponsor, because of the very high cost of sponsorship and the additional compliance obligations that employers take on when they become sponsors. If you fall out of skilled work—out of employment—going back into it can be really difficult. That break is going to cause problems with your eligibility if you are 12 or 13 years down the line and almost at the 15 years—again, to your point about people falling out of status.

The other point is that this was less of a problem previously because the Home Office would take about a year to curtail your leave once they were notified by your employer that sponsorship had ended and you had left. You would have plenty of time to find another job and maybe a sponsor who was willing to take you on. You would still have status because you



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would still have permission to be here while that is going on, until your visa was curtailed and shortened down to 60 days. That is now happening much faster, and we are seeing decisions coming out very fast from the Home Office because this is being automated. As soon as your employer notifies the Home Office that your employment has come to an end through the sponsor management system, you might receive a curtailment notice reducing your visa from the two or three years that are left on it down to 60 days. People are really in a race against time to find a sponsor, and that is often not possible.

To Madeleine's point about there being less and less sponsors, particularly in the care sector, that could really be a challenge for people who are trying to find another job. That needs to be looked at if this is going to come into force, as is proposed, for 15 years. We cannot have a system where people are racing to try and find another job and then being penalised if they cannot.

Q24 Mr Kohler: There is a certain cynical logic to the 15-year rule. If we are stopping care worker visas, we are tying current care workers into indentured employment for those 15 years, with incentives for their salaries to be increased so they do not break free from the system earlier. That is the logic of the system and what is actually playing out here, isn't it?

Professor Manning: There is a tendency for some employers to like these tied visas because it gives them more power over their workers. That tends to be more of a problem in lower-paid roles, and there are a number of reasons why they are more vulnerable to this. Often the people we are talking about are most of the workers, so there are no Brits—co-workers—around keeping an eye on them, and they may have language issues and so forth. That is the downside of tied visas.

The plus side of tied visas for work migration is that you have an employer who is putting their money where their mouth is. They are saying, "I think this migrant is worth so many thousands of pounds," and that takes the burden of selecting what sort of migrants we want off the Government and puts it on to employers. There are trade-offs.

Q25 Mr Kohler: But I am not talking about the employer. At the Government level, isn't the 15-year rule a way of ensuring those who have come in on care visas stay in the sector?

Nicolas Rollason: That could be part of the intention behind the proposal, but that is not made explicit in the proposal itself.

Q26 Mr Kohler: That is the logical outcome of what is happening, isn't it?

Professor Manning: It is not just public sector; it is also private sector. Actually, I think, for some public sector workers, the proposal envisions a faster period to settlement.

Q27 Mr Kohler: Only if they are at a higher-quality level.

Dr Sumption: If they have RQF 6.

Q28 **Mr Kohler:** So it does not apply to those at a care worker level?

Professor Manning: No.

Dr Sumption: One of the main goals and, from a policy perspective, one of the main benefits of the 15-year route would be to keep people in the care sector. Obviously, there could be some deterrent effect.

If you have an international student who came here and did a master's in computer science, and then switched into the care sector in order to get settlement five years later, and they are currently one year in, it is plausible that they will just say, "I am not going to do this for the equivalent of half my life again." There could be some negative impact on retention for certain groups, but probably on net it does, in the short run, increase retention of that cohort of workers in the care sector.

Q29 **Mr Kohler:** I am not defending it; I am just saying that seems to be a policy goal lurking there.

Moving on to medium-skilled workers, you have made the point that you do not think the extension to 15 years will act as a disincentive out there in the world market. Are there any problems in extending the qualification period to 15 years?

Nicolas Rollason: The issue around medium-skilled jobs is that it is all based on what SOC code you selected when you sponsored the person. For example, we act for a large group of hotels that has a very big hotel in a prestigious part of London. The general manager of that hotel is paid a lot of money, but because he is managing a hotel, you look at the most obvious SOC code and say, "Oh, he's a hotel manager," and because you do not care whether that is RQF 6 or below, that is what you give them. That person is now on a 15-year track, even though they are doing a highly paid job, managing 500 people and a very significant business. They could potentially have been put in at a higher SOC code had we been bothered about it.

Q30 **Mr Kohler:** Does that matter, because it would come down with salary?

Nicolas Rollason: The salary will reduce it, but the person would still be increased to, say, eight years to settlement, so it is still a much longer period. In this case, it is eight years, but if they were earning less, it would be 10 years. You are still doubling the period for settlement for some of those people.

You have to recognise that some of what we call medium-skilled roles are quite well paid and skilled. Trying to put everybody in this sub-RQF pot is not great because it will affect everybody in that pot, including care workers and people like that individual, who are highly skilled but when they came in the issue was not about what their job SOC code was. They just wanted to be here and do the job. They would not have been able to predict that this would happen. Again, that goes to our point about the retrospective application of these rules.

Q31 **Mr Kohler:** Presumably, there is no way to change the coding

retrospectively.

Nicolas Rollason: The person could do a change of employer application and move into an RQF 6 role, but then they would be starting another five-year track.

Again, these are things that our clients are asking us about. We are saying, "Hold on. Let's wait and see what is going to happen." There is a cost for the employer to doing all of that every time you do it. We expect to see a lot of movement because people may be doing jobs that could be defined as RQF 6, but it is just going to clog up the system with unnecessary applications, and increased costs for employers and employees.

Our view is that this does not really work, because it covers such a wide variety of people. If what you are trying to do is attack care workers—which I don't think is right—the knock-on effect is that you are hitting a whole load of other people. I do not want to create divisions between different types of workers and have different groups pitted against other groups, trying to fight for things, which is the possible outcome of this and not very welcome.

Dr Sumption: This is one of those cases where it is important to work out what is the goal, if you are looking outside the care sector at the 15-year route for RQF 3 to 5 roles. If the goal is fiscal—if it is basically saying that we are worried about the possible effect of paying welfare benefits to this group of people or no longer having their immigration fees—it is not clear why we would care about the RQF level of the occupation, independent of their salary.

The highly paid hotel manager in Nick's example would comfortably have a positive fiscal impact. In some ways, you do not need to worry about the RQF number, unless you think there is some kind of enforcement issue, if you think that salary is less enforceable—

Q32 **Mr Kohler:** Could you explain that to me again?

Dr Sumption: The fiscal impact depends on how much someone earns. It depends on whether they continue to be employed and how much they earn. That does not depend on whether their job is classified as RQF 6 or RQF 3 to 5.

Q33 **Mr Kohler:** But doesn't the salary one bring it down? The high salary reduction does address that issue to an extent, does it not?

Dr Sumption: But from a higher baseline. The hotel manager earning £80,000 would have a five-year longer path to settlement than a software programmer earning £80,000, even though the fiscal impact—

Q34 **Mr Kohler:** Three years longer. It comes down by seven years, doesn't it?

Nicolas Rollason: It depends. In our case, the hotel manager is paid more than £125,000, so it comes down by seven years. If it was £80,000, it would come down by five years.

Dr Sumption: If it was £80,000, you would have a five-year difference. If it is fiscal, it is not clear that you need to worry that much about the RQF levels. If, however, the goal is to keep people in a particular kind of job, as we talked about for the care sector, maybe you do want to distinguish.

Once you get into these private sector roles at RQF 3 to 5—construction, hospitality and such jobs—it is not clear that there should be a policy objective of keeping people in those jobs. Ryanair hired more than 1,000 people as air travel assistants. Do we care if they stay working for Ryanair or go and do something else? One of the main reasons people change jobs is to have a better fit with their skills or to earn more, and they will then pay more tax. There could be a negative impact of keeping people in their jobs, if those are jobs where we do not really care if they stay or not.

Q35 **Mr Kohler:** Is it logical or practical to separate indefinite leave to remain and the sponsorship process? Could one have a system whereby those without indefinite leave to remain did not require a sponsor if they got another job? Or is that totally impractical?

Dr Sumption: Do you mean if someone had a temporary visa, they do not have to remain sponsored for that whole period?

Q36 **Mr Kohler:** For example, someone made redundant, rather than looking for another sponsor, would simply be able to go to another employer. Or would that make no sense in reality?

Dr Sumption: No, you can do that. Sweden does that for its temporary visas. They have an initial sponsorship period; after that, workers can move around, even though they do not yet have permanent status. The trade-off is that the Home Office loses a lot of control once there is no longer sponsorship.

Sponsorship is the mechanism that enables the Home Office to see what someone is doing, how much they are being paid and so on. If you say people can go and do anything they want, obviously there would not be a compliance issue. If you say they have to stay in the sector, but it does not matter if they are with an employer who is not licensed, that would be beneficial for the workers, but you would inevitably lose some control over whether people were actually doing that.

Q37 **Mr Kohler:** What if the redundancy example was involuntarily leaving the employer? Could you just allow it for that?

Dr Sumption: It gets a little complicated when you are trying to look at the reasons. It is probably not impossible, but I think it would be trickier operationally and from a compliance perspective.

Q38 **Mr Kohler:** Why?

Dr Sumption: Because then you have to know why someone left their employer, and the employer will have to say why the person left. In different cases, the employers may or may not have an incentive to say.

Q39 **Mr Kohler:** In the example given, surely the employer will just say that

the person has been made redundant, and they can go into the job market. Why would that be so difficult?

Nicolas Rollason: It is possible to do it; you would just need to change the whole system. Imagine you are on a sponsored visa and you say to your employer, "I'd like you to make me redundant, because that will give me free access to the labour market. Can you do me a favour?" There is some scope for abuse there. But it is perfectly possible to design a scheme where, if people are made involuntarily redundant, they might be given a longer period to find a new job or a new sponsor employer, or to be given access to the labour market.

I suspect that that will not be an option the Government will look at, because they are very keen to control all of this, as Madeleine said. Until and unless you get to the end of that period and you meet the criteria for settlement and can leave sponsored work if you want to, or you remain with the same employer but you are no longer sponsored once you get the settlement, you would have to design something entirely different, which I think would be quite complicated to manage.

Q40 Chair: Can I check on the potential impact on workers in roles essential to the UK's industrial strategy? Has anyone looked at the short and long-term impacts?

Dr Sumption: The tricky thing is that we do not yet know what is happening to the temporary shortage list, which is designed to allow immigration in those roles. The Government have not yet said whether they expect those visas to be strictly temporary or not.

The time on the list is supposed to be temporary, and some of the language implies that there might be no route to settlement at all, but instead that it might just be time-limited to a three-to-five year visa. Those are radically different options. Will they have a 15-year route settlement like the RQF level 3 to 5 jobs we have been discussing, or will they have no route to settlement? It is quite difficult to comment with so much uncertainty about what is actually going on.

Professor Manning: If you look at the people who came in in the medium-skilled jobs and what jobs they are actually doing, a surprisingly small number are connected to the industrial strategy. The biggest group outside social care is chefs, for example, and I am not sure we think of them as part of our industrial strategy.

I think this is sometimes a little exaggerated. Even when construction jobs were eligible, we did not really see much use of it, because the employer sponsorship model does not fit with construction, where there is lots of subcontracting and self-employment, for example. So I am not sure the proposed changes make that much difference. It is more about the temporary shortage list and how that works.

Nicolas Rollason: On the temporary shortage list, you should bear in mind that for people coming in since July, the scheme has been narrowed

so that they cannot bring in dependants any more. It is looking much more like a temporary visa than it was previously.

Chair: We are going to move on to children and families with Chris Murray.

Q41 Chris Murray: What do you think the broad impact of the proposals in the consultation will be on children and young people, and how do we need to be thinking about this?

Nicolas Rollason: It might help if I explain briefly how settlement works for children—I mentioned it before. If children come to the UK with their family—say, two parents and a couple of children, who are maybe 10 to 15—and they are on track to get settlement after five years, at the moment, both parents need to get settlement for the children to be able to get settlement.

If those children obtain settlement before they go to university and they have been living here for three years, they will be eligible for home student fees, so they will be treated in the same way as British people, in terms of paying just over £9,000, and will have access to student loans, so they will have great opportunities from being treated in the same way as other young people going into further education.

Sometimes we have children arriving when they are much older—they might arrive when they are 16 or 17. If their parents are not settled by the time they go to university, those children have to pay overseas student fees, which can be very significant—£25,000 or more, and a lot more at some universities; and, if you are doing a master's programme at Oxbridge, it's going to be a hell of a lot more. They already have a problem because they do not have ILR by the time they go to university.

If you start separating out the parents and saying, "The main worker won't qualify for settlement," or, "The main worker will qualify for settlement, but the spouse won't qualify"—because they have not met the minimum income requirement or have not been volunteering—then one of the parents will not have ILR. That means that the kids will not get ILR, because both parents need it, so they will be stuck in this position where, if they are thinking about going, access to university may be impossible, because they might not be able to afford it and will not have access to all the things that British students have.

The other issue, which is a big issue, is that if those children are still on a visa route that is dependent on their parents, they have to remain dependent. That means not leading an independent life, not getting married and essentially not being able to leave home and get a job. Again, that can be a problem for children coming here in their teens. Imagine if they are having to wait 10 to 15 years and are still dependent on the parents getting ILR. What happens to them? They are going to be on these visas forever.

We have some clients whose kids are in their mid-20s—around 23—because they came just before they were 18. They are still living at

home—they can't leave—and if they do not qualify for whatever reason, they will have to continue doing that, unless something specific is done that gives them an independent status and allows them to get on with their lives.

But at the moment, because of the way that the rules are and the way that these proposals interact with the current rules around children, this is going to be a significant problem, in terms of both access to educational opportunities and being able to get on with their own lives and start contributing to the UK as independent people who are working.

- Q42 Chris Murray:** Thank you, that is very helpful. Can I ask about a different category of children: people who are born to migrant parents in the UK? Let me check that I am understanding the scenario here. Let's say that a migrant couple get a job in the UK, come to the UK on a visa route, work, and have a baby who is born in the UK. If both parents are non-UK citizens, what impact would these proposals have on that child?

Nicolas Rollason: The rules on children born in the UK are that if one of their parents subsequently becomes settled, they have an entitlement to register as British citizens up to the age of 18. If, by the age of 18, their parents do not have settlement and they have still not qualified for citizenship, and they probably do not have settlement either, then the issue of British nationality is a problem, because in order to get naturalised as a British citizen, you need to have settlement. They are going to be frozen out of becoming British citizens until they themselves get indefinite leave to remain as adults.

- Q43 Chris Murray:** I can understand that, in those cases, this could increase the likelihood that there is a cohort of people who were born in the UK and have lived their whole lives in the UK, but who are struggling to get British citizenship, but I am trying to understand the scale of the problem that we could be creating.

Even under the long pathway to settlement, that family still have 18 years for that person to become naturalised. I understand that we are making that longer, but what do the panel think about the challenge posed by—I think every political party would accept that we do not want to create this—a cohort of British people without full status in the country? Is that a real challenge? I understand that there will be a small number of cases where it takes 18 years for a family to get settlement. What is your view?

Professor Manning: They are dependent on their parents applying. Even under the current system, it is important that these children, who basically know nothing other than the UK, have a path to being British citizens. More than that, we positively want this group to become British citizens. It is not just about having the right. Even under the current system, things like reducing costs for the children are important.

Even apart from the legal status, there is the question of the family circumstances that these children may be growing up in. They may be in households with no recourse to public funds or with quite low levels of earnings. These are pretty much going to be the poorest households in the

UK. Child poverty is not just terrible for the children; it is actually a very bad investment for us. We need to think about that.

There may be scope for more creative thinking around this. You could have eligibility for some welfare benefits without necessarily giving settlement—not tying these two things quite as tightly as they are under the current system or under the proposals that have been made.

Q44 Chris Murray: I want to come back to no recourse to public funds in just a second. Before we move on, one of the other proposals is that you would have family members on different routes to settlement. What is the impact of that, and would it be very unusual? Does it happen in other countries?

Professor Manning: I am not sure about other countries; it just strikes me that this is not a good idea, basically.

Q45 Chris Murray: Why is that?

Professor Manning: Madeleine has already mentioned that people who, for whatever reason, did not work—maybe they were looking after children—are suddenly not going to be eligible. That seems fundamentally unfair. I am not sure that the scale of the problem caused by treating people as households rather than individuals is big enough to warrant this kind of thing. I doubt that it would work in practice; I think you would end up with some pretty awful cases coming to light and it then unwinding. Personally, I would not go there.

Dr Sumption: If you have a small discrepancy—one or two years, like we currently do with the accelerated global talent route and their dependants—it does not make a huge difference; it is when you get these really big discrepancies, and maybe one person in the household with basically no obvious route to settlement at all. If you are looking specifically at work visas, and you are interested in the economic impact, then it makes sense to consider the household as a unit: they are either here or not here together, so the economic impact of that family coming to the UK is the thing that policy is influencing.

If you are looking at the public finances, for example, and you care about the fiscal impact of a particular household, then it does not necessarily matter that much if you have two medium earners versus one very high earner and one non-earner. If the main applicant can pay for the whole household, then from an economic perspective, that is okay. They are both migrants, so that is very different from the situation in which you are looking at partners of British citizens.

Again, it is unclear what the goal of the mandatory work requirement is. Even if you are looking at, say, a skilled worker household, then if the goal is economic, you can just treat the household as a unit. If the goal is something else—maybe it is social, and the idea is that, for example, having non-working mothers is fundamentally a bad thing—then obviously the logic would be a little bit different. I think this is one of the areas where it would be useful to understand precisely what the Government are



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trying to achieve with mandatory requirement, which would then help with working out how to design it and what exemptions there should be.

Nicolas Rollason: I have one additional point on your question about nationality. I should have mentioned this, but we have a provision in the British Nationality Act that allows children who are born here to register as British, once they have completed 10 years in the UK. That is quite a useful protection.

For those who were not born here but arrive at an early age, and who might be on this very long track to settlement, at the moment we have a long residence rule, which means that if you spend 10 years continuously in the UK, you can also get settlement. However, there is a proposal to get rid of that, with nothing to replace it.

That long residence rule has been around for a long time, and it has supposedly been there to implement the European convention on establishment, which provides additional protections for those who have been here for 10 years, and the UK is a signatory to that Council of Europe convention. As far as we can see, that is being dumped by these proposals. Again, there was a thing for children who might get settlement in 10 years, and other people who might get settlement in 10 years, but that is being got rid of, which will affect children and other people.

Chris Murray: That is interesting—I did not know that.

Q46 **Mr Kohler:** Can I just jump in? What is the policy goal in removing that rule?

Nicolas Rollason: I have no idea. It is a very useful thing that people who have been here for 10 years in a number of different categories—they might have come as students and be working, or be under different rules, but they might never have quite made the settlement rule in one category—can actually stay and settle here. But that is going.

Q47 **Chris Murray:** Sorry, but this is an aspect of immigration rules that I have not got my head around. Obviously, we have had the 10-year route, which we all know about. Are you saying that there is a different 10-year route for those who arrived as children?

Nicolas Rollason: No, this is the same one—it is the long residence rule.

Q48 **Chris Murray:** So it is the same 10-year route. I had not clocked the impact on children, so that is really useful. I have two more questions. First, am I correct in thinking that a child's path to settlement will be dependent on their parent's contributions and consistency of earnings? What are the implications of that? How fair is that? Given that we have just said, in abolishing the two-child cap, that it is not the children's fault what family they are born into, how does this match up with other elements of Government policy? Is that too broadly defined a question?

Professor Manning: No, it is a perfectly reasonable question. Personally, I agree with your implication: to hold children responsible for the acts of their parents is fundamentally unfair. You need something to say that

children who have spent basically their entire life in the UK, and who know nothing else, are British for all intents and purposes. They should have that legal status, and it should not be conditional on what their parents have or have not done. However, you can debate quite exactly how long that should be.

Dr Sumption: There are these rules already. You have the family and private life rules, and the private life rules apply in various different circumstances. Depending on what proportion of a child or young adult's life has been spent in the UK, they may then be eligible to switch into the private life route.

Assuming that it continues to exist in the normal way, you may end up with situations where people who are dependent on their parents switch into those human rights routes instead. I guess you could say that that is a good outcome, because you have another option for those children who end up in these slightly messy situations. However, the Government do not particularly like those applications, and I do not think that the Government have a particular desire to channel more people through the human rights routes.

In general, one of the things that is mostly absent from the consultation document is what is actually envisaged for children, particularly the ones who become adults. Do they move on to an independent status, and what kind of status is it? That is all very unclear from the consultation.

Professor Manning: I think the consultation just says, "We welcome views about children", which suggests that they have perhaps not quite thought it all through. This is obviously a really important question. When things are apparently being abolished, it may be that there is no active intention to abolish them but that somebody has not quite thought through all the implications.

Nicolas Rollason: I would also say that this splitting up of families, putting people on different tracks and requiring people to jump between categories is really going to add masses of complication to the whole immigration system, which, as it stands, is already pretty labyrinthine and complicated. Even judges dealing with immigration cases cannot understand the immigration rules themselves—

Chris Murray: Or members of Select Committees.

Nicolas Rollason: We have enough trouble as lawyers as it is with lawyers understanding it. It is a really complex system, and I can only see this multiplying the level of complexity.

Q49 **Chris Murray:** I want to ask one more question—sorry to take up so much time. We alluded to no recourse to public funds. Obviously, this will extend the amount of time people and families with children are on no recourse to public funds.

However, we also have other laws in this country: local authorities have statutory duties to provide housing for homeless children, so that we do



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not have homeless children or street homelessness in this country. What are the implications for child poverty of keeping people on no recourse to public funds for longer amounts of time?

Nicolas Rollason: We know there is quite good evidence to show that migrant families subject to the no recourse to public funds requirements are already often the poorest and in the most difficult situations, and that there are high rates of poverty and destitution among migrant children and asylum-seeking families. We know that and there is a lot of research on that. The Immigration Minister has been asked what is being done about children and the settlement proposals in relation to the child poverty strategy, and that is being looked at. But there are real concerns, obviously, about maintaining that.

The other thing is that punishing people for having the no recourse to public funds requirement removed seems to me to be utterly mad because, first, it is the Home Office giving them permission to access public funds and, secondly, the criteria for accessing recourse to public funds are really serious—destitution. We are talking about exceptional periods where people, for one reason or another, do not have access to income to support themselves and their families.

To penalise people who have been, even for a short period, on no recourse to public funds, who then may go back to having a regular visa that is subject to that requirement again, seems to me to be completely mad. I think we need to think very carefully about that.

Q50 **Chris Murray:** I take your point. I was not so much asking whether it was mad or not mad; I was asking what the impact on child poverty would be. Will it go up or down? Or, given that we already have statutory duties to protect children, will it stay the same?

Professor Manning: I think you would have to say it would go up, but, as you implied, the effects do not appear—or are not as large—on paper, because there are other routes by which people get some degree of support. Once people are here, they are sort of our responsibility, whether we like it or not.

It has been unfortunate in that central Government have saved money, but a lot more burden has been placed on local authorities. That has been quite a serious problem, and I can only see these proposals making that a bit worse. I do not quite know how much worse.

Dr Sumption: Yes, obviously the threshold for getting support from the local authority is higher. There would therefore be a group of people who were not destitute but would be in poverty as a result of having no recourse to public funds.

As Alan mentioned earlier, the biggest group here is care workers who came in with children before the ban on dependants. If you are a care worker—particularly if you are a single parent, but even if there are two people in the household—you can quite easily be below the poverty line.

Those with children on a single care worker's salary would be eligible for quite a lot of in-work benefits if they did have recourse to public funds.

- Q51 **Peter Prinsley:** I am listening to this with increasing dismay. Would it be reasonable to say that the proposed changes are likely to disadvantage families with children without having any effect on net migration, or on reducing the number of people trying to get here through what are called illegal routes on small boats? Are we, in fact, introducing—or proposing—a whole lot of changes that are not going to help us very much?

Dr Sumption: It is not clear whether influencing net migration is actually the goal. Net migration is not the only policy outcome that the Government might care about. Even if there is no impact on net migration—which is perfectly plausible—or a pretty small one, they might want to do it for other reasons, such as to affect what people are doing while they are here and all of the stuff that we have discussed.

- Q52 **Peter Prinsley:** I think that there will be effects on what people do here, but the political difficulty for the Government is the number of net migrants—how many of them are coming and what routes they are coming by. My impression, from what I am hearing, is that some of these changes, particularly in respect to the families and children, are going to disadvantage the children and not affect the main thing that the Government wish to change.

Professor Manning: My view is that it might have more effect on the asylum claims than many other people believe. The evidence base is not terribly strong. However, there is one study showing that when Sweden moved from offering temporary to permanent protection to Syrian refugees their numbers went up a lot. That is the opposite of the direction we would be going.

The other thing to think about is that the public finances are included in the equation. Some of these migrants with no recourse to public funds are quite well paid and not all of them have children. We might have a different attitude to somebody who is badly paid but does not have children—because poverty is bad, but many of us think that child poverty is worse. The question is: what is the cost to the public purse of continuing with the current rules versus changing? I cannot give you an actual number for that. If I was in the Government, I would be trying to work out what is at risk here.

- Q53 **Mr Kohler:** We have this time adjustment model where we have periods that can be reduced for certain contributions. On the financial contributions, you have those earning a higher salary. The logic, presumably, is that people who earn a higher salary are less likely to claim welfare benefits in the future. Does the evidence show that?

Dr Sumption: It is not clear. The £50,000 is based on the tax thresholds and rates. If the goal is fiscal, then that tax rate is not actually the most relevant thing. As Alan mentioned, people coming in under the skilled worker route, which has a £41,700 threshold, are already comfortably fiscally positive over the course of their lifetimes.



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If this is about the public finances and how much people are paying in tax and so forth, then I guess the question is: why not do an actual fiscal calculation and work it out? It does not have to be that you are taking people right at the break-even point where they become fiscally positive by £1. You might decide that you want people to have a contribution of at least X amount and then work out what that amount would be. The £50,000 is a little arbitrary.

Q54 **Mr Kohler:** And is the £125,000 figure also based on the tax thresholds?

Dr Sumption: Yes.

Q55 **Mr Kohler:** So the assumption is that there has been no such calculation, but it is just grabbing figures off the tax code?

Dr Sumption: Yes, I think so.

Q56 **Mr Kohler:** Turning to non-mandatory minimum requirement contributions, how practical is using other sources of contribution to reduce the time limit?

Dr Sumption: Are you talking about the volunteering requirement?

Mr Kohler: Yes.

Dr Sumption: I am sure that Nicolas will have something to say about this. It seems like this is the one that will be a real nightmare to implement. The risk is that you create a cottage industry of organisations providing volunteering opportunities so that they can sign the paperwork—or indeed that charities are inundated with people who want to come and volunteer, not because they actually want to be there volunteering but to meet the immigration rules. It creates all sorts of risks for perverse incentives.

It is a pity, in some ways, that it is so difficult to implement, because it is something that people control and is not purely about salary. I see why the Government would want to include social contribution in there, but social contribution is by its nature so much harder to measure.

On the operational complexity point, when it comes to the salary requirements, a lot of the stuff is perfectly feasible: it can be done in the rules; it can be implemented by the Home Office. If you look at the existing salary requirements for family members, which may be comparable to when a British citizen sponsoring their spouse has to demonstrate that they have earned a certain amount in order to do so, it is overwhelmingly complicated. There are pages and pages of guidance on what counts and what doesn't, exactly how you account for self-employment income and different kinds of employment, and what happens when the income varies. It is extraordinary how much detail is required for that.

There is a risk. If you have everyone in the settlement system having to demonstrate their income, will there be any kind of process to try and make that simpler? There are always going to be complicated cases, such



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as what happened with the EU settlement scheme for EU citizens where they were able to automatically pull their pay records if they had had a straightforward employment history. That sort of thing can greatly simplify things, but as it stands, if people have to submit piles and piles of paperwork to demonstrate their earnings, that will obviously be quite a burden for the operational people at the Home Office.

Q57 Mr Kohler: And on the volunteering point?

Nicolas Rollason: I would probably agree with the National Council for Voluntary Organisations, which said it is “immoral and impractical”. For the reasons that Madeleine set out, forcing people to go and volunteer, if that is the only way that they can meet the settlement criteria because their salaries are low, is a bizarre thing to do. Again, they have no control over their salaries so that would be the thing to do, whereas there would be highly paid people who did not need to do that. To me it seems wrong. The practicalities of implementing it would be incredibly difficult.

We have already had numerous queries asking, “I’m volunteering in this—will that qualify?” We have to say, “We don’t know”. There are so many charities that people do things for or they sit on the board. Some of them might be quite esoteric—promoting the work of some composer who nobody has ever heard of, for example—and some might be doing food banks. Where do you draw the line between a charitable organisation doing public good and one that isn’t? As Madeleine said, how do you police it? How do you make sure that a charity is not just signing off on people’s hours, saying they have done an hour every weekend for the last three years?

It is just really difficult, and it puts charities in a really difficult position, because they don’t want to have people who don’t want to be there, they don’t want to be policed and they don’t want to do all this extra admin. If the only reason a person is there is that they can’t meet the settlement criteria based on salary, for example, that is not workable.

You mentioned Denmark earlier. Denmark has a system of people being able to meet one of the additional criteria of supplementary requirements to reduce their period of settlement from eight years down to four years, but that is tied in with lots of other things that you also have to do to get to that four-year reduced period, which includes learning the Danish language at a very high level, being employed for four years, having a minimum income of around £40,000—so a lot less than the £50,000 that we are suggesting. Doing all four of those things, including the volunteering, gets you down to four years.

Q58 Mr Kohler: So a volunteering option does work in Denmark?

Nicolas Rollason: We don’t know. I think Madeleine mentioned some data on that. It is something like: “in words or deeds supports the fundamental democratic values and legal principles in Danish society; that is the criteria for which the work that you do will be valued as qualifying you for this reduced period”. That seems to me to be a very bizarre criteria to apply to volunteering.



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Mr Kohler: Do you have any knowledge of the international perspective?

Professor Manning: I do not dislike the idea in principle; I just think it is impractical.

Q59 **Margaret Mullane:** Are the Government possibly thinking that the planned contribution system might help with integration, social cohesion and being a part of the community in the areas you live in? Is it embedded into that?

Dr Sumption: There are lots of ways of thinking about what social integration is and when researchers try to look at social integration, they measure things like volunteering. That is not necessarily formal volunteering for a charity, but there is also some mention in the consultation of being involved in local stuff like clubs and other activities.

Broadly speaking, it is perfectly legitimate to say that is a desirable goal; it just comes down to the practicalities of trying to turn something complicated into an answer. Ultimately, if something is going through the immigration system, there has to be a box that someone ticks to say, "Yes, they did the thing" or "No, they didn't," and trying to reduce it all down to a yes or no answer will always be really tricky for social contribution.

Q60 **Chris Murray:** I have a tiny follow-up. I may be paraphrasing a bit, but my understanding is that if you apply for French citizenship, you go an interview, which is in the language, and you are asked to describe your engagement with French culture. I think they ask you about French films, French literature and what you do in the community. It is an interview rather than a box-tick.

Do you think that, rather than the "Life in the UK" test, which, as we have discussed, can be very tick-box, there would be capacity for more qualitative engagement with the Home Office citizenship system so that contributions could be more meaningfully assessed?

Dr Sumption: It depends how much discretion you want in the system. The benefit of the tick-box system is that it is very transparent. People know what they have to do and there is not a concern that, depending on the mood of the person that day, one person get might through but an equivalent person might not. You would be putting quite a lot of demands on the caseworkers in the Home Office, who are not super highly paid people, to decide who is contributing and who is not.

In general, the Home Office has tried to avoid very discretionary criteria, except in the cases where it cannot avoid them, like in the asylum system and so forth. Where you have discretionary criteria, the processing becomes very difficult. You often build up backlogs and it is much more cumbersome and expensive for the Home Office to assess them.

Nicolas Rollason: I think it would be a terrible thing to do.

Professor Manning: On the discretion point, an ex-PhD student of mine, who is British born but of Pakistani ethnicity, was working in Paris but was

turned down at interview for being insufficiently integrated, even though she was the most integrated person you could possibly come across. It is very time consuming and establishing consistency of standards is really difficult.

Q61 **Chair:** Is there any evidence that it helps with integration?

Professor Manning: I do not think so, because you know what you have to say—it is what is in your head that you believe. Again, I think the “Life in the UK” test is probably more about testing language than anything else. Ultimately, it is what people think inside their heads and we cannot see that.

Chair: Thank you very much for your time and for allowing us to go slightly over 11.30. We really appreciate it. We will have another session on this next week, but I will bring this one to a conclusion.