

Draft consultation responses

NB These are just my thoughts and the sort of things I'm likely to say in my response. I'm very happy to receive comments or corrections!

Alasdair Mackenzie

Character

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

Suggested matters to consider for your answer: Should the baseline for getting settlement be increased at all? Should someone's character be defined indefinitely by past conduct? Should having a criminal conviction in itself be a bar to settlement? Should minor convictions or convictions incurred as a child be overlooked entirely? Should historical convictions should be treated spent, within the meaning of the Rehabilitation of Offenders Act 1974? Should even more serious and/or unspent convictions be capable of being balanced against positive evidence of rehabilitation or other good character? Should there be a reasonable backstop of (say) 20 or 30 years after which anyone, regardless of their past actions, should be permitted to settle if they have remained in the UK lawfully? Should illegal entry or other immigration breaches also be regarded as "spent" after a certain time? Should applicants have to wait as much as 30 years for this to happen?

Integration

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

Possible answer: "Don't know / prefer not to say", on the basis that the entire set of proposals is unacceptable and that this specific proposal is discriminatory in effect, for instance against disabled people, women, parents of young children and people who simply may lack aptitude at learning languages.

2. How do you think integration should be assessed?

Possible answer: "Don't know / prefer not to say", on the basis that the entire set of proposals is unacceptable; that integration is likely to improve as a result of a grant of settlement and not the other way round; and that this specific proposal is discriminatory in effect against groups such as disabled people, women and/or parents of young children or with other caring responsibilities.

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

Suggested matters to consider for your answer: Have good reasons been given for greatly extending the period after which settlement applications can be made and are you aware of evidence that the current system is not working? Do these proposals discriminate against people, for instance people who are less likely to have the opportunity to learn English or otherwise participate in society, including disabled people, women and parents of young children or with other caring responsibilities, as well as against people who lack aptitude at learning new languages? Are the proposals the right way round, and do you think integration is likely to improve as a result of a grant of settlement, rather than the other way round? In whose interest is it to create a substantial class of people who may never be able to settle, or who can only do so after half a lifetime? Will people be left open to exploitation, disadvantage and insecurity and reducing social cohesion? Do you think settlement should actually be easier, not harder to obtain?

Contribution

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

Possible answer: "Yes"

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

Suggested matters to consider for your answer: Is this a necessary and appropriate criterion for settlement? Will it assist integration and is the proposed 15-year baseline period too long? Alternatively, some groups who might need to be exempted: people with young children or caring responsibilities; people under the age of 25; retired people.

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

Possible answer: "Strongly disagree", on the basis that no-one should have to wait as long as 15 years, and that this proposal is inherently inequalitarian and discriminatory; alternatively: "Don't know / prefer not to say".

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

Possible answer: "Strongly disagree", for same reasons as the previous answer; alternatively: "Don't know / prefer not to say".

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

Possible answer: “Don’t know / prefer not to say”, for same reasons as the previous answer, and the options do not include one querying the entire basis of the proposal; alternatively: “No reduction”.

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

Possible answer: “Don’t know / prefer not to say”, for same reasons as the previous answers, and the options do not include one querying the entire basis of the proposal.

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

Possible answer: “No penalty”, for same reasons as the previous answers; alternatively, “Don’t know / prefer not to say”, on the basis that the options do not include one querying the entire basis of the proposal.

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

Possible answer: “Strongly agree”

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

Possible answer: “Don’t know / prefer not to say”, on the basis that calculating such contribution is unworkable, and that the proposal discriminates against people who may have less time available or less ability to integrate.

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

Suggested matters to consider for your answer: Is the proposal workable? Is it possible to calculate equitably the different contributions made by different people in different charities? Would some people find it harder than others to find the time to volunteer because of their work or family commitments? Is everyone likely to be able to find voluntary work at a time or in a location suitable for them, or to find voluntary work which matches their skillset? Is there any evidence that there is sufficient capacity in the voluntary sector to accommodate more people? Should people’s motivation to volunteer be advantage in their immigration status? Is there a risk of voluntary organisations being overwhelmed by people who simply want to shave time off their eligibility for settlement?

Residence

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

Possible answer: “No penalty” in all categories.

2. Do you have any further comments on how ‘Residence’ should be considered in relation to settlement?

Suggested matters to consider for your answer: If people have spent sufficient time lawfully in the UK to meet the settlement criteria, should there be additional disadvantages placed on them as a result of their original means of arrival or any period of overstaying, which is likely to be many years in the past? If such measures are put in place, should there be flexibility to allow for explanations to be given and/or flexibility to allow for positive matters to be taken into account? Is the rationale for the proposed penalty for people arriving on visit visas comprehensible, bearing in mind, again, that this is likely to have been many years previously and they are likely to have validly extended their lawful stay at the time (and if they did not, are likely to be covered by the provision relating to overstayers)?

Eligibility and equalities

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

Possible answer: “Don’t know / prefer not to say”, on the basis that there is no provision to object to the entire process, except for “Applicants on humanitarian visa routes”, to which Possible answer is “Reduction”, on the basis that people granted protection should always be advantaged over other arrivals.

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

Possible answer: Either “Agree” or “Don’t know / prefer not to say”, on the basis that no-one’s eligibility period should be increased.

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

Possible answer: “Strongly disagree” (that is, agree with transitional arrangements, and so disagree that there should not be transitional arrangements), on the basis that it is

unfair to disrupt the lives of people already on a path to settlement or to set them back on that path.

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

Possible answer: “Yes”, on the basis that these vulnerable groups should always be advantaged over others; alternatively “Don’t know / prefer not to say”, on the basis that the entire set of proposals is unacceptable and no-one’s eligibility period should be increased.

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

Suggested matters to consider for your answer: You may want to mention people with disabilities, victims of trafficking, victims of torture, refugees; or alternatively leave it blank, on the basis that the entire set of proposals is unacceptable and no-one’s eligibility period should be increased.

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

No Possible answer as there is no proposal to make things worse for these categories; but potentially: “Don’t know / prefer not to say”, on the basis that the entire set of proposals is unacceptable and no-one’s eligibility period should be increased.

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

Possible answer: “Strongly disagree”, on the basis that families should be permitted to settle together at the same time, and that this proposal is likely to make matters worse for non-working partners (many of whom are likely to be women).

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

Possible answer: “Strongly disagree”, on the basis that families should be permitted to settle together at the same time.

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

Possible answer: “Strongly disagree”, on the basis that these are likely to be vulnerable people who should be granted either immediate settlement or after five years.

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

Suggested matters to consider for your answer: Have any good reasons have been given for greatly extending the period after which settlement applications can be made and is there evidence that the current system is not working? Do these proposals potentially discriminate against people who are less likely to have the opportunity to learn English or otherwise participate in society, including disabled people, women and parents of young children or with other caring responsibilities, as well as against people who lack aptitude at learning new languages? Should settlement in fact be easier, not harder to obtain?

Impact on organisations

No Possible answers.