

# RCN response to UK Government consultation: *Earned settlement*

20 January 2026

## **About the RCN**

*The Royal College of Nursing (RCN) is the UK's largest nursing trade union and professional body. We represent more than half a million members including registered nurses and nursing support worker staff. We have a large cohort of internationally educated nursing staff who are internationally trained and often subject to immigration controls.*

## **Background to the consultation**

The Government's Earned settlement consultation opened on the 28<sup>th</sup> of November 2025. It seeks views from organisations and individual members of the public on the Government's proposals to reform the current settlement system and the requirements to apply for indefinite leave to remain (ILR).

The consultation will close on the 12<sup>th</sup> of February. The RCN strongly encourages members to respond to submit their own individual responses to the consultation.

The RCN's full response is available below. Not all questions have been answered. Where appropriate, we have provided an explanation of our rationale for the responses we have given for the benefit of RCN members wishing to submit their own response.

## Consultation questions

### Background

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

- Individual
- Organisation

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

- Yes
- No

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

- Private sector
- Third sector / Voluntary
- Public sector
- Education provider
- Business representative organisation or trade union
- Think tank or research/policy organisation
- Other
- Don't know / prefer not to say

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

- Yes
- No
- Don't know / prefer not to say

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

- Yes – we currently sponsor employees
- Yes – we have sponsored employees in the past
- No – we have never sponsored employees
- Don't know / prefer not to say

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

- Yes
- No
- Don't know / prefer not to say

**7. [If organisation based in the UK] How many people work for your organisation across the UK as a whole?**

- Under 10
- 10-49
- 50-249
- 250+
- Don't know / prefer not to say

**8. [If organisation currently sponsors employees to work in the UK on a visa] How many employees are currently sponsored via a UK visa at your organisation?**

- Under 10
- 10-49
- 50-249
- 250+
- Don't know / prefer not to say

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

- Agriculture, forestry and fishing
- Mining and quarrying
- Manufacturing
- Electricity, gas, steam and air conditioning supply
- Water supply, sewerage, waste management and remediation activities
- Construction
- Wholesale and retail trade; repair of motor vehicles and motorcycles
- Transportation and storage

- Accommodation and food service activities
- Information and Communication
- Financial and insurance activities
- Real estate activities
- Professional, scientific and technical activities
- Administrative and support service activities
- Public administration and defence; compulsory social security
- Education
- Human health and social work activities
- Arts, entertainment and recreation
- Other
- Don't know / prefer not to say

**10. [If organisation based in the UK] In which part of the UK is your organisation mainly based?**

- East of England
- East Midlands
- London or Greater London
- North East
- North West
- South East (excluding London)
- South West
- West Midlands
- Yorkshire and the Humber
- Scotland
- Wales
- Northern Ireland
- Other – The RCN works across the United Kingdom
- Don't know / prefer not to say

*Note: Questions 11-17 are for individuals submitting a response and ask key demographic data*

## **Earned Settlement**

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

- Very clear
- Somewhat clear
- Neither clear nor unclear
- Somewhat unclear
- **Very unclear**
- Don't know / prefer not to say

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

- The concept of earned settlement
- The overall purpose
- **Which groups may be eligible for exemptions from the 10-year qualifying period**
- **How reductions to the qualifying period will be applied**
- How extensions to the qualifying period will be applied
- How reductions and/or extensions will be applied if applicants meet multiple criteria
- How the proposed changes will apply to dependants and children
- **Other (please specify)**

Free text response:

It is unclear how the settlement changes will impact nursing staff working outside the NHS. Nursing staff are essential to effective health care delivery in every setting, not just in hospitals, but in primary care, adult social care, mental health services, education, the military, prisons and other settings.

Rationale: Government has set out proposals that applicants who have been employed in a specified public service occupation for 5 years can receive a reduction to the 10-year baseline qualifying period. However, occupations which will be eligible for this reduction have not yet been named. The Home Office has said that nurses working in the NHS will be able to settle after 5 years, but what this means for nurses working in the independent and social care sector has not been clarified.

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

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- **Strongly disagree**
- Don't know / prefer not to say

Rationale: The RCN strongly opposes these proposals. We are calling for:

- all health and care workers and their dependents to continue to be eligible for indefinite leave to remain after five years
- for the rule changes to not apply to anyone already resident in the UK
- for people with indefinite leave to remain to continue to be able to access public funds when they need it.

To learn more about the RCN's calls around ILR, please see our forthcoming report, *“Unsettled: How the proposed change to indefinite leave to remain could affect the retention of internationally educated nursing staff”*.

## Character

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

Free text response (max 200 words):

There are more than 200,000 internationally educated nursing staff across the UK, making up 25.8% of the nursing workforce. They provide care in all settings and across every stage of patients' lives. All Nursing and Midwifery Council registrants are expected to follow professional standards of practice and behaviour, including showing respect to patients, prioritising safety, following the law and always acting with honesty and integrity.

Currently, health and care systems are dependent on these staff to function effectively. Introducing policies that discourage nursing staff from settling permanently in the UK risks worsening staff shortages with dangerous consequences for patient safety. Particularly as there is no robust domestic pipeline in place to mitigate this risk.

Threatening to increase the qualifying period for internationally educated nursing staff is especially insulting to those who worked tirelessly through the COVID-19 pandemic. Many made enormous sacrifices and endured separation from their loved ones to care for patients thousands of miles away from home. It cannot be right that after years of contribution, the UK Government is now considering changing the rules. Internationally educated nursing staff rightfully expect that their compassion and dedication to the health of the nation will be rewarded with the security that permanent settlement brings.

## Integration

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

- The reduction doesn't go far enough (it should be longer than 1 year)
- The reduction is about right
- The reduction goes too far (it should be shorter than 1 year)
- There should be no reduction for these applicants
- Don't know / prefer not to say

**2. How do you think integration should be assessed? (please select all that apply)**

- Through a formal test (such a revised Life in the UK Test)
- Through gathered ongoing evidence (such as participation in certified English-Language education or employment/volunteering evidence)
- Through completing a cultural orientation course once arrived in the UK
- Through character references from public services professional and British Nationals
- Through evidence of learning and participation within the wider community (including testimonies from relevant organisations/groups)
- In another way (please specify)
- Don't know / prefer not to say

Rationale: The RCN is concerned that these assessment methods could make it more difficult for the dependants of internationally educated nursing staff to achieve settlement. Currently, dependants do not require individual assessment.

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

Free text response (max 200 words):

As part of the registration process with the UK's Nursing and Midwifery Council, all internationally educated nurses are required to demonstrate English language competency to ensure they can practise safely and effectively. The NMC requires that all registration applicants meet a minimum level of C1 English in the Common European Framework of Reference for Languages (CEFR).

However, in light of proposals to assess the eligibility of dependants for settlement separately from the eligibility of main applicants, these new language requirements threaten to separate families and prevent their integration into British society. As the MAC recognise in their 2025 annual report, dependants are often able to improve their English proficiency more easily when they are given permission to live in the UK.

By proposing to remove access to public funds, even after ILR has been granted, the Government again risk putting additional barriers to integration in place. Nursing staff, whatever their nationality, are all expected to pay into the same system of tax and national insurance, but visa holders are unable to rely on that system for support. Extending this inequity to those with ILR will only contribute to a sense of exclusion amongst internationally educated nurses and undermine integration.

## 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?**

	Yes	No	Don't know / prefer not to say
Those on maternity leave or long-term illness/disability	X		
Those in certain occupations with different pay arrangements (e.g. Ministers of Religion)			X

**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?**

- Those with caring responsibilities
- Victims of labour abuse and exploitation, trafficking and modern slavery
- Workers bringing a claim to employment tribunal

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

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- **Strongly disagree**
- Don't know / prefer not to say

Rationale: Occupations such as nursing support workers, care workers and health care assistants are skilled below RQF level 6. All health and care workers make a vital contribution, so the RCN is calling for all occupations to be eligible for ILR after five years.

**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?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / prefer not to say

Rationale: Contributions from internationally educated nurses should be considered beyond taxable earnings. Nurses play an under-recognised role as drivers of economic growth by supporting the nation's health and productivity through improvements to life expectancy and quality of care.

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

	The reduction doesn't go far enough (it should be longer)	The reduction is about right	The reduction goes too far (it should be shorter)	There should be no reduction for these applicants	Don't know / prefer not to say
7-year reduction for applicants who earn a					X

	The reduction doesn't go far enough (it should be longer)	The reduction is about right	The reduction goes too far (it should be shorter)	There should be no reduction for these applicants	Don't know / prefer not to say
taxable income above £125,140					
5-year reduction for applicants who earn a taxable income above £50,270					x

**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?**

- Yes
- No
- Don't know / prefer not to say

Rationale: To maximise retention in the NHS, all public sector health and care workers should continue to be eligible for a five-year pathway to settlement. The RCN is also calling for the five-year route to be available to those employed in the independent sector. Internationally educated nurses make vital contributions to UK health and care services every day. By making settlement harder to achieve, these proposals will make life in the UK more challenging for these colleagues and will make the UK a less attractive destination for nursing careers.

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

	The penalty doesn't go far enough (it should be longer)	The penalty is about right	The penalty goes too far (it should be shorter)	There should be no penalty for these applicants	Don't know / prefer not to say
5-year penalty for applicants who claim public funds for less than 12 months during their route to settlement				X	
10-year penalty for applicants who claim public funds for more than 12 months during their route to settlement				X	

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

- **Strongly agree**
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / prefer not to say

Rationale: The RCN is concerned by the proposal to strip access to public funds from individuals with ILR and the possible harm it may pose to internationally educated nursing staff. Public funds provide a vital safety net for people when they need it most,. The RCN strongly disagrees with proposals to make those with indefinite leave to remain subject to an NRPF condition.

**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?**

- Strongly agree
- Agree
- Neither agree nor disagree
- **Disagree**
- Strongly disagree
- Don't know / prefer not to say

Rationale: Giving back to the community can take many forms and does not need to be done on a voluntary basis. Providing dedicated and compassionate healthcare is already a critical service to the community – nursing staff should not be expected to take on additional voluntary work.

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

- Yes
- **No**
- Don't know / prefer not to say

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

- Very easy
- Somewhat easy
- Neither easy nor difficult
- Somewhat difficult

- Very difficult
- Don't know / prefer not to say

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

- A very positive impact
- A somewhat positive impact
- No impact
- A somewhat negative impact
- A very negative impact

**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?**

Free text response (max 200 words):

In the Migration Advisory Committee's Fiscal Impact of Immigration paper published 11th of December, 2026, MAC estimate that excluding low-paid care workers, the estimated average net fiscal contribution for health and care worker visa holders is £166,000. However, MAC recognise that these estimates do not reflect the spillover benefits of health and care workers for the rest of the population.

Internationally educated nursing staff make an invaluable contribution, working long hours in demanding environments, they cannot be expected to undertake additional volunteering work to meet these requirements. An effective health and care workforce is vital to ensuring the health and productivity of the wider workforce, including those working in strategic industrial sectors. Population health, and the role of public services in enabling optimal health outcomes, is pivotal to the wider goals of government, including economic growth, and ensuring children and young people thrive in education.

With one in five members of the UK nursing workforce being educated overseas, our health and care services could not function without the hard work of our internationally trained colleagues. It is critical that these dedicated and brilliant staff are retained through fair and timely routes to settlement.

## Residence

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

	A penalty of 20 years	A penalty of 10 years	A penalty of 5 years	There should be no penalty for these applicants	Don't know / prefer not to say
<b>Applicants who arrived in the UK illegally</b>				X	
<b>Applicants who initially entered the UK on a temporary visit visa (typically this visa permits stays of up to 6 months for tourism, visiting family or friends or short- term business activities)</b>				X	
<b>Applicants who have overstayed their original visa by 6 months or more</b>				X	

Rationale: The RCN is concerned that longer qualifying periods for ILR may make visa holders more vulnerable to exploitation.

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

Free text response (max 200 words):

Expert stakeholders such as the Work Rights Centre (WoRC) have commented that by extending the duration that people are tied to employer sponsored visas, the Government are putting them at increased risk of exploitation and making it more likely that they will become undocumented. By increasing the qualification period by up to 20 years for these groups, the Government will place many in a near-permanent state of insecurity.

The RCN is deeply concerned by reports of abusive and exploitative practices experienced by international nursing staff, particularly in the care sector. Staff are more likely to feel trapped in exploitative situations where their immigration status is tied up with their employment, out of fear they will lose their leave to remain in the UK in the event they raise concerns.

The RCN is also aware of instances where long-term absences from work, due to maternity or ill health, lead to lapses in sponsorship and unintentional overstaying. Applying penalties that extend the qualification period for ILR will prolong the period that health and care workers are left with precarious status and increase their vulnerability to exploitation.

## 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?**

	<b>Reduction (of 5 or 7 years from the standard qualifying period of 10 years)</b>	<b>Apply full change (standard qualifying period of 10 years)</b>	<b>Don't know / prefer not to say</b>
<b>Applicants who currently require 3 years continuous residence under the Global Talent route</b>			X
<b>Applicants who currently require 5 continuous years residence under the Global Talent route</b>			X
<b>Applicants who currently require 3 continuous years residence under the Innovator Founder route</b>			X
<b>Applicants on humanitarian visa routes (e.g. Syrian, Afghan)</b>	X		

**Rationale:** Nursing staff are ineligible to apply for the Global Talent or Innovator Founder routes, but the RCN is concerned that longer routes to settlement for those on humanitarian visa routes could impact their access to health care and increase their vulnerability to labour exploitation.

**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?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / prefer not to say

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

Transitional arrangements refer to temporary measures which are designed to ease the impact of the new rules for those already in the UK and on an existing pathway to settlement.

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don't know / prefer not to say

Rationale: These proposals must not be applied to anyone already resident in the UK. Moving the goal posts for staff already resident in the UK risks a retention crisis of internationally educated staff and is an insult to the staff who worked tirelessly through the COVID-19 pandemic.

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

	Yes	No	Don't know / prefer not to say
<b>Victims of domestic violence and abuse</b>	X		
<b>Bereaved partners</b>	X		
<b>Children and young adults who grew up in the UK without immigration status</b>	X		
<b>Adults with long-term care needs</b>	X		

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

- Victims of labour abuse and exploitation, trafficking and modern slavery
- Workers bringing a claim to employment tribunal

**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?**

	Retain current arrangements	Further reductions should be applied	Don't know / prefer not to say
<b>Members of HM Armed Forces</b>			X
<b>Immediate family members of HM Armed Forces</b>			X

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

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- **Strongly Disagree**
- Don't know / prefer not to say

**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)**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- **Strongly Disagree**
- Don't know / prefer not to say

Rationale: Currently, dependant partners and children can apply for ILR alongside main applicants (the primary visa holders) without meeting any additional conditions. Making partners and children 'earn' their own settlement increases the chances of family separation and undermines integration into UK society. The current system should remain in place.

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

- Strongly agree
- Agree
- Neither agree nor disagree

- Disagree
- **Strongly Disagree**
- Don't know / prefer not to say

**Rationale:** A longer route to settlement increases the vulnerability of individuals to exploitation. Given other vulnerabilities experienced by refugees, increasing their risk of exploitation further is unacceptable.

**10. [If organisation providing immigration advice or support services] As an organisation which provides immigration advice or support services, are there any migrant groups in particular that you think will face barriers in demonstrating their eligibility or meeting new requirements for settlement?**

- Dependents with disabilities
- Victims of labour abuse and exploitation, trafficking and modern slavery
- Stateless individuals

**11. [If organisation providing immigration advice or support services] What are the main barriers that you think this group / these groups will face? (please select all that apply)**

- **Lack of documentation**
- Complexity of requirements
- Language barriers
- **Financial barriers**
- **Health-related barriers**
- Limited access to advice/support
- Other (please specify)

**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 prosed changes could affect children in the UK.**

Free text response (max 200 words):

Existing evidence suggests that a 10-year-route to settlement, which around 170,000 people already experience, considerably increases pressure on families without access to public funds. By the end of 2024, the Migration Observatory has estimated that around 541,000 children subject to NRPF. The Work and Pensions Committee has recognised NRPF as a significant contributor to child poverty, specifically increasing the risk of living in insecure and crowded housing.

In response to a recent RCN survey of internationally educated nursing staff, respondents told us of the increased financial pressure experienced by parents with visas subject to a NRPF condition. With no access to child benefit or tax credits, and only very limited levels of government-funded childcare, respondents who are single parents, or had children with special needs, particularly felt the strain of the NRPF condition. One nurse told us that they had made the difficult decision to move their child back to their home country due to the lack of available support.

## Impact on organisations

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

	Very positive impact	Somewhat positive impact	No impact	Somewhat negative impact	Very negative impact	Not applicable	Don't know / prefer not to say
Ability to attract suitable candidates							
Ability to retain existing migrant workers							
Workforce planning							
Administrative burden							

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

- Much more likely to sponsor
- Slightly more likely to sponsor
- No change

- Slightly less likely to sponsor
- Much less likely to sponsor
- Don't know / prefer not to say

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

- Much more likely to sponsor
- Slightly more likely to sponsor
- No change
- Slightly less likely to sponsor
- Much less likely to sponsor
- Don't know / prefer not to say

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

- Much more likely to sponsor
- Slightly more likely to sponsor
- No change
- Slightly less likely to sponsor
- Much less likely to sponsor
- Not applicable
- Don't know / prefer not to say

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

Free text response (max 200 words):

A standard qualifying period of ten years would make the UK more restrictive than most other high-income countries. Experts including the Migration Observatory and Chair of the Migration Advisory Committee have warned that this could result in increased emigration, with more people potentially looking to leave the country.

In August 2025, the RCN surveyed more than 5,000 internationally educated nursing staff on the proposed changes to ILR. When asked if extending the qualifying period for ILR would influence their decision to remain in the UK long-term, 60% of those who did not have ILR already said it would be “very likely” to, and a further 13% said it would be “likely” to. Many RCN members told us that they already had plans to move to countries they perceived as being more welcoming, and those which offered fast-tracked routes to settlement. Three quarters (74%) of respondents without ILR said that it was unlikely they would have chosen to come to the UK had the qualifying period been 10 years.

These proposals will impact both recruitment and retention and will ultimately undermine workforce stability and the UK Government’s ability to deliver on its ambitions to transform health and care services.

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