



SKILLED WORKER JUSTICE ALLIANCE

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Core Position Paper 02

Topic: Addressing the Earned Settlement Policy (CP1448)

Category: Correspondence

Identifier: SWJACOR08

Published: 26 May 2026

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Policy Context

CP1448 “Earned Settlement” proposes significant structural changes to existing settlement pathways, including extension of qualifying periods, additional conditionality requirements, and broader redefinition of long-term immigration stability.

SWJA considers that the central issue is not whether prospective immigration reform may occur, but whether conditions governing individuals already progressing lawfully within established Skilled Worker pathways should be retrospectively restructured during progression.

The distinction between prospective reform for future entrants and retrospective restructuring of existing progression pathways therefore becomes central to the issue of transitional fairness.

For individuals already progressing within the existing framework, the settlement pathway functions not merely as an administrative arrangement, but as a structural basis upon which long-term residence, employment, family formation and financial commitments are organised.

2. Structural Characteristics of the Existing Framework

The existing Skilled Worker settlement framework already operates as a structured progression framework across multiple entry cohorts.

The defined five-year settlement pathway, cohort differentiation and progression sequencing together establish foreseeable progression outcomes and structured completion expectations across multiple years.

For individuals already progressing within this structure, the pathway



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functions not merely as a policy description, but as the operational basis upon which long-term personal and professional decisions are organised.

Accordingly, the relevant issue concerns not merely policy adjustment itself, but the preservation of internal coherence, structured completion expectations and administrative predictability within the existing framework.

The framework therefore operates not merely as an immigration route, but as a long-term governance structure shaping foreseeable life progression outcomes.

3. Structural Effects of Substantive Retrospectivity

SWJA supports the Government's ability to pursue prospective immigration reform in accordance with future policy objectives. However, retrospectively restructuring settlement conditions mid-progression for individuals already progressing within established pathways may:

- weaken coherence and continuity within established progression frameworks;
- disrupt legitimate expectations and embedded completion horizons;
- reallocate systemic uncertainty from the framework itself onto individuals;
- impose disproportionate adjustment burdens upon individuals who organised long-term commitments under the previous framework;
- extend originally time-defined progression pathways into prolonged temporary immigration status;
- weaken perceptions of long-term framework stability and administrative consistency.

SWJA therefore considers that:

- established pathways should retain baseline coherence and predictability; structural reforms should primarily apply prospectively to future entrants;
- existing progression pathways require reasonable transitional protection;
- long-term settlement routes should not be substantively restructured during active progression;
- transitional arrangements should distinguish between future entrants and existing progression cohorts;



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4. Principles for Transitional Protection

- Legal certainty
- Legitimate expectations
- Transitional fairness
- Transitional proportionality
- Administrative coherence
- Prospective policy application
- Evidence-based policymaking

5. Mission

- promote evidence-based policy research, analysis and public engagement;
- support transitional fairness for existing Skilled Worker visa holders;
- provide structured analysis and public policy information;
- promote long-term framework stability and policy coherence;
- develop a structured and evidence-based platform for policy analysis, stakeholder engagement and public discussion relating to Skilled Worker settlement pathways.

6. Vision

- fair, stable and administratively predictable long-term immigration pathways;
- policy frameworks that respect legitimate expectations and structural continuity;
- transparent, coherent and evidence-based immigration governance.

7. Objectives

- produce formal policy analysis and evidence submissions;
- engage with Parliament, APPGs and public consultation processes;
- develop a structured research and publication archive;
- promote broader understanding of retrospective policy impacts;
- strengthen engagement with researchers, legal professionals, parliamentarians and public policy stakeholders.

SWJA considers that long-term immigration governance requires not only policy flexibility, but also continuity, predictability and reasonable transitional protection for individuals already progressing within established frameworks.