SWJA | PUBLIC STATEMENT 9 NOVEMBER 2026
Opposing Substantive Retrospectivity. Advancing Judicial Review Preparations.

SWJA opposes the substantively retrospective application of the Home Office's settlement reforms to all current Skilled Worker visa holders and their dependants who are already living in the UK and have planned their future around the expectation of settlement after five years.

Consistent with the transitional protection announced for qualifying care workers, we call for these existing Skilled Workers and their dependants to retain the established five-year settlement pathway, subject to the salary requirements applicable to them under the rules in force before the earned settlement changes, including existing transitional salary provisions.

We hope this work can help every affected individual and family. Our specific legal claims and the scope of any potential proceedings will be refined in light of independent professional legal advice, the relevant rules and the evidence. Other applicable settlement requirements would continue to apply.

We do not oppose the Home Secretary's lawful authority to introduce prospective reforms. We object to materially changing settlement conditions for those who have already organised their employment, family life and financial commitments in reliance on the published framework.

SWJA has pursued sustained policy research, parliamentary engagement and public advocacy. To date, these efforts have not secured the protection sought. SWJA is therefore advancing preparations for a potential judicial review and is seeking independent preliminary advice from specialist public-law counsel.

The principal legal issues under consideration are substantive retrospectivity, legitimate expectation and procedural unfairness. Related public-law grounds remain under consideration and will be determined on independent legal advice. This statement does not disclose detailed arguments, evidence or litigation strategy.

We are actively fundraising and welcome donations and fundraising support for independent legal advice, evidence gathering, case preparation and potential litigation costs. Please contribute only through the official channels published on the SWJA website.

In the interests of affected migrants, SWJA welcomes constructive cooperation with other organisations where objectives align, our independence is respected, and appropriate governance, confidentiality, decision-making and funding arrangements can be agreed.

Any decision to commence proceedings will depend on independent legal advice, the content and timing of the relevant decisions and legal instruments, and the available evidence and funding. Donations do not secure individual legal representation and do not guarantee that proceedings will be brought or any particular outcome. Litigation also carries cost risks, including potential liability for the other side's legal costs. This statement does not constitute legal or immigration advice. **Reject Substantive Retrospectivity. Protect Existing Pathways.**