Supplementary Submission: On Substantive Retrospectivity, Transitional Integrity and Policy Risk Allocation in the Proposed Settlement Reforms

In relation to: CP 1448 "Earned Settlement"

Submitted by: Skilled Worker Justice Alliance (SWJA)

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Executive Summary

This submission examines the proposed reforms to settlement under CP1448 insofar as they apply to individuals already lawfully present in the United Kingdom and progressing under the existing Skilled Worker framework. It does not address future entrants. Its focus is limited to those already admitted to the route—and their families—who have structured their employment, residence, and financial commitments on the basis of the previously established five-year settlement pathway.

Government materials project a significant increase in settlement grants between 2026 and 2030, including a central estimate of approximately 1.6 million grants and a projected peak around 2028. These projections are expressly described as derived from recent inflow data and cohort modelling. The anticipated peak is therefore presented as a foreseeable consequence of earlier admissions and policy settings, rather than as an external or unforeseeable development.

Recent Immigration Rule changes demonstrate the Government's use of defined temporal boundaries to manage regulatory transition. In particular, the 4 April 2030 horizon operates as a concrete completion boundary for certain work-route cohorts admitted before April 2024. Transitional mechanisms are framed as tools for preserving legal certainty, buffering reliance, and maintaining administrative stability across policy change.

CP1448 proposes to reset the baseline qualifying period for settlement from five years to ten years, with scope for extension to fifteen years or longer. In the absence of new transitional arrangements, the framework is envisaged as applying to those already in the United Kingdom who have not yet obtained settlement. For individuals who entered the Skilled Worker route in 2023 or 2024, this would move their settlement horizon beyond the 2030 boundary previously used to define protected cohorts.

In an already-admitted, closed or semi-closed cohort, extending the qualifying period cannot reduce cohort size. The relevant individuals are already present and progressing within the route. Altering the qualifying period therefore does not eliminate the underlying exposure

associated with projected settlement volumes; it redistributes fiscal, administrative, and compliance risks across time and across actors. The foreseeable outcomes include prolonged conditionality, earlier exit from the United Kingdom, and the growth of unresolved or precarious status ("limbo"). These outcomes reshape the incidence of exposure rather than remove it.

The supporting rationales advanced in the consultation—fairness framing, lifecycle fiscal modelling, and assumptions of domestic substitution—do not directly address the transitional and reliance implications of restructuring an already-begun pathway. Settlement under the existing framework has always been conditional upon lawful residence and compliance. Aggregate lifecycle models, while relevant at a population level, are not route-specific and do not demonstrate that retrospective extension of conditional status is necessary or proportionate for this defined cohort. Similarly, assumptions about domestic substitution rest on uncertain empirical foundations and do not resolve the structural implications identified.

The central issue raised by CP1448 is therefore one of governance coherence and transitional integrity. The question is not whether settlement policy may be reformed, nor whether a vested right to settlement exists. It is whether altering the legal consequences attached to residence and compliance already undertaken under a defined pathway constitutes substantive retrospectivity, and whether foreseeable structural pressures justify displacing previously defined temporal boundaries for an existing cohort.

Substantive retrospectivity does not depend on the existence of a vested entitlement, but on whether a legal framework changes the consequences of conduct already undertaken in reliance on the prior structure. These issues go to the coherence of the proposed reform, the integrity of established transitional boundaries, and the proper allocation of foreseeable policy risk. **They arise directly from the Government's own materials and modelling assumptions, and are matters that fall properly to be addressed within the consultation and decision-making process.**

Section 1 — Policy Background: Stated Objectives and Scope

The CP1448 proposals are presented against concerns about the projected scale and timing of future settlement grants and their implications for system control and public finances. The consultation materials state that, on the basis of recent inflows and cohort modelling, "settlement volumes are expected to increase between 2026 and 2030", with a "central estimate of around 1.6 million people" settling during that period and a "projected peak of

around 450,000 in 2028". They further characterise this projected increase as creating pressure associated with the rights attached to settlement, including access to public funds, housing and the welfare system. In oral evidence, the Home Secretary stated that "the scale and pace of recent migration" and the fact that "without any change to the rules, the people who have arrived are soon due to be applying for settlement" were central reasons for bringing forward reform, and described the objective as securing a "managed, well-controlled system" that "retains public support". The materials explain that the purpose of the reform is fiscal and structural: to "reduce future pressure on public finances", to avoid a situation in which "large numbers of people who become eligible for settlement at the same time" create a concentration of "net public expenditure users", and to "strengthen the link between settlement, contribution and integration" in order to support the "sustainability" and "fairness" of the system. They also state that "the starting point for settlement will move from five years to ten years", that the qualifying period "can be reduced or extended" by reference to specified attributes, and that in some cases it "could be extended to fifteen years or longer", including by reference to periods of access to public funds or certain forms of non-compliance. Finally, the consultation identifies particular cohorts, including the BN(O) cohort and recent Health and Care and Skilled Worker entry cohorts, as key drivers of the projected increase in future settlement numbers, and states that, "in the absence of transitional arrangements", the new framework "will apply to people who are already in the United Kingdom and who have not yet obtained settlement when the new rules come into force", while seeking views on whether transitional arrangements should be made for those already on a pathway to settlement. [1][2][3][4][5]

For the purposes of this submission, the Government's stated objectives and the scope of the proposed changes can be summarised as follows:

- **Projected settlement timing and scale (forecast framing):** settlement is expected to rise materially in 2026–2030, with a central estimate of around 1.6 million grants and a peak around 2028.
- **System pressure and entitlements framing:** the projected increase is presented as creating pressure linked to the rights attached to settlement, including public funds, housing and the welfare system.
- **Stated objectives (control, fiscal risk, and legitimacy):** the reform is presented as a response to the scale and pace of recent migration, aimed at securing a managed and well-controlled system that retains public support, while reducing future fiscal pressure and strengthening the link between settlement, contribution and integration.
- **Scope of change to qualifying periods:** the standard five-year route is to be replaced by a ten-year baseline, capable of being reduced or extended by reference to specified

attributes, and in some cases extended to fifteen years or longer.

- **Intended application to existing cohorts:** absent transitional arrangements, the new framework is envisaged as applying to people already in the United Kingdom who have not yet obtained settlement, including cohorts identified as key drivers of the projected increase.

Section 2 — Policy Instrument

The consultation materials describe the proposed "earned settlement" framework as a restructuring of the pathway to settlement through longer baselines and calibration mechanisms. They state that "the starting point for settlement will move from five years to ten years", and that this baseline "can be reduced or extended" by reference to specified attributes, including income thresholds, English language proficiency, designated public service roles, periods of access to public funds, and certain forms of non-compliance. They further state that, for some cohorts, "we propose that they should wait 15 years before they can earn settlement", indicating that a fifteen-year period is not only a possible extension but, for some groups, a standard pathway. The materials also explain that, "in the absence of transitional arrangements, the policy will apply to people who are already in the United Kingdom and who have not yet obtained settlement when the new rules come into force", and that views are therefore being sought on whether transitional arrangements should be made for those already on a pathway to settlement. Read together, the framework is presented as a staged or points-based model in which time to settlement is recalibrated by reference to defined criteria, and is intended to operate both on future applicants and—absent transitional protection—on those already within the United Kingdom and progressing within the pathway. [1][4]

For the purposes of this submission, the structure of the policy instrument can be mapped to the same five anchors as follows:

- **Baseline reset aligned to the forecast window:** the instrument responds to the projected 2026–2030 settlement window by replacing the five-year standard with a longer baseline.
- **Rights-linked calibration:** the model expressly links time to settlement to criteria that include access to public funds and compliance, alongside income, English proficiency and public service roles.
- **Contribution-centred staging:** the framework operates through staged or points-based calibration, presenting "contribution" as the organising principle for shortening or lengthening time to settlement.
- **Differentiated pathways (10 and 15 years+):** the default baseline is ten years, with

scope for fifteen years or longer for some cohorts, not merely as exceptional extensions but as standard routes.

- **In-system application at commencement:** absent transitional arrangements, the instrument is envisaged as applying to those already in the UK who have not yet obtained settlement, with consultation on whether and how transitional protections should be provided.

Taken together, the consultation materials describe an instrument that establishes longer and differentiated baseline pathways, provides mechanisms for both upward and downward adjustment, and is intended to operate not only on future applicants but—absent transitional arrangements—on those already in the United Kingdom and progressing within the pathway, including cohorts who have structured their residence, employment and family life on the basis of the existing pathway. On its own terms, this design alters not only future conditions, but the structure of the pathway for those already progressing within it.

Section 3 — Foreseeability and Governance Choice

The issue is not whether a response to projected settlement pressures was required, but what form of response was chosen, and where within the system its costs and risks were placed.

In structural terms, the effect of the chosen response is to address upstream planning pressures by reallocating risk to those already lawfully progressing through the system, through longer and more uncertain settlement pathways.

3.1 Foreseeability based on contemporaneous data and modelling

The Government's own materials confirm that the projected settlement peak is derived from existing inflow data and cohort modelling, rather than from ex post reconstruction. A FAIRER PATHWAY TO SETTLEMENT states that projections are based on "recent inflow data and cohort modelling" and that, on this basis, "settlement volumes are expected to increase between 2026 and 2030", with a "central estimate of around 1.6 million" and a "projected peak of around 450,000 in 2028". [1]

The Technical Annex further confirms that this is a structured forecasting exercise, explaining that the analysis "uses latest data on inflows after the implementation of these measures" and that it "sets out the estimated change in inflows that might be associated with policies considered in the Immigration White Paper against a baseline in the absence of policy intervention", and that it is based on "assumptions – the analysis presented is based

on a range of assumptions, including the baseline volumes and the composition of different cohorts of migrants". [6]

3.2 Transparency of administrative statistics and contemporaneous awareness

During 2021–2024, the Home Office published regular administrative statistics on Skilled Worker and Health and Care routes, which showed a marked and atypical expansion in the scale of those routes. These were not retrospective discoveries. They were contemporaneous administrative data, available to and published by the Department at the time. [3][5]

The existence of such data, and its routine use in Impact Assessments and policy appraisal, indicates not only access to information but an established capacity to map current inflows onto future cohort outcomes through tools such as cohort analysis and outflow profiles. [3]

3.3 Government acknowledgment of the causal chain

The consultation materials themselves acknowledge that the projected peak around 2028 is driven by earlier high levels of grants on work routes. A FAIRER PATHWAY TO SETTLEMENT explains that the settlement bulge in the late 2020s reflects the volume and composition of cohorts admitted in the preceding years, including 2022–2024. [1]

Ministerial evidence similarly framed the issue in explicitly cohort-based and time-bound terms, stating that "without any change to the rules, the people who have arrived are soon due to be applying for settlement" and that numbers are expected to peak, with a "central estimate" of around "1.6 million" applications. [5]

3.4 Not an external shock, but a delayed reflection of earlier policy choices

Read together, these materials establish a clear causal chain: earlier decisions on the scale and composition of admissions → cohort progression over time → a projected settlement peak in the late 2020s. The "future peak" is therefore not described in the materials as an exogenous shock, but as a cohort-driven projection. It is the delayed and structurally predictable consequence of earlier, documented policy settings, assessed using data and analytical methods that were already in use at the relevant time. Even allowing for external shocks, the scale of admissions during 2022–2024 was documented and modelled contemporaneously. [1][3][6]

3.5 Governance choice and downstream allocation of risk

Against that background, the central question is not one of ignorance or unforeseeability. The materials show that the Government had access to relevant data, understood cohort

dynamics, and possessed established modelling tools capable of projecting the timing and scale of the settlement peak. The issue is not whether action was needed, but that the action chosen was to adjust the settlement pathway for those already in the United Kingdom and progressing within the pathway, rather than to manage scale, pace or boundaries upstream. That is a matter of governance and policy choice, not accident. [1]

In an already-admitted, closed or semi-closed cohort—namely, people already present in the United Kingdom and progressing towards settlement—tightening settlement rules cannot remove the cohort itself. It can only change how long they wait, on what conditions, and where the fiscal, administrative and political costs of earlier policy choices are borne. In that sense, the response embodied in CP1448 is best understood as a reallocation of risk onto those already present in the United Kingdom and progressing within the pathway, rather than as a response to an unforeseeable external development.

Section 4 — Transitional Protection and the Tension with Substantive Retrospectivity

The issue is not whether new rules can be framed in forward-looking terms, but whether applying more onerous and extended settlement conditions to an already-admitted, closed or semi-closed cohort rewrites an existing pathway after reliance has accrued.

Where a projected pressure is structurally foreseeable, the question of transitional integrity becomes central. Those affected are not new entrants. They are individuals who have been progressing along a long-established and repeatedly confirmed route, and who have organised their careers, family lives and investments on that basis. Many have already accumulated residence and status in ways that generate legitimate expectations within the existing framework. [12][15]

In that context, applying new and more demanding conditions may be presented in form as a prospective change, but in substance it operates by altering the terms of a pathway already being performed. The effect is not neutral. It changes the conditions of an existing trajectory after reliance has crystallised, and therefore engages questions of substantive retrospectivity and transitional integrity. The argument advanced here does not depend on a vested right to settlement, but on the structural integrity of an already-begun pathway. [12][15]

The issue is not whether settlement policy can change, but whether applying a restructured and lengthened pathway to those already on route cuts across the purpose and temporal boundaries of the Government's own transitional protection framework.

4.1 Transitional protection as a governing principle, not a technical add-on

Recent changes to the Immigration Rules show that transitional provisions are used to preserve the position of defined cohorts and to maintain continuity across regulatory change. The Continuous Residence guidance provides, for example, that "any absences from the UK which started before 11 April 2024 will be considered" under the approach applicable to that period, and that decisions may need to distinguish "any part of the qualifying period before 11 April 2024". [7]

The Spring Impact Assessment illustrates the governance function of phased implementation, explaining that changes were introduced in steps "to mitigate any risks … and provide certainty for families". [3]

Taken together, these statements show that transitional protection operates as a deliberate governance device, designed to protect reliance, to preserve legal certainty, and to limit the temporal reach of new rules. [3][7]

4.2 The 2030 transitional arrangement: concrete temporal anchoring and buffering

In 2025, the Government introduced an express transitional structure for work-route changes, providing that those who entered the relevant routes before April 2024 would benefit from transitional protection extending to 2030. [8][18]

Operational materials further identify the protected cohort by reference to a specific cut-off, referring to those who "employ or settle before 4 April 2030." [8][18][19] This formulation is not illustrative. It defines a concrete temporal boundary used by the system to delimit the reach of new rules and to preserve the position of those already in the route.

The logic of this arrangement, as reflected in the policy materials and accompanying explanations, is to:

1. define a clear time boundary;
2. provide a buffer period for existing groups;
3. maintain the predictability, stability, and administrative feasibility of the system; and
4. avoid unfair or disorderly retroactive impacts on existing reliance. [18][19]

The existence of such a date-anchored transitional structure demonstrates a recognition of the governance importance of clear temporal boundaries and buffering mechanisms for those already on an established pathway.

4.3 CP1448 nevertheless proposes to apply a lengthened pathway to the same already-admitted, closed or semi-closed cohorts

CP1448 states that, "in the absence of transitional arrangements, the policy will affect the already-admitted, closed or semi-closed cohort progressing within the pathway" who have not yet obtained settlement when the new rules commence, and seeks views on whether transitional arrangements should be provided for those already on a pathway to settlement. [1]

At the same time, the consultation states that "the starting point for settlement will move from five years to ten years", and asks whether, for some cohorts, "the pathway for settlement should be increased beyond the ten-year baseline", giving an example of a fifteen-year pathway. [1]

Read together, these passages make clear that, unless a new cut-off is drawn, the restructured and lengthened pathway is envisaged as operating on the very cohorts to whom the 2030 transitional logic was designed to provide boundary and buffering.

The question is not whether a vested right to settlement has accrued, but whether the legal consequences attached to residence and compliance already undertaken under a defined pathway are being altered after reliance has formed.

4.4 The collision with the 2030 boundary and the emergence of substantive retrospectivity

The practical effect can be illustrated by reference to that boundary. A Skilled Worker who entered the route in 2023 or 2024 would, under the previous five-year framework, expect to reach settlement around 2028 or 2029—that is, before 4 April 2030, and therefore within the temporal horizon the system itself has used to define protected cohorts. [8][18][19]

If, however, the baseline is reset to ten years, that individual's settlement horizon moves to around 2033–2034; if a fifteen-year baseline applies, to around 2038–2039. Both outcomes fall after 4 April 2030. [8][18][19]

The effect is therefore not merely to change future conditions, but to push an already-admitted cohort beyond a boundary that the Government's own framework established precisely in order to provide stability and buffering.

4.5 From transitional protection to substantive retrospectivity

Where other parts of the system preserve earlier rules for conduct or residence "started before 11 April 2024", CP1448 contemplates a design that, absent an express new cut-off, re-writes the qualifying period for those already on route. [1][7]

The issue, therefore, is not whether settlement policy can change, but whether applying a longer qualifying period to an already-admitted, closed or semi-closed cohort cuts across the Government's own transitional framework and, in structural terms, produces a substantive retrospectivity by displacing a previously defined temporal boundary that was itself designed to provide certainty and buffering. The existing five-year structure was repeatedly reaffirmed in Immigration Rules, sponsor guidance, and public materials, forming the regulatory environment within which individuals structured employment, residence and financial commitments. [1][8]

Section 5 — Risk Allocation, Closed Cohorts, and Means–Ends Misalignment

The issue is not whether Government may seek to manage long-term fiscal and administrative exposure, but whether, in an already-admitted, closed or semi-closed cohort, the instrument chosen can do anything other than reallocate risk and externalise the costs of earlier policy choices.

For the purposes of projected settlement volumes within the 2026–2030 window, the relevant cohorts have already been admitted under prior policy settings, and their presence and eligibility trajectory are primarily determined by past inflows rather than future route design.

Those affected by CP1448 are already present in the United Kingdom and are progressing within established pathways to settlement. In structural terms, they therefore constitute an already-admitted, closed or semi-closed cohort. In such a setting, changes to qualifying conditions cannot remove the cohort itself, nor can they eliminate the long-term fiscal or administrative exposure associated with that cohort. At most, they can change the timing, conditions, and distribution of that exposure. [1][3]

5.1 From risk management to risk reallocation

In an already-admitted, closed or semi-closed cohort, the extension and tightening of settlement conditions does not operate as upstream risk management. It does not reduce cohort size, and it does not address the upstream drivers of projected pressures. Instead, it functions as an internal redistribution mechanism—shifting when risk crystallises, who bears it, and in what form.

Rather than managing scale, pace, eligibility boundaries, or timing at the point of entry, CP1448 recalibrates the pathway at a later stage by lengthening and complicating the qualifying period. The practical effect is therefore not to remove exposure, but to defer it, reshape it, and relocate it downstream onto those already in the United Kingdom and progressing within the pathway. [1][3][6]

5.2 The three predictable outcomes for those already in the United Kingdom and progressing within the pathway

Once the pathway is lengthened to ten or fifteen years and layered with additional conditionality, individuals already in the United Kingdom and progressing within the pathway face **three foreseeable and structurally determined outcomes:**

1. **Endurance:** some will remain and seek to comply over a much longer and more complex pathway, absorbing prolonged uncertainty, repeated renewals, and higher compliance costs;
2. **Exit:** some will leave earlier than planned in response to extended uncertainty, higher barriers, or reduced predictability—resulting in losses to the labour market and tax base and the write-off of sunk employer and social investment; and
3. **Limbo / irregularisation:** some will fall out of continuous compliance because of ordinary life events—job changes, gaps in employment, illness, family crises, administrative delay, or error—and will not disappear from the system but remain present with unresolved, precarious, or irregular status. For clarity, "limbo" refers to situations of prolonged unresolved or precarious status short of formal removal.

In a closed cohort, these are not contingent side-effects. They are the predictable pathways through which risk is redistributed when the qualifying period is lengthened and made more complex.

5.3 The downstream incidence of costs: endurance, exit, and limbo

The consequences of this design choice are borne not by the system in the abstract, but by a defined group of lawful and compliant migrants and their employers. Costs generated by earlier policy choices—described in the Government's own materials as contributing to the projected settlement peak—are translated into longer periods of uncertainty, repeated renewal cycles, higher compliance burdens, and greater exposure to policy change. [1]

For those who endure, the cost is borne through prolonged conditionality and repeated administrative interaction. For those who exit, the cost is borne through lost future tax

contribution and the forfeiture of sunk investment by employers and individuals. For those pushed into limbo, the cost is borne through precariousness, loss of effective access to ordinary labour-market participation, and heightened exposure to error correction and dispute. In structural terms, this represents a redistribution of administrative and compliance burdens from the system to affected individuals and sponsors, rather than an upstream adjustment of cohort scale.

5.4 Foreseeable failure mechanisms and the expansion of "limbo"

Lengthening the qualifying period to ten or fifteen years, and adding further layers of conditionality, **gives rise to foreseeable and cumulative failure mechanisms, including:**

1. increased administrative and compliance costs, as longer periods of temporary status generate more renewals, more monitoring, and more scope for error and correction;
2. losses to the labour market and tax base, as earlier exit becomes a rational response for some, taking with it future tax contributions and sunk investment;
3. reduced investment and productivity, as extended periods of conditional status discourage long-term skills acquisition and career development;
4. the systematic growth of a population in limbo, comprising individuals who remain present but with unresolved, precarious, or only partially effective status; and
5. a deterioration in the overall cost profile of the system, as predictable, lifecycle-based expenditure is displaced by more expensive and less controllable costs associated with enforcement, correction, litigation, and crisis management. [1][18]

The United Kingdom's Windrush experience illustrates that, historically, complexity and weak status certainty have been associated with systemic status mismatches and administrative harm, error, and systemic harm—risks which increase where long pathways and layered conditions expand the scope for inadvertent non-compliance and administrative mistake. [1][18]

5.5 Means–ends misalignment and a self-defeating fiscal logic

The stated objectives of CP1448 are framed in terms of fiscal sustainability, system stability, and the management of long-term pressures. However, in an already-admitted, closed or semi-closed cohort, an instrument that operates primarily by extending and complicating the pathway to settlement cannot, by its nature, eliminate the underlying exposure. It can only redistribute it over time and across actors.

There is therefore a question as to the alignment between means and stated objectives. The policy does not remove the cohort that generates the projected pressures; it reallocates risk

among endurance, exit, and limbo. In doing so, it foreseeably reduces projected future tax contributions from retained skilled cohorts, increases administrative and crisis-management costs, and amplifies systemic policy risk.

The issue, therefore, is not whether settlement policy may be adjusted, but whether, in structural terms, the chosen instrument represents a coherent response to the stated objectives, or instead a reallocation and externalisation of risk that generates new and foreseeable forms of systemic failure.

Section 6 — Supporting Rationales and Analytical Defects

The issue is not whether supporting rationales can be invoked, but whether those rationales withstand scrutiny when applied to an already-admitted, closed or semi-closed cohort.

CP1448 is accompanied by a set of justificatory frames and analytical claims—most prominently the "fair/earned" narrative, lifecycle cost reasoning, and assumptions about domestic substitution. This section addresses those rationales in turn. The purpose is not to contest the legitimacy of policy objectives in the abstract, but to assess whether these rationales, on their own terms, provide a coherent justification for restructuring the pathway of those already in the United Kingdom and progressing within the pathway.

6.1 The "Fair / Earned" framing

The consultation materials present the reform under the heading of a "fairer" and "earned" settlement model. However, settlement under the existing framework has never been unconditional. It has always been contingent on lawful residence, continued compliance, and satisfaction of specified criteria. The issue, therefore, is not whether contribution and compliance may be relevant to settlement, but whether the "fair/earned" framing meaningfully addresses the legally relevant questions raised by applying a lengthened pathway to an already-admitted, closed or semi-closed cohort.

In particular, that framing does not engage with questions of transitional integrity, legal certainty, or reliance. It does not explain how or why a pathway that individuals are already progressing along may be restructured mid-course without addressing the temporal boundaries previously established by the system itself. As a result, the "fair/earned" narrative operates at the level of policy description, rather than engaging with the specific institutional questions identified in Sections 3–5 as an analytical response. [1][12][14]

6.2 The lifecycle cost argument

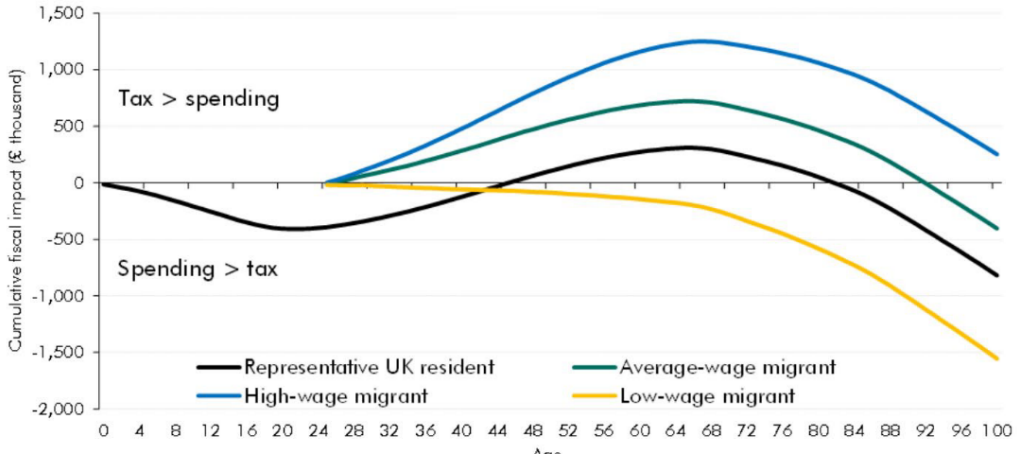
The issue is not whether fiscal contributions vary over the lifecycle, but whether generalised lifecycle modelling justifies retrospectively extending the settlement period of an existing sponsored cohort progressing under a previously structured pathway.

The Home Office itself recognises that "the fiscal contribution of migrants varies across different migrant cohorts," and further acknowledges that "fiscal impacts can also vary by time spent in the country." These statements properly reflect the heterogeneity and temporal variation inherent in long-term fiscal projections. They also underscore that aggregate modelling cannot substitute for cohort-specific analysis when institutional consequences are to be drawn for a defined group. [18]

The modelling relied upon, however, is stylised and not route-specific. The OBR framework referenced is constructed around representative "average-wage," "high-wage," and "low-wage" migrants entering at age 25, rather than the fiscal trajectory of Sponsored Skilled Workers admitted under salary-regulated, employment-verified conditions. While the document observes that certain RQF 3–5 roles are likely to make "less of a contribution than 'average wage' migrants," it does not demonstrate that the existing Sponsored Skilled Worker cohort falls within the "low-wage" fiscal profile projected never to generate a net positive contribution. Nor does it model earnings progression, occupational mobility, sectoral retention, or return migration dynamics, all of which materially affect lifetime fiscal outcomes. [18]

The same section also notes that migrants contribute "in a number of other ways," including through the provision of vital services. This acknowledgement reinforces that fiscal impact assessment is necessarily multi-dimensional. Lifecycle uncertainty is inherent in population-level projections. The relevant proportionality question is whether such generalised fiscal variability justifies reallocating systemic fiscal risk onto a defined cohort who entered, complied, and organised their affairs in reliance on the settlement framework as set, rather than addressing fiscal concerns through prospective route design or broader planning instruments. No published cohort-specific modelling has been presented demonstrating that retrospective extension of conditional status is necessary or proportionate in response to the considerations identified. [18]

Figure 6: OBR cumulative fiscal impact of representative migrants[44]



6.3 The domestic substitution claim

A further assumption underlying the policy debate is that tightening settlement pathways will facilitate domestic substitution in the labour market. However, evidence before committees, including analysis by the Oxford Migration Observatory, indicates that substitution effects are uncertain, sector-specific, and often limited by training pipelines, working conditions, and geographic and skills mismatches.

The issue, therefore, is not whether domestic training and workforce development are legitimate objectives, but whether restructuring settlement pathways for those already in the United Kingdom and progressing within the pathway is a reliable or proportionate instrument for achieving them. There is limited evidence on the extent to which a longer path to settlement affects immigration and emigration, and the size of any effect is difficult to predict; however, it "might also lead some migrants already in the UK to leave the country". Where exit responses and "limbo" outcomes are foreseeable (as set out in Section 5), there is a material risk of leakage rather than replacement, including through reduced retention and unrecoverable employer and fiscal impacts where experienced workers exit earlier than projected. [9][11][16]

6.4 Summary: rationales do not resolve the structural problem

Taken together, these supporting rationales do not address the core structural features identified in Sections 3–5. The "fair/earned" framing does not engage with transitional boundaries or reliance; lifecycle reasoning operates at too high a level of generality to justify selective pathway restructuring; and domestic substitution claims rest on uncertain empirical foundations.

The issue, therefore, is not whether these rationales can be articulated, but whether they provide a coherent justification for applying a lengthened and more complex pathway to an already-admitted, closed or semi-closed cohort. On their own terms, they do not resolve the problems of foreseeability, transitional integrity, or risk reallocation identified above.

Section 7 — Occupational Codes, Skill Levels, and the Administrative Trap of "Compliance Without an Exit"

The issue is not whether occupational classification systems can evolve, but whether it is legitimate to make an already-admitted cohort's pathway to settlement depend on shifting administrative categories in ways that can render compliance impossible, unpredictable, or retrospectively more onerous.

CP1448 proposes a differentiated settlement architecture tied to skill levels and occupational classifications—for example, a 10-year baseline for most categories, with an increased 15-year baseline for roles below RQF level 6 (including RQF levels 3–5). In principle, classification is an administrative tool. In practice, however, when applied to already-admitted, closed or semi-closed cohort progressing within the pathway, this design introduces structural risks that go beyond ordinary policy adjustment and may create a compliance trap: a situation in which lawful migrants are exposed to extended conditionality driven by eligibility criteria that can change over time and that individuals cannot control. [10][11][13][14][15]

7.1 Legal and practical impossibility: the "no-code-to-renew" risk

For certain occupations—illustratively, SOC 1243 (Managers in logistics) and similar roles—the current policy direction combines two moves: first, the retrospective lengthening of the settlement pathway; and second, the planned removal of those occupations from shortage or eligibility lists, or the withdrawal of the relevant codes altogether. [1][8]

For individuals already in the route, this produces a structurally incoherent outcome. They are told that they must remain in lawful, sponsored status for a significantly longer period, while the system simultaneously withdraws or closes the occupational codes through which renewal is possible. The result is not merely a higher threshold, but a situation in which continued compliance may become legally and administratively unavailable in practice. [8][18]

In such cases, the problem is not individual non-compliance, but a design that creates a

closed loop: longer pathway, fewer or no viable codes, and therefore no lawful means of continuation under the revised framework. This is not merely a theoretical possibility; it creates a foreseeable risk where extended settlement horizons are tied to mutable occupational lists. [8][18]

7.2 Administrative downgrading and procedural unfairness

A second structural risk arises from the Government's ability to revise SOC frameworks and reclassify roles between versions (for example, from SOC 2010 to SOC 2020), including by reassigning roles to lower RQF levels. [8][18]

An individual may enter the system in good faith in a role classified at RQF 6, with a corresponding expectation of a ten-year pathway under the new framework. If, before they reach settlement, that role is administratively reclassified to RQF 4, the same individual can be shifted onto a fifteen-year pathway without any change in their actual work, skills, or contribution. The only change is the administrative label applied to the role. [1][8]

This is not simply a policy update. It is a form of procedural unfairness, in which the length and conditions of an already-begun pathway are altered by unilateral reclassification, rather than by any change in the individual's conduct or qualifications. In substance, it operates as a second, classification-driven retroactive tightening layered on top of the primary extension of the settlement period. [1][8]

7.3 The erosion of "successor mapping" and reliance protection

Previous practice, reflected for example in HC 590, recognises the need for successor mapping: where occupational codes change, there should be an automatic or at least structured mapping from old codes to new ones, so that individuals are not disadvantaged simply because the classification system has been updated. [19]

Using changes in SOC codes or skill-level classifications as a mechanism to lengthen settlement pathways, or to block renewal altogether, departs from that principle. It transforms what should be a neutral administrative update into a substantive worsening of legal position for people who have already organised their lives around the existing framework. [1][8]

In reliance terms, this represents a second-order interference: first, the pathway is lengthened; second, the classification system is adjusted in ways that can further extend, destabilise, or even terminate that pathway. The combined effect is to undermine the very reliance interests

that transitional and successor-mapping principles are designed to protect. [1][19]

7.4 From classification to structural "compliance deadlock"

Taken together, these mechanisms—code removal, reclassification, and the absence of robust successor mapping—mean that CP1448 does not merely make settlement harder or longer to reach. It creates a credible risk of structural compliance deadlock, in which:

some individuals can comply only by enduring ever longer and more uncertain renewal cycles; some are forced out of the system earlier than planned because lawful continuation becomes impracticable; and some fall into unresolved or precarious status because the system no longer offers a viable compliant route, despite their continued presence and prior lawful history.

This is not presented in the materials as an incidental by-product, but arises from the interaction between extended pathways and eligibility criteria applied through administrative classifications. It is the predictable consequence of binding long settlement horizons to administrative classifications in an already-admitted, closed or semi-closed cohort. In such a design, classification ceases to be a technical tool and becomes a mechanism by which risk, uncertainty, and failure are systematically redistributed onto individuals. [10][11][13][14][15]

7.5 The 2030 normative boundary and the 2028 operational cut-off

The issue is not whether transitional arrangements can be staged at different points, but whether a design that combines a normative completion boundary with an earlier operational cut-off can coherently support a lengthened pathway that necessarily runs beyond both.

Recent policy materials establish two distinct temporal devices. First, a normative boundary is used to delineate protection for existing cohorts by reference to a completion horizon before 4 April 2030, reflecting the Government's stated purpose of preserving reliance, legal certainty, and administrative stability for those already on route. Second, a separate operational cut-off—22 July 2028—is used to permit continued sponsorship and renewal for certain RQF 3–5 roles that would otherwise fall out of eligibility, functioning as a time-limited window for practical continuity of status. [1][4][8][17][18][19]

Taken in isolation, these devices serve different functions: the former marks a protected completion horizon, while the latter marks a temporary renewal window. However, when

combined with CP1448's proposal to reset the baseline qualifying period to ten years, and in some cases fifteen years, the two devices come into structural tension.

By way of illustration, an individual who entered the Skilled Worker route in 2023 would, under the previous five-year framework, expect to reach settlement around 2028, within the United Kingdom and progressing within the pathway's own protected horizon. Under a ten-year baseline, that point moves to 2033; under a fifteen-year baseline, to 2038—both beyond the 2030 normative boundary. At the same time, where that individual's role falls within RQF 3–5, the 2028-07-22 operational cut-off may remove the very sponsorship channel required to remain lawfully on route.

The combined effect is not merely to change future conditions, but to create a dual misalignment: the pathway is lengthened beyond the system's own completion horizon, while the practical means of remaining compliant may expire earlier. In structural terms, this creates a structural risk of compliance deadlock—a requirement to remain on a pathway for longer, coupled with a foreseeable risk that the system itself withdraws the mechanisms needed to do so.

The issue, therefore, is not the existence of transitional dates as such, but the coherence of a design that both displaces the normative boundary and constricts the operational window, while simultaneously extending the pathway beyond both. In that configuration, the predictable outcomes are those identified elsewhere in this submission: endurance under prolonged uncertainty, earlier exit, or transition into unresolved or precarious status.

7.6 Conclusion: classification as a vector of substantive retrospectivity and systemic risk

The issue, therefore, is not whether occupational codes or skill frameworks can be updated. It is whether it is constitutionally and administratively sound to make the length and viability of an already-begun settlement pathway depend on classifications that can be withdrawn, downgraded, or remapped at any time.

In structural terms, CP1448 has the effect of making administrative classification a potential vector through which substantive retrospectivity and systemic risk may arise: a means by which the conditions of an existing pathway can be worsened, destabilised, or materially harder to complete, without any change in the individual's conduct. That is not a neutral feature of system maintenance. It is a design choice that compounds uncertainty, undermines

reliance, and materially increases the risk of large-scale "limbo" outcomes and compliance failure within an already-admitted cohort. [13][14][15][16]

Section 8 — Conclusion: Governance Coherence, Transitional Integrity, and Economic Rationality

The issue is not whether settlement policy may be reformed, but whether the reform, taken as a whole, is coherent in governance terms, consistent with the Government's own transitional framework, and rational in its economic and administrative effects.

Sections 3 to 5 have shown that the pressures to which CP1448 is addressed were not unforeseeable shocks, but the structurally predictable consequence of earlier, documented policy choices, assessed using data and modelling tools already in use. In that context, the choice to respond by restructuring the pathway for those already in the United Kingdom and progressing within the pathway is a matter of governance design, not necessity.

Section 4 has shown that this design sits in tension with the Government's own approach to transitional protection, including the use of defined temporal boundaries—most notably the 2030 horizon—to preserve reliance, legal certainty, and administrative stability for those already on established routes. Extending qualifying periods to ten or fifteen years for the same cohorts has the effect of displacing that boundary and raises, in structural terms, questions of substantive retrospectivity. [1][4][7][17]

Section 5 has shown that, in an already-admitted, closed or semi-closed cohort, the instrument chosen cannot eliminate the underlying exposure. It can only reallocate risk among three predictable outcomes—endurance, exit, and limbo—thereby externalising governance costs, eroding the tax base, increasing administrative and crisis-management burdens, and amplifying systemic policy risk. This represents a misalignment between means and ends, and a structurally counter-productive fiscal and administrative logic.

Taken together, these features raise questions not of political preference, but of governance coherence, transitional integrity, and economic rationality. The policy, as designed, seeks to address a predictable structural pressure by a mechanism that restructures existing pathways, displaces established temporal boundaries, and redistributes risk in ways that generate new and foreseeable forms of systemic failure. Substantive retrospectivity does not depend on the existence of a vested entitlement, but on whether a legal framework alters the consequences of conduct already undertaken in reliance on the prior structure.

Section 9 — Procedural Closing

The issue is not whether Government may pursue its stated objectives, but whether the structural and legal implications of the chosen instrument are expressly confronted, assessed, and answered before final determination.

The matters set out in this submission go to the coherence of the policy design, the integrity of the transitional framework, and the foreseeable administrative and economic consequences of applying the proposed model to those already in the United Kingdom and progressing within the pathway. They arise from the Government's own materials, modelling assumptions, and stated policy architecture.

These issues therefore require explicit consideration and response within the consultation and decision-making process, including a clear account of:

1. how transitional boundaries are to be drawn and justified;
2. how reliance interests are to be treated; and
3. how the redistribution of risk identified above is said to be consistent with the stated objectives of fiscal sustainability, system stability, and effective governance.

This submission is accordingly made not to invite any particular outcome, but to ensure that these questions are addressed on the record, as part of a lawful, rational, and procedurally complete decision-making process.

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