

## **Briefing Note for Discussion with ILPA Working Group**

**Prepared by: Skilled Worker Justice Alliance**

**Date: 19 June 2026**

### **Proposed agenda**

- A. Opening and introductions**
- B. SWJA's Position**
- C. SWJA's Work and Evidence**
- D. Q&A: evidence priorities and gaps**
- E. Ongoing dialogue and evidence-sharing**
- F. Next steps, including editorial or process routes if appropriate**

### **Purpose of the meeting**

1. SWJA would welcome this meeting as an exploratory evidence-sharing conversation. Our main aim is to explain the public record and analytical material SWJA has developed on the position of existing Skilled Worker visa holders and dependants, and to understand what may be useful to ILPA's working group as it considers the Earned Settlement proposals.
2. SWJA is not asking ILPA to adopt SWJA's position wholesale, to provide legal advice, or to endorse SWJA as an organisation. The proposed focus is narrower: whether there is scope for ongoing dialogue, structured evidence-sharing, and appropriate signposting where ILPA considers that useful.

### **SWJA's Introduction**

3. Skilled Worker Justice Alliance (SWJA) is an independent policy, evidence and publication initiative examining the structural and transitional implications of the Earned Settlement proposal, CP1448 and the potential retrospective settlement reform affecting existing Skilled Worker migrants in the United Kingdom. See [About SWJA](#)
4. SWJA draws on affected-cohort experience, public evidence, volunteer contributions and stakeholder engagement to examine how proposed settlement reforms may affect people already progressing within published Skilled Worker settlement pathways.
5. SWJA examines the distinction between prospective and retrospective application of settlement reform. Measured policy analysis has been used to assess transitional arrangements, substantive retrospectivity, settlement uncertainty and the practical effects of prolonged conditionality on existing Skilled Worker migrants and their families.
6. SWJA engages through policy submissions, parliamentary evidence,

correspondence with MPs, Lords, APPGs and policy stakeholders, and the public publication of analytical notes, position letters and evidence materials.

7. SWJA has also developed the Settlement Reform Record as a structured public record of relevant policy, parliamentary, institutional, correspondence and media materials relating to the Earned Settlement proposal and existing Skilled Worker cohorts. See [The Settlement Reform Record](#)

#### **SWJA's Core Position**

8. SWJA's position is that existing-route cohorts should not be materially restructured mid-pathway unless the Government has provided clear reasons, cohort-specific evidence, and workable transitional or saving provisions. Future entrants can be governed prospectively by new rules; existing-route cohorts require clear saving or transitional provisions unless the Government has justified a different approach. See [SWJA's Position](#)
9. **Minimum safeguards:** Any reform affecting existing-route cohorts should be assessed against three minimum safeguards:
  - a) Transitional justification,
  - b) Cohort-specific evidence,
  - c) Legal and operational clarity
10. **Less intrusive transitional alternatives:** This is not a binary choice between abandoning reform and applying it in full to people already inside the route. A coherent transitional framework could use less disruptive options while still allowing future reform. The relevant question is not simply whether reform is permissible in principle, but whether the Government has considered less intrusive means of achieving its objectives before imposing the full burden of reform on a cohort already part-way through an established route. Route protection; Time-based transition; Family and dependant safeguards; Cost and fee mitigation; Administrative safeguards.
11. **Key observation on existing cohorts:** Without making any claim about unpublished internal government analysis, the published materials reviewed for this record reveal an evidential asymmetry: the general rationale for Earned Settlement reform is substantially developed, but the specific justification for applying materially changed settlement conditions to existing Skilled Worker visa holders and dependants already progressing within published five-year settlement pathways remains under-explained. See [The Settlement Reform Record](#)

#### **SWJA's Key Work and Evidence**

12. **Published five-year compliance architecture was disrupted**  
The existing Skilled Worker route was publicly presented and operated as a five-

year route to settlement. Official route materials, settlement guidance and visa-checker outputs repeatedly linked Skilled Worker compliance to a five-year settlement horizon, including the formulation “Can settle: Yes – after 5 years”. The point is not that the Immigration Rules could never change, but that existing workers organised residence, employment, sponsorship, fees and family planning around a published compliance-to-settlement structure. Moving that cohort to a ten-year or potentially fifteen-year framework would alter the consequence of compliance already undertaken, rather than merely changing the rules for future entrants. See [Public-Law Boundary of Settlement Reform](#)

**13. Compliance deadlock and administrative incoherence**

For a 2023 entrant, CP1448 may require existing Skilled Workers to remain compliant until 2033 or 2038, while the system’s own transitional and renewal architecture may only support practical continuation to 2030, or for some RQF 3–5 roles only to 22 July 2028. This creates a structural mismatch: the pathway is extended beyond the point at which the system may still preserve a lawful route to complete it. The concern is not ordinary delay, but a possible compliance deadlock in which individuals are required to remain sponsored and continuously compliant after the practical route for doing so may have narrowed, closed or become uncertain. That raises public-law concerns around legal certainty, rationality, administrative coherence and transitional fairness. See [Substantive Retrospectivity](#)

**14. Foreseeable pressure, not an external shock**

Government materials refer to projected settlement volumes between 2026 and 2030, with a central estimate of around 1.6 million grants and a projected peak around 2028. That pressure follows from earlier work-route inflows and cohort modelling; it is not presented as an unforeseeable external shock. For existing Skilled Worker cohorts already in the UK, tightening settlement rules does not remove the cohort itself. It reallocates risk into foreseeable outcomes: prolonged conditionality, early labour-market exit, or unresolved / precarious status where continued compliance becomes harder to maintain. The question is therefore why a foreseeable consequence of earlier policy design should be managed by shifting the burden onto people already admitted and progressing within the route.

**15. Public-law boundary: Ooi does not answer the transitional question**

Ooi supports the Government’s general flexibility to change settlement rules before ILR has crystallised, but it should not be treated as a complete answer to CP1448. The issue here is the potential restructuring of an existing settlement pathway into a materially longer ten-year or fifteen-year framework for people

already inside the route. HSMP Forum marks the legal-risk boundary: where official route-specific representations, structured progression, long-term reliance and inadequate transition coincide, the issue becomes one of legal certainty, fairness and administrative coherence. Grandfathering or equivalent transitional protection is therefore not a concession; it is the legal bridge separating lawful prospective reform from legally vulnerable retrospective restructuring.

#### **Questions for ILPA: evidence priorities and gaps**

16. From ILPA's perspective, what types of evidence would be most useful at this stage: public-record chronology, legal framing, affected-cohort evidence, employer impact, financial-cost evidence, correspondence records, or sector-specific material?
17. Are there particular evidential gaps ILPA's working group would suggest SWJA prioritise, including evidence on route reliance, family and dependant impact, sponsor dependency, workforce effects, settlement costs, or administrative feasibility of transitional protection?
18. Would ILPA's working group find it useful for SWJA to provide periodic structured updates where new parliamentary, institutional, media or correspondence material emerges?
19. Would ILPA welcome a short evidence index from SWJA mapping its core materials against the main legal and policy questions arising under CP1448?

#### **Ongoing dialogue and evidence-sharing**

20. SWJA would welcome ILPA's views on whether a light, non-exclusive evidence-sharing channel would be useful as the public record develops.
21. Any such dialogue would be intended to support evidence clarity and policy scrutiny. It would not require ILPA to endorse SWJA, adopt SWJA's position, or take on any representative role.

#### **Editorial or process routes, if appropriate**

22. Separately, and only if ILPA considers it appropriate, SWJA would welcome guidance on whether there is an editorial or process route through which a short analytical piece could be considered for the ILPA blog or website.
23. SWJA is not assuming publication. The question is simply whether ILPA has a suitable editorial route, review process, format or criteria for a piece focused on the existing-cohort issue.
24. If relevant, SWJA would also welcome signposting to any appropriate editorial, evidence or public-interest process route that may be suitable for work of this kind.