

**Home Office Consultation  
A Fairer Pathway to Settlement  
UNISON response  
12 February 2026**

**Introduction**

1. UNISON is the UK's largest union with 1.3 million members and has many migrant worker members, particularly in the Health and Social Care sector. We received an immediate and very strong response from our members upon the announcement of the Government's plans to change settlement routes and eligibility for ILR. Thousands of our members attended emergency online meetings to express their sense of fear and anxiety about the impact upon their lives and plans they had made to create a life in the UK. On 17 December, over 600 UNISON members came as delegates from across the UK to speak to MPs in a lobby of Parliament. They represented not only themselves but others who could not take part.
2. UNISON is submitting a full written response because we do not think that the current process set out in the online consultation enables us to raise our full concerns. The online consultation gives a very limited means to respond. Giving respondents tick box options and the occasional chance of a short, reasoned response (max 200 words) is not appropriate given the life-altering nature of the proposals. UNISON also has serious concerns about the effect of the proposals on exploitation in the labour market, impact on public services, the creation of a second class citizenry and on damage to community cohesion and integration. We are therefore setting out our full response outside the online consultation process.
3. UNISON fears that the Home Office is acting recklessly, without assessing the impact of these proposals and doing so through a flawed and inadequate consultation process. If implemented, it will have life altering consequences for affected workers and their families. The NHS and social care sector will experience a dramatic impact – with no real modelling done by the Government. Workforce planning across public services and economic growth will be affected. All of this is occurring without sufficient parliamentary scrutiny. Many of the proposals such as how No Recourse to Public Funds conditionality being placed on ILR holders would work, and what if any transitional arrangements could exist, have not been fully set out or evaluated meaning that responses are being requested without sufficient information being given to the public.

4. UNISON is opposed to the proposals set out in the consultation, which are deeply unfair, undermining of public services and creating conditions for the super-exploitation of workers who perform vital work in our country. The Government's proposed changes to settlement routes would apply retrospectively and:
- Change the standard route for settlement from 5 years to 10 years;
  - Make lower paid public service workers wait **15 years**, longer than the new standard;
  - Weighs the worth of people's 'contribution' to the economy by the size of their wages, giving a royal route of 3 years to those earning 6 figure salaries (£125,140) and a route of 5 years to those earning £50,270.
  - Weighs the worth of public service workers by their grade and degree qualification;
  - Will make every member of the family meet tougher new requirements, including income and qualifications, potentially tearing families apart;
  - Places No Recourse to Public Funds (NRPF) conditions even after ILR has been granted;
  - Adds a penalty of up to ten years to the existing wait for settlement in cases where the government had previously agreed to lift NRPF conditions from an individual due to their vulnerability (this includes for reasons of domestic violence and child welfare). These changes will disproportionately affect the most vulnerable women and children.
5. Rather than making low paid overseas workers more vulnerable to exploitation, the government should be acting to reform the visa system, empower workers and strengthen employment rights. The proposals will not only create suffering for migrant workers, they will also undermine employment rights across the labour market.
6. The principles enshrined in the proposals and the rhetoric used in the consultation document are discriminatory and we fear it will lead to a rise in racism.

#### **UNISON calls for:**

- A pause in the implementation of these proposals with immediate effect to enable a proper impact assessment of the proposals and meaningful consultation with trade unions to understand the individual and sectoral impacts of the reforms. This includes assessing the impact of the plans on the Health and Social Care workforce – the Government admitted on

22 January that it did not hold information about the impact of the rule changes on the NHS workforce.<sup>1</sup>

- Retention of the five-year route for ILR for all workers on skilled worker visas;
- Halt retrospective application - extended qualifying periods must not apply retrospectively to workers who came under existing rules;
- Any expedited route to settlement which requires workers to prove their contribution should recognise the exceptional contribution made by those working in public services – particularly those in health and social care;
- No NRPF conditionality for those granted ILR and no penalty to be applied to those who've previously had NRPF conditions lifted.
- Visa reform to prevent exploitation – a body of comprehensive visa reforms, to include decoupling visa sponsorship from individual employers in favour of sector-wide schemes, reducing exploitation and removing employer power to threaten deportation;
- Investment in social care - proceed with the Fair Pay Agreement as quickly as possible while protecting existing international recruits' immigration status and workplace rights.

## General Points

7. There are many unanswered questions about how these proposals will actually work. When UNISON has sought clarity with Ministers and Civil Servants, we have been told to raise these questions through the consultation process. This is despite the fact that the consultation has a narrow list of questions with a limited opportunity to respond. If there are unintended consequences, the Home Office does not appear to have assessed for this nor have they set out a process for such outcomes to be evaluated. This is not an unfamiliar attitude and it has led the Home Office to make grave mistakes in the recent past.
8. The Government is consulting on applying NRPF conditionality on those granted ILR. There is very little detail of what the implications of this

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<sup>1</sup> <https://www.independent.co.uk/news/uk/politics/immigration-rules-nhs-staff-government-b2911764.html>

would be. Currently NHS treatment is not a public fund, but Skilled Worker Visa holders cannot access secondary treatment on the NHS without paying the Immigration Health Surcharge. The Home Office consultation does not set out how this would work in the future.

9. There is also no clarity on whether the children of overseas workers granted ILR would be treated as home students or international students. UNISON also shares the TUC's concerns that long waits for settlement will mean that children who have arrived at a young age are much less likely to have obtained settlement and would therefore be unable to apply for university on their existing permission, limiting their ability to pursue their dreams and integrate into society. This would mean that they would then have to pay overseas student fees (without access to student loans) after having already incurred the previous costs of visa renewals and proving language requirements.
10. It is clear that there has not been a proper evaluation of the effect of long settlement routes – either at the human level or on labour market outcomes. These include risks of exploitation, impact on the labour market and on the delivery of public services. The unspoken subtext of these proposals appear to be to discourage workers already in the country from staying – essentially a “you aren't welcome here”. This message is being heard by overseas workers. It is also emboldening those on the far right who are calling for the deportation of anyone not born in the UK or who are perceived to be “un-British” due to an immigration heritage. UNISON members have reported rising levels of racism and harassment while they are at work.
11. UNISON warned successive governments of the impact of the ‘hostile environment’ given the complexity of the UK's immigration history. Our worst fears were confirmed with the Windrush Scandal. UNISON is still campaigning for justice for the Windrush generation and fears that the foundation for the next scandal is now being put in place.
12. UNISON shares the concern of the Windrush Commissioner, the Reverend Clive Foster who said, *"On my tour I am hearing people talk about their concern that the hard-won gains over the years of safeguarding citizenship may be lost as a result of this type of rhetoric....what's really concerned me is how people feel a disconnection to a country that they should be calling home."*<sup>2</sup>

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<sup>2</sup> <https://www.bbc.co.uk/news/articles/c0kpkv0l8l3o>

13. The damaging rhetoric used by the Home Office in its consultation paper highlights another risk – that these proposals undermine the citizenship of many other people resident in the UK whether born here or not. These proposals introduce the idea that some groups of people in the UK need to prove their financial worth to be considered worthy of living here. Introducing the idea of “low/high contributors” tied to jobs and income levels as a condition of human worth stigmatises millions of people doing jobs that the Home Office considers ‘low skilled and low paid’.
  
14. UNISON is further concerned that the Home Office are returning to an explicit strategy towards the creation of a hostile environment for overseas workers linked with pressure being brought to bear on “inactive” workers in the domestic workforce. The Home Office impact assessment of the White Paper changes addresses this aim, saying *“Sensitivity analysis set out in the Risks and Sensitivity Analysis section suggests that if more than 44% of deterred migrant volumes are replaced by inactive workers under the same assumptions, the package would result in a positive NPSV. This is equivalent to a long-term increase in flow of UK nationals into employment of around 15,000 per year, or around 75,000 over 5 years, out of the current pool of around 1.6 million unemployed people in the UK between February and April 2025.”*<sup>3</sup>
  
15. There is no assessment made about the reasons people might be inactive or unemployed and whether they have the skills and experiences necessary for the very demanding and sensitive work required in the social care sector. The impact assessment has not factored in the (in many cases) profound physical and mental ill-health issues on the one hand, and employer insensitivity and inaction in relation to reasonable adjustments on the other, that affect participation in the labour market.
  
16. UNISON agrees wholly with the TUC on the importance of holistic planning and workforce planning to tackle labour shortages in the UK economy. As the TUC has highlighted, the ability to attract UK workers into sectors with existing or anticipated labour shortages will ultimately depend on providing meaningful training, as well as decent pay and conditions. Unless such measures are forthcoming, for instance through quality apprenticeships, further education funding and investment in improving conditions, there is a risk that incentivising employment into low-paid but important roles will be achieved through negative coercive measures such as benefits restrictions and sanctions. Even where

adequate workforce strategies are in place, there will be a time-lag for any role that requires specific training.

17. The reforms are also likely to have profound regional consequences, particularly for rural, coastal and post-industrial areas that already struggle to attract and retain workers. Faced with persistent labour shortages and higher recruitment costs, businesses may shift operations toward larger cities or more profitable regions where labour supply is more reliable. These risks accelerating an emerging pattern of service retreat, in which key services, from social care to public transport, hospitality, and local healthcare provision, contract or disappear from less populated areas. The result would be an entrenchment of existing regional inequalities, with communities outside major urban centres experiencing declining service levels and diminished economies. Far from supporting balanced economic growth, the reforms threaten to undermine entire local services and economies by reducing access to the workforce they depend upon.
18. The settlement proposals will add to the destabilisation within public sector workforces created by recent changes to immigration rules around work visas and salary thresholds. These rule changes have had a particularly damaging effect on public services due to the mismatch between low levels of public sector pay and the higher salary thresholds now set by the government for the job roles.
19. This is a particularly acute problem in the NHS. The salary threshold in the NHS now stands at £25,000, affecting NHS staff on Agenda for Change band 3 in England and on the first salary point in Northern Ireland. Health workers on these salary scales have been left just £63 a year short of this requirement. This is despite the fact that affected workers actually earn well above this threshold but cannot report their income within the parameters set by the Home Office.
20. Earning less than the salary threshold has had a devastating and immediate effect on staff. Thousands of workers have been left unable to renew their visas, switch visa type, or change employer in this time. As a result, many are losing the right to live and work in the UK. If they are no longer able to work here, the NHS will have no choice but to terminate the employment of these essential healthcare workers as their current visas expire. This will have a devastating impact on staffing levels.
21. UNISON represents over a million workers doing vital, important work holding society together. We will always stand up for the worth and dignity of all our members, whether they were born in the UK or

overseas. We assert the worth of human beings over and beyond their income level. Rather than setting out a pathway to settlement that more closely resembles a series of hazards and booby traps, designed to make people feel fundamentally unwelcome in this country and trick them into falling out of, or extending the settlement route, the Government should set out a pathway that pays due recognition to treating people with respect and decency. That is fundamental to creating a decent and humane society we would all want to live in.

### **Impact on public service workers**

22. The Government's proposed changes to Indefinite Leave to Remain (ILR) - trebling the qualifying period from five to fifteen years – for lower paid workers in public services - will have devastating consequences for migrant workers and the services they help sustain.
23. Forcing social care staff and lower-banded NHS staff, many of whom stepped up during Covid and after, to wait 15 years for certainty about their futures betrays the promises they were made.
24. Behind the debate about immigration and work visas are human beings – the very same workers who were on the pandemic front lines – delivering critical services to local communities.
25. For our members, the personal impact of retrospective implementation will be profound, with these sudden rule changes overturning long-held life plans and ignoring the vital contribution made by frontline workers. They have told us they felt “devastated” by the announcement. One member told us that his family had made a decision the previous month to turn down a job offer from Canada because they had made a commitment to the UK.
26. Many members have also told us about the feeling of shame and dehumanisation conveyed by the rhetoric around the decision and the impact on their lives. One member told us *“I am shattered. It feels like being used and then thrown away”*.
27. Response after response from those members affected by the announcement have focused on the fundamental unfairness of a moving of the goalposts and a breaking of a promise. Immigrants to this country have to comply with a dizzying array of rules with severe consequences if they break them, even accidentally or inadvertently. They are finding out that the state does not feel constrained by the implied reciprocity of a rule-based existence in the UK.
28. The proposals in the white paper on settlement rules do just that. If introduced retrospectively, they will affect human beings who came and

built a life and a contribution based on one set of rules. Now this is in question.

29. Furthermore, the suggestion that they will have to ‘earn’ this by proving their contribution is particularly hurtful since they are people who have contributed enormously to our society. They do difficult, sensitive work that makes a direct contribution to the lives of British citizens and thus make a vital contribution to our society. The health and social care sector is not only socially important but a key part of our economic infrastructure.

### **Implications for social care**

30. Care work is undervalued in the UK and this undervaluation is applied to the workforce. UNISON members who work in care, including overseas workers value the work they do, caring and supporting other human beings. The only thing degrading about social care work is the pay and the conditions the workforce are expected to tolerate. One UNISON member told us: *“I came to the United Kingdom full of hope, full of determination, ready to dedicate my life to caring for those who are most vulnerable: the elderly, the lonely, those who need comfort and compassion. Every day, I put my heart, my hands, my energy into this work. I soothe pain. I reassure fear. I protect lives. I do this because I care. And yet despite my sacrifices, despite my dedication, I feel invisible. I am treated as if my commitment does not matter. I earn a low wage, I work long shifts, often stretched beyond exhaustion, caring for the people who built this country, while struggling to survive myself.”*
31. The Home Office consultation refers to overseas social care workers as ‘low waged and low skilled’. It is policy failures by successive governments that has created a sector rife with low wages and exploitation. It is a cruelty to make the workers pay for this systemic political failure.
32. Describing care work as low skilled and describing those who work in the sector as making a less important contribution to the economy than those with degree qualifications and high wages does not fit with the Government’s own plans to reform the sector.
33. The Government has expressed its intention that its reforms will *“ensure a career in adult social care is respected and rewarded - by backing progression through a universal career structure, funding training and qualifications, and recognising the complex skills care workers bring - so working in care is seen as a profession, not just a job.”*<sup>4</sup> – yet the Home

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<sup>4</sup> <https://www.gov.uk/government/news/500m-for-first-ever-fair-pay-agreement-for-care-workers>

Office consultation describes its workers as a net drain on the economy and the UK.

34. Home Office proposals and rhetoric are completely counter therefore, to the Government's own ambitious agenda to professionalise social care sector and raise pay and standards. Home Office says employers should focus on domestic recruitment while talking about the sector, its value and its contribution in a very dismissive way. How will this help them recruit domestically, something they already struggle with?
35. The adult social care sector is experiencing a crisis that these changes, and the ensuing loss of migrant workers, will only worsen. In England 7% of care worker roles are unfilled, representing 111,000 posts sitting vacant as of March 2025<sup>5</sup>.
36. Overseas workers have made, and continue to make, exceptional contributions to the UK's health and social care. These dedicated staff have saved the UK's health and social care sector from hitting a crisis point. The NHS employs over 325,000 overseas workers – more than a fifth of the total healthcare workforce.<sup>6</sup> Across the UK, more than one in five care workers are migrant workers – and in London, they make up half of the workforce.<sup>7</sup>
37. This crisis is being felt severely by people who rely on adult social care. As funding restrictions have bitten since 2010, both the means test and the needs test for receiving care have become more stringent. Age UK estimate that as many as 2 million older people now have some unmet need for social care.<sup>8</sup> It is not just older people that are losing out; Healthwatch have suggested that up to 1.5 million working age disabled people could also be missing out on social care support they are eligible for.<sup>9</sup>
38. It is estimated that by March 2024, over 400,000 people were waiting for care or for an assessment of their needs, and that more than 56,000 had been waiting over six months for a care assessment.<sup>10</sup>

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<sup>5</sup> <https://www.skillsforcare.org.uk/news-and-events/news/vacancy-rates-in-social-care-return-to-pre-covid-levels>

<sup>6</sup> [NHS Workforce Statistics - June 2025 \(Including selected preliminary statistics for July 2025\) - NHS England Digital](#)

<sup>7</sup> <https://migrationobservatory.ox.ac.uk/resources/briefings/migrants-in-the-uk-labour-market-an-overview/>

<sup>8</sup> [Age UK](#), 2 million older people now have some unmet need for social care, September 2024

<sup>9</sup> [Healthwatch](#), Up to 1.5 million disabled people could be missing out on social care support, July 2024

<sup>10</sup> [ADASS Spring Survey 2025 - ADASS](#)

39. Workforce shortages are a big problem in adult social care, with the current vacancy rate one of the highest in any sector of the economy<sup>11</sup>. The turnover rate across the sector also remains high, with nearly a quarter (23.1%) of the workforce leaving their jobs each year (around 335,000 workers)<sup>12</sup>.
40. A key driver of the high vacancy rate in adult social care is endemic low pay. IPPR analysis for the Living Wage Foundation before the general election found that more than 400,000 adult social care workers in England were paid below the real living wage (43% of the total).<sup>13</sup> The most recent statistics from Skills for Care suggest that 80% of jobs in the economy pay more than average pay for care workers.<sup>14</sup> Research from 2022 found that over a quarter of the UK's residential care workers lived in, or were on the brink of, poverty – and that nearly a tenth experienced food insecurity.<sup>15</sup>
41. As a result, social care is one of the most precarious sectors in the UK, with many firms exiting the market each year, meaning that staff may face the prospect of being without work and in financial hardship. It is even worse for migrant care workers who are often fearful of raising concerns about employment practices when the same employers can remove their visa sponsorship. Workers are not only risking deportation by challenging the employer, many face total financial ruin in their home country because they have sold all they have to come to the UK. Illegal recruitment fees demanded by predatory recruitment agencies are also rife.
42. UNISON does not believe that there is a good understanding within the Home Office of the social care sector. There appears to be a belief that there are in fact no real staff shortages. This conclusion has been driven by the difficulties that displaced overseas workers have experienced in finding secure new sponsorships. UNISON has an in-depth knowledge of the problems created by a structural mismatch between the sector and the skilled worker visa. The way care commissioning occurs means that decent employers struggle to offer guaranteed hours to workers. This drives the insecure, zero-hour culture within social care and also makes it difficult for overseas workers to leave bad employers and switch to a sponsorship with a decent one. This is not joined up, evidence-based

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<sup>11</sup> [Skills for Care](#), A workforce strategy for adult social care in England, July 2024

<sup>12</sup> [The 'State of' report](#)

<sup>13</sup> [Living Wage Foundation](#), The real living wage in social care, June 2024

<sup>14</sup> [Skills for Care](#), The state of the adult social care sector and workforce in England 2024, October 2024

<sup>15</sup> [Health Foundation](#), The cost of caring: poverty and deprivation among residential care workers in the UK, October 2022

Government policy. One part of the Government is driving through an ambitious agenda to professionalise and raise standards in the social care sector to tackle ongoing staffing shortages. Another part of Government is convinced that the shortages do not exist.

43. The assumptions driving these policy changes that will be tested severely by reality. Furthermore, UNISON believes that many private care providers may respond to increasing staff shortages by moving to provide services where it is more profitable to run them. Age UK flagged up the threat of ‘care deserts’ in 2019, before the health and social care visa opened,<sup>16</sup> and we believe this will become a real threat again. The Home Office impact assessment has an overly optimistic view of what the long-term outcome might be. It suggests *“by their nature, these measures restrict the eligibility requirements for those seeking to come to the UK, thereby directly contributing to the objective of reducing net migration. In turn, by reducing the inflow of RQF 3 to 5 workers to the domestic labour market, the incentive for business to invest in skills and training to fill the resulting shortages increases.”*<sup>17</sup> Going by past experiences, UNISON believes that rather than “investing in skills and training” private care providers will look for ways to squeeze the sector, rationalise services and focus on better ways to make a profit.

### **Exploitation and vulnerability of migrant workers**

44. Underlying the deep dismay at the lengthening of the route to settlement is the reality that employers have greater power over migrant care workers because their work visa is tied to their employment status, and the proposed extension to 15 years will trap people longer with exploitative employers.
45. Care workers hired from overseas have had money deducted from their wages to cover dubious fees, faced demands to repay thousands of pounds when they try to move jobs, and forced to pay extortionate rents for substandard accommodation. Before they can even travel to the UK, many must go through predatory recruitment agents who demand excessive amounts of money. Some migrant job-seekers sell all they own to pay these ‘relocation’ costs. A working week of 80 hours or more has been reported to UNISON by some migrant care workers. Others have been made to do 19-hour shifts without a break and forced to be always available for work. They also face the threat of deportation when a care company goes bust because there is no safety net to protect them financially or help to find a new employer. A UNISON member was

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<sup>16</sup> <https://www.ageuk.org.uk/latest-press/articles/2019/may/placeholder/>

<sup>17</sup>

sacked when she asked her employer if her 14 hour days could be reduced to a more manageable shift so that she could care for her child. Another was expected to share a bed with a stranger in the accommodation arranged for her by her employer.

46. Overseas staff can also become trapped in an exploitative workplace if employers withhold job references. Punitive measures such as these are often used to make staff compliant with bad working practices, often in clear breach of the law. Workers are not only risking deportation by speaking up or challenging the employer. Many face total financial ruin in their home country because they've sold all they have to come here.
47. A care worker from the Philippines whose employer made him redundant says: *"We've been dropped like we no longer exist. I need to support my family but my new job hasn't started yet. I'm also worried that I may have to cover the costs of finding a new sponsor."* A domiciliary care worker from India says: *"Overseas staff miss out on enhanced payments for working weekends and bank holidays. We don't have regular schedules – we must be available as needed. Every conversation with the managers feels threatening and often ends with the word 'visa'."*
48. These threats have such power because workers fear the Home Office more than they fear their employers. Rather than tackle weak enforcement of employment rights and rogue employers, the Government proposes to make workers even more vulnerable for decades of their life. Overseas workers will inevitably experience worsening exploitation, as the extended qualifying period traps workers with unscrupulous employers.
49. In addition, they appear to be blaming overseas workers for the conditions in the sector. Underfunded, fragmented, privatised services with endemic illegal pay are problems made in the UK by successive UK Governments.
50. UNISON has been campaigning for the state to tackle these problems, including visa reform. This includes decoupling visa sponsorship from individual employers in favour of sector-wide schemes, reducing exploitation and removing employer power to threaten deportation.
51. Currently, unscrupulous employers are undercutting decent employers. Those willing to exert the worst kinds of pressure on workers, to work exhausting hours, extort money from overseas workers and subject them to exploitative treatment do so knowing workers dependent on them for visas have little recourse in the UK. Proposals to make social care workers tied to sponsoring employers for decades makes visa reform in social care more urgent and necessary than ever.

52. UNISON is disappointed that no action has been taken to reduce the ability of employers to hold the power of deportation over the heads of their workers. Due to the lack of Government action to reform the visa system in social care, the new Employment Rights Act will provide little protection or recourse to justice for these workers.
53. It is not sufficient simply to crack down on the worst employers by removing licences. Insecure work, zero-hour contracts, endemic low pay and exploitative practices are rife throughout the social care sector. Tying workers to individual employers in the way our immigration rules do compounds these problems. The Government has already recognised that strengthening the rights of workers and changing the balance of power between employers and workers is vital – this is the fundamental principle underpinning the new Employment Rights Act.
54. One member explained to UNISON why visa reform was so important. *“I am hopeful that if the government helps meet our demands, carers like me will be able to switch employers within social care. We will no longer be tied to unscrupulous employers. We will be able to walk away from abuse, from racism, from workplaces where we are treated without dignity.”*
55. Another member told us *“We cannot continue to work under these kinds of pressures. It is emotionally draining and mentally exhausting. You lose yourself. Fear becomes your shadow.”*
56. There are also long-term implications for the sector. As one member puts it *“Many of us are tied to one employer or job title for the duration of our visa. This limits professional growth, prevents movement between care and hospital sectors, and discourages further training or education. The effect is demotivating. We are contributing daily to the NHS and care sector but remain uncertain about our future, despite being essential to the system’s survival.”*
57. Many workers were relying on ILR to give them the freedom to act against bad employers – to be able to resist employer threats and say no to threaten them for money in exchange for visa renewals, to move to a new employer, to take bad employers to employment tribunals, all without fear of dismissal and deportation. The Government has pulled the rug out from under these hopes.
58. UNISON understands that the Government is concerned that if all workers in the health and social care sector are given ILR after 5 years, they will move away from the sector. This is highly unlikely given the historic trends of the UK labour market. Our labour market features sticky floors and concrete ceilings for women workers and ethnic minority workers. It does so even when those workers are free to move employers and sectors. UNISON believes that the Government should

do more to tackle these long-standing structural problems where a worker's race shapes not only their own life chances but those of their children and grandchildren – rather than use a form of exploitative, employer-tied visa to solve staffing shortages in the social care sector. Raising standards and pay in the social care sector is rightly on the Government's agenda already – and this is the correct way to improve workforce retention.

## **Discrimination**

59. The power imbalance created by visa sponsorship creates a significant risk of discrimination for pregnant workers and workers on maternity leave. While the Employment Rights Act 2025 conferred new protections against such discrimination, UNISON has observed rampant pregnancy and maternity discrimination against migrant workers, where employers are using the UK's visa sponsorship system to dismiss pregnant workers and/or new mothers, by refusing to renew their visas. This leads to pregnant workers having to look for a new job with an employer willing and able to sponsor their visa while heavily pregnant or have just given birth. Extending the qualifying period until settlement lengthens the period in which workers are vulnerable to serious discrimination. There is no route or support available for migrant workers who have faced pregnancy or maternity discrimination.
60. Our members have had their shifts reduced or removed entirely after disclosing their pregnancy. Many members fear of going on maternity leave in case their employer terminates sponsorship or decides to not renew their visa. The Home Office have advised unions that in these circumstances to put in a further leave to remain application on compassionate/humanitarian grounds on behalf of the trade union member. This safeguards the member's visa status and enables them to access a degree of protection while on maternity leave or they are about to give birth. But this temporary solution does not provide a consistent, guaranteed solution to address a systemic problem and disadvantages workers in the future. The rule changes introduced in July 2025 also means that once their maternity leave is over and they look for a new employer in the social care sector, they will be treated as a new applicant/entrant and lose important transitional protections.
61. These situations underline the importance of UNISON's call for a sector-wide visa scheme which would help to address the significant power imbalance created by direct employer sponsorship and make protections against discrimination and exploitation easier for the Home Office to administer.

## Undermining vital contributions

62. The Government describes settlement as a 'privilege' to be 'earned', ignoring that overseas workers have already made vital contributions to our country. Many of those affected by the changes to ILR are the very same workers who were on the pandemic frontlines, delivering critical services to local communities. Those who came in the wake of the pandemic to assist in the recovery do very similar roles in the economy.
63. During the pandemic, there was growing understanding that 'low skilled' was a poor descriptor of those who perform immensely valuable jobs, underpinning the functioning of our country and holding together the fabric of our communities. The terms of this announcement appears to undermine this understanding – and should not be the ethos of a Labour government which values highly skilled but low paid working people.
64. It has been public policy that has enabled conditions within social care to be poorly paid and insecure. It is not because social care is unimportant. The social care workforce are key contributors to the essential infrastructure of this country.
65. Those being targeted by the proposals for a 15 year wait for settlement are not only making a key economic and social contribution, the workers make an individual economic contribution to our society. Analysis by the Work Rights Centre of the Home Office's own research underlines the paucity of economic evidence for these new proposals. The Work Rights Centre has found that:

*“The Home Office’s own research published on 12 May 2025 which looks at earnings, employment and income tax in the sponsored work and family visa categories suggests that in every sector – including those where the government’s immigration white paper will reduce the number of work visas issued – median earnings for those on work visas are at or above the national average for all employees (approximately £28,000) and for most sectors is actually much higher. The same research suggests that employment rates for dependents are also high. IN the financial year 2023/24, the minimum proportion for dependents that had PAYE earnings on the Skilled Worker visa was 45%. **For dependents on the Health and Care visa, this figure was even higher at 67%”**<sup>18</sup>*

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<sup>18</sup> <https://www.workrightscentre.org/>. There is also a valuable discussion by Professor Jonathan Portes: [https://ukandeu.ac.uk/immigration\\_is\\_down\\_should-the\\_government\\_be\\_happy/](https://ukandeu.ac.uk/immigration_is_down_should-the_government_be_happy/) “the

66. There is also no modelling or evidence for the claim that extending ILR or not imposing NRFP conditionality will lead to millions of people claiming benefits. A striking feature of the feedback UNISON has received from our members is an emphasis on their pride in their hard work, their self sufficiency in this country and their hopes and aspirations for the future. Many of our affected members are offended by the Government's portrayal of them, their skills and their motives. At the heart of our lobby of Parliament and in the meetings our members have sought with ministers and MPs is the desire for politicians and decision makers to see the human being behind the statistics. Furthermore a properly funded social care service is vital to supporting service users to have as full a life as possible. The work our members do (whether migrant workers or whether born in the UK) expands and improves life chances, strengthens communities and drives economic growth.

67. The government proposals suggest that volunteering and charitable activity could help reduce settlement route waits. This is particularly difficult for health and social care workers who face constant pressure to work long shifts and have any kind of work life balance. Many members come to us for help when employers give them backbreaking shifts or refuse to allow them time off. In a sector running with large scale shortages, employers rely on migrant workers to keep the service running. This is often at the cost of the health and safety of the workers. One member told us *"I have to be working back to back. I was a mother of a 16-month-old child. And not only sometimes it takes four days for me to see my baby because I have to wake up at 5:00 AM, come back. Sometimes I don't even come back home because I have to go to my second job, and all I have to do is to take my brush, my toothpaste with me to my night job."*

68. Another member told us: *"We can't afford to join social or community groups, because our work lives are so demanding. We struggle even to balance family life. We came here to care for others — but we also deserve to be cared for, respected, and treated with dignity."*

69. UNISON agrees with the TUC that mandatory volunteering would create a hugely costly administrative burden on already stretched charities, and

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latest HMRC [data](#)....shows that overall migrants earn slightly more than employees of UK origin; more detailed [analysis](#) shows that recent migrants are seeing healthy earnings progression. Meanwhile, [the rise of more than 2 million](#) in non-EU origin employees strongly suggests that recent migrants have high employment rates. So overall, if anything, it looks like the OBR's assumptions are slightly too pessimistic about migrant contributions."

risk undermining wages for workers across the charity sector by flooding it with unpaid workers. It also risks the over-policing of charities to monitor their volunteer coordination in order to ensure that it's genuine, creating additional difficulties for charities as immigration enforcement functions intrude on their work potentially undermining community trust and adding administrative burdens.

## **Damaging integration**

70. The Home Office claims to enshrine contribution and integration at the heart of its plans but simply creates a group of workers who will never be able integrate or feel at home in the UK.
  
71. It is also deeply concerning that the Home Office have chosen to distinguish between different public service workers by job grade and pay in these proposals. The proposal to make those working in public services in roles below RQF 6 (degree level) wait 15 years for settlement compared to five years for those with professional registrations sends completely the wrong message about public services and job roles. It will divide workforces who have to work as 'one team' – in the NHS and beyond.
  
72. The services our members deliver to communities – from health and social care, to social services and probation, from local government to education – lie at the heart of well-integrated and cohesive communities. Our members are able to directly contribute to the well being of those who might otherwise struggle to fully participate in our society. Policies that harm whole categories of people will inevitably create harm to the whole community.
  
73. Making ILR conditional on No Recourse to Public Funds will create a situation where you can be settled in this country and yet not access essential safety nets. This will particularly discriminate against women, children, disabled and LGBT+ people within a largely non-white group of people. This heightens the discrimination immigrants face in our society. It will erode trust in our institutions and our public services. It will introduce a kind of citizenship where you are expected to contribute more than others but expect less in return. The stated intent of the Home Secretary was to confer extra benefits to citizenship but we fear it will ultimately degrade the notion that the UK is a fair and just country with a respect for natural justice. It will set in stone the idea that the state has chosen to place a discriminatory principle at the heart of public life.
  
74. UNISON is also concerned that the proposals will make every member of the family meet tougher new requirements, including income and qualifications, potentially tearing families apart. Adult dependents of a

main applicant may need to qualify for settlement individually, potentially leading to a longer timeline than the main applicant. As a result, families will be treated separately for the purpose of determining their eligibility and qualifying period. This may have gendered impacts, particularly given the fact that women are disproportionately likely to be the primary caretakers of young children and therefore earn lower salaries. This means that they will often be less able to benefit from the deductions in qualifying period linked to receipt of a higher salary. This would be an extremely worrying development in immigration policy. It will have the significant effect of staggered qualifying periods that could result in family separation, increased visa costs for entire family units. It will ultimately mean increased uncertainty and disruption to the emotional and economic security of families, particularly children.

75. The proposal to add a penalty of up to ten years to the existing wait for settlement in cases where the government had previously agreed to lift NRPF conditions from an individual due to their vulnerability (this includes for reasons of domestic violence and child welfare). These changes will disproportionately affect the most vulnerable women and children.

### **Refugees and asylum seekers**

76. UNISON shares the TUC's concern that refugees are being considered in the context of this consultation. Refugees' settlement rights are a separate policy consideration, and the set of appropriate policy levers should be considered separately. UNISON opposes the extension of the qualifying period for settlement for refugees. As a result of the intended reform, children face the prospect of living their entire lives under the threat of deportation. The government has confirmed that children born in the UK could face deportation. Uncertainty for the 20-year qualifying period will not assist integration.