



# **‘A PUNISHING PROCESS’**

**EXPERIENCES OF PEOPLE ON THE  
10-YEAR ROUTE TO SETTLEMENT**

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# SUMMARY

Around 170,000 people are estimated to have permission to remain in the UK on a '10-year route to settlement' (McKinney and Sumption 2021) - a pathway that requires them to accrue 10 years of continuous lawful residence before they can apply for indefinite leave to remain.

People on the 10-year route have permission to stay in the UK because of their family ties or long-term ties to the UK, and to refuse permission would breach their own, or a family member's, human rights. The route is designed for people who would otherwise not meet the full requirements for permission to remain set out in the Immigration Rules (for instance, because they do not have enough money to meet the minimum income requirement for the five-year partner route).

While on this immigration route, individuals face a number of challenges – the length of time before being eligible for settlement, the high cost of visa fees (around £13,000 over the 10-year period for an adult), the requirement for repeat applications every two-and-a-half years, complex applications with few options for legal advice, and restrictions in accessing welfare through the default 'no recourse to public funds' (NRPF) condition.

In this report, we take stock of the impacts of the 10-year route policy on people's lives. Findings are drawn from a survey of over 300 people who are either on or have been on the route, as well as in-depth interviews with people on the route.

Our research finds a series of potential pitfalls and wrong turns arising from the design of the route that lead to poverty and insecurity for many. This is an immigration route that is often used by women, parents and caregivers, and people from a Black and South Asian background. Usually, people on the 10-year route are long-term residents – 60 per cent of those that we surveyed had been in the UK for over a decade. Many are working in low-paid jobs and have severely stretched household finances. As such, while this is a route that provides a vital pathway for vulnerable groups that do not otherwise meet the Immigration Rules, its key features – the high cost, repeated renewals, complexity and NRPF – place considerable pressure on people for a prolonged period of their lives and hold people back from achieving all they could for themselves and their families, their communities and the economy.

A number of key findings have emerged from the research.

## FINANCIAL IMPACT

- Our survey findings suggest that the cost of the route, in tandem with the cost-of-living crisis, is having a serious impact on household budgets. Sixty-two per cent of respondents said they struggled to meet the cost of utilities (including electricity, heating, water and internet) and 57 per cent struggled to meet the cost of food. Significant numbers also said they struggled to meet the costs of housing, travel, and looking after their children.
- The most common way in which respondents said they paid for the costs of applying for or extending their leave to remain was borrowing from friends or family. Of those who had borrowed money to pay for the costs of the ten-year route, 82 per cent were still in debt and 30 per cent unable to keep up their repayments.

- The route has the potential to cause severe housing difficulties and homelessness. Over a fifth of respondents said they had faced at least one of the following: difficulties keeping up with rent or mortgage payments, sofa-surfing or being made street homeless.
- Strikingly, three-quarters told us that they would not be able to afford the settlement fee of £2,404 at the end of their 10 years of leave to remain, and as such, they risk either losing status or paying to remain on the 10-year route for an indeterminate amount of time. Many people on the 10-year route may therefore be at risk of being locked out of settlement even after spending a decade on the route.

### LOSS OF IMMIGRATION STATUS

- Almost half said that the costs associated with applying for leave to remain meant they had decided not to renew their own, or another member of their household's, leave. This risks losing their immigration status and becoming subject to hostile environment policies – ie restrictions in access to work, rental accommodation, free healthcare and other key services.
- A third of respondents told us that they had had experienced a gap in their leave to remain – which means that they must restart their route to settlement, effectively resetting the clock. The two main reasons for this were due to applications being refused either through making a mistake in the application process or being unable to afford the application fee.

### LACK OF LEGAL ADVICE AND SUPPORT

- Out of the respondents in our survey, around two-thirds had received support from a solicitor or immigration adviser to help make their applications for leave to remain (and a further 11 per cent had received support for some applications but not others). Seventy-eight per cent of those who had not received support for some or all of their applications reported that this was because legal advice was too expensive. Our survey suggests that many cannot afford to get help with their application and may risk falling out of status as a result.
- Around a third had not received a fee waiver, and of those, two-thirds said this was because they did not know that they could. This suggests that there could be a significant cohort of people who are eligible for a fee waiver but who are unaware of the process.
- Nearly half of respondents said that they had applied for a 'change of conditions' to remove their NRPf status. For those who had not applied, 35 per cent said that this was because they did not know it was possible and 22 per cent said that they could not get the support they needed to complete the application. This indicates that there may be significant numbers of people on the 10-year route who are eligible to have benefit restrictions lifted but are not aware of the possibility or find the process too complicated without external help.

Taken as a whole, it is evident from our research that there are detrimental impacts resulting from the design of the 10-year route to settlement on people who have made, and wish to continue making, their lives in the UK.

Drawing on these findings, as well as on polling with the British public that indicates that a majority of people would back a more compassionate and pragmatic policy that supports people to settle and contribute, we recommend that the policy be reviewed and reformed in a number of ways.

As an overarching recommendation, we suggest that **the 10-year route policy should be reviewed as part of a wider independent review of the immigration system** to better understand the effects of the route on individuals on the basis

of race, gender, age and disability, as well as its impact on wider society – including on other local and central government policy objectives (such as wider integration, belonging and social cohesion goals) and budgets.

As part of such a review, the following proposals for reform should be considered.

### *The length of the route*

First, we recommend that **family and private life routes to settlement should be capped at five years maximum**. This would allow those who have, in many cases, already lived in the UK for a long time and whose futures are in the country, to gain greater security. It would also reduce the administrative burden on the Home Office.

Short of this, **applicants should have the option to apply for their leave to remain in a 60 month (ie five-year) block**, to reduce the frequency with which they must reapply for their visa. This would reduce the stress and anxiety related to the renewals process, and – as with the previous recommendation – reduce the workload of caseworkers at the Home Office.

### *The cost of the route*

Given the financial hardship faced by many on the route and the high costs involved in renewing applications, we recommend that **fees for leave to remain and settlement on the 10-year route should be reduced to administrative costs only** (currently £335 for LLR and £491 for ILR). Information about fee waivers and support to complete a fee waiver application should be more readily available.

In addition, the Home Office should streamline decision-making through granting **certain groups of people on the 10-year route a fee waiver automatically when submitting an application** – namely those who have already had the NRPf condition lifted and who are in receipt of an income-based benefit. A fee waiver for settlement should be made available on the same basis as the fee waiver for further leave to remain applications.

### *Delays on the route*

To prevent excessive delays, Home Office decisions on applications as part of the 10-year route should be subject to a six-month service standard.

To mitigate existing waiting times, on the submission of an in-time application, **the Home Office should issue a certificate of application to evidence ongoing rights and entitlements**, which is valid for at least 12 months.

### *Gaps on the route*

**The Home Office should make allowances for innocent errors and mistakes in applications**, seeking clarification or accepting a further application for leave to remain, rather than refusing these applications, so that an individual's continuity of leave is not broken, resulting in them having to 'restart' their 10-year qualifying period.

### *Access to public funds*

Given the financial challenges experienced by people on the 10-year route, we propose that people with limited leave to remain on the basis of family or private life rights should not by default have the NRPf condition imposed.

We also recommend that **the definition of public funds should be reviewed and amended**, with particular consideration given to removing benefits intended to support children (such as child benefit) from the list of public funds for immigration purposes, and **pathways for lifting the NRPf condition should be simplified**.

Given the high numbers of parents and carers on the 10-year route, the full 30 hours of government funded childcare for three- and four-year olds should also be made available to people subject to the NRPf condition.

### ***Access to legal advice***

The government should reinstate and sufficiently fund legal aid for immigration matters. Where funding from central government is not available, we suggest local and combined authorities with large populations with insecure immigration status prioritise the provision of immigration advice to help reduce the costs of emergency support and accommodation.



# 1. INTRODUCTION

Around 170,000 people are estimated to have permission to remain in the UK on a '10-year route to settlement' (McKinney and Sumption 2021) – a pathway that requires them to accrue 10 years of continuous lawful residence before they can apply for indefinite leave to remain (ILR). With ILR, individuals are permitted to remain in the country free from most immigration controls. If they meet additional criteria and can pay the fee, they can also eventually apply for British citizenship.

The 10-year route is for people who do not meet the full requirements for permission to remain set out in the Immigration Rules, but either have immediate family in, or long-term ties to, the UK, such that denying them permission to stay would violate their or a family member's human rights. They are granted limited leave to remain (LLR) on the basis of their human right to a family or private life, a qualified right protected under Article 8 of the European Convention on Human Rights.

In this report, we draw on in-depth research to take stock of the impacts of the 10-year route on the individuals and families that are treading its path. The evidence points towards this being a policy which places the people on it – often women, often parents and carers, and often Black and South Asian people from commonwealth countries – in a position of deep insecurity. By seeping into every aspect of people's lives – including home, work and education - this is a policy that holds people back from achieving all they could, for their families, their communities and the economy. It also adds significantly to the Home Office's administrative burden because of the sheer volume of visa renewal applications that the route generates.

Furthermore, the recent Nationality and Borders Act (2022) has brought many more people within scope of a 10-year route policy, with differential treatment meaning that certain groups of refugees will now have to wait for 10 years before they may be eligible to apply for ILR.<sup>1</sup>

This is a route that itself is only just 10 years old; coming into effect in 2012, we are only now starting to see the full effects of this policy. Rather than extending it, in this report we conclude that the policy should be reviewed and reformed in order to end what one person responding to our survey called a "devastating and punishing process."

This report provides an overview of the 10-year route to settlement and the existing evidence base (chapter 2), before outlining findings from polling conducted with the British public about their views on the 10-year route (chapter 3). In chapter 4, we outline the profile of people that took part in our survey and interview research. In the following two chapters on our findings, we set out how the key features of the 10-year route are experienced (chapter 5) and what the impacts are of the route on individuals and families making their lives in the UK (chapter 6). The final chapter summarises policy recommendations which set out to address the problems of the 10-year route.

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<sup>1</sup> According to the Nationality and Borders Act 2022, Group 2 refugees are those who have not come to the UK directly, who have not presented themselves without delay, or who have entered unlawfully without good cause.

## METHODOLOGY

This research sought to explore the experience of people on the 10-year route to settlement and to contribute to a greater understanding of how the route impacts people's daily lives. It was carried out through a partnership involving the Institute for Public Policy Research (IPPR), the Greater Manchester Immigration Aid Unit (GMIAU) and Praxis.

An online survey, conducted in September 2022, co-designed with experts-by-experience, was shared by Praxis, GMIAU and other immigration advice providers and charities across England to reach people on the 10-year route. The survey asked respondents about a number of key features of the route and how it affected them (eg the cost, length of route, regular renewals), as well as how these features had impacted on aspects of their everyday life (eg employment, children, health and wellbeing). A total of 314 people who were on, or had been on, the 10-year route responded to the survey. Respondents were offered a gift voucher as a token of thanks for their contribution.

In addition, five women agreed to take part in an interview to discuss their experiences of the route in more depth. Telephone interviews were conducted with peer researchers assisted by IPPR staff. Peer researchers were hosted on a short research placement at IPPR and brought with them lived experience of the 10-year route to settlement.

Initial survey analysis was conducted by IPPR, and further reflection and refinement of findings undertaken in collaboration with Praxis and GMIAU. Peer researchers contributed to the analysis of the interviews, and these form the basis of case studies that are woven throughout the report. Research findings were shared and developed further with the lived experience action groups at Praxis and GMIAU.

Finally, YouGov conducted an online opinion poll with 1,846 people in the UK in September 2022.<sup>2</sup> This looked to understand the extent to which the British public supported or opposed different elements of the 10-year route.

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2 Opinion poll figures have been weighted and are representative of all UK adults.

## 2. CONTEXT

### ABOUT THE 10-YEAR ROUTE TO SETTLEMENT

The 10-year route is a pathway to settlement that explicitly requires an applicant to accrue 10-years of continuous legal residence before they are eligible to apply for ILR. This contrasts with other common visa types that come with a pathway to settlement, such as a skilled worker visa, which typically require a person to accrue five years of LLR before they can apply for ILR.

The 10-year route is largely a consequence of human rights protections within the UK legal system. Article 8 of the Human Rights Act protects the right to respect for family and private life. It is a qualified right, allowing governments to balance it with other public policy objectives, such as safeguarding economic wellbeing. This means that in some circumstances – typically where people have long-term or family ties to the UK – refusing leave to remain would breach Article 8. The 10-year route is therefore generally a fallback option for people whose human rights would otherwise be violated if they were required to leave the UK.

Migrants who are granted LLR on the basis of their Article 8 rights are automatically placed on a 10-year route to settlement. There are broadly two groups of people who may qualify (see full details in appendix 1).

1. Those who have partners who are either British citizens or settled in the UK or those who have children who are either British citizens or who have lived in the UK continuously for seven years, where they do not meet the normal family immigration rules but there are reasons why denying LLR would result in a breach of the right to a family life (referred to as the ‘family life’ category) (Home Office 2022a).
2. Those who have lived in the UK for a substantial period of time already and there are reasons why denying LLR would result in a breach of the right to a private life (known as the ‘private life’ category) (Home Office 2022b).

There are a variety of reasons for why a person on the 10-year route in the family life category may not meet the requirements of the Immigration Rules to be placed on a five-year route to settlement. This could be because they don’t meet the minimum income threshold of £18,600 per year<sup>3</sup> or they have had a gap in their leave because they’ve missed a previous application deadline, including for reasons outside of their control such as domestic violence or changing health circumstances. In some cases, people arriving in the UK are given limited leave to enter on the 10-year route, but for the most part in this report we focus on people who are already living in the UK when they start the route.

The 10-year route to settlement was introduced as part of a wide-ranging programme of immigration reform in July 2012, which made the Immigration Rules stricter and harder to meet for many categories of migrant. These changes should be understood in the broader context of the hostile environment agenda, which sought to encourage people without immigration status to leave the country by restricting their access to work, housing, and key services.

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3 For a couple with non-British citizen children, this increases by £3,800 for the first child and £2,400 for each subsequent child.

## FEATURES OF THE 10-YEAR ROUTE

The 10-year route is defined by four broad characteristics:

### **Short grants of leave**

Individuals placed on a 10-year route are initially given 30 months of LLR, which must be extended through a new application every 30 months until they have accrued 10 years of continuous lawful residence. At this point they may be eligible to apply for ILR, so long as they also meet other eligibility criteria. The Home Office previously operated a service standard according to which all applications for this type of leave would be processed within six months. However since 2022 applicants are now simply advised that it is taking, on average, 10 months for applications to be processed (Home Office 2022c).

### **High costs**

For each 30-month period, individuals must pay £2,608 per adult and £2,223 per child for visa fees and the immigration health surcharge (IHS).<sup>4</sup> The total minimum cost of the 10-year route for an adult, including the ILR fee, is £12,836.<sup>5</sup> Fees must be paid for every individual, so the costs for families can be several times higher than this. Applications also usually incur a number of additional costs, including legal advice, translating or notarising documents and enrolling biometric data. It is possible to apply for a fee waiver for application fees and the IHS, though this process is complex and requires substantial evidence. For ILR, there is no fee waiver. These costs, which are several times greater than the actual unit cost (currently £335 for LLR and £491 for ILR), are justified by the government as a means of achieving a self-funded immigration system, where the costs of operating the system “are to be recovered through fees paid by those who use the system” (Home Office 2019).

### **Complex applications**

Applications can be very complex, especially for non-native English speakers and those who are not literate or who lack the skills to navigate a largely online application system, and often require the support of a specialist immigration advisor or solicitor. Most immigration matters are no longer covered by legal aid, so anyone requiring such support must either pay for it themselves or seek help from a limited and shrinking number of charities providing free immigration advice (Wilding et al 2021). While it remains possible to access funding via exceptional case funding (ECF), this scheme is not functioning effectively because of low fees, long waiting times and too few lawyers willing to take on these cases (Wilding 2020).

### **NRPF**

LLR is typically granted with the NRPF condition attached for those on the 10-year route (as for most groups with LLR). This condition prevents individuals from accessing most forms of welfare benefits. It is possible to remove the condition through a ‘change of conditions’ application, though this is complex and tends to require legal advice and support to complete.

Following years of campaigning and litigation by a number of groups, including We Belong, Coram Children’s Legal Centre and Islington Law Centre,<sup>6</sup> changes have been implemented for children and young people on the 10-year route. These changes, introduced in June 2022 after an initial policy concession in October 2021, enable children with seven years of continuous UK residence (where it is not reasonable for them to leave) and young people who arrived as children and who have lived in

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4 The visa application fee for a 30-month grant of LLR is £1,048 per person. The IHS is £624 per year for an adult and £470 per year for a child. For a 30-month period, the IHS comes to £1,560 per adult and £1,175 per child. Additional fees and costs are not included in amounts shown.

5 Calculated on the basis of four LLR applications with total fees of £4,192 and health surcharge of £6,240, and a final application for ILR with a fee of £2,404. Biometric enrolment fees of £19.20 will be payable with each application but are not included in the amounts shown.

6 For more details, see: [Our Campaign Win: Reflections and Recommendations | webelong.org.uk](#)

the UK continuously for half of their lives to apply for ILR after five years. UK-born children who have lived in the UK continuously for seven years are now entitled to immediate settlement. This change was made as part of a broader process of simplifying the Immigration Rules,<sup>7</sup> in recognition of the extent to which the 10-year route was stymying the potential of children and young people. It indicates that there may be some scope for further changes to the route.

## EXISTING EVIDENCE ON THE IMPACTS OF THE 10-YEAR ROUTE

A number of existing studies have examined the impact of the 10-year route on people's lives. Below, we highlight some of their key findings.

### **Financial hardship**

A number of studies have pinpointed the impact of high and rising visa application costs on people's lives. We Belong (2019), an organisation supporting migrant youth, interviewed 14 young migrants who highlighted the financial cost of the 10-year route as causing stress and pressure, leading to homelessness and housing difficulties and pushing people into debt.

Migrant Voice (2022) – a migrant-led organisation that campaigns for migrant justice – conducted a study on the impact of visa costs, consisting of a survey with 102 migrants, a number of whom were on the 10-year route. The survey found that many respondents had experienced debt as a result of trying to meet visa application fees.

The NRPF condition, a default feature of the 10-year route, has been examined in a number of studies in recent years, each highlighting how the condition leaves migrants (and their British national family members) more vulnerable to poverty, destitution and homelessness (Woolley 2019; Pinter et al 2020; Morris and Qureshi 2021).

### **Employment**

A recent study by RAMFEL (2022), an organisation supporting vulnerable migrants in Essex and London, looked at the impact of '3c leave' – a temporary form of status issued while a person renews their leave to remain – on their client base (through an analysis of 329 applications for LLR made between January 2020 and May 2022). They found that the 3c leave period is causing significant detriment to migrants, including but not limited to those on a 10-year route. A lack of proof of ongoing entitlements during this period, poor understanding of the law amongst employers, landlords and service providers, and long delays in Home Office decision-making, were found to have led to people losing work and having benefits wrongly stopped (RAMFEL 2022).<sup>8</sup>

Migrant Voice's (2022) study also showed that respondents needed to work long hours in order to afford visa fees, and that some risked losing work, or being made vulnerable to exploitation, as a result of their visa expiring – a risk that those on the 10-year route are exposed to due to the frequency with which they have to renew their visa. One person, for instance, stated that as a result of this fear they had paid additional money to expedite their visa application.

### **Loss of immigration status**

A study by the Joint Council for the Welfare of Immigrants (JCWI), a legal advice and migrants' rights organisation, based on a survey of legal professionals, 22 interviews and two focus groups with undocumented migrants, and 450 case records from calls received by their undocumented migrant helpline, indicates that expensive fees and

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7 See: <https://www.lawcom.gov.uk/project/simplifying-the-immigration-rules/>

8 '3c leave' refers to Section 3c of the Immigration Act 1971. This extends a person's LLR in the UK, including their right to remain and any associated rights, such as to work and access to the NHS, pending the outcome of an application. This applies so long as the person's further leave to remain application is made before their original leave expires.

complicated repeat applications – such as those experienced by people on the 10-year route - mean that many ‘lose’ their immigration status and become vulnerable to hostile environment policies (Gardner and Patel 2021).

A study of immigration advice in London, based on interviews with 39 experts and providers of immigration advice, 64 interviews with advice users and a survey of advice providers, found that renewals of leave for people on the ten-year route are a major source of demand for immigration advice. But a dearth of affordable immigration advice leaves people struggling to submit applications, increasing the risk of loss of status (Wilding et al 2021).

Despite the availability of a fee waiver for some, the length and complexity of the application process and a general lack of awareness means that some who are entitled to a fee waiver cannot access one (Wilding et al 2021; Migrant Voice 2022).

In light of this issue, the independent chief inspector of borders and immigration (ICIBI) (Neal 2022) recommended that the Home Office should collect data on the impact of the 10-year route on low-income families and monitor people who ‘drop off’ the route and as a result become undocumented.

### **Housing**

Studies by We Belong of people on the 10-year route (Bawdon 2019; Bawdon 2021) and by Migrant Voice (2022) of people that pay visa fees include examples of households forced to choose between paying visa fees or rent, as well as being left with no alternative but to live in insecure and low-quality housing. Some participants also reported resorting to sofa surfing and experiencing other forms of homelessness. In addition, the frequent moves associated with living in temporary accommodation were identified as highly disruptive to education, employment and social networks (Bawdon 2019).

### **Integration and belonging**

A number of studies have explored the detrimental impact of the 10-year route on migrants’ ability to integrate, to plan for the future and on feelings of belonging.

We Belong studied the experiences of young migrants on the 10-year route that they supported between 2015 and 2021 and found that the combination of short grants of LLR and frequent renewal applications creates huge uncertainty about the future (Bawdon 2021), and leads to feelings of fear, stress and anxiety (Garande and Bawdon 2020). Moreover, many struggle to feel a sense of belonging, despite the fact that they have often lived in the UK for extended periods (Bawdon 2019, 2021; Garande and Bawdon 2020). By undermining household financial stability and delaying the acquisition of citizenship, the 10-year route negatively affects integration (Bawdon and Garande 2020). Similarly, Migrant Voice’s (2022) study also highlighted the insecurity experienced by those on the 10-year route (Migrant Voice 2022).

Ethnographic research based on the experiences of 14 young migrants on the 10-year route found that the immigration system leaves them feeling stuck and as if their futures are ‘on hold’ (Hughes 2021). Testimonies from We Belong’s research emphasised that young people find themselves denied educational opportunities, and so struggle to fulfil their potential (Bawdon 2021). Opportunities for career advancement are also limited, with respondents to Migrant Voice’s (2022) survey reporting a perception that employers are reluctant to hire or promote those with short-term visas.

These existing studies give a clear sense of the wide-ranging impacts that the 10-year route has upon the lives of those who are on it. Most of these are largely qualitative in nature and based on relatively small sample sizes. Our research therefore set out to examine how widespread these experiences of being on the 10-year route were with a larger sample.

### 3.

## PUBLIC OPINION ON THE 10-YEAR ROUTE

In September 2022, YouGov conducted an opinion poll with 1,846 adults in the UK to determine the extent to which they would support or oppose changes to a number of the 10-year route elements. Assuming that most respondents would not be aware of the policy, the survey briefly defined the 10-year route, including who is likely to be placed on the route, the reasons people may be placed on the route and the difference between the five-year route and the 10-year route. Eight questions introduced the reader to different aspects of the 10-year route and elicited their views about them. We explored the following.

- The length of the route.
- Whether certain groups should be allowed to apply for settlement sooner than 10 years.
- Frequency of visa renewals.
- The cost of the route.
- Application processing times.
- Whether fees should be means-tested.
- The extent to which people felt the current time and visa requirements for people on the 10-year route are about right or should be changed.
- Access to benefits.

On the issue of application processing times, the public is largely in agreement that these should be shorter. A significant majority (81 per cent) think that visa renewals should take two months or less. This is in stark comparison to the 10-month average waiting time that applicants are currently facing (Home Office 2022c).

Close to half (45 per cent) think that the £1,048 visa fee is too high. The remainder think that they are about right (28 per cent), too low (12 per cent) or are not sure (15 per cent). Almost half also agree that visa fees should be adjusted so that those on lower incomes pay less (47 per cent). The remainder believe that everyone should have to pay the same regardless of income (38 per cent) or are not sure (16 per cent).

Almost half (48 per cent) of the public agree that people on a 10-year route should have access to welfare benefits if they need them. A third of respondents disagree (33 per cent), and 19 per cent said, 'don't know'.

It is important to note that the sequence of survey questions may have influenced respondents – for instance, when answering questions about the length of the route and frequency of renewals, respondents were not made aware of the cost of applications, as this information was introduced in a later question.

By the close of the survey, when respondents had more information about different aspects of the 10-year route, over half (51 per cent) agreed that either i) the costs and/or frequency of visa renewals should be reduced (23 per cent); ii) the requirement to live in the UK for 10 years prior to settlement should be reduced (9 per cent); or iii) that both the 10-year period and the costs/frequency

of visa renewals should be reduced (19 per cent). A quarter felt that the current arrangements were about right, and the remainder were not sure.

While it is a nuanced picture, taken as a whole, polling results suggest that there would currently be public support for change to at least some aspects of the route – in particular, on application processing times, the cost of the route, and access to welfare benefits. These findings reflect research highlighting strong public support for a rules-based immigration system which exercises compassion and fairness and facilitates people’s long-term settlement and integration (Ford and Morris 2022).



## 4.

# THE 10-YEAR ROUTE SURVEY: PROFILE OF SURVEY RESPONDENTS

To find out more about the lives of people on the 10-year route and the impacts of the policy, we conducted an online survey.

To reach people on the 10-year route we targeted respondents through organisations which provide immigration advice and support and then allowed the survey to 'snowball' via individual networks. Through this method, in summer 2022 we surveyed a total of 314 people who were either currently on the 10-year route or who had previously been on it.

The survey cannot claim to be representative of the population of people on the 10-year route, given the method is subject to sampling bias. In particular, the survey is likely to oversample individuals who have had legal advice and support as a result of their status, and underrepresent those who have been unable to access, or who do not require, advice and support, because we recruited respondents through advice organisations. The analysis in this and the following chapters should therefore be understood as illustrative of some of the experiences of people on the 10-year route, rather than a reflection of the experience of the entire population.

### WHO COMPLETED THE SURVEY?

Out of the total of 314 survey respondents, just under half (45 per cent) were aged between 35 and 44 while roughly a quarter were aged between 25 and 34. A significant majority – around two-thirds – were women. This is a similar ratio to the proportion of women who apply for change of conditions applications (Home Office 2022d), but higher than the proportion of women (53 per cent) granted leave under the 10-year family life and private life routes in 2014 (Home Office 2022e). The reason for this may be that many who completed the survey entered the 10-year route on the basis of having sole parental responsibility for a British child or a child who has lived in the UK continuously for seven years. Given women are more likely than men to be the primary caregivers for their children after a relationship breakdown, they are generally more likely to be in a position to enter on to the 10-year parent route.

Respondents identified themselves as coming from 45 different nationalities or (sub)continental identities. The largest three groups identified by respondents were Nigerian, Ghanaian, and Jamaican. A comparison with Migration Observatory analysis of Home Office data on grants of leave suggests that the survey has underrepresented respondents of South Asian nationalities (particularly Pakistan nationals)<sup>9</sup> (McKinney and Sumption 2021). Otherwise, the survey is broadly in line with the Home Office data: excluding South Asian countries, the most common in-country grants of leave on the 10-year family life and private life routes were nationals of Nigeria, Ghana and Jamaica. Reflecting the results for nationality, the largest ethnic group of respondents was Black Caribbean or African, making up 72 per cent of the total sample.<sup>10</sup>

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9 This may be a consequence of the online survey being offered in English only and/or that communications about the research were in English.

10 Respondents were asked for their ethnic identity with an open-text question and were then grouped together using standardised categories.

Most respondents (61 per cent) were based in London. Outside of the capital, every other region of Great Britain was represented, with the largest number coming from the North West (14 per cent of the total sample). This is probably a reflection of the sampling strategy, which worked with organisations based in London and Greater Manchester. But the total population of people on the 10-year route is also likely to be concentrated in London, given non-UK citizens in general are more likely to be London-based.

Respondents tended to live in relatively large households: on average, respondents' households contained 3.8 people. A total of 93 per cent of respondents had children aged under 18 in their care and around 61 per cent were caring for adult dependents. A large majority of respondents were therefore caregivers.

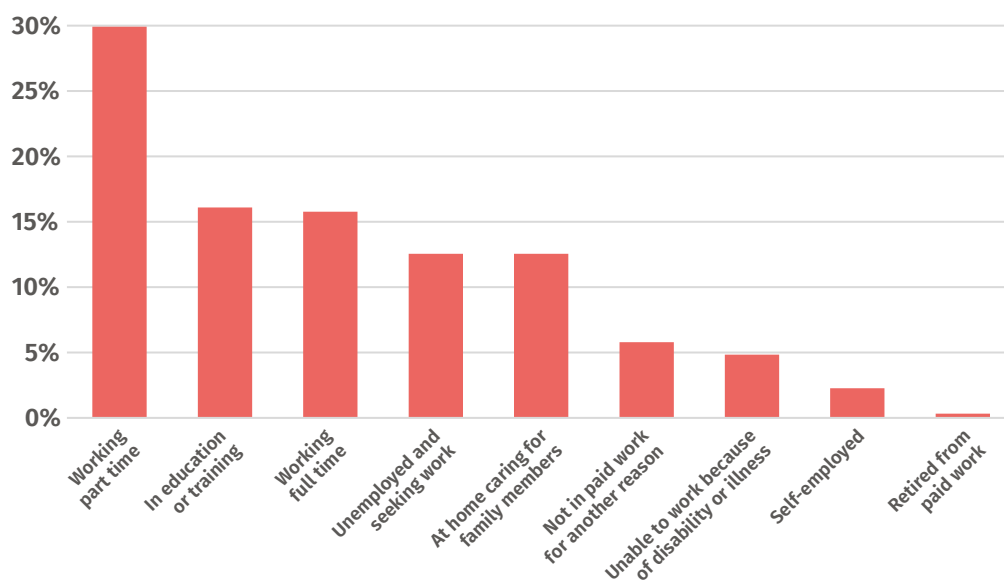
### EMPLOYMENT AND INCOME

Just under half (48 per cent) of the respondents in our survey were working either part- or full-time or were self-employed (see figure 4.1). Part-time work was particularly common among respondents, making up nearly a third of the sample. We asked respondents for their current or most recent occupation: the most common occupations included care workers and home carers (15 per cent of respondents who listed an occupation), cleaners and domestic workers (14 per cent), and nursing auxiliaries and assistants (9 per cent).<sup>11</sup> Around 13 per cent of respondents were unemployed and seeking work. Of the remaining two-fifths, respondents were most commonly either caring for family members or in education or training.

**FIGURE 4.1:**

**Just under half of survey respondents were in either part-time or full-time work or self-employed**

*Employment status of respondents (% of respondents)*



Source: IPPR analysis of 10-year route survey

<sup>11</sup> These occupations were categorised by taking the freeform entered job titles given by respondents and matching them with the ONS's standard occupational classification.

We also analysed the household income of respondents, though methodological limitations mean that these results should be interpreted with caution.<sup>12</sup> Around 33 per cent of those who responded said their monthly household income was no more than £1,000. This is likely to be an underestimate, given that some respondents are likely to have interpreted the question as referring to annual rather than monthly household income. Around 5 per cent said they had no income at all.

## MIGRATION PROFILE

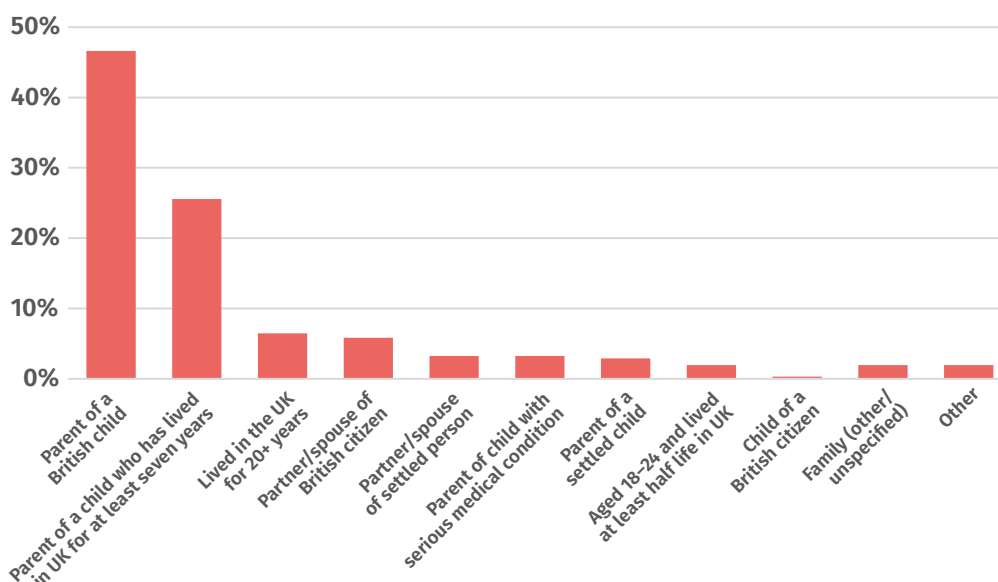
Most respondents (60 per cent) had lived in the UK for over a decade, and within this cohort 15 per cent had been resident for more than 20 years. This is to be expected, given people who have lived in the UK for long periods have a greater potential to be eligible for the 10-year route (either because they have lived in the UK long enough to be eligible on ‘private life’ grounds or because they have family ties) and because many respondents had already started their journey on the 10-year route a number of years ago.

The main reasons given by respondents for being on the 10-year route were that they were the parent of a British child (47 per cent of responses) or the parent of a child who has lived in the UK for at least seven years (26 per cent) – subcategories of the ‘family life’ route (figure 4.2). By contrast, relatively few respondents were on the ‘private life’ route. The Migration Observatory’s analysis of Home Office immigration data also suggests that a large share (85 per cent in 2020) of grants of status on the 10-year route were on ‘family life’ grounds (McKinney and Sumption 2021).

**FIGURE 4.2:**

**Respondents were most commonly on the 10-year route because they were the parent of a British citizen or child who had been in the UK for at least seven years**

*Reasons for being on the 10-year route (% of respondents)*



Source: IPPR analysis of 10-year route survey

<sup>12</sup> Many responses to the household income question were unexpectedly high, suggesting that respondents thought the question referred to annual household income rather than monthly household income.

In summary, the sample of people who responded to our survey tended to be female caregivers. As explained in this chapter, this is likely to be because many of our respondents entered on to the 10-year route as the parent of a British child or a child who had lived in the UK for at least seven years. The respondents were predominantly from ethnic minority backgrounds, reflecting other available data on people on the 10-year route. Just under half of the respondents were in employment, in many cases working in health and social care, and around a third had very low household incomes (no more than £1,000 per month). The respondents in our sample were therefore at particular risk from the costs and insecurity associated with the 10-year route, as we explore further in the next chapter.

#### **BOX 4.1: CASE STUDY INTERVIEWS**

Six women that completed the survey agreed to take part in additional interviews to explore their experiences of being on the 10-year route in more depth.

Researchers asked them about the impact of the route on their employment, housing, health and wellbeing and children; whether they had experienced a gap in leave and the consequences of this; about their hopes for the future; and what they would like to say to people in power about the 10-year route policy.

Here we introduce the women briefly, before weaving their testimonials throughout the report. All names are pseudonyms.

- **Efe** is from Nigeria and first arrived in the UK in 2009 to study. She has six children and is currently working as a therapist.
- **Nura** is from Saudi Arabia and has lived in the UK over 20 years. She lives with her adult son. Previously she worked for the NHS, but she is currently unable to work due to sending the incorrect fee when renewing her LLR and subsequently losing her status.
- **Sisi** is from Ghana and has been in the UK for around seven years. She has two children and works in social care.
- **Angela** is from Ghana and has been in the UK since 2007. She has one daughter and works full time as a nurse in the NHS.
- **Mary** is from Ghana and is the mother of two children, one a British citizen. She used to work as a cleaner.
- **Lil** is from The Gambia and has lived in the UK for over half her life. She has a young child and works for a charity.

## 5. KEY FEATURES OF THE 10-YEAR ROUTE

In this chapter we explore how people on the 10-year route experience and navigate some of its distinctive features: including the regular requirements to renew, the extensive costs, and the restrictions on access to welfare.

### RENEWALS ON THE 10-YEAR ROUTE

As explained in chapter 2, people on the 10-year route must apply for LLR every 2.5 years, until they complete 10 years of leave and are eligible for ILR. This means that people must make regular applications to the Home Office over the course of their journey to settlement.

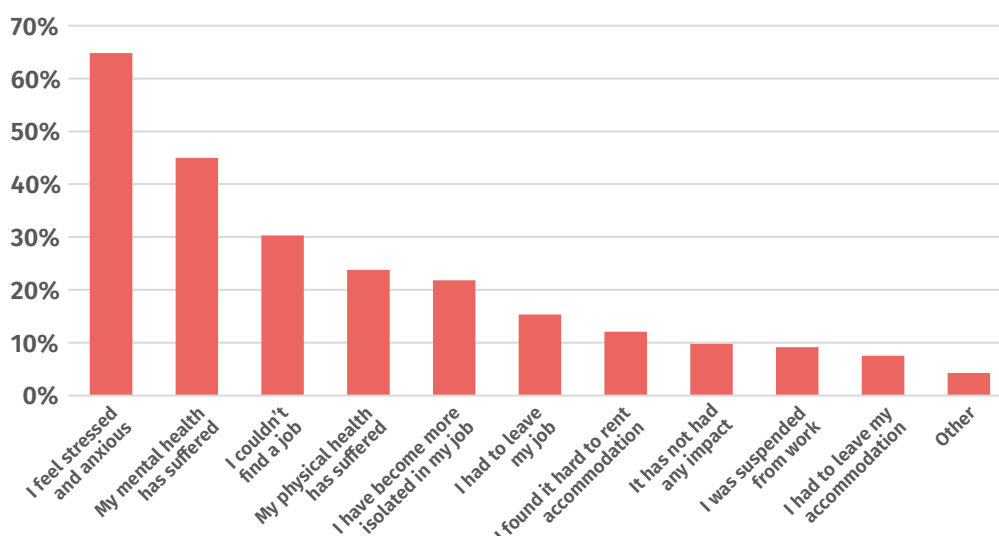
We asked respondents about how long they waited, when last applying for or renewing their LLR, for the Home Office to make a decision on their application. A total of 80 per cent of respondents said that this process took six months or longer and 35 per cent said it took at least a year. This means that a significant share of people's time on the 10-year route can be spent waiting on immigration applications.

The extensive delays on the 10-year route appear to have had a major effect on the mental and physical wellbeing of our respondents. Two-thirds of respondents said that the wait had led them to feel stressed and anxious and nearly half had said that their mental health had suffered. Around a quarter said that their physical health had suffered and around a third had said it had meant they could not find a job.

**FIGURE 5.1:**

**Two-thirds of respondents said that waiting for a decision on their application from the Home Office resulted in them feeling stressed and anxious**

*Types of impact of waiting for Home Office decision (% of respondents)*



Source: IPPR analysis of 10-year route survey

### CASE STUDY: SISI

Sisi had so far had two grants of limited leave to remain, and so was almost halfway through the 10-year route journey. The thought of renewing for a third time loomed over her in an ever-present way. She said that when she thinks about it, *“I panic a bit, I get emotional, because I don’t know what is going to happen.”*

### THE COSTS OF THE 10-YEAR ROUTE

As discussed in chapter 2, the 10-year route is an expensive process. It costs a total of £12,836 for an adult and £11,296 for a child to settle in the UK via this route, due to the combined costs of fees for LLR, fees for settlement, and the IHS. There may also be additional fees for solicitors to help them navigate the process.

For many, the costs can be prohibitive. In our survey, 46 per cent of respondents said that the costs associated with applying for leave to remain on the 10-year route meant that they decided not to renew their leave to remain or the leave to remain of someone else in their household. Doing this, they will be pushed out of status and into irregularity, barring them from employment, housing, free healthcare, and other key services.

### CASE STUDY: EFE

After the breakdown of her relationship, Efe had been the sole carer of her six children (three of whom are British citizens) for almost three years when it was time for her to renew her leave to remain in 2019. Caring for her children, aged between two and 12, meant that she had been unable to work during this time, so she could not afford the visa renewal fees for herself and the three of her children who are not British citizens. Although she applied to the Home Office for a fee waiver, her application was rejected because the Home Office felt she should have been able to find the funds herself.

This meant that not only were Efe and her three older children pushed out of status, but she also lost her job as a part-time support worker. The family also lost the accommodation that had been provided by the local council, becoming homeless in the middle of the pandemic.

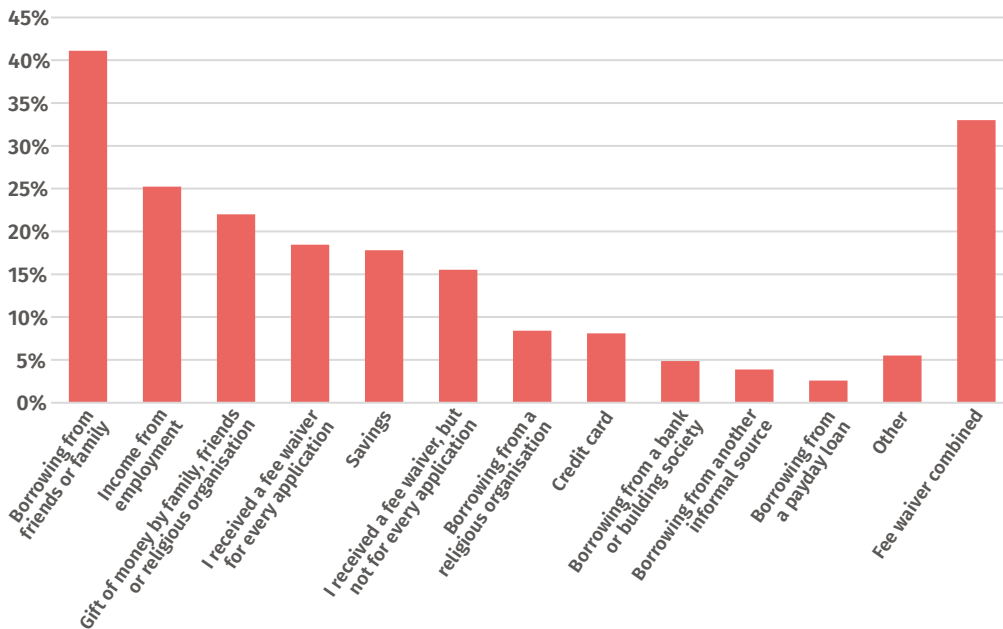
We asked respondents to think back to when they had to pay to apply for or extend their leave to remain and explain how they paid for the costs involved. Respondents answered with a range of different ways of covering the costs, including borrowing money from friends or family (41 per cent), applying for fee waivers (33 per cent), income from employment (25 per cent), or receiving monetary gifts (22 per cent) (figure 5.2).

As a result, a number of people were in significant debt. Of those who had borrowed money to pay for the costs of the 10-year route, around 82 per cent were still in debt and around 30 per cent said they were unable to keep up with payments. One person, writing in the survey’s open-text box, told us that the 10-year route has:

***“...caused me and my family trauma. As at the time I am filling in this form, I don’t even have five pounds in my account. We survive on loans and overdrafts. Things are really hard.”***

**FIGURE 5.2:**

**The most common ways in which respondents paid for the costs of applying for or extending their leave to remain was borrowing from friends or family and applying for fee waivers**  
*Ways in which respondents applied for or extended their leave to remain (% of respondents)*



Source: IPPR analysis of 10-year route survey

## FEE WAIVERS

As shown in figure 5.2, some respondents had received a fee waiver to help with the costs of applying for or extending their leave to remain. A fee waiver is available for applicants under certain circumstances – eg if they are unable to afford the fee, they are destitute or at risk of imminent destitution, or they do not earn enough to meet their child’s further particular and essential needs (Home Office 2022f). The fee waiver can apply to the IHS only or to both the surcharge and the main application fee. ‘Partial’ fee waivers can also be requested for some or all of the dependants of the main applicant (ibid).

When we asked respondents whether or not they had applied for a fee waiver, two-thirds (66 per cent) answered that they had. This high proportion is likely a result of the survey being targeted at people who had received support from immigration advice organisations. Out of those who had applied, around 52 per cent said they were granted a fee waiver on at least one occasion, while a further 31 per cent said they were granted it for only a part of their application. On the other hand, it is notable that a total of 68 respondents – two-thirds of those who did not apply – said that they did not know that they could. This suggests that there could be a significant cohort of people on the 10-year route who are eligible for a fee waiver but unaware of the process.

Fifteen per cent of people applied for a fee waiver but were rejected. This can happen for a range of reasons, including where the Home Office believes an applicant has sufficient funds to afford the fees after fulfilling essential living needs. This can mean applicants are left with no savings at all.

While fee waivers are available for applications for LLR, applications for indefinite leave are not covered. The cost of applying for ILR is currently £2,404. Strikingly,

three-quarters of respondents said they would not be able to afford this fee if they were eligible to apply for ILR. Many people on the 10-year route may therefore be at risk of being locked out of settlement even after spending a decade on the route.

### CASE STUDY: ANGELA

After experiencing domestic abuse from her partner while pregnant, Angela sought help from social services to leave the relationship. They told her that her options were either to 'go back home' or to put in an application with the Home Office as she'd fallen out of status and 'had no papers' since leaving a previous partner on whom her spousal visa relied.

Angela did not know where to start though, and at that time had no legal advice. When social services refused to support her, she says she "had no option but to go back to him" where "he abused me more."

After further violence, Angela sought help from a legal advice charity, who advised her to apply for LLR as the parent of British child. Angela borrowed money and used her credit card to submit an application for the 10-year route.

By the time the second renewal came around, Angela was better informed. While things had improved in lots of ways - she was training to become a nurse and was living alone with her baby daughter - she still didn't have much money and was in rent arrears. Angela applied for a fee waiver - of this she told us: "I wrote a personal statement, I said if you don't give me fee waiver, I don't have an option but to be an overstayer because I don't have that money. So I attached proof of struggling, I sent my [bank] statements for like one year, and then luckily the Home Office granted a fee waiver, that's how I was able to receive the visa that I just got this year in September."

### INSECURITY AND GAPS IN LEAVE

The requirement to reapply for LLR every 2.5 years under the 10-year route creates a risk that people fall out of status while on the route. A third of respondents said that they had experienced a gap in their leave on their pathway to settlement.<sup>13</sup> They gave two main reasons (figure 5.3).

- 38 per cent said that they had made a mistake when applying to extend their LLR, and their application was therefore refused.
- 37 per cent said they had not been able to afford to pay the visa fees and IHS.

### CASE STUDY: EFE

Efe and her three oldest children, who are not British citizens, became undocumented in 2019 when they could not afford the visa fees and the Home Office rejected their application for a fee waiver.

Although Efe and her children have leave to remain again, thanks to the support of an immigration advice charity, they have had to restart the 10-year route from the beginning. This means that, despite having been in the UK for 13 years already, they are still 10 years away from being able to apply for ILR.

As Efe put it, "It just felt like all the effort I've been making from day one to settle in the UK have been dashed."

<sup>13</sup> This could be a gap on the 10-year route or on a prior route to settlement before they entered the 10-year route



### CASE STUDY: NURA

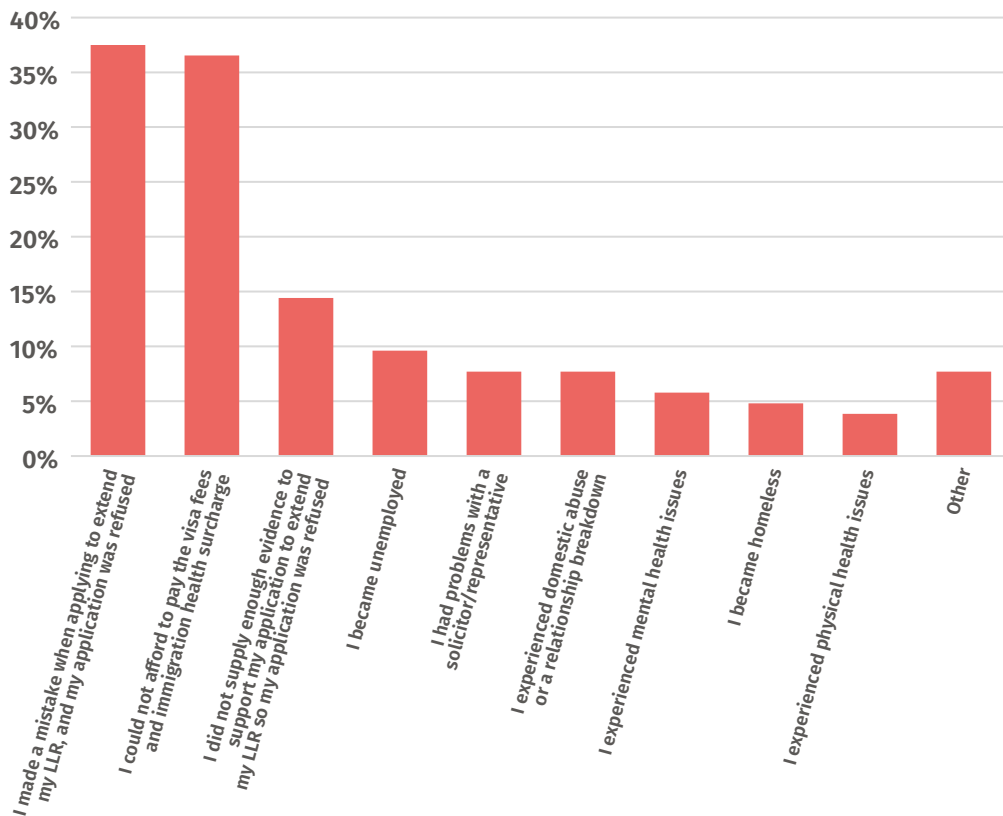
In Nura's case, she was £30 short of the full fees, so her application to renew her leave to remain was rejected and she lost her status.

She has recently been advised by her lawyer that she is going to have to restart the 10-year route, despite the 2.5 years of leave she has already accrued, meaning that – despite being in the UK for over 20 years - she will be in her 50s before she's able to apply for ILR.

FIGURE 5.3:

**The most common reasons given for experiencing a gap in leave were that a mistake was made in the application process or that the costs of applying were unaffordable**

*Reasons given by respondents for experiencing a gap in their leave on their pathway to settlement (% of respondents with gap in their leave)*



Source: IPPR analysis of 10-year route survey

The above chart again highlights that the high costs of visa fees and the IHS can price people out of their route to settlement, leading them to become undocumented. Without a formal immigration status, individuals are at a greater risk of destitution and exploitation, because under the government's 'hostile environment' policies they do not have the right to work or rent property and they lose eligibility for free healthcare and other key services (Qureshi et al 2020). The requirement to regularly pay high fees under the 10-year route therefore places migrants between a rock and a hard place: they must either find the resources to cover the costs of the visa fees or risk losing access to basic services and essentials.

### CASE STUDY: SISI

Sisi's relationship with her husband broke down while she was pregnant. She lost her status following this relationship breakdown, though her child inherited British citizenship from their father.

Nevertheless, Sisi was sent a bill for £7,000 after the birth. She says: *“they said that at the time that I gave birth I was ‘illegal’ and so they keep sending me bills. Even up to now they keep sending me letters saying that they are referring me to a debt collection agency, even given I’m sending them by direct debit £20 every month, but even still they’re sending me the letter which is so stressful.”*

### LEGAL ADVICE AND SUPPORT

Figure 5.3 also indicates that falling out of status can simply result from a mistake in the application process. A mistake as simple as ticking the wrong box on the application form can result in an application being refused and a person losing their status. Despite the complexity of applications (as set out in chapter 2) it can often be difficult for people to access legal advice to support their applications, due to such applications being out of scope for most legal aid work.

Out of the respondents in our survey, around two-thirds (66 per cent) had received support from a solicitor or immigration adviser to help make their applications for leave to remain (and a further 11 per cent had received support for some applications but not others). This figure is likely to be high as a result of the sampling method, which involved recruiting people through links with immigration advice organisations. But out of those who had not received support for some or all of their applications, 78 per cent reported that this was because legal advice was too expensive. Our survey suggests that many cannot afford to get help with their application and may risk falling out of status as a result.

Furthermore, some had found that they had received insufficient advice regarding the 10-year route, as one man wrote:

*“It has been a nightmare, I had been given wrong outdated info by so many - even solicitors - until I was referred to one via a charity who really knew her stuff and hastened everything.”*

### ACCESS TO WELFARE

People on the 10-year route are typically subject to the NRPf condition – ie they have no access to mainstream benefits. In some cases, however, recourse to public funds can be granted by the Home Office after representations are made at the point of applying for leave, or alternatively NRPf can be lifted through a ‘change of conditions’ application. This happens when the applicant is either destitute or at risk of imminent destitution, there are child welfare reasons which outweigh the case for imposing the condition, or there are exceptional financial circumstances (Home Office 2022e).

In our survey, just over half (54 per cent) of respondents were able to access benefits. This is likely due to the sampling method of the survey, which focused on recruiting people through immigration advice organisations. Many of the survey respondents are therefore likely to have had support from these organisations with lifting NRPf status. A small number of respondents (around 5 per cent) were subject to NRPf but had received support from other sources – for instance, support from their local authority under section 17 of the Children Act.

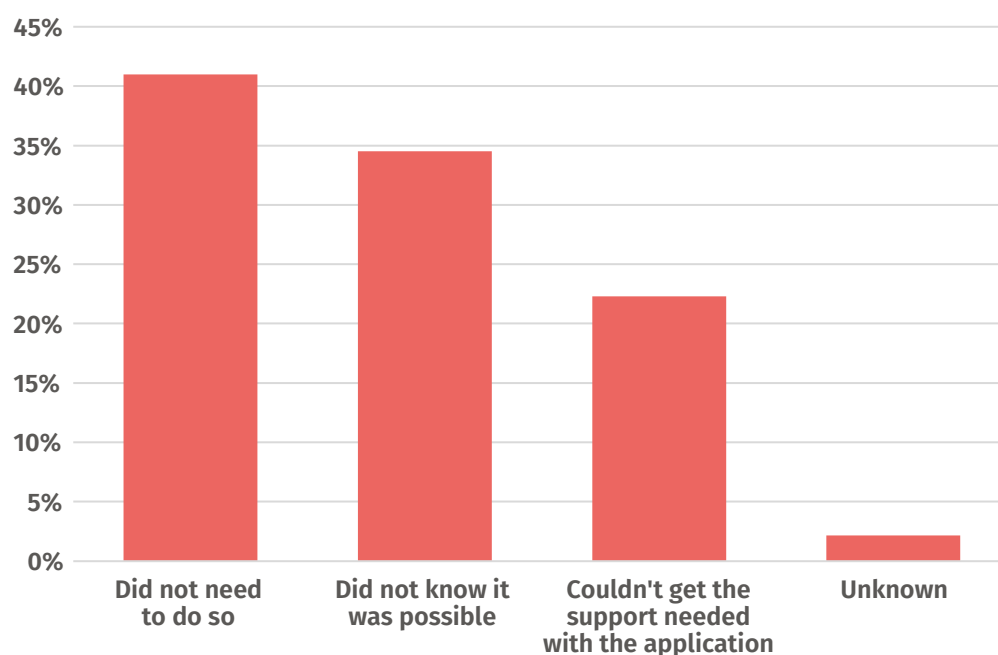
When asked about 'change of conditions' applications, nearly half (48 per cent) said that they had applied for a change of conditions to remove NRPF status. Of those who had applied (a total of 147 respondents), 55 per cent were successful, while a further 14 per cent ultimately had a successful application after being initially refused. Twenty-eight per cent were refused and in the remainder of cases the outcome was unknown or ongoing.

Out of those who had not applied for a 'change of conditions', around two-fifths (41 per cent) said that they did not need to do so. However, 35 per cent said that they had not applied because they did not know it was possible and 22 per cent said that they could not get the support they needed to complete the application (figure 5.4). This indicates that there may be significant numbers of people on the 10-year route who are eligible to have benefit restrictions lifted but are not aware of the possibility or find the process too complicated without external help.

**FIGURE 5.4:**

**More than a third of respondents who had not applied to lift their NRPF condition said they did not know it was possible to do so**

*Reasons given by respondents for not applying for a 'change of conditions' to remove the NRPF condition (% of respondents)*



Source: IPPR analysis of 10-year route survey

### CASE STUDY: ANGELA

In the period before Angela was granted her application for the 10-year route, she tried to get help from social services to protect herself, her young child and unborn baby from her abuser; however, she believes that she was met with a wall of resistance due to her insecure status. She told us: *“social services used the fact that I had NRPf to justify not supporting me.”*

Without access to a welfare safety net, Angela felt she had no choice but to return to her partner. Placed in an impossible situation, she told us: *“if they had given me food to eat, or maybe rehoused me somewhere, there’s no way I’d have gone back.”*

Eventually, with the help of a charity she was able to put in an application with the Home Office, and they advocated for her to be rehoused by social services away from her abuser. When she started on the 10-year route, she was further supported to have the NRPf condition lifted. She now works full time and is proud of the contribution she makes to her community and the economy.

The analysis in this chapter has illustrated some of the key challenges with the 10-year route: the regular requirements to extend leave to remain, the high costs attached to each application, the delays in Home Office decisions, and the restrictions in access to benefits. While there are measures in place to ease some of these challenges – including the fee waiver and ‘change of conditions’ policies – our survey suggests that many are unaware of these options and struggle to access them without legal advice, which is in itself hard to find. Moreover, the analysis highlights that the price of not meeting the requirements of the route can be severe: individuals can lose status altogether, barring them from employment, from accessing free healthcare and other key services, and if they secure a new grant of leave after a gap they typically have to restart their 10 years to settlement.

## 6. IMPACTS OF BEING ON THE 10-YEAR ROUTE

The previous chapter explored how our survey respondents navigated some of the key features of the 10-year route. But how do these features affect the experiences of individuals and families? This chapter investigates the impacts of being on the 10-year route on people's day to day lives in more detail.

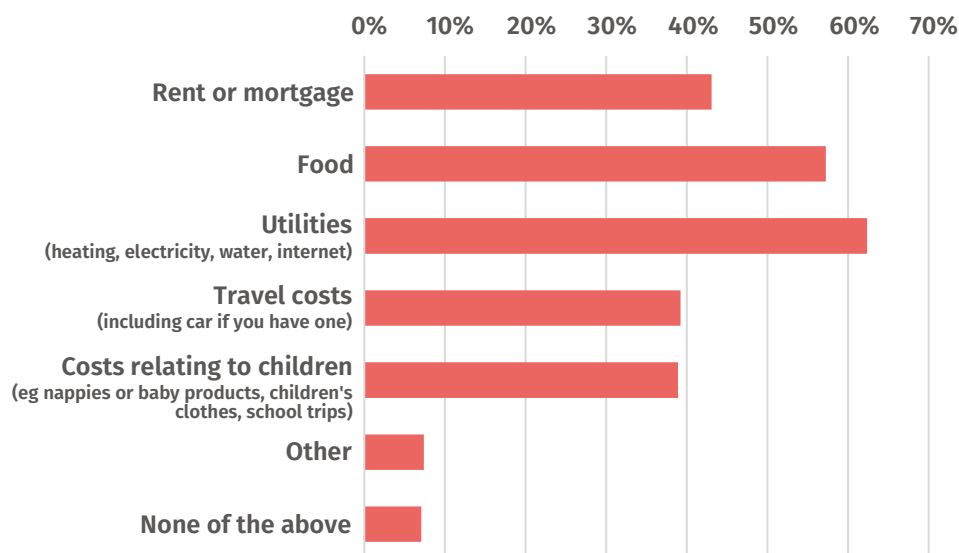
### ON HOUSEHOLD FINANCES

Our survey asked respondents about whether they struggled to meet essential living costs. Around 62 per cent said they struggled to meet the cost of utilities (including electricity, heating, water and internet) and 57 per cent said they struggled to meet the cost of food. Significant numbers also said they struggled to meet the costs of housing, travel, and looking after their children (figure 6.1).

**FIGURE 6.1:**

**Over half of respondents said they struggled to meet the costs of utilities and food**

*Share of respondents who recorded struggling to meet essential living costs (% of respondents)*



Source: IPPR analysis of 10-year route survey

The survey results made clear that there was a direct link between the 10-year route and the financial struggles of households. When asked about the impact of the costs of applying for or renewing their LLR on their household finances, nearly half (47 per cent) of respondents said that they find it hard to afford everything they need and have to borrow money to pay for their application. Around 17 per cent said that they had been pushed into severe debt by paying for their application and were unable to afford essential living costs as a result.

### CASE STUDY: NURA

For the past four years, Nura has been relying on the economic support of her 19-year-old son, who works as a porter in a local hospital during the week and for a local sports club on the weekend.

The impact that her own situation has had on her son – himself a British citizen – makes Nura the most upset. As the sole breadwinner for him and his mother, he was unable to finish college or go to university.

Reflecting on this situation, she said: *“it’s embarrassing having to rely on your child for everything.”*

Many of the open-text responses in the survey pinpoint the cost of the 10-year route as the cause of significant stress, anxiety and frustration. One person wrote that *“when the time [to renew] is approaching, I get nervous and anxious but still do not know what to do”*. For families, the burden of costs was particularly acute, with one woman writing that the costs for a family of four causes *“unimaginable stress”*. Another wrote:

***“I am about to renew my third leave to remain under 10-years route and am already in that stress mode. Thinking about the applications I have to fill, the documents I have to provide, most especially the fees it makes me get depressed. I have three kids, one is British and my other two are on same route as me. This means that when am renewing, I have to renew for my two younger ones too. Can you imagine the cost and how much I have to pay for three of us, it is a ridiculous amount that I don’t even want to think about. How and where am [I] going to get the money I don’t know. I feel like crying out loud, it is very sad and heart-breaking.”***

Several people reflected on the costs of the 10-year route in the wider context of the cost of living crisis, with one woman saying that *“light and gas bills are killing me right now”*.

### CASE STUDY: LIL

Lil explained that saving for her visa fees was near impossible due to the high costs of childcare and other household bills. Estimating that she needed to save over £100 each month to renew her LLR, and talking about the difficult decisions that she has to weigh up in order to care for her daughter, she said:

***“I literally can’t afford it. My wages don’t stretch to the third day of the week I’m paid... Let’s say I get a second job, I’m not going to be able to spend time with my child... I have guilt all the time that I’m not doing enough with my child.”***

Some respondents also reported impacts on their housing situation: 18 per cent said they had to live with friends or family (or sofa surf), while 7 per cent said that they had lost their accommodation because they could not keep up with rent or mortgage payments, and 6 per cent said they had been made street homeless. In total around 22 per cent – over a fifth – of respondents said they had faced at least one of these homelessness or housing problems.

### CASE STUDY: SISI

After her relationship broke down, Sisi and her children moved in with her mother-in-law, sleeping in a spare bedroom. However, when her mother-in-law's adult daughter moved back in, there was no longer room and they had to leave.

Sisi explains that she then went to the housing department of her local council but was met with hostility: *“they said I don’t qualify because I’ve got a restriction [of NRPF], the woman was really rude, you know, I don’t know if it’s because I’ve got a green passport, but she just put the passport down and said you don’t qualify.”*

Even after Sisi was helped by a charity to lift the NRPF condition, the family's accommodation had shared facilities and was in such a state of disrepair they had to bathe using water in a bucket.

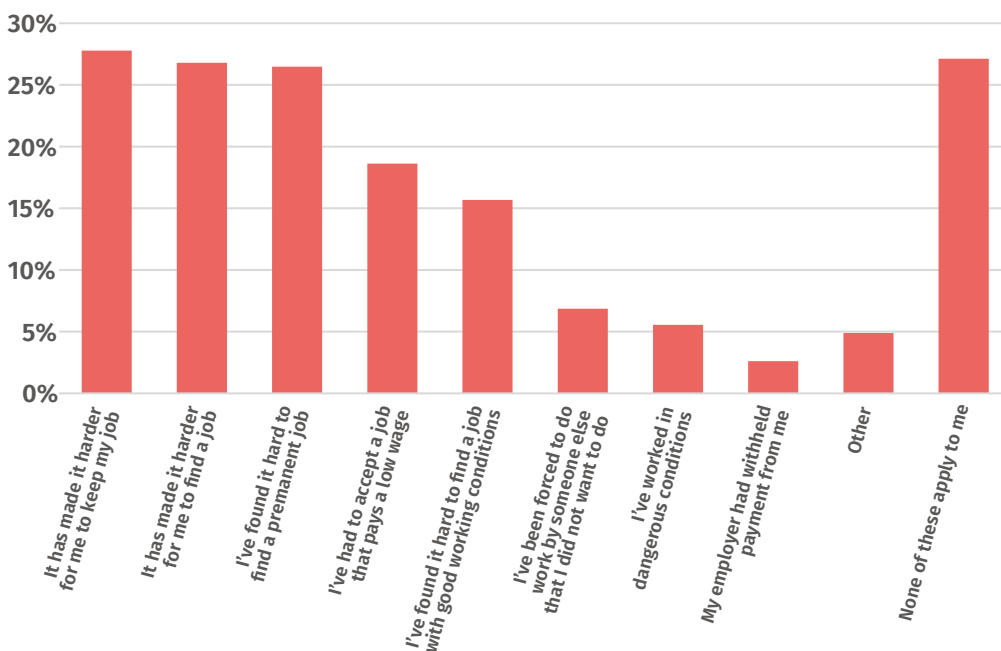
### ON EMPLOYMENT

We also asked respondents about the impact of the 10-year route – specifically the need to apply for or extend their LLR every 2.5 years – on their experiences of work (see figure 6.2). The most common impacts recorded were that the 10-year route had made it harder to keep their job (28 per cent of respondents), harder to find a job (27 per cent), or hard to find a permanent job (26 per cent). Smaller shares of respondents highlighted more extreme examples of poor employment practices and exploitation, including being forced to do work by someone else that they did not want to do (7 per cent) and working in dangerous conditions (6 per cent).

**FIGURE 6.2:**

**Significant shares of respondents said that the 10-year route had made it harder to keep or find a job**

*Share of respondents who recorded impacts on experiences of work of the need to apply for or extend their LLR every 2.5 years*



Source: IPPR analysis of 10-year route survey

Of their employment experiences, one person wrote:

*“We are going through a stressful life looking for money to pay for immigration instead of sorting our lives and our children for a better future. I lost my job because my visa got expired and now trying to find another one is difficult.”*

#### **CASE STUDY: NURA**

In 2018, Nura separated from her partner of 13 years. She was due to renew her LLR at this point, so made her application. She was £30 short of the full fee, but submitted the application anyway, hoping that the Home Office would forgive such a small amount.

Whilst waiting for her application to be processed, she lost her job because she was unable to prove her status to her employer. Although her right to work continued under section 3c of the Immigration Act 1971, as she had no paperwork to show to her employer, they terminated her contract.

Without income from employment, she quickly became homeless. Ultimately, the Home Office rejected her application because she had not been able to pay the full fee amount, meaning that she lost her status. She has been unable to work since, while she has been looking for support to get her status back.

She says of her situation, *“I’ve always worked, I’ve always paid tax, but the last four years right now I’m just sitting idle. I do a bit of volunteering, but I’m not earning money... It’s inhumane, it’s unfair.”*

#### **CASE STUDY: SISI**

Sisi works as a support worker with people discharged from hospital. She explained that, as a single mother, she had found it difficult at times to work as much as she wanted to. When her mother-in-law told her she could no longer look after the kids she had to reduce her hours in order to care for them. The NRPF condition meant that Sisi was not eligible for extended government-funded early years childcare provision for three- and four-year-olds.

#### **CASE STUDY: MARY**

With her older daughter, Mary was able to use the 15 hours of government-funded childcare for three- and four-year-olds that is available to all children, regardless of their immigration status. However, even though she was working sufficient hours to qualify, she could not access the extended provision of 30 hours per week because of the NRPF condition.

Had she been able to get the full 30 hours of childcare, Mary says, she would have been able to work longer hours. More time at nursery would also have helped her daughter, who had a language delay.



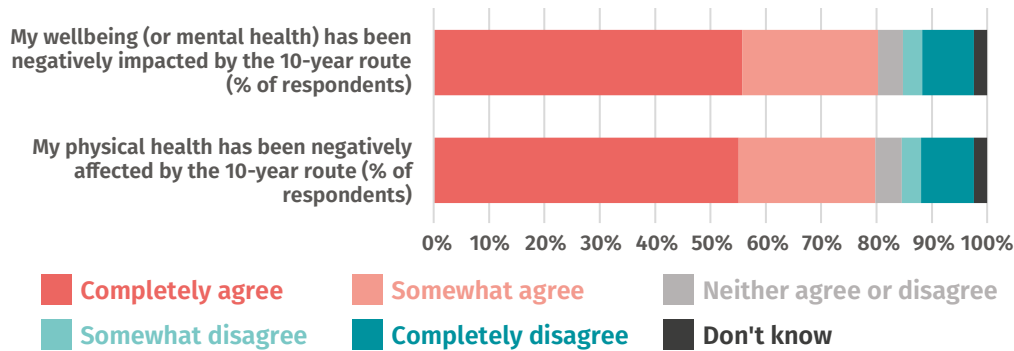
## ON HEALTH AND WELLBEING

The majority of survey respondents agreed that their physical health and their wellbeing (or mental health) had been negatively affected by the 10-year route (figure 6.3).

**FIGURE 6.3:**

**The majority of respondents agreed their physical health and wellbeing had been negatively impacted under the 10-year route**

Share of responses agreeing/disagreeing with whether the 10-year route had an impact on their physical health and wellbeing (% of respondents)



Source: IPPR analysis of 10-year route survey

This was supported by our analysis of the open-text responses in the survey: with a striking frequency, people told us that the 10-year route has had significant consequences for their mental health and wellbeing, as well as that of their children. This was explicitly linked to the feeling of uncertainty and insecurity that accompanies the route. One woman disclosed that being on the 10-year route “has heightened my anxiety [so much] that I am now on medication for it.” Another wrote that:

*“My experience on this route has caused more damage to my sense of self, and that of my children, we have gone through some irreparable hardship that cannot be fully explained verbally.”*

In turn, the poor health of individuals on the 10-year route can also impair their ability to navigate the requirements of the route. One person completing the survey explained in an open-text response that they were on the private life route and that having been in the country for over twenty years, they and their partner were now approaching 70 years old and unable to work due to “multiple physical and mental illnesses” and as a result they were “totally unable to do lots of paperwork or to pay sky high fees to the Home Office and to the solicitor.”

### CASE STUDY: NURA

In the face of the uncertainty and insecurity they experienced when Nura lost her LLR on the 10-year route, and the likelihood that she would have to ‘restart’ her time on the route, Nura told us that she and her son had experienced significant mental health setbacks.

Nura had experienced mental health challenges previously; however, the additional strain caused by the 10-year route exacerbated her ill-health and that of her son. She disclosed that her teenage son had himself been suicidal and that the anxiety and depression she experiences means that for the past four years she has been taking antidepressants to manage her symptoms.

## ON FUTURE PROSPECTS AND SENSE OF BELONGING

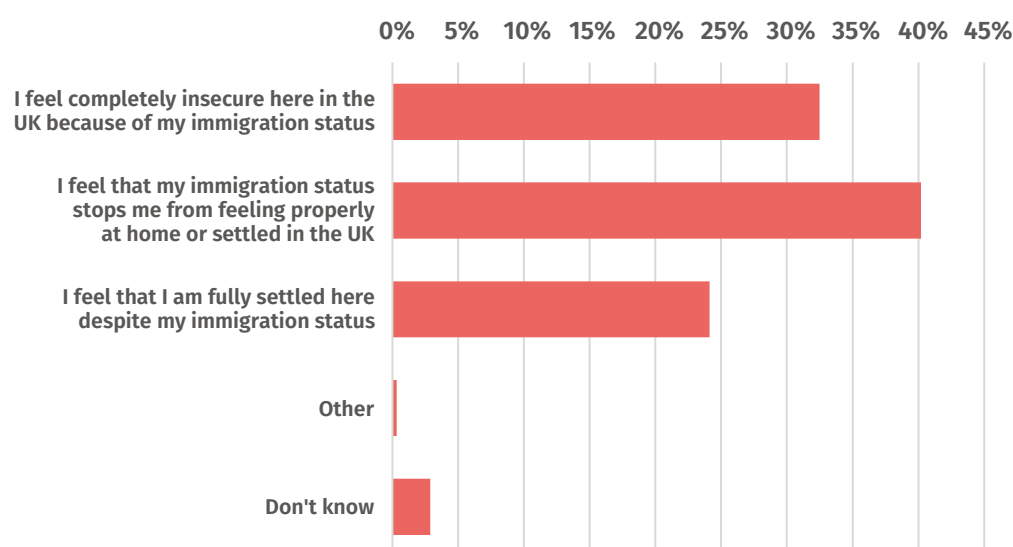
Our survey results illustrated how the 10-year route can make it hard for many to comprehend or enact their future aspirations, because they do not feel sufficiently settled or at home.

We asked respondents about their plans for the future: they were asked to choose between the statements 'I feel that I am fully settled here despite my immigration status', 'I feel that my immigration status stops me from feeling properly at home or settled in the UK', and 'I feel completely insecure here in the UK because of my immigration status' (or they could choose a write-in 'other' answer). The most common response – answered by 40 per cent – was that their status stops them from feeling at home or settled, followed by a further 32 per cent who said they felt completely insecure because of their status. Only 24 per cent said that they felt fully settled (figure 6.4).

**FIGURE 6.4:**

### Only a quarter of respondents said that they felt fully settled in the UK despite their immigration status

Share of respondents' answers about feeling settled in the UK (% of respondents)



Source: IPPR analysis of 10-year route survey

In their survey responses, people wrote that they are being held back and held down by the 10-year route policy. This had a significant impact on their – and their children's – ability to feel as though they belonged in and could contribute to wider society.

In particular, a few people wrote that they had been denied the chance to study at university – with the effect that they felt their future prospects had stagnated. For instance, one man wrote:

***“This route is really impacting negatively to my wellbeing. I am not able to get student loan to study a course after my heart - midwifery. I studied access to health and social care level 2 but could not continue to level 3 because I do not have my indefinite leave to remain. It is so annoying and frustrating... I have been here for 15 years with three British children but cannot access higher education to be able to help myself and my children in the future.”***

A further three women completing the survey told us that they had been unable to enrol on nursing degrees as they were barred from accessing student finance.

Asked about the impact of the 10-year route on her future, Nura, an interview participant, told us:

***“you can’t have dreams or aspirations on the 10-year route... It ruins lives, it ruins families.”***

Furthermore, by limiting the career prospects of individuals, the 10-year route has the effect of reducing people’s earning potential, and, in turn, their contribution to the wider economy.

### **CASE STUDY: SISI**

Sisi, working as a reablement support worker in the community, dreamed once of being a nurse. More recently she had decided that she wanted to become an occupational therapist because, she reflected, as she got older this was less physically intensive.

However, she felt frustrated and ‘stagnant’ because, although she now has access to public funds, she does not qualify for student finance, and therefore cannot take up a place at a university to retrain.

She told us: *“I want my future to be bright... why don’t they give us – those who are already here with kids – the chance to study and then we can give back to the community and the country. Why don’t they make it possible for us? It’s a loan that we’ll pay back!”*

### **ON CHILDREN**

As discussed in chapter 5, the vast majority of people (93 per cent) taking part in the survey had children in their care. We asked respondents about the impact of the uncertainty of the 10-year route on their children. Around three-fifths of respondents agreed that their children’s health had suffered, and the same proportion agreed that their children’s wellbeing and mental health had suffered, their education had been negatively affected and their prospects for the future had been harmed.

A large number of the open-text responses focused on the impacts of the 10-year route on children and young people. Parents feared that their children were suffering in manifold ways as a result of the route. The costs associated with the route meant that parents were unable to afford things that make children feel part of a school community – such as after school clubs and school trips. They were unable to travel or go on holiday, as their school friends might. As one woman wrote:

***“I found it very difficult buying clothes for the children or taking them to holidays outside UK, because I am always thinking that I would rather save the money for Home Office fees than taking the kids out. Which is unfair for the kids, seeing their friends talking about where they went for holidays. What makes me sad is when my son asks me ‘mummy are we poor?’”***

For some – despite being born in the UK – they are left feeling as though they don't belong.

*“I have three children born in the UK. [My] older [child] doesn't have a British passport. I wish this policy changed because if he was born in the UK [he] should also have the British passport. My child doesn't understand why [his] brothers have a British passport, but he doesn't. [It] affects the child mentally. He doesn't know where he belongs.”*

In worst case scenarios, the unrelenting costs associated with the route mean that children are missing out on the basic essentials needed to get by. As two women told us:

*“It's made me, and my children, suffer a lot. We've been homeless for two years. I'm not well but I need to force myself to work.”*

*“The prices are very high especially with the high costs of living. I'm not able to give my children the life they deserve as I'm constantly having to save money for the application.”*

#### **CASE STUDY: EFE**

After Efe's relationship with her partner broke down due to domestic abuse, the family were supported by their local council, which provided accommodation and emergency subsistence support. Their accommodation was temporary, however, and the family were moved several times in a 30-month period. At one point, her children were travelling 37 miles morning and evening to go to school, meaning that they were always tired and didn't have enough time to study.

She was also very preoccupied with worries around her status and was unable to help her oldest child prepare for his GCSEs. As she put it: *“I couldn't help my children and that broke me.”*

#### **CASE STUDY: SISI**

After they became destitute, Sisi and her two children were eventually housed in temporary accommodation by the local authority. Their new accommodation was a long way from the children's school. As a result, the children are often late to class or, on occasion, miss morning classes entirely, due to train disruptions. She said of her daughter: *“she's always tired, she's always on the scooter and she gets there and she's panting. It's really hard.”*

Sisi was at one point reported to the council for her children's regular late arrival to school. However, she said that *“when [the council] looked at the distance we were having to travel, they were really amazed.”*

### **OVERALL IMPACTS**

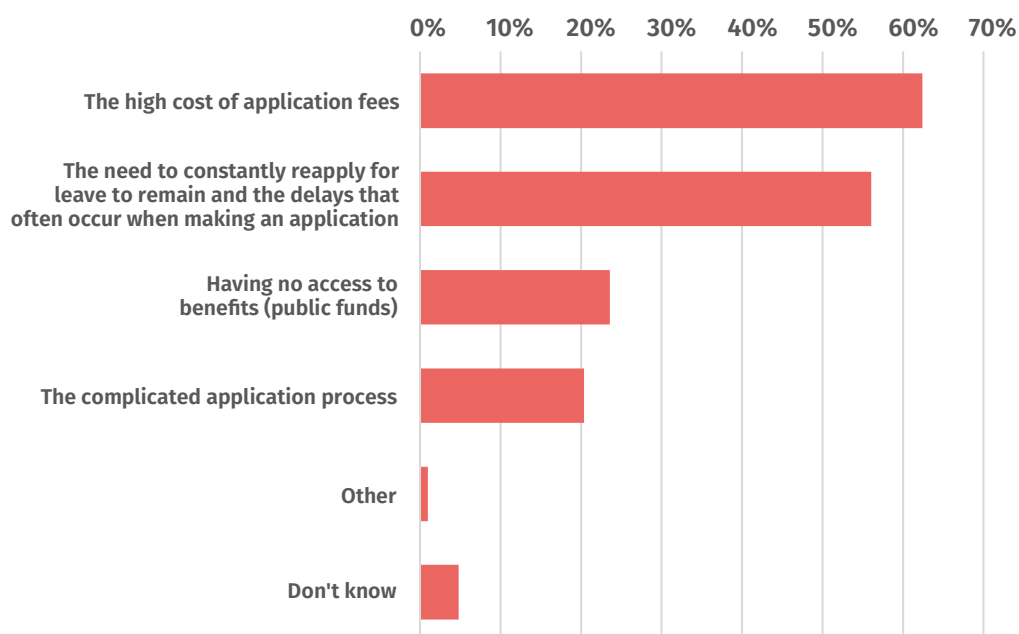
For the final part of the survey, we asked respondents which aspects of the 10-year route had the most negative aspects on their life. People could choose between the high cost of application fees, having no access to public funds, the complicated application process, the need to constantly reapply for leave to remain (and the delays that often occur when making an application), and an 'other' option. It was possible to select up to two options. The two aspects most commonly selected were

the high cost of the fees (selected by 62 per cent of respondents) and the need to constantly reapply (selected by 56 per cent) (figure 6.5). This reflects the concerns about the process raised earlier in the survey (see chapter 5). The relatively low share focusing on no access to benefits may reflect the earlier findings that many of our respondents were exempt from the NRPf condition.

**FIGURE 6.5:**

**Respondents selected the high cost of application fees and the need to constantly reapply for leave to remain (and associated delays) as the two aspects of the 10-year route which have had the most negative impacts on their lives**

*Share of respondents selecting which aspect(s) of the 10-year route had the biggest negative impact on their life (% of respondents)*



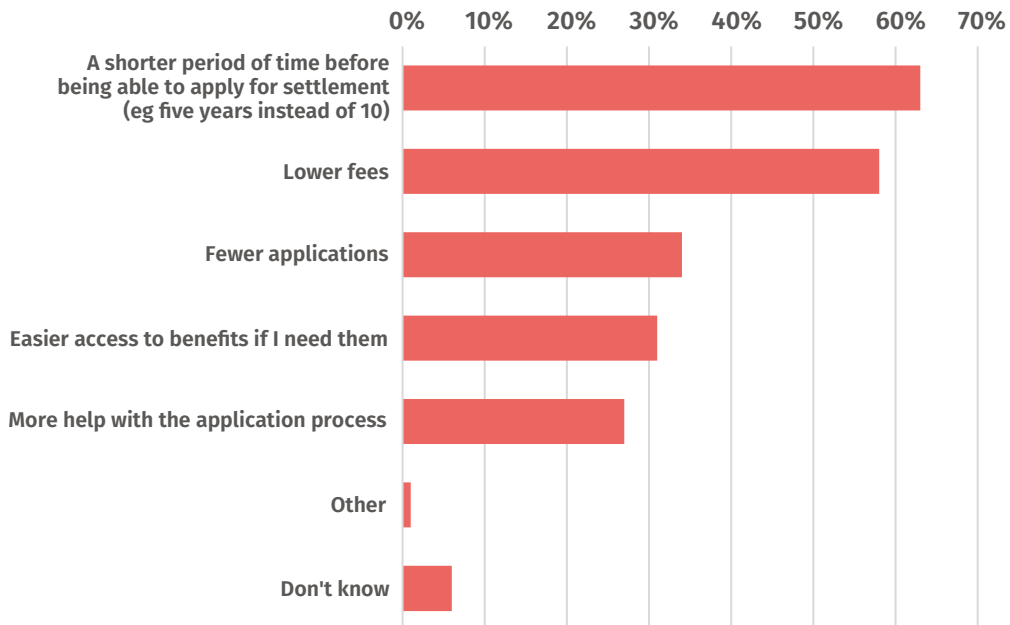
Source: IPPR analysis of 10-year route survey

We also asked respondents what changes would have the most positive impact on their life. Respondents could choose between a shorter period before being able to apply for settlement (eg five years rather than 10 years), fewer applications, easier access to benefits, lower fees, more help with the application process and an 'other' option. (Selecting up to three answers was possible.) The most popular reform was to reduce the length of the pathway to settlement (figure 6.6). The reason behind this might be that the policy would address a number of the key concerns raised in the survey about the 10-year route: a shorter pathway to settlement would mean fewer applications for LLR, a reduced period of insecurity, and lower overall costs.

**FIGURE 6.6:**

**The most popular option for changing the 10-year route was to reduce the period people must wait before they can apply for settlement**

*Share of respondents selecting which option(s) for changing the 10-year route they believed would make the most positive difference to their lives*



Source: IPPR analysis of 10-year route survey

Our analysis in this chapter has detailed the wide-ranging impacts of the 10-year route. While it is challenging to quantify the scale of the impact, it is clear from those we surveyed and spoke with that the experience of living for a long period with an insecure and costly status has triggered stress and anxiety, made it hard to find steady work, placed pressure on household budgets, and in some cases has led to severe debt and homelessness. We heard how the 10-year route causes people to feel stuck, frustrated, stressed, isolated, and uncertain about the future. Some felt as if they were being penalised for an unknown infraction. The evidence collected here suggests that the 10-year route can be harmful for employment prospects, health and wellbeing, household finances, social integration, and child development.

# 7. RECOMMENDATIONS

Drawing on the experiences of more than 300 people who are either on, or have been on, the 10-year route to settlement, this report has taken an in-depth look at the impacts of this route on the lives of individuals and families. The evidence indicates that the route is full of potential pitfalls. Multiple features of the 10-year route, including its length, fees, repeat applications, delays, NRPF and insufficient access to legal support, in combination can have serious impacts on household finances, employment opportunities, physical and mental health, long-term integration and child wellbeing.

In light of these findings, we propose that the 10-year route is urgently reviewed and reformed. Below we set out a number of recommendations – primarily for the UK government, with some recommendations also targeted at local authorities.

## RECOMMENDATIONS

### *The need for an independent review*

The evidence in this report shows the multiple harms caused by the 10-year route and leads us to conclude that **an urgent independent review of the 10-year route policy must be conducted** - ideally as part of a wider review of immigration processes and procedures. The review should take into consideration equalities legislation, policy and principles to shed light on the overlapping impacts of the route, including on the basis of race, gender, age and disability. Particular attention should be paid to the impact of the 10-year route on other local and central government policy objectives (including wider integration and social cohesion goals, as well as targets to end rough sleeping) and the costs the 10-year route creates for different local and central government budgets. In line with best practice, the review should be conducted in a way that meaningfully includes people with lived experience of being on the 10-year route, local authorities, charities and legal advice organisations.

We recommend that any review of the 10-year route considers the following areas highlighted in our research as causing significant negative impacts for people, their families and wider communities. We recognise that many of the below proposals have cost implications for government – for instance, by reducing the income from visa fees and the immigration health surcharge. However, they are also expected to deliver fiscal gains over time, by raising the economic contribution of people on the 10-year route. Our proposals also have the potential to reduce the workload of decision-makers in processing renewal applications, lowering the costs for the Home Office. A full assessment of the net fiscal impact of reforms to the 10-year route and the short-term options for resourcing these reforms should form a key component of the policy review.

### *The length of the route*

In our survey of 300+ people on the 10-year route, the most popular policy change was to reduce the length of time people have to wait before they can apply for settlement.

**We recommend that family and private life routes to settlement should be capped at five years maximum.** This would help to create a sense of security among people on the 10-year route – who have, in most cases, already lived in the UK for extended periods of time and whose futures are in this country. It could also contribute

towards enabling integration, aiding self-sufficiency and, in turn, improving mental health and wellbeing. Shortening the length of the route to settlement would also reduce the amount of time spent on these applications by Home Office decision-makers. A change with this effect was introduced by the government for children and young people with leave to remain on the 10-year route on the basis of their private life in 2022, in the context of a process to simplify the Immigration Rules. The government has an opportunity to implement a similar change for other people with leave to remain on the basis of their family or private life as the simplification of the rules process progresses.

Until this settlement route is amended to a maximum five year route, in order to limit the insecurity caused by living from one grant of 30 months leave to the next, the Immigration Rules should be amended so that **everyone with leave to remain on the basis of their family or private lives has the option to apply for leave to remain in a 60-month block**. Over half of those in our survey said the frequent need to reapply was one of the aspects of the 10-year route which had the most negative impact on their lives. The proposed change would ensure parity between applicants on all private and family life routes. To make a 60-month grant of leave accessible to all, fee waivers should also be extended to cover an equivalent period. As with the previous recommendation, this would have the effect of reducing the workload of caseworkers in the Home Office.

### **The cost of the route**

Nearly two-thirds of survey respondents said that the high cost of application fees was one of the aspects of the 10-year route which had the most negative impact on their life.

Our opinion polling highlighted that nearly half the public think the costs of applications is too high and that fees should be adjusted so that people on low incomes pay less. Given the financial hardship experienced by many people on the 10-year route and the high costs involved in renewing applications, we recommend that **fees for people on the 10-year route should be reduced to administrative costs only** (currently £335) (Home Office 2022g). This would have an impact on government finances, so the Home Office should commission a study to assess the economic and other impacts of reducing fees and/or extending fee waivers, including for ILR. To help those who cannot afford the fees, information about fee waivers, as well as support and advice to complete the fee waiver application, should be made more readily available.

**In addition, certain groups of people on the 10-year route should automatically be granted a fee waiver** at the time of submitting their further leave to remain application. For example, any person already in receipt of an income-based benefit should automatically qualify for a fee waiver. While this will only benefit those who have successfully managed to have the NRPF condition lifted, it will serve to streamline access to fee waivers so that decision-making capacity at the Home Office can concentrate on other areas.

The ILR fee for people on the 10-year route should also be reduced to administrative costs (currently £491 per person). Moreover, **a fee waiver should be made available for those who cannot afford the fee, on the same basis as the fee waiver for further leave to remain applications**. This will promote settlement for people who have completed the 10-year route and who otherwise fulfil all the other criteria for ILR, but who cannot afford the minimum fee of £2,404 per person. This shift would mean people who are in the UK to safeguard their family or private life rights could settle and rebuild their lives.



### Delays on the route

Two-thirds of respondents told us that waiting for a decision on their application from the Home Office resulted in them feeling stressed and anxious.

Home Office decisions on applications for LLR as part of the 10-year route should be subject to a six-month service standard. A third of people in our survey waited at least a year for a decision from the Home Office for their last application on the 10-year route. By contrast, our opinion polling showed 81 per cent of people thought visa renewals should be decided within two months.

To address issues caused by the current long waiting times for further leave to remain applications, such as difficulties in finding work or private rental accommodation, and in the interim while a fully digitised system is rolled out, **on the submission of an in-time application, the Home Office should issue a certificate of application to evidence ongoing rights and entitlements, which is valid for at least 12 months.** This would make it possible for people to evidence their status quickly and simply to prospective employers, landlords or other service providers.

### Gaps on the route

Of those who had received a refusal on their application to renew their LLR, almost two in five had made a mistake in their application that had caused them to be refused and therefore lose their status.

To prevent breaking an applicant's continuity of leave, and to avoid them having to restart the 10-year qualifying period, **the Home Office should make allowances for innocent errors and mistakes in applications.** Rather than refusing or rejecting an application outright, caseworkers should either seek clarification, or - as long as the individual subsequently makes a further application for leave to remain, which is successful - an exception to overstaying should be applied so that an individual does not have to restart the clock to settlement.

### Access to public funds

More than a third of people in our survey who had not applied to lift the NRPf condition said they did not know it was possible to do so.

Given the financial challenges experienced by people on the 10-year route, we propose that people with LLR on the basis of family or private life rights **should not by default have the NRPf condition imposed.** Our opinion polling showed almost half the public agree.<sup>14</sup> Until this is achieved, **the definition of public funds should be reviewed and amended,** with particular consideration given to removing benefits intended to support children (such as child benefit) from the list of public funds for immigration purposes. **Pathways for the NRPf condition to be lifted should also be eased** – for instance, by simplifying and streamlining the 'change of conditions' process, and raising awareness of the option to apply among people on the 10-year route (Morris and Qureshi 2021).

Given the high numbers of parents and carers on the 10-year route, the full 30 hours of government funded childcare for three- and four-year olds should also be made available to people subject to the NRPf condition, in the same way that the disadvantaged two year-olds offer has recently been made available to parents subject to NRPf (Department for Education 2022). The Department for Education should take steps to update relevant guidance and ensure that parents and providers are familiar with this recent policy change. Extending access to the pre-school offer and ensuring awareness about existing changes to the two-year-old offer will enable parents to retain jobs, increase hours and find new employment.

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<sup>14</sup> Around a fifth didn't know, and a third disagreed.

### **Access to legal advice**

Out of respondents who said they had not received support from a solicitor or immigration adviser for some or all of their applications on the 10-year route, 78 per cent said it was because legal advice is too expensive.

The most effective way of ensuring access to support and advice with applications on the 10-year route would be for the government to **reinstate and sufficiently fund legal aid for immigration matters**. Where funding from central government is not available, we suggest local and combined authorities with large populations with insecure immigration status prioritise the provision of immigration advice. There is an important cost saving consideration here, given that providing emergency support if a family reaches crisis point (and has NRPF) often proves extremely expensive to local authorities who may still have duties to support families under the Children Act. In many cases, emergency support is provided to people who are unable to access mainstream benefits by local authorities for extended periods, averaging 20 months for families and 33 months for adults with care needs in 2021-22 (NRPF Network 2022).

Throughout this report, people on the 10-year route have highlighted the wide-ranging impacts of their immigration status on themselves, their children, families and wider communities, from the costs and delays to the barriers to mainstream benefits and legal advice. These recommendations would help people on this route – who have a recognised right to settle in the UK – to be actively supported to participate fully in their communities, contribute to the economy and work toward achieving their dreams and aspirations.

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# APPENDIX

The following table is based on McKinney and Sumption (2021) and sets out the provisions of the Immigration Rules that are relevant to human rights cases. With the exception of certain children and young people who have spent a significant proportion of their life in the UK, any migrant granted LLR on the basis of their human rights is automatically placed on a 10-year route to settlement (Home Office 2021). There are four main provisions under which someone may be granted LLR on the 10-year route on human rights grounds, which are grouped into two categories: ‘family life’ and ‘private life.’

	Provision	Requirements
Family life	Paragraph EX.1 of Appendix FM	<p>Person does not meet standard family immigration rules but either:</p> <ul style="list-style-type: none"> <li>has parental relationship with a child who is British or has lived in the UK continuously for at least seven years, and it would be unreasonable for the child to leave the UK</li> <li>is a partner of a British or settled person (or someone with refugee leave or certain other types of leave) and there are insurmountable obstacles to family life continuing outside the UK.</li> </ul>
	Paragraph GEN.3 of Appendix FM	<p>Person does not meet standard family immigration rules or paragraph EX.1, but either:</p> <ul style="list-style-type: none"> <li>meets every requirement bar the minimum income rule and there are “exceptional circumstances which could render refusal of entry clearance or leave to remain a breach of Article 8 of the ECHR, because such refusal could result in unjustifiably harsh consequences for the applicant, their partner, or a relevant child”</li> <li>“there are exceptional circumstances which would render refusal of entry clearance, or leave to enter or remain, a breach of Article 8 of the ECHR, because such refusal would result in unjustifiably harsh consequences for the applicant, their partner, a relevant child or another family member.”</li> </ul>
Private life	Paragraph PL 5.1. of Appendix PL	<p>Adult meets one of the following criteria:</p> <ul style="list-style-type: none"> <li>They have lived continuously in the UK for 20 years, even if unlawfully;</li> <li>There are very significant obstacles to their integration in the country of removal.</li> </ul>
	Paragraph PL 8.1 of Appendix PL	<p>Adult does not meet certain suitability requirements or does not meet standard eligibility requirements for private life route, but decision-maker is not “satisfied that refusal of permission to stay would not breach Article 8 of the Human Rights Convention on the basis of private life”</p>

It is possible to invoke the second of the four provisions above to apply both for entry clearance to travel to the UK and for permission to remain on the basis of exceptional circumstances. The other provisions can only be used to apply for permission to remain – ie for those who are already in the UK.

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