

Refugee and Migrant Children's Consortium

Briefing on the government's asylum and settlement reforms

January 2026

Introduction

In November the government published [‘Restoring Order and Control: A statement on the government's asylum and returns policy’](#) and [‘A Fairer Pathway to Settlement: A statement and accompanying consultation on earned settlement’](#). The [Refugee and Migrant Children's Consortium](#) (RMCC) – a coalition of over 100 organisations working to promote and protect the rights of young refugees and migrants – is deeply concerned about the impact of these reforms on children and young people, and opposes the language used by the government when discussing children. It is not acceptable to suggest, without empirical evidence, that parents are risking their children's lives on small boats for their ‘personal benefit’. Government statements should not portray children as ‘pawns’, and any reforms must recognise that children in the asylum and immigration systems are children, first and foremost.

This briefing outlines the implications for unaccompanied children and children seeking asylum in families and those recognised as refugees. The measures do not just affect those arriving on small boats, but instead impact nearly all children arriving in the UK and seeking protection who have not come by the very limited ‘safe routes’. Children have made up [approximately a fifth](#) of those applying for asylum in the UK over the past decade.

This briefing also outlines the position of children and young people in the government's far-reaching settlement reforms. In 2024, [15.6% of grants of settlement were to children](#) (25,506 of 163,242) and 6.6% were to 18-24s (10,795). Settlement grants have been on an upward trajectory since 2018, so over the coming years the proposals would affect many thousands of children who would have otherwise achieved permanent status, including the access to mainstream support systems that it brings.

Given the significant impact on children's lives, **it is imperative that the government undertakes and publish a Child Rights Impact Assessment** of these reforms as a priority.

Asylum reforms

1. Temporary leave to remain for refugees and longer route to settlement

People recognised as refugees are currently granted five years of refugee status, after which they can apply for permanent status (indefinite leave to remain). The government plans to replace this system with a new “**core protection status**”, with leave to remain for just two and a half years, and refugees having to reapply at the end of each period. Their situation would be reviewed each time to decide whether protection is still needed, and refugee status could be revoked if their home country is judged to be “safe”.

Recognised refugees would also have to **wait up 20 years – renewing this “core protection” status eight times – before they can apply for indefinite leave to remain (ILR)**. If they move on to a new “Protection Work and Study” route (if they secure a job or begin study at a certain level and pay a fee) they can “earn” settlement more quickly. This links to wider immigration proposals under which people will have to demonstrate some form of “contribution” to society before being eligible for ILR.

Stability and permanence should not be rewards but prerequisites for rebuilding a life: they enable people to work, study, form relationships, contribute to their communities, and plan for the future. The very premise of refugee protection is that people are forced to flee, after experiencing persecution and violence, and cannot reasonably be expected to meet additional behavioural or economic tests to secure basic safety. Making settlement conditional prolongs insecurity, harms mental health, undermines integration, and delays recovery from trauma. Under these proposals, a refugee could have to spend twenty years of their life here living in fear of being sent back to a country where the UK has accepted that they have previously been at risk of persecution.

Nothing suggests refugee children will be exempt from being granted just 30-months’ leave or the long route to settlement. However, RMCC welcomes that ‘Restoring Order and Control’ states that the government is:

“carefully considering the appropriate pathways for unaccompanied asylum-seeking children, asylum-seeking families with children, and other vulnerable asylum seekers. We will take account of their specific needs and vulnerabilities”.

If applied to children and young people, core protection and the 20-year-route would undermine children’s well-established need for stability as they recover and rebuild their lives, as outlined in the UN Convention on the Rights of the Child. It would undermine their ability to integrate in their local community and work towards a positive future, including progressing in education. It is difficult enough to restart life and education in a new country and language, but denying children clarity about their future hinders their recovery, with damaging consequences for their well-being and development.

Prolonged insecurity under temporary protection rules, repeated status reviews and an extremely long route to settlement deepen instability, disrupt education and social development, and compound the risks of poverty and homelessness. These reforms risk violating international obligations to refugees and prioritise deterrence and removal over protection and safeguarding, leaving children more exposed to harm at every stage of the asylum process.

Alongside the lack of any evidence that these changes will deter people from seeking protection in the UK, practically, it is difficult to see how the already overstretched Home Office could take on this significant extra work without risking a collapse in decision-making. [Refugee Council analysis](#) estimates the policy could require the Home Office to review around 1.4 million cases over the first 10 years of it being in place, at a cost of £872 million.

2. Family reunion

For refugees on the “core protection” route, there will be **no automatic right to family reunion**. People who move onto the “Protection Work and Study” route may become eligible to sponsor family members to join them in the UK, but this is likely to involve minimum income and other requirements.

Refugee families should be able to safely reunite without unnecessary barriers. Until it was paused in September 2025, refugee family reunion was a vital safe and legal route for families. Of the family reunion visas granted in the year ending June 2025, 1,280 (93%) were given to women and children – more than half to children. Restricting access to this vital legal path for families risks driving refugees toward dangerous routes, such as small-boat crossings. The government has repeatedly stated its commitment to preserving family unity, but these changes will only serve to keep families separated, worsening trauma, increasing isolation and preventing the integration of refugees into British society.

The governments proposals on legal routes, focussing on community sponsorship and resettlement, do not go nearly far enough, especially in light of the restrictions to refugee family reunion – the Home Secretary has said herself that the numbers will be “modest”, only in the low hundreds.

3. Asylum support

The legal duty to provide housing and financial support to asylum seekers will be revoked. Providing accommodation and financial support to destitute asylum applicants will become discretionary, including for those who can work.

Recognised refugees currently get five years’ leave with access to public funds including benefits, social housing and homelessness assistance, but the government plans to consult in 2026 on introducing criteria that need to be met to access public funds and will “prioritise access for those who are making an economic contribution to the UK”. Under the wider immigration reforms, **people who have used benefits will be punished** – accessing benefits at all could put you on a 15-year route and accessing them for over a year could put you on a 20-year route.

4. Family returns

The Home Office will launch a consultation (no timeline given) on the **process for enforcing the removal of families, including children**. It is not clear whether they will resurrect the Family Returns Process which involves time-limited detention based on limits in the Immigration Act 2014, but RMCC is concerned that increasing family returns could involve detaining children. Labour in opposition opposed expanded child detention powers in the Illegal Migration Act 2023 and removed them from the statute book in 2025, which RMCC welcomed. **Children must not be subject to administrative detention.**

This consultation will also include commencing the Immigration Act 2016 measures on removing asylum support from appeal rights exhausted families. The RMCC advocated during the passage of that Act against **cutting housing and subsistence support from families** whose asylum claims had been refused. This would simply result in more children being left homeless and destitute. Time and again, forced destitution has been shown to be a failed policy. A similar approach had already been piloted under the previous Labour Government and was evaluated by the Home Office as ineffective in making families return.

5. Restrictions on human rights

The government will set out in primary legislation the definition of the right to respect for private and family life (under Article 8 of the European Convention on Human Rights) for decision-makers and the courts. **The government will legislate to set out the public interest test to Home Office decision-makers and the courts. It will prescribe that Article 8 applications have to be made by the UK-based family member** “to prevent the creeping extension of Article 8 rights to those living overseas” and, in country, will prescribe how and when Article 8 claims can be made.

As RMCC made clear over a decade ago during the passage of the Immigration Bill 2014, when a previous government tried to define Article 8, the public interest is not only in immigration control. There is also a strong public interest in children’s upbringing and stable family lives. Nor can family life be arbitrarily circumscribed. In 2026, “family” must not be narrowly defined and should be a factual question of the important people in a child’s life, especially as many unaccompanied refugee children are bereaved. Children’s childhoods and family lives progress with time and the Home Office cannot somehow stop the clock and ignore children’s identities, integration and family connections. These must be given proper weight in decision-making.

6. Appeals

The government proposes to replace the current appeals process (where people can appeal to the First-tier Tribunal (Immigration and Asylum Chamber)) with a **new independent appeals body staffed by professionally trained adjudicators**. There will be only one appeal per case and cases considered low-merit, especially those from countries with low grant rates or cases involving foreign national offenders/detainees, will be fast-tracked or prioritised for removal. While it is stated that early legal advice will be offered, we are years into a [legal aid crisis](#), with a widely reported dearth of asylum lawyers. RMCC members every day struggle to refer even unaccompanied children’s asylum appeals for representation.

When around a half of appeals against asylum refusals are successful, these changes are deeply concerning. Replacing court-judges with a new “independent appeals body” of adjudicators will weaken the quality, impartiality and fairness of decisions, and removing options for legal challenge comes at the cost of fairness and the integrity of the asylum system. RMCC opposes accelerating procedures and reducing safeguards.

Settlement reforms

1. Children and young people in the earned settlement consultation

The proposed settlement reforms are huge in extent; will dramatically change immigration pathways across the system; and risk damaging integration in the UK, impacting thousands of children and young people who have made the UK home. The RMCC is extremely concerned about the impact of the earned settlement proposals on children, young people, families and communities.

In the government paper ‘[A Fairer Pathway to Settlement: A statement and accompanying consultation on earned settlement](#)’, published in November 2025, the Home Office recognises that children need consideration, stating:

“In developing an earned settlement system, we will take full account of the appropriate pathways to settlement and citizenship for children either born in the UK or arriving here. This will include unaccompanied children and other vulnerable children or families. We will take account of their specific needs and vulnerabilities. We particularly welcome views on how the development of an earned settlement system should take account of children.”

RMCC welcomes the acknowledgement of the particular position of children but is deeply concerned about the potentially enormous impacts on children’s lives of the proposed reforms.

The route for young people who have grown up in the UK is included in the consultation, with the government stating:

“We intend to adhere to commitments laid out in the 2025 UK Immigration White Paper, titled Restoring Control over the Immigration System, to ensure children who have been in the UK for most of their life, turn 18 and discover they do not have status, are fully supported and able to regularise their status and settle.”

Outside the scope of the earned settlement consultation, RMCC will continue to work with the government on a clear pathway for children in care and care leavers.

2. Earned settlement

The earned settlement proposals include:

- **A premise of “contribution”.**
- **An income requirement for settlement.** There would be a requirement to have an earned income above £12,570 for 3-5 years prior to applying for settlement.
- **Long and differential routes to settlement.** As unveiled in the May 2025 [Immigration White Paper](#), the government proposes a ten-year standard route to settlement. The proposals detail criteria that will reduce or lengthen the route so it could be three years for some very high earners and up to 30 years for those who arrived in the UK illegally, arrived on a visitor visa or overstayed any type of permission for six months or more.
- **Penalising people who have used benefits.** Accessing benefits at all could put you on a 15-year route and accessing them for over a year could put you on a 20-year route
- **Indefinite leave to remain with No Recourse to Public Funds.** One proposal is for settlement without recourse.

The whole concept of contribution fails to take account of babies, infants and children and risks failing to recognise care-giving and parenting. It is potentially discriminatory, with significant equalities implications. Babies, infants and children cannot be subject to a system based on contribution but nor should their pathway to settlement be dependent on a judgement of their parents’ contribution, over which they have no control. It would be unfair for two children to be on very different routes to settlement – with unequal access to vital systems of support, to education and to opportunities as they grow up and enter adulthood – based not on their needs but on a judgement of their parents’ worthiness. This goes against the aims of the government’s opportunity mission.

Children and young people need stability. Permanent status is important for their development, self-realisation and for building their future. For young people growing up in the UK, [living life in limbo is painful and damaging to wellbeing](#). Children growing up in the UK do not belong on decades-long routes to settlement. It is a basic social reality that children

integrate. To grow up in a country – to be *from* a country – but not to be recognised legally as belonging in that country creates a disconnect. Children integrate and are de facto British, with British accents, with British educations, part of their communities, but their legal status is out of line with the reality of their life, their place in their community and their identity. A system will not work that has such a disconnect between children and young people's social reality and a route to settlement that takes many years to catch up with that reality.

[Long routes to settlement](#) have been shown to be damaging for children and young people growing up in the UK – including when it is the parent on a long route. The proposals will push families into situations of deep and lasting precarity. Putting thousands of children across the immigration system on precarious visas with limited state support for extended periods of their infancy and childhood not only risks doing them harm. It also **undermines the government's ambitions** for tackling child poverty, for raising the healthiest generation, for [75% of children reaching a Good Level of Development](#) and for tackling educational inequalities. In relation to child poverty, even before these reforms, it is clear despite insufficient data that children in migrant families are at increased risk of poverty. The [Institute for Public Policy Research](#) has estimated that in 2023 to 2024, 4.45 million children were living in poverty, of whom almost 40 per cent, or 1.75 million, were in families where both parents were born abroad.

There are real safeguarding risks for children if families – including those where someone is living with a disability – are disincentivised from seeking help, leaving children at risk of harm and in deep poverty or destitution.

3. Retrospective effect

The Home Secretary said in her [statement in Parliament](#) “we anticipate making changes and to begin the phase-out once the changes are adopted from April 2026”. It is extremely concerning that the government is proposing to give these enormous proposals retrospective effect, stating:

“We propose that these changes apply to everyone in the country today who has not yet received indefinite leave to remain, although we are seeking views on whether some transitional arrangements should be available.”

If the Home Office proceed as indicated, it **goes against the principle of legitimate expectation**. People have planned their lives and families and finances and moved across the world and the goalposts could suddenly move. Families could be penalised for applying for public funds when the application was perfectly lawful at the time and they had no warning it would affect their settlement route.

4. Impact on children's rights to register as British

Children born in the UK have a right to register as British under section 1(3) of the British Nationality Act 1981 when one of their parents becomes British or settled. With parents becoming settled much later, children will wait much longer and may lose out as the right must be registered by the time they turn 18. Children in high-earning families will be more likely to be able to register their right because their parent becomes settled sooner.

For more information, contact:

Kamena Dorling, Director of Policy, Helen Bamber Foundation, kamena.dorling@helenbamber.org, or
Anita Hurrell, Head of Policy, Coram Children's Legal Centre, anita.hurrell@coramclc.org.uk