Indefinite Leave to Remain minor changes entrench UK Labour government's attacks on migrants and refugees

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The announcement by Labour's Home Secretary Shabana Mahmood of minor changes to her "earned settlement" plans—which will double the default wait for Indefinite Leave to Remain (ILR) from five to 10 years—amends only one aspect of the reactionary overhaul.

The rest of her anti-immigration programme, which tears up the rights of migrants and refugees across the board—including the separate Immigration and Asylum Bill—remains entrenched.

Under the settlement changes, the "right to live in the UK forever" must now "be earned". They are to be introduced through the Immigration Rules, under section 3(2) of the Immigration Act 1971, with the first measures due in December.

The false narrative of a significant U-turn is shown by what was presented as a "climbdown" by the Labour supporting *Guardian*. This involves the case of care workers who came to the UK on the understanding they could apply for ILR after five years, and who no longer face—as originally proposed—having this snatched away by its retrospective extension to 15 years.

To meet the criteria, they must still meet a stringent qualification of having entered the care route before May 12, 2025 and remained in sponsored employment earning £25,000 a year.

There is clearly a sense of relief felt by care workers and their dependents who have deemed to have qualified, but this should not be confused with the deliberate efforts of the political establishment to conceal the highly limited nature of the reprieve; and to sanction measures which are far worse.

Mahmood told Parliament that of the 250,000 care workers who arrived between 2022 and 2025 "when the sector was under considerable pressure" from the COVID-19 pandemic, a quarter had failed to meet visa conditions and must reapply. Even with the concession, 517,000 migrants still face a wait of more than five years, with a default 10-year wait for an ILR application for those in other low-paid occupations.

The performative U-turn was enough to expose the "revolt" claimed in the media which covered a minority of Labour MP's and government ministers. Housing secretary Angela Raynor had criticised the retrospective removal of residency rights for migrant workers after five years as "un-British". However, speaking to *Times Radio* last month, in relation to the review and consultation exercise headed up by Mahmood, Rayner said that would place "fairness in the system." Rayner was absent from Parliament when Mahmood confirmed that many migrant workers would have their wait for an ILR application increased to 10 years.

Andrea Egan, general secretary of UNISON, the UK's largest union, which represents many migrant public sector workers, congratulated Mahmood: "UNISON has led the charge against the home secretary's plans, with migrant workers themselves organising an inspiring campaign through the union. So we are glad she has finally listened to us and not implemented the worst aspects"—a reference to the plans of a 15-year wait for migrant care workers.

Egan's "charge" amounted to a handful of lobbies of Parliament and the Labour conference urging "Andy [Burnham, the prime minister] to do the right thing". Welcoming the dropping of only the "worst aspects" exposes UNISON's campaign as damage limitation for the Burnham government, not a principled defence of migrant workers.

It serves to conceal that the Labour government is retrospectively doubling the standard ILR qualifying period from five to 10 years as the norm for all other migrants except high earners, who receive preferential treatment, and imposing even more punitive restrictions against refugees.

Quoted in a Home Office statement, Burnham endorsed the raft of attacks by Mahmood, retained in her post from the Starmer government, ticking off the boxes of far-right talking points.

"People want to see an immigration system based on control, contribution, and which rewards those who play by the rules," said Burnham, adding "It is only fair that those who are making the most valuable contribution to our communities are given the opportunity to settle earlier. Those in other roles should expect to wait longer while people who abuse the system or arrive illegally will be refused or will also have to wait longer."

Successive governments have persecuted migrants through such filthy scapegoating, portraying them as a drain on

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resources. Meanwhile, the Labour government continues to commit billions to the financial oligarchy, rearmament and war against Russia in Ukraine. Millions of workers will pay for this through further impoverishment and the dismantling of welfare provision and National Health Service cuts.

The attack on migrants is a mirror image of these class interests. The right to residency under "Earned Settlement" is delayed to those based on a lower income while high earners are fast tracked. Those on an income of £125,000—placing them in the highest 2 percent of earners in the UK—can apply after three years. The next qualification for five years applies to those earning above £50,000, while the norm for everyone else becomes 10 years.

Those that have studied, worked, paid their visa costs, taxes and the migrant surcharge to use the NHS are to be hit by the retrospective extension of applying for ILR to 10 years; denied the chance to put down roots and kept in a permanent state of insecurity. **See letter to the WSWS from a migrant from Sri Lanka. LINK LINK LINK LINK LINK LINK LINK LINK LINK LINK LINK LINK LINK LINK LINK**

Marley Morris, associate director for migration at the Institute for Public Policy Research noted, "Engineers, chefs and architects are examples of workers who may not necessarily meet high-salary thresholds and will still be on a 10-year route to settlement under these new proposals."

That there is no climbdown is confirmed in the vicious attacks on refugees proceeding in the Immigration and Asylum Bill, expected to be passed as law next year—in which the gutting of the right to asylum still applies.

Previously refugees could apply for settlement after five years regardless of their route to the UK. Labour is to restrict this, via the Immigration Rules framework, to those who arrive via routes officially designated "safe" or "legal". Since Yvette Cooper—Mahmood's predecessor as home secretary under Starmer—suspended the refugee family reunion route last September, an estimated more than 16,000 people have been barred from applying to join relatives in Britain. This includes 9,273 children and 5,835 women.

This sadistic measure is widely condemnded by human rights groups and refugee organisations, noting that asylum seekers face impossible odds making direct applications for UK settlement as they flee repression, famine and war.

In the drive to fortify the Channel, Mahmood will make refugees—who she described as "illegal entrants—who arrive by "small boat" wait 30 years before they can apply for settlement, a barrier close to impossible to overcome.

The sanction was condemned as "simply inhumane" by the Helen Bamber Foundation. The specialist clinical and human rights charity which works with victims of trafficking and torture warned: "When legal routes are so severely limited, people will continue to take desperate measures to reach safety. It will punish people who have already endured unimaginable harm, leaving those recognised as refugees facing decades of uncertainty, insecurity and fear of removal."

There should be no illusion that Labour's measures are designed to enforce such a hostile environment, with every humanitarian appeal dismissed with contempt.

The tearing up of previously established residency entitlements for migrants and further degradation of the right to asylum under Burnham is an indictment of those who claimed his replacement of Starmer represented a departure from Labour's right-wing course. The trade union bureaucracy plays a major role in this fraud. UNISON can claim to have acted decisively—despite its acceptance of most of the attacks, and its failure to defend refugees at all—only because the other main unions organised not even a token mobilisation.

The Socialist Equality Party calls on workers to reject the division of migrants into categories of the "deserving" and "undeserving," the privileging of residency rights according to higher income, and the assault on the fundamental right to asylum. All those uprooted by imperialist war and economic plunder must be provided with a safe home, while workers seeking a better life must have the right to freedom of movement.

No such national restrictions apply to corporations and the financial oligarchy. Capitalism, the source of the social problems confronting society, imposes no limits on the exploitation of workers. Immigration controls are used solely to divide and discipline the working class.

The defence of migrants and refugees rights requires the unification of the international working class in opposition to nationalism and the fortification of national borders, through the waging of the class struggle and the fight for socialism.

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