

REGULARISE

A SAFER PATH TO SETTLEMENT

Published on 24-05-2021

> Background and Application Costs Section Updated on 06-06-2025 <

UNDOCUMENTED MIGRANTS AND THE 20 YEAR RULE ON LONG RESIDENCE

Repeal | Remove | Redirect

Our Mission

[Regularise](#) seeks to improve the quality of life of undocumented migrants who are living in the UK by attaining basic rights & a safer and more equitable path to settlement and citizenship.

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Background

The 20 year rule on long residence is an immigration directive which appears in the Immigration Rules,¹ written by the Home Secretary and published by the Home Office, previously covered under Paragraph 276ADE(1)(iii) and now found in PL 5.1(a) of Appendix Private Life.² It concerns the ability of undocumented migrants to regularise their status and subsequently—after a 10 year period of ‘continuous lawful residence’ in the UK—qualify for Indefinite Leave to Remain (ILR) via multiple applications for Limited Leave to Remain (LLR).

Introduced on 9th July 2012, the 20 year rule replaced the 14 year rule which formerly provided a shorter and more direct route to settlement.³ Prior to 2012, this route permitted undocumented migrants living in the UK to regularise their status by applying for ILR immediately following 14 years continuous residence.

Under the 20 year rule, in order to reach the same point of qualification for an ILR application, a person is required to have continuously resided in the UK for at least 30 years which includes at least 20 years continuous and precarious residence before they are able to make four separate successful applications for 30 months of LLR at a time, totalling a further 120 months or 10 consecutive years (see *Fig. 1*). For comparison, the EU Settlement Scheme required millions of EU migrants to show evidence they had five years’ continuous residence in the UK before being granted settled status.⁴ As of December 2024, more than 5.7 million people held status under the EU Settlement Scheme, with 72% granted settled status and 28% granted pre-settled status.⁵

How does the 20 year rule work?

When an undocumented person has lived in the UK for 20 years, they can apply for LLR, which lasts 2.5 years (30 months). In order to have the opportunity to apply for indefinite leave to remain, an individual must apply and be granted LLR a total of 4 times consecutively in order to accrue 10 years. In reality, the 14 year rule has effectively been replaced by a 30 year rule to gain eligibility for an indefinite leave to remain application.

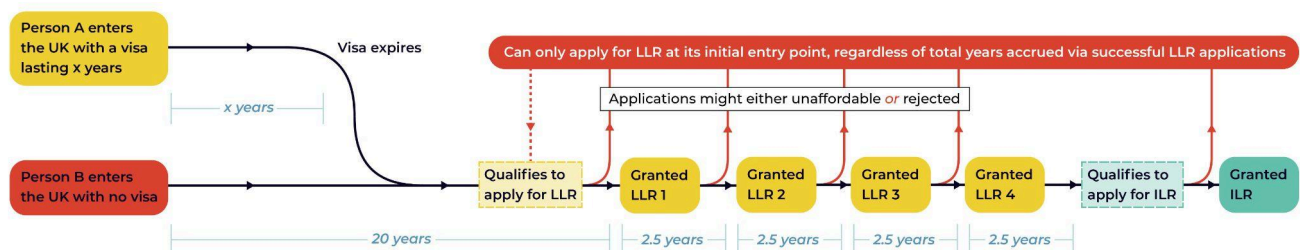


Fig 1. The route to permanent residency under the 20 year rule

¹Immigration Rules from Home Office, Updated : 06/05/2021, <https://www.gov.uk/guidance/immigration-rules>

²Immigration Rules Appendix Private Life, <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-private-life>

³ 10 and 20 years Private life and Long Residence – Long Residence ILR or FLR, Posted 13/08/2019,

<https://crossborderlegal.co.uk/private-life-and-long-residence-10-20-years-long-residence-ilr/>

⁴ Apply to the EU Settlement Scheme (settled and pre-settled status),

<https://www.gov.uk/settled-status-eu-citizens-families/if-you-have-permanent-residence-or-indefinite-leave-to-remain>

⁵ How many people have been granted settlement via the EU Settlement Scheme?, February 2025,

<https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-december-2024/how-many-people-have-been-granted-settlement-via-the-eu-settlement-scheme>

Evidencing invisibility

Once undocumented, people are forced to become practically invisible to authorities through what have been described as ‘the circumstances of a marginal existence’,⁶ avoiding any means of being traced such as registering with ‘official’ institutions required for securing a contract of employment. In order to confidently satisfy the level of evidence required for an application for LLR according to the 20 year rule, an undocumented migrant faces a dilemma: risk the consequences of being forcibly removed from the UK by following official routes; or risk refusal of their LLR application by living in the shadows – thus making the provision of satisfactory evidence even more challenging.⁷

The extent to which the Home Office will accept documentation as ‘official’ evidence of residency has been a key feature in cases reaching the Court of Appeal.⁸ This means that when relying on the 20 year rule, the confidence threshold for undocumented migrants to make an application to regularise their status via LLR is much higher than one might initially assume.

Human Impact

The 20 year rule significantly lengthens the timeframe during which undocumented migrants face severe limitations on their essential rights before being able to settle in the UK, experiencing sustained suffering and social exclusion as a result.

The Precarity of Undocumented Status

Being an undocumented migrant in the UK is a highly precarious state, with an estimated 800,000 – 1.2 million people⁹ being forced to live invisible lives on the margins of society. Following the Immigration Act 2014¹⁰ and Immigration Act 2016,¹¹ the state of invisibility in which undocumented migrants are required to live has led to many of their human rights being effectively denied by criminalising the right to work (limiting the ability to provide for themselves and their families) and rent, whilst limiting access to healthcare – contravening Article 25 of the UN Universal Declaration of Human Rights.¹²

Application Costs

Presently, the total cost for gaining ILR according to the 20 year rule is £18,663 for a single person.¹³ This sum includes the cost of four separate applications for LLR of £1,321 each and the immigration health surcharge (IHS) of £2,587.50 per LLR application (£1,035 per year) culminating in the final ILR application cost of £3,029. When compared to the 14 year rule which was scrapped in 2012, the 20 year rule represents an increase

⁶Economic impact on the London and UK economy of an earned regularisation of irregular migrants to the UK, May 2009, https://www.london.gov.uk/sites/default/files/gla_migrate_files_destination/irregular-migrants-report.pdf

⁷Tekmeed, Applying for settlement under the 20 years long residence route, written 20/11/2018, <https://immigrationandvisasolicitors.co.uk/20-years-long-residence-visa/>

⁸Mohammad Shahzad Khan v The Secretary of State For The Home Department [2016] EWCA Civ 416, <http://www.bailii.org/ew/cases/EWCA/Civ/2016/416.html>

⁹Unauthorized Immigrants in the United Kingdom, written 13/11/2019,

<https://www.pewresearch.org/global/fact-sheet/authorized-immigrants-in-the-united-kingdom/>

¹⁰Immigration Act 2014, <https://www.legislation.gov.uk/ukpga/2014/22/contents/enacted>

¹¹Immigration Act 2016, <https://www.legislation.gov.uk/ukpga/2016/19/contents/enacted/data.htm?view=plain>

¹²Universal Declaration of Human Rights, <https://www.un.org/sites/un2.un.org/files/udhr.pdf>

¹³Home Office immigration and nationality fees: 6 April 2021, Updated 04/05/2021,

<https://www.gov.uk/government/publications/visa-regulations-revised-table/home-office-immigration-and-nationality-fees-6-april-2021>

of more than £17,000 in costs for an undocumented person to eventually be granted ILR.¹⁴ Applications for LLR are combined with the payment of the IHS for each 30-month period which creates a higher financial threshold and ensures that access to healthcare becomes linked to immigration status.

Legal Costs

Legal Aid is not provided for those who wish to seek legal advice about, or appeal the refusal of, their applications for LLR or ILR under the 20 year rule.¹⁵ Those wishing to appeal a wrong decision must therefore be in a financial position to pay their own legal costs, which may amount to thousands of pounds, depending on the specific circumstances. The convoluted process of becoming regularised via the 20 year rule places a legal obstacle in the way of potential applicants, keeping them undocumented for longer.

Access to Welfare

Successful applicants for LLR face significant restrictions on their access to welfare. They are subjected to the condition of 'no recourse to public funds' (NRPF) which means that benefits such as Universal Credit, Housing Benefit and many other protective social rights are denied to them. Without this support, residents, who hope to eventually gain ILR through the 20 year rule, risk becoming undocumented if their personal circumstances change and they cannot afford to re-apply in order to remain with regularised status.

Once LLR is granted, undocumented migrants become understandably fearful of losing it because it would force them to start the process once more. Despite it

"I am just as worried now as I was a year ago, when I didn't have status. Having status doesn't mean you're safe. It can be taken from you at any time. Nothing has changed."

Andrew, We Belong

appearing to be a change in quality of life, gaining LLR does not provide meaningful security due to the many conditions attached to it.

Employment Rights

Undocumented migrants waiting to apply for LLR will seek work in order to earn an income to survive for the required time stipulated in the 20 year rule as well as raise funds to regularise their status when finally eligible, but their insecure status disadvantages their pay prospects and can fail to protect them from exploitation and abuse.¹⁶ The Trades Union Congress recently recommended that a person's employment and immigration status should be treated as separate to protect them from mistreatment.¹⁷ In this context,

¹⁴UK Border Agency Fees : 06/04/2012, Updated 27/03/2012

<https://www.emcouncils.gov.uk/write/LKBA%20Fees%20from%206th%20April%202012.pdf>

¹⁵Levelling the legal playing field, <https://www.jcwi.org.uk/levelling-the-legal-playing-field>

¹⁶Risky Business : Tackling exploitation in the UK Labour Market, 2017,

https://www.antislaverycommissioner.co.uk/media/1178/risky-business_tackling-exploitation-in-the-uk-labour-market.pdf

¹⁷Natasha Owusu, In Leicester and beyond, migrant workers are being exploited, published 15/07/20

<https://www.tuc.org.uk/blogs/leicester-and-beyond-migrant-workers-are-being-exploited>

the 20 year rule lengthens the period of time that undocumented migrants are at risk of being exposed to low pay, refusal of wages or dismissal without wages, coercion, and—particularly for young migrant women—gender based violence like sexual harassment, abuse and stalking.¹⁸

“I want to talk about this very difficult life without status. I’m very stressed from last week because of my boss’s behaviour. He’s giving me pressure without any reason and taking more work but I can’t bear it anymore. I am very tired now. Now he said to me you can leave the work. Already he is paying me less money, just a few pounds per hour. The thing is I have no other option because I have no accommodation, no work and no money ...I have been living in this country for 10 and half years.”

Undocumented migrant, UK

Housing Rights

Due to laws preventing undocumented migrants from renting properties (currently enforceable only in England¹⁹), an individual seeking regularisation via the 20 year rule will be placed in a highly vulnerable situation for the duration that they are undocumented. This includes exploitation from unscrupulous landlords or others who provide them with housing²⁰ and a real threat of becoming homeless. Due to fear of being reported to the Home Office, undocumented migrants are less likely to seek advice regarding exploitation and abuse (including sexual abuse) as a result of their housing situation – even if they have been made destitute in the process of trying to escape such circumstances.

Economic Impact

Lost Tax Revenue

Unlike in the USA, where undocumented migrants can pay federal taxes, undocumented migrant workers in the UK are prevented from paying direct income tax and national insurance due to prohibitions to registering and working. However, in search of work, some undocumented workers will find themselves paying income tax and national insurance as a result of using another person’s documents to work, out of desperation.²¹

“The 20 year route is an extremely hostile policy and a counterproductive approach as a migrant (mostly in old age by the end of the 20 years) will have lost ‘working years’ in those two decades and consequently missing out on paying taxes.”

Undocumented migrant, UK

Despite the misconception that all undocumented migrants do not pay tax, there are situations where appropriate tax is paid but the individual’s access to

¹⁸ Alice Bloch, Nando Sigona, Roger Zetter, ‘No right to dream’ The social and economic lives of young undocumented migrants in Britain, <https://www.phf.org.uk/wp-content/uploads/2014/10/Young-Undocumented-Migrants-report.pdf>

¹⁹ Prove your right to rent in England, <https://www.gov.uk/prove-right-to-rent>

²⁰ People Who Are Destitute, <https://www.housing-rights.info/people-who-are-destitute.php>

²¹ ‘They say we don’t pay taxes’ : Undocumented tax-paying migrants living in the UK, 28/02/2017, <https://www.migrationinstitute.org/blog/2018they-say-we-don2019t-pay-taxes2019-undocumented-tax-paying-migrants-living-in-the-uk>

state provision still remains inhibited. Undocumented migrants also pay tax by other means including VAT and indirectly through generating profits for the businesses and companies they work for.

It has been estimated that if undocumented migrant workers were regularised, their work would become formalised and the tax benefit to the UK Treasury could be an extra £846 million per annum²² with some projections rising to as much as £1 billion per annum, given that some undocumented migrant workers will currently be earning less than the minimum wage²³. Additionally, there is the possibility that by being permitted to apply for jobs that meet their level of skills and qualifications, they will be able to find higher-paid work being that some undocumented migrant workers are highly qualified and skilled.

Cost of Enforcement

According to a recent report by the National Audit Office²⁴, public spending on immigration enforcement by the Home Office reached £392 million in 2019-2020. The report states that

enforcement agencies
'facilitated the
departure' for 13,100
people without leave to
remain. The imposition
of the 20 year rule
continues to place up
to 1.2 million
undocumented
migrants at risk of

"I have lived in the UK for 12 years and have a masters degree in business and economics. If given the right to work, I would like the chance to apply my qualifications and skills to contribute to the economy and improve other people's lives in the UK."

Undocumented migrant, UK

being 'forcibly removed' while spending close to an average of £30,000 per person removed from the country. For the sake of comparison, enforcement costs (based on enforced removals carried out in 2019-20) reflect a situation where 99.9% of undocumented migrants remain in the UK. The current enforcement strategy means that if all undocumented people were to be forcibly removed in the same manner, the cost to the exchequer would be between £24 billion and £36 billion – equivalent to the total cost of educating 500,000 children from primary school through to university age.²⁵

It is clear that the Home Office is willing to spend many thousands enforcing a person's immigration status – spending that the 20 year rule unnecessarily extends.

Conclusion

The extent of UK government spending used to punish people for falling through the cracks of its complex immigration system where the rules are frequently changing²⁶ with

²²Ian Gordon, Kathleen Scanlon, Tony Travers, Christine Whitehead, Economic impact on the London and UK economy of an earned regularisation of irregular migrants to the UK, published 05/09, https://www.london.gov.uk/sites/default/files/gla_migrate_files_destination/irregular-migrants-report.pdf

²³Clare Grieve, Macha Farrant and Dhananjayan Srisankarajah, Irregular Migration, 04/2006, https://www.ippr.org/files/images/media/files/publication/2011/05/irregular_migration_1493.pdf

²⁴Immigration enforcement, National Audit Office, 17/06/2020, <https://www.nao.org.uk/report/immigration-enforcement/>

²⁵Luke Sibiet, Seven charts on the £73,000 cost of educating a child, 19/11/2018, <https://www.ifs.org.uk/publications/13710>

²⁶Martha Bozic, Caelainn Barr and Niamh McIntyre, additional reporting by Poppy Noor, Revealed: immigration rules double in length, 27/08/2018, <https://www.theguardian.com/uk-news/2018/aug/27/revealed-immigration-rules-have-more-than-doubled-in-length-since-2010>

unpredictable effects, simply because they were born outside the UK and European Union and migrated to the UK to seek better lives, contradicts the often purported idea that the UK is a welcoming place. Having made their home here, all migrants, regardless of status, ought to be granted rights that respect their humanity and allow them to live with dignity and participate in society fully, instead of being subjected to enforcement practices that have real negative human consequences and are harmful to both migrants and British citizens (e.g. the Windrush generation), and society as a whole.

The 20 year rule acts as a central part of a punitive framework which serves only to prolong the precarity of undocumented or irregularised status.

Recommendations

- **Repeal** parts of legislation that force undocumented migrants into greater precarity: the ‘right to work’ (Immigration, Asylum and Nationality Act 2006,²⁷ Immigration Act 2014 and Immigration Act 2016²⁸) and ‘right to rent’ (Immigration Act 2014²⁹ and Immigration Act 2016³⁰).
- **Remove** financial and legal obstacles to regularisation and settlement by:
 - implementing a regularisation scheme similar to the EU Settlement Scheme, with a simplified application process for undocumented migrants who have lived in the UK for at least 5 continuous years and which allows them to apply for Indefinite Leave to Remain (similar to ‘settled status’);
 - creating a new process similar to one for the EU Settlement Scheme’s pre-settled status for those who have lived in the UK for less than 5 years with a maximum of two applications in total before gaining indefinite leave to remain after living in the UK for a ‘continuous period’ of 5 years.
- **Redirect** enforcement spending towards the creation and resourcing of a new Migrant Regularisation Directorate with the specific purpose of helping migrants regularise and maintain their status.

²⁷Section 15, Immigration, Asylum and Nationality Act 2006, <https://www.legislation.gov.uk/ukpga/2006/13/section/15>

²⁸Part 1, Chapter 2, Immigration Act 2016, <https://www.legislation.gov.uk/ukpga/2016/19/part/1/chapter/2/enacted>

²⁹Section 22, Immigration Act 2014, <https://www.legislation.gov.uk/ukpga/2014/22/section/22/enacted>

³⁰Part 2, Immigration Act 2016, <https://www.legislation.gov.uk/ukpga/2016/19/part/2/crossheading/residential-tenancies/enacted>

About Regularise

Regularise are a grassroots collective of migrants, British citizens and allies campaigning for the UK government to implement a regularisation scheme for all undocumented migrants and migrants with insecure status in the UK.

The regularisation scheme must allow undocumented migrants who have lived in the UK for at least 5 years to be able to apply for settlement (Indefinite Leave To Remain) and those who have lived here for less than 5 years to be given a 'right to remain' similar to the pre-settled status in the EU Settlement Scheme that will allow them to apply for settlement after they reach the same period of 'continuous residence' (5 Years).

Regularising undocumented migrants will grant these marginalised members of British society some fundamental rights including being able to work and access housing safely, and access health services without fear. This will mean that they can live with dignity and participate in society fully. Regularising undocumented migrants will ensure that they gain a safe, lawful and defined route to settlement in the UK.

You can read more on our FAQs: <https://regularise.org/about/#faqs>