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SECTION 1

THE KNOWLEDGE OF LANGUAGE AND KNOWLEDGE OF LIFE REQUIREMENTS

THIS SECTION REFERS TO APPLICATIONS MADE ON OR AFTER 1 NOVEMBER 2005

1.1 Introduction

1.1.1 Applicants for naturalisation under **s.6(1)** and **s.6(2)** of the British Nationality Act 1981 who apply on or after 1 November 2005 are required to have both sufficient knowledge of life in the United Kingdom and sufficient knowledge of the English, Welsh or Scottish Gaelic language. Provision about *how* the requirements in respect of a sufficient knowledge of English and of life in the United Kingdom are to be satisfied is contained in the **British Nationality (General) Regulations 2003, as amended.**

1.1.2 Since 2 April 2007, most applicants for indefinite leave to remain (ILR) in the United Kingdom have also been required to demonstrate, by similar means, that they have a sufficient knowledge of English and of life in the UK.

1.1.3 **If the Case Information Database (CID) records that the applicant demonstrated a sufficient knowledge of English and of life in the UK when applying for ILR, either by passing a "Life in the UK Test" or by attaining a relevant ESOL qualification, we should accept without further enquiry that that s/he has a sufficient knowledge of English and of life in the United Kingdom for naturalisation purposes.**

Proving Knowledge of English & Knowledge of Life in the United Kingdom

1.2 For those in the United Kingdom

1.2.1 **From the 1 November 2005** applicants for naturalisation as a British citizen can demonstrate that they can meet the

requirement to have sufficient knowledge of English and knowledge of life in the United Kingdom by one of the following means:

A. By passing a "Life in the UK Test"

- This will be the route taken by those who are already proficient in English

or

B. By obtaining an English for Speakers of Other Languages (ESOL) "Skills for Life" qualification, or the Scottish equivalent, following attendance at a course which has a citizenship syllabus.

- This will be the route taken by those who do not already have sufficient knowledge of English to enable them to study for and pass the Life in the UK Test

1.2.2 Life in the UK Tests

1.2.2.1 The publication "*Life in the UK. A journey to citizenship*" is the basis for the "Life in the UK Test". A 2nd edition of this was published on 2 April 2007. Both editions will be used in tandem for a while so applicants will need to inform the test centre which book they studied from (i.e. so they can be given the appropriate test). These books can be ordered online at www.tso.co.uk/bookshop or from booksellers and Stationery Office shops.

1.2.2.2 The Life in the UK Test is, in the UK, administered for the Home Office by the University for Industry (UfI Ltd). There are around 100 test centres throughout the country. The test will consist of 24 questions, taken from a pool of 200 questions and candidates will have 45 minutes in which to answer them. The test will be based on Chapter 2 entitled 'A changing society', Chapter 3 'UK today: A profile' & Chapter 4 'How the United Kingdom is governed' of the "Life in the UK" publication.

1.2.2.3 The tests are pitched at ESOL Entry 3 level, therefore a pass in a UfI administered Life in the UK Test will also demonstrate that an applicant has sufficient knowledge of English.

1.2.2.4 There is no 'expiry date' on a pass in the Life in the UK Test. In other words, evidence of a pass at any time can be used to demonstrate satisfaction of the requirements, for naturalisation purposes, to have a sufficient knowledge of English and of life in the UK.

1.2.2.5 Evidence to be supplied

1.2.2.6 When an applicant is claiming to meet the knowledge of life in the UK requirement based on passing a UfI administered Life in the UK Test they should produce a letter, from the relevant test centre, stating that they have successfully passed the test.

1.2.2.7 To check the legitimacy of the applicant's qualification you should:

- Check Warehouse to confirm that the applicant has been logged as one of those who has sat and passed a UfI administered Life in the UK Test.

- Warehouse can be accessed directly from that individual's data page on CID

- You should check the test number on the letter provided corresponds with that given on Warehouse

- If the Life in the UK Test details cannot be found on Warehouse we should look into the case more closely by firstly checking that the test centre that issued the letter is a genuine "Life in the UK" test centre and that they did indeed issue the letter in question. A full list of test centres can be found on the UfI website at www.lifeintheuktest.gov.uk

1.2.2.8 If you have any doubts about the validity of an applicant's evidence you should consult your senior caseworker in the first instance.

1.2.2.9 If the applicant claims to have passed the "Life in the UK" in order to obtain ILR they simply need to quote the test pass number on the application form to enable us to check the information on warehouse. These applicants do not need to resubmit their test pass

letter unless we have any doubts about the validity of the information provided.

1.2.3 ESOL with citizenship course

1.2.3.1 Applicants who do not already have sufficient knowledge of English to allow them to sit the Life in the UK Test may alternatively produce evidence that they have attained a relevant ESOL qualification following attendance at a course which used teaching materials derived from the document entitled "Citizenship Materials for ESOL Learners" (ISBN 1-84478-5424)..

1.2.3.2 For this purpose, a relevant ESOL qualification is either:

- An ESOL "Skills for Life" qualification in speaking and listening at Entry Level approved by the Qualifications and Curriculum Authority; or
- An ESOL Unit at Access Level under the Scottish Credit and Qualifications Framework approved by the Scottish Qualifications Authority.

Applicants will need to produce the relevant certificate together with a letter from the college confirming that the course was delivered using the approved NIACE/LLU+ citizenship materials.

1.2.3.3 Evidence required

1.2.3.4 ESOL courses are available through a number of providers including both public and private colleges. However, there are only nine awarding bodies through which a relevant accredited qualification can be issued.

1.2.3.5 The applicant should be able to produce:

A. A certificate from an awarding body. You should check the following details on certificates:

- That the awarding body is one of the following nine:
 - i. University of Cambridge ESOL Examinations

(ESOL Cambridge)

- ii. Trinity College London
 - iii. City & Guilds
 - iv. Edexcel
 - v. English Speaking Board (ESB)
 - vi. Open College of the Northwest (OCNW)
 - vii. Education Development International
 - viii. National Open College Network (NOCN)
 - ix. The Scottish Qualifications Authority (SQA)
- That the certificate includes the words 'ESOL Skills for Life' and that the applicant has been successful in 'speaking & listening' or 'speaking & listening, reading & writing' at either Entry 1, Entry 2 or Entry 3 level; or (for SQA awarded certificates) one SQA NQ ESOL Unit at Access 2, Access 3 or Intermediate 1 level. Sample certificates are available in each team.
 - If you are not satisfied that the certificate is legitimate you should make further enquiries with your senior caseworker in the first instance. In particular Caseworkers should give careful consideration (referring to senior caseworkers) to any application supported by a certificate from a private sector or commercial college that is not accredited by English UK: www.englishuk.com/members/ or, if in Scotland, is not registered by the SQA.

And

- B.** A letter from the college/further education institute confirming that the syllabus for the ESOL course taken contained citizenship material. You should check the following:
- That the letter from the college states that 'This qualification was gained on an ESOL course which used materials from or derived from the citizenship materials produced by NIACE/LLU+'.

- If you have any doubts about the validity of the letter contact your senior caseworker in the first instance. In particular Caseworkers should give careful consideration (referring to senior caseworkers) to any application supported by a letter from a private sector or commercial college that is not accredited by English UK: www.englishuk.com/members/ or, if in Scotland, is not registered by the SQA.

1.2.3.6 If the applicant claims to have obtained a relevant ESOL qualification in order to obtain ILR, and information on CID confirms this, the applicant should not be asked to resubmit this evidence when applying for naturalisation. However, if there is no information on CID to confirm the applicant has obtained a relevant ESOL qualification, we should request the evidence detailed in paragraph 1.2.3.5 above.

1.2.4 Applications based on knowledge of Welsh or Scottish Gaelic

1.2.4.1 Where the applicant is relying on his or her knowledge of **Welsh or Scottish Gaelic**, an adequate level of language ability may be assumed unless there is information to hand which suggests that this may not be so (e.g. applicants who have not filled out the form themselves or who have made their mark instead of signing the application). In such cases, enquiries should be made (**Chapter 6** paragraph 6.3) and the referees asked whether applicants can speak and understand the relevant language to a level where they can:

- make simple conversation about themselves and their family and way of life
- communicate sufficiently to deal with everyday situations such as travelling, shopping, visiting the doctor's surgery or a child's school, and conducting dealings with officials. The section in the Referee's notes, which describes this standard, should be underlined.

1.2.4.2 For evidence that the applicant meets the knowledge of

life in the United Kingdom requirement special arrangements will be made by UfI to enable the applicant to sit the knowledge of life test in Welsh or Scottish Gaelic. If you receive any applications (on or after 1 November 2005) where the applicant is relying on their knowledge of Welsh or Scottish Gaelic to meet the language requirement these should be referred to the Nationality Policy Team (NPT) once it has been established that the applicant does indeed have sufficient knowledge of Welsh or Scottish Gaelic.

1.3 **Applicants outside the UK**

1.3.1 Applicants residing outside the UK will not, in general, be able to provide the above evidence.

1.3.2 Channel Islands and the Isle of Man

1.3.2.1 *Knowledge of life*

1.3.2.2 People applying for citizenship in the Channel Islands or the Isle of Man will have to take the test (or successfully complete an ESOL with citizenship course). Tests on the Islands are paper-based and consist of 25 questions, with 6 questions being based on local information about the island where the test is taken.

1.3.2.3 *Knowledge of language*

1.3.2.4 Applicants for citizenship applying on the basis of residence in the Channel Islands, or the Isle of Man must still meet the knowledge of language requirement. Until new regulations are put in place for the Islands the pre-November 2005 provisions will continue to apply and applicants will need to supply evidence of knowledge of language as detailed in Section 2 of this annex.

1.3.3 Overseas Applications

1.3.3.1 All other overseas applicants will need to provide evidence that they can meet the knowledge of life and language requirements. As applicants for naturalisation cannot, in general, have absences from the UK of more than 90 days in 12 months prior to application they will be able sit a UfI test or complete an ESOL course

in the UK before applying. We should therefore expect the same evidence of knowledge of life in the UK (Ufi test or ESOL qualification) from overseas applicants.

1.3.3.2 Where an applicant is the spouse of a British citizen in Crown service overseas they too will be expected to obtain the relevant "knowledge of life" qualification in the UK. However in some cases they may be able to sit a paper-based version of the Ufi "Life in the UK" test overseas, which will then be assessed by a designated person (e.g. FCO staff) who will provide confirmation that the applicant has successfully demonstrated adequate knowledge of life in the UK. As with the tests taken in the UK success in this test will also be sufficient to demonstrate knowledge of English for naturalisation purposes.

1.4 **Discretion to waive the knowledge of life and the knowledge of language requirements**

1.4.1 There is discretion to waive the knowledge of life and/or the knowledge of language requirement if, because of age or physical or mental condition, it would be unreasonable to expect the applicant to satisfy them (**paragraph 2(e) of Schedule 1** to the British Nationality Act 1981).

1.4.2 **It should not be assumed that, because an applicant was not required to produce evidence of success in the Life in the UK Test or of a relevant ESOL qualification when applying for ILR, s/he should automatically be exempted from the need to do so when applying for naturalisation.** The requirement, for ILR purposes, to have a sufficient knowledge of English and of life in the United Kingdom does not apply in certain cases- for example, where the applicant is under 18, has been a victim of domestic violence or is eligible for ILR following discharge from the armed forces. In other cases the ILR-stage requirements may have been satisfied by means which are not available to naturalisation applicants -for example, where the applicant was the partner of a member of the British Council, by producing a certificate provided by a person designated for this purpose under the Immigration Rules. Or the applicant may have been exempted from the need to satisfy the requirement on the basis of a physical or mental condition which no longer exists by the time s/he applies for naturalisation.

1.4.3 The particular circumstances in which the requirements (for

naturalisation purposes) to have a sufficient knowledge of a relevant language and of life in the United Kingdom may be waived are as follows:

Age

1.4.4 We should exercise discretion to waive the requirements in the following way:

- i. Applicant aged over 65: we should waive the requirements without further reference to the applicant
- ii. Applicant aged 60-65: we should normally be prepared to waive either or both requirements if the time needed to reach the required standard means that the applicant would then be aged 65 or over.
- iii. Applicant aged under 60: we should not normally expect to waive the requirements for those under 60 on the basis of age alone.

1.4.5 Any case in which discretion is exercised in respect of an applicant under 65 should be sent to the Nationality Policy Team (NPT) for noting.

Physical condition

1.4.6 Discretion should normally be exercised where the applicant is:

- i. suffering from a long term illness or disability which severely restricts the ability to attend ESOL classes or to prepare for the UfI administered knowledge of life test; or
- ii. deaf, mute or suffers from any speech impediment which limits ability to converse in the relevant language.

Requests for exemption on this basis should be supported by *current* evidence of the condition that would make it unreasonable to expect fulfilment of the requirements.

Mental condition

1.4.7 Discretion should be exercised where an applicant has a mental impairment and is therefore unable to speak or learn the relevant language. Requests for exemption on this basis should be supported by *current* evidence of the condition that would make it

unreasonable to expect fulfilment of the requirements.

SECTION 2

THIS SECTION REFERS TO APPLICATIONS MADE FROM 28 JULY 2004 TO 31 OCTOBER 2005.

2.1 Introduction

2.1.1 Applicants for naturalisation under **s.6(1)** and, from 28 July 2004, **s.6(2)** of the British Nationality Act 1981 are required to have sufficient knowledge of either the English, Welsh or Scottish Gaelic language. Knowledge of Life in the United Kingdom is NOT a requirement for those who apply for naturalisation before 1 November 2005.

2.2 Applications for naturalisation made from 28 July 2004 to 31 October 2005

2.2.1 Regulations* provide that both **s.6(1)** & **s.6(2)** applications made on or after 28 July 2004 where an applicant claims to have a sufficient knowledge of the English language must be supported by proof. This can be either:

- a. a certificate showing attainment of a qualification in "English for Speakers of Other Languages (ESOL) skills for life Entry 3" approved by the Qualifications and Curriculum Authority (For further information please see paragraph 2.3 below); or
- b. where the applicant holds a different qualification from that mentioned in a., but which nevertheless indicates a level of ability at ESOL Entry 3 level or higher, written confirmation from a "designated person" that they have a sufficient knowledge of the English language for the purpose of naturalization (see paragraph 2.4 below for designated person information); or
- c. (in all other cases) written confirmation from a "designated person" that they have a knowledge of the English language which might reasonably be expected from a native English speaker of full age and capacity. (For further information please see paragraph 2.5 below.)

*The Regulations are the **British Nationality (General) Regulations 2003 (SI 2003/548)**, as amended by the **British**

Nationality (General) (Amendment) Regulations 2004 and the **British Nationality (General) (Amendment No.2) 2004** with effect from 28 July 2004 and 1 September 2004 respectively. **Regulations 5A(1) (a), (b) & (c)** refer.

2.3 Checking the authenticity of an ESOL certificate

2.3.1 When we receive an ESOL certificate to prove an applicant's knowledge of the English language we need to be satisfied that the certificate is authentic. We should check that the college appears on the Department for Education & Skills (Dfes) - Register of providers. To check an ESOL provider click the link below:

<http://www.dfes.gov.uk/providersregister/search.cfm>

2.3.2 If the provider is not recognised on the DFES list this does not necessarily mean the certificate is not legitimate however you may need to initiate further checks with the DFES to ascertain authenticity. You should consult your Senior Caseworker in the first instance.

2.4 Designated persons under Regulation 5A(1) (b)

2.4.1 Where the applicant holds a "different qualification" which s/he claims to indicate a level of ability equivalent to or higher than ESOL Entry 3 standard this can be certified by a person designated under **Regulation 5A(1) (b)** of the **2004 Regulations*** (see * at 2.2.1 above).

2.4.2 The following persons are designated to certify sufficiency of knowledge of English for this category of applicants:

- certain members of staff in the Immigration and Nationality Directorate
- certain members of staff in the Passport Office in Jersey
- certain members of staff in the Immigration and Nationality department in Guernsey
- certain members of staff in the Passport and Immigration Office in the Chief Secretary's Office in the Isle of Man
- British Consular Officers

2.4.3 The following types of qualification are among those which may be accepted by the designated person as indicating an appropriate level of proficiency in English:

- a GCSE, A level, diploma or degree in any subject, which can reasonably be assumed to have been awarded -whether in the United Kingdom or elsewhere - following tuition and/or assessment **in English**
- at least two Scottish Qualifications Authority ESOL Units at Access 3 level
- an ESOL Initial Assessment confirming Entry level 3 standard or higher, conducted by a qualified teacher (see 2.4.4 & 2.4.5) and confirmed in writing on headed college paper or paper which bears the college stamp

2.4.4 A "qualified teacher" is a teacher who has or is working towards one of the following:

- Cambridge ESOL Certificate of Further Education Teaching Stage 3 for ESOL Subject Specialists (CertESOL)
- Level 4 Certificate in Further Education Teaching at Stage 3 AND a Certificate for ESOL Subject Specialists
- Certificate in English Language Teaching to Adults (CELTA). (This qualification was sometimes formerly known as Certificate of Teaching English as a Foreign Language (CTEFLA).)
- RSA Certificate (pre-1988). Both components must have been taken and a pass, Pass "B" or Pass "A", obtained.
- Certificate in English Language Teaching to Youth Learners (CELTYL). All 3 components must have been taken and a pass, Pass "B" or Pass "A", obtained.
- Other relevant accredited qualification at Level 3 or above (to be specified by teacher).

2.4.5 If we receive certification of knowledge of English for an applicant from a qualified teacher we will also need to see the qualified teacher's proof of accreditation.

2.5 Designated persons under Regulation 5A(1)(c)

2.5.1 Where the applicant claims to have knowledge of English to the level reasonably to be expected of a person of full age and capacity whose native language is English but holds no formal qualification this can be certified by a person designated under **Regulation 5A(1)(c)** of the **Regulations*** (see * at 2.2.1 above)

2.5.2 The following persons are designated to certify sufficiency of knowledge of English for this category of applicant:

- Notaries:
You can check the details of a Notary Public in England/Wales using the notaries society web page at:
http://www.thenotariessociety.org.uk/find_a_notary.asp
To check Notaries in Scotland see <http://www.lawscot.org.uk/>
- solicitors
- certain members of staff in the Immigration and Nationality Department in Jersey
- certain members of staff in the States of Guernsey Customs and Immigration Department
- certain members of staff in the Isle of Man Chief Secretary's Office
- British Consular Officers

2.5.3 Designated persons are required to hold a short conversation with the applicant in order to satisfy themselves that the applicant is a native speaker of English or that the applicant's English skills are as good as those of the average native speaker of English. If, following this, the designated person is satisfied on this point, they will provide the applicant with a certificate to submit with his/her application.

NB. IF FOR ANY REASON YOU DOUBT ANY EVIDENCE PROVIDED IN SUPPORT OF KNOWLEDGE OF ENGLISH THIS SHOULD BE CHECKED WITH SENIOR OFFICERS AND, IF NECESSARY, THE DfES BEFORE THE CASE IS DECIDED.

2.6 The exercise of discretion to waive the language requirement

2.6.1 There is discretion in **paragraph 2(e)** of **Schedule 1** to the British Nationality Act 1981 to waive the language requirement if, because of age or physical or mental condition, it would be unreasonable to expect the applicant to fulfil it.

2.6.2 The circumstances in which the language requirement may be waived are as follows:

a. **Age** - We should exercise discretion to waive the language requirement in the following way:

i. Applicant aged over 65: we should waive the language requirement without further reference to the applicant

ii. Applicant aged 60-65: we should normally be prepared to waive the language requirement if the time needed to reach the required standard means that the applicant would then be aged 65 or over.

iii. Applicant aged under 60: we should not normally expect to waive the language requirement for those under 60 on the basis of age alone.

2.6.3 Any case in which discretion is exercised in respect of an applicant under 65 should be sent to the Nationality Policy Team (NPT) for noting.

b. **Physical condition** - Discretion should normally be exercised where the applicant is:

i. suffering from a long term illness or disability which severely restricts the ability to attend classes in the relevant language or practice this language in the community; or

ii. deaf, mute or suffers from any speech impediment which limits ability to converse in the relevant language.

c. **Mental condition** - Discretion should be exercised where an applicant has a mental impairment and, although able to meet the full capacity requirement, is not able to speak or learn the relevant language

2.7 The application should normally **only** be refused on the grounds of insufficient knowledge of the relevant language in the following

circumstances:

- the application was made the applicant is claiming to have a sufficient knowledge of Welsh or Scottish Gaelic but there is conclusive evidence that the applicant does not meet the minimum standard required (see 2.8, below); or
- the applicant does not have, or fails to provide, the evidence described in paragraph 2.2.1 above

2.8 Welsh or Scottish Gaelic

2.8.1 Where the applicant is relying on his or her knowledge of Welsh or Scottish Gaelic, an adequate level of language ability may be assumed unless there is information to hand which suggests that this may not be so (e.g. applicants who have not filled out the form themselves or who have made their mark instead of signing the application). In such cases, enquiries should be made (**Chapter 6** paragraph 6.3) and the referees asked whether applicants can speak and understand the relevant language to a level where they can:

- make simple conversation about themselves and their family and way of life
- communicate sufficiently to deal with everyday situations such as travelling, shopping, visiting the doctor's surgery or a child's school, and conducting dealings with officials. The section in the Referee's notes, which describes this standard, should be underlined

2.8.2 All cases where Welsh or Scottish Gaelic is offered to meet the language requirement should be sent to the Nationality Policy Team (NPT) for noting after action has been completed.

SECTION 3

3.1 **Applications for naturalisation made before 28 July 2004**

3.1.1 Where applications for naturalisation were made **before 28 July 2004** an adequate level of language ability may be assumed unless there is information to hand which suggests that this may not be so (e.g. applicants who have not filled out the form themselves or who have made their mark instead of signing the application). In such cases, enquiries should be made (**Chapter 6** paragraph 6.3)

and the referees asked whether applicants can speak and understand the relevant language to a level where they can:

- make simple conversation about themselves and their family and way of life
- communicate sufficiently to deal with everyday situations such as travelling, shopping, visiting the doctor's surgery or a child's school, and conducting dealings with officials. The section in the Referee's notes, which describes this standard, should be underlined.

3.1.2 Applications made before 28 July 2004 should only be refused on the basis of insufficient knowledge of language where there is conclusive evidence that the applicant does not meet the minimum standard required.