



Home Office

Knowledge of language and life in the UK for settlement and naturalisation

Statement of Intent, changes to the requirement from October 2013

April 2013

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Introduction

Individuals wishing to apply for indefinite leave to remain (referred to hereafter as settlement) or naturalisation as British citizens (referred to hereafter as naturalisation) are required to demonstrate their knowledge of language and life in the UK (the KoLL requirement). Currently there are two ways in which this requirement can be met:

- By passing the Life in the UK test, a computer based test based on the Life in the UK handbook and set at an English level equivalent to B1 (intermediate level) on the Common European Framework of Reference for languages (CEFR).
- By obtaining a speaking and listening qualification in English for Speakers of Other Languages (ESOL) at Entry levels 1, 2 or 3. The applicant must have studied at an accredited institution on a course of study which uses specified citizenship based teaching materials and have demonstrated progression from one ESOL level to the next.

Since April 2011, people who entered the UK on work routes¹ have been required to meet the KoLL requirement by taking the Life in the UK test rather than the ESOL route.

Understanding and being able to use English at a level which facilitates interaction with the wider community is key to successful integration. It is also important that those wishing to live permanently in the UK have a basic understanding of the responsibilities which come with settlement, the principles of British democracy and the history and culture from which they flow.

The consultation paper on Family Migration, published on 13 July 2011, included consideration of whether the current KoLL requirement was sufficient to ensure an adequate level of language to aid the integration of those living permanently in the UK. Following that consultation, the Home Secretary announced on 11 June 2012 that, from October 2013, all applicants for settlement, unless exempt, would be expected both to pass the Life in the UK test and to have an English speaking and listening qualification at B1 CEFR or above.

The Home Secretary's June 2012 statement dealt only with the KoLL requirement for settlement. This statement confirms that the changes will apply also to the KoLL requirement for naturalisation. It provides details of the speaking and listening qualifications which applicants may use to meet the KoLL requirement from October 2013 and of the exemptions which will apply.

This statement does not affect English language requirements which apply to applications for leave to enter or further limited leave to remain.

1 Those applying under the following categories of the Immigration Rules: a work permit holder under paragraph 134; a Highly Skilled Migrant under paragraph 135G; a representative of an overseas newspaper, news agency or broadcasting organisation under paragraph 142; a representative of an overseas business under paragraph 150; an overseas government employee under paragraph 167; a Minister of religion, religious missionary, or member of a religious order under paragraph 176; an airport based operational ground staff of an overseas-owned airline under paragraph 184; a person established in business under paragraph 209; an innovator under paragraph 210G; a person established in business under the provisions of EC Association Agreements under paragraph 222; an investor under paragraph 230; a writer, composer or artist under paragraph 238; a Tier 1 (Exceptional Talent) Migrant under paragraph 245BF; a Tier 1 (General) Migrant under paragraph 245CD; a Tier 1 (Entrepreneur) Migrant under paragraph 245DF; a Tier 1 (Investor) Migrant under paragraph 245EF; a Tier 2 (Intra-Company Transfer) under paragraph 245GF; a Tier 2 (General), Tier 2 (Minister of religion) and Tier 2 (Sportsperson) Migrant under paragraph 245HF.

The intention is that the changes for both settlement and citizenship will take place from 28 October 2013. The necessary changes to the Immigration Rules and the British Nationality (General) Regulations will be laid later this year.

The Knowledge of Language and Life Requirement for Settlement

How will the Requirement be met?

From 28 October 2013, there will be two parts to the KoLL requirement, both of which must be met by all applicants for settlement unless the individual is exempt (see below). Applicants will be required to:

- pass the Life in the UK test; and
- have a speaking and listening qualification in English at B1 CEFR or higher, or an equivalent level qualification.

The Life in the UK test

The Life in the UK test is a computer-based, multiple choice test. It will continue to be available through the network of test centres operated by learndirect on behalf of the Home Office. There will be no change to the existing booking mechanisms and tests will continue to be booked online through the website: <http://lifeintheuktest.ukba.homeoffice.gov.uk/>.

Since 25 March 2013, the test has been based on the official handbook “Life in the United Kingdom: A Guide for New Residents”. Pass certificates for tests taken before 25 March will continue to be accepted. Individuals who passed the test based on the previous handbook will not be expected to take the revised test, even if they apply for settlement on or after 28 October 2013.

It will continue to be possible to take the test in Welsh or Scottish Gaelic at centres in Wales and Scotland respectively.

English Language Qualifications

We will accept a range of English language qualifications as evidence that an applicant has met the requirement to hold a B1 level speaking and listening qualification. This will help ensure that all those needing to take a test will be able to find one suitable for their needs and, so far as possible, that no one who already has an English language qualification at B1 or above will be required to take another one. So, for example, a person applying for settlement as a Tier 2 (General) migrant who has already demonstrated a knowledge of English equivalent to B1 level in order to qualify for entry clearance, will not have to take a further test at settlement stage.

The following qualifications will be accepted:

- Qualifications covering speaking and listening at B1 or above from the Secure English Language Test (SELT) list in the Immigration Rules, Appendix O. The SELT list is available at:

www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/new-approved-english-tests.pdf

- Qualifications in English for Speakers of Other Languages (ESOL) at Entry level 3, Level 1 or Level 2, that include speaking and listening and that have been regulated by the Office of Qualifications and Examinations Regulation (Ofqual). The qualification must be listed as an ESOL qualification on the Ofqual Register of Regulated Qualifications and have been taken in England, Wales or Northern Ireland. The Ofqual register is available at: <http://register.ofqual.gov.uk/>².
- A National Qualification in ESOL at Scottish Qualifications Framework (SCQF) levels 4, 5 or 6 awarded by the Scottish Qualifications Authority (SQA) and taken in Scotland.

Migrants will not be required to study for their qualification at any particular institution nor to follow any particular curriculum.

We remain conscious that this is an area where there has been some abuse and exploitation in the past. We consider that setting a minimum level of English language required combined with the requirement also to pass the Life in the UK test, which must be taken at a secure test centre, will help guard against future abuse but we will remain vigilant and will take steps to identify and investigate any possible instances of malpractice. We will continue to review the use of English language qualifications, taking into account any instances of abuse and the public consultation which Ofqual carried out last year on the regulation of ESOL qualifications.

It is possible that the requirements for English language for KoLL may change in the future and applicants will need to meet the requirements in place at that time.

The following groups are considered automatically to meet the English language component of the KoLL requirement and will not be required to show a formal speaking and listening qualification:

- Nationals of majority English speaking countries (Annex A).
- Those who have obtained a degree taught in English.

Both of these groups will, however, be required to pass the Life in the UK test to demonstrate their knowledge of life in the UK.

Who will need to meet the requirement?

The normal expectation will be that adults (i.e. those aged 18 or over) applying for settlement, whether as a main applicant or a dependant, will be expected to meet the new KoLL requirement. This will include adult children of persons settled in the UK and adult children applying for indefinite leave as a dependant. However, we recognise that there are some circumstances where exceptions to this normal rule should be made.

We will continue to exempt from the KoLL requirement children under 18 and individuals aged 65 or older. In line with current practice, we will also exempt those who have a physical or mental condition which severely restricts their ability to learn English and/or communicate and/or take the Life in the UK test.

2 <http://register.ofqual.gov.uk/Qualification?Paging=True&PageNumberProperty=PageNumber&PageSizeProperty=PageSize&PageNumber=0&QualificationNumber=&OrganisationId=-1&ExpiredQualifications=false&Title=&IsAdvancedOpen=False&Pilot=&QualificationType=EnglishOtherLanguages&QualificationSubType=&QualificationLevel=&QualificationSubLevel=&TotalCreditFrom=&TotalCreditTo=&MinimumGuidedLearningHoursFrom=&MinimumGuidedLearningHoursTo=&DiplomaGuidedLearningHours=&BarringClassificationCode=&OfferedInEngland=false&OfferedInNorthernIreland=false&OfferedInWales=false&AssessmentAvailableInEnglish=false&AssessmentAvailableInIrish=false&AssessmentAvailableInWelsh=false&AssessmentMethodId=-1&Purpose=&SubPurpose=&PreSixteen=false&SixteenToEighteen=false&EighteenPlus=false&NineteenPlus=false&PageNextAction=Next&PageSize=Default50>

There are some migration routes where the majority of migrants are likely to be over 65 or have a disability, specifically the route for adult dependent relatives and the former route for retired persons of independent means. We will continue to exempt all people on these routes from KoLL for settlement.

We also recognise that some groups are in a particularly vulnerable situation prior to obtaining permanent residence in the UK. The KoLL requirement will therefore not apply to applications for settlement from spouses of British citizens or persons settled in the UK who have been victims of domestic violence or whose spouse has died.

Refugees and those with humanitarian protection will continue to be exempt from the requirement in recognition of their continued need for protection. For the present we will continue to exempt those granted discretionary leave (DL), although we will consider this further and keep this position under review.

We recognise that the new KoLL requirement may be challenging for some. We will therefore allow the following categories of applicant to apply for further periods of limited leave (subject to continuing to meet the other relevant Immigration Rules in their category) to enable them to meet the requirement if they not yet done so:

- partners, children or parents applying under Appendix FM or subject to transitional arrangements under Part 8;
- those here on the basis of long residence under paragraph 276A
- those here on the basis of private life under paragraph 276ADE;
- those here as dependants of HM forces personnel; and
- dependants of those who originally entered the UK as PBS migrants or work permit holders.

Additionally, we will introduce provisions to enable individuals who have been in the UK for 15 years with limited leave as a partner, child or parent (under Appendix FM or the transitional arrangements under Part 8), or as a dependant of HM Forces personnel, or as a dependant of a PBS migrant or work permit holder, to apply for settlement on the basis of an English language speaking and listening qualification at A2 CEFR and without passing the Life in the UK test. They will, however, need to produce evidence from a suitably qualified person, for example a teacher of English for Speakers of Other Languages, that it is not reasonable to expect them to reach B1 English. We will consider whether a similar provision should be introduced for those here on the basis of long residence or private life.

The Knowledge of Language and Life Requirement for Naturalisation

The requirement

The KoLL requirement for naturalisation as a British citizen will be the same as that for settlement and the same English language qualifications will be accepted.

Who will need to meet the requirement?

Citizenship is a privilege and not a right. The Government expects that all those wishing to become British citizens should demonstrate their commitment by learning English and have an understanding of British history, culture and traditions. Therefore all those applying for naturalisation after 28 October 2013 will be expected to satisfy the new KoLL requirement. The only exceptions will be those who are aged 65 or over or whose physical or mental condition severely inhibits the ability to communicate or take the Life in the UK test. (Minors are ineligible for naturalisation, therefore an exemption for under 18s is not relevant.)

A migrant who fulfils the Life in the UK requirement for settlement as it applies on or after 28 October 2013 will not be required to retake any elements in a later application for naturalisation but will be deemed automatically to satisfy KoLL at that later stage.

The situation is different for those who applied or apply for settlement before 28 October 2013. They will have satisfied the KoLL requirement by either passing the Life in the UK test or by taking an ESOL qualification (probably at a level below B1) and this by itself will not be sufficient should they later apply for naturalisation. They will need to satisfy the new KoLL requirement but if they have already passed the Life in the UK test will not need to retake it. For some people this will mean passing a relevant speaking and listening qualification for the first time. Others will need to pass a speaking and listening qualification at a higher level than they had to demonstrate to be granted leave to enter or leave to remain in the UK.

Annex A: Majority English Speaking Countries

The Immigration Rules recognise the following as majority English speaking countries:

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| Antigua and Barbuda | Guyana |
| Australia | Jamaica |
| The Bahamas | New Zealand |
| Barbados | St Kitts and Nevis |
| Belize | St Lucia |
| Canada | St Vincent and the Grenadines |
| Dominica | Trinidad and Tobago |
| Grenada | The United States of America |

We will include the Republic of Ireland for naturalisation purposes and review whether any other additions are required.

