

ENGLISH LANGUAGE

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Introduction

The revised arrangements for the Highly Skilled Migrant Programme (HSMP) from 8 November 2006 include a test to determine the English language proficiency of applicants. The ability to speak English to a competent level improves migrants' potential to succeed in the UK labour market.

The English language consideration does not attract any points. It is a simple pass or fail, which exists alongside the points scoring areas of the application process as a mandatory test that must be applied to all applications.

In summary, the revised HSMP application process consists of two requirements – achievement of the points scoring pass mark of 75 points or more, and the English language assessment - both of which must be satisfied in order for the application to be approved.

Approval criteria for English language

There are two ways in which applicants can meet and evidence the English language requirement:

- an International English Language Test System (IELTS) test report, showing an overall band score of six or above, which was issued no more than two years before the date of the application; or
- an academic qualification, at Bachelors degree level that was taught in English and is equivalent to a UK Bachelor degree. This does not need to be gained within any set period.

- Exceptionally, if the person already has an equivalent English language certificate, we can accept this, if it is equivalent to IELTS band six. This does not need to be gained within any set period.

What happens if the person does not meet the requirements for English language?

IMPORTANT: If an applicant fails the English language test, the application should be refused. Even if the applicant has achieved the pass mark of 75 in the points scoring areas of their application, failure to pass the English language requirement will lead to a refusal decision. Amendments to the Adept database limit the decision to 'Refused' if the English language test is failed. A message is also displayed when the decision screen is created, notifying the user that the correct decision is to refuse.

IELTS Test

The IELTS test is recognised by professional bodies, immigration authorities, other UK government agencies, universities and employers across the world.

The IELTS testing system uses a points score ranging from one to nine, where a score of one represents a 'Non user' of English and nine signifies an 'Expert user'. IELTS candidates are tested and scored against their English language listening, reading, writing and speaking abilities, the results of which are combined to produce an overall band score. For the purposes of HSMP, it is the overall band score that is taken into account. An overall band score of six, which represents a 'Competent user', or more than six, meets the requirements of the HSMP English language test.

There are two types of IELTS test: the general and the academic test. While the contents of these tests are different, each uses the same scoring range. An overall band score of six or above in either type of test meets the HSMP requirement.

Test reports submitted as evidence cannot be accepted if they were issued more than two years before the application was received, as IELTS only retain records for this period. Test results issued more than two years ago cannot therefore be verified.

Evidence required

In order to ensure that an applicant meets the English language requirement, caseworkers should be satisfied that:

- the IELTS test report was issued in the last 2 years; and
- the IELTS test report is at Band 6 or above.

IELTS test report

The IELTS test report is a secure document, containing a number of security features.

Should all IELTS test reports received be checked against the IELTS database?

Caseworkers should only refer to the IELTS database in instances where they have legitimate concerns about the authenticity of a test report – for example, if one or more of the security features of the reports is/are missing. The IELTS report is considered a reliable form of evidence and therefore need not be verified in all cases.

Bachelor degrees taught in English

Applicants may present a Bachelor degree, which was taught in English, as evidence towards this category.

Caseworkers should be satisfied that:

- the qualification has been formally awarded to the applicant;

- the qualification is recognised by NARIC as equivalent to a UK Bachelor degree;
- the qualification was taught in English.

Qualifications taught in English claimed in the ‘Qualifications’ category

Where points have been awarded in the Qualifications category in recognition of a Bachelors degree, and this same qualification is being used to establish that the applicant meets the English Language Requirement of HSMP, then caseworkers will not need to check bullet points 1 and 2 above, as these points will have been established when assessing the qualification for points scoring purposes. However, in these circumstances caseworkers will still need to be satisfied that the qualification in question was taught in English. This information should be submitted in a letter from the institution.

Qualifications taught in English not claimed in the ‘Qualifications’ category

In some instances the evidence submitted in respect of the English Language Requirement of HSMP may be different to that provided under the Qualifications category of the Points Scoring Assessment. For instance, where the applicant holds a UK Bachelor degree but a further, higher qualification has been used as evidence to claim more points in the Qualifications category. In this circumstance caseworkers will need to be satisfied that the qualification claimed as taught in English satisfies each of the bullet points above.

Evidence required for Bachelor degrees taught in English

Applicants should provide both their **original degree certificate** and an **original letter from the awarding body** confirming the course was taught in English.

The original degree certificate should clearly show:

- the date of the award; and
- the title of the award; and
- the name of the awarding institution; and
- their name.

The original letter from the awarding body should show:

- the applicant’s name;
- the qualification obtained;
- the date of award of the degree;
- that the course was taught in English.

Where applicants are relying on a qualification submitted in support of the ‘Qualifications’ points scoring area, they will only need to provide the original letter from the awarding body confirming that English was the language of instruction.

Evidence required for applicants who have just graduated and are awaiting the issue of the certificate

Applicants who have just graduated and are awaiting the issue of the certificate must provide alternative evidence of their degree qualification taught in English in the form of an academic transcript. They will still be required to provide the letter from the awarding institution/body confirming that the language of instruction was English.

The academic transcript must include:

- The applicant’s name;
- The name of the academic institution; and

- Course details; and
- Confirmation of the award.

The original letter on the headed paper of the awarding institution/body from an authorised official should show:

- That the degree was taught in English; and
- The applicant's name; and
- The qualification awarded; and
- The date of the award.

Exceptional consideration for Bachelor degrees taught in English

If there are exceptional reasons why the applicant is not able to provide the original certificate of their award then they may request exceptional consideration of their case. Please see section of this guidance on 'considering an application and evidence required to support and score an application' for further information on exceptional consideration.

Alternative evidence required for Bachelor degrees taught in English

Applicants requesting exceptional consideration will need to provide alternative evidence of their degree qualification taught in English in the form of an academic transcript. They will still be required to provide the letter from the awarding institution/body confirming that the language of instruction was English.

The academic transcript must include:

- The applicant's name;
- The name of the academic institution; and
- Course details; and
- Confirmation of the award.

The original letter on the headed paper of the awarding institution/body from an authorised official should show:

- That the degree was taught in English; and
- The applicant's name; and
- The qualification awarded; and
- The date of the award.

Please note – no alternative evidence will be considered in place of the original letter from the awarding institution/body.

What if the NARIC English language database shows that a Bachelors degree provided was not taught in English?

Where the NARIC database indicates that a Bachelor degree presented as evidence in this category does not meet the HSMP English language requirement, the application should be refused on these grounds.

Can higher education qualifications other than Bachelor degrees, which have been taught in English, be accepted in this category?

No. Degrees higher than Bachelor level, such as Masters degrees and PhDs, are not acceptable in this category, for the following reasons:

- students of degrees higher than Bachelor level are not necessarily required to practice listening, reading, writing and speaking in English as in Bachelor degrees;
- the duration of courses may be less than that of a Bachelor degree, which is three years of full time study;

Exceptional consideration for the English language requirement

Alternative English language tests

It is to be stressed that IELTS is the preferred qualification for demonstrating the English language requirement. However, where applicants can demonstrate that they have passed an alternative English language test **prior to submitting their application**, and where the mark achieved is equivalent to IELTS band 6, evidence to this effect may be acceptable.

What if I have concerns about the authenticity of an alternative English language test?

Where legitimate concerns are held about an alternative language test item of evidence, efforts should be made to verify the evidence with the awarding body. Caseworkers should consult a manager before attempting to verify evidence of this nature.

What if it is not possible to establish the equivalence of alternative English language test evidence?

In these cases, the qualification in question cannot be accepted as satisfying the English Language Requirement of the Immigration Rules.

What if English language evidence, other than IELTS or the tests on the NARIC database, is provided?

Where an English language test about which the HSMP have no information is provided, a request should be made to NARIC to establish the equivalence of this new evidence. If NARIC are unable to advise on whether it equates to IELTS band 6 or above, then the qualification in question cannot be accepted as satisfying the English Language Requirement of the Immigration Rules.