



Home Office

BOOKLET AN
Naturalisation Booklet
– The Requirements

To be read in conjunction with Guide AN

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INTRODUCTION

This Guide summarises the legal requirements for applying for naturalisation.

Naturalisation is not an entitlement. It is a matter of law as set out in the British Nationality Act 1981. The Home Secretary may exercise his discretion to naturalise you only if you satisfy a number of statutory requirements. He may disregard the extent to which you are unable to fully satisfy certain requirements but he cannot do this in all cases. The way that he exercises his discretion is described throughout this booklet. This is further described in the nationality staff instructions which may be accessed on our website at www.ukba.homeoffice.gov.uk

THE REQUIREMENTS FOR NATURALISATION AS SET OUT IN THE BRITISH NATIONALITY ACT 1981

1. DO YOU QUALIFY?

Naturalisation is not an entitlement and a decision can only be made to grant you citizenship if you can demonstrate that you satisfy certain legal requirements and the Home Secretary thinks fit to naturalise you.

The requirements for naturalisation as a British citizen differ depending on whether or not you are applying on the basis of marriage to civil partnership with a British citizen.

A. If you are married to or the civil partner of a British citizen (section 6(2) of the British Nationality Act 1981)

The legal requirements you should meet before you apply are that you:

1. Are aged 18 or over when you apply
2. Are married to or the civil partner of a British citizen on the date of application
3. Are of sound mind, so that you understand the step you are taking (but see page 10 for those who are not of sound mind)
4. Can communicate in English (or Welsh or Scottish Gaelic) to an acceptable degree
5. Have sufficient knowledge about life in the UK
6. Are of good character
7. Have lived in the UK for a minimum of 3 years before you apply and meet the following residence requirements:

The residence requirements:

1. You must have been physically present in England, Wales, Scotland, Northern Ireland, the Isle of Man or the Channel Islands on the day 3 years before the application is received by the Home Office.

For example if your application is received on 20/1/2010 you should have been physically present in the United Kingdom on 21/1/2007.

Most applications that fail do so because applicants have applied even though they cannot satisfy the residence requirement to be present in the UK at the beginning of the residential qualifying period.

2. You must not have had more than 270 days outside the United Kingdom in the three year period before making the application (but see the section on Absences on page 7).
3. You must not have had more than 90 days outside the United Kingdom in the 12 month period before making the application (but see the section on Absences on page 8).
4. You must be free of immigration time restrictions on the date of application (see the section on Immigration Time Restrictions).
5. You must not have been in breach of the immigration rules in the 3 year period before making the application (see the section on Breach of Immigration Law).

Some discretion may be exercised over the residence requirements at 2 - 5 above if there are special circumstances. If you do not meet these residence requirements but believe that there are special circumstances in your case, you should explain them when you apply.

If you are in Crown service or specially designated service, or are married to or the civil partner of a British citizen in Crown or designated service, go straight to section 10 for alternative ways that you might qualify.

**B. If you are NOT married to or the civil partner of a British citizen
(Section 6(1) of the British Nationality Act 1981)**

The legal requirements you should meet before you apply are that you:

1. Are aged 18 or over when you apply
2. Are of sound mind, so that you understand the step you are taking (but see page 10 for those who are not of sound mind)
3. Intend to continue to live in the UK, or to continue in Crown service, the service of an international organisation of which the UK is a member or the service of a company or association established in the UK
4. Can communicate in English (or Welsh or Scottish Gaelic) to an acceptable degree
5. Have sufficient knowledge about life in the UK
6. Are of good character
7. Have lived in the UK for a minimum of 5 years before you apply

The residence requirements:

1. You must have been physically present in England, Wales, Scotland, Northern Ireland, the Isle of Man or the Channel Islands on the day 5 years before the application is received by the Home Office.

For example if your application is received on 20/1/2010 you should have been physically present in the United Kingdom on 21/1/2005.

Most applications that fail do so because applicants have applied even though they cannot satisfy the residence requirement to be present in the UK at the beginning of the residential qualifying period.

2. You must not have had more than 450 days outside the United Kingdom in the five year period before making the application (but see the section on Absences on page 7).
3. You must not have had more than 90 days outside the United Kingdom in the 12 month period before making the application (but see the section on Absences on page 8).
4. You must be free of immigration time restrictions on the date of application, and have been free of immigration time restrictions for the twelve month period before making the application (see the section on Immigration Time Restrictions).
5. You must not have been in breach of the immigration rules in the 5 year period before making the application (see the section on Breach of Immigration Law).

Some discretion may be exercised over the residence requirements at 2 - 5 above if there are special circumstances. If you do not meet these residence requirements but believe that there are special circumstances in your case, you should explain them when you apply.

If you are in Crown service or specially designated service go straight to section 10 for alternative ways that you might qualify.

2. THE 3 OR 5 YEAR QUALIFYING PERIOD

Time spent in the UK while exempt from immigration control (for example, as a diplomat or a member of visiting armed forces) or while in any place of detention (or unlawfully absent from such a place) does not normally count as residence in the UK for the purpose of calculating the residential qualifying period. It is usually treated as absence from the UK.

If you are a national of a member state of the EEA and do not have indefinite leave to remain in the United Kingdom, you will need to have been resident in the United Kingdom for at least five years even if you are married to a British citizen. (See the section on European Economic Area Nationals and Swiss Nationals for more information).

3. BREACH OF IMMIGRATION LAW

You should not have been in breach of immigration law during the residential qualifying period. You should have been here legally. In other words, you must have had the necessary permission under the immigration laws to be in the UK. You may be refused if you have been in breach of immigration laws during the residential qualifying period. This is especially relevant if you came to the UK as an asylum seeker and your application for refugee status and any appeals were refused during this period.

If you came to the UK as an asylum seeker and/or as an illegal entrant (you entered the UK clandestinely) you must have evidence that you were here legally during the residential qualifying period. You may be in breach of immigration laws during the residential qualifying period if you had exhausted all your appeal rights and had not left the country, even if you were subsequently given indefinite leave to remain as a concession. If you were not covered by temporary leave to remain during the whole residential qualifying period while appeals were under consideration, then your application will fail on breach of immigration conditions. Just because you were given indefinite leave to remain does not mean that we will automatically disregard the time you were in breach of immigration laws during the residential qualifying period.

4. IMMIGRATION TIME RESTRICTIONS

If you are married to or the civil partner of a British citizen, you will need to be free from immigration time restrictions on the date you make your application.

If you are not married to or the civil partner of a British citizen you should have been free of immigration time restrictions during the last 12 months of the 5 year qualifying period.

Usually there is a stamp or sticker in your passport saying that you have indefinite leave to enter or remain or no time limit on your stay. But you may have a letter from the Home Office saying that you are free from immigration conditions. If you do not have a passport or letter which says this and you have lived here many years you may still be free from an immigration time restriction.

If you are from an EEA member state or Switzerland you will be free from immigration conditions if you have been exercising EEA free movement or establishment rights in the UK for 5 continuous years. See pages 9-10 for information about this.

A person who is outside the United Kingdom is, by definition, not subject to any restriction under the immigration laws on his or her maximum length of stay in the United Kingdom. However, the Home Secretary will normally refuse an application made outside the United Kingdom where it appears that the main reason for making the application in this way was to avoid the requirement about immigration restrictions. If you make your application overseas, but would have had only a conditional right to remain in the UK on the date of application if you had remained in the United Kingdom, your application is unlikely to succeed.

5. ABSENCES FROM THE UK

To satisfy the residence requirement you should not have been absent for more than 90 days in the last 12 months. If you are married to or in a civil partnership with a British citizen the total number of days absence for the whole 3 year period should not exceed 270. Otherwise, you should not have been outside the UK for more than 450 days in the 5 year qualifying period.

There is discretion to disregard absences in excess of the limits. This discretion is outlined in the following tables

A. Absences from the United Kingdom during your residential qualifying period (QP) will be considered in the following way:

| | <u>6(1) application</u> 5 year QP | <u>6(2) application</u> 3 year QP (applicants married to or in a civil partnership with a British citizen) |
|--|---|---|
| Normal permitted absences in QP | 450 days | 270 days |
| Total number of absences normally disregarded | 480 days | 300 days |
| Absences normally disregarded only if: a) you meet all other requirements; and b) you have established your home, family and a substantial part of your estate here. | 900 days Please note: if your absences are up to 730 days we would expect you to have been resident in the UK for the last 7 years. For absences exceeding 730 days we would expect you to have been resident in the UK for the last 8 years unless the absences were a result of one of the reasons detailed in section 5A1 below. | 540 days Please note: if your absences are up to 450 days we would expect you to have been resident in the UK for the last 4 years. For absences exceeding 450 days we would expect you to have been resident in the UK for the last 5 years unless the absences were the result of one of the reasons detailed in section 5A1 below. |

5A1. For absences exceeding 730 days (or 450 days for 6(2) applications) we would expect you to have been resident in the UK for the last 8 years (5 years for 6(2) applications) unless the absences were a result of either:

- a posting abroad in Crown or designated service (see section 10). For example, as a member of HM Forces, or as the husband, wife or civil partner of a British citizen serving abroad in Crown or designated service; or
- an unavoidable consequence of the nature of your work. For example, if you are a merchant seaman or someone working for a UK based business which requires frequent travel abroad; or
- exceptional or compelling reasons of an occupational or compassionate nature such as having a firm job offer for which British citizenship is a genuine requirement.

Only very rarely would we disregard absences in excess of 900 days (540 days for 6(2) applications). If your absences are more than this limit your application is likely to fail and your fee will not be fully refunded.

B. Absences from the United Kingdom during the last 12 months of your qualifying period (QP) will be considered in the following way:

| | <u>6(1) and 6(2) applications</u> |
|--|-----------------------------------|
| Normal permitted absences in final 12 months of your qualifying period | 90 days |
| Total number of absences normally disregarded | 100 days |
| Total number of absences normally disregarded only if all other requirements are met and: a) you have demonstrated links with the UK through presence of family, and established home and a substantial part of your estate. | 101 - 179 days |
| Total number of absences that may be disregarded if you do not meet all of the other requirements providing the following criteria are met: a) you have demonstrated links with the UK through presence of family, and established home and a substantial part of your estate; <u>and</u> b) the absence is justified by Crown service or by compelling occupational or compassionate reasons taking account of the criteria at section 5A1. | 101 - 179 days |
| Total number of absences that may be disregarded where all other requirements are met and: a) you have demonstrated links with the UK through presence of family, and established home and a substantial part of your estate; <u>and</u> b) the absence is justified by Crown service or by compelling occupational or compassionate reasons taking account of the criteria at section 5A1. | 180 days + |

Please note: Only in the most exceptional circumstances would total absences exceeding 180 days in the final 12 months of the qualifying period be disregarded if all other requirements were not met.

For further information regarding excess absences refer to our website.

6. EUROPEAN ECONOMIC AREA NATIONALS AND SWISS NATIONALS

This section covers you if the country to which you belong is part of the European Economic Area or Switzerland.

New immigration regulations came into force on 30 April 2006. If you are a national of a country which is a member state of the EEA or Switzerland, or the family member of such a person, you will automatically have permanent residence status after exercising EEA free movement rights in the UK for any continuous period of 5 years ending on or after 30 April

2006, and therefore will not have to apply for indefinite leave to remain. But remember that, unless married to or the civil partner of a British citizen, you should normally have held permanent resident status for 12 months before applying for naturalisation. This means that you may need to wait until you have been in the United Kingdom for 6 years before you can apply.

(i) Who is an EEA national?

The EEA comprises the Member States of the EC together with Iceland, Norway and Liechtenstein. The Member States of the EC are set out below along with the date that they joined the European Union:

| | | | |
|----------------|----------|----------------|----------|
| Austria | 1.1.1995 | Italy | 1.1.1958 |
| Belgium | 1.1.1958 | Latvia | 1.5.2004 |
| Bulgaria | 1.1.2007 | Lithuania | 1.5.2004 |
| Croatia | 1.7.2013 | Luxembourg | 1.1.1958 |
| Cyprus | 1.5.2004 | Malta | 1.5.2004 |
| Czech Republic | 1.5.2004 | Netherlands | 1.1.1958 |
| Denmark | 1.1.1973 | Poland | 1.5.2004 |
| Estonia | 1.5.2004 | Portugal | 1.1.1986 |
| Finland | 1.1.1995 | Romania | 1.1.2007 |
| France | 1.1.1958 | Slovakia | 1.5.2004 |
| Germany | 1.1.1958 | Slovenia | 1.5.2004 |
| Greece | 1.1.1981 | Spain | 1.1.1986 |
| Hungary | 1.5.2004 | Sweden | 1.1.1995 |
| Irish Republic | 1.1.1973 | United Kingdom | 1.1.1973 |

(ii) Categories of EEA and Swiss Nationals who may have the right to reside permanently in the UK

Workers - this includes:

- Job seekers
- Those between jobs (for example, women who have ceased employment on becoming pregnant but who intend to resume employment at some point after the birth)
- Those undergoing training in their own or another field
- Sick, injured and retired workers

Self-employed/Business persons

Students

Self-sufficient persons

Retired persons

Incapacity - (i.e. people who are incapacitated permanently incapacitated and thus unable to pursue employment)

Applicants who have been outside the UK for 6 months or more in any one of the 5 years residence period will be seen to have 'broken' their residence. However, this does not apply in the following circumstances:

1. Period of absence from the UK due to military service
2. Any one absence from the UK not exceeding 12 months for an important reason such as pregnancy and childbirth, serious illness, study or vocational training or an overseas posting.

Permanent residence status will be lost if an applicant is out of the UK for a continuous period of 2 years or more (as is the case with ILR).

(iii) A8 national workers

On 1 May 2004 the Accession Treaty gave nationals from the following States the right to travel freely across the European Union:

| | | | |
|----------------|---------|----------|----------|
| Czech Republic | Estonia | Hungary | Latvia |
| Lithuania | Poland | Slovakia | Slovenia |

However, the nationals of these eight member states (A8 nationals) are required to have been registered under the Worker Registration Scheme (WRS) for 12 months if exercising Treaty rights in the UK as a worker.

Only when an A8 national has completed the necessary 12 months employment under the WRS will they be considered to be in the UK and exercising their treaty rights. However, time spent as a registered worker on the Workers Registration Scheme will count towards the five year qualifying period for permanent residence.

A8 nationals who are here in another capacity, e.g. Students self-sufficient self-employed, have a right of residence here without registering under the Scheme.

If you are from one of these countries that joined the EC on 1 January 2007 you will not have acquired permanent residence in the UK on the basis of 5 years' exercise of EEA free movement or establishment rights until 1 January 2012 at the earliest. You should also bear in mind that, if you are not married to or the civil partner of a British citizen, you will need to have been free of immigration restrictions for a further 12 months after acquiring permanent residence.

7. SOUND MIND

The Home Secretary has discretion to waive the requirement to be of sound mind if he thinks that would be the right thing to do in any particular case. If you are completing this form on behalf of someone who is not of sound mind and for whom you are responsible you should complete the form as fully as possible, highlighting those areas which cannot be completed and explaining on page 15 why it would be in the applicant's best interests for naturalisation to be granted despite their inability to understand fully what is involved. The form should be supported by confirmation of the applicant's mental condition and of the fact that they are in your care. This should include documentation proving the care arrangements.

8. KNOWLEDGE OF LANGUAGE AND LIFE IN THE UK

Applying to become a citizen of the UK is an important decision and commitment. You will be agreeing to accept the responsibilities which go with citizenship and to respect the laws, values and traditions of the UK. It is important that you are able to communicate with the wider community and are equipped to play a part in community life. Being able to speak English is a very important part of this and learning about Life in the UK will help you understand what it means to be a British citizen.

You can satisfy the knowledge of language and life in the UK requirement if you:

1. have passed the Life in the UK test; **AND EITHER**
2. a. have a speaking and listening qualification in English at B1 CEFR or higher, or an equivalent level qualification; **OR**
 - b. have obtained an academic qualification deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom and (i) UK NARIC has confirmed that the qualification was taught or researched in English or (ii) the qualification was taught or researched in the UK or a majority English speaking country other than Canada; **OR**
 - c. are a national of a majority English speaking country.

Notes

CEFR - The Common European Framework of Reference for Languages: Learning, Teaching, Assessment.

UK NARIC is the UK's National Agency responsible for providing information and opinions on academic qualifications from across the world.

THE LIFE IN THE UK TEST

Before attempting the test you should read the publication *Life in the United Kingdom: A Journey to Citizenship* published on behalf of the Life in the United Kingdom Advisory Group by TSO (The Stationery Office) ISBN-978-0-11-341313-3, and available at £9.99, from Online www.tso.co.uk/bookshop or by contacting:

TSO PO Box 29, Norwich NR3 1GN

Telephone orders/General Enquiries 0870 600 5522.

Fax orders 0870 600 5533.

E-mail: book.orders@tso.co.uk

Textphone 0870 240 3701

or from TSO shops or accredited agents (see yellow pages) or from all good booksellers.

There are a number of unofficial study guides available however, you should only need to read the official handbook "Life in the United Kingdom: A journey to Citizenship" in order to pass the Life in the UK test.

Once you feel confident that you have sufficient knowledge from the handbook, you may apply to take a test at a Life in the UK Test Centre. Further information that will help you to prepare yourself for the Life in the UK Test is available on the test website, www.lifeintheuktest.gov.uk.

The Life in the UK Test website will give you all the help you need, including mouse and keyboard training to build your IT skills. To find your nearest test centre visit the website and click onto the link “Test Centres”. You must book a test in advance. There is considerable demand and you are advised to book early. Prior to taking the test you will be asked to confirm your identity by producing one of the following:

- your passport; or
- Home Office Travel Document; or
- Home Office entitlement card; or
- Home Office ARC letter; or
- Photo driving licence

Once you are registered at the test centre you can take the Life in the UK test. The fee for taking the test is given on the life in the UK test website and is payable directly to the Test Centre. Please note that fees are subject to review; you should check current fees with the Test Centre.

The test will be taken on a computer. You will be given an opportunity to practice using the equipment and have an option to complete a short trial test before beginning the Life in the UK test. The test will last for up to 45 minutes and comprise 24 questions based on the handbook Life in the United Kingdom: A Journey to Citizenship.

Support will be available at test centres for people with limited reading and writing ability or who lack basic IT skills.

Please note that staff at test centres will report any attempts at cheating or pressure to provide false results applied to them through bribery, physical threats or emotional blackmail. This may result in your prosecution. Any naturalisation application based on false results will fail.

If you pass the test you will be given a letter that verifies your success. This should be attached to your application for naturalisation. The test results will also be sent to the Home Office electronically. Before you take the test you should make sure you meet all the other requirements for naturalisation. Whilst the Home Office will retain the information it gets from test centres for a reasonable period, you should submit your application as soon as possible after taking the test. If you are not successful you may book and take a further test. There is no limit on the number of times you may take the test, but remember that you must pay an additional fee each time you take it. Since the questions set are drawn randomly from a large bank of questions any further test will be different from the earlier one that you took.

ACCEPTABLE QUALIFICATIONS

We will accept a range of English language qualifications as evidence that you have met the requirement to hold a B1 level speaking and listening qualification.

We will accept the following qualifications:

- 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).
- Qualifications or tests specified in the following table which is at a level equivalent to level B1 CEFR or above.

English courses are available at many Further Education, Adult and Community Colleges across the UK. You should be able to obtain addresses from your local telephone directory, or by contacting your local library or Town Hall. You may apply for an ESOL course at any time but you will have to pay if you are not eligible for free tuition.

It is not necessary to study for your qualification at an accredited college however, you may prefer to study at an institution which is a member of an accreditation scheme.

RECOGNISED ENGLISH TESTS AND QUALIFICATIONS AT A LEVEL EQUIVALENT TO LEVEL B1 CEFR OR ABOVE

| Awarding body | Specified English language test or qualification |
|--|--|
| Cambridge English (previously known as Cambridge ESOL) | <p>Business Language Testing Service (BULATS) Online Test (Certificated version)</p> <p>Cambridge English: Key (also known as Key English Test)</p> <p>Cambridge English: Preliminary (also known as Preliminary English Test)</p> <p>Cambridge English: First (also known as First Certificate in English)</p> <p>Cambridge English: Advanced (also known as Certificate in Advanced English)</p> <p>Cambridge English: Proficiency (also known as Certificate of Proficiency in English)</p> <p>Cambridge English: Business Preliminary (also known as Business English Certificate Preliminary)</p> <p>Cambridge English: Business Vantage (also known as Business English Certificate Vantage)</p> <p>Cambridge English: Business Higher (also known as Business English Certificate Higher)</p> <p>Cambridge English: Legal (also known as International Legal English Certificate)</p> <p>Cambridge English: Financial (also known as International Legal English Certificate)</p> <p>ESOL Skills for Life at Entry level 3, level 1 or level 2</p> <p>IELTS (International English Language Testing System)</p> |
| Cambridge International Examinations | <p>Cambridge IGCSE: English as a First Language</p> <p>Cambridge IGCSE: English as a Second Language</p> |
| City and Guilds | City and Guilds International ESOL (IESOL) Diploma |
| Educational Testing Service | <p>Test of English as a Foreign Language Internet Based Test (TOEFL iBT)</p> <p>Test of English for International Communication (TOEIC)</p> |
| Pearson | Pearson Test of English Academic (PTE Academic) |
| Trinity College London | <p>ESOL Skills for Life at Entry level 3, level 1 or level 2</p> <p>Integrated Skills in English</p> |

THOSE WHO HAVE OBTAINED AN ACADEMIC QUALIFICATION

You will not be required to show a formal speaking and listening qualification if you have obtained an academic qualification deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom and either:

- (i) UK NARIC has confirmed that the qualification was taught or researched in English;
or
- (ii) the qualification was taught or researched in the United Kingdom or a majority English speaking country as listed below (other than Canada).

Please note that you still need to pass the Life in the UK test to demonstrate your knowledge of life in the UK.

If you need to obtain confirmation from UK NARIC that your qualification was taught or researched in English you should contact UK NARIC to request an English Language Assessment (ELA). Details of how to contact UK NARIC can be found at <http://ecctis.co.uk/naric/Contact%20Us.aspx>

NATIONALS OF MAJORITY ENGLISH SPEAKING COUNTRIES

If you are a national of a majority English speaking country you will not be required to show a formal speaking and listening qualification. Nationals of majority English speaking countries are considered automatically to meet the English language component of the Knowledge of language and life in the UK requirement. However, you will still be required to pass the Life in the UK test to demonstrate your knowledge of life in the UK.

Nationals of the following countries are accepted as majority English speakers for naturalisation purposes:

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

IF YOU ARE LIVING IN THE CHANNEL ISLANDS OR THE ISLE OF MAN

You should seek advice from the Immigration Office.

EXEMPTION FROM THE KNOWLEDGE OF LANGUAGE AND LIFE IN THE UK REQUIREMENT

If you are aged 65 or over, or have a long term physical or mental condition that prevents you from meeting the knowledge of language and life in the UK requirement, you may be exempt. You may apply for exemption by ticking the appropriate box on the Form AN.

Please note that physical or mental illness will not automatically exempt you from this requirement. If your illness responds to treatment then we will expect you to prepare yourself to meet this requirement. Only if your condition prevents you permanently from meeting this requirement would we consider an exemption. Temporary illnesses, such as depression or stress, would not normally be grounds for exemption. You will need to provide proper evidence from your doctor. You will not be exempted on grounds of illiteracy. Long residence is not a reason for exemption either. The requirement to demonstrate knowledge of language and of life in the United Kingdom is specified in law and these are not grounds for exemption.

If you were exempted from the knowledge of language and life requirements when you applied for settlement you must now meet the requirement before applying for naturalisation unless you are exempted on grounds of age or physical or mental impairment.

If you have already satisfied the requirement to have sufficient knowledge of language and life in the UK, on or after **28 October 2013**, you do not have to demonstrate it again.

9. GOOD CHARACTER

To be of good character you should have shown respect for the rights and freedoms of the United Kingdom, observed its laws and fulfilled your duties and obligations as a resident of the United Kingdom. Checks will be carried out to ensure that the information you give is correct.

If you are not honest about the information you provide and you are naturalised on the basis of incorrect or fraudulent information you will be liable to have British citizenship taken away (deprivation) and be prosecuted. It is a criminal offence to make a false declaration knowing it is untrue.

Criminal record checks will be carried out in all cases.

If you have a conviction within the relevant sentence based threshold you are unlikely to be naturalised and the fee would not be fully refunded. Similarly if you have been charged with a criminal offence and are awaiting trial or sentencing, you are advised not to make any application for naturalisation until the outcome is known. If you are convicted, you should then consult the table below.

| | Sentence | Impact |
|----|--|---|
| 1. | 4 years' or more imprisonment | Application will normally be refused, regardless of when the conviction occurred. |
| 2. | Between 12 months' and 4 years' imprisonment | Application will normally be refused unless 15 years have passed since the end of the sentence. |
| 3. | Up to 12 months' imprisonment | Applications will normally be refused unless 7 years have passed since the end of the sentence. |
| 4. | A non-custodial offence or other out of court disposal that is recorded on a person's criminal record. | Application will normally be refused if the conviction occurred in the last 3 years. |

Notes:

- a. A person who receives a sentence of life imprisonment is included in the '4 years or more imprisonment' category (i.e. line 1).
- b. A person who receives a custodial sentence of **exactly** 4 years is included in the '4 years or more imprisonment' category (i.e. line 1).
- c. A person who receives a custodial sentence of **exactly** 12 months or **exactly** 1 year is included in the 'Between 12 months and 4 years imprisonment' category (i.e. line 2).
- d. The "end of the sentence" means the entire sentence imposed, not just the time the person spent in prison. For example, a person sentenced to 3 years' imprisonment on 1/1/2013 will normally be refused citizenship until 1/1/2031 - the 15 year 'bar' added to the 3 year sentence.
- e. A "non-custodial offence or other out of court disposal that is recorded on a person's criminal record" (i.e. line 4) includes Fines, Cautions, Warnings and Reprimands, Community Sentences, Civil Orders, Hospital Orders & Restriction Orders and Potential Court Orders.
- f. A person who is subject of an extant Deportation Order will be refused citizenship regardless of when they apply.
- g. Some extremely short periods of imprisonment **may not** be included in the 'up to 12 months imprisonment' category (i.e. line 3). This will depend on whether the person was convicted & sentenced or simply committed to prison. The latter is not a sentence and the vast majority of those detained for one day - for example, under s135 of the Magistrates' Courts Act 1980 - will have been committed by the court and not

sentenced. The decision maker will instead treat this as a “non-custodial offence or other out of court disposal that is recorded on a person’s criminal record” (i.e. line 4).

- h. A **suspended prison sentence** will be treated as a “non-custodial offence or other out of court disposal that is recorded on a person’s criminal record” (i.e. line 4).

The exception is where that sentence is subsequently ‘activated’. This means that the person re-offended or failed to adhere to/breached the conditions of that sentence. Where this happens, the sentence length will be the one originally imposed.

Example 1: a person is sentenced to 6 months’ imprisonment, suspended for two years. If they ‘activate’ this, the sentence should be 6 months and fall into the ‘up to 12 months’ imprisonment’ category above (i.e. line 3).

Example 2: a person is sentenced to 12 months’ imprisonment, suspended for two years. If they ‘activate’ this, the sentence should be 12 months and fall into the ‘Between 12 months and 4 years’ imprisonment’ category above (i.e. line 2).

- i. Sentences imposed overseas will normally be treated as if they occurred in the UK.
- j. For **concurrent** sentences, the decision maker will take the longest single sentence imposed. For example, a sentence of 9 months’ imprisonment served concurrently with a sentence of 6 months’ imprisonment will be treated the same as one 9-month sentence.

For **consecutive** sentences, the decision maker will add together the total of all the sentences imposed. For example, a sentence of 9 months’ imprisonment served consecutively with a sentence of 6 months’ imprisonment will be treated the same as one 15-month sentence.

You are also advised to refer to the good character policy guidance which caseworkers use to decide your application. This is available at:

<http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/nationalityinstructions/nichapter18/ch18annexd?view=Binary>

We may disregard a single non-custodial sentence, providing it did not occur in the final 12 months of the applicant’s residential qualifying period, if there are strong countervailing factors which suggest the person is of good character in all other regards and the decision to refuse would be disproportionate. Offences involving dishonesty (e.g. theft), violence or sexual offences or drugs would not be disregarded. Drink-driving offences, driving while uninsured or disqualified or driving whilst using a mobile phone would not be disregarded either.

What if you haven’t been convicted but your character may be in doubt?

You must say if there is any offence for which you may go to court or which is awaiting hearing in court. This includes having been arrested for an offence and waiting to hear if you will be formally charged. If you have been arrested and not told that charges have been dropped, or that you will not have to appear in court, you may wish to confirm the position with the police. For applicants from Scotland any civil penalties must also be declared. You

must tell us if you are arrested or charged with an offence after you make your application and while the application is under consideration. You risk prosecution under section 46 of the British Nationality Act 1981 if you do not do so.

You must say whether you have been involved in anything which might indicate that you are not of good character. You must give information about any of these activities no matter how long ago this was. Checks will be made in all cases and your application may fail and your fee will not be fully refunded if you make an untruthful declaration. If you are in any doubt about whether you have done something or it has been alleged that you have done something which might lead us to think that you are not of good character you should say so.

You must also say here whether you have had any involvement in terrorism. If you do not regard something as an act of terrorism but you know that others do or might, you should mention it. You must also say whether you have been involved in any crimes in the course of armed conflict, including crimes against humanity, war crimes or genocide. If you are in any doubt as to whether something should be mentioned, you should mention it.

The following information provides guidance on actions which may constitute genocide, crimes against humanity and war crimes.

This guidance is not exhaustive. Before you answer these questions you should consider the full definitions of war crimes, crimes against humanity and genocide which can be found in Schedule 8 of the International Criminal Court Act 2001 at the following web-site:

<http://www.hmso.gov.uk/acts/acts2001/20010017.htm> Alternatively, copies can be purchased from The Stationery Office, telephone 0870 600 5522.

It is your responsibility to satisfy yourself that you are familiar with the definitions and can answer the questions accurately.

Genocide

Acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

Crimes against humanity

Acts committed at any time (not just during armed conflict) as part of a widespread or systematic attack, directed against any civilian population with knowledge of the attack. This would include offences such as murder, torture, rape, severe deprivation of liberty in violation of fundamental rules of international law and enforced disappearance of persons.

War Crimes

Grave breaches of the Geneva Conventions committed during an armed conflict. This includes an internal armed conflict and an international armed conflict. The types of acts that may constitute a war crime include wilful killing, torture, extensive destruction of property not justified by military necessity, unlawful deportation, the intentional targeting of civilians and the taking of hostages.

Terrorist Activities

Any act committed, or the threat of action, designed to influence a government or intimidate the public and made for the purpose of advancing a political, religious or ideological cause and that involves serious violence against a person; that may endanger another person's life; creates a serious risk to the health or safety of the public; involves serious damage to property; is designed to seriously disrupt or interfere with an electronic system.

Organisations concerned in terrorism

An organisation is concerned in terrorism if it:

- a. commits or participates in acts of terrorism,
- b. prepares for terrorism,
- c. promotes or encourages terrorism (including the unlawful glorification of terrorism), or
- d. is otherwise concerned in terrorism.

10. CROWN AND DESIGNATED SERVICE

If you are applying for citizenship on the grounds of your Crown service rather than UK residence, you must show that you:

- Are serving overseas in Crown service on the date that your application is received
- Have been the holder of a responsible post overseas
- Have given outstanding service, normally over a substantial period. (There is no fixed period and naturalisation is not granted merely on completion of satisfactory service)
- Have some close connection with the UK

Crown service as far as your application is concerned, means working overseas directly for Her Majesty's Government in the UK (or Northern Ireland, Scotland or Wales). It is only an alternative to the requirements about residence in the UK: you must still satisfy the requirements about character, language skills, knowledge of life in the UK and future intentions.

Designated service means service of any description designated by the Home Secretary as being closely associated with activities abroad by Her Majesty's Government in the United Kingdom. A list of the types of services that have been designated is given Annex A to Chapters 4 of the Nationality guidance on the UK Border Agency website at www.ukba.homeoffice.gov.uk

If you are married to or the civil partner of a British citizen who is in Crown service or a similar service, there is a possible alternative to the 3 year residential qualifying period. To apply on this basis you will need to show that:

- On the day you apply your husband, wife or civil partner is working outside the UK either in Crown or designated service.

- Your husband, wife or civil partner should have been recruited in the UK to that service.
- Your naturalisation on Crown or designated service grounds should be in the interests of your husband's, wife's or civil partner's employing organisation. The organisation should provide a letter to this effect.
- If you are in the UK on the day you apply, you must not be subject to time restrictions on your stay.
- You were not in the UK in breach of the immigration laws during the period of 3 years immediately before applying.
- Your marriage/civil partnership should have lasted 3 years or more

Marriage or civil partnership to a British citizen in Crown or designated service is only an alternative to certain of the requirements about residence in the UK. You must still satisfy the requirements about character, language skills and knowledge of life in the UK and, if you have been in the UK, you must comply with the above requirements about lawful residence and freedom from immigration time restrictions.