



Home Office

## Guide AN

# Naturalisation Booklet – The Requirements

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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 discretion to naturalise you only if you satisfy a number of statutory requirements. They may disregard the extent to which you are unable to fully satisfy certain requirements but cannot do this in all cases. The way that discretion is exercised, is described throughout this booklet. This is further described in the nationality staff instructions which may be accessed on our [website](#).

Becoming a British citizen is a significant life event. Apart from allowing you to apply for a British citizen passport, British citizenship gives you the opportunity to participate more fully in the life of your local community.

Before continuing with your application, you must understand that under the nationality laws of some countries a person will automatically lose their nationality if they become a citizen of another country. If you have any questions about this, you must ask the authorities of the country of which you are a citizen through their embassy or high commission before making your application. If the country of which you are currently a citizen continues to recognise you as one of its citizens, you may continue to be subject to the duties of citizens of that country when you are in its territory. This may include obligations to undergo military service.

You should also note that if you are currently regarded as a refugee in the United Kingdom, you will lose that status if you naturalise as a British citizen.

The Windrush Scheme is for people who arrived in the UK many years ago and do not have documentation confirming their immigration status. If you are eligible under the Windrush Scheme you should not use form AN. You should instead use the form available from GOV.UK, see [www.gov.uk/government/publications/undocumentedcommonwealthcitizensresident-in-the-uk](http://www.gov.uk/government/publications/undocumentedcommonwealthcitizensresident-in-the-uk). There is no charge for applications made under the Windrush Scheme.

The law covering naturalisation is contained in the British Nationality Act 1981 and the regulations made under it. This guide is intended to help you to apply. It is not a complete statement of the law or policy. Other information about citizenship and immigration is available on our [website](#).

## OISC and Immigration Advice

You may, if you wish, use the services of an agent such as a solicitor or other competent adviser to help you with your application.

Immigration or nationality advisers acting in the course of business (whether paid or unpaid) are regulated by the Office of the Immigration Services Commissioner (OISC), an independent body. The provision of such advice is prohibited unless a person works for an organisation registered with, or exempted by, the OISC or is authorised to practise (like solicitors and barristers) by a designated professional body. Certain categories (for example public health bodies) are exempted from the regulatory scheme by Ministerial Order. It is a criminal offence to provide advice or services in contravention of the regulatory scheme. Further information about the regulatory scheme and a full list of OISC regulated advisers is available on its website at [www.oisc.gov.uk](http://www.oisc.gov.uk)

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# 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 or civil partnership with a British citizen.

## **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:

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

## The residence requirements:

- 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 05/05/2019, you should have been physically present in the UK on 05/05/2016.
- 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.
- You must not have had more than 270 days outside the UK in the 3-year period before making the application (but see the section on [Absences](#)).
- You must not have had more than 90 days outside the UK in the 12-month period before making the application, (but see the section on [Absences](#)).
- You must be free of immigration time restrictions on the date of application (see the section on [Immigration Time Restrictions](#)).
- 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 excess absences and immigration breaches 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, see the section on [Crown and Designated Service](#) for alternative ways that you might qualify.

## 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:

- Are aged 18 or over when you apply
- Are of sound mind, so that you understand the step you are taking (but see page 11 for those who are not of sound mind)

- 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
- Can communicate in English (or Welsh or Scottish Gaelic) to an acceptable degree
- Have sufficient knowledge about life in the UK
- Are of good character
- Have lived in the UK for a minimum of 5 years before you apply and meet the following residence requirements.

### The residence requirements:

- 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 05/01/2018 you should have been physically present in the UK on 05/01/2013.
- 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.
- If you are a current or former member of the UK armed forces, you may not have to meet this requirement, if you were serving outside of the UK on the date 5 years before applying.
- You must not have had more than 450 days outside the UK in the 5-year period before making the application (but see the section on [Absences](#)).
- You must not have had more than 90 days outside the UK in the 12-month period before making the application (but see the section on [Absences](#)).
- You must be free of immigration time restrictions on the date of application, and have been free of immigration time restrictions for the 12-month period before making the application (see the section on [Immigration Time Restrictions](#)).
- 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 excess absences, immigration breaches, and immigration time restrictions in the last 12 months (as long as you are free of immigration time restrictions on the date of application) 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, see the section on [Crown and Designated Service](#) for alternative ways that you might qualify.

## 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 UK, you will need to have been resident in the UK 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.

## Breach of immigration law

To meet the residence requirements, you should not have been in breach of immigration law during the residential qualifying period. You should have been here legally. This means 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 (for example if 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. Any immigration offences will also be considered as part of the good character requirement. This includes immigration breaches in the 10-year period before you apply for naturalisation – see the section on good character.

## 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 5year qualifying period.

Usually there is a stamp or sticker in your passport, or you have a biometric residence permit, 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 or if you have been granted indefinite leave to remain under the EU Settlement Scheme (see [EEA and Swiss nationals](#)).

A person who is outside the UK is, by definition, not subject to any restriction under the immigration laws on his or her maximum length of stay in the UK. However, the Home Secretary will normally refuse an application made outside the UK 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 UK, your application is unlikely to succeed.

## 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:

Absences from the UK during your residential qualifying period will be considered in the following way:

	<b>6(1) application 5-year qualifying period</b>	<b>6(2) application 3-year qualifying period (applicants married to, in a civil partnership with, a British citizen)</b>
Normal permitted absences in QP	450 days	270 days
Total number of absences normally disregarded	480 days	300 days
Absences normally disregarded only if: <ul style="list-style-type: none"> <li>• you meet all other requirements</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>• you have established your home, family and a substantial part of your estate here.</li> </ul>	<p>900 days</p> <p>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.</p> <p>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 given below.</p>	<p>540 days</p> <p>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.</p> <p>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 given below.</p>

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 the section on Crown and designated service. 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)
- 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
- 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 section 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.

Absences from the UK during the last 12 months of your qualifying period will be considered in the following way:

	<b>6(1) and 6(2) applications</b>
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 <ul style="list-style-type: none"> <li>• you have demonstrated links with the UK through presence of family, and established home and a substantial part of your estate.</li> </ul>	101 – 179 days
Total number of absences that may be disregarded if you do not meet all the other requirements providing the following criteria are met: <ul style="list-style-type: none"> <li>• you have demonstrated links with the UK through presence of family, and established home and a substantial part of your estate</li> <li>and</li> <li>• the absence is justified by Crown service or by compelling occupational or compassionate reasons taking account of the criteria listed on page 8</li> </ul>	101 – 179 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](#).

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# European Economic Area nationals and Swiss nationals

This section covers you if the country of which you are a national is part of the European Economic Area or Switzerland. It tells you how you can show that you are free of immigration time restrictions by either:

- having a permanent residence document
- having been granted indefinite leave to remain in the UK, **including under the EU Settlement Scheme** (referred to as “settled status”)

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. You should apply for a permanent residence card to prove that you hold that status before applying for citizenship, unless you have been granted ILR under the Immigration Rules.

But remember that, unless you are 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 UK for 6 years before you can apply.

## Permanent residence

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. If you want to make your application on the basis that you have permanent residence you should apply for a **permanent residence card** to prove that you hold that status before applying for citizenship.

A permanent residence card must show that you have permanent residence – it is not the same as a “registration certificate” or “residence card” which you may have applied for when you first told us you were living here. Your status will be printed on

a vignette (sticker), next to your photograph, and will show the type of document which has been issued to you. It will say 'Document Certifying Permanent Residence' if you are a national of a country which is a member state of the EEA or Switzerland and will be placed on page 4 of the card. It will say 'Permanent Residence Document' if you are the family member of such a person and will be in the passport you supplied with your application.

If you apply for a permanent residence document the date on the card will be the date that it is issued. But you will have become free of immigration conditions once you have been in the UK for 5 years exercising EEA free movement rights and acquired permanent residence. **We will use the date that you acquired permanent residence to consider your naturalisation application** and not the date on which any document was issued.

When you apply for a permanent residence document the evidence that you supply for your EEA(PR) application must be for a 5-year period that ended at least a year before you want to apply for citizenship. (This is not the case if you are married to or the civil partner of a British citizen).

For example: If you apply for Permanent Residence on 1 January 2019 and want to apply for citizenship once that application is decided, you should provide evidence that shows you were exercising Treaty rights as a qualified person or family member from 1 January 2013 to 1 January 2018. For information about permanent residence and whether you qualify see our website.

## Indefinite leave to remain under the immigration rules

You will be free of immigration time restrictions if you have been granted indefinite leave to remain under the immigration rules. This includes if you were granted indefinite leave to remain under the EU Settlement Scheme (referred to as "settled status"). If you have been granted indefinite leave to remain in the UK, including under the EU Settlement Scheme, and use that to support your application **we will use the date you were granted ILR as the date that you became free of immigration time restrictions**. If you acquired permanent residence before being granted indefinite leave to remain under the Settlement Scheme and want to rely on the date that you acquired permanent residence for your citizenship application, you will need to have a permanent residence document.

For information about indefinite leave to remain under the immigration rules, including under the EU Settlement Scheme, and whether you qualify see our website.

It will be for you to decide whether to use permanent residence or indefinite leave to remain to support an application for naturalisation, and based upon your circumstances. You should ensure you are aware of how to qualify for your choice and the implications of doing so in terms of how long you may have to wait before you can apply to naturalise.

For information about permanent residence and whether you qualify see our [website](#).

## Irish nationals

The position of Irish citizens is different to that of other EEA nationals. Irish citizens are not normally subject to any form of immigration control on arrival in the UK because Ireland is part of the Common Travel Area. If you are an Irish national, you will be free of immigration time restrictions for naturalisation purposes. You do not need to apply for a permanent residence document before you apply for naturalisation.

## Sound mind

The Home Secretary has discretion to waive the requirement to be of sound mind if they think that would be the right thing to do in any particular case. If you are applying on behalf of someone who is not of sound mind and for whom you are responsible, you must complete the form as fully as possible, highlighting those areas which cannot be completed and explaining 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 application must be supported by confirmation of the applicant's mental condition and of the fact that they are in your care. This must include documentation proving the care arrangements.

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# 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:

- Have passed the Life in the UK test

and either:

- Have a speaking and listening qualification in English at B1 CEFR or higher, that is on the Home Office's list of recognised tests and was taken at an approved test centre

or

- Have a degree taken in the UK

or

- Have a degree certificate that was taught or researched in a majority English speaking country and:
  - an Academic Qualification Level Statement (AQUALS) from UK NARIC confirming the qualification is equivalent to a UK qualification
- Have a degree certificate that was taught or researched in a nonmajority English speaking country and:
  - an Academic Qualification Level Statement (AQUALS) from UK NARIC confirming the qualification is equivalent to a UK qualification

and

- an English Language Proficiency Statement (ELPS) from UK NARIC showing that your degree was taught in English.

or

- 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 UK: A Guide for New Residents” published on behalf of the Life in the UK Advisory Group by TSO (The Stationery Office) ISBN-978-0-11-341313-3, and available to order from [www.tso.co.uk/bookshop](http://www.tso.co.uk/bookshop) or by contacting:

[www.tsoshop.co.uk](http://www.tsoshop.co.uk) 

Tel: +44 (0)333 202 5070

Email: [customer.services@tso.co.uk](mailto:customer.services@tso.co.uk)

It is also available from TSO shops or TSO accredited agents or from other booksellers. There are a number of unofficial study guides available however, you should only need to read the official handbook “Life in the UK: A Guide for New Residents” 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](http://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 biometric residence permit
- Your passport
- Home Office Travel Document

- Home Office entitlement card
- Home Office ARC letter
- Photo driving licence

If you have a biometric residence permit, you must use it as evidence of identity to take the test.

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 practise 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 UK: 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.

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 only accept an English language qualification that is on the Home Office’s list of approved tests as evidence that you have met the requirement to hold a B1 level English qualification. This must be taken at a Home Office approved test centre.

The list of recognised tests can be found on the gov.uk website:

<https://www.gov.uk/government/publications/guidance-on-applying-for-uk-visaapproved-english-language-tests>.

If you met the requirement to have sufficient knowledge of language and life in the UK when you applied for settlement by having a B1 level test you do not have to demonstrate it again. (People who applied for settlement on or after 28 October 2013 needed to have had a B1 level qualification.)

## **Those who have obtained an academic qualification**

You will not be required to show a formal speaking and listening qualification if you have an academic qualification which is equivalent to a UK Bachelor's or Master's degree or PHD, which was taught in English. If you have a UK degree you must provide your degree certificate.

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

## **Majority English-speaking countries**

If you have a degree that was taught or researched in a majority English-speaking country (excluding Canada), you must provide:

- your degree certificate
- an Academic Qualification Level Statement (AQUALS) from UK NARIC confirming the qualification is equivalent to a UK qualification

## **Non-majority English-speaking countries**

If you have a degree that was taught or researched in a non-majority English-speaking country, you must provide:

- your degree certificate
- an Academic Qualification Level Statement (AQUAL) from UK NARIC confirming the qualification is equivalent to a UK qualification
- an English language Proficiency Statement (ELPS) from UK NARIC, which will confirm that the degree was taught in English

## **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. 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	Ireland
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
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 indicating this on your application.

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 evidence from your doctor or medical professional. If you are requesting an exemption from either or both parts of this requirement you must also complete the [Waiver request form published on Gov.uk](#). This form must be completed by a registered medical practitioner who has met with you as part of their assessment. 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 UK 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 by obtaining a B1 level qualification and life in the UK for settlement, by applying on or after 28 October 2013, you do not have to demonstrate it again.

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# Good character

To be of good character you should have shown respect for the rights and freedoms of the UK, observe its laws and fulfilled your duties and obligations as a resident of the UK. 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 registered on the basis of incorrect or fraudulent information you will be liable to have British citizenship taken away (deprivation) and you may be prosecuted. It is a criminal offence to make a false declaration knowing that it is untrue.

Among the duties and obligations which you are expected to fulfil is payment of income tax and National Insurance contributions. We may ask H.M. Revenue & Customs for confirmation that your tax and National Insurance affairs are in order.

If you do not pay income tax through PAYE you must demonstrate that you have discharged your obligations towards the H.M. Revenue & Customs, by attaching a Self Assessment Statement of Account.

# Criminality

You must give details of all criminal convictions both within and outside the UK. These include road traffic offences.

Fixed penalty notices (such as speeding or parking tickets) must be disclosed, although will not normally be taken into account unless:

- you have failed to pay and there were criminal proceedings as a result
- you received 3 or more fixed penalty notices at any level
- in the past 3 years you received 2 or more fixed penalty notices, at least one of which was at the upper levels (fine of £200 or more).

We will consider the applications against the factors listed in the [Good Character guidance](#)

Where a fixed penalty notice or fiscal fine has been referred to a court due to non-payment, or the notice has been unsuccessfully challenged by the person in court, we will consider it as a conviction and assess it in line with the new sentence imposed.

Drink driving offences must be declared. If you have any endorsements on your driving licence you must provide the paper counterpart.

A driving conviction may not be disregarded despite any penalty points being removed from your driving licence.

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 registered as a British citizen. 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 registration until the outcome is known. If you are convicted, you should then consult the table below.

<b>Sentence</b>	<b>Impact on Nationality</b>
4 Years or more imprisonment	Application will normally be refused, regardless of when the conviction occurred.
Between 12 months and 4 years imprisonment	Application will normally be refused unless 15 years have passed since the end of the sentence.
Up to 12 months imprisonment	Application will normally be refused unless 10 years have passed since the end of the sentence.
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 person who receives a sentence of life imprisonment is included in the '4 years or more imprisonment' category.
- A person who receives a custodial sentence of exactly 4 years is included in the '4 years or more imprisonment' category.
- 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.
- 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.
- A "non-custodial offence or other out of court disposal that is recorded on a person's criminal record" includes Fines, Cautions, Warnings and Reprimands,

## Community Sentences, Civil Orders, Hospital Orders & Restriction Orders and Potential Court Orders.

- A person who is subject of an extant Deportation Order will be refused citizenship regardless of when they apply.
- Some extremely short periods of imprisonment may not be included in the 'up to 12 months imprisonment' category. 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– 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”.
- 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”.
- 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.

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.

- Sentences imposed overseas will normally be treated as if they occurred in the UK.
- 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 of 6 months’ imprisonment will be treated the same as one 15month sentence.

You are also advised to refer to the good character policy guidance which caseworkers use to decide your application. This is available on the [website](#).

You must give details of all civil judgments which have resulted in a court order being made against you as well as any civil penalties under the UK Immigration Acts. If you have been declared bankrupt at any time you should give details of the bankruptcy proceedings. (Your application is unlikely to succeed if you are an undischarged bankrupt).

You do not need to give details of family law proceedings such as divorce decrees, dissolved civil partnerships, guardianship orders, parental responsibility orders.

You must give details of any cautions (simple or conditional), warnings or reprimands you have received in the UK or any other country. Cautions, warnings and reprimands are out of court disposals that are recorded on a person's criminal record and are taken in to account when assessing a person's character.

You must say if your details have been recorded by the police as a result of certain sexual offences, or if you are subject to one of the following orders: notification order, sexual offences prevention order, foreign travel order, risk of sexual harm order (or equivalent order made in a British overseas territory or any other country). If your details are recorded on the "sex offenders" register, even if any conviction is spent, the Home Secretary is unlikely to be satisfied that you meet the good character requirement and so an application for citizenship is unlikely to be successful.

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 recent 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 also say 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.

You should refer to the definitions in this Guide 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](#).

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:

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

## Deception

If you have practised deception in your dealings with the Home Office or other Government Departments (such as by providing false information or fraudulent

documents) this will be taken in to account in considering whether you meet the good character requirement.

Your application will be refused if you have attempted to deceive the Home Office within the last 10 years.

## Immigration Related Issues

Your application may also be refused if you have evaded immigration control in the last 10 years or helped someone else to evade immigration control or employed illegal workers, at any time. Full details of our policy can be seen on the [website](#).

## 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. 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.

## Deprivation of citizenship

You may be deprived of British citizenship if it is found to have been obtained by fraud, false representation or the concealment of any material fact. The Home Secretary may also deprive you of British citizenship if, in his opinion, it would be in the public interest for him to do so and you would not thereby be made stateless.

Ministers suggested during the passage of the Immigration, Asylum and Nationality Act 2006 that deprivation may be appropriate where the person-

- has encouraged or assisted others to commit acts of terrorism;
- has committed war crimes, public order offences or other serious crime; or

- has carried out acts seriously prejudicial to vital national interests, including espionage and acts of terrorism directed at the United Kingdom or an allied power.

A certificate of registration will, as a matter of law, be ineffective from the outset if it is obtained by means of impersonation.

## 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 UK. A list of the types of services that have been designated is given Annex A to Chapter 4 of the Nationality guidance on the [GOV.UK website](#).

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/wife 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.

## Biometric enrolment

As part of your application, all applicants are required to enrol their biometric details for the purpose of identity verification.

Children under 18 applying for registration as a British citizen must also enrol their biometric details. Children under the age of 6 do not need to provide fingerprints, but must have a digital photograph taken of their face.

Up to the age of 6 the Home Office only requires a digitised image of the child's face, although the regulation does not prevent fingerprints being recorded from children aged less than 6 years. There is no upper age limit for biometric information to be taken.

Children under the age of 16 must be accompanied by a parent or legal guardian at their biometric enrolment appointment.

Where you give your biometric information depends on how you're making your visa or immigration application. You'll be told where to go after you've applied.

Your application may be rejected as invalid if you do not enrol your biometrics when requested. For more information about enrolling biometrics and the current fee, please visit the following section of our website:

<http://www.gov.uk/biometricresidence-permits>.

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## Documents

This section tells you the sort of documents you will need to provide for us to consider your application. We cannot consider your application unless we have supporting documents. If you do not submit your application with supporting documents and the correct fee, then the application will be returned to you

unprocessed. You should indicate in the space provided what documents you have supplied and why.

## Evidence of identity

If you were issued with a Biometric Residence Permit, you must provide/use it in support of your application, alongside:

- Your passport\* or
- National identity\* card or
- Home Office travel document\* or
- Home Office entitlement card\* or
- Home Office ARC letter\* or
- Your birth certificate or
- Your photo driving licence\* or
- A bank, building society or credit card statement issued to you within the last 6 months

\* if you used one of these documents when you took the Knowledge of Life in the UK test you will be expected to use it again by enclosing it with your naturalisation application.

## Evidence of knowledge of language and of life in the UK

We will only accept English language qualifications from the Home Office approved list of acceptable qualifications.

You will need to provide both:

- a letter confirming success in the Life in the UK Test, stamped and signed by the Test Supervisor,

and either

- a Home Office approved qualification in English at B1 CEFR or higher, from the Secure English Language Test list. You must ensure that you state the test number in your application,
- a UK degree certificate,
- a degree certificate that was taught or researched in a majority English speaking country and:
  - an Academic Qualification Level Statement (AQUALS) from UK NARIC confirming the qualification is equivalent to a UK qualification

- A degree certificate that was taught or researched in a non-majority English speaking country and:
  - an Academic Qualification Level Statement (AQUALS) from UK NARIC confirming the qualification is equivalent to a UK qualification
  - an English Language Proficiency Statement (ELPS) from UK NARIC showing that your degree was taught in English.
- Your passport showing that you are a national of a majority English speaking country

If you have a B1 level qualification that was accepted for the purposes of a settlement application, then you do not need to pass another English language test for your citizenship application.

If you seek exemption from this requirement on the grounds of age or poor physical and/or mental health you must indicate on the application. If you wish to apply for exemption on grounds of poor physical or mental health you must provide evidence from your doctor or medical professional. This must include confirmation that this is not a temporary condition. There is a form for your doctor or medical professional to complete. This is available to download from the Gov.UK [website](#).

Further guidance can be found in the Nationality case working instructions available on our [website](#).

## Applications made on the basis of residence in the United Kingdom

Evidence of lawful residence during the 5 years (or, if the applicant is married to or in civil partnership to a British citizen, 3 years) before the date of the application.

- Your passports
- If you are unable to provide your passport explain why and supply letters from employers (including start and finish dates), payslips, P60s, educational establishments or other government departments indicating the applicant's presence in the United Kingdom during the relevant period

If your passport is not stamped when you come into the United Kingdom, for example because you have a right of abode in the United Kingdom or you are a national of the "Turkish Republic of Northern Cyprus" or Taiwan, you must provide your passport and also provide alternative evidence of residence as above. If you are an EEA national, you must additionally provide the information listed below.

## Evidence of freedom from immigration time restrictions

- Your passport showing permission to remain permanently in the UK
- The Home Office letter by which you were given permission to remain permanently in the UK
- If you came to the UK as an asylum seeker you should have evidence that you were not in the UK without permission between exhausting your appeal rights and being granted indefinite leave to remain.
- Evidence of being freely landed, if you did not receive specific permission because you were freely landed as a Commonwealth citizen before 1971 or arrived as a child on your parent's passport.

## Evidence of UK armed forces service

If you were in the UK armed forces and want us to overlook some of the residence requirements on that basis, you must provide confirmation from your employer of your dates of service.

## For applicants from Switzerland or the European Economic Area

### Evidence of Nationality

- Your valid passport or valid EEA national identity card as evidence of your nationality.

### Evidence that you are considered permanently resident in the UK

- A document certifying permanent residence or a permanent residence card issued by the Home Office.

Further information on how to apply for a document certifying permanent residence or a permanent residence card, along with the current fee for such documents can be found on our [website](#).

### Irish nationals

The position of Irish citizens is different to that of other EEA nationals. Irish citizens are not normally subject to any form of immigration control on arrival in the United Kingdom, because Ireland is part of the Common Travel Area. If you are an Irish national, you will be free of immigration time restrictions for naturalisation purposes.

You do not need to apply for a permanent residence document before you apply for naturalisation.

## **Applications made on the basis of marriage or civil partnership to a British citizen**

### **Evidence of British citizenship**

- Your spouse's or civil partner's current passport or naturalisation/registration certificate showing that he/she is a British citizen. You should provide a complete and full copy of your spouse's or civil partner's current passport. Every page in the passport must be copied including the blank pages, and
- The marriage certificate or civil partnership certificate.

### **Self-employed applicants**

If you do not pay tax through Pay As You Earn (PAYE) arrangements, we require the most recent HM Revenue & Customs Self-Assessment Statement of Account.

## **Applications made on the basis of crown service or on the basis of marriage/civil partnership to a British citizen in crown or designated service**

A letter from the relevant employer confirming date and place of recruitment, position held, and the extent to which it would be in the employer's interests for the application to be granted

## **Citizenship Ceremonies**

If your application is successful and you are living in the UK, you will be invited to attend a citizenship ceremony if you are over 18. You will receive an invitation from the Home Office and this will confirm the local authority you should contact to arrange your ceremony. We expect you to arrange to attend a ceremony within 3 months of receiving your invitation otherwise it will expire and you will have to re-apply for registration and pay a further processing fee.

If you are outside the UK, arrangements will be made for you to make the oath/affirmation and pledge at the British Embassy, High Commission, Consulate, Governor's Office or Lieutenant Governor's Office.

If you are over the age of 18 when your application is decided, you will need to attend a citizenship ceremony. At the ceremony, you will be asked to affirm or swear an oath of allegiance to Her Majesty the Queen and to pledge your loyalty to the UK. Following this you will be presented with your certificate of registration as a British citizen.

You must make immediate contact with the local authority once you have been informed that your application is successful, as you only have 90 days in which to attend the ceremony. The date by which you must attend your ceremony will be given in your Home Office citizenship ceremony invitation. If you do not attend the ceremony within 90 days without good reason, your application for citizenship will be refused and you will need to re-apply.

Making the Oath (or Affirmation) and Pledge at a citizenship ceremony is a legal requirement for adults, and the point at which you will become a British citizen. You are therefore expected to attend a ceremony. If you have special needs or concerns about saying the Oath (or Affirmation) and Pledge in English, you should bring these to the attention of the local authority once you have received your invitation.

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