

# Country Report: United Kingdom

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*The INTEC project:*

*Integration and Naturalisation tests: the new way to  
European Citizenship*

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## **Integration Rules in Immigration and Nationality Law: The Case of the United Kingdom**

### **Introduction**

This report is concerned with integration rules in immigration and nationality law. Based on the content of the policy measures discussed below, the working definition of an 'integration rule' used here is those which aim to reflect either a foreign national's *capacity* for social and economic interaction with persons whose ethnic or national origins are different to theirs, or their *actual interaction* with them. In common with many other established countries of immigration in Europe, the United Kingdom has introduced a number of such integration rules into its immigration and nationality law in recent years. The first of these developments concerned the requirements for naturalisation as a British citizen: in 2004, the requirement to demonstrate knowledge of an official language was strengthened and extended to spouses, and in 2005 a new requirement to show knowledge of life in the UK was introduced. In 2007, the same two requirements were extended to those applying for indefinite leave (a form of permanent residence status). In a parallel set of developments, since 2004, English language requirements have been introduced or proposed for the main admission categories which can lead to indefinite leave: highly skilled and skilled economic migrants, and the partners (that is, spouses, civil partners and cohabiting partners of two years' standing) of British citizens and other persons settled in the UK.

Part A of this report outlines the recent changes to the British immigration and nationality law which have concerned integration rules. Within Part A, section 1 gives a summary of the policy background to the emergence of integration requirements, and sections 2, 3 and 4 set out the requirements concerning admission, indefinite leave and naturalisation, respectively. Part B then reviews the effects of the requirements to show knowledge of English and of life in the United Kingdom in order to obtain indefinite leave or naturalisation. Within Part B, section 5 explains the development of policy on these requirements, section 6 sets out the available statistical evidence concerning their operation, and section 7 summarises a series of interviews with candidates who have taken the 'life in the UK' test and with staff of advice organisations who come into contact with them.

**PART A: THE EMERGENCE OF INTEGRATION RULES****1. Overview**

This section of the report sets out to chart the development of integration rules within immigration and nationality law since 2004. It does so by contrasting the historic approach, within which concern for integration was quite limited, with policy developments over the past decade.

*The Historic Approach*

Requirements concerning the social integration of migrants were unknown in the field of immigration law until recent years, as they applied neither to initial admission nor to the acquisition of indefinite leave. There had however long been a language requirement for persons who sought British nationality through naturalisation on the basis of residence in the United Kingdom. A requirement of ‘adequate knowledge of the English language’ was introduced with effect from 1 January 1915 for naturalisation as a British subject by aliens resident in the United Kingdom.<sup>1</sup> When the British Nationality Act 1948 separated the category of British subject into ‘citizens of the United Kingdom and colonies’ (CUKCs), and citizens of newly independent Commonwealth states, it retained the language requirement for naturalisation as CUKCs by aliens.<sup>2</sup> Accordingly, the rule did not apply to nationals of other Commonwealth states, or of Ireland, who could instead register as CUKCs after one year’s residence in the UK. It was the Immigration Act 1971 which introduced a requirement of sufficient knowledge of English or Welsh for Commonwealth and Irish citizens wishing to register as CUKCs after a qualifying period of residence.<sup>3</sup> When the British Nationality Act 1981 introduced the category of British citizenship from 1 January 1983, it provided for the naturalisation of persons other than spouses after five years’ residence, including one year without immigration restrictions (in practice, with indefinite leave). Under that Act, all persons – including Commonwealth and Irish citizens – who sought to naturalise on the basis of residence rather than marriage had to demonstrate sufficient knowledge of English, Scottish Gaelic or Welsh.<sup>4</sup>

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1 British Nationality and Status of Aliens Act 1914, section 2.

2 British Nationality Act 1948, section 10 and Schedule 2.

3 British Nationality Act 1948, section 5A, inserted by Immigration Act 1971, Schedule 1.

4 British Nationality Act 1981, Schedule 1, para 1(1)(c).

Prior to 2004, at no point had language rules been applied to those acquiring British nationality through marriage. Under the 1914 Act, British alien wives acquired British subject status automatically upon marriage to a British subject. The 1948 Act ended the automatic acquisition of nationality, but permitted the non-CUKC wives of CUKCs to obtain CUKC status through registration. The 1981 Act then provided for the naturalisation of British citizens' husbands *and* wives after a period of residence in the United Kingdom, but still without any language requirement.

The language requirement appears anyway to have been of limited effect prior to 2004. That was because no procedure was specified by which language capacity could be assessed. When the Bill which became the 1981 Act was under discussion, the Government's summary of the then practice was that the language requirements

'have been operated in a fairly easy-going way. They have essentially been based on an ability to speak rather than write the language ... They do not have to go through all the business of acquiring a knowledge of grammar and the literary skills.'<sup>5</sup>

Thereafter, the practice appears to have become increasingly benign. By way of comparison, whereas in 1982, 2.7% of applications (200 in total) were refused on this ground, in 1996, the figure was 0.15% (27 applications).<sup>6</sup> In 1997, the Home Office policy was to

'assume the language requirement to be met where there is circumstantial evidence, such as education in British establishments or employment for a British firm, that that is the case. We only make enquiries about the language requirement of (sic) there is some indication that it might not be met.'<sup>7</sup>

In Fransman's view, this meant that 'in practice ... an applicant need do nothing more to satisfy this requirement than complete the application form' (1998: 329).

In retrospect, the limited scope of integration requirements throughout the twentieth century can be said to have been the accumulated product of several distinct factors. One was the United Kingdom's relatively under-developed sense of nationhood, in comparison with continental European countries. Britain's unwillingness to use culture or ethnicity as a marker for membership led in particular to the continued favouring of place of birth as the main criterion for the acquisition of nationality, and to the application of

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5 Home Office Minister Timothy Raison, *House of Commons Debates*, Standing Committee F, 19 March 1981, col 694, quoted in Fransman, 1998: 328-329.

6 Home Office Minister David Waddington, written answer, *House of Commons Debates*, 6 May 1983 col 163w; Immigration Minister Mike O'Brien, written answer, *House of Commons Debates*, 2 June 1997, col 3w.

7 Home Office letter of 13 June 1997, quoted in Fransman, 1998: 329.

a single British subject status to all colonies and self-governing dominions. When immigration control came to be applied to aliens – to some categories in 1905, and systematically from 1914 – it therefore focused on whether the individual had the means to support themselves and any dependants, their character, and whether they were a threat to ‘the public good’. What aliens were not asked to do was to prove their actual or potential attachment to British culture or society. Even the introduction of a language rule for naturalisation in 1914 was unrelated to domestic policy concerns, and was instead designed to defend the common status of British subject throughout the Empire, at a time when some dominions were introducing language and literacy tests in their immigration control (Dummett and Nicol, 1990: 121-122).

In the post-war decades, a second factor was that many of those who migrated to the United Kingdom came from territories that were, or had been, British. That was the background to their legal rights to enter and live in the United Kingdom - as British subjects in the case of the Commonwealth, and as ‘non-aliens’ in the case of the Irish – in the 1950s and 1960s. When immigration control was extended to Commonwealth and Irish citizens by the Commonwealth Immigrants Act 1962, most of them would have had at least some familiarity with the English language and British culture through their formal education. The application to them of language or cultural tests would therefore have had little point as a device for selection, or for the promotion of integration. Such a development would also in all probability have been open to political criticism, given the historic British status of persons from those countries.

A third factor was the gradual acceptance of a form of ethnic pluralism by British policy-makers. In the late 1960s and 1970s, the focus was on ensuring equality opportunity in social and economic life, while by the 1980s and 1990s, cultural recognition had increasingly come to the fore (Favell, 1998: Ch 4). Insistence on language or cultural requirements for admission, settlement or naturalisation would have conflicted with both of these versions of pluralism. By denying full status in the United Kingdom, such an initiative would have implied unequal access to social and economic goods for migrants. At the same time, to the extent that it disrupted choices as to family formation and family life, it would have been thought at odds with official acceptance that minorities could be culturally distinct.

### *The turn to integration*

From late 2001, the previously limited policy approach to integration rules progressively came to be rejected in Britain’s immigration and nationality law. As the detail of new rules, and of changes to old rules, are considered in sections 2, 3 and 4, the developments in recent years may be set out in a schematic manner here.

UNITED KINGDOM

The development of integration tests in the United Kingdom

Date of implementation	Status	Category	Reform	First formal proposal	Date of proposal
28 July 2004	Citizenship	(1) Spouses/ civil partners (2) All naturalisations	(1) Language requirement (2) Language requirement strengthened	<i>Secure Borders, Safe Haven</i>	7 February 2002
1 November 2005	Citizenship	All naturalisations	'Knowledge of life in the United Kingdom' requirement	<i>Secure Borders, Safe Haven</i>	7 February 2002
5 December 2006	Admission	Highly-skilled migrants (Tier 1 of the points based system)	Language requirement	<i>Statement of Changes in Immigration Rules (HC 1702, 2005-2006)</i>	7 November 2006
2 April 2007	Indefinite leave	All	Language and knowledge of life in the United Kingdom requirements	<i>Controlling our Borders: Making Migration Work for Britain</i>	7 February 2005
27 November 2008	Admission	Skilled migrants (Tier 2 points based system)	Language requirement	<i>Skilled Workers (Tier 2): Statement Of Intent</i>	6 May 2008
Scheduled for 29 November 2010	Admission	Spouses, civil partners and unmarried partners	Language requirement	<i>Marriage visas: pre-entry English requirement for spouses</i>	5 December 2007

The background to these developments was that the consensus concerning an unqualified version of ethnic pluralism had come to an end, with the addition of 'community cohesion' to the policy objectives concerning the position of ethnic minorities and migrants. The catalyst for change was a series of riots involving young British Muslim men of South Asian origin in Northern English cities and towns in April-July 2001 (listed in Home Office, 2001b: 7). Official reports into the three main locations of the disturbances highlighted

social segregation as a major background factor (Bradford Vision, 2001; Burnley Task Force, 2001; Oldham Independent Review, 2001). The same conclusion was offered in its December 2001 report by the Community Cohesion Review Team, led by Ted Cante (who had previously been chief executive of Nottingham City Council), which had been set up to make policy proposals in the field of community cohesion. In their formulation, in many urban areas, 'separate educational arrangements, community and voluntary bodies, employment, places of worship, language, social and cultural networks, means [sic] that communities operate on the basis of a series of parallel lives' (Home Office 2001a: 9).

The initial Government response was set out in a report entitled *Building Cohesive Communities* (the Denham Report), also published in December 2001. It endorsed the 'parallel lives' analysis, noting that that the disturbances had 'occurred in areas which had become fractured on racial, generational, cultural and religious lines and where there was little dialogue, or much contact, between the various groups across those social divides' (Home Office, 2001b: 8). Among its conclusions was that there was a need to promote 'a uniting identity' and 'shared values ...to give people a common sense of belonging,' particularly in the light of 'increased community tensions' following the terrorist attacks in the United States in September 2001 (ibid: 19-20). 'Common values' were in turn the backdrop to the announcement of the government's intention to make proposals to 'promot[e] citizenship for those entering the country and those seeking naturalisation – including recognition of and adherence to fundamental rights and duties, and to English as our shared language' (ibid: 20)

The result was a series of proposals for the reform of nationality law in the Home Office White Paper *Secure Borders, Safe Haven* (Home Office 2002), published in February 2002 see section 4, below). Among these was a proposal for 'a simple examination for citizenship applicants', which it justified in the following terms:

'This will strengthen the ability of new citizens to participate in society and to engage actively in our democracy. This will help people understand both their rights and their obligations as citizens of the UK, and strengthen the bonds of mutual understanding between people of diverse cultural backgrounds. It will also help to promote individuals' economic and social integration' (Home Office, 2002: 11).

In other words, the policy goal was not only community cohesion, but *also* the established principles of promoting participation and respecting diversity.

As the integration agenda was rolled-out after 2002, the policy justification came to focus primarily on the capacity for social and economic participation. When the extension of the requirement to show 'knowledge of life in the United Kingdom' to indefinite leave applications was proposed in February 2005, it was part of a policy concerning social and economic participa-

tion: ‘permanent migrants must be as economically active as possible; put as little burden on the state as possible; and be as socially integrated as possible’ (Home Office, 2005: 21). Similarly, when English language requirements were introduced for skilled workers (Tier 2 of the points based system), the explanation concerned social integration alone: ‘it helps to ensure migrants play a full part in British life outside the workforce’ (UK Border Agency, 2008a: para 45). Equally, when an English language requirement was proposed for spouses and other partners, the main arguments offered were that English would ‘assist [their] integration into British society at an early stage,’ and ‘improve employment chances’ (Home Office, 2007: 6).

From 2002, government discourse on the integration rules actually adopted has therefore generally prioritised social and economic participation over concerns with cohesion and shared identifications or values. It is significant too that, rather than seek to advance cultural homogeneity, the current policy assumes cultural diversity, and indeed treats respect for it as one of the common values of British society that the new policy is to express. These nuances would come to be reflected in the use of ‘integration and cohesion’ as the official shorthand for the new policy objective. For example, in 2007, the Government’s Commission for Integration and Cohesion defined the goal of ‘an integrated and cohesive community’ to include ‘those from different backgrounds hav[ing] similar life opportunities’ and ‘strong and positive relationships between people from different backgrounds in the workplace, in schools and other institutions within neighbourhoods’ (Commission for Integration and Cohesion, 2007: 10). Here too, all of equal opportunity, respect for diversity and cohesion appear as desiderata.

An exceptional case – in that it did not concern a capacity, but actual activities - was the proposal that those who could prove ‘active citizenship’ should benefit from a reduction of two years in the qualifying period for the new status of permanent resident (roughly equivalent to the current status of indefinite leave) or for British citizenship (Ryan, 2009: 290-292). This idea was formally proposed in a Green Paper entitled *The Path to Citizenship*, published in February 2008. There, the Government justification focused on the implications of ‘active citizenship’ for community cohesion:

‘We want to do more to encourage all migrants who wish to stay in the UK permanently to integrate fully into society, including bringing probationary citizens in greater contact with the wider community, showing current British citizens that those seeking to join them as British citizens are earning citizenship by being active rather than passive participants in UK life’ (Home Office, 2008a: 29).

What this passage envisaged was that migrants should be encouraged to interact with persons whose ethnic or national origins were different to their own – hence the references to ‘integrate fully’, ‘contact with the wider community’ and ‘UK life’. That impression was confirmed by the highly conventional list of activities which it was suggested might qualify, including ‘vol-

unteering with a recognised organization', 'running or helping to run a play-group which encourages the different communities to interact', 'fund-raising activities for charities or schools', 'serving on community bodies, for example as a school governor' and 'running or helping run a local sporting team' (ibid: 29-30). The range of qualifying activities was one of the subjects which the Government referred to a 'design group' in the summer of 2008, after the responses to its Green Paper had shown a great deal of unease about how the criterion would work (Home Office, 2008b: 17-18). The difficulties with the 'active citizenship' proposal are unsurprising, given that it appeared to favour community cohesion over other objectives, in a way that other elements of the integration agenda in immigration and nationality law had not.<sup>8</sup>

Of these integration-related changes which have been introduced, the only ones to require primary legislation were the changes to nationality law in 2002. These are also the only change to date to have been the subject of a full parliamentary debate. In the House of Commons, MPs from the governing Labour Party were divided in their views. Some expected that language and knowledge tests would make a valuable contribution to integration.<sup>9</sup> Others argued that these risked being discriminatory against certain groups, particularly the elderly and women.<sup>10</sup> In both Houses of Parliament, speakers on behalf of the Conservative Party were broadly sympathetic to the objective of the changes.<sup>11</sup> Liberal Democrat speakers in both Houses were generally sceptical about the new measures, and argued both that 'life in the UK' was highly diverse, and that the proposed test of it risked requiring greater knowledge on the part of those seeking to naturalise than was possessed by the native British population.<sup>12</sup>

Other reforms concerning integration have been given effect by changes to the Immigration Rules, which are laid before Parliament, but do not necessarily lead to a parliamentary debate. There was no parliamentary debate of the changes to the Immigration Rules introducing an English language requirement for the highly skilled in 2006, or of the extension of the language and 'knowledge of life' requirements to indefinite leave in 2007. In the case of the change to the Immigration Rules which introduced the new Tier 2 of the

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8 The proposals in *The Path to Citizenship* were taken forward through the Borders, Citizenship and Immigration Act 2009, which made it possible to introduce an 'activity condition' into nationality law. Because of the change of government in May 2010, it is not possible at the time of writing to say whether this reform will be implemented.

9 See the remarks of Vernon Coaker MP, Marsha Singh MP and Mohammad Sarwar MP, *House of Commons Debates*, 24 April 2002, cols 407, 413 and 418.

10 See the remarks of Jim Marshall MP, Neil Gerrard MP and Diane Abbott MP, *House of Commons Debates*, 24 April 2002, cols 366, 388 and 411.

11 See the remarks of Humfrey Malins MP, *House of Commons Debates*, 24 April 2002, col 427 and of Viscount Bridgeman, *House of Lords Debates*, 8 July 2002, cols 441-442.

12 See the remarks of Simon Hughes MP, *House of Commons Debates*, Standing Committee E, cols 10-12 and of Lord Avebury, *House of Lords Debates*, 8 July 2002, cols 442-443.

points-based system for skilled workers in 2008, the English language featured in a small way in a debate in the House of Lords, when it was suggested that it was inappropriate for Buddhist monks to have to comply with an English language requirement.<sup>13</sup> The fact that that was the only objection may be taken as evidence of acquiescence in the requirement more generally.

Finally, the policy of requiring partners to speak English prior to admission to the United Kingdom had some political support before it was announced as the policy of the Labour Government in December 2007. In February 2007, this policy had been proposed in Parliament by Labour MP Ann Cryer.<sup>14</sup> What gave her position particular significance was that she was then the MP for a constituency in West Yorkshire with a large community of Bangladeshi or Pakistani origin, and that she presented an English language rule as one means of overcoming 'ghettoisation' and under-achievement within those groups. In August 2007, the idea was then taken up by the opposition Conservative Party, as part of proposals concerning forced marriage.<sup>15</sup> At the time of writing, it is uncertain whether there will be a full debate in either House of Parliament on the changes to the Rules to bring the new requirement into force.

## 2. Integration Tests for Admission

Since 2004, language requirements have gradually been extended to those seeking admission to the United Kingdom in categories that can lead to indefinite leave.<sup>16</sup> Ministers of religion (a category of skilled worker in the British immigration system) have been required to demonstrate knowledge of English language since 23 August 2004. The reason for singling out this group was to ensure their competence as ministers, while reducing the risk of their promoting an anti-British outlook.<sup>17</sup> The standard that was initially set for them was spoken English to International English Language Test System (IELTS) level 4. From 19 April 2007, this was raised to IELTS level 6, and covered both spoken and written English. In line with that earlier standard, when the skilled worker system was replaced by Tier 2 of the points based system in November 2008 (below), ministers of religion had to meet Com-

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13 Lord Avebury, *House of Lords Debates*, 25 November 2008, col. 1419.

14 *House of Commons Debates*, 5 February 2007, cols 637-640.

15 See the article by Conservative spokesperson on immigration, Damian Green: 'We can rid Britain of forced marriages' *Observer*, 12 August 2007.

16 The acquisition of indefinite leave is also described as 'settlement'. Because British citizens can also be 'settled', this term is potentially confusing, and is therefore generally avoided here.

17 'Foreign imams face tougher entry requirements', *Times*, 6 April 2004.

mon European Framework of Reference (CEFR) level B2, rather than the level A1 required for others.<sup>18</sup>

The second group to whom language requirements were applied were the highly skilled. From 7 November 2006, migrants seeking to enter the UK as part of the Highly Skilled Migrant Programme (HSMP) were required to demonstrate knowledge of the English language, through an IELTS score of 6 – later treated as equivalent to CEFR level B2 –, or by proving study of the English language at degree level. From 30 June 2008, the HSMP became the ‘General’ category within the highly skilled Tier 1 of the points based system for economic migration. Tier 1 includes an ‘Entrepreneur’ category, to replace the former business migration and innovator categories, which had not been covered by a language requirement. For Tier 1 (General) and Tier 1 (Entrepreneur), the language level is now set at CEFR level C1, which is classed as equivalent to an IELTS score of 6.5.<sup>19</sup> Tier 1 also includes ‘Innovator’ and ‘Post-Study Work’ categories, which are not subject to a language rule. In the case of post-study work, the logic is that, in order to qualify, the individual will already have obtained a degree in the United Kingdom, having studied there for at least one year.<sup>20</sup> (Note that, as of 1 October 2010, the standard application fee for a Tier 1 entry clearance is £690.)

Thirdly, skilled workers other than ministers of religion have had to satisfy a language requirement under Tier 2 of the points based system since it came into force on 27 November 2008. In their case, the required level of English is defined in policy guidance as follows: ‘you must be able to understand and use familiar everyday expressions and very basic phrases, to introduce yourself and others, and to ask and answer questions about very basic personal details’.<sup>21</sup> This standard is said to be ‘closest to’ CEFR level A1. Intra-corporate transferees are an exception under Tier 2: they are not subject to the English language when they initially obtain admission to the United Kingdom, but must meet it if they seek to extend their stay beyond three years.<sup>22</sup> (Note that, as of 1 October 2010, the standard application fee for a Tier 2 entry clearance is £270.)

A final group to whom an English language requirement is to be applied for integration reasons is spouses and related categories – that is, persons

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18 UK Border Agency, *Tier 2 of the Points Based System – Policy Guidance*, 6 April 2010, para 105.

19 The list of tests which may be relied upon for Tier 1 is published at [www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/approvedenglishtests.pdf](http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/approvedenglishtests.pdf). (All internet references are as of 1 October 2010).

20 It is also possible to qualify with a postgraduate certificate or diploma in education, or a Higher National Diploma obtained at a Scottish institution.

21 UK Border Agency, *Tier 2 Policy Guidance*, para 106. The list of tests which may be relied upon for Tier 2 applications is published at [www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/approvedenglishtestst2.pdf](http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/approvedenglishtestst2.pdf).

22 Immigration Rules, para 245ZF(m).

seeking admission as the spouse, civil partner, unmarried partner, fiancé(e) or proposed civil partner of a British citizen or a non-EEA national who is settled in the United Kingdom. The extension of a language rule to this group has had a somewhat convoluted history. A detailed proposal was first made in a consultation document in December 2007 (Home Office, 2007). In July 2008, it was announced that implementation would be delayed, because of gaps in the availability of English language tuition in some countries (Home Office, 2008c). Instead, it was contemplated that spouses and related categories would either demonstrate the requisite English language ability in the same way as skilled workers, or enter an agreement to learn English after arrival in the United Kingdom. In August 2009, the then Government changed tack again, and announced that it would introduce a language requirement from Summer 2011 (Home Office, 2009: 23). The standard was to be the same as for skilled workers – CEFR level A1 - except that spouses and related would have to show basic competence in spoken English alone, and not both spoken and written English. Finally, after the change of government in May 2010, the Conservative - Liberal coalition is to introduce the requirement with effect from 29 November 2010.<sup>23</sup> The one additional element to the scheme previously announced is that, where a qualification has to be shown, this will have to be with a test provider approved by the UK Border Agency. The detail of the new system to implement the scheme was contained in the Statement of Changes to the Immigration Rules which was laid before Parliament on 1 October 2010.<sup>24</sup> (Note that, as of 1 October 2010, the standard application fee for entry clearance for a partner seeking settlement is £644.)

For all of the categories to which a language rule has been applied or is imminent, there is an exception for individuals who are nationals of ‘majority English-speaking countries’.<sup>25</sup> The 16 countries which qualify for this purpose are the following: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; and the USA. In each case, there is also an exemption for those who have obtained a degree taught in English.<sup>26</sup> For this purpose, it is assumed

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23 This was announced by Immigration Minister Damian Green, written statement, *House of Commons Debates*, 26 July 2010, cols 66-67WS.

24 *Cm 7944*. Note that these changes will take effect even in the unlikely event of a negative resolution in one or other House of Parliament.

25 For Tier 1, this is stated in UK Border Agency, *Tier 1 (General) of the Points Based System – Policy Guidance*, 6 April 2010, p 33. For Tier 2, it is stated in UK Border Agency, *Tier 2 Policy Guidance*, p 18; UK Border Agency, ‘New English language requirement for partners’ 14 June 2010. For partners, it is contained amendments to paras 281, 284, 290, 295A and 295D of the Immigration Rules set out in *Cm 7944*, and pending at the time of writing.

26 UK Border Agency, *Tier 1 Policy Guidance*, pp 35-36; UK Border Agency, *Tier 2 Policy Guidance*, pp 19-20; and pending amendments to paras 281, 284, 290, 295A and 295D of the Immigration Rules.

that a degree was taught in English if it was obtained in the United Kingdom, Ireland or one of countries listed above other than Canada. In other cases, the standard of English which is required within the degree course is CEFR level C1.

In the case of the imminent language requirement for partners only, the Rules will also set out exemptions from the requirement in three circumstances: (a) the applicant is aged 65 or over, (b) the applicant has a 'physical or mental condition that would prevent him from meeting the requirement' and (c) 'there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement.' Exemptions (a) and (b) instead follow the provision made within the 'life in the UK' arrangements for indefinite leave and naturalisation (see sections 3 and 4, below). Those arrangements do not however make express provision for 'exceptional compassionate circumstances', as in exemption (c) here.

One further English language rule within the British system may be mentioned. This covers those who wish to enter as students, but without the intention of studying either for a degree course, or for a foundation course leading to degree course. In practice, these are students who wish to study at a language school, or on general courses. Since 3 March 2010 it has been the responsibility of the sponsoring course provider to ensure that the individual has already attained CEFR level B1 before offering them a place to study.<sup>27</sup> In this case, the Government's reason for this reform was not to promote integration, but rather the immigration control purpose of preventing Tier 4 being used as a route to employment in the United Kingdom.<sup>28</sup>

### 3. Integration Tests for Indefinite Leave

Within the British immigration system, indefinite leave is a form of permanent resident status.<sup>29</sup> It is usually obtained after a qualifying period of residence in the United Kingdom, in which case the status obtained is indefinite leave *to remain*. The main qualifying periods are two years for a partner, five years for an economic migrant, a refugee or a person with humanitarian pro-

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27 UK Border Agency, 'Tier 4 changes from 3 March 2010 – Information for Education Providers', 3 March 2010.

28 Home Secretary Alan Johnson, written statement, *House of Commons Debates*, 10 February 2010.

29 In *The Path to Citizenship* in 2008, it was proposed that indefinite leave would be replaced by an initial temporary status to be called (confusingly) 'probationary citizenship', followed by a status to be called 'permanent residence' (Home Office, 2008a). Because of the change of government in May 2010, the prospects for this reform are uncertain at the time of writing.

tection,<sup>30</sup> six years for those with discretionary leave<sup>31</sup> and ten years for those with a period of lawful residence across any category.

In a limited range of circumstances it is possible to obtain the status prior to admission, in which case it is termed indefinite leave *to enter*. Categories eligible for indefinite leave to enter include the following: former members of the armed forces and their family members; the partner of a British citizen or a person with indefinite leave, with whom they have been living outside the United Kingdom for the previous four years; and, the parent, grandparent or other dependent relative of a British citizen or person with indefinite leave.

The advantages of indefinite leave over the extension of limited leave will depend on the particular category. All those who obtain indefinite leave gain a secure residence status, which is retained provided they are not absent from the United Kingdom for more than two years, and do not fall within the rules on deportation of persons whose presence is deemed not 'conducive to the public good'. Persons with indefinite leave also have the possibility to sponsor a limited range of dependent relatives to come to the United Kingdom. Indefinite leave gives eligibility to the full range of social benefits (except for persons with refugee leave, humanitarian protection or discretionary leave, who have access to benefits automatically). Tier 2 migrants obtain freedom of employment, while those in family categories gain an autonomous status.

The costs of immigration applications are a further consideration. As of 1 October 2010, the basic cost of an application to extend leave in the main categories is as follows: £850 plus £250 per dependant for Tier 1; £500 plus £150 per dependant for Tier 2; and, £500 plus £150 per dependant for the family members of British citizens and other settled persons. Typically, an extension of leave will be for up to three years under Tier 1, and for two years under Tier 2 or for family members. These amounts may be compared to the basic costs of an indefinite leave application at the time of writing: £900 for the main applicant, and £250 per dependant. Those in humanitarian categories (refugees, humanitarian protection and discretionary leave) are distinct: these persons are expected to apply for indefinite leave when their qualifying period comes to an end, for which there is in any event no fee.

In February 2005, it was announced that the requirements to show knowledge of the English language and 'sufficient knowledge about life in the United Kingdom' were to be extended to applications for indefinite leave (Home Office, 2005: para 39). At that time, the latter of these was still in the process of being introduced for naturalisation (see section 4, below). The requirements were then brought into force through amendments to the Immigration Rules, which came into force on 2 April 2007. As with naturalisation, applicants for indefinite leave demonstrate both knowledge of English and

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30 'Humanitarian protection' corresponds to the concept of subsidiary protection in Council Directive 2004/83/EC.

31 'Discretionary leave' status is for cases where removal would be contrary to the European Convention on Human Rights, but humanitarian protection is unavailable.

knowledge of life in the UK by passing the 'Life in the UK' test, or by an approved English for Speakers of Other Languages (ESOL) qualification which includes a citizenship element.<sup>32</sup> (The two routes to meeting the requirements are outlined in section 5 of the report.)

An inconsistency in the British system is that, although partners of four years' standing are eligible for indefinite leave *to enter* (see above), they are also subject to the two knowledge requirements. The difficulty is that it is not generally possible to meet the requirements while outside the United Kingdom. Special provision is made for persons living outside the United Kingdom as the partner of a UK diplomat, a member of staff of the British Council who is usually UK-based, or a member of staff of the Department for International Development who is a British citizen or settled in the United Kingdom.<sup>33</sup> In these cases, the requirements may be met through the certification by a 'designated person', who 'will normally be the head of the [diplomatic] post where the applicant's partner is based.'<sup>34</sup> That special case apart, it will be necessary for a partner to travel to the United Kingdom in order to fulfil the knowledge requirements. Should they elect to take up residence before so doing, they are initially treated in the same way as partners who do not meet the four-year rule – i.e. they are given limited leave for a period of up to 27 months.<sup>35</sup> Once they have met the knowledge requirements, however, they may apply for indefinite leave to remain without meeting the usual two-year probationary period for partners.<sup>36</sup>

In principle, the language and knowledge of life requirements apply to all applicants for indefinite leave aged between 18 and 64. It is possible to apply for indefinite leave as a minor, usually because the individual is living with a parent or parents who themselves obtain indefinite leave. Equally, persons may apply after reaching 65 through the normal operation of the general rules on economic migration, family migration or the humanitarian categories.

The Secretary of State may waive the requirements for persons 'whose physical or mental condition makes it unreasonable for them to have to meet the requirements'.<sup>37</sup> Further information on how this discretion is to be exercised is provided in official instructions to UK Border Agency case workers.<sup>38</sup> These state that discretion 'must' be exercised to benefit someone 'suffering from a long term illness or disability that severely restricts the ability to attend English for Speakers of Other Languages (ESOL) classes, or prepare for the Life in the UK test', 'is deaf, is a person without speech, or has a speech

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32 Immigration Rules, para 33B.

33 Immigration Rules, para 33B(c).

34 UK Border Agency, *Knowledge of Life in the UK*, 7 April 2010, p 40.

35 Immigration Rules, paras 282(c) and 295B(c).

36 Immigration Rules, paras 287(a)(i)(c) and 295G(c).

37 Immigration Rules, para 33G.

38 UK Border Agency, *Knowledge of Life in the UK*, 7 April 2010,, p 10.

impediment which limits their ability to communicate in the relevant language' or 'has a mental impairment and may be capable of physically meeting the requirement, but is not able to speak or learn the relevant language.' In other cases, it is stated that 'each application must be considered on its own merits'.

Finally, a number of immigration categories are entirely exempt from the requirements.<sup>39</sup> Many of these are categories where indefinite leave arises under the Immigration Rules, and the requirements are not stated to apply: a foreign national discharged from the armed forces, and their spouse, civil partner or unmarried partner; the partner of a person settled in the United Kingdom, where the relationship ended through death, or the other person's domestic violence; the parent, grandparent or other dependent relative of a British citizen or settled person (who will anyway generally be 65 or over); and, a Turkish businessperson under the association agreement with Turkey.<sup>40</sup>

It is also now clear that the two knowledge requirements do not apply to persons with one of the three humanitarian statuses, to whom indefinite leave is granted outside the Immigration Rules. The policy in this area remained uncertain until relatively recently. The background is that, when the knowledge requirements came into force for indefinite leave on 2 April 2007, the humanitarian statuses were in a phase of transition. On 1 April 2003, the previous status of exceptional leave to remain, from which there was a qualifying period of four years for indefinite leave to remain, was replaced by the statuses of humanitarian protection and discretionary leave, with qualifying periods to indefinite leave of five and six years, respectively. Then, on 30 August 2005, those recognised as refugees ceased to be granted indefinite leave, and were instead initially granted 'refugee leave' for five years. The result of these two new arrangements was that, in the period immediately after 2 April 2007, there were few, if any, applications for indefinite leave from humanitarian categories, and it was left unclear what the policy would be.<sup>41</sup> It was only as the initial periods of the new forms of leave began to expire – theoretically, from 1 April 2008 for humanitarian protection, from 1

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39 *Ibid.*, pp 7-8.

40 There is a transitional exemption in two further cases. One is the category of retired persons of independent means. This is a category in which it has not been possible to be admitted to Britain since 27 November 2008. The other is a dependent child of someone in a pre-points based system employment category. The position of the child of a person under the points-based system who is eligible for indefinite leave is different: if they are over 18, they must meet the two knowledge requirements (Immigration Rules, para 319J(f)).

41 This can be seen from pre-April 2007 (but undated) Asylum Policy Instructions on 'refugee leave' and 'humanitarian protection'. These stated that the policy on the requirements was 'still being developed'. These documents still appear on the UK Border Agency website at the time of writing: <http://www.ukba.homeoffice.gov.uk/site-content/documents/policyandlaw/asylumpolicyinstructions/>.

April 2009 for discretionary leave and (soon) from 30 August 2010 in the case of refugee leave - that the policy had to be resolved. In practice, it appears that the policy of non-application of the requirements to humanitarian categories was only definitively resolved in 2010.<sup>42</sup>

#### 4. Integration Tests and Naturalisation

Within the British system, it is necessary to distinguish between 'naturalisation' and 'registration' as routes to the acquisition of British citizenship. Naturalisation is only available to adults, and has usually involved some exercise of discretion by the authorities, particularly as to whether the individual is of 'good character'. By contrast, registration has covered minors and/ or cases involving an entitlement, once certain qualifying conditions are met. Since 4 December 2006, it has however been possible for applicants for registration who are 10 or over to be refused registration if they are not of 'good character'.<sup>43</sup> The consequence of the 2006 change is that, at the present time, the main difference between naturalisation and registration is that the requirements of knowledge of a language and of life in the United Kingdom apply only to the former.

Individuals' reasons for taking out British citizenship will vary with their circumstances (see EdComs, 2008: Ch 5.) While some persons may wish to naturalise as British citizens for reasons of social and political attachment, the fees - currently £780 in the standard case, with a £1010 joint fee for spouses or civil partners who naturalise together - are likely to act as a disincentive unless there are practical advantages. For all nationalities, one beneficial consequence is the acquisition of full electoral rights - although it should be noted that resident Commonwealth and Irish nationals can anyway stand for election and vote in parliamentary elections. For non-EEA citizens, the main practical advantages of British citizenship over indefinite leave probably concern foreign travel and residence. In particular, British citizenship confers rights to enter and to reside in other EU countries, and visa-free travel to certain other countries, while giving access to British diplomatic protection in most circumstances.

British citizenship also gives a more secure form of residence than indefinite leave. Firstly, indefinite leave can be cancelled due to prolonged absence. Secondly, those with it remain subject to the rules making deportation

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42 At the time of writing, official guidance states that applicants with exceptional leave to remain, humanitarian protection and discretionary leave are exempt: UK Border Agency, *Knowledge of Life in the UK*, pp 7-8. While refugee leave is not expressly mentioned, it may be thought covered by the concept of an 'application outside the Rules' there. A summary of the requirements on the UKBA website expressly includes refugee leave: see <http://www.ukba.homeoffice.gov.uk/settlement/knowledge-language-life/>.

43 This is now in the British Nationality Act 1981, section 41A.

mandatory where a person has been convicted of a criminal offence classed as ‘particularly serious’, or which leads to a sentence of imprisonment for one year or more.<sup>44</sup> By contrast, British citizens can be deprived of their nationality for public order reasons only if they have no other nationality, and deprivation would be ‘conducive to the public good’.<sup>45</sup> Crucially, this last phrase is given a narrower construction than in the law of deportation, and the policy is to withdraw citizenship only ‘on the grounds of involvement in terrorism, espionage, serious organised crime, war crimes or unacceptable behaviours’.<sup>46</sup>

Within the British system, naturalisation is only applicable to adults, and there are two possible routes to it. The general route is based solely on lawful residence.<sup>47</sup> The main requirements are that the individual has been lawfully resident in the United Kingdom for the previous five years, has not been absent from the United Kingdom for more than 450 days in that period, and has not been absent from the United Kingdom for more than 90 days in the previous 12 months. The applicant must also have been free from immigration time restrictions over the last 12 months of the qualifying period, which in practice means that they have had indefinite leave or the EU status of permanent resident. When the qualifying rules for indefinite leave and permanent residence are taken into account, the result is a minimum eligibility period of *six years’* residence for those who start as economic migrants, refugees, or with humanitarian protection, or who qualify under EU law.

The alternative route is based on being the spouse or civil partner of a British citizen on the date of the application.<sup>48</sup> One difference from the general route is that in this case it is necessary to be free from immigration restrictions on the date of the application, rather than for the previous one year. More importantly, the qualifying period of residence is less: three years’ instead of five years’ residence in the United Kingdom, without any absences of more than 270 days over that period. In practice, given the two-year qualifying period for spouses and civil partners to obtain indefinite leave to remain, three years is the effective minimum period of residence required before naturalisation.

The *Secure Borders, Safe Haven* White Paper in 2002, and its implementation by the Nationality, Immigration and Asylum Act 2002, led to a tightening of the requirements for naturalisation. From 28 July 2004, spouses were

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44 UK Borders Act 2007, s 32.

45 British Nationality Act 1981, section 40.

46 UK Border Agency, *Nationality Instructions*, Volume 1, para 55.4.4 (at 31 July 2010).

47 British Nationality Act 1981, section 6(1) and Schedule 1, paras 1 and 2.

48 British Nationality Act 1981, section 6(2) and Schedule 1, paras 3 and 4. There is at present no special treatment of unmarried partners when it comes to naturalisation. Because a person starting as an unmarried partner may obtain indefinite leave after two years’ residence, the effective minimum period of residence for them to acquire naturalisation is *five* years.

for the first time made subject to the requirement to have sufficient knowledge of English, Scottish Gaelic, or Welsh. (This would later be applied to civil partners, when that status was created on 5 December 2005.) In addition, the requirement on all applicants who claimed knowledge of the English language was formalised. From 28 July 2004, it was necessary for the individual either to show that they had passed a language course to ESOL level 3, or else to have a 'designated person' certify that the individual had an educational qualification which required English language proficiency to at least that level. From 1 September 2004, a further option was certification by a designated person, on the basis of an interview, that the individual had 'knowledge of the English language to the level reasonably to be expected of a person of full age and capacity whose native language is English.' Immigration staff and consular officers were 'designated persons' for both purposes, while notaries and solicitors could certify 'native language' competence in English alone.<sup>49</sup>

The requirement on applicants for British citizenship by naturalisation to show 'sufficient knowledge about life in the United Kingdom' came into effect on 1 November 2005. As has been explained for indefinite leave, the language and 'knowledge of life' requirements are met together, either by passing the 'life in the UK' test, or by passing an ESOL course with the requisite citizenship component. (For further details, see section 5.)

Under the legislation, the Secretary of State has the power to waive either or both of the naturalisation requirements where 'because of the applicant's age or physical or mental condition it would be unreasonable to expect [the person] to fulfil' the requirement(s).<sup>50</sup> The official guidance indicates that this power is used to exempt individuals suffering from a long-term physical or mental condition that prevents them from learning English or from being tested on their knowledge of life in the UK, and those over 65 or who are nearing the age of 65.<sup>51</sup>

For the purposes of a naturalisation application, it does not matter how long before an application a pass was obtained, and the same pass may already have been relied upon for an indefinite leave application. That raises the question – who might encounter these requirements only at the naturalisation stage? Three main possibilities may be identified:

- An application for naturalisation may be made by someone who acquired indefinite leave before 2 April 2007.
- There is no exemption for many of the specific categories provided for at the indefinite leave stage (see above). It should be noted in particular that those who start in a humanitarian category encounter the requirements only at the naturalisation stage.

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49 UK Border Agency, *Nationality Instructions*, Ch 18 Annex E, paras 2.4.2 and 2.5.2 (accessed 30 July 2010).

50 British Nationality Act 1981, Schedule 1, paras 2(e) and 4(d).

51 UK Border Agency, *Nationality Instructions*, Ch 18 Annex E, para 1.4.

- The applicant is covered by EU law. EEA nationals and their family members who have resided in the United Kingdom on the basis of EU law for five years obtain the EU law status of ‘permanent resident’. This status is broadly equivalent to indefinite leave, but cannot be made subject to language and ‘knowledge of life’ requirements.

A final point which may be addressed concerns Scottish Gaelic and Welsh. We saw in section 4 that these official languages may be relied upon by an applicant for naturalisation. There is by contrast no provision in the Immigration Rules concerning indefinite leave. Provision is made for language to be assessed in a naturalisation procedure in much the same way as was previously done for English – i.e. presumptive evidence would be provided by the completion of the application in that language, and in other cases an interview is desirable.<sup>52</sup> Were an individual proceeds beyond that stage, their knowledge of life in the United Kingdom would be assessed through special arrangements. To date, however, it appears that no-one has relied upon either of these languages to meet the ‘life in the UK’ requirement.<sup>53</sup> This is not especially surprising, since it is highly unlikely that someone who is not already British would be more familiar with one of these languages than with English.

## **PART B: KNOWLEDGE OF LANGUAGE AND OF LIFE IN THE UNITED KINGDOM**

### **5. Meeting the Requirement**

We saw in sections 3 and 4 that applicants for indefinite leave and naturalisation now generally have to show that they have sufficient knowledge of an official language, and of life in the United Kingdom. This section examines the method by which individuals may show that they have met these two requirements. It will start by considering the evolution of policy prior to the introduction of the ‘knowledge of life’ requirement in 2005 (at that time, for naturalisation only). It will then set out the details of the two means which were made available to meet the two requirements (for both naturalisation and indefinite leave): the ‘Life in the UK’ test, and the ESOL-with-citizenship route.

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<sup>52</sup> *Ibid*, para 1.2.4.

<sup>53</sup> Information provided by UK Border Agency, 30 June 2010.

*Policy prior to introduction*

When the two knowledge requirements were announced in *Secure Borders, Safe Haven* in February 2002, there appears to have been some uncertainty as to how they would actually work. In one place, the White Paper emphasised the *educational* goal of the policy, with the examination treated as something that came afterwards. To quote from it: ‘we intend to offer language teaching and light touch education for citizenship for those making a home in the UK – with a view to a simple examination for citizenship applicants similar to that which exists in many other countries’ (Home Office, 2002: 11). But the White Paper also contained the following, quite different account:

‘In order to promote both the importance of an adequate command of English (or one of the recognised languages) and an understanding of British society, the Government intends to require applicants for naturalisation to demonstrate that they have achieved a certain standard. We envisage that, subject to certain limited exceptions, applicants would need to produce certificates showing that they had passed a test, if necessary after taking part in a suitable course’ (ibid: 33).

In this second passage, *the test* was central to the scheme, and not necessarily linked to any educational process.

Support for a more educational approach was implicit in the announcement in July 2002 of an external expert group to advise on the implementation of the two requirements.<sup>54</sup> This group was to be chaired by Bernard Crick, an academic who had acted as the chair of a similar advisory group in 1997-1998 on the development of citizenship education for schools (Qualifications and Curriculum Authority, 1998). The implication of Crick’s appointment was that it was expected that education would be central to the arrangements which emerged.

When the advisory group published its final report (known as ‘the Crick Report’) in September 2003, it pursued an educational logic as far as possible. Its general approach to the new requirements was that ‘the object is educative and integrative: language, understanding of our society and enhancement of life-skills and employment skills’ (Home Office, 2003: 20) Accordingly, the report recommended that the requirements should be met in *all* cases through *some* form of education (ibid: 22-23). Those who were assessed to be competent in English – described as ESOL entry level 3 – would have the choice of a short course of study (20 hours) or ‘self study and/or distance learning to develop an appropriate portfolio of other evidence of civil learning, volunteering or civil participation’. Whichever option they chose, a ‘teacher or mentor’ would ‘certify their progress’, and it would be necessary to take what was described as a ‘short written test’. Alternatively, where the level of English was initially assessed at below ESOL entry level 3, the indi-

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54 Home Office Minister Lord Filkin, *House of Lords Debates*, 8 July 2002, col 452.

vidual would instead have to take an ESOL course which included a core citizenship curriculum. In that case, the individual would be eligible for naturalisation once satisfactory progress had been shown. Finally, to make education attractive to individuals, the advisory group recommended that ESOL courses should be available free to all those with a route to settlement, from the beginning of their period of residence (*ibid.*: 23-24).

The advisory group report set out the curriculum that they considered the 'programme of studies' ought to have (*ibid.*: 14-16). It had six sections, said to be in 'descending order of difficulty', described as follows:

- i) British national institutions in recent historical context
- ii) Britain as a multicultural society
- iii) Knowing the law
- iv) Employment
- v) Sources of help and information
- vi) Everyday needs.

Consistently with the recommendation that all applicants should pursue a programme of study, the group proposed that these subjects 'should be taught and learnt in whatever order and depth is appropriate to the particular class.' In particular, those with better English and longer residence in the UK could focus on (i) and (ii), while those with weaker English could be expected to start with (v) and (vi). On the whole, the syllabus emphasised 'practical knowledge', because this was what the advisory groups were asked to do, and because of their own inclination (*ibid.*: 13). Accordingly, the planned syllabus avoided a focus on British history. That was however to be offset by a historical introduction, covering 'the making of the United Kingdom, the rise of the democratic franchise, the origins of welfare institutions, patterns of immigration and emigration, traditions and laws on citizenship and asylum, and of political, economic and social changes since the First World War' (*ibid.*: 17).

One purpose of the handbook was to provide an introduction to the practicalities of life in the United Kingdom for 'all those new arrivals with the realistic expectation of residing permanently.' To that end, the report proposed that a handbook should be available both in English *and in other languages*, and that it should be provided free of charge. The handbook's second purpose was to 'elaborate with general information the headings and sub-headings of our Programme of Studies,' based on distinct study material. What was not intended, however, was what the handbook became: the basis for a standard test of knowledge of life in the UK.

The Government's initial response to the Crick report was set out on 2 February 2004.<sup>55</sup> While it distanced itself, on costs grounds, from the proposal

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<sup>55</sup> Home Office Minister Baroness Scotland, written statement, *House of Lords Debates*, 2 February 2004, cols 13-14 WS.

for free tuition and assessment for all those with a route to settlement, it was otherwise broadly favourable to the report's main recommendations. The Government agreed that there should be a programme of studies organised around the six themes outlined, and that it would be enough for those who were not fluent in English to show progress to the next ESOL level. It remained unclear however how compliance with the requirements would be demonstrated by those who were already fluent in English. On that, the government statement indicated only that it was 'continuing with development work on possible means of assessment', as well as on 'delivery mechanisms, and the programmes of study themselves'. Even at this stage the Government did not directly link the official handbook with testing. Rather, it endorsed the proposal for 'a bilingual handbook on life in the United Kingdom should be prepared for the information of all who apply at posts abroad for entry clearance in a category which leads to settlement.'

A link between the handbook and testing first became apparent when the handbook was published by the advisory group on 15 December 2004 (Stationery Office, 2004). Following the logic of its earlier report, what was now contemplated was that, *after* a language test, those with fluent English would use the handbook to prepare a 'citizenship test' (ibid: 9, 12). But the Government went further when it announced its final decisions concerning implementation on 15 June 2005. Here, it became clear that the test would be used to assess compliance with the two requirements, without pre-sifting by language ability.<sup>56</sup> What this meant was that those with a lower level of language ability could choose either to take the test, or to rely upon the planned ESOL-with-citizenship route. The Government's justification for its model was that it would 'make the whole process more convenient and cheaper to applicants'. The potential costs to Government were presumably a further factor: put simply, the use of the handbook for the 'Life in the UK' test, without prior language screening, reduced the role of ESOL provision, with its potential for public costs.

### *The 'Life in the UK' test*

The 'Life in the UK' test is based on the official handbook, called *Life in the UK: A Journey to Citizenship*, which has to date been published in two editions (2004 and 2007). The first edition of the handbook was drafted by the 'Life in the UK' advisory group, with Bernard Crick himself taking the lead. Perhaps as a result of its mixed purpose of the handbook described above – aimed at teachers and new migrants – it was generally thought to have set too high a linguistic standard. There were also a number of inaccuracies, including an

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<sup>56</sup> Immigration Minister Tony McNulty, written statement, *House of Commons Debates*, 15 June 2005, cols 14-16 WS.

elementary error in the summary of terms used for the United Kingdom: 'usually, 'Britain' refers to the mainland and 'Great Britain' includes Northern Ireland' (Stationery Office, 2004: 17). The second edition, which was edited by civil servants (see Kiwan, 2008: 66), sought to correct both flaws, and has generally escaped criticism.

The content of the handbook broadly followed the syllabus described in *The New and the Old*, with some adjustments. The first edition had eight chapters, rather than the seven that had been planned, as the proposed chapter on 'Britain as a multicultural society' was divided into two chapters called 'A changing society' and 'Britain today: a profile'. The test was based on these two chapters and that on the national institutions, now called 'How Britain is governed' (Home Office, 2004: 13). A further evolution took place in the second edition, which added a ninth chapter, called 'Building Better Communities', to present an official understanding of good citizenship. Since the second edition came into use in April 2007, five chapters have been tested – the three already used, together with those on 'everyday needs' and 'employment' (Stationery Office, 2007: 4).

Contrary to the advisory group's recommendation, the official handbook is not free. Rather, it is published by the Stationery Office - which is the official publisher, but a private company – and costs £9.99 in hard copy. The Stationery Office has also published the *Life in the United Kingdom: Official Citizenship Test Study Guide* (at £5.99) and *Passing the Life in the UK Test: Official Practice Questions and Answers* (at £5.99), the latter of which has 400 sample questions and answers based on the handbook. Overall, it appears that the UK Border Agency has preferred that the risks and costs of production and sale of the handbook and related publications be borne by the Stationery Office, in exchange for not itself making the text freely available online.

The computerised test was developed by Ufi (an abbreviation of 'University for Industry'), an organisation which had been established as a not-for-profit company by the Government in 1998 to provide training and other employment services online. (The drafting process is discussed in Kiwan, 2008: 68.) Ufi also arranges the test centres, from within its network of 'learnirect' centres around the United Kingdom. At the time of writing, there are 61 test centres, with 52 in England, 5 in Scotland, and 2 each in Wales and Northern Ireland. Of the 61 centres, 45 are run by private companies, 10 by further education colleges, 3 by voluntary organisations, while in 3 cases provision is directly by a local authority.<sup>57</sup> The tests are funded by the fee of £34, which is shared between Ufi and the test centre, without support from the UK Border Agency.

The test consists of 24 multiple choice questions, the majority of which require a choice of one of four options, while some give a choice of two options (often in a true-or-false format). The questions are exclusively based on

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<sup>57</sup> Information provided by Ufi, 23 July 2010.

the material to be found in the official handbook. In order to pass, it is necessary that at least 18 of 24 questions be answered correctly. Test candidates are not told how many questions they have answered correctly. If they fail the test, the result sheet indicates the areas of the handbook that they ought to revise. In addition, where the pattern of responses indicates that the candidate has insufficient language ability, there is an obligation on the test centre to direct them to ESOL. The test outcome is communicated automatically to the UK Border Agency. Unsuccessful candidates must wait a minimum of seven days before re-taking the test, but there is no limit on the number of times the test can be taken.

Reliance on learndirect centres to administer tests linked to immigration status has left some potential for abuse. In 2006, a newspaper investigation led to allegations that a member of staff at a London test centre was assisting certain candidates, as part of an organised scheme.<sup>58</sup> A more serious fraud came to light in 2007, when the employees at a test centre in Sheffield were found to have been systematically taking the test on behalf of candidates.<sup>59</sup> On this occasion, the immigration authorities had investigated after becoming aware of the centre's very high pass rate and the large number of candidates there from other parts of the United Kingdom.<sup>60</sup>

### *ESOL with citizenship*

The alternative way to satisfy the language and knowledge of life in the UK requirement is to make progress in an ESOL course which includes defined syllabus material on citizenship. In January 2004, the Department for Education and Skills and the Home Office commissioned the National Institute of Adult Continuing Education (NIACE) and LLU+ (previously called the London Language and Literacy Unit) at South Bank University to develop this syllabus (Taylor, 2007: 29-38). The result was the publication of *Citizenship Materials for ESOL Teachers* in September 2005, both online and in hard copy.<sup>61</sup> These materials are aimed at ESOL teachers, and are divided into these twelve sections: (1) What is citizenship? (2) Parliament and the electoral system (3) The United Kingdom in Europe, the Commonwealth and the United Nations, (4) The United Kingdom, (5) The United Kingdom as a di-

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58 'We trap the immigration cheats', *Evening Standard*, 1 June 2006. In that case, the police decided not to prosecute for a lack of evidence: "Citizenship exam scam' may have led hundreds of immigrants to cheat', *Times*, 13 February 2007.

59 "'Citizenship exam scam" may have led hundreds of immigrants to cheat', *Times*, 13 February 2007; 'Police raid confirmed suspicions about centre with inordinately high pass rate', *Yorkshire Post*, 25 February 2010.

60 Eight individuals were convicted of criminal offences: 'Sixth defendant jailed over 'cash for citizenship' scam', *Yorkshire Post*, 19 March 2010.

61 <http://www.niace.org.uk/projects/esolcitizenship/>.

verse society, (6) Human rights, (7) Working in the United Kingdom, (8) Health, (9) Housing, (10) Education, (11) Community Engagement, (12) Knowing the law.

In order for the ESOL-with-citizenship route to be relied upon in an application, an individual must have obtained an 'ESOL Skills for Life' qualification (or an equivalent in Scotland) through a course which used teaching materials derived from *Citizenship Materials for ESOL Learners*.<sup>62</sup> In practice, these ESOL courses are not aimed exclusively at those who wish to study for the purposes of an indefinite leave or naturalisation application. Rather, general courses are provided which rely on the citizenship materials, and then a confirmation letter is given to those who wish to make an application to the UK Border Agency. There is no set format for these courses, and no minimum number of hours' tuition is specified in the 'knowledge of life' rules.<sup>63</sup>

There is no consolidated list of qualifying ESOL courses. In practice, these are generally provided by further education colleges (run by the government of each of the four component parts of the United Kingdom) or by adult education services (provided by local authorities). Courses are potentially open to everyone, with an exemption from fees for some, a reduced 'home' fee for others, and an 'overseas' fee for those not in either group.<sup>64</sup>

The eligibility rules may be summarised as follows. Those exempt from fees are: (1) 16-18 year olds who are lawfully resident; (2) persons in receipt of social benefits; (3) persons in humanitarian categories and their family members; and (4) asylum-seekers after six months.

Those eligible for 'home fees' are: (1) EEA/ Swiss nationals and their family members who have been resident in the EEA/ Switzerland for the previous three years; (2) the spouses and civil partners of settled persons who have been resident in the United Kingdom for one year.

The fees system is therefore weighted towards those protected by EU free movement law, or who derive their status from a humanitarian category. It excludes non-EEA/ Swiss economic migrants and their partners, and the partners of settled persons in the first year.

It is difficult to say without specific research what the actual costs of ESOL courses are, as providers are free to determine the kinds of course they offer. By way of illustration, a further education provider in East Kent offers 15-week courses, with 3 or 6 hours a week (i.e. 45 or 90 hours in total), which cost £160 and £300 for 'home' students and £500 and £1000 for 'overseas' students. Kent adult education meanwhile charges 'home' fees of £252 for a

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62 British Nationality (General) Regulations 2003 (SI 2003 No 548), reg 5A as amended; Immigration Rules, paras 33B and 33C, as amended.

63 See UK Border Agency, *Knowledge of Life in the UK*.

64 This summary is based on Young People's Learning Agency and the Skills Funding Agency, *Agency Funding Guidance 2010/11: Learner Eligibility Guidance*, available at <http://readingroom.ypla.gov.uk/ypla/agency-leg2010-11-version1aon12-04-2010.pdf>. It concerns the position in England only.

120-hour course and £117.60 for a 56-hour course, but does not publicise 'overseas' fee rates.

It is also possible for ESOL course to be provided by private colleges or by voluntary organisations. A particular problem with the former category was the potential for qualifications to be awarded after minimal tuition. That led to two changes in the rules, with effect from 7 April 2010.<sup>65</sup> The first is that it is now possible to rely upon a qualification only if the individual has studied at a college which is accredited by designated means. In order to be counted as accredited, an institution must either be a provider which is supervised by official system of educational inspection; or, a private college which is accredited by one of four designated bodies (Accreditation UK, the British Accreditation Council, the Accreditation Body for Language Services and the Accreditation Service for International Colleges).<sup>66</sup> The second change is that all applicants using this route must specifically demonstrate progress of at least one ESOL level during their course, as opposed to showing the attainment of a given level. This evidence is provided by a formal letter from the institution in question, setting out the initial level and the final levels attained.<sup>67</sup>

## 6. Statistical Material

This section provides an analysis of statistical material concerning the 'life in the UK' requirement, obtained through a freedom of information request to the UK Border Agency. The material concerns three questions: (1) pass rates by nationality, (2) the share of persons obtaining indefinite leave who rely upon the test, ESOL study and an exemption, and (3) recent trends in the numbers of persons obtaining indefinite leave and naturalisation .

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65 The changes were made by Statement of Changes in Immigration Rules, 2009-10 *House of Commons Papers* 439, para 5-7 and the British Nationality (General) (Amendment) Regulations 2010 (SI 2010 No. 785), Reg 3. For an explanation of the background to the reform, see paras 7.40 and 7.41 of the Explanatory Memorandum to the Statement of Changes.

66 A list of the colleges accredited by these four bodies may be found at: [www.ukba.homeoffice.gov.uk/settlement/knowledge-language-life/demonstrating/](http://www.ukba.homeoffice.gov.uk/settlement/knowledge-language-life/demonstrating/). Note that these providers have been accredited for the purpose of allowing them to sponsor students under Tier 4 of the points based system, and not for ESOL purposes. Accordingly, it does not follow from a provider's appearance on the list that it actually runs ESOL courses.

67 UK Border Agency, *Knowledge of Life in the UK*, pp 30-31.

*Pass rates by nationality*

Table A (in the Appendix) provides a summary of test pass rates by nationality for the period from the introduction of the tests in October 2005 to 15 June 2010, for the 146 nationalities that are recorded as having had at least 100 test attempts. It should be appreciated that the data does not distinguish between applicants for indefinite leave and for naturalisation, and that the data is by test attempt, rather than individual. Moreover, this is the only breakdown of the data that is available – in particular, no information is available as to possible differences in pass rate by age or gender.

The global pass rate, for all nationalities, stands at 71.2%. This global figure conceals a disparity in success rates between the two editions of the handbook: 66.8% for the first edition, and 73.6% for the second edition (in use since July 2007). This improved pass rate suggests that the revision of the handbook to make it more comprehensible to applicants was successful. In addition, it is possible that the higher pass rate for the second edition reflects growing familiarity with what is required by candidates.

One question is the extent of any advantage for English-speaking countries. The total pass rate for the 16 states other than the UK which are designated as ‘majority English-speaking’ in the immigration system, plus Ireland, is 86.1%, as against 69.9% for the rest of the world. There is however significant variation among the English-speaking states. Five of the 17 are near the top of the list - New Zealand (2), Australia (3), USA (4) and Canada (6) and Ireland (11) – with a combined pass rate of 97.7%. For the other 12 designated states, all in the Caribbean area, the pass rate is 69.8%. Among this group, the range is from the Bahamas (not ranked, 61 passes, 6 fails, rate of 91.0%) to Jamaica (ranked 115, pass rate of 66.0%). In general terms, what emerges is differentiation among the English-speaking states by level of development.

A second question concerns differences in outcome by continent. The breakdown by continent is as follows:

*Table 1: Test results by continent*

	<b>Pass</b>	<b>Fail</b>	<b>Total</b>	<b>%</b>
Oceania	665	23,193	23,858	97.2
Africa	54,387	207,506	261,893	79.2
Americas	17,276	65,938	83,214	79.2
Europe	21,930	62,219	84,149	73.9
Asia	192,131	349,832	541,963	64.5
Unclassified	218	549	767	
<b>Total</b>	<b>286,607</b>	<b>709,237</b>	<b>995,844</b>	<b>71.2</b>

It is striking that Europe ranks only fourth of the five continents. This is the product of variation between states within the European Economic Area/Switzerland groups, and those outside it. The former group includes several

of the highest ranked states in Table A – including Finland (1), Switzerland (5), Hungary (7) and Sweden (10) – and has a pass rate of 85.9%. By contrast, the pass rate for other European states (excluding Turkey) is 66.6%. It is true of course that those with an EEA or Swiss nationality have a choice as to whether they apply for naturalisation, as the practical advantages for them are limited. Nevertheless, this variation again suggests differentiation by level of development.

The other striking aspect of the breakdown by continent is that Asian states fare significantly worse than others. Overall, persons with an Asian nationality had taken 54% of tests, but had 67% of test fails. Part of the explanation is that Asian states (including Turkey) with large numbers of applicants dominate the lowest places in Table A: Thailand (rank 140, 50.8% pass rate), Afghanistan (rank 142, 48.0% pass rate), Iraq (rank 143, 47.8% pass rate), Turkey (rank 145, 46.5% pass rate) and Bangladesh (rank 146, 44.3% pass rate).

That leads on to the question of whether there are significant differences of outcome by broad immigration category. It is not possible to answer that question directly, as there is very limited information on the acquisition of indefinite leave and citizenship by nationality *and* immigration category.<sup>68</sup> Some broad impression may nevertheless be given. The first is that Bangladesh and Thailand stand out as countries near the bottom of the list from which migration by partners is especially significant. For the other countries, it is striking that many of the nationalities appearing near the bottom of Table A have had substantial numbers of persons granted a humanitarian status in Britain over the past decade or more. Leading examples are Sri Lanka (rank 134, 55.7% pass rate), Angola (rank 138, 53.8% pass rate), Kosovo (rank 141s, 48.7% pass rate), in addition to Afghanistan, Iraq and Turkey (information already given). The rate of success in the test by immigration category is a question that merits specific further investigation, to determine the extent of any differences between immigrant category (i) for all nationalities and (ii) for nationalities with relatively low pass rates.

### *How applicants for indefinite leave meet the requirements*

This section provides a summary of information on how applicants for indefinite leave have met the ‘knowledge of life’ requirement, from its introduction on 2 April 2007 to 15 June 2010.<sup>69</sup> Table B in the Appendix provides a

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68 The only published information on settlement by nationality and category is for 2008: see Table 4c of the supplementary tables to *Control of Immigration: Statistics United Kingdom 2008* (Home Office Statistical Bulletin 14/09), available at [www.rds.homeoffice.gov.uk/rds/immigration-asylum-stats.html](http://www.rds.homeoffice.gov.uk/rds/immigration-asylum-stats.html). It is not however possible to compare a single year’s data with ‘life in the UK’ outcomes.

69 Equivalent information has not been made available for naturalisation.

break down for nationalities where at least 100 persons obtained indefinite leave in the period in question.<sup>70</sup> The overall figure is that 81% of applicants for indefinite leave met the requirement by passing the test, as compared with 12% who have relied upon an ESOL qualification, and 8% who were exempt.

The key question is the extent to which those who are *not* exempt rely upon the ‘knowledge of life’ test, or, alternatively, the ESOL route. Overall, of those who are not exempt, 87.1% rely upon the test, and a mere 12.9% use the ESOL route. Table 2 gives information on the ten nationalities most likely to rely upon the test, among nationalities where at least 100 persons were granted indefinite leave. For comparison, the Table includes information on the test pass rate for those nationalities.

*Table 2: Nationalities most likely to rely upon the test*

	KOL	ESOL	KOL %	KOL pass %
Barbados	207	0	100.0	79.2
Australia	6319	3	100.0	98.0
New Zealand	3192	2	99.9	98.3
South Africa	13507	20	99.9	93.6
Zimbabwe	6544	13	99.8	89.6
United States of America	8190	19	99.8	97.5
Trinidad & Tobago	969	3	99.7	88.4
Singapore	556	2	99.6	95.2
Zambia	1193	5	99.6	89.6
St Lucia	2353	1	99.6	72.7

One unsurprising conclusion suggested by Table 2 is that nationalities with very high success rates in the test are unlikely to rely upon the ESOL route. That can be seen from the appearance on the list of Australia, New Zealand, South Africa, the USA and Singapore, which are among the ten non-EEA/Swiss nationalities with the highest test pass rates. However, other nationalities appear too, including two – Barbados and St Lucia – with pass rates of less than 80%. This suggests that, for some nationalities – including Caribbean states - there is a reluctance to take ESOL courses, even though success in the test is far from guaranteed.

At the opposite end of the scale, Table 3 gives the ten nationalities least likely to rely upon the test at the indefinite leave stage, and therefore most likely to rely upon ESOL.

*Table 3: Nationalities most likely to rely upon ESOL*

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<sup>70</sup> It should be noted that the list does not include EEA countries or Switzerland, as these nationalities do not require indefinite leave.

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	KOL	ESOL	ESOL%	KOL pass %
Somalia	308	600	<b>66.1</b>	61.5
Yemen	214	384	<b>64.2</b>	53.9
Afghanistan	1261	2004	<b>61.4</b>	48.0
Kosovo	404	254	<b>38.6</b>	48.7
Pakistan	16600	10175	<b>38.0</b>	64.2
Eritrea	94	57	<b>37.7</b>	60.5
Bangladesh	6633	3626	<b>35.3</b>	44.3
Turkey	3793	1717	<b>31.2</b>	46.5
Thailand	3695	1434	<b>28.0</b>	50.8
Democratic Republic of the Congo	146	51	<b>25.9</b>	61.6

Much as with the nationalities most likely to rely upon the test, there is predictable broad correlation between reliance upon the ESOL route and low test pass rates. Six of these nationalities – Yemen, Afghanistan, Kosovo, Bangladesh, Turkey and Thailand - feature in the ten nationalities with the lowest pass rates. Every country on the list is either a country in which partner migration is a significant share of settlement (Pakistan, Bangladesh, Thailand) or has been a refugee-producing country in the recent past (the others).

Table 3 reveals that there are only three countries – Somalia, Yemen and Afghanistan – for which a majority of applicants rely upon ESOL. This shows how far the system has departed from the educational purpose of the intention of the ‘Life in the UK’ advisory group. While reliance upon the test may work well for nationalities with high success rates, it seems less coherent as a solution for countries with high failure rates. The case of Bangladesh may be taken as illustrative of the limitations to this arrangement: despite having the lowest pass rate of the 146 countries listed in Appendix A, only one-third of those who are not exempt reach indefinite leave through the ESOL route.

### *Trends in Grants of Indefinite Leave and Naturalisation*

A third set of data of relevance concerns recent trends in the grant of indefinite leave and naturalisation. Table 4 gives the overall figure for grants of indefinite leave for the decade 1999-2008.<sup>71</sup>

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<sup>71</sup> This information is taken from *Control of Immigration: Statistics United Kingdom 2008*, Supplementary Table 4d.

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*Table 4: Grants of indefinite leave, 1999-2008*

<b>1999</b>	96,895	<b>2004</b>	139,210
<b>2000</b>	125,715	<b>2005</b>	179,120
<b>2001</b>	108,190	<b>2006</b>	134,445
<b>2002</b>	115,825	<b>2007</b>	124,855
<b>2003</b>	139,280	<b>2008</b>	148,740

It is noteworthy that in 2008 - the only full year in the period in which the language and 'knowledge of life' requirements applied - the number of grants of indefinite leave was the second highest over the past ten years.

Table 5 gives data concerning naturalisation for the decade 2000-2009.<sup>72</sup>

*Table 5: Grants of naturalisation, 2000-2009*

	<b>Residence</b>	<b>Marriage</b>	<b>Total</b>
<b>2000</b>	34,980	27,425	62,405
<b>2001</b>	39,500	28,620	68,120
<b>2002</b>	57,595	34,415	92,010
<b>2003</b>	54,965	36,755	91,720
<b>2004</b>	64,105	40,405	104,510
<b>2005</b>	77,335	34,495	111,830
<b>2006</b>	77,080	27,585	104,665
<b>2007</b>	87,785	30,425	118,210
<b>2008</b>	65,715	29,075	94,790
<b>2009</b>	99,475	52,625	152,100

Here too, it is apparent that numbers have not declined since the two knowledge requirements were strengthened in 2004-2005. In the four calendar years prior to 2004, the average number of naturalisations was 78,564. By comparison, in the four full years since 2005, the average number of naturalisations was 117,441.

What lies behind Tables 4 and 5 is that higher levels of migration to the United Kingdom from the late 1990s onwards increased the pool of potential applicants for indefinite leave and naturalisation. That upward trend makes it difficult to identify any deterrent effects since the language and 'life in the United Kingdom' requirements were introduced. A further problem is that, even if a reduced propensity to obtain indefinite leave or naturalisation could be shown, it could be due to other causes, including in particular the in-

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72 This information is taken from *British Citizenship Statistics United Kingdom 2009* (Home Office Statistical Bulletin 09/10), Table A, available at <http://rds.homeoffice.gov.uk/rds/immigration-asylum-stats.html>.

creased fees for these applications in recent years.<sup>73</sup> The question of deterrent effects undoubtedly merits specific examination, both at the overall level, and by key characteristics (principally age, gender, immigration status and nationality).

## 7. Results of Interviews

This section provides a summary of two sets of interviews which were conducted for the purposes of this report in June-July 2010.<sup>74</sup> The first group of interviews was with 16 individuals who had taken the 'life in the United Kingdom test'. By original nationality, these respondents included two from each of Jamaica, Pakistan and the United States and one from each of Australia, Canada, Gambia, Lebanon, New Zealand, Poland, Singapore, South Africa. Two further respondents indicated that they were Kurdish, of whom one gave Iraqi as their legal nationality, and the other indicated no other nationality. Among the individual respondents, eight were male and eight were female. Of the fourteen who gave an age most (nine) were aged between 28 and 33. Two were aged below 28 (aged 21 and 24 respectively), and three were aged above 33 (aged 37, 40 and 61, respectively).

The second interview group was with a staff member at each of five organisations which come into contact with migrants who take the test. In either case, the purpose of the interviews was to obtain the respondent's assessment of the test process and of the underlying requirements to have knowledge of the English language and of life in the United Kingdom.

### *Methodology*

The 16 individual respondents were contacted and interviewed in Kent or London. Our strategy was to seek interview subjects by three routes: through word-of-mouth (including advertisement), starting at the University of Kent; through visits to test centres; and through requests for assistance to organisations giving advice to migrants taking the test. The outcomes can be classified as follows:

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73 The basic fee for naturalisation was £200 in 2005 when the 'life in the United Kingdom' requirement came into force. It then increased to £575 in 2007, £655 in 2008, £720 in 2009 and £735 in April 2010 and £780 in October 2010. The basic fee for indefinite leave increased from £335 to £750 on 1 April 2007, as the language and 'life in the United Kingdom' requirements came into force. It subsequently increased to £820 in 2009, £840 in April 2010 and £900 in October 2010.

74 Anika Haverig took the lead in arranging these interviews, and conducted the large majority of them.

- 7 face-to-face interviews, arranged by word-of-mouth (Kent and London)
- 5 face-to-face interviews, at visits to test centres (London only)
- 4 written responses to interview questionnaires, arranged by word-of-mouth (Kent and London)
- No interviews through migrant organisations.

On the whole, the interviews which were arranged by word-of-mouth generated a better quality response than the interviews at test centres and the written responses.

The group of 16 individual respondents is unavoidably selective. In the first place, it proved difficult to recruit those who had failed the test, with only two of the 16 (the Iraqi, and Jamaican respondent A) having done so. Secondly, it proved far easier to recruit those with a high level of English and/or education, both through word-of-mouth *and* at the test centres. Despite these limitations, the 16 individual responses shed light both on the operation of the test, and on test candidates' assessment of it.

Our expectation that the individual interviews would be unrepresentative was the reason for also seeking interviews with advice organisations. The organisations chosen were those we expected would come into contact with categories of migrant who face particular difficulty with two knowledge requirements. The five organisation respondents may be classified as follows:

- A lawyer at three different law centres,<sup>75</sup> two of which were in London, the third in a Northern English town (designated in random order as law centres A, B and C in the presentation below)
- A volunteer who ran free preparation courses for the test at an organisation which assists migrant domestic workers (migrant organisation A)
- An advisor at an organisation which assists migrants having a single non-EEA nationality, among whom many are migrant workers (migrant organisation B).

### *Passing and Failing*

The individual interviews confirm the impression given by the statistics, that the test is relatively straightforward for those with fluent English:

'It was no more than about 5 [minutes], and I wasn't the fastest one ... There was one person that probably only took about 3 minutes and probably just went boom, boom, boom, boom, boom and walked out' (Australian respondent).

'Probably because I had mugged up half an hour before and had the information in my head, I think I probably stalled at one question maximum or two. By the time I hit 24

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<sup>75</sup> Law centres give legal advice to those with limited income, and are mainly financed through a mixture of local authority support and legal aid funding for case-work.

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questions and it's finished I looked at the time clock and it said 41 minutes left, and I couldn't believe that I took 4 minutes to do 24 questions (Singaporean respondent).

'If you read that book and you memorise it you will pass it and it'll take you 5 minutes, 2 minutes, maybe 30 seconds to get through the test. The problem is you leave a room full of people behind who are still... struggling with it' (US respondent A).

Conversely, there is evidence from the respondents of the difficulty of the tests for those from other nationalities. Among the two test subjects who had failed the test, one was an Iraqi Kurd (Iraqi respondent), who had not gone on to take the test a second time at the time of the interview. In line with the statistical evidence suggesting that those in humanitarian categories struggle with the test, this respondent had failed the test despite having lived in Britain for 10 years, having come as a refugee when a young adult. The questions that he identified as having been wrongly answered concerned the detail of employment law and the rules on age limits for the sale of alcohol, neither of which subject appeared to have been of direct relevance to him.

The other person who had failed was the Jamaican respondent A, who had passed the test at a second attempt. Her evidence was that she had lived in the United Kingdom for 15 years, initially as a student and then in employment. Her initial failure in the test she put down to a lack of preparation, due to her having taken the test at the earliest possible date, as she was coming to the end of her immigration permission.

There was in addition a striking piece of indirect evidence from another respondent, as to the difficulty of the test for an individual who in all probability was not a native English speaker:

'I sat down next to this ... family and I sat by them again when we came out and he was nervous, and his book was well used. When he came out, he said 'yes' and his wife said 'thank God for that'. She said 'it's the sixth time he's taken it so that book is going straight in the bin'' (US respondent B).

The organisation respondents were in no doubt that some groups faced particular difficulties in passing the test. When asked which categories faced particular difficulties, one replied as follows

'I would say people from the Somali communities that we've had here. I think that was something new for them, that they would actually have to go and learn the tests. Maybe people from other communities ... Indian communities and Bangladeshis and Pakistani communities ... because quite a few people from these communities haven't actually learnt the language, and they've been here for a number of years' (law centre C).

The same respondent identified ethnic minority women as a group likely to face particular difficulties:

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'It involves those people from the ethnic communities, especially women, who have tended not to ... progress to even learn the language, that are now required to do that and they must do that (law centre C).

The respondents at law centre B and migrant organisation B agreed that women often faced greater challenges, particularly where they had responsibility for children.

The other category which was frequently identified was those over 45, particularly if lacking in formal education:

'Certainly in... well late 40s, 50s, particularly if ... you've never really had to take exams or been educated properly, then I think the older you get the more sort of set in your ways you get, and you think well I've never taken an exam, I can't do exams and so it becomes a bigger obstacle in your mind than it should be' (migrant organisation A).

Similarly, one of the law centre respondents argued that 65 was too high a threshold for exemption from the requirement:

'when do you get to a stage where you think somebody's past their education and would find it difficult to go back into education? 50/55, why not? (law centre C).

### *Content*

The respondents' comments about the content of the handbook came mainly from the individuals who had taken the test. Among them, several took the view that the handbook had information which it was important to know. One of the Jamaican respondents (B) offered the view that the content was 'very important ... [it] gives you a good basis of understanding of the British constitution and way of life,' and considered the test 'a worthwhile experience.' Another respondent offered the view that:

'I know a lot of people argue that history is less important but I'm not one of those people. To know a little bit about why things are the way they are, relating to things like when women were able to vote and when certain migration happened, I don't think it's unreasonable to expect people to have a bit of a knowledge about that' (New Zealand respondent).

A third respondent thought that the handbook had *useful* information, and went so far as to say that she had been inspired to learn more about the United Kingdom:

'Yes I have learned something new, believe me I have ...I was thinking oh Wales was part of GB, but I didn't know it was a country of its own. ... When I read the book I thought ... I've lived here 15 years but ... I never bothered with the nitty-gritty ... now I

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want to go out and do different stuff, see other places in the UK that I've never seen (Jamaican respondent A).'

A more common assessment, however, was that the handbook contained information which was unnecessary, even if it added to the individual's stock of knowledge:

'If I open a pub or a shop I will go in to see a solicitor ... [who] will tell me you cannot sell alcohol to people under the age of this' (Iraqi respondent).

'I didn't know the Queen's official title within the Church of England. I didn't know Wales's national saint. But the question is, does this make me more British? I am not sure. How many others, born Brits would know this?' (Pakistani respondent A).

'I don't know how relevant it would be if I'm not in the society. If I'm say for example an immigrant wife, staying at home, cooking and cleaning for my husband, I'm not sure about knowing about my maternity rights or council tax ...' (Singaporean respondent).

'The percentage of the population [who] are a minority means absolutely nothing to my daily life' (US respondent B).

There was also criticism that information was potentially out-of-date:

'It could be tomorrow they come out on the telly and they have changed the law. I'm going by the book in 2009, so if the law changed tonight I'm still going to be wrong' (Iraqi respondent).

'It's based on a census from some years before, and that's not really recent or current information. And there was some information in the book about [Northern] Ireland and its parliament and the fact that it doesn't operate at times ... but it's not currently suspended, so there was information that's wasn't even updated' (US respondent A).

Some respondents made suggestions as to what *ought to be* in the handbook. One suggestion was that the handbook could have more on popular culture:

'If it's not really in the popular knowledge then it's not necessarily a cultural thing. Maybe you'd be better off asking about Robbie Williams or who's the starting line up for England in the World Cup, or something like that, because most people would know those things' (Canadian respondent).

Another was to have more about British history, including in recent periods:

'I would much rather have been tested on the history of things than the population stats ... British history is so huge and so... and it's actually so important I would say... to the culture over here' (US respondent B).

'Like the recession now is the worst recession in 16 years. What happened 16 years ago? I don't know, I wasn't here. You know, the Margaret Thatcher era, John Major' (also US respondent B).

### *Preparation*

The individual respondents had generally spent very little time in preparation for the test. This was perhaps less surprising in the case of those with a high degree of English language ability. In those cases, the periods indicated were the following:

- 6 or 7 hours (US respondent A)
- 2 days (Pakistani respondents A and B)
- 5 days (New Zealand respondent)
- 1 week irregularly (Singaporean respondent)
- 1 week (Australian respondent)
- 1.5 weeks, an hour a day (South African respondent)
- 2 weeks (Canadian respondent)
- Several weeks, irregularly (US respondent B)
- 1 month, irregularly (Gambian respondent)
- 4 months irregularly (Jamaican respondent B).

It was perhaps more surprising that the Polish respondent indicated one week's preparation for tests that she had passed.

The two respondents who had failed a test indicated very different preparation times. The Jamaican respondent who had failed indicated one week's preparation on that occasion. The Iraqi respondent indicated that he had prepared over a period of six months, but had still failed the test.

All of the individual respondents appear to have relied upon the handbook. Several also relied upon the 'questions and answers' book produced by the Stationery Office (reported by Polish and South African respondents, Jamaican respondent A and US respondent B). In addition, many had used unofficial internet websites which contained mock tests (stated expressly by the Canadian, New Zealand and Polish respondents, by Pakistani respondent A, and by US respondent B).

In contrast, the advice organisation respondents focused on the difficulty which many of their clients had with formal study, whether for the test or in an ESOL setting. The volunteer who ran study classes at migrant organisation A gave his first-hand experience of the potential difficulties, which included a lack of formal education, or experience of computers:

'It might also be .... partly just literacy in your own language. While a lot of my students are very capable I know that some of them at least have very limited education in their own countries, so just the idea of actually studying is new to them.'

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'Some of them don't have access to computers. Some of them have never used a computer. Some of them don't know how to use a mouse ... With [one] class ... we ... ended the lesson with everyone just having a go on the mouse.'

These comments were echoed by a law centre respondent, in relation to three applicants (see below) who had elected not to take the test:

'It could be attributed to what sort of education they had in their home country, and whether they're able to cope with suddenly a computer-based thing, or even class-based teaching ... These particular cases ... had very little education in their country in their childhood, so they are concerned it is complex' (law centre A).

Other law centre respondents gave a similar assessment:

'It does presuppose that you're used to a formal education kind of setting, where you're told here's an exam and here's how you study for an exam which, if you haven't been in that setting before you don't really know how to approach it, do you?' (law centre B).

'Some of our ... clients haven't been to a school at all ... So the reason why they don't progress some of them is not because they don't want to ... it's just they actually haven't been in that environment and are quite scared to go and do it' (law centre C).

A further problem which emerged was that individuals lacked time for preparation.

'The problem of the migrant community ... is that they don't have time. They're doing other work and ... a lot of them don't have access to information' (migrant organisation B).

'We find that nearly always it's very difficult to get the family support that's needed to get a woman out of the house and into an English language course' (law centre B).

Law centre B had itself obtained funding for a programme of 10 free preparatory classes for those taking the test. In the event, only four persons attended the programme, which our respondent attributed primarily to the time the course would have taken.

### *The requirements*

The individual respondents offered a range of opinions on the requirements of knowledge of English and of life in the United Kingdom. At one end of the spectrum was the view that the test was questionable because it set a standard that British-born persons could not meet:

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'The test itself I think is a bit out of order because the things that they ask on the test are things that most British people wouldn't be able to answer ... What day is the day of the patron saint of Wales? ... Nobody knows that' (Canadian respondent).

One law centre respondent thought the requirement to show knowledge of life in the United Kingdom lacked credibility with applicants:

'The only effect it's had on the clients is the fact that they are more nervous. I don't think they feel they understand why they're required to do it. I think they understand the English test, but I don't think they understand the Life in the UK test at all' (law centre C).

A middle view was that the underlying requirements were broadly acceptable. One of the Jamaican respondents described the requirements for indefinite leave and naturalisation as 'very essential' (Jamaican respondent B). Others took the view that the requirements were acceptable, but that better arrangements could be put in place. One suggestion was that there should be the possibility of an interview to assess 'knowledge of life':

'If somebody had actually just sat down and talked to me about what I knew about the UK ... I could have probably .... convinced them that I had a pretty good handle on things' (Australian respondent).

'I think it's better to have a one to one personal interview or chat to find out if someone can speak English and [is] well integrated in the society' (Gambian respondent)

Another reform suggestion was that 'they should have levels ... for different ages and different groups' (Kurdish respondent).

At the other end of the spectrum were those who thought the test was too easy for what it purported to assess:

'I mean I think if you were going to prove that you're integrated and you want to live here you should be able to come along and do a test without having to read a book' (New Zealand respondent).

'I think the test itself is weak ... The English test should be... higher and harder. And the ... Life in the UK test should be with more information, not just basic' (Lebanese respondent).

### *Contribution to integration*

There was general agreement among the individual respondents that the test process did not advance their integration. That was seen in the frequent statement that the test was only about memorisation:

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'it just comes down to comprehension rather than knowledge ... it requires swotting rather than actual learning' (Australian respondent).

'I'm not sure that the test actually achieves [integration], because I rote learnt everything' (Singaporean respondent).

'It wasn't challenging in the sense that it was too hard for me, it was just a pain. It was just the annoyingness ... of having to memorise, because literally it was just a simple act of memorisation, of memorising as much as I possibly could' (US respondent B).

It followed that the test was not suited to testing integration:

'Based on my experience at the time ... I am particularly concerned about the way the questions are posed, one can memorise the book and still pass, not [the] best way to test people's knowledge' (Gambian respondent);

'People ... just see the book, do the test and read through all the paperwork. At the end of the day, if the people are not involved or engaged [in] the culture, they're not engaged' (Iraqi respondent).

'I'd ask these questions to Brits and they would be like, 'I don't know, why would you need to know that?'' (US respondent B).

One respondent was surprised even by the suggestion that integration was one of the test's objectives:

'It felt like just a performing monkey kind of thing that you have to do ... I'm actually surprised that you questioned me on whether I felt integrated after the test because that is an objective I never would have guessed ... I don't think it fosters integration ... It just is another one of those kind of standardised tests you have to do to get to the next step' (US respondent A).

Advice organisation respondents were also sceptical about the likelihood that the tests would lead to integration:

'A Bangladeshi lives in a street, he would probably be living with other Bangladeshis, and whether he speaks in English or not, a Somali who lives in the street is likely to socialise with other Somalis, whether they speak English or not ...' (law centre A).

'It has different outcomes for different people and people will take the test because they know they have to, not because they want to learn the language. I think it's a good thing that they learn the language ... but if they're taking it because they have to take it, then ... they might just go back saying well I've got my indefinite leave, thank you very much, and then just go back into their communities again ... I know some people who have taken the test, passed it, for example for indefinite leave for spouses, but then they couldn't speak English to you ever again. And even when they have come in and passed the test, it's normally with their husbands or somebody who is speaking on their behalf anyway' (law centre C).

The exception was the volunteer at migrant organisation A, who was generally favourable to the tests:

‘people who have passed and who have come in and told me, they’ve been ‘I’ve passed. It’s like I’m almost British’ ... It’s not just a sense of having passed an exam which we all like to do whatever it is, but it’s a step further... a step closer towards what they see as their goal so a real sense of achievement .... I think it does give people confidence.’

### *Deterrent effects*

The interviews also shed light on the question of whether the English language and ‘life in the United Kingdom’ requirements deter applications for indefinite leave or naturalisation. The lawyer at law centre A reported that he had recently made three different applications for further leave to remain as spouses for persons who had not completed the ‘life in the UK’ test within the two-year period. Two of these applicants were from different African countries, and the third from an Asian country.

One difficulty referred to in the interviews was that persons with insufficient English were unable to pass the test. As one respondent put it:

‘my mother has now been in the UK for 11 years but her English, although verbally good, she won’t be able to pass the test (Pakistani respondent A).

A second difficulty concerned the costs of the test for those with limited income. In the interviews, most respondents played down these costs, simply because there were only a small part of the overall cost of applying for indefinite leave or naturalisation. Those in humanitarian categories may be in a different financial position, however, and there is anyway no fee for their applications for indefinite leave. It is therefore revealing that the Iraqi respondent was the only one to complain about the cost of the test itself:

‘Last time I paid £15 train ticket to get to [the test venue]. This time I’m going again I have to pay another £15. So £15 plus £35 each time is £50 for me. For somebody not working £50 is a lot of money.’

The two factors came together for another respondent, who pointed out that a lack of English increased the cost of meeting the requirements, because it forced applicants into the ESOL route:

‘My uncle’s friend, he’s around 35 and he just can’t handle tests. He never learned to read or write in our language, in Kurdish, let alone in English language ... so he had no choice but to go for [an ESOL course], and it was quite a lot for him. I think it was £200’ (Kurdish respondent).

## *Exemptions*

A final question - on which the organisation interviews were especially informative - was the adequacy of the exemptions. It has already been mentioned that the respondent at law centre C favoured reducing the threshold for exemption on grounds of age. A separate issue concerned the absence of a specific procedure for exemption on grounds of incapacity before an application is made. Instead, the UK Border Agency practice is to refuse the whole application, and to take the fee, even if further information or documents might have led to the application succeeding.

'We assisted a client who was deaf and dumb for example and they refused his application knowing that he is deaf and dumb ... We needed to issue a pre-action protocol saying that we will take a judicial review unless they review the decision and it was granted' (law centre A).

'we've had a lot of nationality refusals, simply because they've said you've got to take the test and all they've done is got a little certificate saying she suffers from depression, how does that affect her from taking the test? ... If they've come beforehand, and then they explain to us what their illness is, then I say well you need to go back to your doctor, this is what he needs to say, how this would affect you taking this test or even taking a course. ... the doctor has to help in this department and if he doesn't it's not worth submitting that report because ... they're just going to lose the money' (law centre C).

## **Summary and Conclusions**

Part A of the report documented the use, since 2004, of immigration and nationality law rules to be used to promote the integration of migrants. Historically, the only example of such an integration rule was a poorly-enforced requirement for a person other than a spouse to have knowledge of an official language in order to naturalise. By contrast, recent years have seen language requirements rolled-out at all stages of the immigration and nationality law system, and the introduction of 'life in the United Kingdom' requirement first for naturalisation and then for indefinite leave. The only limit is that, to date, the rules that have been introduced have been characterised by a focus on cognitive capacities and factual information, rather than prescribing certain values or life-choices.

Part B of the report showed that the 'life in the UK' test is relatively straightforward for those with a good command of English. Both the statistical analysis in section 6 and the interviews presented in section 7 also gave evidence of the greater impact of the language and 'life in the UK' requirements upon certain groups, with many in humanitarian categories, some in family categories (especially if they are women) and some older people faring less well. By extension, it seems likely that those groups are now less free to take up indefinite leave or to naturalise than they would have been had

these requirements not applied. Given the limitations of the available data, the conclusions in this report concerning differential outcomes in tests, and the deterrent effects of the knowledge requirements, are necessarily provisional. A full evaluation on both points would appear to require specific research.

Against that background, questions may be asked as to the design of the 'life in the UK' system. The current arrangements – based on the handbook and relatively simple test – appear to prioritise convenience for those for whom the process is straightforward (native speakers of English and others with a high level of English) over provision for those for whom it is not. As we have seen, the result is that the ESOL route is not central to the system as a whole, with only 12.9% of those who are not exempt relying upon it in settlement applications. A measure of the difficulties is given by the fact that, of the six nationalities with a test pass rate below 50%, in only one case (Afghanistan) have a majority of applicants for settlement relied upon the ESOL route.

One implication for policy is that ESOL funding and provision arrangements – including the exclusion of many economic migrants and partners – ought to be reviewed in the light of the working of the 'life in the UK' system. The most complete solution would be to extend free or 'home fee' ESOL provision to all those who are potentially eligible for indefinite leave or naturalisation, and who would have to meet the two knowledge requirements in order to obtain those. If that approach is considered too broad, an alternative would be the selective expansion of free or 'home fee' ESOL provision to immigration categories or nationalities who fare less well under the 'life in the UK' test.

A second policy implication which may be drawn from this study is that the use of courses within the 'life in the UK' system ought to be given greater prominence. This is firstly a matter of promoting the ESOL courses which exist, for example through an easily-accessible list of these courses available to migrants. Secondly, it might be desirable to have greater standardisation of course models, in place of the current arrangements whereby providers define this for themselves. Thirdly, there may be scope for the development of preparatory courses for the test itself, something which appears to be a gap in the current arrangements.

Actual policy in the foreseeable future seems likely to be more restrictive than at present. The then Labour Government set out a number of proposals in this area in *Earning the Right to Stay: A New Points Test for Citizenship* in July 2009. One change that it contemplated was that the requirements of knowledge of English and of life in the United Kingdom would apply at two stages (Home Office, 2009: 9). For the acquisition of a new intermediate right of residence (to be called 'probationary citizenship'), something like the current arrangements would apply, including the test's focus on 'practical information about life in the UK', and the possibility to show progress to a

basic level of English with the ESOL route. For naturalisation, however, what was contemplated was a higher standard, with the tests focusing on 'more challenging topics such as the historical and political context', and a requirement of progress beyond a basic standard within the ESOL route.<sup>76</sup> A second possible change was that, within a proposed points system for the planned status of probationary citizenship, points would be deducted, or (unspecified) penalties imposed, 'for not integrating into the British way of life' (ibid: 17). However, neither the meaning of this phrase, nor how it might be operationalised, was explained in the consultation document, which instead asked respondents to indicate which 'attributes' they considered should give rise to these sanctions.

At the time of writing, there are therefore two Labour government proposals concerning integration which remain unimplemented – 'active citizenship' from *The Path to Citizenship*, and the proposals in *Earning the Right to Stay*. It cannot be said with any certainty what their fate will be. The only indication to date of the Conservative-Liberal coalition's plans in this area was a statement in July 2010 in which it announced that it was 'reviewing English language requirements across the immigration system with a view to tightening the rules further in the future'.<sup>77</sup> It is to be hoped that, before deciding on any such measures, the Government will arrange for a full evaluation – so far lacking - of the effects of the language and 'life in the UK' rules which have been introduced so far.

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76 According to the 2009 proposals, these higher standards would be applicable at the 'British citizenship stage'. That formulation left unclear whether the same arrangements would apply both to naturalisation as a British citizen, and to the parallel status of permanent resident contemplated in the document. Given that lack of clarity, and the fact that the creation of the status of permanent resident is not guaranteed, the proposal has been treated as applying to naturalisation alone in the text here.

77 Immigration Minister Damian Green, written statement, *House of Commons Debates*, 26 July 2010, cols 66-67WS.

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Appendix: Statistical Tables

Table A: Test Pass Rates by Nationality, 2005-2010

		Pass	Fail	Total	Pass Rate (%)
	<b>All Nationalities</b>	<b>709,237</b>	<b>286,607</b>	<b>995,844</b>	<b>71.2</b>
1	Finland	152	2	154	98.7
2	New Zealand	8,117	138	8,255	98.3
3	Australia	14,512	296	14,808	98.0
4	United States of America	17,538	443	17,981	97.5
5	Switzerland	153	4	157	97.5
6	Canada	5,925	190	6,115	96.9
7	Hungary	623	31	654	95.3
8	Singapore	1,167	59	1,226	95.2
9	Japan	3,505	187	3,692	94.9
10	Sweden	291	16	307	94.8
11	Ireland	425	25	450	94.4
12	Denmark	111	7	118	94.1
13	Germany	1,118	73	1,191	93.9
14	South Africa	39,288	2,683	41,971	93.6
15	Argentina	824	58	882	93.4
16	Taiwan	1,410	100	1,510	93.4
17	Greece	1,010	78	1,088	92.8
18	Italy	1,136	101	1,237	91.8
19	Mexico	1,279	116	1,395	91.7
20	Lesotho	172	17	189	91.0
21	Russia	8,332	891	9,223	90.3
22	Belarus	1,116	125	1,241	89.9
23	Spain	453	52	505	89.7
24	Zimbabwe	28,947	3,344	32,291	89.6
25	Zambia	3,609	419	4,028	89.6
26	Israel	2,082	243	2,325	89.5
27	Korea (South)	552	65	617	89.5
28	Malawi	1,373	167	1,540	89.2
29	Kazakhstan	562	71	633	88.8
30	Trinidad and Tobago	2,904	381	3,285	88.4
31	Slovakia	635	89	724	87.7
32	Austria	114	16	130	87.7
33	Poland	3,100	441	3,541	87.5
34	Czech Republic	371	55	426	87.1

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35	Belgium	134	20	154	87.0
36	France	1,241	193	1,434	86.5
37	Venezuela	907	142	1,049	86.5
38	Kyrgyzstan	243	39	282	86.2
39	Ukraine	5,028	815	5,843	86.1
40	Swaziland	220	37	257	85.6
41	Bulgaria	7,966	1,358	9,324	85.4
42	Uzbekistan	396	68	464	85.3
43	Mauritius	5,010	865	5,875	85.3
44	South Korea	3,608	637	4,245	85.0
45	Latvia	406	72	478	84.9
46	Chile	534	97	631	84.6
47	Kenya	9,188	1,702	10,890	84.4
48	Romania	4,757	903	5,660	84.0
49	Botswana	319	62	381	83.7
50	Namibia	348	68	416	83.7
51	Netherlands	520	107	627	82.9
52	Uganda	4,761	1,020	5,781	82.4
53	Jordan	1,067	229	1,296	82.3
54	Nigeria	31,762	7,004	38,766	81.9
55	Cameroon	2,169	480	2,649	81.9
56	Benin	84	19	103	81.6
57	Brazil	5,220	1,200	6,420	81.3
58	Myanmar	901	209	1,110	81.2
59	Saudi Arabia	240	57	297	80.8
60	Ghana	18,775	4,461	23,236	80.8
61	Croatia	1,312	326	1,638	80.1
62	Estonia	221	55	276	80.1
63	St Vincent & the Grenadines	664	167	831	79.9
64	Egypt	2,985	757	3,742	79.8
65	India	89,813	23,121	112,934	79.5
66	Moldova	521	136	657	79.3
67	Barbados	596	157	753	79.2
68	Lithuania	662	178	840	78.8
69	Peru	1,016	274	1,290	78.8
70	Turkmenistan	108	30	138	78.3
71	Rwanda	1,753	503	2,256	77.7
72	Mongolia	313	92	405	77.3
73	Georgia	585	176	761	76.9
74	Philippines	45,333	13,692	59,025	76.8

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75	Tanzania	2,427	736	3,163	76.7
76	Portugal	1,408	455	1,863	75.6
77	Indonesia	1,156	379	1,535	75.3
78	Guyana	1,643	548	2,191	75.0
79	Seychelles	379	129	508	74.6
80	Dominica	287	101	388	74.0
81	Azerbaijan	641	231	872	73.5
82	Stateless and Refugees	156	58	214	72.9
83	St Lucia	805	302	1,107	72.7
84	Fiji	465	175	640	72.7
85	Bolivia	373	141	514	72.6
86	Nepal	5,788	2,195	7,983	72.5
87	Sierra Leone	6,021	2,305	8,326	72.3
88	Syria	1,376	528	1,904	72.3
89	British (except British National (Overseas))	351	135	486	72.2
90	Belize	93	36	129	72.1
91	Mozambique	92	36	128	71.9
92	Burundi	1,730	678	2,408	71.8
93	Togo	350	141	491	71.3
94	Lebanon	1,928	782	2,710	71.1
95	Grenada	412	174	586	70.3
96	Ivory Coast	1,519	658	2,177	69.8
97	Palestinian Authority	928	408	1,336	69.5
98	Liberia	719	317	1,036	69.4
99	Armenia	320	142	462	69.3
100	United Arab Emirates	36	16	52	69.2
101	Senegal	239	107	346	69.1
102	Malaysia	7,881	3,549	11,430	69.0
103	Bosnia Herzegovina	621	282	903	68.8
104	Antigua & Barbuda	98	45	143	68.5
105	British National (Overseas)	1,583	730	2,313	68.4
106	Sudan	2,805	1,336	4,141	67.7
107	Morocco	2,657	1,279	3,936	67.5
108	Ethiopia	2,382	1,148	3,530	67.5
109	Gambia	2,875	1,394	4,269	67.3
110	China	23,069	11,222	34,291	67.3
111	Algeria	4,971	2,435	7,406	67.1
112	Colombia	5,072	2,515	7,587	66.9
113	Cuba	533	268	801	66.5
114	Iran	10,630	5,447	16,077	66.1

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115	Jamaica	16,259	8,369	24,628	66.0
116	Kuwait	189	102	291	64.9
117	Pakistan	48,007	26,792	74,799	64.2
118	Macedonia (FYROM)	909	512	1,421	64.0
119	Libya	1,164	672	1,836	63.4
120	Ecuador	2,113	1,276	3,389	62.3
121	Serbia & Montenegro	2,037	1,247	3,284	62.0
122	Guinea	305	187	492	62.0
123	Democratic Republic of the Congo	3,951	2,463	6,414	61.6
124	Somalia	14,096	8,823	22,919	61.5
125	Cyprus	231	148	379	60.9
126	Serbia	636	412	1,048	60.7
127	Eritrea	2,009	1,311	3,320	60.5
128	Bhutan	104	69	173	60.1
129	Vietnam	1,297	904	2,201	58.9
130	Tunisia	1,163	814	1,977	58.8
131	Congo	1,778	1,319	3,097	57.4
132	Dominican Republic	207	161	368	56.3
133	Albania	5,733	4,520	10,253	55.9
134	Sri Lanka	16,399	13,033	29,432	55.7
135	Montenegro	82	69	151	54.3
136	Yugoslavia	1,794	1,514	3,308	54.2
137	Yemen	930	794	1,724	53.9
138	Angola	2,674	2,300	4,974	53.8
139	Hong Kong SAR	1,688	1,468	3,156	53.5
140	Thailand	7,634	7,407	15,041	50.8
141	Kosovo	5,873	6,189	12,062	48.7
142	Afghanistan	14,667	15,919	30,586	48.0
143	Iraq	19,986	21,823	41,809	47.8
144	Turkish Republic of Northern Cyprus	186	212	398	46.7
145	Turkey	14,651	16,832	31,483	46.5
146	Bangladesh	17,806	22,404	40,210	44.3

Source: Based on information provided by the UK Border Agency. Includes only nationalities with at least 100 tests. The period covered is 2 November 2005 to 15 June 2010.

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**Table B: Routes to meeting the 'knowledge of life' requirement, by nationality**

	KOL	%	ESOL	%	exemption	%	Total	KOL as % of non-exempt
Afghanistan	1261	36.2	2004	57.5	221	6.3	3486	38.6
Albania	2428	88.5	301	11.0	15	0.5	2744	89.0
Algeria	1082	80.2	229	17.0	38	2.8	1349	82.5
Argentina	351	95.6	6	1.6	10	2.7	367	98.3
Australia	6319	92.8	3	0.0	486	7.1	6808	100.0
Azerbaijan	163	91.1	8	4.5	8	4.5	179	95.3
Bangladesh	6633	61.0	3626	33.4	609	5.6	10868	64.7
Barbados	207	93.2		0.0	15	6.8	222	100.0
Belarus	464	93.9	14	2.8	16	3.2	494	97.1
Bolivia	99	83.9	9	7.6	10	8.5	118	91.7
Bosnia & Herzegovina	131	92.3	8	5.6	3	2.1	142	94.2
Botswana	153	92.7	1	0.6	11	6.7	165	99.4
Brazil	2370	92.7	109	4.3	78	3.1	2557	95.6
British National (Overseas)	1125	92.2	40	3.3	55	4.5	1220	96.6
British (except British National (Overseas))	303	93.8	6	1.9	14	4.3	323	98.1
Bulgaria	3226	96.2	101	3.0	27	0.8	3354	97.0
Cameroon	437	93.2	9	1.9	23	4.9	469	98.0
Canada	2740	95.5	12	0.4	117	4.1	2869	99.6
Chile	164	88.2	10	5.4	12	6.5	186	94.3
China	9661	89.7	529	4.9	578	5.4	10768	94.8
Colombia	1274	91.7	73	5.3	42	3.0	1389	94.6
Cote D'Ivoire (Ivory Coast)	161	85.2	18	9.5	10	5.3	189	89.9
Croatia	282	94.9	6	2.0	9	3.0	297	97.9
Cuba	227	87.6	22	8.5	10	3.9	259	91.2
Democratic Republic of the Congo	146	64.6	51	22.6	29	12.8	226	74.1
Dominican Republic	103	88.0	13	11.1	1	0.9	117	88.8
Ecuador	286	84.4	26	7.7	27	8.0	339	91.7
Egypt	1111	81.8	114	8.4	133	9.8	1358	90.7
Eritrea	94	57.7	57	35.0	12	7.4	163	62.3
Ethiopia	280	76.3	66	18.0	21	5.7	367	80.9

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Fiji	75	55.1	1	0.7	60	44.1	136	98.7
Gambia	1051	88.5	71	6.0	65	5.5	1187	93.7
Georgia	143	89.4	6	3.8	11	6.9	160	96.0
Ghana	5082	88.2	296	5.1	383	6.6	5761	94.5
Grenada	139	90.8	5	3.3	9	5.9	153	96.5
Guyana	548	91.9	4	0.7	44	7.4	596	99.3
Hong Kong SAR	259	91.5	18	6.4	6	2.1	283	93.5
India	30445	77.1	4019	10.2	5010	12.7	39474	88.3
Indonesia	466	84.1	68	12.3	20	3.6	554	87.3
Iran	1250	76.7	232	14.2	148	9.1	1630	84.3
Iraq	1740	55.8	571	18.3	805	25.8	3116	75.3
Israel	687	91.1	22	2.9	45	6.0	754	96.9
Jamaica	4020	87.6	73	1.6	498	10.8	4591	98.2
Japan	2330	97.1	33	1.4	37	1.5	2400	98.6
Jordan	307	85.0	24	6.6	30	8.3	361	92.7
Kazakhstan	239	90.2	13	4.9	13	4.9	265	94.8
Kenya	2495	91.8	54	2.0	168	6.2	2717	97.9
Kosovo	404	59.6	254	37.5	20	2.9	678	61.4
Lebanon	581	89.8	42	6.5	24	3.7	647	93.3
Libya	265	70.7	57	15.2	53	14.1	375	82.3
Macedonia (FYROM)	221	92.1	10	4.2	9	3.8	240	95.7
Malawi	450	92.6	9	1.9	27	5.6	486	98.0
Malaysia	3741	92.3	103	2.5	207	5.1	4051	97.3
Mauritius	1740	91.6	48	2.5	112	5.9	1900	97.3
Mexico	619	95.5	10	1.5	19	2.9	648	98.4
Moldova	142	85.5	8	4.8	16	9.6	166	94.7
Morocco	874	78.5	239	21.5	1	0.1	1114	78.5
Myanmar	287	85.9	18	5.4	29	8.7	334	94.1
Namibia	182	91.9	4	2.0	12	6.1	198	97.8
Nepal	1446	51.4	178	6.3	1191	42.3	2815	89.0
New Zealand	3192	91.8	2	0.1	285	8.2	3479	99.9
Nigeria	7335	86.8	79	0.9	1040	12.3	8454	98.9
Pakistan	16600	57.3	10175	35.1	2214	7.6	28989	62.0
Palestinian Authority	155	86.1	16	8.9	9	5.0	180	90.6
Peru	399	87.1	28	6.1	31	6.8	458	93.4
Philippines	15396	97.6	123	0.8	249	1.6	15768	99.2
Romania	1666	97.9	18	1.1	18	1.1	1702	98.9
Russian Federation	2658	88.5	108	3.6	237	7.9	3003	96.1
Senegal	90	83.3	15	13.9	3	2.8	108	85.7

UNITED KINGDOM

Serbia & Montenegro	434	91.0	26	5.5	17	3.6	477	94.3
Seychelles	123	93.9	2	1.5	6	4.6	131	98.4
Sierra Leone	775	89.0	33	3.8	63	7.2	871	95.9
Singapore	556	93.6	2	0.3	36	6.1	594	99.6
Somalia	308	31.6	600	61.5	68	7.0	976	33.9
South Africa	13507	94.4	20	0.1	785	5.5	14312	99.9
South Korea	1178	94.2	17	1.4	56	4.5	1251	98.6
Sri Lanka	3414	81.7	466	11.1	300	7.2	4180	88.0
St Lucia	235	87.4	1	0.4	33	12.3	269	99.6
St Vincent & the Grenadines	104	73.2	3	2.1	35	24.6	142	97.2
Sudan	428	71.6	115	19.2	55	9.2	598	78.8
Swaziland	112	97.4	1	0.9	2	1.7	115	99.1
Syria	420	83.3	38	7.5	46	9.1	504	91.7
Taiwan	536	96.1	5	0.9	17	3.0	558	99.1
Tanzania	710	88.0	45	5.6	52	6.4	807	94.0
Thailand	3695	70.8	1434	27.5	93	1.8	5222	72.0
Trinidad & Tobago	969	94.5	3	0.3	53	5.2	1025	99.7
Tunisia	541	87.3	63	10.2	16	2.6	620	89.6
Turkey	3793	66.4	1717	30.0	205	3.6	5715	68.8
Uganda	875	93.0	12	1.3	54	5.7	941	98.6
Ukraine	1684	87.8	129	6.7	105	5.5	1918	92.9
United States of America	8190	94.2	19	0.2	482	5.5	8691	99.8
Uzbekistan	146	88.0	6	3.6	14	8.4	166	96.1
Venezuela	346	93.8	7	1.9	16	4.3	369	98.0
Vietnam	349	82.5	63	14.9	11	2.6	423	84.7
Yemen	214	34.0	384	61.0	32	5.1	630	35.8
Zambia	1193	94.8	5	0.4	60	4.8	1258	99.6
Zimbabwe	6544	93.6	13	0.2	432	6.2	6989	99.8
All Nationalities	205975	80.8	29931	11.7	19127	7.5	255033	87.3

Source: Based on information provided by the UK Border Agency. Includes nationalities with at least 100 cases of indefinite leave. The period covered is 2 April 2007 to 15 June 2010