

Section 1- this section deals with applications received on or after 7 April 2010.

Section 2 - this section deals with applications received between 1 November 2005 and 6 April 2010

Section 1

The knowledge of language and knowledge of life requirements - this section refers to applications made on or after 7 April 2010

1.1 Introduction

1.1.1 Persons who apply for naturalisation under **s.6(1)** and **s.6(2)** of the British Nationality Act 1981 on or after 1 November 2005 are required to have both sufficient knowledge of life in the United Kingdom and sufficient knowledge of the English, Welsh or Scottish Gaelic language. Prior to the 1 November 2005, Knowledge of life in the UK was **not** a requirement for those who applied for naturalisation before this date. Provision about how the requirements in respect of a sufficient knowledge of language and of life in the UK are to be satisfied is contained in the **British Nationality (General) Regulations 2003, as amended**.

1.1.2 Since 2 April 2007, persons applying for indefinite leave to remain (ILR) following time spent in certain categories of the Immigration Rules, have also been required to demonstrate, by similar means, that they have a sufficient knowledge of language and of life in the UK. Further guidance on the knowledge of language and life in the UK requirements for ILR can be found on the UK Border Agency website at the following link:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/cross-cut/knowledge-of-life/kol.pdf?view=Binary>

1.1.3 If the case information database (CID) records that the applicant demonstrated a sufficient knowledge of English and of life in the UK when applying for ILR, either by passing a 'life in the UK test' or by attaining a relevant ESOL qualification, you should accept without further enquiry that s/he has a sufficient knowledge of language and of life in the UK for naturalisation purposes.

Proving Knowledge of language and knowledge of life in the United Kingdom

1.2 For persons in the United Kingdom

1.2.1 **From the 1 November 2005** migrants applying for naturalisation as a British citizen can demonstrate that they can meet the requirement to have sufficient knowledge of language and knowledge of life in the UK by one of the following means:

- A.** By obtaining English for speakers of other languages (ESOL) qualification following attendance at an accredited college which has a citizenship syllabus.
- This will be the route taken by those who do not already have sufficient knowledge of English, Welsh or Scottish Gaelic to enable them to study for and pass the life in the UK test.

Or

- B.** By passing the Life in the UK test.
- This will be the route taken by those whose English is equivalent or better than ESOL Entry Level 3 or Scottish Intermediate Level 1 standard.

1.2.2. ESOL with citizenship course

1.2.2.1 Applicants who do not already have sufficient knowledge of English, Welsh or Scottish Gaelic to allow them to sit the Life in the UK test may alternatively produce evidence that they have attained a relevant ESOL qualification following attendance at a course which used teaching materials derived from the document entitled 'citizenship materials for ESOL learners' (ISBN 1-84478-5424).

1.2.2.2 The British Nationality (General) (Amendment) Regulations 2010 came into force on 7 April 2010. These specified that a person applying after that date on the basis of an ESOL with citizenship course should have studied at an 'accredited college', obtained a 'relevant qualification' from an 'approved awarding body', and have demonstrated 'relevant progress'.

1.2.2.3 An ESOL qualification will meet this requirement:

- if the college the applicant studied at was accredited on the date that the applicant gained the qualification, or
- if the college the applicant studied at is accredited on the date a decision is made on the case.

1.2.2.4 A college can be accredited if:

It is a **publicly funded college** and it is subject to inspection by:

- Ofsted (if situated in England),
- the Education and Training Inspectorate (if situated in Northern Ireland),
- HM Inspectorate of Education (if situated in Scotland),
- Estyn (if situated in Wales); or

- an inspection programme that has been approved by the Island's Government (if situated in the Channel Islands or Isle of Man)'.

It is a **private college** and it is accredited by:

- Accreditation UK,
- the British Accreditation Council (BAC),
- the Accreditation Body for Language Services (ABLS), or
- the Accreditation Service for International Colleges (ASIC).

1.2.2.5 A 'relevant qualification' is:

- an ESOL qualification in speaking and listening at Entry 1, 2 or 3 level awarded or authenticated by a body approved for this purpose by the Office of the Qualifications and Examinations Regulation (Ofqual); or
- one ESOL unit at Access 2, Access 3, or Intermediate 1 level approved by the Scottish Qualifications Authority (SQA).

1.2.2.6 In England, Wales and Northern Ireland, the "approved awarding bodies" are:

- Ascentis (formerly Open College of the Northwest)
- Cambridge ESOL
- City & Guilds (Pitmans)
- Edexcel
- Education Development International (EDI)
- English Management Direct (EMD)
- English Speaking Board (International) Limited
- Learning Resource Network (LRN)
- National Open College Network
- Trinity College London

1.2.2.7 In Scotland, the only approved awarding body is:

- the Scottish Qualifications Authority.

1.2.2.8 Certificates that have not been issued by one of the above eleven awarding bodies will not be accepted.

1.2.2.9 To demonstrate relevant progress', a student must have had their English language ability assessed by a suitably qualified teacher before they start their ESOL course. They must then progress at least one level in order to meet the knowledge of language and life requirements. For example:

- A student initially assessed by a college as being below Entry 1 level must obtain an ESOL qualification at Entry level 1, 2 or 3.
- A student initially assessed by a college as being at Entry 1 level must obtain an ESOL qualification at Entry level 2 or 3. .
- A student initially assessed by a college as being at Entry 2 level must obtain an ESOL qualification at Entry 3 level.

Note: If a student is initially assessed by a college as being above Entry 3 level (or, in Scotland, above Intermediate 1 level), he or she would need to take the Life in the UK test.

1.2.2.10 **Evidence required**

1.2.2.11 ESOL courses are available through a number of providers including both public and private colleges. However, there are only eleven awarding bodies through which a relevant accredited qualification can be issued.

1.2.2.12 The applicant must produce an original certificate and/or a unit transcript from one of the awarding bodies listed in paragraph 1.2.2.6. This certificate must confirm that the applicant has been successful in:

- 'speaking and listening' or 'speaking and listening, reading and writing' at either Entry 1, Entry 2 or Entry 3 level; or
- one ESOL Unit at Access 2, Access 3 or Intermediate 1 level

for SQA awarded certificates,.

In addition, a letter must be provided by the college confirming:

- The student's name
- The title of the qualification obtained
- The name of the awarding body
- That the course contained citizenship materials derived from the document entitled 'Citizenship Materials for ESOL Learners' produced by NIACE/LLU+
- That the student was assessed at the beginning of the course by a suitably qualified teacher
- The level at which the student was originally assessed
- The level to which he or she has progressed
- The duration of the course
- How the college meets the definition of an 'accredited college'.

The letter from the college must be on letter-headed paper, be signed and dated by an official of the college, and contain the official stamp or seal of the college.

1.2.2.13 ESOL qualifications issued by the SQA, may refer to certain codes on their certificates to indicate the level of qualification achieved. These codes are listed below:

- Code 08 on the certificate indicates Access Level 2
- Code 09 on the certificate indicates Access Level 3
- Code 10 on the certificate indicates Intermediate Level 1

1.2.2.14 If the applicant was initially assessed at Intermediate Level 1 (code 10) then they would need to take the Life in the UK test.

1.2.2.15 Separate instructions will be issued as necessary if additional evidence is required in support of the application for naturalisation. For example, evidence of attendance may be required in certain circumstances where the UK Border Agency

is concerned about the levels of attendance on a particular ESOL course.

1.2.2.16 If the applicant claims to have obtained a relevant ESOL qualification in order to obtain ILR, **and** information on CID confirms this, the applicant should not be asked to resubmit this evidence when applying for naturalisation. However, if there is no information on CID to confirm the applicant has obtained a relevant ESOL qualification, we should request the evidence detailed in paragraph 1.2.2.10 above.

1.2.2.17 Annex E(i) gives further guidance on how to assess whether an institution is accredited.

1.2.3 Life in the UK tests

1.2.3.1 The publication 'Life in the UK. A journey to citizenship' is the basis for the 'Life in the UK test'. A 2nd edition of this was published on 2 April 2007. It can be ordered [online](#) (in either book or audio CD format) or from booksellers and stationery office shops.

1.2.3.2 The Life in the UK test is, in the UK, administered for the Home Office by Ufl Ltd. There are around 100 test centres throughout the country. The test will consist of 24 questions, taken from a pool of 200 questions and candidates will have 45 minutes in which to answer them. The test will be based on chapter 2 entitled 'A changing society', chapter 3 'UK today: A profile' and Chapter 4 'How the United Kingdom is governed' of the 'Life in the UK' publication.

1.2.3.3 People who pass the test do not also have to produce further proof of their knowledge of the English, Welsh and Scottish Gaelic language. This is because to pass the test they will need to be competent in one of the three languages.

1.2.3.4 There is no 'expiry date' on a pass in the life in the UK test. This means that evidence of a pass at any time can be used to demonstrate fulfilment of the requirements, for naturalisation purposes, to have a sufficient knowledge of language and of life in the UK.

1.2.3.5 Evidence to be supplied

1.2.3.6 When an applicant is claiming to meet the knowledge of language and life in the UK requirement based on passing the Life in the UK test they should produce a letter, from the relevant test centre, stating that they have successfully passed the test.

1.2.3.7 Test results are also sent to the UK Border Agency electronically and this information is put onto Warehouse. You must check the applicant has passed the test on Warehouse. Test information that is included on Warehouse is:

- the applicant's personal information
- Home Office reference number
- test details including:
 - test reference
 - test centre name and reference
 - date of test
 - result of test
- how many times an applicant has taken the test
- the serial number of the document used for identification at the test centre, if the test was taken on or after 16 March 2008.

1.2.3.8 If the Life in the UK test details cannot be found on Warehouse you should look into the case more closely by firstly checking that the test centre that issued the letter is a genuine 'Life in the UK' test centre and that they did indeed issue the letter in question. A full list of test centres can be found on the [Ufl website](#).

1.2.3.9 If you have any doubts about the validity of an applicant's evidence you should consult your senior caseworker in the first instance.

1.2.3.10 If an applicant cannot supply the letter because it has been lost, you can accept a Warehouse record as proof they have passed the test.

1.2.3.11 Applicants who claim that they have passed the 'Life in the UK' test in order to obtain ILR, must quote the test pass number on the application form to enable UKBA to check the information on warehouse. These applicants do not need to

resubmit their test pass letter unless you have any doubts about the validity of the information provided.

1.2.4 Applications based on knowledge of Welsh or Scottish Gaelic

1.2.4.1 Where the applicant is relying on his or her knowledge of **Welsh or Scottish Gaelic**, an adequate level of language ability may be assumed unless there is information to hand which suggests that this may not be so. For example, applicants who have not filled out the form themselves or who have made their mark instead of signing the application. In such cases, enquiries should be made and the referees asked whether the applicant can speak and understand the relevant language to a level where they can:

- make simple conversation about themselves and their family and way of life.
- communicate sufficiently to deal with everyday situations such as travelling, shopping, visiting the doctor's surgery or a child's school, and conducting dealings with officials. The section in the Referee's notes, which describes this standard, should be underlined.

1.2.4.2 For further information on the initial scrutiny of applications, see chapter 6 paragraph 6.3.

1.2.4.3 For evidence that the applicant meets the knowledge of life in the United Kingdom requirement special arrangements will be made by Ufl to enable the applicant to sit the Life in the UK test in Welsh or Scottish Gaelic. If you receive any applications (on or after 1 November 2005) where the applicant is relying on their knowledge of Welsh or Scottish Gaelic to meet the language requirement these should be referred to the Settlement Operational Policy Team once it has been established that the applicant does indeed have sufficient knowledge of Welsh or Scottish Gaelic.

1.3 Applicants outside the UK

1.3.1 Applicants residing outside the UK will not, in general, be able to provide the above evidence.

1.3.2 Channel Islands and the Isle of Man

1.3.2.1 People applying for citizenship in the Channel Islands or the Isle of Man will have to take the Life in the UK test or successfully complete an ESOL with citizenship course. Tests on the Islands are paper-based and consist of 25 questions, with 6 questions being based on local information about the island where the test is taken.

1.3.2.2 Life in the UK tests completed in the Channel Islands or Isle of Man are not sent electronically to UKBA and cannot, therefore, be checked against Warehouse.

1.3.3 Overseas Applications

1.3.3.1 All other overseas applicants will need to provide evidence that they can meet the knowledge of language and life requirements. As applicants for naturalisation cannot, in general, have absences from the UK of more than 90 days in 12 months prior to application they will be able sit a Ufi test or complete an ESOL course in the UK before applying. We should therefore expect the same evidence of knowledge of language and life in the UK (Ufi test or ESOL qualification) from overseas applicants.

1.4 Discretion to waive the knowledge of language and life in the UK requirements

1.4.1 There is discretion to waive the knowledge of language and life in the UK requirement if, because of age or physical or mental condition, it would be unreasonable to expect the applicant to satisfy them. This is outlined in paragraph 2(e) of Schedule 1 to the British Nationality Act 1981.

1.4.2 It should not be assumed that, because an applicant was not required to produce evidence of success in the Life in the UK test or of a relevant ESOL qualification when applying for ILR, s/he should automatically be exempted from the need to do so when applying for naturalisation. Certain categories of person are not subject to the knowledge of language and life in the UK requirement when applying for ILR because of their particular circumstances. For example:

- Children (people under the age of 18 years),
- victims of domestic violence,
- foreign and Commonwealth citizens on discharge from HM Forces (including Gurkhas),
- spouses, civil partners, unmarried partners and same-sex partners of current or former foreign members of HM Forces,
- bereaved spouses, civil partners, unmarried partners or same-sex partners of people present and settled in the UK.

1.4.3 In other cases the ILR stage requirements may have been satisfied by means which are not available to naturalisation applicants. For example where the applicant was the partner of a member of the British Council and was able to produce a certificate provided by a person designated for this purpose under the Immigration Rules. Alternatively the applicant may have been exempted from the need to satisfy the requirement on the basis of a physical or mental condition which no longer exists by the time s/he applies for naturalisation. For further details on which categories of person are not subject to knowledge of language and life for ILR purposes see the following link:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/cross-cut/knowledge-of-life/kol.pdf?view=Binary>

1.4.4 For persons applying for naturalisation, the particular circumstances in which the requirement to have a sufficient knowledge of a relevant language and of life in the

United Kingdom may be waived are as follows:

Age

1.4.5 You should exercise discretion to waive the requirements in the following instances:

- i. Applicant aged 65 or over. You should waive the requirements without further reference to the applicant
- ii. Applicant aged 60-64. You should normally be prepared to waive the requirements if the time needed to reach the required standard means that the applicant would then be aged 65 or over.
- iii. Applicant aged under 60. You should not normally expect to waive the requirements for those under 60 on the basis of age alone.

1.4.6 Any case in which discretion is exercised in respect of an applicant under 65 should be sent to the Nationality Policy Team (NPT) for noting.

Physical or mental condition

1.4.7 Discretion should normally be exercised where the applicant is:

- i. suffering from a long term illness or disability which severely restricts the ability to attend ESOL classes or to prepare for the Life in the UK test;
- ii. deaf, mute or suffers from any speech impediment which limits their ability to converse in the relevant language;
- iii. has a mental impairment and may be capable of physically meeting the requirement but is not able to speak or learn the relevant

language.

1.4.8 Requests for exemption on this basis should be supported by original and current evidence from a medical practitioner. This must state the condition and explain why it is unreasonable to expect the applicant to take the Life in the UK test or attend an ESOL course.

1.4.9 Each application must be considered on its own merits and you must consider how the impairment would stop the applicant from taking the Life in the UK test or attending an ESOL course. Life in the UK test centres and many ESOL colleges can cater for a variety of disabilities, such as blindness. An applicant may be able to do the test, therefore, even if they produce evidence of a disability.

Section 2 - this section refers to applications made from 31 October 2005 to 6 April 2010.

2.1 Introduction

2.1.1. If an application was made between 31 October 2005 and 6 April 2010 and the applicant wishes to rely on an ESOL qualification, the following section should be referred to. Applications on the basis of the Life in the UK test, or where exemption from this requirement is requested, should be considered in accordance with SECTION 1 above.

Proving Knowledge of English and knowledge of life in the United Kingdom

2.2 ESOL courses

2.2.1 **From the 1 November 2005** persons applying for naturalisation as a British citizen could demonstrate that they could meet the requirement to have sufficient knowledge of language and knowledge of life in the United Kingdom by obtaining an English for Speakers of Other Languages (ESOL) "Skills for Life" qualification, or the Scottish equivalent, following attendance at a course which has a citizenship syllabus.

2.2.2 Applicants who do not already have sufficient knowledge of English to allow them to sit the Life in the UK test may alternatively produce evidence that they have attained a relevant ESOL qualification following attendance at a course which used teaching materials derived from the document entitled “Citizenship Materials for ESOL Learners” (ISBN 1-84478-5424)..

2.2.3 For this purpose, a relevant ESOL qualification is **either**:

- An ESOL ‘Skills for Life’ qualification in speaking and listening at Entry Level approved by the Qualifications and Curriculum Authority;
- or**
- An ESOL Unit at Access Level under the Scottish Credit and Qualifications Framework approved by the Scottish Qualifications Authority.

Applicants will need to produce the relevant certificate together with a letter from the college confirming that the course was delivered using the approved NIACE/LLU+ citizenship materials.

2.2.4 Evidence required

2.2.4.1 ESOL courses are available through a number of providers including both public and private colleges. However, there are only eleven awarding bodies through which a relevant accredited qualification can be issued.

2.2.4.2 The applicant should be able to produce:

- A.** A certificate from an awarding body. You should check the following details on certificates:

- That the awarding body is one of the eleven listed in paragraph 1.2.2.6 above:
- That the certificate includes the words 'ESOL Skills for Life' and that the applicant has been successful in 'speaking & listening' or 'speaking & listening, reading and writing' at either Entry 1, Entry 2 or Entry 3 level; or (for SQA awarded certificates) one SQA NQ ESOL Unit at Access 2, Access 3 or Intermediate 1 level. Sample certificates are available in each team.

And

B. A letter from the college/training provider confirming that the syllabus for the ESOL course taken contained citizenship material. You should check the following:

- That the letter from the college states that 'This qualification was gained on an ESOL course which used materials from or derived from the citizenship materials produced by NIACE/LLU+'.

2.2.4.3 If you have any doubts about the validity of the certificate or letter contact your senior caseworker in the first instance. In particular you should give careful consideration (referring to senior caseworkers) to any application supported by a letter from a private sector or commercial college that is not [accredited](#) by English UK: or, if in Scotland, is not registered by the SQA.

2.2.4.4 If the applicant claims to have obtained a relevant ESOL qualification in order to obtain ILR, **and** information on CID confirms this, the applicant should not be asked to resubmit this evidence when applying for naturalisation. However, if there is no information on CID to confirm the applicant has obtained a relevant ESOL qualification, we should request the evidence detailed in paragraph 1.2.2.10 above.

Annex E(i): How to determine whether the college meets the definition of an ‘accredited college’

1. Checking that a college is accredited

1.1 The UK Border Agency now holds a centralised database which lists:

- Publicly funded institutions which are directly funded by the Skills Funding Agency (SFA) or Young Person’s Learning Agency (YPLA) and are automatically subject to Ofsted inspection. These are added automatically under arrangements with the SFA and YPLA.
- Other publicly funded institutions where evidence of funding and Ofsted inspection have both been seen by UK Border Agency.
- Private colleges accredited by one of the four accreditation bodies. These are added automatically under arrangements with the four accreditation bodies.

1.1.1 This means you do not need to request evidence of accreditation if the college is listed on the database.

1.1.2 It is very important you check the database to confirm the accreditation status of the college for each application you receive as a college’s accredited status can change.

Restricted – not available for disclosure

1.1.3 The database will be updated weekly and reviewed annually by the Settlement Operational Policy Team . Notifications of colleges that have had their accreditation

or funding withdrawn will be sent directly to the Settlement Operational Policy Team and the database updated.

1.1.4 If the college is not on the database, you must write out to the applicant giving them 28 days to provide evidence of the college's accreditation.

1.1.5 If the applicant provides this evidence within the 28 days provided and the case has been concluded, you must send the case to the Settlement Operational Policy Team to add the college's details to the database.

1.1.6 Publicly funded colleges delivering ESOL courses directly

1.1.7 If a publicly funded college delivering ESOL courses is not listed on the accredited colleges database, then you must request the following:

- Evidence of the college's current funding such as a copy of the funding arrangement, and
- Evidence they are subject to inspection by Ofsted or its equivalent. For example:
 - an Ofsted report
 - a link to such a report on the Ofsted website
 - an Ofsted URN number

1.1.8 It is important you do not accept evidence of Ofsted inspection by itself. This is because some Ofsted reports may be out of date or a college's public funding may have since come to an end. Also, not all publicly funded institutions are subject to Ofsted inspection.

1.1.9 Where publicly funded colleges are unable to provide evidence they are subject to Ofsted inspection because they have only recently been established, these cases must be referred to the Settlement Operational Policy Team.

1.1.10 Private colleges delivering ESOL courses by arrangement with or under contract to publicly funded institutions:

1.1.11 If a private college delivering ESOL courses by arrangements with or under contract to a publicly funded institution and is not listed on the accredited colleges database, then you must request the following:

- Evidence the institution is publicly funded and subject to Ofsted inspection
- Evidence of the contractual arrangements between the publicly funded institution and the private college.

1.1.12 Private colleges that have an arrangement with a publicly funded institution will be subject to Ofsted inspection because of that arrangement.

1.1.13 Private colleges claiming to be accredited but not on the database

1.1.14 If a college has been accredited by one of the four accreditation bodies listed below, their details should be on the accredited database. If a college claims accreditation but it is not on the database, you must refer this to the Settlement Operational Policy Team once the following evidence has been presented:

- Evidence that the college is accredited by:
 - Accreditation UK
 - the British Accreditation Council (BAC)
 - the Accreditation Body for Language Services (ABLS), or
 - the Accreditation Service for International Colleges (ASIC).

1.2 Colleges delivering ESOL courses across multiple sites

1.2.1 Where a college delivers ESOL courses from multiple locations in the UK, you must make sure any public funding extends to the location where the applicant attended their ESOL course.

1.2.2 The following are examples of the types of acceptable evidence:

- a contract with the publicly funded institution which states the college is allowed to deliver across all of its sites, or
- a contract with a publicly funded institution which is specific to the site in question.

1.2.3 Colleges that deliver across multi-sites will be included individually on the accredited database by the Settlement Operational Policy Team once evidence has been seen for that location.

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