EARNING THE RIGHT TO STAY
A NEW POINTS TEST FOR CITIZENSHIP
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Migration brings significant benefits to the UK and its economy; bringing new skills and talents, increasing the flexibility of our labour market, and improving productivity. But migration can also bring challenges. We know, for example, that migration is a significant factor in the UK’s rising population. In order for migration to work for the UK, it must be carefully managed and respond to the changing needs of the country.

The Government has already made fundamental reforms to the immigration system to control migration in a way that is firm but fair. The Points Based System for managing temporary migration has delivered real benefits in terms of transparency for the applicant and flexibility for the Government. To complement these changes, the system of earned citizenship we have introduced in the recent Borders, Citizenship and Immigration Act clearly establishes the principle that British citizenship is a privilege which must be earned, providing mechanisms to speed up or slow down the journey towards settlement.

We now want to take these reforms a stage further, to build upon and strengthen the principle of earned citizenship. This document seeks views on how we can improve the management of the numbers of people allowed to stay permanently in the UK, by introducing a points test within the earned citizenship system. This test would challenge what has been perceived as an automatic right to move from temporary residence to permanent settlement, giving Government the flexibility to raise or lower the threshold for settlement based on the needs of the country.

One of the key principles of the new earned citizenship system is to encourage cohesion; to help build communities where people get along together, feel empowered, and play an active role. We must therefore ensure that those who have earned the right to, or are on the path to British citizenship are given the support they need to integrate into the community. We are therefore proposing to look afresh at the provision of integration support and at the requirements for knowledge of English language and life in the UK that we place on new citizens. We are also seeking views on other ways in which migrants can be supported as they integrate into UK life.

While we must make migration work for the UK, we must also recognise the impact it can have on the developing world. The positive impacts are significant, with remittances being an important source of income, and returning migrants bringing new skills and knowledge. But there are also clear risks, in depriving developing countries of people and skills they badly need. Government needs to do more to maximise the positive impacts on the developing world and mitigate the negative.
This document proposes a new approach to these challenges, exploring how Government can better align migration and international development objectives. These proposals focus on countering the effects of the ‘brain drain’ and encouraging circular migration to take skills and knowledge back to developing countries, and represent a major step forward in our thinking.

Taken together, the proposals in this document take the Government’s reform of the immigration system to the next stage – strengthening our control of those coming permanently to the UK, while supporting integration and managing the impacts of migration. We welcome views on these proposals.
1. The Government’s objectives for the changes we are making to our immigration system are clear. We want to bring to Britain the skills and talents we need to remain one of the world’s leading nations. We want to reunite British citizens and permanent residents with their loved ones and to honour our long tradition of providing a safe haven to those fleeing persecution. And we want to protect our borders from those who wish the UK harm. For these reasons, the Government has made fundamental reforms to the immigration system in the UK in recent years, both to prevent criminals and illegal immigrants from coming here, and to ensure firm but fair management of those who wish to come legally.

2. The most recent stage in this programme of reform is the introduction of a system of earned citizenship in the Borders, Citizenship and Immigration Act 2009, based on the principle that British citizenship is a privilege that must be earned, and those who enter the UK with the intention of making it their home should be encouraged to complete the journey on to citizenship. Those wanting to make their home here permanently will now have to complete a period of “probationary citizenship”, which can be accelerated through a demonstration of active citizenship, but can be slowed down or halted altogether by criminality.

3. This document seeks views on how these principles can be strengthened and built upon by:

   • introducing a new, points based test for earned citizenship to better manage the numbers allowed to settle permanently in the UK;

   • delivering the earned citizenship system in partnership with local authorities;

   • supporting those who are on the path to citizenship to integrate into their new communities; and

   • managing the impacts of migration on the developing world.

A POINTS TEST FOR CITIZENSHIP

4. Migration brings great benefits to the UK. It has significant economic benefits, both for GDP (Gross Domestic Product) and GDP per head, and improves the employment rate and productivity, helping to fill skills gaps. However, migration can also bring challenges. It is, for example, now the main component in the UK’s rising population. In order for Government to manage population growth, it must strengthen mechanisms to control who is allowed to stay in the UK on a permanent basis, as well as who is permitted to work or study here temporarily.

5. To strengthen these mechanisms, we intend to take the principles behind earned citizenship one stage further, fundamentally breaking the automatic link between temporary residence and permanent settlement. We propose to introduce a new test in the earned citizenship architecture, to determine who will be allowed to proceed along the path to settlement. This represents a major change in approach, challenging what has been perceived to be an automatic right to move from temporary residence to settlement.

6. The Points Based System for economic migrants has proved an effective mechanism for managing temporary migration to the UK, bringing significant benefits in terms of clarity and transparency, and providing flexibility for the Government to respond to the changing economic needs of the country. We propose
to extend this approach to citizenship, to provide greater control over the number of people moving from temporary status to permanent settlement. We believe this would be most effective at the point of entry to the probationary citizenship stage, to ensure a clear decision is taken as early as possible in the process.

7. We expect a points test at probationary citizenship stage to deliver a number of benefits, giving the Government the ability to take a clear, enforceable decision about who should be allowed to stay permanently, with flexibility to raise or lower the threshold for settlement depending on the current interests of the country and economy. For migrants, the new system will increase the transparency of decision-making allowing them to plan activity to meet the threshold, as well as providing a clear decision point early in the process.

The Government is seeking views on the introduction of a points based test for citizenship, including whether the probationary citizenship stage is the right point at which to place such a test.

8. A points based test would need to capture the requirements for probationary citizenship which already exist within the earned citizenship system. For family members and refugees, sufficient points to pass the test would be awarded on the basis of their continuing family relationship or protection needs.

9. For those on the work route, however, a points system would allow for a more flexible test to be applied, with the threshold being levered up or down depending on the needs of the UK. Attributes for which points could be awarded might include:

- Earning potential;
- Special artistic, scientific or literary merit;
- Qualifications;
- Shortage occupation;
- English (above existing requirements); and
- Having lived and worked in a part of the UK in need of further immigration, e.g. Scotland.

10. Points might also be deducted for failure to integrate into British life; for criminal or anti-social behaviour, or in circumstances where an active disregard for UK values is demonstrated.

The Government would welcome views on the attributes for which points might be awarded or deducted, and the relative weight of these attributes.

11. The focus of this consultation is on how a points test might work, and what the criteria might be for awarding points. We are not, at this stage, seeking views on what the qualifying threshold for a points test should be. The Government proposes to take independent advice on where we might set the points threshold to best meet the needs of the UK.

THE ROLE OF LOCAL AUTHORITIES IN DELIVERING EARNED CITIZENSHIP

12. One of the key principles of the earned citizenship system is to support the Government’s aim of building more cohesive, active and empowered communities; both through encouraging community involvement through ‘active citizenship’, and improving public perception of the contribution migrants can make to the community.

13. Local authorities already work in partnership with the UK Border Agency to deliver services related to British citizenship. At the beginning of the process, the Nationality Checking Service (NCS) provided by local authorities provides a ‘check and send’ service for citizenship applications. At the end of the process local authorities are involved in delivering Citizenship Ceremonies for successful applicants.

14. We will explore with local authorities whether there are options for building upon these successful partnerships to deliver enhanced services under the earned citizenship system. The Nationality Checking Service might be
extended to allow local authorities to verify active citizenship before sending a ready-to-decide application to UK Border Agency. Local authorities would be well placed to play a role in verifying and accrediting active citizenship activity undertaken by applicants during the probationary citizenship stage.

The Government would welcome views on whether the current NCS model can successfully be built upon to provide a ‘check and send’ service for earned citizenship.

15. A further option would be to enhance the service provided by local authorities by extending in to the provision of simple advice and sign-posting, as well as performing a pivotal role in co-ordinating relevant local authority functions to provide a holistic service to the migrant.

We would welcome views on whether it is appropriate for local authorities to provide an additional service around advice and co-ordination.

16. We are not seeking to place a duty on local authorities to deliver these new services, but if we pursued any of these options we would envisage extending the number of local authorities working in partnership with us to deliver increased geographical coverage. We would also envisage local authorities operating on a full cost recovery basis.

17. We will work closely with the devolved administrations, local authorities and their representative bodies across the UK to explore options for enhancing the services local authorities offer under the earned citizenship system in a way which best fits local circumstances.

SUPPORTING INTEGRATION

18. The new system of earned citizenship recognises the important role citizenship can play in community cohesion and places a renewed focus on integration. While the privileges of citizenship must now be earned, for those prepared to commit to the UK and make it their home on a permanent basis, the Government has a duty to support them in integrating into their new communities. With this in mind, we believe the time is right both to re-visit existing measures to support integration, and to explore what more can be done.

19. The ability to understand and speak English is a key skill. It is critically important for adults, children and families settling and integrating into communities and making use of local services, including education. There is a clear shared responsibility between Government, individuals and employers for ensuring that new migrants have the English language skills they need.

20. The Government has made provision for people with poor English skills through English for Speakers of Other Languages (ESOL) courses. Since 2001, improvements have been made to the quality of provision through new standards, qualifications and teacher training. The number of people enrolling on ESOL courses has grown significantly in recent years. We introduced a series of measures from August 2007, partly to refocus funding on priority learners. We are giving a greater role for local authorities, working with the Learning and Skills Council (LSC), providers and other partners, to identify and meet the needs of the most vulnerable people in their area who need to improve their English skills and to enable ESOL provision to have a greater focus on social inclusion and community cohesion.

21. As part of our commitment to helping people integrate into UK society, we have already introduced a number of measures. From 2004, people applying for naturalisation as a British citizen have had to demonstrate English language ability and from 1st November 2005, they have also had to show sufficient knowledge of life in the United Kingdom. We believe that an understanding of English language and our democratic traditions not only aids integration it also provide wider benefits to the migrants and society; help them work, contribute and participate in society. Building on this, the requirement to demonstrate knowledge of English language and Knowledge of Life
in the UK was extended on 1 April 2007 to anyone seeking permanent settlement in the UK. At present, those who have met the language and knowledge of life requirements at the settlement stage do not have to do this again when applying for naturalisation as a British citizen.

22. At present, assessment of both routes focuses on practical information to help migrants integrate into daily life in the UK, as this is considered to be of most immediate use to newcomers. However, there is an argument that as migrants progress along the path to citizenship, their needs will change: as new citizens they will, for example, need to understand the political and constitutional system of the UK as they exercise their right to vote.

23. We therefore propose to introduce a new, two-stage test, which focuses on practical information about life in the UK at probationary citizenship stage, and more challenging topics such as the historical and political context at the British citizenship stage.

24. Those who take the Life in the UK test are currently required to demonstrate a level of English language proficiency to deal with most situations in English. But for those who take the language with citizenship course route, it is possible to meet the requirements for citizenship by progressing from no English at all to a basic standard. In order to promote integration and provide better employment opportunities, we are proposing that this latter group should be asked to show further progress when they apply for British citizenship, beyond that demonstrated at probationary citizenship stage.

We would welcome views on whether applicants should be required to meet English and knowledge of life requirements at both probationary citizenship and British citizenship stages. Should these two stages of testing be different based on information relevant at each stage? Should this two-stage test require a higher standard of English for the second stage?

25. The Government has already set out its commitment to introducing a pre-entry English language requirement for spouses coming to the UK. This is important in terms of promoting integration, ensuring spouses integrate into the community as early as possible. We now propose to bring implementation of this requirement forward to summer 2011.

26. The requirement for spouses will be similar to that for skilled migrants entering under Tier 2 of the PBS, both in terms of the level migrants are expected to attain, and how proficiency is assessed. However, while those entering under the PBS are required to provide evidence that they are competent in listening, speaking, writing and reading, it is proposed that spouses should only have to demonstrate that they can speak English to the required level.

27. In addition to building on existing requirements for English language and knowledge of life in the UK, we are also looking at what else can be done to support those on the path to citizenship to integrate into their communities. One option is for mentoring schemes – which have proved successful in supporting refugees to integrate – to be extended to non-refugees.

We are seeking views on whether mentoring schemes should be extended to cater for non-refugees.

28. A further means to promote integration might be for local authorities to run orientation days for migrants, to provide information about local services and resources to help them integrate more quickly. This would also deliver benefits for the local authority by providing data about newcomers to the area. Orientation days could be either voluntary or compulsory, and could be linked to a points test for citizenship. We would expect local authorities to recover their costs by charging for attending orientation events.

We would welcome views on whether orientation days should be introduced and how they should be organised – including whether they should be compulsory and whether they should attract points.
29. An alternative to orientation days might be online orientation. The UK Border Agency could also expand its web presence to provide information and links to further support for migrants.

We would welcome views on online orientation.

30. Given the renewed focus the earned citizenship proposals have brought to integration, we propose that a new cross-Government group be established to co-ordinate and drive forward this agenda. This group could be chaired by Home Office Ministers or officials, and might include representatives from the voluntary sector as well as from local and central Government.

We would welcome views on whether such a group should be established and what its membership should be.

31. While the Government must make sure that migration works for the UK, it also has a responsibility to help maximise the positive impacts of migration on the developing world, and mitigate negative impacts. We want to change our approach to migration, to better align our policy with international development objectives.

32. Migrant diaspora are an important source of remittances in the developing world, and returning migrants often bring new skills and knowledge back to their home countries. On the other hand, in some sectors and countries migration risks depriving developing countries of the people and skills they need most.

33. The UK already has in place policies to counter the ‘brain drain’ phenomenon, focused particularly on the health sector in a specific list of countries where evidence shows this is a problem. We now want to explore whether there is more we can do, in particular to stimulate ‘circular migration’ – encouraging migrants to take new skills back to their countries of origin. This might include, for example, allowing migrants to return home for longer than the period defined by their conditions of entry to the UK; or allowing migrants to bolster their application for citizenship through carrying out periods of development-focused activity in their country of origin.

We would welcome views on whether we should facilitate circular migration in order to reduce the negative impact of brain drain on developing countries, and how this might be achieved.
CHAPTER 1

CONTEXT

1.1 Carefully managed migration brings significant and undoubted benefits to the UK. In the same way that free trade and capital mobility boost our income, so too does migration. A wider labour market increases flexibility, improving the matching of workers to job opportunities. By bringing complementary skills and talents, migrants make the native population more productive and more prosperous.

1.2 The Government has, in recent years, undertaken far-reaching reforms of the immigration system to ensure that migration is rigorously managed to bring maximum benefits to the UK. These changes aim to protect our borders and tackle crime, controlling both those entering the UK for temporary residence, and those wishing to make the UK their home on a permanent basis.

1.3 The formation of a new, single Border Force with police-like powers to tackle smuggling and immigration crime, coupled with stronger controls overseas such as fingerprinting of visa applicants, have strengthened the UK border, making it harder for illegal immigrants and criminals to get into the UK. This will be further reinforced by the roll-out of the e-Borders programme which will allow us to count people in and out of the UK.

1.4 The introduction of a Points Based System (PBS) for deciding who may come to the UK on a temporary basis to work or study has transformed the management of those who wish to come legally to the country. Implementation of the Points Based System was completed in March 2009 and has delivered significant benefits, providing greater clarity and transparency for applicants wishing to come to the UK, and more control and flexibility for the Government in managing levels of migration.

1.5 Building on these changes are the measures now being introduced to establish a system of earned citizenship for those who wish to live in the UK permanently. These reforms complement the important changes of the PBS, setting out the system for deciding who can stay in the UK beyond their period of temporary residence and how they progress along the path to settlement. The concept of earned citizenship was launched in the 2008 consultation document “The Path to Citizenship: Next Steps in Reforming the Immigration System”, with responses to that consultation informing the development of the new system.

1.6 The earned citizenship reforms make radical changes to the immigration system in two key respects:

- Newcomers to the UK must earn their right to citizenship by proving their commitment to the community and the country. A period of ‘probationary citizenship’ must be completed before progression to British citizenship and the benefits that come with it. This probationary stage can be accelerated through a demonstration of active citizenship, but can be slowed down or halted altogether by criminality;

- The path to citizenship is now clear and transparent, replacing the complexity of the previous system and making it easier to understand who is allowed to remain in the UK.

1.7 The Borders, Citizenship and Immigration Act 2009, recently passed by Parliament, provides a clear framework for the journey towards earned citizenship, comprising three key stages:

- Newcomers to the UK must earn their right to citizenship by proving their commitment to the community and the country. A period of ‘probationary citizenship’ must be completed before progression to British citizenship and the benefits that come with it. This probationary stage can be accelerated through a demonstration of active citizenship, but can be slowed down or halted altogether by criminality;

- The path to citizenship is now clear and transparent, replacing the complexity of the previous system and making it easier to understand who is allowed to remain in the UK.

1.7 The Borders, Citizenship and Immigration Act 2009, recently passed by Parliament, provides a clear framework for the journey towards earned citizenship, comprising three key stages:
• Stage 1 – Temporary Residence
• Stage 2 – Probationary Citizenship
• Stage 3 – Citizenship or permanent residence

The new architecture for earned citizenship is shown in Figure 1 below, and described in more detail at Annex A.

TAKEING REFORM FURTHER

1.8 With the principle of earned citizenship now established, we intend to build on this, making further reform to the path to settlement by establishing a new points test for those wishing to apply to remain permanently. This represents a significant strengthening of the system, fundamentally breaking the automatic link between temporary residence and permanent settlement and providing greater flexibility and control over the numbers allowed to stay permanently in the UK.

1.9 We are clear that migration can bring economic benefits, but we also need to look beyond these to consider the impact of migration on our communities, on our public services and on our population. So, as we implement our new system of earned citizenship, we need to ensure that the delivery mechanisms we develop to manage the earned citizenship system are robust yet flexible, to ensure the system works in the UK’s interests and responds to changes in the economy and the country more broadly. At the same time, we must provide support for integration for those who have earned the privileges of citizenship.

1.10 We must also look beyond the UK, to the impact migration has on the developing world. The Government should ensure that the benefits of migration for developing countries are realised while reducing, as far as possible, the risks.

1.11 This document seeks views on how the Government can achieve this, building on the earned citizenship framework to take reform to the next stage.
**Figure 1: The Earned Citizenship Architecture.**

1. **Temporary residence**
   - **Eligible for Citizenship**
     - **Economic Migrants**
       - Highly skilled and skilled workers under Tiers 1 and 2 of the PBS (and dependants)
     - **Refugees**
       - Refugees and those granted Humanitarian Protection (and dependants)
   - **Ineligible for Citizenship and permanent residence**
     - **Students** (Tier 4 of the PBS)
     - **Youth Mobility and Temporary Workers** (Tier 5 of the PBS)
     - **Tier 4 and 5 Dependents**
     - **Visitors**

   - **5 years**
   - **2 years**

1. **Knowledge of Life in UK or English**
2. **PBS migrants in employment/Active Review for refugees/Family supported and relationship subsisting**

2. **Probationary citizenship**
   - **Further temporary leave**
     - **Time limited stage**
       - (minimum 1 year/maximum 5 years)
   - **Longer qualification period for Permanent Residence**
     - (minimum 3 years) than British citizenship (minimum 1 year)

   - **To British Citizenship**
     - Minimum 1 Year
   - **Or Permanent Residence**
     - Minimum 3 years

   - **1. Active citizenship speeds up progress to British citizenship**
   - **2. Economic migrants still in employment/Family members supported and partners still in relationship**

3. **British citizenship**
   - **Full entitlements to rights and benefits**
   - **Completion of the journey to citizenship**

   - **Permanent residence**
     - **Indefinite leave to remain in the UK**
     - **Can switch to citizenship at a later date**

   - **Leave UK**
CHAPTER 2
DELIVERING EARNED CITIZENSHIP

INTRODUCING A POINTS TEST FOR CITIZENSHIP

2.1. The new system for earned citizenship described in the previous chapter represents a significant step forward, building a clear pathway to settlement based on the principle that British citizenship is a privilege which must be earned. We now want to take these reforms further, by strengthening the mechanisms which determine who is allowed to stay in the UK.

2.2. Migration brings great benefits to the UK, but it also brings challenges. The UK has a rising population, although population dynamics vary across the country. The Office for National Statistics estimates that between 1996 and 2006 population in the UK grew by around 4%. Migration is now the main component to population change in the UK, accounting for around 61% of this increase. For Government to manage population growth, it must have mechanisms to control who is allowed to stay in the UK on a permanent basis, as well as who is permitted to work or study here temporarily.

2.3. With the earned citizenship framework now in place under the Borders, Citizenship and Immigration Act 2009, the Government intends to make further significant reforms to the path to settlement, by putting in place a new, robust checkpoint within the earned citizenship architecture, through which applicants must pass in order to progress along the path towards citizenship. This will challenge what has been perceived to be an automatic right to move from temporary residence to permanent settlement and provide greater control over the numbers allowed to stay permanently in the UK. Combined with the e-Borders system which allows us to count people in and out of the country, this will help ensure we have a tough but fair system for managing migration.

2.4. The current Points Based System (PBS) for economic migrants (described in Box 1 on page 15) has proved itself to be an effective and powerful tool for controlling migration. In addition to the clarity and transparency of its approach, one of the key factors in the success of the PBS has been the flexibility built into the system, which has allowed us to respond to the economic downturn by being more selective about the skill levels required of migrants. In February 2009, for example, then Home Secretary Jacqui Smith announced measures to raise the bar for foreign workers wishing to enter the UK, to give British workers a fair chance of applying for jobs.

2.5. Given the success of the PBS in managing entry to the UK, we are proposing to extend this approach by building a points test into the earned citizenship architecture. This is a logical next step, building on the new earned citizenship framework to strengthen significantly our controls. We believe a points test would be most effective at the point of entry to the probationary citizenship stage. This will ensure migrants who are unsuccessful and have to return to their country of origin can benefit from a clear decision taken as early as possible in the process.

2.6. Extending this successful tool to the area of probationary citizenship is a logical and progressive step in our reform of the immigration system, which we expect to bring a number of benefits:

- The principal benefit of these measures will be in breaking the automatic link between coming to the UK to work and gaining the right to remain permanently, by giving

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1 ONS Key Population and Vital Statistics, 27 April 2009
the Government the ability to take a clear, enforceable decision about who should be allowed to stay early on in the process;

- This in turn will ensure greater control of the numbers of people settling permanently in the UK. Crucially, the inherent flexibility of a points system will allow the Government to take decisions to raise or lower the threshold for settlement, depending on the current interests of the country and economy;

- A clear decision point taken early in the process – before the probationary citizenship stage - will provide greater certainty for applicants, and will increase the likelihood of successful enforcement action where necessary; and

- The new system will increase the transparency of decision-making leading to fewer flawed applications, allowing applicants to plan activity to meet our threshold.

Q1. Do you agree that we should operate a flexible system that allows us to control the number of migrants progressing to probationary citizenship?

- Yes
- No
- Don’t know
- If no, why not?

Q2. Do you agree that a points based test should be introduced in the application process for permanent settlement?

- Yes
- No
- Don’t know
- If no, why not?

**BOX 1 - THE POINTS BASED SYSTEM**

The Points Based System is a simple, transparent and objective system which ensures that only those migrants Britain needs can come to work and study in the UK.

The PBS has reduced around 80 immigration routes to five separate tiers of entry:

- Tier 1 – Highly Skilled Workers
- Tier 2 – Skilled Workers
- Tier 3 – Low Skilled Workers (currently suspended)
- Tier 4 – Students
- Tier 5 – Youth Mobility and Temporary Workers

A new robust system of sponsorship is instrumental to the new system. Employers and educational establishments can only bring workers or students to the UK if they have been granted a sponsorship licence by the UK Border Agency. All applicants in Tiers 2-5 will need to provide a Certificate of Sponsorship from a licensed sponsor when applying for an entry clearance to come to the UK. In order to be licensed to issue Certificates of Sponsorship, prospective sponsors have to establish their bona fides and accept certain responsibilities. This is supported by a regime of compliance officers.

Migrants themselves need to score points and meet a points test, depending on which tier they are applying for. Points can be earned for qualifications, earnings, funds, standard of English language and holding a valid Certificate of Sponsorship (for tiers 2-5). In addition, applicants will be assessed against control factors indicating whether the applicant is likely to comply with the terms of their permission to be in the UK.

Crucially, the threshold for points required to qualify for a particular tier can be increased or decreased, depending on the current needs of the UK and its economy. These requirements are kept under regular review by the Government, based on advice from the independently-chaired Migration Advisory Committee.
Q3. Do you agree that the test should be applied before entry to the probationary citizenship stage?

- Yes
- No
- Don’t know

If no, at which stage should the test be applied?

- British citizenship
- Other (please specify)

HOW MIGHT IT WORK IN PRACTICE?

2.7 The earned citizenship framework already involves a series of tests at the probationary citizenship stage – these are set out in Annex A. In order to progress from temporary residence to probationary citizenship, migrants will have to:

- be self-sufficient (if here on work or family reasons);
- obey the law;
- demonstrate their knowledge of English language and life in the UK in one of two ways, either by taking an ESOL with citizenship material course, or by taking the Life in the UK test; and
- demonstrate they continue to fulfil the criteria relating to their reason for temporary residence. For those on the work route, they will need to be in work. Those on the family route will need to have a subsisting relationship, and refugees will need to have passed an active review confirming that they remain in need of protection.

2.8 Any points-based system would need to capture these existing requirements, but it would also give us the advantage of being able to take other attributes into account, depending on the needs of the UK. Much like the current Points Based System for migrant workers, once a specific points threshold has been reached the individual concerned would move into the probationary citizenship stage.

2.9 Under a points system for probationary citizenship, family members and refugees would achieve sufficient points to pass the test on the basis of their continuing family relationship or protection needs. It is in the case of economic migrant workers that we would be able to apply a more flexible points test that could be levered up or down depending on the circumstances and requirements of the country and economy at the time.

2.10 Further attributes for which we are considering awarding points include:

- Earning potential – points to be awarded on a scale of earnings;
- Special artistic, scientific or literary merit;
- Qualification – points to be awarded for a relevant qualification gained in the UK in the preceding five years;
- Shortage occupation – points to be awarded for employment in a shortage occupation;
- English – points for an English language qualification above existing requirements; and
- Location - points for having spent time living in a part of the UK determined to be in need of further immigration, such as Scotland.

There is no intention for ‘Active Citizenship’ (volunteering or civic activism) to acquire points. Active citizenship is entirely voluntary and will be rewarded during the probationary citizenship stage by speeding up the journey to British citizenship.

Q4. Which attributes should attract points? (Please select all that apply)

- Earning potential
- Special artistic, scientific or literary merit
- Qualification
- Shortage occupation
- English language
- Location
- Other (please specify)
Q5. **Which of these attributes is most important?** (Please select three in order of importance, 1-3)

- Earning potential
- Special artistic, scientific or literary merit
- Qualification
- Shortage occupation
- English language
- Location
- Other (please specify)

2.11 We are also considering the possibility of deducting points or applying penalties for not integrating into the British way of life, for criminal or anti-social behaviour, or in circumstances where an active disregard for UK values is demonstrated.

We will ensure that migrants who are convicted of serious crimes will face automatic deportation. Now we are going further. Individuals convicted of a crime attracting a custodial sentence but which falls below the deportation threshold will normally be refused any application for probationary citizenship, permanent residence or citizenship. Those who commit minor crimes and are given non-custodial offences will normally be unable to obtain citizenship until their convictions are spent. These penalties will apply no matter how many points a migrant can acquire.

Q6. **Should points be deducted or penalties applied for failure to meet requirements for integration into British life?**

- Yes
- No
- Don’t know
- If no, why not?

Q7. **If yes, for which attributes should points be deducted or penalties applied?**

2.12 As a starting point, we could set a points threshold to reflect current earned citizenship policy. Figure 2 (on page 18) sets out how points might be distributed in this case.

2.13 The focus of this consultation is on how a points test might work, and what the criteria might be for awarding points. We are not, at this stage, seeking views on what the qualifying threshold for a points test should be. The Government proposes to take independent advice on where we might set the points threshold to best meet the needs of the UK. We envisage that the current Migration Advisory Committee could have a key advisory role in this respect.

**THE ROLE OF LOCAL AUTHORITIES IN DELIVERING EARNED CITIZENSHIP**

2.14 One of the key principles of the new system for earned citizenship is to support the Government's aim of building more cohesive, empowered and active communities, where people want to live, get along with one another, and feel empowered to make a difference. Earned citizenship aims to improve community cohesion, through increased migrant involvement in the community by way of active citizenship, and increased public awareness of the contribution migrants make to the UK. To support this aim it makes sense for Government to structure delivery of its services in a way that supports local engagement and is accessible to the migrant.

2.15 Local authorities and the UK Border Agency have been working in successful partnership to deliver services relating to British citizenship since 2004, when Citizenship Ceremonies were introduced. The ceremony is the culmination of the citizenship journey and has become an integral part of local authorities welcoming newcomers to the area.

2.16 In 2005 local authority involvement was extended to the beginning of the citizenship application process through the Nationality Checking Service (NCS), which makes a charge to the applicant to check an application for completeness, make certified copies of important documents such as passports, and send the application forward to the UK Border Agency for consideration. The service carries significant advantages; for the applicant, who is less likely to lose time and money in submitting a flawed application and is not inconvenienced by submission of key documents; for the local
authority, in extending the range of services it can provide to newcomers; and for the UK Border Agency in deriving productivity gains from receiving quality assured applications.

2.17 Currently, 91 local authorities provide the NCS, with some 48 per cent of all applications coming through this route. We believe this model provides a solid foundation to extend the three-way relationship between the migrant, local authority and the UK Border Agency to provide an enhanced service.

2.18 A central pillar of earned citizenship is the concept of “active citizenship”. Following consultation in *The Path to Citizenship*, we set up a Design Group in autumn 2008, including representatives from the voluntary sector and local government, to advise us on the most effective way to operate active citizenship in practice. Working with the Design Group, we want to encourage a wide range of activities to take account of different skills and different geographical opportunities. Our initial thinking - agreed by the Design Group - is that acceptable activities might include both formal volunteering; giving unpaid help as part of groups, clubs of organisations to benefit others or the environment; or civic activism, for example by undertaking specific responsibilities in the community, such as being a school governor or by contributing to the democratic life of the country through trade union activities or canvassing for a political party. We are continuing to discuss the type of activities that will count as active citizenship.

2.19 Active citizens will be able to speed up their journey through probationary citizenship and become a British citizen after one year rather than three. The group has also given thought to how active citizenship might be

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**Figure 2: An example of how points might work in practice**

<table>
<thead>
<tr>
<th>Work Route criteria</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meeting the Immigration Rules for the appropriate route of entry</td>
<td>10</td>
</tr>
<tr>
<td>Passing Knowledge of life in the UK or English Language test</td>
<td>10</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Family Route criteria</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>A continuing relevant family association</td>
<td>20</td>
</tr>
<tr>
<td>Passing Knowledge of life in the UK or English Language test</td>
<td>10</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Protection Route criteria</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>A continuing protection need</td>
<td>20</td>
</tr>
<tr>
<td>Passing Knowledge of life in the UK or English Language test</td>
<td>10</td>
</tr>
</tbody>
</table>

Migrants convicted of serious crimes will face automatic deportation. Individuals convicted of a crime attracting a custodial sentence will normally be refused any application for probationary citizenship, permanent residence or citizenship. Those who commit minor crimes and are given non-custodial offences will normally be unable to obtain citizenship until their convictions are spent.

---

**Initial 20 POINTS, from below, will be required to progress to probationary citizenship**

- Meeting the Immigration Rules for the appropriate route of entry: 10 points
- Passing Knowledge of life in the UK or English Language test: 10 points

**Earnings/level of investment in the UK**

<table>
<thead>
<tr>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below £23,999</td>
</tr>
<tr>
<td>£24,000 - £34,999</td>
</tr>
<tr>
<td>£35,000 - £49,000</td>
</tr>
<tr>
<td>£50,000 - above</td>
</tr>
</tbody>
</table>

**Qualification obtained while in the UK**

<table>
<thead>
<tr>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bachelors</td>
</tr>
<tr>
<td>Masters</td>
</tr>
<tr>
<td>Phd</td>
</tr>
</tbody>
</table>

**Earnings/level of investment in the UK**

<table>
<thead>
<tr>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intermediate level</td>
</tr>
<tr>
<td>Advanced level</td>
</tr>
</tbody>
</table>

**Penalty applied if**

- Anti social behaviour: 5 points
- Criminality: 5 points

**Employment in a shortage sector**

- 5 points

**Employment in locations in need of increased migration**

- 5 points
accredited and verified, and proposes that local authorities, through the existing NCS, are uniquely placed to determine whether a migrant has met the criteria for a quicker citizenship journey.

2.20 Taking together the success of the existing service and its popularity among migrants with the Active Citizenship Design Group's firm view on the potential for a role for local authorities, there is a clear case for looking into options to create an enhanced NCS which assumes responsibility for verifying active citizenship activity before sending forward a ready-to-decide application to the UK Border Agency.

Q8. Do you think that the current Nationality Checking Service model can be successfully built upon to provide a ‘check and send’ service for Earned Citizenship?

- Yes
- No
- Don’t know
- If no, why not?

2.21 To deliver benefits around community cohesion, local engagement and quality assured applications, it may be possible to extend the relationship so that the local authority is the primary source of contact and support throughout the citizenship process. In this context, the relationship between migrant and local authority could be instigated when an application for probationary citizenship is lodged. The local authority would be able to receive and send a quality assured application and supporting evidence the UK Border Agency for decision. When probationary citizenship is granted, the journey to citizenship will have effectively begun and the local authority may be able to provide information about active citizenship and sign-post services – in the local authority or third sector – which co-ordinate volunteering activity.

2.22 Therefore, in addition to a simple ‘check and send’ service provided by local authorities, there is potential for the service to extend into the provision of simple advice and sign-posting as well as performing a pivotal role in co-ordinating relevant local authority functions to provide a holistic service to the migrant. For example, a service could ensure that it held current information on services and would be able to sign-post migrants who want to manage their citizenship journey as effectively as possible. It could also serve as a central point of contact for other services to have up-to-date information about the citizenship journey.

2.23 Having already established a relationship with the local authority, the probationary citizen would return to provide updated information and evidence to upgrade their status to full British citizenship, either after one or three years depending on the level of active citizenship. The UK Border Agency would consider the case for British citizenship and, where granted, the process will end with a citizenship ceremony.

2.24 We believe there is a symmetry and consistency to ensuring that the local authority is engaged throughout the process.

Q9. Do you think it appropriate that local authorities perform an additional service around advice and co-ordination?

- Yes
- No
- Don’t know
- If no, why not?

2.25 We are not seeking to place a duty on local authorities to deliver this service, but we would intend to extend the number of local authorities working voluntarily in partnership with us to deliver increased geographical coverage. We would expect the new service to operate on the basis of full cost recovery.

2.26 We will work closely with the devolved administrations, local authorities and their representative bodies to explore options for enhancing the services local authorities offer under the earned citizenship system.
**QUESTIONS FOR CONSULTATION**

**Q1.** Do you agree that we should operate a flexible system that allows us to control the number of migrants progressing to probationary citizenship?

- Yes
- No
- Don’t know
- If no, why not?

**Q2.** Do you agree that a points based test should be introduced in the application process for permanent settlement?

- Yes
- No
- Don’t know
- If no, why not?

**Q3.** Do you agree that the test should be applied before entry to the probationary citizenship stage?

- Yes
- No
- Don’t know
- If no, at which stage should the test be applied?
  - British citizenship
  - Other (please specify)

**Q4.** Which attributes should attract points? (Please select all that apply)

- Earning potential
- Special artistic, scientific or literary merit
- Qualification
- Shortage occupation
- English language
- Location
- Other (please specify)

**Q5.** Which of these attributes is most important? (Please select three in order of importance, 1-3)

- Earning potential
- Special artistic, scientific or literary merit
- Qualification
- Shortage occupation
- English language
- Location
- Other (please specify)

**Q6.** Should points be deducted or penalties applied for failure to meet requirements for integration into British life?

- Yes
- No
- Don’t know
- If no, why not?

**Q7.** If yes, for which attributes should points be deducted or penalties applied?

**Q8.** Do you think that the current Nationality Checking Service model can be successfully built upon to provide a ‘check and send’ service for Earned Citizenship?

- Yes
- No
- Don’t know
- If no, why not?

**Q9.** Do you think it appropriate that local authorities perform an additional service around advice and co-ordination?

- Yes
- No
- Don’t know
- If no, why not?
CHAPTER 3
SUPPORTING INTEGRATION

3.1 The new system for earned citizenship set out in the Borders, Citizenship and Immigration Act 2009 recognises the importance of citizenship as a positive force for community cohesion, and places a renewed focus on integration. For those who wish to make the UK their home and earn the privileges of settlement under the new system, the Government has a responsibility to support them in integrating fully and enabling them to contribute to their new communities.

3.2 The Government has already taken a number of steps to ensure migrants have the skills and information they need to become full and active participants in UK society, leading the way internationally in our approach to integration. Requirements for those applying for citizenship to have a minimum standard of English language and knowledge of life in the UK, for example, have been in place for a number of years. We believe the time is now right to revisit these requirements to ensure they support the new system of earned citizenship, as well as looking at what more can be done to support integration for new citizens.

ENGLISH LANGUAGE AND KNOWLEDGE OF LIFE IN THE UK

3.3 Since 2004 those seeking to become British citizens have had to undergo an objective assessment of their competence in English (or Welsh or Scottish Gaelic), and since 1 November 2005 they have also had to show they have sufficient knowledge of life in the United Kingdom. The requirement to demonstrate English language and knowledge of life in the UK was extended on 1 April 2007 to anyone seeking permanent settlement in the UK.

3.4 The importance of a shared language as an instrument for integration cannot be underestimated; the ability to communicate underpins effective interaction with wider UK society, can open up job opportunities, and can empower individuals to achieve their life goals. However, the present system has now been in place for several years and we think the time is right to review it as part of the “root and branch” examination we are presently conducting into the path to citizenship.

3.5 At present, there are two ways in which applicants can meet the language and knowledge of life in the UK requirement:

- by successfully taking the ‘Life in the UK’ test, based on the information contained in the handbook “Life in the United Kingdom: A Journey to Citizenship”; or
- For those whose competence in English is below English for Speakers of Other Languages (ESOL) Entry 3 level, by showing they have progressed from one ESOL level to the next on a language course that incorporates specially commissioned citizenship materials about life in the UK.

3.6 Questions for the Life in the UK Test currently focus primarily on the practical needs of new migrants to the UK, such as finding employment, setting up a bank account, the educational system and so on. There is no formal or compulsory learning provided around, for example, history; and although the handbook contains a good deal of information about this and other topics they are not currently tested. Similarly, the ESOL with citizenship course has no prescriptive programme to follow. Instead, teachers can choose topics from the
citizenship materials that have been devised for these courses.

3.7 There is a strong argument that people need practical information when they are recent arrivals to the UK, but that as they progress on their journey to citizenship, their needs will change and evolve. For example, one of the great benefits of citizenship for many people is the ability to participate fully in the electoral process. So arguably, knowledge of the political and constitutional system in the UK is not something needed in the early years, but will be of considerable relevance when the ability to vote becomes a reality.

3.8 To meet this need, we are proposing a new approach to testing language and knowledge of life in the UK requirements, where applicants would be tested twice before being granted citizenship:

- a test based on practical issues from the handbook at the probationary citizenship stage including UK society, customs, traditions, geography, health, education, employment, the law; and

- a test on more challenging topics at British citizenship stage (history, how the UK is governed, relations with Europe and the rest of the World, voting rights, community engagement).

A similar approach could be taken to the ESOL with citizenship courses.

3.9 In terms of English language proficiency, the current requirement for those taking the Life in the UK test is to reach B1 level of the Common European Framework for Languages (CEFR). This is a threshold at which people can deal with most situations in English. For those who take the language with citizenship course route, it is possible to meet the requirements for citizenship by progressing from no English at all to a minimum of A1 level on CEFR (basic).

3.10 For this latter group, greater language competence could lead to better employment opportunities, better interaction with UK society and an opportunity to explore topics in which they are interested in greater depth. For these reasons we are proposing that those people taking the “ESOL with Citizenship” route should be asked to show further progress when they apply for British citizenship, beyond language progression demonstrated at probationary citizenship stage.

3.11 We would welcome views on how these proposals might work in practice and at what level requirements should be set, in particular to take account of those with limited literacy skills in their own language.

Q10. Should we require applicants to meet English and Knowledge of Life requirements at both probationary citizenship and British citizenship stages?

- Yes
- No
- Don’t know
- If no, why not?

Q11. Should these two stages of testing be different based on information relevant at each stage? This would involve testing on new topics not currently tested, for example British history.

- Yes
- No
- Don’t know
- If no, why not?

Q12. Should this two-stage test require a higher standard of English for the second stage?

- Yes
- No
- Don’t know
- If no, why not?
3.12 For those people coming to the UK as spouses, it is important that we encourage integration into the community at as early a stage as possible. In July 2008 we published the Government response document ‘Marriage Visas: The Way Forward’, which gave a commitment to introduce a pre-entry English test for marriage visa applicants in the medium term, linked to benchmarks about the availability of English tuition worldwide.

3.13 In that document we committed to establishing a group comprising relevant Government Departments, including FCO, DIUS, DfID, as well as the British Council, to advise on implementation of the new requirement; in particular, how to ensure provision of English language tuition overseas. This group felt that setting a clear date for implementation would generate a sufficient supply of English tuition to meet the demand created by the requirement. We are therefore proposing that the introduction of this requirement be brought forward to summer 2011.

3.14 A pre-entry English requirement for spouses will be an important mechanism for promoting integration. While proposals for such a requirement received a mixed response in the marriage consultation, we believe there are clear benefits to this approach: improving employment chances for spouses who have access to the labour market; raising awareness of the importance of speaking English; and helping prepare spouses for the English tests they will need to pass to obtain probationary citizenship. A pre-entry English requirement will also lead to reduction in the costs to the taxpayer of translation services for non-English speakers as more spouses speak English on arrival in the UK. This policy is in line with thinking in other EU states: the Netherlands, Germany and Denmark have all introduced pre-entry language requirements, with France also introducing new exams on French language and culture pre-entry for family reunification applications in the near future.

3.15 Our original proposals had envisaged the introduction of interim measures pending full implementation of the requirement, whereby spouses would be required to enter into an agreement to learn English as part of the visa application process before coming to the UK, and to show that they have fulfilled this commitment once they have arrived. However, as we are bringing forward implementation of our pre-entry English requirement we feel this interim step is no longer necessary.

3.16 A pre-entry English language requirement will apply to spouses, civil partners, unmarried and same sex partners, fiancés and proposed civil partners whether they apply for leave to enter or remain in the UK. So that it is clear that this requirement will apply both to those seeking entry clearance, and to those already in the UK who seek to switch into the marriage route, we now propose to rename this requirement a pre-application English language requirement for spouses, rather than a pre-entry requirement.

3.17 The new pre-application requirement will be for applicants to speak English to level A1 (basic) of CEFR. A1 is considered an achievable standard which would require approximately 40-50 hours tuition for most learners. Setting this level is realistic as well as cost effective for applicants. It is also consistent with the English requirement for those entering as a skilled migrant under Tier 2 of PBS.

3.18 It is our intention to assess competency in English using the pre-entry English model used in the Points Based System (see Box 2 below). However, while those entering under the Points Based System are required to provide evidence that they are competent in listening, speaking, writing and reading, it is proposed that spouses should only have to demonstrate that they can speak English to the required level. Speaking English is more important on arrival than reading and writing English and would be easier for spouses to demonstrate. There are also more informal ways of acquiring spoken English overseas – for example through conversation with
an English speaker - which may lower the cost of learning compared with learning to read and write in English. Those who are already in the UK and seeking to switch into the marriage route will naturally have had many opportunities to practise their English speaking skills.

3.19 The pre-application English language requirement for spouses will be taken forward by making relevant changes to the Immigration Rules.

**BOX 2 - ASSESSING PRE-ENTRY ENGLISH UNDER THE PBS**

Those entering under the Points Based System are required to provide evidence of their competency in English language by proving that they:

- have passed an English language test on a list of English language tests approved by the UK Border Agency; or
- come from a majority English speaking country;* or
- have taken a degree taught in English (verified using National Academic Recognition Information Centre data).

PBS places the onus on the applicant to supply documentary evidence with their visa application to show they have passed the relevant English test. It is our intention to follow this model for the pre-application English language requirement for spouses.

* 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, the USA

**FURTHER SUPPORT FOR THOSE TRYING TO INTEGRATE**

3.20 Requiring migrants to demonstrate knowledge of English language and life in the UK is an important part of encouraging integration, and is now an established element of the path to settlement in the UK. However, we want to explore whether there is more the Government can do to encourage all migrants who wish to stay in the UK permanently to integrate as fully as possible into society. We are therefore seeking views on broader proposals to support integration, and will work with the devolved administrations and local authorities as we explore these.

**MENTORING FOR NON-REFUGEES**

3.21 ‘Time Together’ is a mentoring scheme for refugees which was pioneered by Time Bank in 2002, in response to the Government White Paper *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain* which recommended mentoring as a means to help refugees integrate in the UK. By 2008, over 2000 refugees had been matched with a volunteer in order to facilitate their integration into UK society. Independent evaluations have concluded that Time Together has had a positive impact on the integration of refugees in terms of achieving potential, contributing to the community and accessing services. The Refugee Integration and Employment Service (RIES), which went live in October 2008, includes a mentoring service which builds on the success of the Time Bank model.

3.22 We could consider developing new ideas which include social or vocational mentoring programmes for non-refugee migrants along the lines of the Time Bank initiative. Social mentoring helps develop better mutual understanding between cultures, whereas vocational mentoring can develop work skills and improve employability.
Q13. Do you think that mentoring schemes should be extended to cater for non-refugees?

- Yes
- No
- Don’t know
- If no, why not?

**ORIENTATION DAYS FOR NEW MIGRANTS**

3.23 Settling into a new community is exciting, but can also be challenging; especially if you don’t speak the language well, are learning about a new culture and are meeting new people. Migrants entering the UK may lack information on public services and their local community as well as information on local laws and customs. They may also lack opportunities to meet and integrate with the local community. They may feel isolated and vulnerable in a new environment.

3.24 Migrants need to know about services, information and resources available to help them integrate quickly. We think more can be done to encourage migrants to learn about these, and help them orientate themselves in their new home, giving them an integration head start.

3.25 We therefore propose that orientation days take place for migrants, run by local authorities, in order to facilitate migrants’ integration into the local community, whilst providing local authorities with valuable data about who is living in the community and enabling them to reach out to new arrivals.

3.26 These days could include:

- Providing information packs for new migrants which includes local information (IDeA and DCLG have already issued guidance to local authorities on Migrant Welcome Packs: www.idea.gov.uk/idk/core/page.do?pageId=8865883#contents-13)
- Signposting to English classes;
- Signposting to volunteering opportunities and information about the active citizenship element of earned citizenship;
- Sessions on obeying the law run by local police and community support officers;
- Health advice from the local health authority, such as the importance of immunisation for children;
- Fire safety;
- British values, social norms and customs;
- Rights and obligations;
- Meeting local people who may be willing to act as mentors for new arrivals or providing information on how migrants can link up with mentors; and
- Data collection on migrants and their families who attend orientation so that local authorities have better information about who is residing in their area.

3.27 Orientation days could be made compulsory or be voluntary. They could be linked to points so that newcomers could earn a certain number of points towards probationary citizenship for attending, providing an incentive to attend.

3.28 The expectation would be that migrants would pay for the course so there was no additional financial burden on local authorities. We could also consider whether employers might subsidise courses or be required to pay for them as part of the conditions for obtaining a sponsor licence under the Points Based System. Employers who employ a large number of migrants might find it cost effective to run a course in the workplace.

Q14. Do you think that orientation days for migrants should be introduced to encourage integration?

- Yes
- No
- Don’t know
- If no, why not?
Q15. Do you think that it should be compulsory for migrants to attend an orientation day?

- Yes
- No
- Don’t know
- If no, why not?

Q16. Do you think that migrants should be awarded points towards probationary citizenship for attending an orientation day?

- Yes
- No
- Don’t know
- If no, why not?

Q17. Who do you think orientation days should be run by? (select all that apply)

- a) Local authorities?
- b) Employers?
- c) Local authorities and employers?
- d) Other? Please specify.

Q18. How do you think orientation days should be funded? (Please select one)

- a) By the migrant?
- b) By employers?
- c) Other? Please specify

Q19. What do you think an orientation day should involve?

INCREASING ACCESS TO INFORMATION ABOUT THE UK

3.29 Building on the orientation day described above, we could also develop online orientation resources focused on providing migrants with links to local activities and support, for example on volunteering, English classes, and existing websites which help with language learning such as the BBC. We could also use this web presence to provide information and links to materials about Life in the UK for migrants.

Q20. Do you think that online orientation is a good idea?

- Yes
- No
- Don’t know
- If no, why not?

CO-ORDINATING GOVERNMENT’S APPROACH TO INTEGRATION AND CITIZENSHIP

3.30 By its nature, providing support for migrants to integrate involves a wide range of partners across both central and local government. The migration directorate in the Department for Communities and Local Government co-ordinates the efforts of Departments across Government in dealing with the impacts of migration. Given the renewed focus on integration, we believe there would now be value in establishing a group to strengthen support to Government in refreshing and delivering the integration agenda, based on some of the proposals set out in this document. Such a group could also take on co-ordination of cross-Government (including local government) activity on citizenship.

3.31 The group could be led either by Ministers or senior officials from the UK Border Agency/Home Office and might be charged with developing a clear and coherent narrative on integration; synchronising publication of new policies; and identifying areas of research and best practice. Its value could be enhanced by the inclusion of a limited number of independent experts from the voluntary and community sector.

Q21. Do you think that a group should be set up to add value to the development and implementation of integration strategies for migrants?

- Yes
- No
- Don’t know
- If no, why not?
**Q22.** If set up, do you think this group should just include representatives from across government?
- Yes
- No
- Don’t know
- If no, why not?

**Q23.** Do you think the group should also involve independent representatives, for example from the voluntary or community sector?
- Yes
- No
- Don’t know
- If no, why not?

### QUESTIONS FOR CONSULTATION

**Q10.** Should we require applicants to meet English and Knowledge of Life requirements at both probationary citizenship and British citizenship stages?
- Yes
- No
- Don’t know
- If no, why not?

**Q11.** Should these two stages of testing be different based on information relevant at each stage? This would involve testing on new topics not currently tested, for example British history.
- Yes
- No
- Don’t know
- If no, why not?

**Q12.** Should this two-stage test require a higher standard of English for the second stage?
- Yes
- No
- Don’t know
- If no, why not?

**Q13.** Do you think that mentoring schemes should be extended to cater for non-refugees?
- Yes
- No
- Don’t know
- If no, why not?

**Q14.** Do you think that orientation days for migrants should be introduced to encourage integration?
- Yes
- No
- Don’t know
- If no, why not?

**Q15.** Do you think that it should be compulsory for migrants to attend an orientation day?
- Yes
- No
- Don’t know
- If no, why not?

**Q16.** Do you think that migrants should be awarded points towards probationary citizenship for attending an orientation day?
- Yes
- No
- Don’t know
- If no, why not?
Q17. Who do you think orientation days should be run by? (select all that apply)

- a) Local authorities?
- b) Employers?
- c) Local authorities and employers?
- d) Other? Please specify.

Q18. How do you think orientation days should be funded? (Please select one)

- a) By the migrant?
- b) By employers?
- c) Other? Please specify

Q19. What do you think an orientation day should involve?

Q20. Do you think that online orientation is a good idea?

- Yes
- No
- Don’t know
- If no, why not?

Q21. Do you think that a group should be set up to add value to the development and implementation of integration strategies for migrants?

- Yes
- No
- Don’t know
- If no, why not?

Q22. If set up, do you think this group should just include representatives from across government?

- Yes
- No
- Don’t know
- If no, why not?

Q23. Do you think the group should also involve independent representatives, for example from the voluntary or community sector?

- Yes
- No
- Don’t know
- If no, why not?
4.1 The new path to citizenship described in this document aims to create the right balance for Britain, welcoming and integrating those who have earned the privilege of citizenship in the UK. But it is important also to recognise the impacts – both positive and negative - which migration can have on source countries in the developing world.

4.2 We believe it is right that Government should play a role in managing negative impacts on developing countries, and are therefore seeking views on how we can better align the Government’s migration policy with international development objectives. This is a major step forward in our approach to managing migration in the UK.

4.3 Migration can be a positive force for the developing world. It can generate new skills and knowledge, and leads to remittances being sent to developing nations. Remittances sent by migrant workers to their families reached $305 billion in 2008, up from $281 billion in 2007, despite a slowdown in the pace of remittances in the latter half of the year. They are also an important source of external capital for many developing countries, accounting for more than 10% of GDP in 17 developing countries including Moldova (38.3%), Nepal (15.5%) and Jamaica (19.4%), and more than 5% of GDP in countries like Kenya, Uganda, Bangladesh and Nigeria. Remittances tend to be more broadly spread than foreign direct investment and have contributed towards taking people out of poverty.

4.4 While both the UK and developing countries can and do benefit from migration, there remains a risk that we can deprive developing countries of the people they need most. This brain drain is often cited as a key negative side-effect of migration from developing countries although the impact of this is unclear. The UN estimates that more than 33 percent of the highly-educated labour force of eight Sub-Saharan African countries live in the OECD.

4.5 The Council of the European Union highlighted this in last year’s EU Migration Pact. It agreed to create a comprehensive partnership with the countries of origin and of transit to encourage the synergy between migration and development.

4.6 This is a complicated matter and there are no easy answers. The evidence is not conclusive, and while some sectors (such as health) and some countries have lost many of their skilled people, these problems tend to have been focused on a limited number of countries. In addition, these individuals can have the opportunity to learn new skills while abroad which could benefit their countries if they return, and there is some evidence of individuals increasing their skill levels because there is a prospect of migrating.

4.7 The Government recognises the benefits that migration can bring to developing countries, but is well seized of the need to manage negative impacts of migration where these occur. The NHS was a pioneer in this area with the development of our own Code of Practice for International Recruitment in 2001 to ensure fair employment practice and

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2 Global Development Finance: Charting a global recovery, World Bank, 2009
3 ODI Working Paper 303, June 2009
5 Call, M Migration Response and the Brain Drain: The Wrong Response to an ill-defined Problem, ODI Opinion 98, April 2008
reduce active recruitment from countries with vulnerable healthcare systems.

4.8 A list of countries with vulnerable health systems has been agreed between the Department for International Development (DfID) and the Department for Health. Countries come on and off the list depending on DfID in-country expertise, independent review from partners such as World Health Organisation, and requests from the countries themselves.

4.9 In addition, there are specific bilateral agreements with individual source countries. However the Code of Practice has reduced the need for such agreements. Low- and middle-income countries on the list are simply requested to ask for confirmation from their Ministries of Health that they have a surplus, and that they wish the UK to actively recruit.

4.10 We realise that we can do more though. We could, for instance, develop policies to better facilitate ‘circular migration’ – enabling migrants to come to the UK while also facilitating temporary or permanent return to the country of origin. This could take various forms:

- Migrants could spend a period in the UK of up to around two years to acquire the benefits of study or work before returning to invest these skills in their country of origin.

- Currently migrants who return home for longer than the defined period, which is allowable under their conditions of entry, must reapply for entry clearance to return to the UK. An exception could be made for those returning to their country of origin to support its development. In effect, they would press a ‘pause button’ on their status while they were out of the UK, and pick up where they were upon return.

- Those seeking to become British citizens might bolster their application through choosing to spend time in their country of origin undertaking work with developmental benefit. Such schemes could be facilitated on a general basis, or they could be targeted at migrants from those countries and economic sectors most affected by brain drain.

QUESTIONS FOR CONSULTATION

Q24. Do you think we should facilitate circular migration in order to reduce the negative impact of brain drain on developing countries?

- Yes
- No
- Don’t know
- If no, why not?

Q25. In order to combat brain drain do you think it would be feasible to develop a list, similar to the NHS list but covering other sectors?

- Yes
- No
- Don’t know
- If no, why not?

Q26. What evidence could be drawn upon to develop such a list? (please specify)

Q27. What further views do you have on how we could mitigate against the negative impacts of migration from developing countries?
The Government welcomes comments on the proposals in this consultation paper.

Responses should be made using the consultation response proforma which can be found at:

www.ukba.homeoffice.gov.uk/aboutus/consultations/current/

Completed consultation proformas should be sent no later than 26th October 2009 to the following address:

Electronic:
CitizenshipPointsmailbox@homeoffice.gsi.gov.uk

By post:
Citizenship Consultation
UK Border Agency
11th floor
Apollo House
Croydon CR9 3RR

CONFIDENTIALITY & DISCLAIMER

The information you send us may be passed to colleagues within the Home Office, the Government or related agencies.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 [FOIA], the Data Protection Act 1998 [DPA] and the Environmental Information Regulations 2004).

If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.’

ALTERNATIVE FORMATS

You should also contact the Citizenship Consultation Team should you require a copy of this consultation paper in any other format, e.g. Braille, Large Font, or Audio.

CONSULTATION CRITERIA

The Consultation follows the Government’s Code of Practice on Consultation – the criteria for which are set out below:

Criterion 1 – When to consult
Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2 – Duration of consultation exercises
Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3 – Clarity of scope and impact
Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
Criterion 4 – Accessibility of consultation exercises
Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5 – The burden of consultation
Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees’ buy-in to the process is to be obtained.

Criterion 6 – Responsiveness of consultation exercises
Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7 – Capacity to consult
Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

The full Code of Practice on Consultation is available at: www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44420.html

CONSULTATION CO-ORDINATOR

If you have a complaint or comment about the Home Office’s approach to consultation, you should contact the Home Office Consultation Co-ordinator, Nigel Lawrence. Please DO NOT send your response to this consultation to Nigel Lawrence. The Co-ordinator works to promote best practice standards set by the Government’s Code of Practice, advises policy teams on how to conduct consultations and investigates complaints made against the Home Office. He does not process your response to this consultation.

The Co-ordinator can be emailed at:

Nigel.Lawrence@homeoffice.gsi.gov.uk
or alternatively write to him at:

Nigel Lawrence, Consultation Co-ordinator
Home Office
Performance and Delivery Unit
Better Regulation Team
3rd Floor Seacole
2 Marsham Street
London
SW1P 4DF
The earned citizenship architecture set out in the Borders, Citizenship and Immigration Act 2009 provides for a clear, three-stage process in the path to citizenship. This is described in more detail below.

**STAGE 1 – TEMPORARY RESIDENCE**

Under the new system of earned citizenship, migrants with a route to citizenship must complete a period of temporary residence before being eligible to progress to “probationary citizenship” - the second stage in the journey.

There are three broad types of qualifying temporary residence: work, family and protection.

- The **work category** is made up of economic migrants consisting of highly skilled and skilled workers under Tiers 1 and 2 of the current Points Based System (other tiers are not eligible);

- The **family category** consists of family members of British citizens and permanent residents;

- The **protection category** covers those individuals that are in need of our protection - specifically refugees and those granted humanitarian protection. In the *Path to Citizenship*, we made absolutely clear our commitment to honouring our long and proud tradition of providing a safe haven to those fleeing torture and persecution.

Temporary residence is a fixed period lasting five years for those on the work and protection route and two years for those on the family route.

**STAGE 2 – PROBATIONARY CITIZENSHIP**

Following completion of the period of temporary residence migrants may apply for probationary citizenship, which is a further, time-limited stage enabling them to demonstrate their commitment to the UK, and earn the privileges of citizenship. Completion of the probationary stage allows migrants to complete their journey to British citizenship or permanent residence.

In order to qualify for probationary citizenship, applicants are expected to meet a number of requirements. For those on the work route this means they must be self-sufficient, although they will no longer be restricted to the employment for which they entered the UK. For those on the family route, this means they must demonstrate that they are self-sufficient or supported by their sponsor, and that their relationship is subsisting. For those on the protection route we expect them to show that they are still in need of protection to qualify.

In addition to these requirements all groups will need to demonstrate knowledge of life in the UK or English to progress through the probationary citizenship stage. Migrants who are ineligible or fail to qualify for probationary citizenship are expected to leave the UK.

We believe that committing to Britain aids integration, and that is why we want to encourage those migrants who make Britain their home to become British citizens. Probationary citizens are therefore able to apply for British citizenship after a minimum period of one year. Migrants who wish to be obtain the alternative category of permanent residence status, on the other hand, either by choice or because they are unable to become British citizens, would need to spend a minimum of three years as probationary citizens.
Speeding up or slowing down the journey through the probationary citizenship stage

Under the earned citizenship framework, the journey to citizenship will enable migrants to demonstrate a more visible and a more substantial contribution to Britain as they pass through successive stages. Probationary citizenship will provide a clear second stage in a newcomer’s journey during which time they will be encouraged to integrate further by, for example, contributing to their local communities. We want to encourage more migrants to demonstrate their commitment to the UK by actively contributing to the wider community. We believe this has benefits for the individual and UK society. Those migrants who choose to participate in ‘Active Citizenship’, such as volunteering for a charity, will therefore be rewarded with a quicker journey to citizenship.

We believe it is right that people should be able to demonstrate active citizenship at any point in their journey. This will allow migrants to plan activities better in line with work and family commitments. We want to ensure that we permit a wide range of activities to ensure migrants can utilise their particular skills and interests.

Migrants who undertake active citizenship can speed up their journey by two years (for example: a skilled worker could become a British Citizen in 6 years with active citizenship or 8 years without doing it).

Active citizenship is not a mandatory requirement and will not be considered as part of the points-based test for citizenship.

We want to encourage all migrants who qualify to stay in the UK permanently to take up full British citizenship. We think that this is the best way to facilitate the full integration of a migrant into UK society. That is why it will take longer for a migrant to qualify for ‘permanent residence’ compared to British citizenship. The intention of this proposal is to encourage more migrants to become British and we believe that this is a clear incentive that will help achieve that aim.

The UK is entitled to expect migrants who aim to settle here permanently to act responsibly and to obey the law. Criminal behaviour will have consequences. Migrants who have criminal convictions, including those resulting in non-custodial sentences, will not normally be granted citizenship until those convictions are spent. Those with convictions that can never become spent under the Rehabilitation of Offences Act 1974 will not normally be granted citizenship at any stage. Migrants committing serious crimes will be deported from the UK following their custodial sentence. In cases where our international obligations under the ECHR or the Refugee Convention prevent us from removing an individual, we would grant a form of leave that does not lead to citizenship.

STAGE 3 – CITIZENSHIP OR PERMANENT RESIDENCE

Once an individual has demonstrated their commitment to the UK by completing the period of probationary citizenship relevant to their circumstances, they may then apply for permanent settlement – the final stage of the journey. At this stage, they will need to demonstrate not only that they have completed their probationary citizenship, but that they still meet the requirements for their particular route of entry and that they are of good character and have no criminal convictions that would disqualify them.

Most applicants will at this stage apply for citizenship. However, some individuals – for example those unable to apply for British citizenship because of restrictions on holding more than one nationality in the law of their country of origin – may choose to apply for the alternative category of permanent residence.
## Scope of the Consultation

<table>
<thead>
<tr>
<th>Topic of this consultation:</th>
<th>Further reform to the immigration system, to build on the system of earned citizenship set out in the Borders Immigration and Citizenship Act 2009.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scope of this consultation:</td>
<td>The purpose of this consultation is to seek the views of the public and other stakeholders on proposals to build on the earned citizenship framework in the Borders, Citizenship and Immigration Act 2009. This framework establishes the principle that British citizenship is a privilege which must be earned, putting in place a new stage of probationary citizenship, and providing mechanisms to speed up or slow down the journey towards British citizenship. This consultation proposes strengthening this system by establishing a new, points based test at probationary citizenship stage to fundamentally break the automatic link between temporary residence and permanent settlement. It also seeks views on the role of local authorities in delivering earned citizenship, and on how Government might better support those on the path to citizenship to integrate into their communities. It also proposes measures to ensure that migration works not only for the UK, but for the developing world, by managing the negative impacts of migration on developing countries.</td>
</tr>
<tr>
<td>Geographical scope:</td>
<td>United Kingdom wide.</td>
</tr>
<tr>
<td>Impact assessment (IA):</td>
<td>A consultation stage Impact Assessment has been produced for this document. A full Impact Assessment has been developed for the proposal to bring forward implementation of a pre-application English requirement for spouses. Both are available online.</td>
</tr>
</tbody>
</table>

## Basic Information

| To: | This is a public consultation and anyone who wishes to do so may comment. However organisations that provide services to, or work with migrants are particularly invited to comment. |
| Duration: | This is a 12 week consultation starting on Monday 3rd August 2009 and closing on Monday 26th October 2009. |
| Enquiries: | A copy of this consultation document is available on the UK Border Agency Website www.ukba.homeoffice.gov.uk/aboutus/consultations/current/. The consultation is also available in hard copy on request to CitizenshipPointsmailbox@homeoffice.gsi.gov.uk. Questions about the content or scope of the consultation can be sent to the mailbox. Enquiries about the Consultation may also be made by phone to James Davison on 020 8760 8581. |
How to respond:
Completed consultation proformas should be sent to arrive by no later than midnight on Monday 26th October 2009 to CitizenshipPointsmailbox@homeoffice.gsi.gov.uk or by post to:
Citizenship Consultation
UK Border Agency
11th floor
Apollo House
36 Wellesley Road
Croydon CR9 3RR

Additional ways to become involved:
In order to engage a wider audience and to reach people who will be affected by the issues under discussion in this consultation, we will be holding a series of stakeholder events across the country. Details will be made available on the UKBA website.

After the consultation:
A document summarising the Government response to the consultation will be published within 3 months of the closing date of this consultation and will be made available on the UK Border Agency Website.

BACKGROUND

Getting to this stage:
The consultation “The Path to Citizenship: Next Steps in Reforming the Immigration System”, was published in February 2008, and set out the Government’s vision for a system of earned citizenship. Following the response to this consultation, the earned citizenship framework was established through the Borders, Citizenship and Immigration Act 2009. The proposals contained in this document build on this framework.

Previous engagement:
The first stage of the process of consultation on the principle of earned citizenship was the subject of the consultation: “The Path to Citizenship: Next Steps in Reforming the Immigration System” that ran from February to May 2008.