



Home Office

UK Border Agency

GUIDE AN

NATURALISATION AS A BRITISH CITIZEN - A GUIDE FOR APPLICANTS

To be read in conjunction with Booklet AN

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1: INTRODUCTION TO THE GUIDE

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

For your application to succeed you will need to show that you satisfy a number of requirements that are set out in British nationality law. This guide will help you to fill in the downloadable version of the form AN; it tells you what information to put into each section of the application form and which documents you need to supply. Guidance on the legal requirements for applying for naturalisation can be found in the Booklet AN – you should make sure that you read that booklet before applying.

It is important that you take care in completing the form and in making sure that you satisfy the requirements for naturalisation. You also need to make sure that you have paid the correct fee, (see the fees leaflet). You may pay by cheque or credit/debit card. If paying by cheque or debit card you should ensure that you have sufficient funds available. Cash, transcash and postal orders cannot be accepted.

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

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

The law covering naturalisation is contained in the British Nationality Act 1981 and the regulations made under it. This guide, along with the Booklet AN, is intended to help you to apply. It is not a complete statement of the law or policy. Other information about citizenship and immigration is available on the UK Border Agency website at www.ukba.homeoffice.gov.uk

2: HOW TO FILL IN THE APPLICATION FORM

You must ensure that your name, date of birth, and the place and country where you were born are clearly written in BLOCK LETTERS, in black or blue ink. These details will be shown on your certificate. Any mistake you make is likely to end up on your certificate and may cause difficulties and delay in you becoming a British citizen or in obtaining a British passport.

Make sure that all the information is correct before you submit your application. It is a criminal offence to give false information knowingly or recklessly.

You may, if you wish, receive help completing your application form. You may use the services of an agent such as a solicitor or other competent adviser. For more information about competent advisers, see the box headed “OISC and Immigration Advice” on page 5 of this guide.

You may also apply via the Nationality Checking Service. This is a partnership with local authorities, which has been introduced by a number of local authorities in the UK. The Nationality Checking Service enables people wanting to apply for naturalisation to make their application in person at their local Register Office. In return for a small fee, local authority officers will help applicants to complete their application forms and check that the correct fee has been paid. They will also copy valuable documents and certify them as true copies, before returning the originals to you in person.

Local authorities provide the Nationality Checking Service at the point of application only, and will not act as your agent while your application is being considered. Local authorities are, like other competent advisers, registered with the Office of the Immigration Services Commissioner.

To check whether the Nationality Checking Service is available near you refer to either the UK Border Agency website at www.ukba.homeoffice.gov.uk, or call the Liverpool Contact Centre on 0845 010 5200 or contact your local Register Office. Please note that you may use any local authority offering Nationality Checking Service not just the one where you live. The service is being expanded over time to cover more local authorities.

However, applying for naturalisation is a straightforward process which does not require the use of specialist agencies. You should be capable of applying successfully by following the guidance provided in this guide and ensuring that you are able to satisfy the requirements detailed in the Booklet AN. First hand advice is available from the Liverpool Contact Centre on 0845 010 5200 (opening times can be found on the UKBA website).

Information you give will be treated in confidence, but may be disclosed to Government Departments, the Security Service and other agencies, local authorities and the police, where it is necessary for immigration or nationality purposes or to enable these bodies to carry out their own functions.

Now turn to Section 1 of the application form: Personal Information.

SECTION 1: PERSONAL INFORMATION

- 1.1 Enter your Immigration and Nationality Directorate or Border and Immigration Agency or UK Border Agency reference number if you have one.
- 1.2 Enter your current passport number or travel document number.
- 1.3 Enter the date you were given indefinite leave to enter/remain in the UK. If you are an EEA or Swiss national or a family member of an EEA or Swiss national please ensure that you read pages 8 - 10 of the Booklet AN .
- 1.4 Tick the box appropriate to your title or write in your title if it is different. Please note that royal titles should not be used.
- 1.5 Enter your surname or family name as you want it to appear on your certificate.
- 1.6 Enter your other names as you want them to appear on your certificate.

For example if your name is Taher Mohamed Hashim Al Hassan, and you are known as Mr Al Hassan then put Al Hassan in section 1.5 and Taher Mohamed Hashim in section 1.6.

- 1.7 If the names shown in section 1.5 and 1.6 are different from the names shown in your passport or they are spelt differently then please explain why on page 13 of the application form.

Your name at birth must be given on the application form, for identity purposes, but may be omitted from your certificate of British citizenship if you have a special reason for requesting this - for example because you were adopted or are no longer living in the gender you were considered to have at the time of your birth.

- 1.8 If you are or have been known by any other names apart from the names you have given in sections 1.5, 1.6 and 1.7, say what the other names are/were, when you were known by or started to be known by these other names, and why.

PLEASE NOTE THAT THE NAME, PLACE AND DATE OF BIRTH ENTERED ON THE APPLICATION FORM WILL APPEAR ON YOUR CERTIFICATE OF NATURALISATION AND CAN BE CHANGED ONLY IN THE MOST EXCEPTIONAL CIRCUMSTANCES

- 1.9 Enter your present nationality. If you are recognised as stateless then insert "Stateless".
- 1.10 Enter your National Insurance number if you have one.
- 1.11 – 1.13 Enter your date of birth, the village or town or city where you were born, and the country where you were born. Please take care over these entries as they will appear on your certificate of naturalisation. If they are different from the details shown in your passport/birth certificate you should explain why on page 13 of the application form. N.B. Place and country of birth names shown on the certificate will be names in current acceptable use (and will be in English where an English version exists).
- 1.14 Indicate your sex by ticking the appropriate box.

1.15 Indicate your marital/civil partnership status by ticking the appropriate box. You are for our purposes married even if you are now legally separated.

1.16 Enter your present address and ensure that you give your postcode. We need this to arrange a citizenship ceremony. If you do not give your postcode your application will be delayed.

Please state the date when you moved in to this address

It would be helpful if you would provide contact telephone details and an email address (if you have one) should we need to contact you.

1.17 Provide all your home addresses for the past 5 years.

1.18 - 1.20 If someone is acting on your behalf such as a solicitor or you are making the application through a consulate, you should provide their details so that we can contact them. Unless you are being represented by a private individual, it is the agent's business name, telephone number which should be put here. If you have completed 1.18 and the address is that of your immigration adviser, please state their Office of the Immigration Services Commissioner (OISC) number:

1.21 If your application is approved, you will need to take part in a citizenship ceremony. The venue will normally be within a local authority area near where you live. If you want the ceremony in another area you should enter the name and address of that local authority office including the postcode.

OISC and Immigration Advice

Immigration or nationality advisers acting in the course of business (whether paid or unpaid) are regulated by the Office of the Immigration Services Commissioner (OISC), an independent body. The provision of such advice is prohibited unless a person works for an organisation registered with, or exempted by, the OISC or is authorised to practise (like solicitors and barristers) by a designated professional body.

Certain categories (e.g. public health bodies) are exempted from the regulatory scheme by Ministerial Order. It is a criminal offence to provide advice or services in contravention of the regulatory scheme.

Further information about the regulatory scheme can be obtained from:

Office of the Immigration Services Commissioner
5th Floor
Counting House
Tooley Street
LONDON SE1 2QN
Tel: 020 7211 1500
Fax: 020 7211 1553

A full list of OISC regulated advisers is available on its website at www.oisc.gov.uk

You will be expected to attend a ceremony to become a British citizen even if you have been exempted from the knowledge of English or life in the UK requirement. Successful applicants are exempted from ceremonies rarely and then only if they are physically unable to attend or if their mental state would make it inappropriate to attend. If you wish to be exempted you should say why on page 13 and provide supporting evidence.

1.22 You should indicate here how you intend to satisfy the requirements to have knowledge of a relevant language and of life in the UK.

1.23 – 1.30 You might already be a British citizen without realising it. To decide whether you already have British citizenship by descent we need details about your parents.

1.31 – 1.36 To help us determine your eligibility for naturalisation we need to know a little about your partner, if you have one. On this part of the form we use the term “partner” to mean your husband, wife or civil partner. If your partner is not a British citizen and would like to apply, they will need to make their own application on a separate form. We cannot treat your form as an application for your partner to be naturalised as a British citizen.

1.37 – 1.43 If you were previously married or in a civil partnership, you must complete your previous husband’s, wife’s or civil partner’s details.

SECTION 2: RESIDENCE REQUIREMENTS

2.1 Enter the day you first arrived with a view to staying in the UK on a long-term basis, and the airport or seaport through which you then entered. If this is less than 5 years before the date on which we receive the application, or less than 3 years before this date if you are married to or the civil partner of a British citizen, you might not meet the residence requirement (see pages 4 and 5 of the Booklet AN) and your application may be unsuccessful.

2.2 Fill in this table showing the periods you have been away from the UK during the last 5 years (3 years if you are married to or in a civil partnership with a British citizen). Insert the number of days you were away from the UK in the last column ignoring the day you left and the day you arrived back in the UK. If there is not enough room for all your absences then continue on page 13. Add up the total and write it in the space indicated.

Please note: You should also check that you were physically present in the UK 5 years (3 years if you are married to or in civil partnership with a British citizen) before the date that the application will be received by the UK Border Agency or other receiving authority (see page 17 “Where to send your application form”). If you do not meet this requirement your application is unlikely to be successful.

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

There is discretion to disregard absences in excess of the limits. The circumstances in which discretion would be exercised is explained in the Booklet AN.

Failure to complete section 2.2 will result in delays to your application.

2.3 Please insert the country where you intend to live if you are naturalised as a British citizen.

2.4 – 2.6 If you are a national of a member state of the EEA, or the family member of an EEA national, and do not have indefinite leave to remain in the United Kingdom you should complete these sections. Please refer to section 6 of the Booklet AN for further guidance.

SECTION 3: GOOD CHARACTER

Among the duties and obligations which you are expected to fulfil, is payment of income tax and National Insurance contributions. We may ask H.M. Revenue & Customs for confirmation that your tax and National Insurance affairs are in order. When you sign the application form you will be giving your consent for us to approach them.

3.1 – 3.5. If you do not pay income tax through PAYE you must demonstrate that you have discharged your obligations towards the H.M. Revenue & Customs, by attaching a Self Assessment Statement of Account (see page 16).

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

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

You must give details of all criminal convictions both within and outside the United Kingdom. These include road traffic offences. Fixed penalty notices will not normally be taken in to account, unless you have had more than one fixed penalty notice in the last 12 months. In that case you may wish to wait to make your application until you have no more than one fixed penalty notice in the 12 month period before applying. Drink driving offences must be declared. If you have any endorsements on your driving licence you must provide the paper counterpart.

Please note that a driving conviction may not yet be spent despite any penalty points being removed from your driving licence.

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

3.8 You must say if there is any offence for which you may go to court or which is awaiting hearing in court. This includes having been arrested for an offence and waiting to hear if you will be formally charged. If you have been arrested and not told that charges have been dropped, or that you will not have to appear in court, you may wish to confirm the position with the police. For applicants from Scotland any recent civil penalties must also be declared. You must tell us if you are arrested or charged with an offence after you make your application and while the application is under consideration. You risk prosecution under section 46 of the British Nationality Act 1981 if you do not do so.

3.9 – 3.11 You must also say here whether you have had any involvement in terrorism. If you do not regard something as an act of terrorism but you know that others do or might, you should mention it. You must also say whether you have been involved in any crimes in the course of armed conflict, including crimes against humanity, war crimes or genocide. If you are in any doubt as to whether something should be mentioned, you should mention it.

For the purpose of answering questions 3.9 to 3.11 the Booklet AN provides guidance on actions which may constitute genocide, crimes against humanity and war crimes.

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

<http://www.hms0.gov.uk/acts/acts2001/20010017.htm> Alternatively, copies can be purchased from The Stationery Office, telephone 0870 600 5522.

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

You must tell us if you have practised deception in your dealings with the Home Office or other Government Departments (e.g. by providing false information or fraudulent documents). This will be taken in to account in considering whether you meet the good character requirement. If your application is refused , and there is clear evidence of the deception, any future application made within 10 years is unlikely to be successful.

You should also tell us if you have any children who have been convicted of an offence or who have received a court order (e.g. an ASBO), We will consider if there are indications that you may have been complicit in their activities or particularly negligent in ensuring their good behaviour, and whether this reflects on your own ability to meet the good character requirement.

If you are applying on the basis of Crown Service you should go to section 4. If you are not applying on the basis of Crown service you should go to section 5.

SECTION 4: CROWN SERVICE

Complete this section only if you are applying on grounds of your own Crown service, or your husband's, wife's or civil partner's Crown service or specially designated service. Read the information on page 19 of the "Booklet AN".

Naturalisation is not a reward for long service under the British Crown, and is rarely granted on this basis. You may wish to contact the British Consul about your prospects of successfully applying before you commit yourself to an application.

SECTION 5: REFEREES & IDENTITY

Your application must be endorsed by two referees and a recent passport size photograph stapled or clipped into the space provided. The photograph must show the whole of the front of your face in reasonable light. It should not show your face wholly or partly concealed by your hair (beards, sideburns and moustaches excepted) or by a scarf or traditional dress. It should not show you wearing dark glasses or a hat, hood, cap or scarf.

Each referee should have known you personally for at least 3 years.

One referee should be a person of any nationality who has professional standing, such as a minister of religion, civil servant or a member of a professional body, for example accountant or solicitor (but not representing you with this application). A list of acceptable professional persons can be found on our website.

The other referee must be the holder of a British citizen passport and either a professional person or over the age of 25.

Each referee should be:

- not related to you
- not related to the other referee
- not your solicitor or agent representing you with this application
- not employed by the Home Office

We will not accept a referee who has been convicted of an imprisonable offence during the last 10 years and the sentence has not become spent under the Rehabilitation of Offenders Act 1974 – see page 16 of the Booklet AN.

If you are living abroad and do not know a British citizen who is qualified to act as one of your referees, a Commonwealth citizen or citizen of the country in which you are residing may complete and sign the form, provided he/she has professional standing in that country, has known you for three years and the Consul considers his/her signature to be acceptable.

Checks may be carried out to ensure that the referees do not have unspent convictions and are qualified to act for you and that their signatures are genuine. It is a criminal offence to provide false information knowingly or recklessly punishable with up to 3 months imprisonment or by a fine not exceeding £5,000 or both under section 46(1) of the British Nationality Act 1981.

Once you have two referees and they have completed Section 5 you should recheck the information you have provided and go to Section 6.

SECTION 6: DECLARATION BY APPLICANT

Read this section carefully before inserting your name clearly in box 6.1 and ticking each box at 6.2 – 6.6 to confirm the points raised.

If you meet the requirements described in this Guide and the Booklet AN sign and date the form in the box below 6.8. You are advised to read this guide as well as the Booklet AN carefully to ensure that you do satisfy all the requirements.

If you do not meet the requirements but think the Home Secretary should exercise discretion in your favour you should provide in section 6.7 the special circumstances in your case. If your special circumstances are not accepted your application will be refused and your fee will not be fully refunded.

Applications that fail generally do so because

- applicants do not tell us about offences and convictions, or
- the residence requirements have not been satisfied, or
- applicants are former asylum seekers whose applications and appeals were refused and they were, therefore, in breach of the immigration laws during any part of the residential qualifying period.

If you are applying on the grounds of five years residence and have spent more than 450 days outside the UK in the five year period prior to your application being received or you have not had indefinite leave to remain in the UK for twelve months you should give the reasons at section 6.7 of the application form as to why you feel discretion should be exercised in your favour to waive these requirements. This does not guarantee a successful application. Your application will be refused if we do not accept that your reasons justify disregarding this requirement.

Likewise, if you are applying on the grounds of marriage or civil partnership to a British citizen and you spent more than 270 days outside the UK in the three years prior to your application being received, provide reasons at section 6.7.

You must sign the form yourself. If you cannot sign the form you must make a mark or a fingerprint and ask one of your referees to sign saying that it is your mark or fingerprint. If the applicant is not of sound mind and you are acting on his or her behalf, you should sign to indicate your responsibility for the accuracy and completeness of the information provided. You must support this by explaining, in a covering letter, who you are and why the applicant cannot act on their own behalf. Confirmation from the applicant's medical practitioner or consultant should also be provided.

If the declaration in section 6 of the form is not completed, the application will be invalid.

3: WHAT WILL YOU NEED TO SEND WITH THE FORM?

This section tells you the sort of documents you will need to send for us to consider your application. We cannot consider your application unless we have supporting documents. If you do not submit your application with supporting documents and the correct fee then the application will be returned to you unprocessed. You should indicate in the space provided on the back of the application form what documents you have supplied and why.

ALL APPLICATIONS FOR NATURALISATION AS A BRITISH CITIZEN

The Fee

The fee must be sent with the application form. Details of the current fee are available on our website at www.ukba.homeoffice.gov.uk or by calling the Liverpool Contact Centre on 0845 010 5200. NB. If you do not send the correct fee, the application will be invalid.

Evidence of identity

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

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

See page 3 for information about the Nationality Checking Service.

Evidence of knowledge of English and of Life in the UK

- Certificate of progression from one ESOL level to another along with evidence that the college is an accredited college and confirmation that the course followed by the applicant was ESOL-with-citizenship (see pages 12-13 of Booklet AN) OR
- Letter confirming success in the Life in the UK Test, stamped and signed by the Test Supervisor.
- (For applicants outside the United Kingdom) evidence as directed by the office of the Lieutenant-Governor, the office of the Governor, the British Embassy, the British High Commission or the British Consulate.
- Your confirmation that you met this requirement in order to obtain settlement.

If you wish to rely on knowledge of Welsh or Scottish Gaelic you should indicate this in a covering letter.

If you seek exemption from the language and/or knowledge of life in the UK requirements on the grounds of age or poor physical and /or mental health you should indicate this by ticking the box 1.22 at section 1 on the application form. If you wish to apply for exemption on grounds of poor mental health you should provide evidence from your doctor that this is not a temporary condition.

APPLICATIONS MADE ON THE BASIS OF RESIDENCE IN THE UNITED KINGDOM

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

- Your passports OR say why you are unable to provide one on page 13 and supply
- Letters from employers, educational establishments or other Government Departments indicating the applicant's presence in the United Kingdom during the relevant period

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

FOR APPLICANTS FROM SWITZERLAND OR THE EUROPEAN ECONOMIC AREA

Evidence of Nationality

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

Evidence of exercising Treaty Rights for 5 years

- P60 tax certificates covering the relevant period of 5 years
- Employer's letter confirming employment over the relevant period
- Benefits letter confirming job seekers' allowance claimed throughout the relevant period of 5 years
- Benefits letter confirming incapacity benefit claimed throughout the relevant period of 5 years
- Documentary evidence confirming pension received throughout the relevant period of 5 years.

For individuals who are self-employed / business person:

- Evidence from the HM Revenue and Customs confirming payment of tax over the relevant period.

For Students

- Letter from the public or private establishment confirming that you were enrolled on a course of study, including vocational training, throughout the relevant 5 year period.
- Evidence that you are covered by sickness insurance against all risks in respect of yourself and any accompanying family members in the UK.

If you are a self-sufficient person

- Evidence of funds in the form of bank accounts covering the relevant period and
- Evidence that you are covered by sickness insurance against all risks in respect of yourself and any accompanying family members in the UK.

If you are retired

- Evidence that you are receiving a state pension – not an occupational pension

If you have been unable to engage in economic activity due to incapacity

- Submit a doctor's letter or medical report as confirmation of this. The doctor's letter or medical report should state if the incapacity is likely to be permanent.

Evidence of freedom from immigration time restrictions

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

APPLICATIONS MADE ON THE BASIS OF MARRIAGE OR CIVIL PARTNERSHIP TO A BRITISH CITIZEN

Evidence of a British citizenship

- The applicant's husband's, wife's or civil partner's passport or birth certificate or Naturalisation/registration certificate AND
- The marriage certificate or civil partnership certificate

SELF-EMPLOYED APPLICANTS

If you do not pay tax through Pay As You Earn (PAYE) arrangements, we require

- The most recent HM Revenue & Customs Self Assessment Statement of Account

APPLICATIONS MADE ON THE BASIS OF CROWN SERVICE OR ON THE BASIS OF MARRIAGE/CIVIL PARTNERSHIP TO A BRITISH CITIZEN IN CROWN OR DESIGNATED SERVICE

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

WHERE AN APPLICATION IS ACCOMPANIED BY FORMS MN1 IN RESPECT OF YOUR CHILDREN WE REQUIRE THE FOLLOWING DOCUMENTS FOR THEM.

Each child's full birth certificate AND

- Each child's passport of entry to the UK, and any subsequent passports AND
- The parents' marriage certificate or civil partnership certificate
Please note - only include children who are not already British
- If one of the parents does not agree to registration a letter explaining their reasons.
- and any other documents as specified by the Guide MN1.

4: WHERE TO SEND YOUR APPLICATION FORM

Once you have completed and signed the application form and enclosed the documents, you must arrange to pay the correct fee. If you are paying by debit/credit card you should complete the payment slip attached to the fee leaflet. If you are paying by cheque you should ensure that funds are available in your account. Cash, transcash or postal orders are not accepted.

If your fee is paid through an account which belongs to someone else, please give their details in the space provided on the payment slip attached to the fee leaflet in case it is necessary to refund all or part of the fee.

If you are in England, Wales, Scotland or Northern Ireland send the form with the fee and supporting documents to

UK Border Agency
Department 1
PO Box 306
LIVERPOOL
L2 0QN

If you are in the Channel Islands or the Isle of Man, you should send them to the Lieutenant-Governor.

If you are in a British overseas territory, you should send them to the Governor.

If you are elsewhere, you should send them to the nearest British Consulate, Embassy or High Commission.

Applications on grounds of Crown service should normally be made to the relevant office mentioned above through the Government Department concerned.

You **must** submit your application as explained above. You should not send an application direct to the Home Office if you are outside the UK at the time you make the application - even if you normally live there. The date of application will be the date your form is **received** by the Home Office or the local British government representative as shown above. It is not the date on which you send it. This means that you need to make the application from the country where you will be when it is received. Therefore, it is **not** advisable to send in your application if you are about to leave the country as it might not be received until after your departure and it will be invalid.

PLEASE NOTE: If you require your valuable documents to be returned by secure post you should enclose a pre-paid self-addressed Royal Mail Special Delivery (or Recorded Signed For delivery) envelope with your application. The pre-paid self addressed envelope should be sufficient to accommodate the size and weight of your documents and be insured to the appropriate level for the value of your documents. If this is not enclosed your documents will be returned to you using Royal Mail 2nd class post. Please consult Royal Mail's website at www.royalmail.com for further information.

5: WHAT HAPPENS NEXT?

It is important that you take care in completing the form and in making sure that you satisfy the requirements for naturalisation. You also need to make sure that you have paid the correct fee (see the fees leaflet). If you pay by cheque you should ensure that you have sufficient funds available. We will also accept credit/debit card payment. Cash, transcash or postal orders cannot be accepted. **If you do not pay the correct fee your application will be returned to you unprocessed.**

WHAT YOU CAN EXPECT FROM US

Once we have received your application form we will create a computer file to track and process your application. Your application will be acknowledged. During busy times this may take up to 2-4 weeks.

The Liverpool Contact Centre will deal with any enquiries about your application once it has been made.

Email: ukbanationalityenquiries@ukba.gsi.gov.uk

Telephone 0845 010 5200

Opening times can be found on the UKBA website at www.ukba.homeoffice.gov.uk

We will check your application against the documents you have sent in and make a number of enquiries. The documents may be checked to ensure their authenticity. If you provide forged or fraudulently obtained documents you may be investigated under section 46 of the British Nationality Act 1981. We will press for prosecution which may include up to 3 months imprisonment or a fine not exceeding £5,000 or both.

If we need more documents we will write and ask you for them. We will give you three weeks to respond. If you do not respond within the time we allow you, then we will decide your application on the information we already have, but there is a risk that your application will not succeed. We will try to complete our enquiries quickly, usually within six months, but sometimes it takes longer.

We undertake to process your application quickly and in accordance with the law and agreed policy and procedures. We will deal with any enquiries courteously and promptly. **You must keep us informed of any changing circumstances including change of address or agent.**

You may be asked to attend an interview conducted on behalf of the UK Border Agency by the police or other representative. If so, arrangements will be made with you about the interview, which may be at your home. You may be asked to give more details about your application. The person interviewing you will expect you to talk without an interpreter.

If your application is unsuccessful we will write and tell you why. Although there is no legal right of appeal or review we will consider representations if you consider that a decision to refuse your application was not soundly based on nationality law or prevailing policy and procedure as described in this guide or in any other communication you have received from us or on our website at www.ukba.homeoffice.gov.uk. Representations must explain why you think we have not correctly applied the law and policy in your case. We

will respond either by confirming that law and policy had been correctly applied or by answering particular points you raise concerning the way that law and policy were applied. We strive to provide a first rate service, but occasionally difficulties arise that prevent us from dealing with applications to our usual high standards. In the unlikely event that you wish to complain, details of how to make a complaint are given on page 23.

WAITING TIMES

While we try to deal with cases quickly this cannot be guaranteed and we cannot naturalise you until we are satisfied that all the requirements have been met.

Information on average waiting times can be found on the website at

www.ukba.homeoffice.gov.uk or by telephoning

Telephone 0845 010 5200

Opening times can be found on the UKBA website at www.ukba.homeoffice.gov.uk

Applicants outside England, Wales, Scotland and Northern Ireland should contact the office where they made their applications or telephone 44 151 672 5626

The length of time you will have to wait for your application to be decided will not affect your existing rights in the UK.

DEPRIVATION OF CITIZENSHIP

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

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

- has encouraged or assisted others to commit acts of terrorism;
- has committed war crimes, public order offences or other serious crime; or
- has carried out acts seriously prejudicial to vital national interests, including espionage and acts of terrorism directed at the United Kingdom or an allied power.

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

WHAT WE EXPECT FROM YOU

Applications are considered quickly – usually within six months of receipt. We expect you to make appropriate arrangements to ensure that you can respond to our enquiries or requests for documents within the period we allow.

While the application is under consideration we expect you to tell us about anything which alters the information you have given us. This will include changes of marital or civil partnership status or home address or agents acting on your behalf. It also includes police investigation or anything that may result in charges or indictment.

We also expect to be treated politely and with respect by you and any agent acting on your behalf. Good character includes your attitude to officials.

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

6: CITIZENSHIP CEREMONIES

WHAT DO YOU HAVE TO DO?

At the ceremony you will be asked to affirm or swear an oath of allegiance to Her Majesty the Queen and to pledge your loyalty to the UK. Following this you will be presented with your certificate of naturalisation as a British citizen.

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

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

When you make contact with the local authority you will be asked a number of questions to establish your identity. Checks may be made to confirm both your identity and how you satisfied the requirement to have knowledge of a relevant language.

The ceremony may be delayed and the invitation cancelled if it is clear that you do not have sufficient knowledge of a relevant language and you have not been exempted from this requirement, see pages 10 – 15 of the Booklet AN.

WILL YOU UNDERSTAND THE CEREMONY?

If you cannot speak enough English to understand what will be said to you at the ceremony because you have been exempted from the knowledge of English requirement, you must explain this when you contact the local authority to arrange your ceremony. Failure to do so may result in your ceremony being delayed. You will be expected to take someone with you to interpret. During the ceremony you will be asked to repeat the words of the oath (or affirmation) and pledge in English. You are advised to practice saying these words before you attend.

If you met the knowledge of English requirement by completing an ESOL course and do not feel confident about dealing with local authority officials without support from someone who is more fluent in English, then you should take your ESOL certificate and letter from the College to say that the course was set using citizenship materials. This will help to show why you have satisfied the knowledge of English requirement but are not fully confident to attend a ceremony without support.

If you passed the knowledge of life in the UK test you will be expected to undergo the citizenship ceremony unsupported. You may, however, take guests with you by arrangement with the local authority.

The Registrar may report to the Home Office if there are doubts about how you satisfied the language requirement. These will be investigated and may lead to your citizenship being removed (deprivation) if it is evident that you have practised deception by getting someone else to impersonate you at a test centre or ceremony. You and the impostor will be liable for prosecution under section 46(1) of the British Nationality Act 1981 leading to a fine of up to £5,000 or 3 months imprisonment or both. This may lead to deportation.

Ceremonies are arranged locally and reflect the particular community to which you now belong. You will meet a local dignitary or celebrity and be told something about the area and what can be expected of you as a British citizen.

Provision has been made by order under the Welsh Language Act 1993 for prospective British citizens making the citizenship Oath (or Affirmation) and pledge in Wales to do so in the Welsh language. The Citizenship Oath and Pledge (Welsh Language) Order 2007 contains the approved translations and came into force on 1 June 2007.

7: AND FINALLY

We hope that this guide has helped you to prepare and successfully apply for British citizenship. If you have found it useful and our staff helpful, or if you had an enjoyable citizenship ceremony, or if you have found our service unsatisfactory or do not understand the outcome, why not tell us? You should email us in the first instance to:

ukbanationalityenquiries@ukba.gsi.gov.uk

If you remain unhappy with the service provided by Nationality Group, you may wish to complain by writing to:

UK Border Agency
PO Box 99
Manchester Airport
M90 3WW



Home Office

UK Border Agency

BOOKLET AN

NATURALISATION BOOKLET - THE REQUIREMENTS

To be read in conjunction with Guide AN

September 2010

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INTRODUCTION

This Guide summarises the legal requirements for applying for naturalisation.

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

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

1. DO YOU QUALIFY?

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

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

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

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

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

The residence requirements:

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

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

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

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

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

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

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

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

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

The residence requirements:

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

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

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

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

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

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

2. THE 3 OR 5 YEAR QUALIFYING PERIOD

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

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

3. BREACH OF IMMIGRATION LAW

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

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

4. IMMIGRATION TIME RESTRICTIONS

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

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

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

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

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

5. ABSENCES FROM THE UK

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

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

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

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

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

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

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

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

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

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

For further information regarding excess absences refer to the UK Border Agency website.

6. EUROPEAN ECONOMIC AREA NATIONALS AND SWISS NATIONALS

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

New immigration regulations came into force on 30 April 2006. If you are a national of a country which is a member state of the EEA or Switzerland, or the family member of such a person, you will automatically have permanent residence status after exercising EEA free movement rights in the UK for any continuous period of 5 years ending on or after 30 April 2006, and therefore will not have to apply for indefinite leave to remain. But remember that, unless married to or the civil partner of a British citizen, you should normally have held permanent resident status for 12 months before applying for naturalisation. This means that you may need to wait until you have been in the United Kingdom for 6 years before you can apply.

(i) Who is an EEA national?

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

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

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

Workers - this includes:

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

Self-employed / Business persons

Students

Self-sufficient persons

Retired persons

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

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

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

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

(iii) A8 national workers

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

Czech Republic	Estonia	Hungary	Latvia
Lithuania	Poland	Slovakia	Slovenia

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

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

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

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

7. SOUND MIND

The Home Secretary has discretion to waive the requirement to be of sound mind if he thinks that would be the right thing to do in any particular case. If you are completing this form on behalf of someone who is not of sound mind and for whom you are responsible you should complete the form as fully as possible, highlighting those areas which cannot be completed and explaining on page 13 why it would be in the applicant's best interests for naturalisation to be granted despite their inability to understand fully what is involved. The form should be supported by confirmation of the applicant's mental condition and of the fact that they are in your care. This should include documentation proving the care arrangements.

8. KNOWLEDGE OF LANGUAGE AND LIFE IN THE UK

We want people acquiring British citizenship to embrace positively the diversity of background, culture, and faiths that living in modern Britain involves. The Government is also concerned that those who become British citizens should play an active role, both economic and political, in our society, and have a sense of belonging to a wider community. Learning English is, for immigrants to the UK, the main priority for integration. Learning about life in the UK will enable you to understand your rights and duties as a British citizen.

If you are aged 65 or over, or have a long term physical or mental condition that prevents you from learning English or being tested on your knowledge of life in the UK, you may not have to meet either the language requirement or the knowledge of life in the UK requirement. You may apply for exemption by ticking the appropriate box. Please note that physical or mental illness will not automatically exempt you from this requirement. If your illness responds to treatment then we will expect you to prepare yourself to meet these requirements. Only if your condition prevents you permanently from learning English or about knowledge of life in the UK would we consider exempting you from these requirements. Temporary illnesses, such as depression or stress, would not normally be grounds for exemption. You will need to provide proper evidence from your doctor. You will not be exempted on grounds of illiteracy.

Long residence is not a reason for exemption. People often ask if they can be exempted from the test on the basis of their qualifications, or the fact that they are from an English speaking country. The requirement to demonstrate knowledge of life in the United Kingdom is specified in law and these are not grounds for exemption.

Knowledge of language and life in the UK became a requirement for settlement in 2007. If you were exempted from this requirement to obtain settlement you must pass a test or take an ESOL course before applying for naturalisation unless you are exempted on grounds of age or physical or mental impairment. If you have already satisfied the requirements to have sufficient knowledge of language and life in the UK you do not have to do it again.

These knowledge requirements apply only to adults applying for naturalisation, including the husbands, wives and civil partners of British citizens. They do not apply to children.

Unless you are asking to be exempt then you may satisfy the requirement for both knowledge of English language and knowledge of life in the UK by:

- successfully completing a course of study in ESOL with citizenship. You will need to provide a certificate showing the level you have attained together with a letter from the college certifying that the course had the requisite citizenship content. OR
- Passing a short test on knowledge of life in the UK at a Life in the UK Test Centre. This test is set in English and passing the test will indicate both knowledge of English and Life in the UK. OR
- Confirming that you already satisfied these requirements when you obtained indefinite leave to remain (ILR)

Please let us know if, instead of demonstrating sufficient knowledge of English, you wish to rely on knowledge of the Welsh or Scottish Gaelic languages.

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

- You should seek advice from the Immigration Office.

IF YOU ARE LIVING ELSEWHERE

- Please note that there is no provision for the Life in the UK test to be taken overseas (unless the applicant is in or is the spouse or civil partner of someone in Crown or designated service). It will therefore be necessary for you to return to the UK to take the test.

ENGLISH FOR SPEAKERS OF OTHER LANGUAGES (ESOL)

If you need to improve your English, ESOL Skills for Life courses are available at many Further Education, Adult and Community Colleges across the UK. You should be able to obtain addresses from your local telephone directory, or by contacting your local library or Town Hall. Likewise, if you choose to undertake and pay for a course at a private language school you must ensure that it will confirm that it is offering an approved ESOL course with citizenship content. You should also ensure that the college is approved through the English UK scheme to prevent enrolment at a bogus college. You may find it helpful to contact English UK at their website on www.englishuk.com. If you are already doing an ESOL course, you must ensure that your college offers the “language with citizenship” course and that they will give you a letter to this effect when you obtain your certificate.

You may apply for an ESOL course at any time but you will have to pay if you are not eligible for free tuition.

You will satisfy both the knowledge of English and the knowledge of life in the UK requirements once you have studied at an "accredited college", obtained a "relevant ESOL qualification" from an "approved awarding body", and have demonstrated the "relevant progress".

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

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

An "**accredited college**" is:

- - a publicly funded college that is subject to inspection by Ofsted (if situated in England), the Education and Training Inspectorate (if situated in Northern Ireland), HM Inspectorate of Education (if situated in Scotland), Estyn (if situated in Wales); or an inspection programme that has been approved by the Island's Government (if situated in the Channel Islands or Isle of Man), or

- - a private college that has been accredited by Accreditation UK, the British Accreditation Council (BAC), the Accreditation Body for Language Services (ABLS), or the Accreditation Service for International Colleges (ASIC).

A "**relevant qualification**" is:

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

In England, Wales and Northern Ireland, the "**awarding bodies**" approved by Ofqual are:

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

In Scotland, the only approved awarding body is:

- - the Scottish Qualifications Authority.

To demonstrate "**relevant progress**", a student must have progressed by at least one level from the level at which he or she was assessed at the beginning of the course leading to the relevant qualification. For example

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

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

Although the provision of ESOL courses has increased significantly recently, you may find that your nearest college has a waiting list or has yet to start ESOL with citizenship courses. You may have to find another college locally or ask them to place you on a waiting list. You can call Learn Direct on 0800 100 900 for details of other ESOL providers.

IF YOU ARE ALREADY FLUENT IN ENGLISH

If you are already fluent in English you will have to pass a test of knowledge of life in the UK. The following is for residents in England, Wales, Scotland or Northern Ireland.

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

TSO PO Box 29, Norwich NR3 1GN
Telephone orders/General Enquiries 0870 600 5522.
Fax orders 0870 600 5533.
E-mail: book.orders@tso.co.uk
Textphone 0870 240 3701

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

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

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

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

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

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

The test will be taken on a computer.

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

To pass this short test you will need knowledge of English at ESOL Entry Level 3. Support will be available at test centres for people with limited reading and writing ability or who lack basic IT skills. But if your knowledge of English is not sufficient for you to understand the handbook or the test you should consider enrolling on an ESOL with citizenship course at the appropriate level for your needs.

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

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

9. GOOD CHARACTER

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

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

You do not have to give details of any offences which are “spent” under the Rehabilitation of Offenders Act 1974. Under that Act certain convictions may be regarded as “spent” in the United Kingdom after certain periods of time from the date of conviction if you have not been convicted of other offences during that time. “Spent” means that it will be ignored. A leaflet about this called “Wiping the Slate Clean” is available from the Home Office, Direct Communications Unit, 2 Marsham Street, LONDON, SW1P 4DF.

Criminal record checks will be carried out in all cases. If you have a conviction which is not yet “spent” under the Rehabilitation of Offenders Act 1974, an application for citizenship made now is unlikely to be successful. We would therefore advise you to wait until the end of the rehabilitation period before making an application.

We will normally disregard a single conviction for a minor offence resulting in a bind over, conditional discharge or relatively small fine or compensation order, if a person is suitable for citizenship in all other respects. By “minor offence” we mean minor speeding offence or other ‘regulatory’ offences. Offences involving dishonesty (e.g. theft), violence or sexual offences or drugs are not classed as minor offences. Drink-driving offences, driving while uninsured or disqualified or driving whilst using a mobile phone are not minor offences either.

We would not normally take Fixed Penalty Notices into account, unless you have had more than one fixed penalty notice in the last 12 months. In that case, you may wish to wait to make your application until you have no more than one fixed penalty notice in the 12 month period before applying.

Please note: If you have received more than one sentence for any conviction you should ensure that each separate sentence is spent under the Rehabilitation of Offenders Act 1974 before you make an application.

For example: If you were convicted for speeding and received a 12 month driving disqualification and a fine - although the driving disqualification would be considered spent at the end of the 12 month period, the fine would not be spent for 5 years. You should therefore wait 5 years before you make an application for citizenship.

Please note that a driving conviction may not yet be “spent” under the Rehabilitation of Offenders Act 1974 despite any penalty points being removed from your driving licence.

The following table gives examples of sentences and rehabilitation periods. In calculating the spent period it is the prison sentence that counts, not the time served, and a suspended sentence counts as if it were a prison sentence.

If you have a conviction which is not yet spent you are unlikely to be naturalised, as the Home Secretary would not be satisfied that you are of good character. An application would fail and the fee would not be fully refunded. Similarly if you have been charged with a criminal offence and are awaiting trial or sentencing, you are advised not to make any application for naturalisation until the outcome is known. If you are convicted, you should then consult the following table of sentences and the rehabilitation periods.

Sentence	Rehabilitation Period
A sentence of imprisonment or corrective training for a term exceeding 30 months or preventative detention or detention during Her Majesty’s pleasure or imprisonment or detention for public protection	This will not become “spent”
* Imprisonment or youth custody for 6 months to 30 months.	10 years
* Imprisonment or youth custody up to 6 months.	7 years
* Fine, community service/community punishment order or compensation order	5 years
Bind over, conditional discharge or supervision order	One year, or when the order ceases to have effect, whichever is the later.
Absolute discharge	6 months
Driving disqualification	Once the disqualification has ceased

* all halved if the person is under 18 when convicted

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

You must say if there is any offence for which you may go to court or which is awaiting hearing in court. This includes having been arrested for an offence and waiting to hear if you will be formally charged. If you have been arrested and not told that charges have been dropped, or that you will not have to appear in court, you may wish to confirm the position with the police. For applicants from Scotland any civil penalties must also be declared. You must tell us if you are arrested or charged with an offence after you make your application and while the application is under consideration. You risk prosecution under section 46 of the British Nationality Act 1981 if you do not do so.

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

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

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

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

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

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

Genocide

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

Crimes against humanity

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

War Crimes

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

Terrorist Activities

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

Organisations concerned in terrorism

An organisation is concerned in terrorism if it:

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

10. CROWN AND DESIGNATED SERVICE

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

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

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

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

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

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

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

