



Home Office

**Border &
Immigration Agency**

**MARRIAGE VISAS:
PRE-ENTRY ENGLISH
REQUIREMENT FOR SPOUSES
CONSULTATION PAPER**

December 2007



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FOREWORD

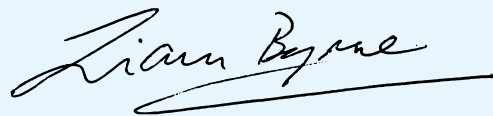


The immigration system is undergoing the most sweeping changes for 30 years. Part of our overall strategy for reform includes the measures set out in *Securing the UK Border - Our vision and strategy for the future*, published in March 2007. In this document I indicated our intention to examine the case for introducing a pre-entry language requirement for those applying for a spouse visa and planning to settle in the UK.

When a spouse applies for a visa to join their love ones in the UK, it is most commonly with the intention of making the UK a permanent home. We want newcomers who come here with the intention to settle to make a meaningful contribution to our society and to our economy. It is therefore right that we should consider ways to assist a foreign spouse's integration into life here right from day one.

In April this year we introduced the Life in the UK test for all migrants applying to settle in the UK. With this requirement comes a growing need to promote the development of English language skills at an early stage. Having a pre-entry English requirement would send a clear signal to the spouse that they will be expected to acquire English language skills in order to remain with their loved ones in the UK on a permanent basis.

This paper sets out some of the important issues surrounding the introduction of a pre-entry language requirement: issues on which we welcome your views.

A handwritten signature in black ink that reads "Liam Byrne".

Liam Byrne MP
Minister of State for Borders and Immigration

CHAPTER 1: CONTEXT

- 1.1 In *Securing the UK Border* published in March 2007, we announced that we would consider the case for introducing a new requirement for those who apply for leave to enter the UK with the intention of settling here with their loved ones to demonstrate some knowledge of English before arrival.
- 1.2 The Commission on Integration and Cohesion Report, published in June 2007, set out that a common language is fundamental to integration and cohesion for communities. We do believe there is a case for examining whether an English requirement for spouses before they arrive in the UK, with the aim of long-term stay here, would help spouses integrate more quickly into the community, boost confidence in participating in employment, and make clear that, as a country, we do expect those intending to make the UK their long term home to recognise the importance of speaking English. We know, for example, that fluency in English increases a migrant's chances of being employed by about 22% and increases a migrant's likely earnings by 18-20%¹. The importance of language is also recognised in other countries. For example, the Netherlands has introduced a requirement for all migrants seeking to remain for more than 3 months to pass a civic integration exam.
- 1.3 We understand too that there are practical issues here which need to be assessed sensitively. Those coming from abroad, often as spouses, contribute enormously to the richness and fabric of British life. This consultation seeks to highlight some of the issues and invites views on them.
- 1.4 Spouses who are granted leave to enter for a 2 year probationary period on the basis of their marriage to a British citizen or settled person are expected to support themselves without recourse to public funds but they do have full access to the labour market. At the end of this probationary period spouses are then able to apply for settlement at which point they are

required to demonstrate knowledge of English language and knowledge of life in the UK by passing a Life in the UK test (computer based) or by demonstrating progression in English proficiency (via a college course).

- 1.5 In 2006 47,100 people were admitted to the UK as a spouse or fiancé(e) for a probationary period. Of these the top ten nationalities were:

Pakistan	8,480
India	5,080
Bangladesh	3,440
USA	2,315
Thailand	2,145
Turkey	1,525
Philippines	1,250
South Africa	1,215
Nigeria	1,160
Australia	1,130

- 1.6 In 2006 there were 42,110 decisions on in-country applications for settlement as a spouse, civil partner or unmarried partner of which 41,560 (99%) were granted. 550 (1%) of the applications were refused. The top ten nationalities for spouses granted settlement in-country were:

Pakistan	7,240
India	4,235
USA	2,070
Bangladesh	1,790
Jamaica	1,670
Thailand	1,635
Turkey	1,410
South Africa	1,330
Nigeria	1,260
China	1,100

ENGLISH AND THE UK IMMIGRATION SYSTEM

- 1.7 In November 2005 we introduced the requirement for those applying for citizenship to pass a Life in the UK test. In April this year this requirement was extended to those applying for settlement. The Life in the UK test is aimed at

¹ *Language proficiency and labour market performance – the experience of immigrants to the UK*, Christian Dustmann and Francesca Fabbri (Economic Journal, July 2003)

English speakers of CEFR (Common European Framework of Reference) level B1 and above (see Annex for more details of CEFR levels). An alternative to this test is to successfully complete a language course involving learning materials which incorporate information about life in the UK (known as ESOL (English for Speakers of Other Languages) with citizenship materials). These materials have been designed for delivery in the context of the Department for Innovation, Universities and Skills' "ESOL - Skills for Life" suite of language qualifications.

- 1.8 ESOL is included in the Skills for Life Strategy and is intended to help provide those in settled communities with the English literacy and language skills needed for training, employment and integration. It has proved successful with many learners improving their skills and progressing into work.
- 1.9 Now a command of the English language is such a central requirement for those wishing to stay in the UK, we are extending the requirement to those who seek to enter. In 2008 we will extend the requirement to speak English for economic migrants. The rollout of the new points based system (PBS) includes Tier 1 (highly skilled migrants) and Tier 2 (skilled workers). In both these tiers we will impose a requirement on migrants to meet English language requirements prior to entry. This will ensure that economic migrants have the necessary language skills to make a meaningful contribution to the UK economy.
- 1.10 The other significant immigration route to the UK however is family formation, which can lead to settlement. This includes spouses, all of whom will have full access to the labour market on arrival, but may not have the necessary language skills to take full advantage of that access. The contents of this consultation paper relate to those spouses entering the UK on the basis of their marriage to a British citizen or settled person. It is not proposed at this stage that a pre-entry English language requirement should apply to the spouses of migrants entering the UK under the PBS.

OBJECTIVES

- 1.11 We believe there would be three key objectives in introducing a pre-entry English requirement for spouses:
 - To assist the spouse's integration into British society at an early stage
 - To improve employment chances for those who have access to the labour market
 - To raise awareness of the importance of language and to prepare the spouse for the tests they will need to pass for settlement (Life in the UK test or demonstration of language progression)
- 1.12 Any pre-entry language requirement would not apply to EEA nationals and their dependants or to recognised refugees.

CHAPTER 2: DEMONSTRATING ENGLISH ABILITY

- 2.1 Currently those who apply for entry clearance as a spouse are required to apply in person at their nearest British Embassy or Consulate or at a designated Visa Application Centre (VAC) run by commercial partners. Approximately 87% of applications are handled by VACs, where applications are handed in with accompanying documents and where biometrics are collected. Applications are then referred to the Embassy or Consulate for a decision to be made.
- 2.2 This process does introduce applicants to the English language at the pre-entry stage in two ways. Firstly, application forms are in English and applicants are required to complete them in English. However, spouses with little or no knowledge of English can seek external help to complete the forms. Secondly, when an applicant attends a VAC or visa issuing post our intention is that they will be given a booklet containing information on living and working in Britain (including information on employment, housing, health and education). This will be both in English and in their native language (where available). This booklet will be written to CEFR level A1 and is designed to introduce applicants to life in the UK and to encourage their language learning.
- 2.3 We would see a requirement to demonstrate an ability to understand and communicate in English as building on this process. Clearly there is a need to identify the most practical way for spouses to do this. A computer based test would be the most objective way to test that the language requirement had been met. However, the costs of setting up a system similar to the one we have here for the Life in the UK test could be prohibitive. One alternative would therefore be a written test. This would be a method that is accessible to a large number of those to whom this requirement would apply. It would however require further consideration of practical issues including where such tests could be performed, alongside the necessary infrastructure and costs. We also need to consider that at this stage of the spouse's journey, demonstrating speaking and listening language skills, as opposed to written ones, may be of more immediate benefit to the spouse. A listening and/or speaking test might also be more appropriate for those with little or no formal education who may be able to speak and understand English but cannot read or write.
- 2.4 An alternative might therefore be to require marriage visa applicants to take an oral test at a designated test centre. This would recognise the potentially more immediate benefit of demonstrating oral language skills. Consideration would need to be given to how this could be as objective as possible.
- 2.5 Although for many applicants taking a test at a designated centre may not be considered unreasonable, we do recognise that not all spouses will live in towns and cities with ready access to the test centres or to language learning materials, such as those that are available online. We need to ensure that those living in remote communities have adequate opportunities to learn English to the required standard and to demonstrate their proficiency. We also need to take into account the literacy levels of spouses. There will be instances where spouses have not had access to formal education and may not be able to read or write.
- 2.6 Alongside the practical issues of testing that a requirement had been met, we would also need to consider what the content of any test might be. The principal focus should be on language and the key phrases a migrant might be likely to need on arrival in the UK. The testing of a migrant's knowledge of key phrases could be achieved through questions on British culture and practical aspects of living in the UK based on the content of the *Living and Working in Britain* booklet. This option would require allowing migrants time to study the booklet, which would mean making it available prior to the visa application stage.
- 2.7 We also need to consider whether a failure to meet a requirement should lead to an outright refusal of any leave to enter the UK. If a spouse were to fail the test we could consider granting a period of temporary leave solely for the purpose of learning English in the UK. At the end of this temporary period they would be required demonstrate a certain level of English before being granted leave to remain for 2 years (what they would have received on arrival had they

demonstrated the requirement in their country of origin). This temporary leave would therefore mean that some people would take longer to qualify for settlement.

- 2.8 A further consideration is how a requirement should apply. In particular we need to recognise that many spouses will already be either fluent in English (if they come from a majority English-speaking country) or at a relatively high level. We also need to consider how and whether a requirement might apply to those with mental health issues or physical impairment.
- 2.9 We will work across Government to explore how we can enable overseas English colleges and other institutions to provide English language learning to those with the intention of migrating to this country.

QUESTIONS

WOULD A WRITTEN, SPEAKING, LISTENING OR OTHER TEST BE MOST APPROPRIATE FOR SPOUSES TO DEMONSTRATE ENGLISH ABILITY? (PLEASE TICK ALL THAT APPLY)

- Written test
- Oral test
- Listening test
- None of these

If none, do you have another suggestion?

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WHERE SHOULD THE TEST BE UNDERTAKEN?

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WHAT SHOULD THE CONTENT OF THE TEST BE BASED ON?

Vocabulary requirement only

Key phrases from a booklet on living and working in Britain

Key everyday phrases from another source

Other – please give examples

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DO YOU THINK APPLICANTS WITH MENTAL HEALTH ISSUES OR PHYSICAL IMPAIRMENT SHOULD STILL BE REQUIRED TO TAKE AN ENGLISH LANGUAGE TEST?

	Yes	No	Don't know
Mental health issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Physical impairment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you answered Yes or No, please explain why.

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CHAPTER 3: THE LEVEL OF ENGLISH PROFICIENCY

- 3.1 It is clearly important to set a realistic language proficiency level. The aim in requiring spouses to demonstrate some ability in the English language is not to deter people from joining their loved ones; it is to help facilitate their integration and contribute to the cohesion of the community they will join.
- 3.2 At the point of applying for settlement (after the 2 year probationary period in most cases), spouses will be required to either pass the Life in the UK test or demonstrate progression in English language proficiency.
- 3.3 The Life in the UK test is written at CEFR level B1 (ability to understand and communicate on familiar topics, write simple text and describe experiences and emotions), whereas the progression option could involve improving from CEFR level A1 (basic understanding and ability to use simple phrases) to level A2 (ability to understand sentences and common expressions and to explain elements of their background).
- 3.4 An appropriate level for the pre-entry requirement might therefore be CEFR level A1, which is the level at which the *Living and Working in Britain* booklet would be written. This requires a very basic understanding of English such as asking simple questions, reading common signs and symbols and understanding single step instructions. This level, which is the lowest in the CEFR scale, should be achievable for the vast majority of applicants.
- 3.5 A full summary of the CEFR levels is in the Annex.

QUESTIONS

WHAT DO YOU THINK WOULD BE THE MOST APPROPRIATE CEFR LEVEL OF ENGLISH TO TEST FOR AT THE PRE-ENTRY STAGE? (PLEASE REFER TO ANNEX)

	Yes	No	Don't know
A1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There should be no test	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other (please describe).

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If you think the required level should be higher than A1, please explain why.

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HOW TO RESPOND

- 5.1 **The consultation period for responding to this document ends on 27 February 2008.** We will publish the results of the initial consultation within three months of the deadline for responses. Regulatory impact and race equality impact assessment will be prepared to support the later stages of the consultation process.
- 5.2 This document is available in electronic format on the Border and Immigration Agency website:
- www.bia.homeoffice.gov.uk/lawandpolicy/consultationdocuments
- Responses should be sent electronically to:
- englishconsultationresponses@homeoffice.gsi.gov.uk
- Responses can also be sent by post to:
- English Consultation Responses
Border and Immigration Agency
11th Floor
Apollo House
36 Wellesley Road
Croydon
CR9 3RR
- 5.3 You should contact the address above if you require a copy of this consultation paper in any other format, e.g. Braille, large font or audio.
- 5.4 Individual responses will not be acknowledged unless specifically requested.
- 5.5 If you want the 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 the 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 by itself be regarded as binding on the Department.
- 5.6 Please ensure that you mark your response clearly if you wish it, and your name, to be kept confidential. Confidential responses will be included in any statistical summary of numbers of comments received and views expressed.
- 5.7 The Department will process your personal data in accordance with the DPA – in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.
- 5.8

RESPONSES: CONFIDENTIALITY AND DISCLAIMER

- 5.5 The information you send us may be passed to colleagues within the Home Office, the Government and related agencies. Furthermore, information provided in response to this consultation, including personal information, may be published or disclosed 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).

ANNEX

COMMON EUROPEAN FRAMEWORK OF REFERENCE (CEFR): AN EXPLANATION OF THE LEVELS

Proficient User	C2	<ul style="list-style-type: none"> • Can understand with ease virtually everything heard or read. • Can summarise information from different spoken and written sources, reconstructing arguments and accounts in a coherent presentation. • Can express him/herself spontaneously, very fluently and precisely, differentiating finer shades of meaning even in more complex situations.
	C1	<ul style="list-style-type: none"> • Can understand a wide range of demanding, longer texts, and recognise implicit meaning. • Can express him/herself fluently and spontaneously without much obvious searching for expressions. • Can use language flexibly and effectively for social, academic and professional purposes. • Can produce clear, well-structured, detailed text on complex subjects, showing controlled use of organisational patterns, connectors and cohesive devices.
Independent User	B2	<ul style="list-style-type: none"> • Can understand the main ideas of complex text on both concrete and abstract topics, including technical discussions in his/her field of specialisation. • Can interact with a degree of fluency and spontaneity that makes regular interaction with native speakers quite possible without strain for either party. • Can produce clear, detailed text on a wide range of subjects and explain a viewpoint on a topical issue giving the advantages and disadvantages of various options.
	B1	<ul style="list-style-type: none"> • Can understand the main points of clear standard input on familiar matters regularly encountered in work, school, leisure, etc. • Can deal with most situations likely to arise whilst travelling in an area where the language is spoken. • Can produce simple connected text on topics which are familiar or of personal interest. • Can describe experiences and events, dreams, hopes & ambitions and briefly give reasons and explanations for opinions and plans.
Basic User	A2	<ul style="list-style-type: none"> • Can understand sentences and frequently used expressions related to areas of most immediate relevance (e.g. very basic personal and family information, shopping, local geography, employment). • Can communicate in simple and routine tasks requiring a simple and direct exchange of information on familiar and routine matters. • Can describe in simple terms aspects of his/her background, immediate environment and matters in areas of immediate need.
	A1	<ul style="list-style-type: none"> • Can understand and use familiar everyday expressions and very basic phrases aimed at the satisfaction of needs of a concrete type. • Can introduce him/herself and others and can ask and answer questions about personal details such as where he/she lives, people he/she knows and things he/she has. • Can interact in a simple way provided the other person talks slowly and clearly and is prepared to help.

