



## **Information for applicants on the new English language requirement for partners**

### **General information**

#### **Who will the requirement affect?**

From 29 November 2010, any migrant applying to enter the UK or applying to remain in the UK as the partner of a British citizen or a person settled here will need to show that they can speak and understand English.

An applicant will need to meet the requirement if they are:

- a national of a country outside the European Economic Area and Switzerland; and
- in a relationship with a British citizen or a person settled here; and
- applying as that person's husband, wife, civil partner, fiancé(e), proposed civil partner, unmarried partner or same-sex partner.

#### **The new English requirement does not apply to the following groups of applicants:**

- spouse or partner of Tier 1 and Tier 2 visa applicants
- spouse or partner of a student
- visitors
- refugees or spouses of refugees applying on the basis of family reunion
- dependent children
- spouse or partner of an EEA national
- spouse or partner of a member of the armed forces applying under Part 7 of the Immigration Rules
- applicants for indefinite leave to remain

#### **What do applicants need to do?**

Most applicants will meet the requirement by passing an English test and supplying a test certificate with their visa application. Further details can be found about this below.

### **What level is the test?**

The test is at Level A1 of the Common European Framework of Reference (CEFR) speaking and listening, which is a basic level.

### **Where can I find details about tests and test providers?**

From 18 July 2011, **only tests on the new list** can be used to demonstrate your English language ability as part of a spouse or partner application.

Any test that is on our [new list of approved English language tests \(PDF 253KB opens in a new window\)](#) is acceptable to demonstrate your English language ability.

### **I made my application before 29 November. Do I need to take the test?**

No. The changes to the Immigration Rules took effect on 29 November 2010. All applications submitted before this date will be considered in accordance with the Rules in force at the time of application.

### **I have made an application in the UK. How do I know when it was made ?**

Applications made in the UK will be considered to have been received on the date of posting, as evidenced by the postmark on the envelope. Applications posted after this date will be decided in accordance with the Rules in force on 29 November 2010.

### **I have made an application overseas. How do I know when it was made?**

Applications made overseas are considered to be 'lodged' (i.e., not posted) on the day that biometrics are taken. Applications lodged after this date will be decided in accordance with the Rules in force on 29 November 2010.

### **Why are you introducing this requirement?**

The rules are intended to help migrants integrate into British society – to open up more opportunities, help prevent exploitation, and allow them to benefit from, and contribute more to their communities, and it helps the UK economy.

### **My partner is not British. How do I know I am in a relationship with a person settled here?**

A person settled here is someone normally resident in the United Kingdom with no immigration restriction on the length of their stay. To be free of

immigration restriction they must have the right of abode or indefinite leave to enter or remain in the United Kingdom.

### **Have the visa application forms changed?**

Yes, you need to complete the visa application form VAF 4A for entry clearance applications.

## **Meeting the Requirement**

### **How can an applicant meet the new English language requirement?**

An applicant can meet the requirement in one of the following ways:

1. by passing an acceptable test at a minimum level A1 of the Common European Framework of Reference for Languages (CEFR) with an approved provider, or
2. by being a national of a majority English speaking country, or
3. by having an academic qualification equivalent to a Bachelor's or Master's degree or PhD in the UK, which was taught in English.

### **1. Meeting the requirement by passing a test**

#### **What will spouses need to do to meet the test requirement?**

Spouses will need to demonstrate competence in English language speaking and listening at a basic level (Common European Framework of Reference, level A1).

#### **How will you assess whether a spouse has the required level of English?**

The applicant must provide an original English language test certificate from a UK Border Agency approved provider, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference (CEFR) and the date of award.

#### **Where can I find more detailed information about the approved test providers?**

From 18 July 2011, **only tests on the new list** can be used to demonstrate your English language ability as part of a spouse or partner application.

Any test that is on our [new list of approved English language tests \(PDF 253KB opens in a new window\)](#) is acceptable to demonstrate your English language ability.

### **Can I take a test run by UK Border Agency staff?**

No. Tests are being provided by third parties who are commercial companies. The UK Border Agency is not providing tests for applicants.

### **What is level A1 of the Common European Framework of Reference (CEFR) for language?**

Level A1 is equivalent to ESOL (English for Speakers of Other Languages) Entry level or National Curriculum level 1 year 1 to 2. Someone assessed at level A1 can understand and use everyday expressions and very basic phrases.

### **How long will people have to study to meet the level required?**

A1 is a basic level, which is judged to require 40-50 hours tuition for most learners.

### **What if I have already passed an A1 or above English language test but not from an approved provider?**

You will need to re-take the test with one of the approved test providers.

### **Why does the list of approved tests and providers include some tests above A1 level?**

Level A1 CEFR is the minimum standard applicants will need to meet. However, applicants can pass a test at a higher level with an approved test provider if they wish to do so.

A person who has level A2, B1, B2, C1 or C2 which tests speaking and listening (or speaking and listening plus reading and/or writing exceeds level A1.

### **I have taken a test at level A1 which tested reading and writing as well as speaking and listening skills. I passed speaking and listening but failed to reach A1 in reading and writing. Can I still use this test?**

Providing you can demonstrate you have passed in speaking and listening at Level A1 with one of the approved test providers you can use this evidence. We are only using tests which can show separate scores for speaking and listening skills.

### **How much will tests cost?**

Costs of tests will vary according to test provider and country.

### **Who will pay for English language testing?**

Applicants pay for their English language tests.

### **What can spouses do to prepare for the new requirement?**

We suggest that spouses planning to settle in the UK start learning or improving their English and make enquiries about where they can take an English test.

### **I am applying for a visa in the next few months. How soon should I think about booking an English test?**

The frequency of English language testing will vary depending on the individual country and the demand for tests in that country. Applicants should seek to book a test with a provider at an early opportunity.

In countries where testing takes place less frequently, applicants who are still learning English may want to book a test based on the time their tutors predict they may reach the required standard.

You should also make yourself aware of changes to the list of test providers to ensure the test you are taking will be accepted at the time you make your application. Further details can be found on the UK Border Agency website <http://www.ukba.homeoffice.gov.uk/visas-immigration/partners-families/citizens-settled/>

### **How do I book a test with a test provider?**

The approved list of test providers sets out the tests which the UK Border Agency has approved for spouses and partners. Test providers offer tests for a wide range of people and purposes. We suggest that when you approach an individual test provider you refer to the specific test offered by the provider (as set out on the list) and the level you want to be tested.

You should also make yourself aware of changes to the list of test providers to ensure the test you are taking will be accepted at the time you make your application. Further details can be found on the UK Border Agency website <http://www.ukba.homeoffice.gov.uk/visas-immigration/partners-families/citizens-settled/>

### **Can I take a test in a different country to the one in which I live?**

Yes. Applicants may wish to consider checking on test dates with test providers in neighbouring countries. The test does not have to be taken in the country you live or make the entry clearance application.

### **I can't find a test centre in my country. What should I do?**

The majority of countries do have a test centre. However we are aware that there will be a small number of countries where there is no test centre.

Applicants who are long-term residents of a country with no test centre and who have made an application a visa as a partner from that country will be exempt from the requirement. The list of countries where no test centre is available is subject to change. The current list can be found at

<http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/new-approved-english-tests.pdf>

The UK Border Agency will verify any claims that there is no test centre in a particular country.

This exemption will not apply to applicants applying from within the UK for leave to remain as a partner.

The UK Border Agency will keep this exemption under review.

### **I have to travel a long distance in my country to take a test. I don't think this is fair. Can you exempt me?**

Applicants will not be exempt if there is a test centre available within their own country.

### **There is a long wait for a test in my country. I have been told I need to wait 2 months. Do I still need to take a test?**

Yes. You will still need to meet the requirement. If you plan to apply for a marriage visa you should give early consideration to booking a test so that you get an appointment at an appropriate time.

You should also make yourself aware of changes to the list of test providers to ensure the test you are taking will be accepted at the time you make your application. Further details can be found on the UK Border Agency website <http://www.ukba.homeoffice.gov.uk/visas-immigration/partners-families/citizens-settled/>

### **Do I have to learn English with a particular college?**

No. Applicants can choose how and where they learn English in order to prepare for a test. The UK Border Agency does not accredit any English tuition. Applicants are however required to take a test with an approved test provider.

### **How many chances are applicants given to pass the test?**

Applicants may make take the test as many times as is necessary to obtain a CEFR A1 level qualification.

### **What is the procedure for the tests and what score will an applicant need to achieve?**

The test will vary according to provider but they will all assess an applicant's English language ability in speaking and listening to the required level. Applicants should contact their test provider for information on the procedure for their test.

### **Will the test for those applying to come to the UK and those applying for leave to remain be the same?**

The test will vary according to the test provider, but the requirement will be the same (that is, to hold an English language speaking and listening qualification at A1 level).

## **2. Meeting the requirement by having an academic qualification equivalent to a bachelor's or Master's degree or PhD qualification in the UK.**

### **How do I meet the new requirement using my degree taught in English?**

The applicant can meet the language requirement if they;

(A) have obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC (the National Recognition Information Centre for the UK) to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; the UK; the USA; and provides the specified documents; **or**

(B) have obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and

(1) provides the specified evidence to show he has the qualification, and  
(2) UK NARIC has confirmed that the academic qualification was taught or researched in English, **or**

(C). have obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and provides the specified evidence to show:

(1) s/he has the qualification, and  
(2) that the qualification was taught or researched in English

### **What evidence do I need to supply about my degree/PhD?**

You will need to supply the original certificate issued by the relevant institution confirming the award of the academic qualification.

### **What evidence is needed to show my degree/PhD was taught in English?**

If an academic qualification has been taught by one of the majority English speaking countries listed above, with the exception of Canada, we will assume it to have been taught in English.

If an applicant claims that they have completed an academic qualification taught in English, they must provide the original academic qualification certificate (provisional academic qualification certificates are not acceptable), showing:

- the applicant's name;
- the title of award;
- the date of award; and
- the name of the awarding institution.

### **What if I am awaiting graduation, no longer have my certificate or cannot get a new certificate?**

If the applicant awaits graduation or no longer has the certificate and cannot get a new one, the UK Border Agency will accept an original academic reference from the institution awarding the academic qualification **together** with an original academic transcript. Both must meet the following requirements:

- Academic reference must be on the official letter headed paper and show:
  - the applicant's name;
  - the title of award;
  - that the academic qualification has been/ will be awarded; and
  - either the date that the certificate will be issued (if the applicant has not yet graduated) or confirmation that the institution is unable to re-issue the original certificate of award.
- Academic transcript must be on the official letter headed paper and show:

- the applicant's name;
- the applicant's name;
  - the name of the academic institution;
  - the course title; and
  - confirmation of the award.

### **How can I check if my degree/PhD meets the criteria for the English language requirement before I make an application?**

You can check this using the Points Based Calculator which can be located at the following UK Border Agency web address:

<http://www.ukba.homeoffice.gov.uk/pointscalculator>

The calculator contains information from UK NARIC as to which academic qualifications they deem to have been taught to the standard of a Bachelors or Master's degree or PhD in the UK. When you start using the calculator input any answer you wish until you get to the page on '**English language**'. Then select

I have a qualification that was taught in English

On the following page '**English language – qualifications**' enter the details of your qualification as requested including country of award; qualification; institution or body: course length, course subject and year of award.

### **I have a degree/PhD but it is not included on the points based calculator. Will you still accept it as evidence I meet the English requirement?**

We can only accept Bachelor's or Master's degrees and PhDs that are recognised by UK NARIC.

If your Bachelor's or Master's degree or PhD is recognised by UK NARIC please submit evidence of your qualification as indicated above.

If you cannot find your Bachelor's or Master's degree or PhD on the points-based calculator, you may still be able to use it to meet the English requirement. In these circumstances you should contact UK NARIC directly for an assessment of the level of the qualification and, if UK NARIC confirms it is of the required level, obtain a letter and/or confirmation certificate from UK NARIC. You can find a link to the UK NARIC website below. It is an independent website, for which we are not responsible. It may charge a fee for confirming qualifications. <http://www.naric.org.uk/>

You can then supply this statement of compatibility from UK NARIC with your application. However if UK NARIC cannot confirm the equivalence of your qualification you will not be able to use it to meet the new English language requirement.

**I have a degree which meets your requirements. Do I need to take a test as well?**

No. You do not need to take a test as well.

**Do you accept other qualifications like GCSE's?**

No. We do not currently accept qualifications like GCSE's or International GCSE's. There are practical issues with using other qualifications to demonstrate they meet our English language requirements including the need to have a system to verify such qualifications and the fact they may not test the skills we require e.g. speaking and listening.

### **3. Meeting the requirement by being a national of a majority English speaking country**

**How do I meet the requirement if I come from a “majority English speaking country”**

An applicant is deemed to meet the language requirement if they are a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America.

**What evidence do I need to supply to show I am a national of one of these countries?**

You need to provide your passport or travel document.

**I am a national of one of these countries. Do I still need to take a test?**

No. You do not need to take a test.

### **Exemptions**

**Will there be any exemptions to the requirement?**

Yes. We have decided to allow exemptions on the following grounds-

- a) where a spouse is aged 65 or over at the time they make their application
- b) where a spouse has a disability (mental or physical impairment) which would make it unreasonable to expect them to learn English and/or pass the English test
- c) where there are exceptional compassionate circumstances that would prevent a spouse from meeting the requirement.

Exemptions b) and c) will be considered on a case by case basis.

**I am 65 or over. What evidence do I need to supply to qualify for this exemption?**

An applicant does not need to meet the language requirement if they are aged 65 or over at the time they make their application. Acceptable evidence of age is a passport or travel document.

**Will anyone with a disability be exempt?**

No. This is not a blanket exemption. The disability exemption will apply only where someone has a physical or mental impairment which would prevent them from learning English and/or taking a test.

**I want to apply under the disability exemption. What evidence do I need to supply?**

It is necessary to produce satisfactory medical evidence which specifies the disability, and from which it may be concluded that the exemption is justified. The UK Border Agency will need to see evidence from a medical practitioner who is qualified in the appropriate field. Each application will be considered on its merits.

**How will the exceptional compassionate circumstances exemption work? What evidence will I need to supply?**

We will only exercise discretion in cases where there are exceptional circumstances specifically relating to the ability of the applicant to meet the language requirement. Consideration will be on a case by case basis. The applicant must demonstrate that, as a result of their circumstances, they are unable to access facilities for learning English. Evidence of an inability to attend, prior/previous attendance or attempts to access learning must be clearly provided. You should provide evidence from an independent source (e.g. from an appropriately qualified medical practitioner).

**What would not be regarded as exceptional compassionate circumstances?**

Financial reasons or claims of illiteracy or limited education would not, for example, be regarded as exceptional compassionate circumstances.

**What happens if there is no test provider in my country? Will this be regarded as exceptional compassionate circumstances?**

Applicants can request an exemption on the basis of exceptional compassionate circumstances, when they make an application for entry clearance/leave to enter, if they are a long term resident of a country with no test centre. However there are only a limited number of countries with no test centre.

## **Will I be able to apply for an exemption on exceptional compassionate circumstances if I apply for leave to remain in the UK?**

It will be extremely rare for exceptional compassionate circumstances to apply when the applicant is applying in the UK for leave to remain. This is because it is very unlikely that they will be prevented from meeting the requirement given the access to a wide variety of facilities for learning English and taking the test in the UK.

### **Example Scenarios**

#### **What happens if I don't provide evidence I meet the language requirement and don't qualify for an exemption?**

The visa application will be refused if the applicant is not able to demonstrate that they meet the language requirement, and they do not qualify for an exemption.

#### **What happens if someone is granted entry clearance as a fiancé and was able to meet the English language requirement already. Do they still need to provide evidence of English when they make a spouse visa application and can they use the same test certificate?**

They will still need to meet the English language requirement when they apply for their spouse application. They can use the same test certificate provided the test is on the current approved list of tests.

#### **Which immigration rules have been amended?**

The English language requirement will be applicable to those people applying under Part 8 of the Immigration Rules as follows:-

- rule 281 (spouses and civil partners – entry clearance/leave to enter)
- rule 284 (spouses and civil partners – leave to remain)
- rule 290 (fiancé(e) and proposed civil partners – entry clearance/leave to enter)
- rule 293 (fiancé(e) and proposed civil partners – leave to remain)
- rule 295A (unmarried and same sex partners – entry clearance/ leave to enter)
- rule 295D (unmarried and same sex partners – leave to remain)

### **Armed Forces**

#### **Does the language requirement apply to the spouses and partners of members of the armed forces applying under Part 7 of the Immigration Rules?**

No. The new language requirement does not apply to applications under Part 7 of the immigration rules. Therefore the new requirement does not apply where the sponsor is:

1. a member of the armed forces exempt from immigration control under section 8(4) of the Immigration Act 1971 or
2. a Gurkha granted indefinite leave on discharge from the British Army or
3. a foreign or Commonwealth national given indefinite leave on discharge from HM Forces or
4. a serving foreign or Commonwealth national who has completed 5 years service.

### **Applications for Indefinite leave to remain**

#### **How long before a spouse can apply for indefinite leave to remain (settlement)?**

In general, a spouse may apply for indefinite leave to remain in the UK after he / she has spent two years in the UK.

#### **I know there is also a language requirement at settlement. Does your new entry language requirement mean I don't have to meet the knowledge of life in the UK requirement when I apply for settlement?**

The language requirement being introduced on 29 November is a new and additional language requirement.

Spouses applying for indefinite leave to remain after completing their two-year period of temporary residence will also still need to fulfil the knowledge of life and language in the UK requirement (KOL).

#### **What happens if I have been in the UK for 2 years and cannot meet the KOL requirements? Will I need to meet the new spouse requirement to be granted leave?**

If you cannot meet the KOL requirement you will not be granted indefinite leave to remain unless you fall under an exemption.

Applicants who apply for further leave to remain on the basis of marriage using Form FLR (M) after an initial grant of leave in this capacity due to not meeting the KOL requirements for settlement are required to meet the new English language requirement to A1 level in line with other FLR(M) application from 29 November 2010.