

The English language requirement



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THE PAST FEW YEARS HAVE SEEN THE HOME OFFICE place increasing emphasis on the need for migrants coming to the UK to have the ability to socially integrate into British society. The introduction of the 'life in the UK' test in 2006 for those applying for indefinite leave to remain and naturalisation marked the start of the shift towards migrants having to possess spoken and written skills in English before being allowed to settle in the UK.

Applicants residing in England, Scotland, Wales and Northern Ireland can evidence their English language ability in one of two ways; either by completing the life in the UK test or by taking combined English for speakers of other languages (ESOL) and citizenship classes. If an applicant has satisfied the requirement during the course of their indefinite leave to remain application, they are not currently required to complete either test again when applying for naturalisation. They will be required to submit their original certificate or pass notification letter as part of the application process.

Having viewed the introduction of English language testing as a success, the government, under the points-based system (PBS), introduced a requirement that most applicants demonstrate an ability to speak English to a competent level before qualifying for entry to the UK. The rationale behind the English language requirement is that having the ability to speak English will increase migrants' potential in the labour market, in addition to fully integrating them into British culture.

In general, there are three ways in which applicants can confirm that they can speak English to a competent level to satisfy the English language requirement of the PBS, namely:

- 1) By being a national of one of the following countries: Antigua and Bermuda; Australia; The Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; and the US. It is noteworthy that South Africa is not on the list.
- 2) Pass an English language test that appears on the UK Border Agency's (UKBA) list of approved English language tests. Details of the accepted tests can be found on the UKBA website. The International English Language Testing System (IELTS) and Test of English as a Foreign Language (TOEFL) tests both appear on the list and can be sat in countries outside of the UK.
- 3) Hold a degree assessed by UK NARIC as being taught in English and equivalent to a

UK bachelor's degree or above. This can be assessed by using the points-based calculator on the UKBA's website. The points-based calculator contains details of those educational establishments approved by UK NARIC.

Although the PBS emphasises a need for migrants to have the ability to speak English, there are in fact some exceptions to the rule. Under the Tier 1 (investor) category, migrants are required, amongst other things, to invest £750,000 within three months of entry to the UK. Successful investor applicants are exempt from the English language requirements. This decision has been defended by Liam Byrne, the Immigration Minister at the time of the introduction of the PBS. He has stated that 'millionaires bring jobs and investment to Britain' and should therefore not be barred from entering the UK simply on the basis of not satisfying the English language requirement.

In addition to this, individuals who have been working for an overseas entity for at least six months and are transferred to the UK sister company in the Tier 2 (intra-company transfer) category are also exempt from the English language requirement. This of course allows companies greater flexibility in moving their employees around. It should, however, be noted that this exemption applies only for the first three years of the UK transfer. Intra-company transferees will be required to demonstrate their ability to speak English to the requisite standard if they seek to extend their leave beyond three years.

Those entering the UK as temporary workers under the Tier 5 category are also exempt from satisfying the English language requirement. This category offers migrants a wide range of roles required to work temporarily in the UK, such as musicians visiting for concerts or sportspeople entering for short-term engagements.

It appears from the Green Paper 'The path to citizenship: next steps in reforming the immigration system' that the government will continue to extend the requirement for migrants to speak English and possess knowledge of life in the UK for future indefinite leave to remain and British citizenship applications. Following a survey, it became apparent to the government that British people feel that speaking English is the first and clearest element of integration. The changes to the current system of indefinite leave to remain and naturalisation are expected to take place later this year.

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