

## **Proposed Extension of UK Points-Based Immigration System to British Citizenship Applications**

**August 7, 2009**

On Monday 3 August, the UK government published plans to extend the UK points-based immigration system (currently applicable to foreign nationals seeking initial entry to the UK) to those seeking to stay permanently in the UK. The principle, to be known as “earned citizenship,” is based on the notion that British citizenship is a privilege and therefore those who intend to make the UK their home should “earn” the right to stay here.

Key elements of the government’s proposals are as follows:

- After a temporary residence period (five years for workers), all foreign nationals who wish to stay in the UK permanently will first have to complete a “probationary citizenship” period. For those seeking British citizenship, the probationary period will be for a period of between one and three years. Applicants who demonstrate their commitment to the community (for example, by carrying out voluntary activities such as being a school governor) will be rewarded by being permitted to complete the probationary period more quickly than those who choose not to engage in such tasks. Also, anyone who engages in criminal activity may have their probationary period stopped altogether.
- A points-based test will be introduced to determine who will be eligible for probationary citizenship. Currently, it is perceived that there is an automatic link between temporary residence and permanent settlement. Going forward, however, having a points-based test at this stage will essentially determine who will be allowed to proceed along the path to British citizenship. It is proposed that under the points-based system, applicants will be given credit for being self-sufficient, obeying the law, demonstrating their knowledge of English language and life in the UK, and continuing to fulfil the criteria for their current leave in the UK.

In addition, the government would like to build into the points-based test the ability to respond to specific needs of the UK economy. As such, the government is proposing to factor into the scheme additional points for earnings, artistic, scientific or literary merit, qualifications gained in the UK, shortage occupations, and higher English language qualifications. Also, if the individual has spent time in an area of the UK that is deemed to be in need of further economic migration, he would be given credit for this. Importantly, the test would also allow for the deduction of points for applicants who have not integrated into British life or who have demonstrated disregard for British cultural values.

- At the end of the probationary citizenship period, it is proposed that a second English language and knowledge of life in the UK test would be introduced. This is in addition to the tests that the applicant will have completed at the probationary stage. The current UK knowledge test focuses on providing foreign nationals with information that they may need initially to help integrate themselves into life in the UK. However, it is thought that as the individual spends more time in the UK, they will need to know more about such things as, for example, British history and the political and constitutional system of the UK. As such, a test featuring more challenging topics would be introduced in conjunction with a language test which requires a higher degree of English language competency.

The earned-citizenship consultation is open for a period of 12 weeks, during which anyone who wishes to do so may comment. Within three months of the close of consultation the government will publish the results. It is not anticipated, however, that any changes pursuant to these proposed reforms will take effect before 2011.

***Please note this is only intended to be an overview of the earned-citizenship consultation. It is not intended to be a full and complete statement of the paper and should not be relied on as such.***

We will continue to monitor the situation and will update you with any new information. If you have any questions about any of the issues raised in this Morgan Lewis Immigration Alert, please contact either of the following Morgan Lewis attorneys based in London:

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