



## Applying for Settlement

From 2 April 2007, the Home Office will require adults applying for settlement in the UK to provide evidence of their knowledge of both:

- English language; and
- life in the UK

Settlement means indefinite leave to remain (called ILR for short). A person who has been in the UK with limited leave to enter or remain will have to show they meet the requirements when making an application for ILR.

Someone who is awaiting a decision on an application for ILR made before 2 April 2007 will not have to meet these requirements.

Those wishing to come to the UK for limited periods of time (e.g. to visit, study or work) will not need to meet these new requirements

### **Wide range of people affected**

Anyone in the UK applying for ILR will have to meet the requirements. This will include:

- someone applying under the Immigration Rules
- someone applying under Home Office policy (such as a person applying after 5 years refugee leave or humanitarian protection, or 6 years discretionary leave)
- someone applying under a concession (such as the 7 years children's concession)

### **How to meet these requirements**

There are two ways to demonstrate sufficient knowledge of English language and life in the UK. They are alternatives – so a person will not have to do both:

- someone whose standard of English is at or above ESOL (English for Speakers of other Languages) Entry 3 will need to take a “Life in the UK Test”
- someone whose standard of English is not at that level will need to undertake an approved ESOL course, which includes citizenship materials

### **The Life in the UK test**

Information can be found at [www.lifeintheuktest.gov.uk](http://www.lifeintheuktest.gov.uk). The Home Office say if a person can understand the information given on this website, their English should be good enough to take the test. Addresses and contact details of test centres, where the test may be taken, can be found on the same website. Alternatively, there is a telephone helpline – 0800-015 4245. Information on the website applies to both British citizenship and ILR applications.

The fee for the test is currently set at £34. The Home Office say normally a person should be able to take the test within one month of asking the centre, but the time will vary between centres. There is no limit to how many times a person may take the test, but the fee will be payable each time. There is a handbook to prepare for the test. The handbook and test have recently been changed, but up to 2 July 2007 it will be possible to take the test based on the old handbook. The handbook can be ordered at [www.tso.co.uk/bookshop](http://www.tso.co.uk/bookshop) or by telephoning 0870-243 0123.

### **ILPA information service**

funded by JRCT

[www.ilpa.org.uk/infoservice.html](http://www.ilpa.org.uk/infoservice.html)

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### **ESOL courses**

A person who chooses to take an ESOL course rather than the Life in the UK test, is not required to reach ESOL Entry 3. They must improve their English by one sub-level (for example, from Entry 1 to Entry 2). Therefore, someone who attends a course with no knowledge of English could satisfy the requirements by passing ESOL Entry 1. A person choosing to take an ESOL course must select a course which includes citizenship materials.

The Home Office recommend selecting a course that is accredited under the “English UK” scheme. Details are at [www.englishuk.com](http://www.englishuk.com).

Generally, the Home Office will accept pass certificates from a public sector college, provided the certificate is issued by one of:

- University College ESOL Examinations (ESOL Cambridge)
- Trinity College London
- City & Guilds (Pitmans)
- Edexcel
- English Speaking Board (International) (ESB)
- National Open College Network
- Open College of the North West (OCNW)
- Education Development International (EDI)
- The Scottish Qualifications Authority

### **Exceptions – Those who can settle in the UK without meeting these requirements**

European Economic Area (EEA) nationals are exempt from these requirements. However, if an EEA national then decides to apply for British citizenship, he or she will at that time have to meet these requirements.

A person under 18 years or over 66 years old will be exempt. They will need to provide documentary proof of age – for example, a passport or birth certificate.

Someone who cannot take a test because of their physical or mental health will also be exempt. The Home Office will require medical evidence to show the person’s health prevents them taking the test. This may be from the person’s doctor, but must be from a medical practitioner with adequate medical expertise and knowledge of the individual to be able to explain why the person cannot take the test. Facilities at the nearest test centres should be checked before claiming an exemption. If the test centre can accommodate a person’s needs, he or she will not be exempt.

### **What happens if leave to remain expires before a test or ESOL level is passed?**

There are serious consequences for a person who is in the UK without leave to remain. Someone who cannot pass the test or ESOL level in time, should apply to extend their leave to remain. If their leave expires, the person will not qualify for ILR and will become an “overstayer”. An overstayer is someone who is in the UK without leave to enter or remain. This is a criminal offence; and they may be required to leave the UK.

### **Further information**

The Home Office have produced a lengthy Question and Answer document, which can be found at: <http://www.ind.homeoffice.gov.uk/6353/11464/knowledgeqanda.doc>.

*2<sup>nd</sup> April 2007*