

# **ILPA** information sheet

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## **Path to Citizenship 3–New Consultation**

*3<sup>rd</sup> August 2009*

The Borders, Citizenship and Immigration Act 2009 makes several changes to the way in which some migrants are permitted to become British citizens (this is called naturalisation). The Government has said that these changes will not come into force until July 2011.

These changes are part of the new path to citizenship. The Government first announced proposals about this in early 2008, at which time it launched a consultation. The Government is now launching a further consultation. This information sheet provides information about the new consultation.

Further information is available from the two previous “Path to Citizenship” information sheets. The “Changes to British Nationality Law” information sheet provides information about various changes to British nationality law made by the Borders, Citizenship and Immigration Act 2009.

### **The new consultation**

The new consultation was launched on 3 August 2009. The consultation document, and related information, are available at:

<http://www.ind.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/221878/earning-the-right-to-stay/>

The consultation includes proposals relating to the following issues, each of which is addressed under a separate heading below:

- Introducing a points test for citizenship
- Supporting integration
- Migration and international development

### **Introducing a points test for citizenship**

The Government is proposing to introduce a points test in order to progress along the path to citizenship. A migrant would need to meet certain requirements, for which he or she would be awarded points. The emphasis on points, however, may be misleading, as it is likely the requirements that are what really matter. The approach has similarities to the current Points Based System for economic migration to the UK from outside of the European Economic Area (EEA).

The consultation document indicates that if the migrant had been granted permission to be in the UK because of a family relationship, the test would require him or her to show that the relationship is continuing. It also indicates that if the migrant had been granted permission to be in the UK

because he or she was granted asylum, the test would require him or her to show that he or she still needs asylum. The consultation questions do not include any question that addresses whether these requirements are realistic or sensible. Yet, there are clear cases where these requirements may not be reasonable – e.g. where a migrant is a victim of domestic violence (and the requirement may mean he or she cannot escape the relationship for fear of the immigration consequences) or where a refugee no longer needs protection but has settled in the UK with a family and children.

The consultation document suggests various requirements for migrant workers to satisfy. These are similar to the requirements that apply under the Points Based System. The consultation document makes clear that “*in the case of economic migrant workers... [the Government] would be able to apply a more flexible points test that could be levered up or down depending on the circumstances and requirements of the country and economy at the time*”. This suggests that, under the proposal, a migrant who was permitted to come to the UK as a worker could meet all the requirements known to him or her over the five years for which temporary permission might be granted, but find that he or she was unable to meet the test for probationary citizenship because the requirements were suddenly changed.

The consultation document indicates that a points test could be applied at the stage a migrant applies for probationary citizenship (this is the second stage on the new path to citizenship to be introduced in July 2011) or at the stage a migrant applies for citizenship. Clearly, if the test was applied at the stage of the application for citizenship, the uncertainty that migrants would face as to the long-term future would last longer. At whatever stage the test is applied, it may be questioned how it promotes integration if migrants, who are expected to integrate, cannot know until the last minute whether their efforts at integration will be rewarded or ignored.

### **Active citizenship**

This is the requirement (under the new path to citizenship to be introduced in July 2011) that migrants will need to take part in specified community or voluntary work in order to be able to avoid a two years delay in their completing the path to citizenship. The consultation includes questions about how or whether local authorities should take steps to verify that a migrant has satisfied the active citizenship requirement.

### **Requirements for integration**

The consultation document includes a chapter entitled ‘Supporting Integration’. This is largely concerned with when and how English language and knowledge of the life in the UK testing should be done. Other proposals relate to mentoring programmes for migrants and ‘orientation days’ (by which local authorities would run a day for migrants to provide information to them about living in the UK and in the particular area). The consultation document suggests these days could be compulsory for migrants.

### **Migration and International Development**

The consultation document includes a chapter entitled “Migration and International Development”. This chapter includes some limited (and not well developed) proposals on how to reduce the impact on developing countries through the loss of skilled and highly skilled workers to the UK.

### **Responding to the consultation**

Along with the consultation document, there is a pro-forma response form. This provides space to respond to each of the 27 consultation questions. However, it is not necessary to use the form; and if you prefer not to use the form, you may take the opportunity to offer further comments which are not restricted to these specific questions. Responses must be received no later than 26 October 2009. They may be sent by email to: [CitizenshipPointsmailbox@homeoffice.gsi.gov.uk](mailto:CitizenshipPointsmailbox@homeoffice.gsi.gov.uk)