

## Minority Ethnic Matters Overview+

*MEMO+ is an occasional series of briefing papers on topics of interest to minority ethnic communities in Scotland.*

*It is produced by the [Scottish Council of Jewish Communities](#) in partnership with the [Black and Ethnic Minority Infrastructure in Scotland](#), and is supported by the [Scottish Government](#).*

# Having Your Say: Earning The Right To Stay - A New Points Test For Citizenship

## Background Information

Until now, anyone who has lived in the UK legally for five years or longer has been able to apply for British citizenship. However, the system is now changing, and from July 2011 citizenship applications will have to be made under the new "earned citizenship" scheme set out in the [Borders, Citizenship and Immigration Act 2009](#). This includes a period of "probationary", or trial, citizenship which will be shorter for applicants who become actively involved with their local community. Examples of activities qualifying for "active citizenship" include:

- volunteering to work with a charity
- being a member of a community council or similar body
- taking part in activities that
  - promote good education or health
  - help strengthen social and community welfare
  - help with arts, culture or sport
  - promote the natural environment
  - support children, young people, elderly people, disabled people or other vulnerable groups.

The UK Government is now planning to make more changes, and wants to know what you think about its proposals. These include:

- introducing a new points test for earned citizenship
- delivering the "earned citizenship" system in partnership with local authorities;
- ways of helping applicants to integrate into their new communities; and
- managing the impacts of migration on the developing world.

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

[Click here](#) and [here](#) to read about this proposal in more detail.

People from countries the European Economic Area (EEA)<sup>1</sup> now have the right to enter the UK and work here without any restriction. However, people from outside the EEA are only allowed to work in the UK, whether paid or as a volunteer, if they are first sponsored by an employer, and are then granted a visa under the "[points based system](#)".

At present people who want to become British citizens have to be able to support themselves financially, to obey the law, and to be able to demonstrate knowledge of English, and of "life in the UK" in order to qualify for probationary citizenship. The Government has suggested that applicants should also have to earn a set number of points before qualifying for probationary citizenship. Points could be awarded for:

- ability to earn a good salary
- special artistic, scientific, or literary ability
- academic qualification in the UK in the previous five years
- working in an occupation in which there is a shortage of qualified people
- fluency in English
- living in a part of the UK that needs immigration (such as Scotland)

Points could be deducted for criminal or anti-social behaviour, for not integrating into "the British way of life", or for "active disregard for UK values".

The Government says that a points system will:

- make it easier for applicants to find out whether they qualify for probationary citizenship
- break the automatic link between coming to the UK to work and the right to remain permanently in the UK
- give the Government greater control over how many people settle permanently in the UK. By adjusting the number of points required for probationary citizenship, the Government will be able to grant or refuse more applications according to what they regard as being in the best interests of the country at that time.

**Note** that family members and refugees would get enough points to pass the test on the basis of their continuing family relationship or need for protection, regardless of whether they met any of the above requirements.

## **The Role of Local Authorities**

[Click here](#) to read about this proposal in more detail.

Currently 91 local authorities help with citizenship applications by providing a "Nationality Checking Service". For a fee they check that application forms have been correctly filled in, and make copies of important documents such as passports. The Government has now suggested that local authorities could do more, for example providing advice or checking that an applicant is involved in "active citizenship". Local authorities would not have to provide this service, but the Government hopes that many would decide to do so.

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<sup>1</sup> The European Economic Area includes Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Irish Republic, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom. Iceland, Liechtenstein and Norway are not members of the European Union (EU) but citizens of these countries have the same rights to enter, live in and work in the United Kingdom as EU citizens.

## **English Language and Knowledge of Life in the UK tests**

[Click here](#) and [here](#) to read about this proposal in more detail.

For some time, applicants for British citizenship have had to show that they can speak English, and understand how people live in the UK. The Government now wants to extend these tests for example, to include the political system.

If these proposals become law, applicants would have to take two "Life in the UK" tests. To qualify for probationary citizenship, applicants would have to show that they know about UK society, customs, traditions, geography, health service, education, employment, and the law. Then to qualify for citizenship, they would have to demonstrate an understanding of British history, how the UK is governed, British relations with Europe and the rest of the world, voting rights, and community engagement.

Currently applicants are expected to read, write, and speak English well enough to deal with most daily situations. Under the new system, applicants would have to demonstrate that their knowledge of English has improved between probationary and citizenship stages.

## **Pre-application language requirements for partners**

[Click here](#) to read about this proposal in more detail.

The Government believes that husbands, wives, and other partners will get on better if they can speak English, and it therefore intends to introduce a pre-application English test. Most people will need 40–50 hours of teaching to reach the required level, but people applying for citizenship as a partner will only be tested on speaking English, not on reading or writing.

## **Additional support for migrants**

[Click here](#) to read about these proposals in more detail.

### **Mentoring for non-refugees**

"[Time Together](#)", a support scheme for refugees, has helped many refugees to settle into UK society, access services, and contribute to their local communities, and the Government is now considering whether to develop a similar scheme for non-refugee migrants.

### **Orientation days for new migrants**

The Government would like local authorities to organise courses or "orientation days" to provide migrants with a wide range of information. These would also enable local authorities to find out more about people living in their area. Since they would be allowed to charge participants for these courses, there would be no additional cost to local authorities.

Information provided at these courses could include:

- local area information packs
- health advice
- rights and obligations of British citizens
- opportunities to volunteer in local organisations.

This information could also be made available on the internet.

## **Migration and International Development**

[Click here](#) to read more about this proposal.

The Government recognises that migration can be both good and bad for developing countries. Studying or working abroad can enable people to acquire new skills and knowledge, and money sent back to their families by migrants can help the economy of developing countries, but migration can also deprive countries of the people they need most.

The Government therefore believes that "circular migration", which allows migrants to spend some time in the UK and then return to their country of origin would benefit both individual migrants and developing countries. In order to encourage this, the Government has suggested that people involved in "circular migration" might not have to re-apply for entry clearance if they then return to the UK, and also that they would be able to continue with citizenship applications from the point at which they left off, rather than having to restart the process.

## **Send your views about these proposals to the UK Border Agency by 26 October 2009:**

by e-mail to: [CitizenshipPointsmailbox@homeoffice.gsi.gov.uk](mailto:CitizenshipPointsmailbox@homeoffice.gsi.gov.uk)

by post to: Citizenship Consultation  
UK Border Agency  
11th floor, Apollo House  
36 Wellesley Road  
Croydon  
CR9 3RR

*We would be interested in hearing your views too - please send us a copy of your response at: [MEMO@bemis.org.uk](mailto:MEMO@bemis.org.uk)*

## **Consultation Questions**

**Note that you do not have to answer every question in the consultation paper.**

**If there are particular issues on which you would like to comment, you can choose to respond only to the questions that relate to those.**

- 1) Do you agree that we should operate a flexible system that allows us to control the number of migrants progressing to probationary citizenship?
- 2) Do you agree that a points based test should be introduced in the application process for permanent settlement?
- 3) Do you agree that the test should be applied before entry to the probationary citizenship stage? If no, at which stage should the test be applied? British citizenship? Other? (please specify)
- 4) Which attributes should attract points? (Please select all that apply)
  - Earning potential
  - Special artistic, scientific or literary merit
  - Qualification
  - Shortage occupation
  - English language
  - Location
  - Other (please specify)

- 5) Which of these attributes is most important? (Select three in order of importance, 1-3)
- Earning potential
  - Special artistic, scientific or literary merit
  - Qualification
  - Shortage occupation
  - English language
  - Location
  - Other (please specify)
- 6) Should points be deducted or penalties applied for failure to meet requirements for integration into British life?
- 7) If yes, for which attributes should points be deducted or penalties applied?
- 8) Do you think that the current Nationality Checking Service model can be successfully built upon to provide a 'check and send' service for Earned Citizenship?
- 9) Do you think it appropriate that local authorities perform an additional service around advice and co-ordination?
- 10) Should we require applicants to meet English and Knowledge of Life requirements at both probationary citizenship and British citizenship stages?
- 11) Should these two stages of testing be different based on information relevant at each stage? This would involve testing on new topics not currently tested, for example British history.
- 12) Should this two-stage test require a higher standard of English for the second stage?
- 13) Do you think that mentoring schemes should be extended to cater for non-refugees?
- 14) Do you think that orientation days for migrants should be introduced to encourage integration?
- 15) Do you think that it should be compulsory for migrants to attend an orientation day?
- 16) Do you think that migrants should be awarded points towards probationary citizenship for attending an orientation day?
- 17) Who do you think orientation days should be run by? (select all that apply)
- Local authorities
  - Employers
  - Local authorities and employers
  - Other (Please specify)
- 18) How do you think orientation days should be funded? (Please select one)
- By the migrant
  - By employers
  - Other (Please specify)
- 19) What do you think an orientation day should involve?
- 20) Do you think that online orientation is a good idea?
- 21) Do you think that a group should be setup to add value to the development and implementation of integration strategies for migrants?
- 22) If set up, do you think this group should just include representatives from across government?
- 23) Do you think the group should also involve independent representatives, for example from the voluntary or community sector?
- 24) Do you think we should facilitate circular migration in order to reduce the negative impact of brain drain on developing countries?

- 25) In order to combat brain drain do you think it would be feasible to develop a list, similar to the NHS list but covering other sectors?
- 26) What evidence could be drawn upon to develop such a list? (please specify)
- 27) What further views do you have on how we could mitigate against the negative impacts of migration from developing countries?

## Useful Links

- **Earning the right to stay: A new points test for citizenship**  
<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/221878/earning-the-right-to-stay/earning-the-right-to-stay/earned-citizenship-consultation?view=Binary>
- **Borders Citizenship and Immigration Act 2009**  
[http://www.opsi.gov.uk/acts/acts2009/pdf/ukpga\\_20090011\\_en.pdf](http://www.opsi.gov.uk/acts/acts2009/pdf/ukpga_20090011_en.pdf)
- **Information about "earned citizenship"**  
<http://www.ukba.homeoffice.gov.uk/managingborders/managingmigration/earned-citizenship/how-will-it-work/>
- **Information about the "points based system" for people coming to work in the UK**  
<http://www.ukba.homeoffice.gov.uk/managingborders/managingmigration/apointsbasedsystem/howitworks>
- **Information about transitional arrangements for people who have applied for, but not yet been granted, British citizenship in July 2011**  
<http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2009/september/transitional-arrangements-earned>
- **"Time Together" mentoring scheme for refugees**  
<http://www.timetogether.org.uk/>



*The **Scottish Council of Jewish Communities (SCoJeC)** is the representative body of all the Jewish communities in Scotland. It advances public understanding about the Jewish religion, culture and community, and also works in partnership with other organisations to promote good relations and understanding among community groups and to promote equality. (Scottish Charity SC029438)*

<http://www.scojec.org/>



***BEMIS (the Black and Ethnic Minority Infrastructure in Scotland)** is the umbrella body for ethnic minority organisations in Scotland. It aims to strengthen the capacity of the ethnic minority voluntary sector; raise the profile and coordinate the voice of this sector; and take a lead on policy issues to ensure that issues of concern are raised with government and other relevant bodies.*

<http://www.bemis.org.uk/index.html>



*The **Scottish Government** is committed to promoting equality of opportunity and social justice for all those who live in Scotland. **One Scotland** is the Scottish Government campaign designed to tackle racism. It aims to raise awareness of racist attitudes, highlight its negative impact and recognise the valuable contributions that other cultures have made to our society – and make Scotland no place for racism.*

<http://www.scotlandagainstracism.com/>