Agenda for today

- Brexit – the implications
- Naturalisation
  - Link with permanent residence
  - Eligibility requirements
  - Application process
- Practical tips
- Questions
The caveat....

- Complex area of law
- Personal circumstances relevant
‘Brexit means Brexit’

- Recent developments
- The current status of EEA nationals
- Possible future developments
- Actions EEA nationals should consider
  - Confirming permanent residence
  - Registration certificates
  - Naturalisation
British citizenship – naturalisation
Why consider naturalisation?

- Possibly the best way of ensuring ongoing right to live and work in the UK following Brexit
- Permanent
- UK passport
- Consular assistance
- But some potential drawbacks.....
Naturalisation – home nationality

- Dual nationality not permitted by all countries
- Some countries have procedural requirements
- Can result in applicant or family members losing citizenship of other countries
- Potential implications for EU freedom of movement rights for applicant and family members in UK
- May also affect tax and pension position
Naturalisation – overview

- British Nationality Act 1981
- Most common way for adults to acquire citizenship
- Not an entitlement – discretionary
- Various requirements, some compulsory and some discretionary
- Permanent residence application required first
Naturalisation - routes

- Two main categories depending on whether applicant is spouse of partner of a British citizen
  - No British citizen spouse – 6 year route
  - British citizen spouse – 5 year route

- Different requirements apply to each route
Naturalisation – no British citizen spouse or partner
Eligibility requirements

- Requirements on date of application
  - 18+
  - Be of sound mind and good character
  - Intend to
    - have home or principal home in UK, or
    - to continue to work in service of international organisation, company, or association established in UK
  - Meet KOLL requirements
Residence requirements

- In addition, must meet residence requirements
  - Minimum of 5 years in UK ending on date of application
  - During 5 years spent no more than 450 days outside UK
  - During last 12 months of 5 year period spent no more than 90 days outside UK
  - Free from immigration restrictions for 12 months ending on date of application
Residence requirements

- Free of immigration restrictions
  - For EEA nationals = permanent residence

- So effectively a six year route
Naturalisation – British citizen spouse or partner
Eligibility requirements

- Requirements on date of application
  - 18+
  - Be of full capacity and good character
  - Be married to or registered as the civil partner of British citizen on date of application
  - Meet KOLL requirements
Residence requirements

- In addition, must meet residence requirements
  - Minimum of 3 years in UK ending on date of application
  - During 3 years spent no more than 270 days outside UK
  - During last 12 months of 3 year period spend no more than 90 days outside UK
  - Free of immigration restrictions on date of application
Residence requirements

- Free of immigration restrictions
  - For EEA nationals = permanent residence

- So effectively a five year route
Naturalisation – eligibility requirements in more detail
Residence

- ‘Normal expectation’ that residence requirements will be met
  - Discretion in special circumstances
- Date of application is date application is received
Good character

- High standard, checks conducted
- Led law abiding life in UK, respectful of ‘rights and freedoms’ of the UK and will be ‘dutiful’ citizen

Problem areas
- Criminal convictions, cautions, pending prosecution, unpaid fixed penalty notices, non payment of tax, deception, corruption, risk to public order, financial issues
Future intentions

- To ensure applicant who is not spouse or civil partner of British citizen has not decided to break link with UK
- Past behaviour relevant
KOLL in the UK

- Sufficient knowledge of
  - English language
  - Life in the UK

- Limited exemptions
  - Over 65
  - Mental or physical condition
KOLL in the UK - language

- English language requirements
  - National of majority English speaking country
  - Speaking and listening qualification at Level B1 CEFR
  - Academic qualification at Bachelor’s or above
    - Taught or researched in English
    - Taught or researched in UK or majority English speaking country (other than Canada)
KOLL in the UK - language

- Documents
  - Current passport or travel document (nationality)
  - Approved Home Office test (speaking/listening qualification)
    - IELTS, but also others
    - See GOV.UK website
KOLL in the UK – language

- Documents (academic qualification)
  - Original degree certificate or original academic transcript and official letter from institution
  - Evidence of academic level of degree and taught/researched in English – NARIC certificate
KOLL in the UK – life in the UK

- Study official handbook
- Take ID to test centre
- Pass notification letter
- No limit on retakes!
KOLL in the UK - multiple choice

When did Britain become permanently separate from the continent by the Channel?

A  About 5,000 years ago
B  About 10,000 years ago
C  About 20,000 years ago
D  About 30,000 years ago
KOLL in the UK - multiple choice

- When was the first Union flag created?
  A  1506
  B  1556
  C  1606
  D  1656
Naturalisation – application process
Application process

- Form AN, Guide AN, Nationality Instructions
- Supporting documents
- Referees
- Biometrics
- Nationality Checking Service
- Fees and processing times
Citizenship ceremony

- Attend within 3 months of date of letter confirming approval of application – book
- Held in groups
- Oath of allegiance
- Certificate of naturalisation
  - Right of abode
- Apply for passport
Challenging a refusal

- No statutory right of appeal
- Reconsideration – Form NR
- Judicial review
British citizenship – automatic acquisition and registration
Overview

- Relevant for children (under 18)
- But complex, many potential routes
- Consider personal circumstances
- Guide MN1
- Overview of basic principles only
- Automatic acquisition and registration
Children of EEA nationals

- Born in UK before 02/10/2000 to EEA national parent
  - Automatically British citizen if parent was exercising Treaty rights at time of birth
Children of EEA nationals

- Born in UK between 02/10/2000 and 30/04/2006 to EEA national parent
  - Automatically British citizen only if parent had ILR in the UK at the time of the birth
Children of EEA nationals

- Born in UK to EEA national after 30/04/2006
  - Automatically British citizen if parent had been in UK exercising Treaty rights for more than 5 years, or has ILR
Children of EEA nationals

- If not British at time of birth, may be entitled to register as British if parent has since become settled or British citizen

- Settled means
  - ILR
  - Exercising EEA free movement rights for continuous period of 5 years ending on or after 30/04/2006
Children – 10 year rule

- If child lives in UK for first 10 years of life, can potentially register as British even if parents are not settled
- Absence requirements
- Guide T
Born abroad

- Born abroad to parents applying for citizenship
  - Can apply for children to be registered as part of family application
  - Discretionary
Practicalities

- Different application forms
- Specific advice often required
- Nationality Instructions and Guide MN1
Questions