



Changes to the Knowledge of language and life in the UK requirement for settlement and naturalisation

From 28 October 2013, there will be two parts to the Knowledge of Language and Life in the UK (KoLL) requirement, both of which must be met by all applicants for settlement and naturalisation unless the individual is exempt (exemption details below).

From this date applicants will be required to:

- pass the Life in the UK test

AND

- have a speaking and listening qualification in English at B1 CEFR or higher, or an equivalent level qualification.

Further information regarding the KOLL requirement can be found in the Statement of Intent on the Gov.uk website at:

<https://www.gov.uk/government/publications/knowledge-of-language-and-life-in-the-uk-for-settlement-and-naturalisation-statement-of-intent>

More Information

THE CURRENT REQUIREMENT

The Knowledge of Language and Life (KOLL) requirement was introduced as a statutory requirement for citizenship applications in 2005. In 2007 the requirement was also introduced for those applying for settlement in the United Kingdom, known as Indefinite Leave to Remain (ILR).

If a person wishes to make the UK their permanent home and to become a British citizen it is reasonable to expect them to show, amongst other things, that they are committed to learning English and have an understanding of British history, culture and traditions.

The KOLL requirement can **currently** be demonstrated either by taking a test, or by obtaining an English for Speakers of Other Languages (ESOL) qualification. This will change on 28 October 2013.

THE NEW REQUIREMENT

The KOLL requirement for settlement purposes

The normal expectation will be that adults (i.e. those aged 18 or over) applying for settlement, whether as a main applicant or a dependant, will be expected to meet the new KOLL requirement. This will include adult children of persons settled in the UK and adult children applying for indefinite leave as a dependant. However, there are some circumstances where exceptions to this normal rule will apply.

The KOLL requirement for naturalisation purposes

Persons who apply for naturalisation under section 6(1) and section 6(2) of the British Nationality Act 1981 will be expected to meet the new KOLL requirement. However, there are some circumstances where exceptions to this normal rule will apply.

The Life in the UK test

There will be no changes made to the Life in the UK test. The Life in the UK test is a computer-based, multiple choice test. It will continue to be available through the network of test centres operated by *learndirect* on behalf of the Home Office. There will be no change to the existing booking mechanisms and tests will continue to be booked online through the website: <http://lifeintheuktest.ukba.homeoffice.gov.uk/>.

Since 25 March 2013, the test has been based on the official handbook "Life in the United Kingdom: A Guide for New Residents". It will continue to be possible to take the test in Welsh or Scottish Gaelic at centres in Wales and Scotland respectively.

Pass certificates issued for tests taken before 25 March

Pass certificates issued for tests taken before 25 March will continue to be accepted after 28 October 2013. Individuals who passed the test based on the previous handbook will not be expected to take the revised test, even if they apply for settlement or naturalisation on or after 28 October 2013.

Acceptable qualifications from 28 October 2013

We will accept a range of English language qualifications as evidence that an applicant has met the requirement to hold a B1 level speaking and listening qualification. This will help ensure that all those needing to take a test will be able to find one suitable for their needs and, so far as possible, that no one who already has an English language qualification at B1 level or above will be required to take another one.

The following qualifications will be accepted for settlement and naturalisation purposes:

- Qualifications covering speaking and listening at B1 or above from the Secure English Language Test (SELT) list in the Immigration Rules, Appendix O. The SELT list is available at:
www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/new-approved-english-tests.pdf
- Qualifications in English for Speakers of Other Languages (ESOL) at Entry level 3, Level 1 or Level 2, that include speaking and listening and that have been regulated by the Office of Qualifications and Examinations Regulation (Ofqual), the Welsh Government or the Council for Curriculum, Examinations and Assessment (CCEA). The qualification must be listed as an ESOL qualification on the Register of Regulated Qualifications and have been taken in England, Wales or Northern Ireland. The register is available at: <http://register.ofqual.gov.uk/2>.
- A National Qualification in ESOL at Scottish Qualifications Framework (SCQF) levels 4, 5 or 6 awarded by the Scottish Qualifications Authority (SQA).

Accredited colleges

Migrants will not be required to study for their qualification at any particular institution or follow any particular curriculum. The method of study that applicants undertake in order to reach the minimum B1 English level is up to them.

Although it will no longer be necessary to study at an accredited college, some students may still prefer to study at an institution which is publicly funded or a member of an accreditation scheme. Accreditation schemes include those offered by Accreditation UK, ABLS, BAC and ASIC.

Degrees taught in English

Those who have obtained a degree taught in English will not be required to show a formal speaking and listening qualification.

Those with an academic qualification (not a professional or vocational qualification) who provide appropriate evidence that the qualification was taught or researched in English are considered automatically to meet the English language component of the KoLL requirement and will not be required to show a formal speaking and listening qualification. The qualification must be deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK. However, they will still be required to pass the Life in the UK test to demonstrate their knowledge of life in the UK.

Nationals of majority English speaking countries

Nationals of majority English speaking countries will not be required to show a formal speaking and listening qualification. Nationals of majority English speaking countries are considered automatically to meet the English language component of the KoLL requirement and will not be required to show a formal speaking and listening qualification. However, they will still be required to pass the Life in the UK test to demonstrate their knowledge of life in the UK.

Nationals of the following countries are accepted as majority English speakers:

Antigua and Barbuda	Guyana
Australia	Jamaica
The Bahamas	New Zealand
Barbados	St Kitts and Nevis
Belize	St Lucia
Canada	St Vincent and the Grenadines
Dominica	Trinidad and Tobago
Grenada	The United States of America

- ❖ We will include the Republic of Ireland for naturalisation purposes and review whether any other additions are required.

If you already have a qualification at B1 level

Applicants who already have an English language qualification at B1 level or above will not be required to take another one. For example, someone who demonstrated a knowledge of English equivalent to B1 level when applying for entry clearance will not be required to take a further test in order to qualify settlement.

If you were granted settlement under the old rules

When an application for naturalisation is made you will need to satisfy the *current* KOLL requirement. For some people this will mean passing a relevant speaking and listening qualification for the first time. Others will need to pass a speaking and listening qualification at a higher level

than they had to demonstrate for settlement. However, if you have already passed the Life in the UK test you will not need to take this again.

If you were granted settlement under the new rules

A migrant who fulfils the Life in the UK requirement for settlement as it applies on or after 28 October 2013 will not be required to retake any elements in a later application for naturalisation but will be deemed automatically to satisfy the KOLL requirement. However, it is possible that the KoLL requirement may change in the future and applicants will need to meet the requirements in place at that time.

Fraud prevention

We remain conscious that this is an area where there has been some abuse and exploitation. We consider that setting a minimum level of English language required combined with the requirement also to pass the Life in the UK test, which must be taken at a secure test centre, will help guard against future abuse but we will remain vigilant and will take steps to identify and investigate any possible instances of malpractice. We will continue to review the use of English language qualifications, taking into account any instances of abuse and the public consultation which Ofqual carried out last year on the regulation of ESOL qualifications.

EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS

Exemption from the KOLL requirement

We will continue to exempt from the KOLL requirement children under 18 and individuals aged 65 or older for settlement and naturalisation purposes. In line with current practice, we will also exempt those who have a physical or mental condition which severely restricts their ability to learn English and/or communicate and/or take the Life in the UK test.

Additional exemption routes for settlement purposes

There are some migration routes where the majority of migrants are likely to be over 65 or have a disability, specifically the route for adult dependent relatives and the former route for retired persons of independent means. We will continue to exempt all people on these routes from KOLL for settlement.

We also recognise that some groups are in a particularly vulnerable situation prior to obtaining permanent residence in the UK. The KoLL requirement will therefore not apply to applications for settlement from spouses of British citizens or persons settled in the UK who have been victims of domestic violence or whose spouse has died.

Refugees and those with humanitarian protection will continue to be exempt from the requirement in recognition of their continued need for protection. For the present we will continue to exempt those granted discretionary leave (DL), although we will consider this further and keep this position under review.

Transitional arrangements for settlement applications

We recognise that the new KOLL requirement may be challenging for some. We will therefore allow the following categories of applicant to apply for further periods of limited leave (subject to continuing to meet the other relevant Immigration Rules in their category) to enable them to meet the requirement if they have not yet done so:

- ❖ partners, children or parents applying under Appendix FM or subject to transitional arrangements under Part 8;
- ❖ those here on the basis of long residence under paragraph 276A
- ❖ those here on the basis of private life under paragraph 276ADE;
- ❖ those here as dependants of HM forces personnel; and

- ❖ dependants of those who originally entered the UK as PBS migrants or work permit holders.

Additionally, we will introduce provisions to enable individuals who have been in the UK for 15 years with limited leave as a partner, child or parent (under Appendix FM or the transitional arrangements under Part 8), or as a dependant of HM Forces personnel, or as a dependant of a PBS migrant or work permit holder, to apply for settlement on the basis of an English language speaking and listening qualification at A2 CEFR and without passing the Life in the UK test. They will, however, need to produce evidence from a suitably qualified person, for example a teacher of English for Speakers of Other Languages, that it is not reasonable to expect them to reach B1 English.

Transitional arrangements for naturalisation applications

Becoming a British citizen is a privilege and the requirements for naturalisation reflect this. There is no time limit on making a citizenship application and so those who wish to apply after 28 October 2013 can take as much time as they need to meet the KOLL requirement. There are therefore no transitional arrangements in place for those wishing to naturalise as a British citizen.