

# Refugee Council

## policy response



### Submission to the Lord Goldsmith QC Citizenship Review

January 2008

#### Summary of key recommendations

The Refugee Council recommends that

- the cost of applying for citizenship be significantly reduced for refugees applying for citizenship within a year of being granted Indefinite Leave to Remain (ILR), or waived for those on a low income.
- refugees applying for ILR receive timely information regarding citizenship, that information on citizenship is made available to organisations working with refugees, especially refugee community organisations, and that specific advice and guidance is developed to be available to refugees considering citizenship.
- the government develop activities and services that recognise that integration begins on arrival, and is crucial to achieving cohesive communities.
- refugees should be given ILR when they are granted status, and should not be subject to automatic review and five year limited leave.
- the government end the English language requirements for those with limited leave who are applying for settlement or ILR.
- the government follow the recommendation of the Advisory Board on Naturalisation and Integration that the current arrangements for teaching and testing language and knowledge of Life in the UK should be fully evaluated and changed if necessary.

#### Introduction

1. The Refugee Council is the largest charity in the UK providing help and advice to asylum seekers and refugees. We campaign for their rights and help them to rebuild their lives in safety. We work with refugees and those seeking asylum in England, at all stages of the asylum process and after they have been granted permission to stay.
2. This submission to Lord Goldsmith QC's Citizenship Review is intended to highlight some key points relating to refugees and citizenship, drawing on our experience of working with refugees over many years. We would be happy to provide clarification or further information on any of the points raised here.

#### The refugee experience and citizenship

3. The Refugee Council believes that refugees should have equal and early access to citizenship processes, and be enabled to make informed choices as to whether to

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apply. Refugees often engage actively with their new surroundings, but the nature of refugees' experiences also means that they may face particular and unique decisions and hurdles. We believe that citizenship policy should guarantee equal and early access for refugees, while ensuring that refugees not opting for citizenship are not unnecessarily denied access to the rights and entitlements essential to integration.

4. Refugees came to the UK because they were forced to flee and many have experienced a long and difficult process to rebuild their lives in the UK. There is not one refugee experience – age, gender, race, social and financial status and background all have a bearing on refugees' lives, their journey to the UK and their experiences when they are here.
5. The refugee experience may shape attitudes towards acquiring citizenship, which is an intensely personal decision, bound up in feelings of cultural and political identity. Some refugees may embrace the opportunity to apply for citizenship, whilst others feel that they are unable or unwilling to become British, and many cannot afford to take the test.

## Improving access to citizenship for refugees

6. **Reduced citizenship fees for refugees:** Refugees have not chosen to leave their countries, and many cannot return. Unlike other new citizens, who may have come to the UK to further their economic prospects, refugees often spend considerable periods in the UK without the right to work, and it may take time to rebuild their careers and personal finances. Rates of underemployment, and unemployment, among refugees are higher than average, so refugees may be less able to afford the high cost of applying for citizenship. Many are supporting families on low incomes, funding further training or education and sending money to relatives or friends affected by war, conflict or poverty in their country of origin. They may feel unable to prioritise funding a citizenship application, which costs around £655 (of which only £80 is refunded if the application is withdrawn or is not successful). In addition to safety from persecution, we feel that refugees, and British society, would benefit from initial assistance in adapting to life in the UK. **We recommend that the cost of applying for citizenship be significantly reduced for refugees applying for citizenship within a year of being granted ILR, or waived for those on a low income.**
7. **Information and advice:** The implications of applying for citizenship may be different for refugees, who may need legal advice or advice when considering their options for settlement or citizenship. Since August 2005, refugees are granted five years limited leave, subject to active review, after which time they can apply for indefinite leave to remain (ILR) (which is subject to the same language and knowledge of the UK test as citizenship) and then consider whether to apply for citizenship (after one year with ILR). There are various forms of leave given to people who have sought asylum, but have not been granted full refugee status, including Discretionary Leave and Humanitarian Protection. The decision about which route to take to achieve permanent status in the UK can be complex. Refugees may benefit from support so that they can address the personal issues which for many come with forced flight, the loss of previous standing in the country of origin and the hopes and aspirations they may have held for those societies. Refugees may need advice about the repercussions of becoming a British citizen upon their status and rights in their country of former nationality. We are concerned that people struggle to access adequate advice and may feel overwhelmed by the decisions facing them. **We recommend that refugees applying for ILR receive timely information regarding citizenship, that information on citizenship is made available to organisations working with refugees, especially refugee community organisations, and that specific advice and guidance is developed to be available to refugees considering citizenship.**

## Developing future policy

8. **Evaluation:** We agree with the Advisory Board on Naturalisation and Integration that the current arrangements for teaching and testing language and knowledge of Life in the UK should be fully evaluated and changed if necessary.

*"...the arrangements for teaching and testing language and knowledge of Life in the UK have been in place for two years, there should now be an urgent review as to whether the original objectives have been achieved and, if not, what changes need to be made. ...the Home office should undertake an evaluation into the language and knowledge of life arrangements to examine whether the intended policy objectives are being achieved. In particular, whether the arrangements are helping to achieve the integration of new migrants and in doing so, whether a proper balance providing an effective yet inclusive means of acquiring an understanding about language and knowledge of life in UK has been achieved. Further analysis is required into the reasons why people fail the test."* Second Annual report of the Advisory Board on Naturalisation and Integration, April 2006 – October 2007

9. **The integration agenda:** We believe that integration is not dependent on exercising the right to citizenship, and achieving citizenship does not guarantee integration. Many experiences and opportunities that contribute to successful integration occur prior to eligibility for ILR and earlier, during the period when the asylum claim is being processed. **We recommend that the government develop activities and services that recognise that integration begins on arrival, and is crucial to achieving cohesive communities.**
10. The Refugee Council believes that integration takes place from arrival and is a two-way and multi-faceted process. Successful integration benefits everyone, and contributes to the development of safe and cohesive communities. We believe that the current restrictions on asylum seekers mean that their integration is hindered, causing them distress and isolation and leading to community tensions in some areas of the country. If people are subsequently granted permission to remain in the UK their integration from that point is often delayed by their experiences of exclusion when they were pursuing their case. We believe that refugee community organisations (RCOs) play a particularly important role in providing support to those in the asylum process, and help people to integrate. They should be supported to sustain and develop this role.
11. The Refugee Council's research report on experiences of integration, published in October 2007, is a two year qualitative research project looking at the social aspects of refugees' integration, particularly in relation to how these were experienced in two different localities, Haringey and Dudley, and across different groups of refugees and asylum seekers. (See <http://www.refugeecouncil.org.uk/policy/position/2007/integration.htm>) This research provides powerful evidence of the barriers to integration faced in particular by asylum seekers, who are excluded or limited by law from key activities (work, training, education) that would enable them to develop social networks and integrate. The report concludes that national policy on integration and asylum policy must be changed, so that asylum seekers are not excluded from society while their cases are being processed and concluded.

## Related issues of limited leave and language requirements for those applying for Indefinite Leave to Remain (ILR)

12. In 2005, the government introduced a qualifying period for indefinite leave to remain (ILR) for refugees, which took effect from 30 August 2005. Before this date, refugees received ILR. However, refugee status is now granted for an initial five years and is subject to

active review, which will include a re-assessment of the safety of the refugee's country of origin. The fifth year review will start from August 2009, although refugees in the category can potentially have their status reviewed at any time.

13. The five year limited leave will require those receiving a successful review to apply for indefinite leave to remain. In order to receive ILR, refugees will need to pass the Life in the UK test or gain an ESOL with Citizenship material qualification.<sup>1</sup>
14. It is unclear how many active reviews have taken place so far and what the process will be for challenging any decision that someone no longer needs international protection. However, we are deeply concerned that refugees with five year limited leave may face further distress and anxiety about the permanence of their status in the UK, and may well be placed at a further disadvantage when seeking employment, training, housing and rebuilding their lives. **The Refugee Council believes that refugees should be given ILR when they are granted status, and should not be subject to automatic review.**
15. We are also concerned about the impact of the government's decision that from 2 April 2007 all people seeking to live in the UK permanently will have to pass English language and knowledge of life in the UK tests (bringing settlement/ILR in line with the requirements for gaining British nationality). Asylum seekers granted refugee status after 30 August 2005 are affected by these changes. The changes mean that refugees applying for ILR after a successful review will need to have passed the Life in the UK test if at ESOL Entry level 3 or above, or gained an approved ESOL qualification with citizenship materials at a local college if below Entry level 3. Refugees who have not satisfied one of the above will be given an additional two years leave to do so. We are currently waiting to hear from the Home Office as to their plans beyond this point.
16. The Refugee Council considers it unreasonable and potentially discriminatory to restrict ESOL funding for refugees, while at the same time to insist on satisfying English language requirements as part of the granting of ILR. We disagree fundamentally with English language and knowledge of life in the UK tests being compulsory for refugees. The granting of asylum is fundamentally about providing protection and ILR should be given on this basis alone. Once a refugee has had a successful review, they are de facto given indefinite protection as their status will not be reviewed again. To insist on satisfying further requirements not relevant to this decision is unfair. It should be the choice of refugees whether or not to seek citizenship. It is only at this stage that English language requirements would be significant. We recommend that refugees should receive ILR automatically following a successful review of their status after five years or earlier. **We recommend that the government end the English language requirements for those with limited leave who are applying for settlement or ILR.**
17. We note the concerns expressed by the Advisory Board on Naturalisation and Integration about the current government policy in this area:

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<sup>1</sup> [http://www.lifeintheuktest.gov.uk/htmlsite/background\\_10.html](http://www.lifeintheuktest.gov.uk/htmlsite/background_10.html) "If you are applying for naturalisation as a British citizen or for indefinite leave to remain, you will need to show that you know about life in the UK. If you live in England, Scotland, Wales or Northern Ireland, you can do this in two ways: by taking the Life in the UK Test or by taking combined English for Speakers of Other Languages (ESOL) and citizenship classes. You should take the test if you are applying for naturalisation as a British citizen or indefinite leave to remain (settlement) and your level of English is ESOL Entry 3 or above. If your level of English is lower than ESOL Entry 3 and you wish to apply for naturalisation or indefinite leave to remain, you will need to attend combined English language (ESOL) and citizenship classes instead."

*“Also in April 2007, the Knowledge of Language and Life arrangements were extended to all individuals seeking to settle in the UK. In response to the Government’s decision to extend these requirements to settlement applicants, ABnI had advised that for the sake of simplicity, both settlement and Citizenship applicants should face the same assessment but pointed out that that it would be necessary to allocate additional resources into ESOL to meet the increased demand. In the several months since the introduction of the Knowledge of Life requirements for settlement applicants, several issues of concern have been raised with ABnI. one such concern is the combined impact of these arrangements with the fee increases. Until such time as an applicant for Indefinite Leave to Remain (ILR)/settlement is able to satisfy the Knowledge of Life and Language requirements, Home office policy is to grant further leave to remain (FLR) – applicants are charged £595 for each FLR application, whilst the fee for ILR is £750.” (Second Annual report of the Advisory Board on Naturalisation and Integration, April 2006 – October 2007)*

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