EXPLANATORY MEMORANDUM TO

THE BRITISH NATIONALITY (GENERAL) (AMENDMENT) REGULATIONS 2014

2014 No. 1465

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations amend the British Nationality (General) Regulations 2003[1] ("the 2003 Regulations"). They amend the list of Recognised English Tests and Qualifications in Schedule 2A to the 2003 Regulations by removing reference to tests offered by Educational Testing Service (ETS).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Paragraphs 1 and 2 of Schedule 1 to the British Nationality Act 1981 set out the requirements to be met for naturalisation as a British citizen under section 6 of that Act. These include the requirement that an individual has sufficient knowledge of English, Welsh or Scottish Gaelic. Regulation 5A of the 2003 Regulations sets out how applicants can demonstrate this.

4.2 Under the current text of regulation 5A, one of the ways in which applicants may demonstrate that they have sufficient knowledge of the English language is by passing a test specified in Schedule 2A to the 2003 Regulations. The list of tests specified in Schedule 2A currently includes two tests offered by ETS (Test of English as a Foreign Language Internet Based Test (TOEFL iBT) and Test of English for International Communications (TOEIC)).

5. Territorial Extent and Application

5.1 This instrument applies to the United Kingdom, the Channel Islands, the Isle of Man and the British Overseas Territories.

---

[1] S.I. 2003/548

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Government wishes to ensure that people seeking to naturalise as British citizens have an understanding of language and of life in the United Kingdom. The intention behind this policy is to ensure that migrants to the United Kingdom are equipped with the necessary knowledge and skills for integration. Applicants for naturalisation are therefore required to demonstrate that they have reached the required standard of speaking and listening skills in English which are set out in regulation 5A of the 2003 Regulations.

7.2 One of the ways in which they may demonstrate the necessary standard is by obtaining one of the specified qualifications listed in Schedule 2A to those Regulations. These are qualifications from test providers who have met the Home Office requirements for inclusion as Secure English Language test providers for migration purposes. These tests are also accepted for other migration purposes as set out in the Immigration Rules. Where a test provider no longer meets those Home Office requirements, or chooses not to continue to be a secure English language test provider, the list in Schedule 2A needs to be amended accordingly.

7.3 The amendments to remove ETS qualifications will take effect on 1 July 2014. The Home Office ended its licence agreement with ETS on 5 April 2014. As English language tests for naturalisation are likely to have been taken within the UK, and ETS have not offered testing within the UK for immigration and nationality purposes since February 2014, individuals intending to rely on an ETS qualification for naturalisation are likely to have already made their applications and no further transitional measures are therefore considered necessary.

7.4 Individuals seeking naturalisation will continue to be able to demonstrate speaking and listening skills by a range of other methods, including by taking an alternative secure test or by the alternative route of taking, within the UK, a qualification in English for Speakers of Other Languages regulated by one of the examination regulatory authorities.

7.5 Identical changes are being made to the Immigration Rules in respect of the secure English language test list in Appendix O of the Immigration Rules.

8. Consultation outcome

8.1 The changes are an update to an existing list and do not change existing policies. They have not therefore been subject to a formal public consultation.

9. Guidance

9.1 Where necessary guidance will be updated and placed on GOV.UK and in written guidance provided to naturalisation applicants.

10. Impact

10.1 There is potential for some limited impact on business, charities or voluntary bodies as some individuals will need to be prepared for alternative examinations, with possible changes required to the teaching methods and syllabuses used by the relevant organisations.

10.2 The impact on the public sector is confined largely to the Home Office.

10.3 As the changes will have only limited impact on businesses, charities or voluntary sector organisations, an impact assessment is unnecessary.

11. Regulating small business

11.1 Only limited impact on the voluntary or private sector, including small business is foreseen.

12. Monitoring & review

12.1 The effect of these changes will be monitored by the Home Office.

13. Contact

Ann Robertson at the Home Office (Tel: 020 7035 3446 or email: Ann.Robertson@homeoffice.gsi.gov.uk) can answer any queries regarding the instrument.