



Home Office

# Border & Immigration Agency

## THE PATH TO CITIZENSHIP: NEXT STEPS IN REFORMING THE IMMIGRATION SYSTEM CONSULTATION QUESTIONS

FEBRUARY 2008

Completed consultation proformas should be sent no later than 14th May to the following address.

Electronic:

[ImmigrationReform@homeoffice.gsi.gov.uk](mailto:ImmigrationReform@homeoffice.gsi.gov.uk)

By post:

Immigration Reform Consultation Responses  
Border and Immigration Agency  
11th Floor  
Apollo House  
36 Wellesley Road  
Croydon CR9 3RR

**DATE**

**NAME**

**ORGANISATION**

**CONTACT DETAILS**  
(EG POSTAL ADDRESS/  
E-MAIL/TEL. NUMBER)

## CHAPTER 3: THREE ROUTES TO CITIZENSHIP AND THREE STAGES IN THE JOURNEY

**1. ARE ALL PARTS OF THE SYSTEM SET OUT IN CHAPTER 3 (I.E. THE THREE ROUTES TO CITIZENSHIP AND THE THREE STAGES IN THE JOURNEY) CLEAR AND EASY TO UNDERSTAND?**

- Yes
- No
- Unsure

**If you have answered no, please state what part of the system you think is not clear and easy to understand. (free response)**

**2. DO YOU THINK THE CONCEPT OF 'PROBATIONARY CITIZENSHIP' IS A GOOD IDEA?**

*Probationary citizenship is a new stage which is time-limited to encourage migrants to complete the journey to citizenship and integrate fully into British society. It is intended to provide a stepping stone between temporary residence and British citizenship/permanent residence. During their time as probationary citizens migrants will demonstrate whether they have earned their right to British citizenship or permanent residence.*

- Yes
- No
- Unsure

**Please list any reasons for your response below. (free response)**

**3. MIGRANTS OF CERTAIN NATIONALITIES MAY CHOOSE NOT TO BECOME BRITISH CITIZENS BECAUSE OF RESTRICTIONS ON HOLDING MORE THAN ONE NATIONALITY IN THE LAW OF THEIR COUNTRY OF ORIGIN. DO YOU THINK THAT A PERMANENT RESIDENCE CATEGORY SHOULD BE PROVIDED FOR PERSONS IN THIS SITUATION?**

*We recognise that some people will feel unable to apply for British citizenship - because of restrictions on holding more than one nationality in the law of their country of origin - and we have taken this into account in the proposed architecture. We intend to provide a clear route for migrants to become permanent residents, as an alternative route to British citizenship, but all migrants will need to spend longer as probationary citizens if they choose this route. A shorter progression time to British citizenship from probationary citizenship is intended to encourage migrants to choose British citizenship above permanent residence.*

- Yes
- No
- Unsure

**Please list any reasons for your response below. (free response)**

**4. DO YOU THINK THE 'UK ANCESTRY' ROUTE SHOULD BE ABOLISHED?**

*Under the current UK ancestry provisions, a Commonwealth citizen, aged 17 or over, who is able to show that one of his grandparents was born in the UK, and who intends to take or seek employment here, may be granted an entry clearance on the basis of his UK ancestry.*

- Yes
- No
- Unsure

**Please list any reasons for your response below. (free response)**

**5. DO YOU THINK THE 'RETIRED PERSONS OF INDEPENDENT MEANS' ROUTE SHOULD BE ABOLISHED?**

*Under the existing 'retired persons of independent means' provisions, a person may qualify for an entry clearance if they are aged 60 or over, have an income of at least £25,000 a year, have a close connection with the UK, and intend to make the UK their home.*

- Yes
- No
- Unsure

**Please list any reasons for your response below. (free response)**

## CHAPTER 4: EARNING THE RIGHT TO STAY

### 1. ARE THE PROPOSED MINIMUM TIME PERIODS FOR A MIGRANT TO COMPLETE THE JOURNEY TO BRITISH CITIZENSHIP SUITABLE?

#### A. 6 YEARS FOR ECONOMIC MIGRANTS (UNDER TIERS 1 AND 2 OF THE PBS) AND THEIR DEPENDANTS

*We propose that persons on the 'economic migrant' route should be able to qualify for **citizenship** after a minimum of 6 years. This period is made up of a 5 years as a temporary resident and a minimum of 1 year as a probationary citizen.*

- Yes
- No: the time period should be increased
- No: the time period should be decreased
- Unsure

#### B. 3 YEARS FOR FAMILY MEMBERS OF BRITISH CITIZENS/PERMANENT RESIDENTS

*We propose that family members of British citizens/permanent residents should be able to qualify for **citizenship** after a minimum of 3 years. This period is made up of a 2 years as a temporary resident and a minimum of 1 year as a probationary citizen.*

- Yes
- No: the time period should be increased
- No: the time period should be decreased
- Unsure

#### C. 6 YEARS FOR MIGRANTS GIVEN PROTECTION (THOSE GRANTED REFUGEE STATUS AND HUMANITARIAN PROTECTION) AND THEIR DEPENDANTS

*We propose that persons on the 'protection' route should be able to qualify for **citizenship** after a minimum of 6 years. This period is made up of 5 years as a temporary resident and a minimum of 1 year as a probationary citizen.*

- Yes
- No: the time period should be increased
- No: the time period should be decreased
- Unsure

**Please list any reasons for your response below. (free response)**

## 2. ARE THE PROPOSED MINIMUM TIME PERIODS FOR A MIGRANT TO COMPLETE THE JOURNEY TO PERMANENT RESIDENCE SUITABLE?

### A. 8 YEARS FOR ECONOMIC MIGRANTS (TIERS 1 AND 2 OF THE PBS) AND THEIR DEPENDANTS

*We propose that persons on the 'economic migrant' route should be able to qualify for **permanent residence** after a minimum of 8 years. This period is made up of 5 years as a temporary resident and a minimum of 3 years as a probationary citizen.*

- Yes
- No: the time periods should be increased
- No: the time periods should be decreased
- Unsure

### B. 5 YEARS FOR FAMILY MEMBERS OF BRITISH CITIZENS AND PERMANENT RESIDENTS

*We propose that family members of British citizens and **permanent residents** should be able to qualify for permanent residence after a minimum of 5 years. This period is made up of 2 years as a temporary resident and a minimum of 3 years as a probationary citizen.*

- Yes
- No: the time periods should be increased
- No: the time periods should be decreased
- Unsure

### C. 8 YEARS FOR MIGRANTS GIVEN PROTECTION (THOSE GRANTED REFUGEE STATUS OR HUMANITARIAN PROTECTION) AND THEIR DEPENDANTS

*We propose that persons on the 'protection' route should be able to qualify for **permanent residence** after a minimum of 8 years. This period is made up of 5 years as a temporary resident and a minimum of 3 years as a probationary citizen.*

- Yes
- No: the time periods should be increased
- No: the time periods should be decreased
- Unsure

**Please list any reasons for your response below. (free response)**

**3. SHOULD PARTNERS OF BRITISH CITIZENS OR PERMANENT RESIDENTS BE REQUIRED TO DEMONSTRATE THAT THEY ARE IN AN ONGOING RELATIONSHIP WITH THE CITIZEN/PERMANENT RESIDENT BEFORE PROGRESSING:**

**A. FROM THE PROBATIONARY CITIZENSHIP STAGE TO BRITISH CITIZENSHIP?**

- Yes
- No
- Unsure

**B. FROM THE PROBATIONARY CITIZENSHIP STAGE TO PERMANENT RESIDENCE?**

- Yes
- No
- Unsure

**Please list any reasons for your response below. (free response)**

**4. SHOULD GATEWAY REFUGEES CONTINUE TO BE GRANTED PERMANENT RESIDENCE ON ARRIVAL IN THE UK?**

*The Gateway Protection Programme is the UK's international commitment to offer permanent protection for refugees in vulnerable situations where resettlement is the only solution. The Gateway Programme is run in conjunction with the UNHCR. At present, Gateway refugees are granted settlement on arrival in the UK with no requirement for an active review.*

- Yes
- No
- Unsure

**Please list any reasons for your response below. (free response)**

## 5. ACTIVE CITIZENSHIP

We propose that probationary citizens who have demonstrated 'active citizenship' (e.g. volunteering with a recognised charity) should be able to apply for citizenship or permanent residency sooner than those who do not.

Migrants who **have demonstrated active citizenship** would be able to apply for **citizenship** after a minimum of **1 year** and **permanent residence** after a minimum of **3 years** as probationary citizens.

Migrants who have **not** demonstrated active citizenship would be able to apply for **citizenship** after a minimum of **3 years** and **permanent residence** after a minimum of **5 years** as probationary citizens.

### A. SHOULD 'ACTIVE CITIZENSHIP' BE A MEANS BY WHICH PROBATIONARY CITIZENS CAN SPEED UP THEIR JOURNEY BRITISH CITIZENSHIP OR PERMANENT RESIDENCE?

- Yes
- No
- Unsure

We are also seeking views on whether all migrants should be **required** to demonstrate a minimum level of community involvement.

### B. SHOULD 'ACTIVE CITIZENSHIP' BE A MANDATORY REQUIREMENT FOR ALL PROBATIONARY CITIZENS TO QUALIFY FOR BRITISH CITIZENSHIP OR PERMANENT RESIDENCE?

- Yes
- No
- Unsure

Please list any reasons for your response below. (free response)



**6. SHOULD THE FOLLOWING ACTIVITIES BE VIEWED AS DEMONSTRATIONS OF 'ACTIVE CITIZENSHIP'?**

**A. VOLUNTEERING WITH A RECOGNISED ORGANISATION OR CHARITY**

- Yes
- No
- Unsure

**B. EMPLOYER SUPPORTED VOLUNTEERING**

- Yes
- No
- Unsure

**C. VOLUNTEERING WITH A RECOGNISED ORGANISATION TO SUPPORT THE UK'S INTERNATIONAL DEVELOPMENT OBJECTIVES, INCLUDING SHORT PERIODS OF TIME OVERSEAS**

- Yes
- No
- Unsure

**D. RUNNING OR HELPING TO RUN A PLAYGROUP WHICH ENCOURAGES THE DIFFERENT COMMUNITIES TO INTERACT**

- Yes
- No
- Unsure

**E. FUND-RAISING ACTIVITIES FOR CHARITIES OR SCHOOLS**

- Yes
- No
- Unsure

**F. SERVING ON COMMUNITY BODIES, FOR EXAMPLE AS A SCHOOL GOVERNOR**

- Yes
- No
- Unsure

**G. RUNNING OR HELPING RUN A LOCAL SPORTING TEAM**

- Yes
- No
- Unsure

**Please detail any other activities that you think should be viewed as demonstrations of active citizenship (free response).**

**7. DO YOU THINK THAT COMMITTING A CRIME WHICH ATTRACTS A CUSTODIAL SENTENCE SHOULD SLOW DOWN OR STOP A MIGRANT'S PROGRESSION TO PERMANENT RESIDENCE?**

- Slow down
- Stop
- Neither
- Unsure

**8. DO YOU THINK THAT COMMITTING AN OFFENCE WHICH DOES NOT ATTRACT A CUSTODIAL SENTENCE SHOULD SLOW DOWN OR STOP A MIGRANT'S PROGRESSION TO PERMANENT RESIDENCE?**

- Slow down
- Stop
- Neither
- Unsure

**Please list any reasons for your response below. (free response)**

**9. DO YOU THINK PROGRESSION SHOULD BE STOPPED OR DELAYED FOR THOSE WHOSE CHILDREN COMMIT CRIMINAL OFFENCES?**

- Slow down
- Stop
- Neither
- Unsure

**Please list any reasons for your response below. (free response)**

## CHAPTER 5: THE IMPACT OF MIGRATION AND ACCESS TO BENEFITS AND SERVICES

### 1. SHOULD PROBATIONARY CITIZENS WHO HAVE ENTERED THE UK THROUGH THE ECONOMIC OR FAMILY ROUTES HAVE ACCESS TO BENEFITS *IN ADDITION* TO THOSE BASED SOLELY ON CONTRIBUTIONS MADE THROUGH THE NATIONAL INSURANCE SCHEME?

*We are proposing that probationary citizens who have entered the UK through the economic or family routes should continue to only have access to benefits based on the contributions they have made through the National Insurance scheme, providing that the minimum level of contributions have been made.*

- Yes
- No
- Unsure

**Please list any reasons for your response below. (free response)**

## 2. FURTHER AND HIGHER EDUCATION

*We are proposing that probationary citizens should have access to ESOL further education courses at the 'home rate', instead of at the higher 'overseas rate' and that access to higher education at the 'home rate' should only be available at British citizenship/permanent residence. ('Home rate' fees are those which British citizens pay for further education; non-citizens pay a higher premium for access to educational institutions: the 'overseas rate')*

### A. AT WHICH STAGE IN THE JOURNEY TO CITIZENSHIP DO YOU THINK FURTHER EDUCATION FOR THE SAME FEES AS BRITISH NATIONALS (RATHER THAN AT THE HIGHER 'OVERSEAS RATE') SHOULD BE AVAILABLE?

- Temporary residence
- Probationary citizenship
- British citizenship/permanent residence
- Unsure

### B. AT WHICH STAGE IN THE JOURNEY TO CITIZENSHIP DO YOU THINK HIGHER EDUCATION FOR THE SAME FEES AS BRITISH NATIONALS (RATHER THAN AT THE HIGHER 'OVERSEAS RATE') SHOULD BE AVAILABLE?

- Temporary residence
- Probationary citizenship
- British citizenship/permanent residence
- Unsure

## 3. SHOULD NON-EEA MIGRANTS ENTERING THROUGH THE ECONOMIC AND FAMILY ROUTES PAY AN ADDITIONAL CHARGE ON TOP OF EXISTING APPLICATION FEES IN ORDER TO CREATE A FUND WHICH WOULD BE USED TO ALLEVIATE SHORT-TERM PRESSURES ON LOCAL PUBLIC SERVICES CAUSED BY MIGRATION?

- Yes
- No
- Unsure

Please list any reasons for your response below. (free response)

## CHAPTER 7: SIMPLIFYING THE SYSTEM AND REFORMING THE LAW

**1. OVERALL, ARE THE SIMPLIFICATION PROPOSALS SET OUT IN CHAPTER 7 OF THE GREEN PAPER IN KEEPING WITH THE SIMPLIFICATION PRINCIPLES OUTLINED IN PARAGRAPH 223?**

- Yes
- No
- Unsure

**ARE THERE ANY SIMPLIFICATION PROPOSALS THAT YOU FEEL ARE NOT IN KEEPING WITH THE SIMPLIFICATION PRINCIPLES IN PARAGRAPH 223?**

- Yes
- No
- Unsure

**Please state which proposals you feel are not in keeping with the simplification principles and why (free response).**

**2. DO YOU HAVE ANY FURTHER THOUGHTS OR COMMENTS ON THE SIMPLIFICATION PROPOSALS SET OUT?  
(free response)**

## ANNEX C: CONSULTATION ON IMPACTS OF GREEN PAPER PROPOSALS

### 1. DO YOU THINK THAT THE SCOPE OF THE IDENTIFIED COSTS AND BENEFITS IN ANNEX C IS CORRECT?

*In Annex C we discuss areas where the Green paper proposals may give rise to costs or benefits. We are seeking comments on whether the scope of identified costs and benefits seems broadly correct.*

- Yes
- No
- Unsure

**Please list any reasons for your response below. (free response)**

## RESPONDENT INFORMATION

### HOW DID YOU FIND OUT ABOUT THE CONSULTATION?

- a) from the Home Office
- b) on line
- c) through your organisation
- d) through friends
- e) through a consultation event
- f) through the media
- g) other (please specify)

### HOW ARE YOU REPLYING TO US?

- a) by e-mail
- b) by post
- c) at a consultation event
- d) other (please specify)

### ARE YOU A:

- a) British Citizen
- b) non-British Citizen permanently resident in the UK
- c) non-British Citizen temporarily resident in the UK
- d) other (please state)

### PLEASE INDICATE THE REGION OF THE UK YOU ARE FROM, OR THE ORGANISATION WHICH YOU REPRESENT IS BASED:

- a) England
- b) Scotland
- c) Wales
- D) Northern Ireland

### ARE YOU A: (PLEASE SELECT ALL THAT APPLY)

- a) member of the general public
- b) voluntary/community organisation or charity
- c) an employment agency
- d) educational institution
- e) local government
- f) immigration advisor/Immigration Law Practitioner
- g) central government
- h) an employer/trade association
- i) other (please specify)

**ARE YOU A:**

- a) public sector body
- b) private sector body
- c) other (please specify)

**PLEASE TICK THE BOX THAT BEST DESCRIBES THE SECTOR YOUR ORGANISATION FALLS INTO (IF ANY)**

- a) administration, business and management services
- b) agricultural activities
- c) computer services
- d) construction and land services
- e) education and cultural activities
- f) entertainment and leisure services
- g) extraction industries
- h) financial services
- i) government
- j) private health and medical services
- k) NHS Trust
- l) hospitality, hotel and catering and other related services
- m) law related services
- n) manufacturing
- o) real estate and property services
- p) retail and related services
- q) security and protective services
- r) social care services
- s) sporting activities
- t) telecommunications
- u) transport
- v) utilities – gas, electricity and water
- w) other services