

Nationality FAQs

Can I become a British citizen?

It is possible for an adult to apply to become a British citizen. It requires an application to the Home Office using form AN. Applications can be made online or by a paper application.

In order to naturalise you need to meet certain requirements:

1. Have lived lawfully in the United Kingdom for 5 years prior to the application and have held indefinite leave or permanent residence for at least a year (or 3 years if you are married/in a civil partnership with a British citizen and hold indefinite leave or permanent residence at the date of the application);
2. Have not been absent from the UK for more than 450 days in the 5 year period (or 270 days in the 3 year period) and not more than 90 days in the year before the application;
3. You must have been physically present in the United Kingdom 5 years (or 3 years) before the date the application is made;
4. You must be 18 or over;
5. You must not be of unsound mind;
6. You must intend to make the UK your principal home once naturalised (unless relying on marriage/civil partnership to a British citizen);
7. You must be of good character;
8. You must have passed the Life in the UK and an English language test.

I am an EEA national: how do I prove I have lived in the UK lawfully and have indefinite leave/permanent residence for citizenship purposes?

It is now a requirement for a citizenship application to have a document certifying permanent residency or settled status under the EU Settlement Scheme.

Prior to 2006 EEA nationals could not acquire permanent residence but some applied for and were granted indefinite leave to remain and if that is your position you can rely on the grant of indefinite leave in your citizenship application. For other EEA nationals, you will have to hold a document certifying your permanent residence (which will be sufficient evidence until 30 June 2021) or have settled status under the EU Settlement Scheme prior to applying for naturalisation (See EEA FAQs).

If you are relying on having settled status it will also be necessary to show that you have been in the UK lawfully as a qualified person under the EEA Regulations for the 5(3) year period prior to your application being made. This can be a problem if you have not been a worker, self-employed, student, self-sufficient, retired or incapacitated or a family member of such a person in the qualifying period or if you did not have comprehensive sickness insurance in the past when required.

For children born in the UK to EEA national parents before 2 October 2000, the British Nationality Act 1981 provides that a child is automatically British at birth providing that at the time of the child's birth one of his/her parents was exercising their European Freedom of Movement Rights.

Do I need to detail all my absences from the UK on the application form?

Yes you need to provide details of all your absences from the UK in your application. The online form only allows for a certain number of absences to be included so you may have to provide further details separately. Alternatively you can provide a schedule detailing them. When counting your absences you do not count the days of travel, only whole days outside the UK. If you travel to more than one country in the same trip you should mention each country.

What if I have more absences than the set amount?

There is discretion to waive absences in excess of the usual requirements (up to 900 (540) days) in certain limited circumstances. In such cases you will need to show you have established your home, employment, family and finances in the UK and a longer period of lawful residence without excess absences before the qualifying period is expected. If your absences are high due to work abroad whilst employed by a UK employer you may be able to seek discretion where the absences are an unavoidable consequence of the nature of your career. The discretion may not cover overseas sabbaticals. Normally applications will be refused if you have been absent for more than 900 (540) days in the 5 (3) year qualifying period.

My passport isn't stamped to show my absences. How can I prove them?

If your passport has not been stamped to show your travel in and out of the UK then you will need to provide alternative evidence of your residence here. The best way is by providing evidence such as employers' letters, payslips, P60s and tax and national insurance letters or letters from other government departments and educational institutions confirming residence here. Other alternatives may be bank statements showing frequent transactions in the UK or doctors' letters confirming you have been seen on a regular basis. The alternative evidence will need to cover the full 5(3) year period of residence being relied upon.

What is good character?

Good character is not defined in the Act but there is extensive guidance on it. The Home Office will take into account any criminal convictions including police cautions and driving offences; any civil matters which are relevant such as bankruptcy or unpaid debts and will check that payment of taxes is up to date.

Previous adverse immigration history/breaches of immigration law in the 10 years prior to the application will also affect the assessment of good character. This can include if EEA nationals were not qualified persons (workers, self-employed, students, self-sufficient, retired or incapacitated or a family member of such a person) or if they did not have comprehensive sickness insurance in the past when it was a requirement (see above). There is discretion for the Home Office to exercise discretion and overlook immigration breaches in certain circumstances.

I have a conviction for speeding and was disqualified from driving. Will this affect my application?

This will depend on when the conviction was imposed and what the punishment was. Normally any non-custodial sentence or out of court settlement which forms part of your criminal record (including fines and cautions) received within the

three years prior to your application will cause the application to be refused. This does not normally include fixed penalty notices for driving and parking offences but they must still be disclosed in the application and if you have had a number in a short period of time they may be taken into account. There is limited discretion to overlook one minor conviction which was imposed more than 12 months before the application where there are no other issues about good character but it would be worth taking advice before submitting an application if you have had any convictions within the past three years. If you have served a prison sentence then it will be much longer before a successful application can be made and in some cases it might never be possible.

I am an EEA national and did not have comprehensive sickness insurance whilst I was in the UK studying. Will this affect my application?

Yes this can potentially be a problem both in relation to lawful residence and good character if you have not been issued with a document certifying that you have permanent residence. If you had a European Health Insurance Card (EHIC) issued by your country of nationality this may meet the requirements. The Home Office may exercise discretion and overlook this matter depending on your circumstances but it would be wise to take some advice before you submit your application.

My spouse/civil partner is British. Does this help my British citizenship application?

If you are married or in a civil partnership with a British citizen then the residence requirements are reduced: you must have been lawfully present in the UK for 3 years prior to the application rather than 5. You can also make the application as soon as you have been granted indefinite leave to remain or settled status or have permanent residence in the UK rather than having to wait for a year. It is also not necessary to show an intention to live in the UK once naturalised if married to or in a civil partnership with a British citizen. The other requirements still apply, namely lawful presence in the UK with permitted number of days absent (not more than 270 days in the 3 years and not more than 90 days in the year before you apply), good character, Life in the UK and English language tests.

What is the Life in the UK test?

Adults aged 18 and under 65 must pass this test if they are applying for indefinite leave to remain or to naturalise in the UK. The test is based on an official handbook: 'Life in the UK - A guide for new residents' which is available in various different formats. The test is conducted in test centres across the UK and is a multiple choice test taken online. You will be asked 24 questions and have 45 minutes to answer them. The pass mark is 75%. You can take the test as many times as need be although there is a fee of £50 to take the test. Despite this being a statutory requirement for naturalisation, it is possible for it to be waived where an applicant has a physical or mental condition which would make it unreasonable to take and/or pass the test.

What is the English language requirement to become British?

The Home Office has a list of those English speaking countries whose nationals are exempt from taking the English language; and an applicant is also exempt if he or she has a degree that was taught or researched in English although if this was awarded outside the UK it will need to be verified by UK NARIC.

Otherwise, all applicants, including EEA nationals, must take an approved English language test with a Home Office approved test centre at level B1 of CEFR in Speaking and Listening.

Will I lose my own nationality if I become British?

The UK permits dual citizenship. You will need to check with your own Embassy/authorities as to what the approach of your home country is to dual nationality.

How do I make my application?

You can apply online or by post using a paper form. If you apply online you upload all your supporting documents electronically and then arrange to attend a biometric enrolment appointment at a service centre. If you apply on a paper form by post you will need to send all your supporting documents (or copies) to the Home Office. You will then be asked to attend a biometric enrolment appointment at a post office. In either case you can provide further information with your application either on the form (the online form has a box at the end) or in a separate letter which can be sent or uploaded with the supporting documents.

Can I travel while my nationality application is under consideration?

Yes. Applications can take up to six months to be considered. You will not have been required to provide your original travel document to the Home Office so you are free to travel while the application is pending at the Home Office.

If my application is refused do I get the application fee back?

No. If your application is refused you would normally only receive a refund of £80 which is the cost of the citizenship ceremony.

My children were born in the UK. Are they British?

Anyone born in the UK before 1 January 1983 is automatically British.

A child born in the UK to EEA national parents before 2 October 2000 is automatically British at birth providing that at the time of his birth one of his parents was exercising their European Freedom of Movement Rights.

A child born in the UK after 1 July 2006 is British automatically at birth if one of their parents held indefinite leave to remain or permanent residence in the UK or was a British citizen at the time of their birth .

A child born in the UK between 1 January 1983 and 30 June 2006 will be British by birth if their mother (or father if the parents were married) held indefinite leave to remain or permanent residence or was a British citizen at the time of their birth.

Can my child become British?

If a child is not automatically British then they will be eligible to register as a British citizen where

- after their birth either of their parents becomes settled or acquire permanent residence in the United and an application is made before the child turns 18; or
- a child was born before 1 July 2006 to unmarried parents and their father held indefinite leave to remain/permanent residency at the date of their birth; or
- a child was born in the UK and has lived in the UK from birth to 10 and has not been absent in that 10 year period for more than 90 days in any of the 10 years from his birth. That application can be made at any time.

There is also a general discretion which allows the Home Office to register any child as British and a number of factors are taken in to account.

If a child ages 10 or over applies to become British she or he must meet the good character requirement.

Bindmans LLP
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