

**MRN EARNING THE RIGHT TO STAY A NEW POINTS TEST FOR CITIZENSHIP RESPONSE**  
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**Q1. do you agree that we should operate a flexible system that allows us to control the number of migrants progressing to probationary citizenship?**

Yes

**No**

Don't know

If no, why not?

The introduction of further 'flexibility' into the naturalization process as presented in the consultation document has no merits. Migrants need a stable context in which to plan ahead as far as possible within what can be very uncertain circumstances. Plans to apply for citizenship or indefinite leave to remain can be central to the way that other life decisions are made – involving employment, family members and integration within local communities. The citizenship process should offer as much stability as possible, to assist migrants' decision-making and reduce insecurity. Maintaining clear criteria by which migrants can make their applications to settle in the UK is a central component of a stable system.

It can be expected that migrant communities would experience a flexible 'earned citizenship' system as highly unfair. It is likely that 'flexibility' would be understood as misleading migrants with assurances which are given in one year and removed in the next. The government would lay itself open to accusations that it is undermining the well-being of migrants in order to meet wider political interests. The impact on migrant communities would be unsettling and disempowering, particularly for those on the 'borderline' of the flexible requirements.

In addition, we would expect that both the decision-making bodies and administrative systems tasked with managing a 'flexible system' would find it difficult to do so in a clear and transparent way. This would lead to more difficulties for those trying to navigate the system and would be likely to generate further resentment and frustration among migrant communities.

**Q2. do you agree that a points based test should be introduced in the application process for permanent settlement?**

Yes

**No**

Don't know

If no, why not?

The points test would add an unnecessary stage to an increasingly complex and prescriptive citizenship process. The outline given in this consultation document would effectively act as a further set of mandatory requirements for people moving towards settlement in the UK. The government has presented no evidence to explain or justify an additional point-scoring exercise, which would also presumably incur further costs for migrants.

The consultation suggests that only a limited range of migrant attributes would attract points in such a test. It would be likely to reward particular skills, high earning potential and additional UK-based qualifications. Many migrants would not be able to meet these additional requirements, despite having supported themselves and their families and remained within the

law during their time living in the UK. The selectiveness of the points test would disregard the equally valid interests of lower-paid or less qualified migrants in moving towards security in the UK. It would also be likely to produce negative effects in relation to gender and race balance, since women and black people are under-represented in the higher end of the labour market. Effectively, the test would penalize migrants for not conforming to unclear and prescriptive government criteria for being a 'good citizen'.

**Q3. do you agree that the test should be applied before entry to the probationary citizenship stage?**

Yes

**No**

Don't know

If no, at which stage should the test be applied?

British citizenship

Other (please specify)

There should be no 'points test' for citizenship.

**Q4. Which attributes should attract points? (Please select all that apply)**

Earning potential

Special artistic, scientific or literary merit

Qualification

Shortage occupation

English language

Location

Other (please specify)

None, as above.

**Q5. Which of these attributes is most important? (Please number three in order of importance, 1-3)**

Earning potential

Special artistic, scientific or literary merit

Qualification

Shortage occupation

English language

Location

Other (as specified in Q4)

**Q6. Should points be deducted or penalties applied for failure to meet requirements for integration into British life?**

Yes

**No**

Don't know

If no, why not?

There should be no points test for citizenship.

The naturalisation process should be an objective and fair system which does not include value-based assessments about migrants' 'integration' or ability to 'adopt British values'. Such judgements would be subjective and likely to change in accordance with public mood or political strategies. It would make migrants from certain religions, ethnicities and cultural backgrounds particularly unlikely to succeed to moving towards citizenship.

**Q7. If yes, for which attributes should points be deducted or penalties applied?**

**Q8. do you think that the current Nationality Checking Service model can be successfully built upon to provide a 'check and send' service for Earned Citizenship?**

Yes

No

Don't know

If no, why not?

The Nationality Checking Service model currently involves local authorities in checking through applications for citizenship before they are sent to the UK Border Agency. It is largely an administrative service - local authorities make sure that forms are correctly completed, that the application is valid and the key requirements for citizenship are met. It has the advantage of reducing the number of citizenship applications which are unnecessarily refused by the Home Office on administrative grounds.

This is a very different process to the active assessment and 'signposting' role for local authorities which is envisaged in this consultation paper. Under the 'earned citizenship' system, local authorities would play an increased role in assessing naturalization applications. They would be expected to maintain a 'relationship' with migrants throughout their probationary citizenship period, which could be as long as five years. They would also be tasked with checking whether citizenship applicants had fulfilled an 'activity condition' (a period of community volunteering which could shorten their period in probationary citizenship). This increased role would be likely to place a significant burden on local authorities.

Local authorities would find themselves largely dealing with the problems caused by the introduction of an 'activity condition' as part of the settlement process. The 'activity condition' would undermine the contributions made by migrants within local communities by incentivising volunteering and specifying what activities it should include. It would act as an additional burden on migrants, and would disadvantage women and those with caring responsibilities, as well as migrants who work long hours or have more than one paid job. It would also be likely to put a strain on the voluntary sector which would be likely to be presented with an influx of 'volunteers'. All of these factors would present challenges to local authorities tasked with assessing whether migrants had properly met their 'activity condition'.

Further challenges for local authorities would emerge as a result of practical difficulties in keeping records on 'probationary citizens'. Some migrants would move to different parts of the UK during their time in probationary citizenship. In addition, the government proposals that the 'activity condition' may be carried out at any point during a person's qualifying period for citizenship - a minimum of 6 years - creating a complex trail of evidence which should feed into their application. Making sense of these ill thought-out proposals would be likely to cause confusion and frustration among both local authorities and migrants.

**Q9. do you think it appropriate that local authorities perform an additional service around advice and co-ordination?**

Yes

No

**Don't know**

If no, why not?

There is insufficient information available in the consultation document about what is meant by 'an additional service around advice and coordination'.

**Q10. Should we require applicants to meet English and Knowledge of Life requirements at both probationary citizenship and British citizenship stages?**

Yes

**No**

Don't know

If no, why not?

Under these proposals, migrants moving towards citizenship would be required to take two Life in the UK tests, at the beginning and a more difficult test at the end of their probationary citizenship period. People taking the 'ESOL with Citizenship' test would also be required to take two tests.

These proposals are unnecessary and no evidence has been provided which could suggest otherwise. The current Life in the UK/ESOL with Citizenship tests have not yet been shown to have any beneficial effect on migrants' experience of becoming a British citizen, their sense of belonging or feeling of local integration. Introducing additional tests would effectively double the burden and cost for migrants seeking to settle in the UK, with no apparent benefits either for them or for wider community cohesion. It would also unfairly disadvantage migrants applying as refugees or family members, who would be less likely to perform well in such tests.

Rather than undergoing additional costly tests, migrants should be supported in receiving advice and information about life in the UK on a voluntary basis, and in accessing free or low-cost ESOL tuition.

**Q11. Should these two stages of testing be different based on information relevant at each stage? This would involve testing on new topics not currently tested, for example British history.**

Yes

**No**

Don't know

If no, why not?

There should be no additional tests for migrants within the citizenship process.

**Q12. Should this two-stage test require a higher standard of English for the second stage?**

Yes

**No**

Don't know

If no, why not?

**Q13. do you think that mentoring schemes should be extended to cater for non-refugees?**

Yes

No

**Don't know**

If no, why not?

There is insufficient information available here about how a mentoring scheme for non-refugees would be expected to work in practice. In theory, there could be positive benefits from a mentoring scheme with trained local mentors, if this was aimed at supporting migrants who had voluntarily requested to take part. Problems would be likely to arise if mentoring was to be compulsory or incentivised for migrants as this would affect the motivations of those involved.

**Q14. do you think that orientation days for migrants should be introduced to encourage integration?**

Yes

No

**Don't know**

If no, why not?

There is insufficient information about how 'orientation days' for migrants would work in practice. If properly planned and designed, such days could be an opportunity to share useful information with newer arrivals, and for migrants to develop supportive relationships with local authorities, public services and the local voluntary sector. Careful consultation with migrant communities should be conducted first, to ensure that orientation days were going to be aimed at meeting migrants' needs and that the information provided would be useful

**Q15. do you think that it should be compulsory for migrants to attend an orientation day?**

Yes

**No**

Don't know

If no, why not?

Migrants' attendance at proposed orientation days should be envisaged as voluntary not compulsory. Coercing people into attending such events would undermine any potential mutual value for individuals or communities.

**Q16. do you think that migrants should be awarded points towards probationary citizenship for attending an orientation day?**

Yes

**No**

Don't know

If no, why not?

There should be no points test for citizenship. The notion of awarding points for attendance of orientation days would incentivise - and therefore devalue - the experience.

**Q17. Who do you think orientation days should be run by? (select all that apply)**

**Local authorities?**

Employers?

Local authorities and employers?

**Other? Please specify.**

If orientation days were introduced, they would best be coordinated by local authorities in conjunction with local public service providers. Substantial input from the voluntary sector and migrant community organisations would be an essential part of making sure the information given was useful and the experience was accessible and relevant to migrants' needs. The involvement of local employers could also be beneficial, but it would be inappropriate for them to be expected to run such events.

**Q18. How do you think orientation days should be funded? (Please select one)**

By the migrant?

By employers?

**Other? Please specify.**

Orientation days, if introduced, should be paid for by the Home Office via funds disbursed to local authorities. Charging migrants would be unfair and would make them unlikely to attend. Charging employers would be likely to generate resentment towards migrant workers and to increase the likelihood that these costs are recouped from workers by employers in other ways such as wage deductions, additional working hours or other tied charges. It would also mean that non-workers such as refugees and family members would not be supported to attend orientation days.

**Q19. What do you think an orientation day should involve?**

Any orientation day should provide local and general information which is aimed at helping migrants to access their rights and meet their interests in the UK. This could include: outline of local political structure and public services, signposting to voluntary sector organisations which may be of use/interest, meetings with employers and employment agencies, introduction to local trade union branches.

**Q20. do you think that online orientation is a good idea?**

Yes

No

Don't know

If no, why not?

**Q21. do you think that a group should be set up to add value to the development and implementation of integration strategies for migrants?**

Yes

No

**Don't know**

If no, why not?

There is insufficient evidence in this document to comment.

In theory, it could be beneficial for government to better coordinate its approach towards local integration of migrant communities. Such a group should involve migrant and refugee communities, and organisations working in support of them. It should have involvement from local government and Strategic Migration Partnerships to ensure that regional variations can be tracked, alongside the diverse experiences of migrants and local communities across the UK. It should also be informed by further bodies such as employer associations, trade unions and public service providers, in order to reflect the range of issues which can affect integration and community relations.

However, the Migration Impacts Forum was tasked with a somewhat similar role but has not yet been significantly involved in either policy development or public debate in this area. It has had only token involvement from the voluntary sector and no participation from migrant groups. There would be no need for a further government group without a clear brief or mandate for action.

**Q22. If set up, do you think this group should just include representatives from across government?**

Yes

No

Don't know

If no, why not?

Any groups tasked with assessing local integration of migrants should involve community members and organisations working in support of migrants in the UK.

**Q23. do you think the group should also involve independent representatives, for example from the voluntary or community sector?**

Yes

No

Don't know

If no, why not?

**Q24. do you think we should facilitate circular migration in order to reduce the negative impact of brain drain on developing countries?**

Yes

No

**Don't know**

If no, why not?

The UK system currently acts to disincentivise circular migration, particularly for migrants from developing countries. For many migrants from poorer countries, the costs (both in visa fees and application process) of entering the UK are prohibitively high. This means that many people, particularly those who are supporting families in developing countries from their wages in the UK, do not want to leave in case they cannot return to the UK again in the future.

Preventing circular migration is highly problematic - both for those migrants who wish to balance their life in the UK with time spent in their country of origin, and for sending countries who are losing their skills. Ideally, voluntary circular migration should be enabled and built into the UK immigration system for all those coming to work and study here. This should not be coercive or incorporated into visa requirements or citizenship procedures.

**Q25. In order to combat brain drain do you think it would be feasible to develop a list, similar to the NHS list, but covering other sectors?**

Yes

No

**Don't know**

If no, why not?

There is insufficient information to comment.

**Q26. What evidence could be drawn upon to develop such a list? (please specify)**

As above.

**Q27. What further views do you have on how we could mitigate against the negative impacts of migration from developing countries?**