



Guidance for applicants on English language requirement for partners

Who will the requirement affect?

Individuals applying to come to or stay in the UK as a:

- spouse or civil partner
- fiancé or proposed civil partner
- unmarried partner or same sex partner

of a British citizen or settled person in the UK.

When will this requirement be introduced?

The requirement will be introduced on 29 November 2010.

In which countries is this being introduced?

English language testing for spouses is being introduced for nationals of all countries which we do not classify as majority English speaking. A list of countries that we consider to be majority English-speaking is published on our website at:

<http://www.ukba.homeoffice.gov.uk/workingintheuk/tier2/general/eligibility/pointsassessment/englishlanguage/>

What will spouses need to do to meet this requirement?

Spouses will need to demonstrate competence in English language speaking and listening at a basic level (Common European Framework of Reference, level A1).

How will you assess whether a spouse has the required level of English?

A spouse will need to provide evidence to the UK Border Agency with their visa application that they have passed an English language test with one of the UK Border Agency's approved test providers.

Where can I find more detailed information about the approved test providers?

On our website at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2010/275292/46-english-test-partners>

What is level A1 of the Common European Framework of Reference (CEFR) for language?

Level A1 is equivalent to ESOL (English for Speakers of Other Languages) Entry level or National Curriculum level 1 year 1 to 2.

Someone assessed at level A1 can understand and use familiar everyday expressions and very basic phrases. They will be able to interact in a simple way provided the other person talks slowly and clearly and is prepared to help.

How long will people have to study to meet the level required?

A1 is a basic level, which is judged to require 40-50 hours tuition for most learners.

Will this requirement apply to spouses/partners of migrant workers or students?

No. It will not apply to spouses and partners of those in the UK on a temporary visa such as students or workers under the points based system.

What if I have already passed an A1 or above English language test but not from an approved provider?

You will need to re-take the test with one of the approved test providers.

How much will tests cost?

Costs of tests will vary according to test provider and country.

Who will pay for English language testing?

Individual migrants will pay for their English language tests.

What can spouses do now to prepare for the new requirement?

We suggest that spouses planning to settle in the UK look at how they can start learning or improving their English.

How will people access English language classes overseas?

English language tuition is widely available internationally, including via the British Council.

How many chances are applicants given to pass the test?

Applicants may make as many attempts as they wish to obtain a CEFR A1 level qualification. The important thing is that they are able to provide evidence of the qualification when applying for a visa.

Applicants applying for leave to remain in the UK

Will the new English language requirement for spouses apply to applications made in the UK for leave to remain?

Yes. It will also apply to applications for leave to remain.

Will the test for those applying to come to the UK and those applying for leave to remain be the same?

The test will vary according to the test provider, but the requirement will be the same (that is, to hold an English language speaking and listening qualification at A1 level).

Will spouses still have to take the Life in the UK Test?

Yes. Spouses applying for indefinite leave to remain (ILR) after completing their two-year period of temporary residence will still need to fulfil the knowledge of life and language in the UK requirement. They may do this either by taking the LitUK Test, or if their English is not yet at that level (ESOL Entry Level 3 / CEFR B1) they may take an ESOL with Citizenship qualification and demonstrate progression from one ESOL level to the next.

Will an applicant who already has leave to remain in the United Kingdom and who fails the English language test be able to stay in the UK?

Meeting the English language requirement will be a condition for obtaining leave to remain as a spouse under the Immigration Rules. Applicants who fail to meet this requirement will be refused leave and expected to leave the UK, subject of course to observing our international and humanitarian obligations.

How long before a spouse can apply for settlement/ILR and then citizenship?

In general, a spouse may apply for indefinite leave to remain in the UK after he / she has spent two years here.