

Nationality FAQs (updated 4.11.2022)

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 are usually made online and supporting documents are uploaded electronically. The online application form is available at <https://visas-immigration.service.gov.uk/product/nationality-an>

In some cases, the Home Office will ask for biometric information (current ID document and a passport style digital photo) to be uploaded onto its ID Verification App. In other cases, an applicant may be asked to make an appointment to enrol biometric information at one of the Home Office service points (operated by a third party called Sopra Steria). Currently, an applicant will be told whether the IDV App can be used after the application is submitted.

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 no longer possible for EEA nationals who had permanent residence in the UK to apply for citizenship on that basis. It is now a requirement for EEA nationals applying for citizenship to have indefinite leave to remain (granted before 30 April 2006) or settled status under the EU Settlement Scheme at the time they apply to naturalise as a British citizen.

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. However, the Home Office has updated its policy guidance to confirm that comprehensive sickness insurance is no longer a requirement in most circumstances. There are some exceptions to this, for example, where there is a question mark over whether the applicant meets the “good character” requirement or has a complex immigration history. If your application is not straightforward and you did not have

comprehensive sickness insurance before you were granted settled status, you should take legal advice.

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.

For children born either within or outside the UK to EEA national parents after 2 October 2000, the Home Office rules vary depending on their particular circumstances including when and where they were born and their parents' status (see below).

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. Normally applications will be refused if you have been absent for more than 900 (540) days in the 5 (3) year qualifying period.

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 no longer usually affect the assessment of good character in most circumstances: where an applicant holds indefinite leave to remain (including settled status under the EU Settlement Scheme) the Home Office will not now usually look further back into an applicant's immigration history. However, previous breaches of immigration law may still be taken into account where there are concerns that the applicant does not otherwise meet the good character requirement. This will include circumstances where there is information available to suggest that material information regarding previous breaches was not disclosed in the application for the grant of settled status/indefinite leave to remain which would have resulted in a refusal of the initial 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 Ecctis (previously 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.

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 acquires permanent residence in the United Kingdom 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 including after the applicant turns 18.

There are provisions for the children of British citizens by descent to be registered. There is also a general discretion which allows the Home Office to register any child as British. However, a number of factors are taken into account when discretionary applications are considered and these are set out in guidance.

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