

## **Report**

### **ABNI Seminar on the Introduction of Language and Life in the UK Tests for Settlement**

21<sup>st</sup> March '07 at the British Museum

#### **OPENING PLENARY SESSION**

Mary Coussey – Chair of ABNI

Matthew Coats – Home Office IND Director for Asylum

Neil Robertson - DfES Head of Skills for Life Strategy Unit

#### **Mary Coussey – Chair of ABNI**

The Chair welcomed participants and said that ABNI had organised this seminar to provide information about the forthcoming changes to the Settlement rules and to give participants an opportunity to share their experience of the language and life in the UK processes in place for naturalisation.

The Second edition of the Life in the UK Handbook would be published imminently. This new version had been drafted to take account of criticism that the language level used in the first edition was too high. It also included more guidance on items to be included in the test, and would therefore be easier to use.

The importance of language had been frequently referred to by policy makers. Immigration Minister, Liam Byrne MP, had stated that having knowledge of language and life in the UK would improve a person's job prospects, and assist their integration into local communities. This view was supported by Education Minister, Bill Rammell MP. The Chancellor of the Exchequer had referred to the importance of English language skills for integration several times and the interim report of the Commission for Integration and Cohesion had also stressed its importance.

Mary Coussey stated that the new requirements for Settlement would only succeed in facilitating integration if individuals had access to adequate and flexible language provision. ABNI was aware that in some areas there were long waiting lists for ESOL and other barriers to access. During a recent visit to Liverpool College, she had spoken to a woman whose husband, here on a work permit and working 11 hours a day, was unable to find the time to take English language lessons. They were due to apply for Settlement soon and were concerned about the new requirements.

ABNI had also visited some of the test centres and were aware that some people were repeatedly failing the test; some did not have adequate English skills, but could not attend

ESOL classes because of work commitments. ABNI were also aware of the confusion that prevailed about the plethora of study aids that were being used to prepare for the test. The test is based on the official Life in the UK Handbook.

Finally the Chair said that ABNI would like to see an increase in the provision of citizenship courses to help with the preparation of the test as this could help increase success rates.

### **Matthew Coats – Home Office IND Director for Asylum**

Matthew Coats thanked ABNI for the work they had done in this area and said that Citizenship through naturalisation should involve a decision to adapt to, be molded by and to embrace the new country.

The new changes required that those who sought settlement in the UK would need to demonstrate that they had an understanding of English language and knowledge of life in the UK. The Government committed to making this change in February 2005.

These requirements were important because they were related to the factors that are most closely linked to migrants succeeding in the UK. They were also intended to encourage greater social integration.

There had been extensive research on the way language acquisition and fluency was related to employment outcomes for migrants. The UK economy and those of most developed countries had moved from manufacturing to service-based industries. A consequence of this was the need for people to be able to communicate confidently with others. In a wide range of sectors these personal transactions were fundamental to employability.

In addition, some people had said that whilst difficult, the language test was a way of making sure that their community, friends and family did not get left behind.

The evidence suggested that after a while, the interest or incentive to learn the language declined and that the early years after arrival were important.

In summary, the Government was trying to do two things; to ensure that the decision to settle permanently in the UK was based on understanding a common language and shared values and that people had the skills to participate both socially and economically over the long-term.

Some important principles underlined the way these requirements would be implemented; no one would be refused leave to remain in the UK simply because they had not passed the tests. They would be granted extensions of leave to remain provided they continued to qualify under the immigration rules until the requirements had been met.

There would be no possibility of splitting families or requiring individuals to leave the UK solely because the test had not been passed. If one member of a family had passed the test whilst another failed they might prefer to wait until all had passed in order to qualify for settlement together.

There were five groups that would be exempted from these provisions:

- As with naturalisation applications, those over 65. This included those defined by the immigration rules as dependent parents and grandparents.
- Those who had grounds on the basis of infirmity or physical or mental impairment.
- Those known as other dependant relatives in the immigration rules.
- Ghurkhas and Commonwealth Citizens serving in the Armed Forces who are eligible for settlement on discharge, and their spouses and partners.
- Victims of domestic violence granted settlement.

#### **Neil Robertson - DfES Head of Skills for Life Strategy Unit**

DfES had valued ABNI's contribution to developing their approach in this area, particularly in relation to the recent review of fee remission for ESOL.

English was a key strand within the Skills for Life Strategy. This strategy was designed to address the Market's failure to ensure a basic education for all. Language was vital to economic participation and social cohesion.

The ESOL budget had tripled over the past four years, and it seemed that not all those in need of it were able to access it whilst others who could pay were getting free ESOL. The purpose of the recent review had been to ensure that DfES could target provision at those most in need.

Following the Minister's announcement last October, there had been a substantial consultation which had resulted in the following outcomes:

- Asylum seekers would be eligible for free ESOL after six months.
- Those asylum seekers who could not be returned home and in receipt of hard case support would be eligible.
- Those in receipt of income related benefits would be eligible.
- The low paid who could demonstrate their income level would be eligible.

- Spouses who could not prove access to benefits would also be prioritised through allocation of hardship funds. Access by this group would be closely monitored. Family based learning models are being developed to provide another route for this group.

After these new criteria had been applied it was estimated that over 50% of ESOL provision would be free. But the DfES wanted to ensure this free provision was reaching those most in need and they would work with ABNI to monitor the impact of the changes. ESOL demand would probably continue to exceed demand but it would be up to providers to ensure that provision was made available to those most in need.

The Government was committed to continuous improvement in ESOL and wanted to ensure that people were able to progress from ESOL Entry levels onto Level 2 vocational qualifications (the basic level for employability).

An independent learner route would be launched soon to enable those with the motivation and skills to learn on their own.

The issue of how to persuade employers to do more to support language needs of migrant workers remained. One lever might be to make the allocation of employer training funds conditional on this.

The Government would respond fully to the ESOL consultation after the current CSR settlement.

## **Q & A SESSION**

Jonathan Duke-Evans: Home Office - Head of IND Social Policy Unit

Colin MacDonald: Ufi - Head of Programme for Life in the UK Testing

Chris Taylor: NIACE - Development Officer

Martin Norfield: DfES - ESOL Adviser, Skills for Life Strategy Unit

Jean Wilson: Forth Valley College and ABNI Scottish Subgroup Chair

Julia Onslow-Cole: CMS Cameron McKenna - Head of Global Immigration Team and ABNI Member

### **Colin MacDonald - Ufi**

Ufi was the organisation contracted by the Home Office to deliver the life in the UK tests.

The critical factor for success in this test was whether a person had adequately studied the Life in the UK Handbook. The Test was not designed to be a barrier for those seeking Citizenship (and now Settlement). It was also not a test of “Britishness” but a test of knowledge of life in the UK.

There had been a rigorous process for approving the test questions, involving ESOL teachers and other experts as well as the ABNI test-subgroup members.

Each test comprised 24 questions and had to be completed within 45 minutes. The new test for Settlement would start on 2<sup>nd</sup> April 2007.

Test Centres are situated all over the UK, including rural areas and centres are designed to offer a user-friendly service.

The life in the UK website (<http://www.lifeintheuktest.gov.uk>) listed details of how to book and pay for the test, this included instructions for special needs assistance.

The test helplines referred candidates to the most appropriate test centre.

Since the test was launched, there had been 200,000 tests taken at a rate of currently 20,000 a month. The pass rate stood at 60%-70%.

25% of candidates passed over 22 questions. One third of candidates completed the test in 15 minutes, 80% candidates completed the test in 30 minutes. The average waiting time for a test was 15 days. Ufi received fewer than 10 complaints a month from candidates.

### **Chris Taylor- NIACE**

NIACE along with LLU (at South Bank University) had developed the Citizenship materials that are now used by colleges to deliver the ESOL/Citizenship courses. These materials were contextualized for use in each of the four UK nations.

Although the test route had been the most publicised route to proving a knowledge of English and life in the UK, the other option (if candidates did not possess the level of English needed in order to study the Handbook and take the test) was to take an ESOL course with Citizenship content. These courses provided excellent opportunities for learners to interact with people from other communities and many colleges arranged visits and outside speakers from local agencies.

Normally, candidates with an Entry 1, Entry 2, or Entry 3 English would be advised to take this route.

These course should be taken at any college offering ESOL as part of Skills for Life and should have a citizenship component within it. On successful completion of this course and a 'Skills for Life' qualification, candidates would be given a letter which would need to accompany the application for Settlement/Citizenship.

### **Jean Wilson – Forth Valley College and Chair of ABNI's Scottish subgroup**

Jean Wilson said that the revised handbook had been improved to include Scottish material; this was also the case for material relating to Wales and Northern Ireland. The

Citizenship materials for use with ESOL courses have also been developed so that they would be relevant to learners in Scotland, Wales and Northern Ireland as well as England.

Because education in Scotland was fully devolved, a differed approach had been taken with regard to funding for ESOL - new arrivals had access to ESOL straight away.

**Julia Onslow-Cole - CMS Cameron McKenna and ABNI member**

Having heard the speeches this morning, Julia Onslow-Cole envisioned some difficult scenarios with regard to settlement applications from families.

She was also concerned about a work permit holder's application for Settlement being held up because of a delay on the spouse's application due to delay in satisfying the new requirements.

**DELEGATES' QUESTIONS**

**Harmander Singh - Sikhs in England**

Mr Singh said that many in the faith communities were ill-prepared by virtue of their age. He asked whether those applying for public office should not be required to show higher level skills in English and also what would be done to ensure that supporters of the British National Party (BNP) had a better understanding of the British value of being open to other cultures.

In response Jonathan Duke-Evans of the Home Office said that individuals over 65 would be exempt from these requirements. As for those wishing to take public office this was probably a matter for their electorate to take a view on. He said that the Government's view is that strategies such as this will help to address misunderstanding between communities which in turn can lead to ignorance and in some cases support for the BNP.

Julia Onslow-Cole commented that the Home Office is currently taking a hard look at the requirements for Ministers of Religion within the new Points Based-System.

**Participant details not recorded**

The participant welcomed the exemption to the requirements for victims of domestic violence announced earlier and asked about the process for obtaining the exemption. Following some discussion about the rationale behind this, Jonathan Duke-Evans commented that it was essentially to ensure that women in this position could have access to refuges.

### **Peter Cooper - Refugee Project Croydon**

Mr Cooper commented that free ESOL should be directed at those who most needed it such as those who are less well educated; secondly he was not convinced that a single uniform test was appropriate given the vast diversity in the UK.

Martin Norfield of the DfES said that the new ESOL arrangements would be monitored to ensure those in the priority groups were able to access it. In terms of English, it was right to expect people to people to reach a single standard, but he believed that the curriculum was sufficiently flexible to address regional diversity. Chris Taylor of NIACE added that Citizenship materials were designed to be adapted to the local context.

### **Martin Taylor - the Office of Ann Cryer MP**

Mr Taylor welcomed the test, but believed that the difference in some of the Northern Towns was the existence of complete segregation, and this test implied a willingness to engage; unless there was a degree of compulsion, this would not succeed in places such as these.

In response, Jonathan Duke-Evans (Home Office) said that this was not the approach being advocated by many politicians, and he believed that a benevolent incentive would be the most effective approach to increasing engagement. Chris Taylor added that whilst we should all acknowledge the concerns about segregation, we should also note that there are long waiting lists for ESOL and that as someone who had worked in ESOL for all her working life, she was impressed by the huge commitment of ESOL students and the contribution that they wished to make.

### **Participant details not recorded**

The participant, from a voluntary organisation that runs citizenship courses, said they had a 100% pass rate amongst their students. He asked what funding would be available to voluntary organisations like theirs to run such courses. He asked whether the income from the immigration fee increases could be used to fund these courses.

Martin Norfield (DfES) commented that because these courses do not lead to a discreet qualification, it would not be possible for the LSC to fund them. Jonathan Duke-Evans said that ABNI had made a powerful case for funding, and perhaps an evaluation of the language and life programme would address the value of such courses to candidates' prospects of passing the test.

### **Participant details not recorded**

This participant asked what increments of further leave to remain would be granted to those who had not satisfied the requirements; will they be affected by the recent fee increases? She said that the IND website was not clear on this.

Julia Onslow-Cole called on the Home Office to issue directions on this point.

### **Rhian Benyon - Joint Council for the Welfare of Immigrants**

Ms Benyon thanked ABNI for holding the conference and welcomed the assurance that families would not be separated if one had been unable to pass the test or complete an ESOL course. She said that the announcement by Matthew Coats conflicted with the advice on the website and called for the latter to be amended.

Jonathan Duke-Evans said that the advice on the website would be updated. He said that in some cases children could make independent applications for ILR or Citizenship.

Julia Onslow-Cole said that a number of difficult scenarios could arise in relation families, particularly as children could not make independent applications for ILR, if for example they were dependent on a parent's work permit application.

### **Participant details not recorded**

This participant raised the scenario of her client who had sensory disabilities (and therefore not exempt from taking the test). She had been unable to find a test centre to accommodate her client.

Jonathan Duke-Evans said that a great deal of thought had gone into making the test accessible for those with additional needs. Colin MacDonald (Ufi) said that with prior arrangement, additional needs could be catered for, even where this would call for a third party (e.g sign-language assistant) to be present at the test.

### **Mona Marashi - Elis UK Residency**

This participant asked whether a person would have to take the life in the UK test again at naturalization. Jonathan Duke-Evans said that if the individual had successfully completed this at Settlement, they would not need to take it again at naturalization.

### **Habib Ur-Rahman - Bedford Race Equality Council**

Mr Rahman said the Naturalisation form did not make clear that criminal offences to be declared should include driving offences. He was aware of clients refused Naturalisation for failing to declare this (Julia Onslow- Cole said that this was likely to be because failing to declare had been taken as a reflection on character). Mr Rahman recommended that the form be changed to make clear that driving offences should be declared.

He also referred to the procedure (NTL) for transferring immigration stamps from an old passport to a new one which costs £160. Julia Onslow-Cole said that due to a change in the law, Immigration Officers no longer had the power to transfer stamps and not everyone was aware of the new procedure and associated fee. This had resulted in difficulties for people who could not prove their entitlement at the Port, and were consequently landed as visitors. Julia Onslow-Cole called on the Home Office to issue guidance on how ILR could be maintained once granted.

### **Participant details not recorded**

This participant asked about how the Rehabilitation of Offenders Act applied to Naturalisation. Jonathan Duke-Evans said as far as he was aware the Act did not apply to Nationality Law. Rosemary Earp (Home Office) clarified this and explained that applicants should declare all convictions, spent or otherwise, as failure to declare previous convictions could be an indication of someone's character and conduct which were factors to be taken into consideration in deciding Naturalisation applications.

### **Ealing, Hammersmith and West London College**

This participant said many entry level learners would not be able to have recourse to public funds by virtue of their immigration status and therefore would not be entitled to ESOL. Martin Norfield (DfES) said that spouses were eligible for full fee remission on ESOL courses after one year of marriage and residence in the UK

### **Catherine Maloney - Lewisham College**

Ms Maloney said many colleges were currently faced with cuts to funding ESOL as a result of 2 main policy changes:

- 6.6% overall cuts in adult provision
- The cut in 'residual' provision, i.e. provision that does not contribute to PSA government targets. For ESOL this means Skills for Life courses offering Skill for Life ESOL qualifications at Pre-Entry, Entry 1, Entry 2 and partial Entry 3 provision

The impact of these cuts in adult provision and in residual provision will be a 20% cut in ESOL Skills for Life qualification courses at Lewisham College from September 07. The consequences resulting from the changes to ESOL funding for '07-08 will be in addition to these cuts.

Martin Norfield (DfES) said that this is a difficult issue because neither the DfES nor the LSC have indicated that these courses should not be prioritised. It is an interpretation by local LSC's and college management. Martin agreed to take up concerns from participants in this same position.

### **James Lee - Refugee Council**

Mr Lee asked what the process would be for refugees who apply after five years for ILR and if they would they be charged? He also asked about those who fail the test repeatedly. He asked the whole panel whether they believed that settlement was a question of choice for refugees?

Jonathan Duke-Evans (Home Office) said that refugees were in a comparable position to others in that integration was just as important for them and current outcomes were not as

good as they should be. Julia Onslow-Cole said that ABNI had strongly argued against the change in policy with regard to delaying ILR for refugees by five years.

**Dr Pasha - Union of Muslim Organisations**

Dr Pasha raised his concern about the treatment of failed asylum seekers, especially those that may be sent back to face torture.

Jonathan Duke-Evans said that difficult decisions had to be made about those who no longer had a right to be in the UK, and it was right this was done in a humane way. There were safeguards in law and the judicial system to ensure that no one would be returned to face torture.

**Participant details not recorded**

This participant said that some of her students had questioned the purpose to learning facts such as when the Scottish Parliament was established, especially as local people were not be able to answer this question.

Colin MacDonald replied that this sort of question would only be put to someone taking the test in Scotland and one could argue that this was important for them to know. Ultimately the test is to ensure that an individual has read and understood the Handbook, which was an attempt at compiling the optimum body of knowledge required to learn about life in the UK.

**Cate Briddick - Rights for Women**

Ms Briddick welcomed the announcement with regard to an exemption for victims of domestic violence, but was concerned that there wasn't any advice about this on the website. In the long term the solution would be to remove the no recourse to public funds requirement from women in this position. Jonathan Duke-Evans agreed that this might be the best long term approach. Martin Norfield agreed that the DfES should look at this also.