

## Policy briefing

### Refugees and British Citizenship

This paper sets out the findings of Scottish Refugee Council and Strathclyde University research report: *Becoming British Citizens? Experiences and Opinions of Refugees Living in Scotland*, (Stewart, Mulvey; February 2011) in the context of current UK citizenship policy. The report was funded by the Economic and Social Research Council and can be accessed at [www.scottishrefugeecouncil.org.uk](http://www.scottishrefugeecouncil.org.uk)

There are specific protection needs pertaining to refugees even after their status has been determined. Unlike other migrant groups, refugees are in the unique position that they cannot return to their countries of origin. This protection is recognised in Article 34 of the 1951 Refugee Convention<sup>1</sup> which requires that:

*Contracting States shall as far as possible facilitate the assimilation and naturalisation of refugees. They shall in particular make every effort to expedite naturalisation proceedings and to reduce as far as possible the charges and costs of such proceedings.*

Despite this, those that have sought and been granted protection from persecution in the UK are treated similarly to other migrant groups if they wish to apply for British citizenship. Currently migrants including refugees can usually apply to become a British citizen if they have been settled (i.e. have indefinite leave to remain) in the UK for at least one year and have lived in the UK for at least five years<sup>2</sup>. There is at present a paucity of statistics that would provide information on refugees' take-up of citizenship. For those that go through the naturalisation process to become British citizens, there are a number of additional requirements to the residency period such as being of good character, passing the Life in the UK Test and having sufficient proficiency in English. Since 1 October 2010 an application currently costs £780 for an individual adult, £1010 for a couple and, £500 for an application from a child.<sup>3</sup> The actual costs for processing these

applications are: £208, £231, and £201 respectively.<sup>4</sup>

### The Previous Government's Policy

The previous Labour Government made several changes to nationality legislation during its period in office<sup>5</sup>. In terms of citizenship, last year it legislated for a new 'path to citizenship' in the Borders, Citizenship and Immigration Act 2010. The thesis was that migrants should have to earn citizenship, through demonstrating their contribution to Britain and fulfilling time and behavioural requirements<sup>6</sup>. The Act set out who could qualify for citizenship (family members of British citizens and permanent residents; highly skilled and skilled migrants and refugees<sup>7</sup>) and created a new period of 'probationary citizenship' between temporary residence in the UK and applying for permanent residency or naturalisation. This additional qualifying period of temporary residence could be reduced if applicants undertook voluntary work in the form of 'active citizenship'. For refugees, due to having just five years' temporary status, this meant that from grant of refugee status to applying for British citizenship the minimum qualifying period would be six years although it could take up to eight years. For those refugees who do not want to apply for British citizenship but apply for permanent residence, the qualifying period would be extended by two years (i.e. a minimum of eight years from the grant of refugee status if fulfilling the 'active citizenship requirement' or a maximum of ten years). Time spent on temporary admission through the asylum process was not included.

Prior to leaving office, the previous Government also proposed introducing a points-test to restrict the numbers of applicants applying for British citizenship<sup>8</sup>. For refugees, the consultation proposed that they would be awarded sufficient points if they had a continuing need for protection to progress onto becoming probationary citizens. Proposals also included additional English language and Life in the UK tests.

### Current Government Thinking

The New Coalition Government has yet to clearly detail its policy on citizenship. However, in opposition during the passage of the Borders, Citizenship and Immigration Act 2010, the now Immigration Minister, Damian Green stated that: *"It is worth while setting out the Conservatives' attitude to citizenship in principle. We believe that UK citizenship is a privilege, not a right. Anyone who is here on temporary leave to remain should not assume that that gives them the right to remain here permanently or to become a British citizen. However, we need to be fair and reasonable."*<sup>9</sup>

As Shadow Immigration Minister he described the volunteering aspect of earned citizenship as

having an element of compulsion, and therefore described it as *“the ultimate absurdity.”*<sup>10</sup>

More recently, in her first major speech on immigration (5 November 2010), Theresa May, the Home Secretary stated that they would not implement the previous Government’s earned citizenship policy, stating that it was *“complicated, bureaucratic and, in the end, ineffective.”* Nevertheless, she also stated that it is *“too easy, at the moment, to move from temporary residence to permanent settlement.”* And that, *“settling in Britain should be a cherished right.”* With regard to integration the Home Secretary went on to say that her Government wants *“to build in Britain a more integrated society. A society where everyone has the opportunity to better themselves.”*<sup>11</sup>

## Research Findings

Scottish Refugee Council welcomes the commitment not to proceed with earned citizenship as this would have prolonged the period of uncertainty for refugees in Britain and put excessive behavioural requirements on them. However, the research highlights a number of ongoing issues that the decision not to proceed will have no impact upon and which requires attention.

Many of those involved in the research indicated some degree of agreement with the present UK Government’s position that British citizenship is a privilege. Respondents talked of the attainment of British citizenship being akin to being ‘on top of the world’. Reasons given for this view tended to revolve around the reputation Britain has, and the linked issue of gratitude to Britain for providing them with protection. However, there were a number of issues that were also raised that indicate that the overall policy is not doing what the Government wishes it to do, and in some cases may actually be operating against the Government’s desire to create integrated communities where everybody is able to participate fully.

One set of barriers to citizenship mentioned by many people in our research concerned the process itself. This begins with the lack of information available to refugees. Many of our respondents relied on friends or networks, risking the provision of false information, or had sought to obtain information themselves via websites, which were often considered confusing. Simple and easy to comprehend information at an early stage would allow refugees to make more informed and timely decisions regarding whether they wished to apply to be citizens and if so, how to go about it.

For those who had decided that they wanted to become British citizens, the tests and the costs of

the process were mentioned by a large number of people in the research. Views about the 'Life in the UK' tests content were mixed, with some implying that it was learning by rote and others feeling it gave them a better understanding of Britain. However, there was a general feeling that there was an inequity in the process, both in relation to newcomers being required to have knowledge that existing citizens do not, and in the educational disparities in applicants, meaning that equally 'deserving' refugees are treated differently. Those from English speaking countries and those with high levels of education are able to traverse the system much more smoothly than people not falling into either of those categories, which builds unfairness into the process.

Citizenship as a means of creating a set of unified values is not borne out in this research. The decision-making of refugees tends to relate to barriers currently encountered in their attempt to fully contribute to British society, leading to citizenship being pursued as a means of accessing rights and removing barriers to integration. In other cases the fear of rule changes in a policy field characterised by legislative activism leads refugees to seek citizenship as a means of securing tenure in the UK. This suggests that the process is currently misdirected. People will struggle to feel a set of common values if they are prevented from integrating and/or live in a state of fear of the future. The temporary nature of refugee status exacerbates this uncertainty. Temporary residence for people with protection needs is not conducive to a cohesive society where everyone can fully participate, and can lead to refugees seeing citizenship as a form of protection. This is unreasonable and potentially negates the positive way that the Government wish citizenship to be seen.

The Home Secretary has said that she wants *"a society where everyone participates and interacts in our national and community life, and where everyone has the opportunity to better themselves"*.<sup>12</sup> That goal is undermined by immigration and citizenship processes. Overall the research suggests that refugees want to belong and identify with Britain, but they are currently prevented from doing so.

## Recommendations

*Improve data on refugees and citizenship:* there is a need for more complete data that would allow analysis of the uptake of citizenship amongst refugees. Currently there is not the ability to cross-tabulate or perform any cohort analysis. Knowledge of the take up of citizenship among refugees would provide valuable data to make comparisons between them and other migrant groups and would increase understanding of decision making among refugees.

*Review five-year refugee status:* Our research documented the continued vulnerability of refugee groups beyond the period of seeking asylum. Even when individuals become refugees, the five-year time limit of their immigration status causes numerous practical and emotional problems. Refugees can be prevented from meaningfully engaging in the labour market and are psychologically affected by being unsure of what the future holds. Limited leave to remain is forcing people into making decisions that may not be in their best interest.

*Review the process of becoming British citizens:* If citizenship can ever act as a unifying bond, it is essential that decision making among the relevant populations is properly understood. In particular, refugees need clear and concise information about the process of becoming British citizens; tests should take account of the precarious nature and educational backgrounds of applicants; and if English language skills are to remain a requirement of citizenship, refugees from non-English speaking countries should receive intensive support in their language learning.

*Review the costs of becoming British citizens:* The costs of the application process are prohibitively high. It is important that the financial position of refugees is not the primary determinant of whether people are able to become British.

## Footnotes

<sup>1</sup> Convention and Protocol Relating to the Status of Refugees <http://www.unhcr.org/3b66c2aa10.html>

<sup>2</sup> For spouses and civil partners of British citizens this is three years.

<sup>3</sup> See <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/britishcitizenship/nationality-fees.pdf>

<sup>4</sup> See <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/fees-wms-ia/2010-autumn/wms.pdf?view=Binary>

<sup>5</sup> See for example the Nationality, Immigration and Asylum Act 2002 which included further requirements for knowledge of English and UK society and created citizenship ceremonies and swearing allegiance to the Crown.

<sup>6</sup> See The Path to Citizenship, Next Steps in Reforming the Immigration System, Home Office, February 2008. <http://webarchive.nationalarchives.gov.uk/20100422120657/http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/pathtocitizenship/pathtocitizenship?view=Binary>

<sup>7</sup> Also includes refugees' dependents and those granted Humanitarian Protection.

<sup>8</sup> See Earning the Right to Stay: A New Points Test for Citizenship, Home Office, August 2009.

<sup>9</sup> Hansard, 14 Jul 2009 : Column 223

<sup>10</sup> Hansard, 2 June 2009 Col 1232

<sup>11</sup> See <http://www.homeoffice.gov.uk/media-centre/speeches/immigration-speech>