

Chapter 1

Deciding to Stay in the UK

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As a future British citizen, perhaps you've come to the United Kingdom to find work, study, marry, or even just to take in the sights. You like what you see and experience here – apart from the notorious British weather, no doubt!

Perhaps you lay down roots, master the language, and observe and appreciate the idiosyncrasies of British life such as queuing at any opportunity, and wearing socks with sandals.

The logical progression is to go the whole hog and apply for *British citizenship*, a qualification that enables you to play a full part in the social, political, and economic life of your new adopted home.

In this chapter, I take you through an overview of the journey from holidaymaker, visiting student, or worker to fully-fledged British citizen.

Plotting Your Path to Citizenship

Over 100,000 people become British citizens each year. Both the number of people coming from abroad to live in the UK, and applicants for British citizenship have risen sharply in recent years.

You can sum up the usual paths to citizenship as:

- ✓ Get into the UK through visas and work permits.
- ✓ Stay in the UK by being granted *leave to remain* or *right of abode* (see later in this chapter for more on these).
- ✓ Apply for citizenship by living in the UK for long enough and passing the citizenship test.

Looking at Why People Come to the UK

Your first taste of Britain, apart from films starring Hugh Grant and novels by Jane Austen, was probably by:

- ✓ **Coming here on a holiday.** Britain loves tourists and is proud of its unique history and heritage.
- ✓ **Coming here to work.** With a shortage of labour, Britain welcomes workers from abroad. The British economy is a star performer compared to many of its European rivals, with plenty of relatively well-paid jobs. Unsurprisingly, Britain attracts large numbers of people particularly from poorer Eastern Europe.
- ✓ **Coming here to study.** The UK is famed for its educational institutions. English is the world's premier

language of business and the media, so it's no surprise that the UK is a magnet for foreign students.

Perhaps you came to the UK for more personal reasons such as marriage, or you're simply exercising your birthright to live in Britain.

The main reasons for people coming to Britain either for a short or permanent stay are

- ✓ Tourism
- ✓ Employment
- ✓ Education
- ✓ Marriage
- ✓ Birthright

Britain has a complex and multilayered immigration system in place to deal with every scenario.

Getting to Grips with the Visa System

When travelling to the UK, the first question you need to ask yourself – after ‘Where have I packed my umbrella?’ – is ‘Do I need a visa for my visit?’

Do I need a visa?

A *visa* is a document that tells immigration officials at airports and seaports why you're coming to the UK and how long you're allowed to stay. The visa certificate is put in your passport or travel document by an immigration



official at a British Embassy, Consulate, or High Commission in your country of origin. The visa gives you permission to enter the UK.



Not everyone needs a visa to visit Britain. People from some countries can come here on holiday without a visa but cannot study or work in the UK without one. Check with your local British Embassy, Consulate, or High Commission in your country of origin. You can find your local Embassy, Consulate, or High Commission at www.embassiesabroad.com. You can also take a look at the UK visa Web site at www.ukvisas.gov.uk for more details. You can apply for a visa via the post, in person, or online.

You can obtain a visa in your country of origin from a British Embassy, Consulate, or High Commission. You're charged a fee for the visa in the local currency. Chapter 3 has more details about the different types of visas you can apply for to stay or work in Britain.



If you require a visa to visit the UK on holiday or to visit family, the immigration official in the Embassy, Consulate or High Commission of your native country needs to see evidence that you intend to return. Take your return flight booking details as evidence that you intend to return to your native country.

Attending a visa interview

Your application for a UK visa may be approved by the immigration official in the Embassy, Consulate, or High Commission based purely on the application form. Sometimes, though, the immigration control asks you to attend a short interview.

The majority of these interviews are merely routine and are carried out in a public office at the Embassy, Consulate, or High Commission in your country of origin. However, you need a visa for the purposes of marriage – if you've married, or plan to marry, a British national – then the interview is carried out in a private room to respect your privacy during questioning.

The immigration official may want to ask you specific questions about your trip. For example, if you're studying, the immigration official may want to assess if you can support yourself while studying without recourse to working illegally (without a working visa).



An immigration official deals with your visa application. The chief immigration officer (CIO) supervises the immigration official. If you're unhappy with how the immigration official deals with your case, you can complain immediately to the CIO.



UK immigration rules allow for people to enter the UK to receive private medical treatment. You're required to provide evidence that you're coming to the UK for this reason. A hospital letter should suffice. Stays for medical treatment are usually limited to six months.

Working in the UK

The UK needs workers, both skilled and unskilled, to fuel its growing economy. The UK's immigration authority wants to ensure that those coming to the UK contribute to, rather than drain resources.

When deciding whether to allow you into the UK in the first place, or extend your stay temporarily or permanently, the immigration authorities make a judgement

on your usefulness to Britain. Being highly skilled and educated, and already having a steady job or offer of work, are all factors that count in your favour.

Workers from the European Union

If you're from the European Economic Area (EEA) or European Union (EU), you're free to come to the UK and work. You can also bring your spouse and children along, who can also work or go to school, as long as they too are EEA/EU nationals. If your family members are not EEA/EU nationals, they'll need a visa and may not be able to work.

The citizens of 28 countries are defined as EEA/EU nationals. You can find the full list of countries on the Border and Immigration Agency (BIA) Web site at www.bia.homeoffice.gov.uk. EU countries include France, Germany, and Ireland as well as nations that joined in 2004 such as Poland, Hungary, Lithuania, and Estonia.

People from the new member states (that joined in 2004) must register with the Home Office before starting work. Getting registered is a formality. To obtain a Worker Registration Scheme application form (form EEA1), call 08705 210 224. The form EEA1 is very simple. You're asked for your name, address, date of birth, nationality, and employment details.



After you've worked legally in the UK for 12 months without a break, you have full rights of free movement and no longer need to register on the Worker Registration scheme.

Workers from outside the European Union

Work permits are issued by Work Permits UK, part of the Home Office's BIA scheme (Chapter 2 has more about the BIA). The BIA scheme enables UK employers to recruit people from outside the European Economic Area or European Union. Work permits also allow people from overseas to come to the UK for training or work experience.



Your would-be UK employer must apply for a UK work permit for you – you cannot apply yourself. Your potential employer needs to contact Work Permits UK at least eight weeks before the date you need to start work. Check out the government's Web site www.workingintheuk.gov.uk for more information about work permits.

The six types of work permit are

- ✔ **Business and commercial permits:** Enable UK firms to employ workers from abroad to fill vacancies that they can't fill with British citizens.
- ✔ **Internships:** Allow students from abroad to come to the UK on an *internship* (period of training) with an employer in the UK, usually as part of a course of study.
- ✔ **Training and work experience schemes:** Enable people from abroad to come to the UK to undertake work-based training for either a qualification, or simply work experience.
- ✔ **Sportspeople and entertainers:** Can come to the UK to ply their trade. You usually need a work permit but if you're coming to do personal appearances, you may come as a business visitor, in which case

you don't need a permit. You also don't need a work permit if you have an invitation to perform at one or more specific events (such as concert venues or festivals). You may need a visa to enter the UK though.

- ✓ **Food-manufacturing industry schemes:** Allow people from abroad to come to the UK for up to 12 months to take up low-skilled work in the food manufacturing industry.



Although many work permit arrangements last a year or more, the idea is that you fulfil your contract of employment and then return to your country of origin.

If you come to the UK under work-permit rules your spouse and dependents can join you. However, your family has to apply for a visa at the local British Embassy, Consulate, or High Commission in their country of origin.



To find out more about issues such as whether you'll be taxed, if you're paid sick leave, or if you have the option to contribute to a pension scheme while you work in the UK, visit www.workingintheuk.org.uk.

Fast-tracking your way to a work permit

Special immigration rules relate to particular groups of workers such as au pairs, health service workers, and film workers. The idea is to allow easy entry into the UK for people with much-needed skills. For the inside track on how the rules affect particular groups of workers check out www.workingintheuk.gov.uk.



From 2008 the Home Office plans to introduce a new points-based system for people coming to the UK to work or study. The more points you have, the better your chances of being given the thumbs up to come to the UK. Check out Chapter 2 for more on the new points-based system.

Turning a Flying Visit into a Longer Stay

So you come to the UK, decide you love the old place, and can't bear to leave. You have two options when applying to stay for longer:

- ✔ You can return to your country of origin and submit an application from there.
- ✔ You can make your application to remain in the UK from Britain.

Perhaps the purpose of your visit is changing – for example, you initially visit the UK as a holidaymaker but then want to remain to study. You need to return to your country of origin and apply for a new visa through your local British Embassy, Consulate, or High Commission.

However, if you're looking to extend your stay in the UK for work purposes or to marry, then you can apply through the Home Office's Border and Immigration Agency (BIA)). Head to Chapter 2 for more on this big beast of the immigration jungle.

Marrying a Brit: No guarantee of citizenship

Sometimes people come to the UK and marry a British citizen in the belief that they themselves are going to become a citizen. I'm afraid it doesn't work like that. You don't automatically acquire British citizenship through marriage. You may be allowed *leave to remain* (this means you can live in the UK for a specific period, initially two years and then a further three years) in the country following a marriage – but marriage doesn't guarantee citizenship. You have to apply for British citizenship separately if you want it.

However, marriage can be a passport – excuse the pun – to *UK residency*, the right to remain in Britain. You and your spouse will probably be interviewed by immigration as part of the UK residency process. The immigration authorities want to be sure that the marriage is genuine – rather than contrived for the purposes of allowing the non-British partner to stay in the UK – before granting leave to remain.

If you're a British citizen marrying a national of a foreign country, you don't lose your nationality. In fact, you may eventually obtain *dual nationality*, which enables you to keep all the rights of a British citizen such as the right to vote in the UK, and also the rights of your spouse's country, providing that both countries allow dual nationality. If you gain British citizenship and your country of origin does not allow dual citizenship, it may consider you to have lost your original nationality, or simply not recognise your new British nationality – how rude!

Studying in the UK

To come to the UK to study, you must show the immigration official evidence that you've been accepted on a course of study at an educational establishment approved by the UK's Department for Education and Skills (DFES). Look at www.dfes.gov.uk/providerregister to find out if the college where you want to study is registered.

WARNING!



Overstaying your welcome

On expiration of your visa, you're expected to leave Britain in double-quick time. Even a delay of just a few days can cause a nasty scene with immigration and make returning to the UK difficult.

The sanctions taken against people who overstay in Britain can be severe. Overstaying on a visa is a criminal offence and can lead to detention, prosecution, a fine, or imprisonment. In addition, you're deported from the UK and are unlikely to ever be allowed back in.

In addition, you must be able to show that you can support yourself financially, without having to work.

REMEMBER



When you finish your course of study and have graduated with a Bachelors or Masters degree you can stay in the UK for up to 12 months after your studies have finished and take up work. On completing their studies, other students must leave the UK.

You need to apply to study in the UK from your country of origin through your local British Embassy, Consulate, or High Commission. See www.embassiesabroad.com to find your local embassy.

Living in the UK: The right of abode

The *right of abode* is the right to live and work in the UK. When granted, it means you do not have to deal with the immigration services or obtain a visa, or a *right to remain* permit). The right of abode doesn't quite carry all the

weight of citizenship – see Chapter 6 for more on citizenship rights – but it comes a very close second.

You have the right of abode if:

- ✓ You were adopted as a child in the UK by a British adopter.
- ✓ You're a citizen of a *commonwealth* country (former countries of the British Empire who are members of the Commonwealth organisation), before 31 December 1982, and one of your parents or adopters is a British citizen.
- ✓ You're female and became a commonwealth citizen before 31 December 1982, and are, or were, married to a man with the right of abode in the UK.



You can apply for a right of abode *certificate of entitlement* from the UK Home Office at: Home Office Nationality Group (Right of abode), PO Box 306, Liverpool, L2 7XS. You can also visit www.ukvisas.gov.uk. You have a gummed sticker placed in your passport, called a certificate of entitlement. The certificate shows immigration officials that you can move freely into and out of the UK.

Seeking Asylum

Each year thousands of people come to the UK from abroad – often smuggled into the country – and claim asylum.

In short, *claiming asylum* means that you ask to stay in the UK because returning to your country of origin is dangerous. Asylum claims are assessed by the UK immigration service and many are unsuccessful. As an asylum seeker, you're expected to return to your country of

origin when it's safer. As a result, you're only initially granted a temporary leave to remain in the UK. However, eventually, you may be granted *indefinite leave to remain* in the UK.

Ultimately, a grant of indefinite leave to remain is on a case-by-case basis. Such a grant can follow marriage to a UK citizen, or after you've been in the UK for an unspecified period of time and show you're contributing positively to the life of the country, and putting down roots. Another factor that affects indefinite leave to remain is the situation of your country of origin; if you've fled a war zone, is it now safe for you to return?

Asylum seekers who satisfy all residency and citizenship test requirements (see Chapter 4) can apply for British citizenship.

If your asylum claim is turned down, you're expected to return to your country of origin. Common reasons for refusal to grant asylum include

- ✓ The immigration authorities believe that you would not be at risk if you return home.
- ✓ The authorities doubt whether you are who you say you are, or come from where you say you do.



Asylum seekers who are refused leave to remain can appeal against the decision. See Chapter 5 for more on troubleshooting immigration and citizenship applications.

Heading Towards Citizenship

People entering the UK today may not realise that in a few short years they can become British citizens, if they want to.

In order to apply for citizenship you need to meet certain requirements, including:

- ✔ You have to live in the UK with your British citizen spouse or civil partner for at least three years.
- ✔ If you're not married to a British citizen, you have to have lived in the UK for at least five years. You must not have been out of the UK for more than 450 days during that time.
- ✔ You have not been out of the UK for more than 90 days during the previous year.
- ✔ You must be aged 18 or older and of sound mind.
- ✔ You must not have been living in the UK in breach of the UK immigration rules at any time.

If you tick all the above, then congratulations – you can apply for British citizenship! The preceding requirements are just the start: you must also pay a fee, you must be competent in written and spoken English, and you must pass the British citizenship test. Chapter 4 has the inside track on how to obtain citizenship rights.



Gaining full British citizenship isn't simply about acquiring a nativity certificate and then applying for a passport. British citizens enjoy freedoms and privileges that are the envy of many other countries. See Chapter 6 for the rights – and responsibilities – that British citizenship brings.



You can follow one of two paths to citizenship: *naturalisation* and *registration*.

- ✔ **Naturalisation** is when you come to the UK and fulfil the requirements to become a British citizen through the length of your stay and other factors, such as being married to your British partner for three years.

- ✔ **Registration**, a far less frequent route to citizenship than naturalisation, is open to citizens of Britain's overseas territories such as the Falkland Islands and Gibraltar. All you're doing through registration, is claiming your right to British citizenship.

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