

Podcast Script: Immigration Update

Speaker: Nikki Allen & Louise Boyes

Practice Area: Immigration



“Welcome to iLegal.info where we at FJG keep an eye on the law for you.

“10 Countries joined the European Union in May 2004 over 6 years ago now. For the nationals of those countries that have come to live and work in the UK thoughts may now be turning as to how to make their residence in the UK more permanent and whether they can apply for British citizenship. Today we talk to Louise Boyes at Fisher Jones Greenwood LLP to tell us more about these issues.

“Louise, what is permanent residence?”

“European nationals and their family members automatically acquire permanent residence once certain conditions are met. A person who has permanent residence can only be required to leave the United Kingdom in very limited circumstances and conditions cannot be attached to permanent residence. This means that people with permanent residence have a greater degree of security in terms of residing in the UK. The other point to not as well is that it is also necessary to have acquired permanent residence before a person can naturalise as a British citizen.”

“And who can apply for permanent residence?”

“Both EEA nationals and their family members, even if those family members are non-EEA nationals who have been living in the UK and meet certain criteria can apply for a Certificate of Permanent Residence to prove they’ve acquired permanent residence.”

“Some people might be wondering whether they can count time spent under the Worker Registration Scheme towards the 5 year qualifying period.”

“Yes, that wouldn’t normally be a problem.”

“Why might someone want to apply for British citizenship?”

“A person who is a British citizen can reside permanently in the United Kingdom and is not subject to Immigration Control. There are only very limited circumstances in which citizenship can be taken away from someone. In most cases adults who already have another nationality and want to apply to be a British citizen because they reside in the UK will apply to naturalise as a British citizen.”

“What is the position if someone wants to apply for British citizenship?”

“The UK authorities permit British citizens to hold other nationalities as well. The situation in relation to other countries really depends upon that country’s own laws and so in those circumstances the better thing for someone to do is to check with their own authorities or with an immigration lawyer from the country of origin.”

“What are the qualifying criteria for British citizenship?”

“The first thing to bear in mind is that it varies depending upon whether or not you are married to a British citizen. If you are married to a British citizen then the first criteria to bear in mind is that you must have been lawfully resident in the United Kingdom for 3 years. If you are not married to a British citizen then the residence required

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increases to 5 years. In addition to that you have to have had what's called 'no time limit attached to your stay' for a period of 1 year. There are a number of other requirements that need to be met as well, the person must be deemed to be of good character and one of the key requirements that will be looked at by the authorities is whether or not they have any criminal convictions and depending upon what those convictions are and the sentence involved that will impact upon whether or not they will be permitted to naturalise as a British citizen. There are also language and citizenship requirements as well, meaning that individuals have to either have passed something called the Life in the UK Test which is a computerised multiple choice test, or if they are not able to do that then they can undertake certain language and citizenship classes to meet that requirement."

"Does the person need to apply for permanent residence before applying for British citizenship?"

"No. For European nationals and their family members there is actually no longer any need for a person to obtain confirmation from the UK Border Agency that they have acquired permanent residence and held that permanent residence for a year before they apply. Whether or not it's advisable for an individual to apply for a Certificate of Permanent Residence before they actually apply for citizenship will really depend upon their situation and whether or not it's preferable to do so will depend upon whether there are any complications or difficulties with them showing that they have acquired permanent residence. The best approach really depends upon the individual's circumstances."

"What can Fisher Jones Greenwood LLP do to help?"

"Well, as a team we have over 17 years of experience of guiding people through the Home Office's maze bureaucracy and helping individuals present their applications in the best possible light to maximise the chance of that application succeeding."

"And so who can we contact at Fisher Jones Greenwood LLP?"

"Our Immigration's Team telephone number is 01206 835270 or alternatively they can email me at LBoyes@fjg.co.uk."

"Thank you for listening to iLegal. For further information contact us at Fisher Jones Greenwood LLP on 01206 578282 or email us at info@fjg.co.uk or visit our website on www.fjg.co.uk."