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## **Family migration: new English language requirements for partners and parents applying for further leave under Appendix FM (5-year route)**

The [Statement of Changes in Immigration Rules HC 667](#), published on 03 November 2016, announced a significant change affecting those applying for further leave to remain as a partner or parent under Appendix FM of the Immigration Rules.

People granted leave to enter or remain as a partner or parent who have completed 30 months leave in these categories will need to demonstrate English language speaking and listening skills at level A2 of the Common European Framework of Reference for Languages to qualify for further leave to remain as a partner or parent and continue on a five-year route to settlement. Currently there is no additional language test at this stage. The new requirement will be applied to applicants whose original leave to enter or remain as a partner or parent expires after 01 May 2017. This information sheet explains the change in more detail.

### **Who does the change affect?**

The new requirement affects people who are nationals of countries outside the European Economic Area who have been granted leave to enter or remain in the UK under Appendix FM of the Immigration Rules on a five-year route to settlement as:

- the partner of a British Citizen or a person who is settled in the UK with Indefinite Leave to Remain (permanent residence);
- the partner of a person with refugee leave or humanitarian protection applying under this route because the relationship was formed after the refugee was granted protection;
- the parent of a child in the UK who is a British Citizen or is settled in the UK with Indefinite Leave to Remain.

It affects applicants at the point at which they need to apply for further leave to remain after completing 30 months leave as a partner or parent in the UK and will be applied to people whose grant of leave to enter or remain expires after 01 May 2017.

The new requirement does not affect those granted leave as a partner or parent under Appendix FM on the ten-year route to settlement. These are people granted leave to remain as a result of the provision in Appendix FM (EX.1) which allows leave to be granted where certain eligibility requirements are not met but there are significant difficulties to continuing family life with their partner outside the UK that could not be overcome or would cause serious hardship, or where it would be unreasonable for a child to leave the UK if they are a British Citizen or have lived here for seven years.

## **What is the new English language requirement?**

Most people granted leave to enter or remain as a partner or parent under Appendix FM will already have had to meet a basic level of English at level A1 of the Common European Framework of References for Languages to qualify for leave under this route. To qualify for further leave to remain as a partner or parent and continue on the five-year route to settlement, applicants affected will need to demonstrate that their English language skills in speaking and listening have progressed to at least level A2 of the Common European Framework of Reference for Languages.

## **How can the new English language requirement be met?**

Applicants will need to pass a level A2 English language test in speaking and listening administered by one of the two providers approved by the Home Office and taken at an approved test centre. The test costs £150 to take and details of what it involves are available at links in the Home Office document below.

Applicants can choose to take an approved English language test at a higher level instead, including tests which additionally cover reading and writing in English but scores for these areas will be ignored. If a person took an approved test at level A2 or above to meet the A1 requirement for their original grant of leave as a partner or parent, they do not need to take a further test providing this test was accepted as part of the application and there are no concerns about how the test result was obtained.

The requirement can also be met through holding a degree recognised as having been taught or researched in English to at least the A2 standard, or through being a national of a country accepted by the Home Office as being a majority English speaking country.

## **Are there any exemptions from the English language requirement?**

Exemptions apply where a person can show that at the date of the application for further leave they are either aged 65 or over, have a disability which prevents them from meeting the requirement or there are exceptional circumstances which prevent them from being able to meet the requirement. The Home Office will consider these on a case by case basis.

## **What will happen if a person cannot meet the English language requirement?**

It is important for people to be aware of the new requirements so that they can prepare to meet the new English language standard. This is particularly true for people whose leave expires on or shortly after 01 May 2017 as they have limited time to improve their English.

Applicants who do not meet the A2 English language requirement will not qualify for further leave to remain as a partner or parent under the five-year route to settlement in Appendix FM. They will need to qualify for leave under a ten-year route to settlement, either through meeting the restrictive criteria of EX.1 of Appendix FM to the Immigration Rules explained above or through demonstrating that there would be a breach of their right to private and family life under article 8 of the European Convention on Human Rights if leave to remain was not granted. People in this situation should ensure that they access good quality legal advice.

## **Further information**

A2 English language requirement for the family route: Statement of intent regarding changes to the Immigration Rules, Home Office, November 2016 at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/565187/A2-English\\_language-statement\\_of\\_intent.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/565187/A2-English_language-statement_of_intent.pdf)