

## Citizenship Q&A

### This document was updated in April 2022

#### Disclaimer

This document has been compiled by Agnete Gribkowski, OISC Level 3 Immigration Adviser at [Gribkowski Migration](#) and the3million team.

These questions were asked at our Q&A webinars. Some questions have been edited to maintain anonymity.

**Please note:** before you consider applying to become British, you should find out whether your home country allows dual citizenship and in precisely which circumstances. Otherwise, by applying to become British, you might inadvertently lose your current citizenship now or later, and with that, your right to free movement in the EEA and Switzerland. You should consult your country's embassy or government website about the laws of your country. We always recommend seeking legal assistance as citizenship cases may often be more complex than they originally appear.

***CSI UPDATE: Following our campaign work and your letter-writing efforts, CSI is becoming less of a burden on EU citizens' path to citizenship. Please read the legal update here: <https://www.the3million.org.uk/faq-1/csi> We will highlight in the document below where this change is of relevance.***

#### **Legal advice and assistance with your application**

After learning from this Q&A, you may decide that you would prefer legal advice and assistance. Here are some options:

- **Private fees** – you may only need an initial consultation if you feel you just have a few questions. Find solicitors [here](#) and OISC-accredited immigration advisers [here](#). 3 of the highest-ranked private solicitor firms for immigration in the UK are [Laura Devine Immigration](#); [Bates Wells](#); [Wesley Gryk Solicitors](#)
- **Private fees (free 15-minute phone consultation)** – small organisation [Gribkowski Migration](#)
- **Legal aid (separated migrant children eg: children in care only)** – 3 examples of good legal aid firms and organisations are: [Bindmans](#); [Wilsons](#); [JCWI](#)
- **Charities (free advice and assistance for children and young people)** – [The Project for the Registration of Children as British Citizens \(PRCBC\)](#); [CCLC](#); [Just for Kids Law](#)

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## General

### **1. What are the essential conditions to be met to be eligible for British citizenship?**

*This depends on which application you are making. Please refer to our [factsheet](#).*

### **2. Is there a way to see online the blank document of the application for citizenship (or could you show a blank application) ?**

*Please see our [citizenship factsheet](#) for a questionnaire-format document which contains the most common questions from the form, with the proviso that additional questions may come up in the online form where certain options are selected.*

### **3. What are the correct steps to apply for British citizenship?**

*Check that you are not ineligible due to excessive [absences](#) or [unspent convictions](#); pass any Life in the UK and English tests as required; fill online form; gather all supporting documents; submit form and make payment of the application fee (£1,330 for naturalisation. £1,206 for adult registration and £1,012 for child registration) + £19.20 biometrics fee; book biometrics*

*appointment; upload documents and cover letter; attend biometrics appointment; if approved, book and attend citizenship ceremony.*

**4. If an applicant is married to a UK citizen, does the documentation required for the application need to go back 3 or 5 years?**

*It depends. For the continuity of residence evidence, the last 3 years are looked at whereas, for lawfulness of residence, the last 10 years are looked at (if you have lived here for longer than 3 years).*

**5. How does having settled status affect your citizenship application process?**

*The grant of settled status gives you “freedom from immigration restrictions”, thus allowing you to make an application for naturalisation. If you are married to or in a civil partnership with a British citizen, you can then apply for naturalisation straight away, while if you are not married to or in a civil partnership with a British citizen you have to wait one year before applying for naturalisation.*

**6. Is there any financial support available for those wanting to become British citizens?**

*Unfortunately not. If your case is extremely compelling and compassionate, exceptional case funding may be available but the fee itself would need to be fundraised from charity or similar if not affordable. No fee waivers apply.*

**7. I have held settled status for over a year. Can I apply for naturalisation?**

*If only looking at the requirement to have no immigration restrictions, one is able to apply for naturalisation after a year of holding settled status. You also need to look at whether you were in the UK 5 years ago at the time of your application in accordance with the requirements. If you are married to or in a relationship with a British citizen, you do not need to wait one year before applying and the qualifying period is 3 years, so you must have been in the UK 3 years before you apply, instead of five.*

**8. If I get rejected, will I lose my application fee?**

*Yes, unfortunately, you do not get your money back if your citizenship application is refused.*

**9. I have applied for British Citizenship and was rejected due to an error in the application. What can be done?**

*A Nationality Review, which costs £372. The Nationality Review guidance, contained in the [application form](#), states as follows:*

*We may reopen applications where:*

- *we have not used the correct requirements or criteria to decide the application*
- *we refused your application for lack of a response to enquiries when a response had been received but not linked with the application*
- *we decided your application without allowing sufficient time for a response or completion of enquiries*
- *we refused your application on character grounds due to a criminal conviction which was either later quashed on appeal or involved a case of mistaken identity (i.e. you were not the person convicted of the offence)*
- *we have failed to take account of relevant documents or information in our possession*

*This is not an exhaustive list. We will not normally re-open your application if it was refused because you did not respond to enquiries or arrange a citizenship ceremony, including if this was because of a mistake by the person representing you. However, we may decide to do so in exceptionally compelling circumstances (for example, if you did not receive our correspondence because of an unexpected absence or illness)*

*Where the Home Office acted very unreasonably, it would be worth telling your MP about the case and asking them to support the Nationality Review application. You would contact them via their constituency office (not the contact details for their Westminster office). You can find out who is your MP and get their contact details here:*

<https://members.parliament.uk/FindYourMP>

#### **10. How do I add referees? Do the referees' forms need to be printed? Isn't there an online form to submit?**

*Certain information about the referees is entered into the online form, then, once you have made payment and submitted your online application form, you can download the referee signature forms. You must glue a passport photo of yourself to each of them and before you do, you must write your full name and date of birth on the back. Once they have signed these forms, you should upload these forms to your application (but still bring the originals to your biometric appointment, just in case).*

#### **11. At what stage of the application process do I do the biometrics?**

*Once you submit the online form, it will bring you to the payment page. Once payment is made and the form is submitted, the referees' forms and checklist can be downloaded. Both must be printed and completed in accordance with instructions. The same page will also link you to the biometrics online booking system. Between booking and attendance you can*

*upload your cover letter and supporting documents. The biometrics appointment is the last stage in your application process.*

**12. Who can I use as a referee for my application?**

*The [guidance](#) to UKVI caseworkers on page 10 contains the information you need. The list of acceptable professionals is on page 25 of [the same guidance](#).*

**13. I have in the past started the process of applying for British citizenship but did not finish when some years ago the rules were changed, I was required to first apply for a resident permit. I had done the language test, the citizenship test, and had all forms prepared. I can't remember if I had made any payments to the Home Office, apart from the fees for the mentioned two tests. Is it possible to restart the process or would I need to start from scratch?**

*Start from scratch unless your online form is still accessible when you log in online. The Life in the UK test does not have an expiry date, whereas the language ones depend on the type (they are usually valid for 2 years).*

**14. I already have settled status. When can I apply for a British passport?**

*A British passport application can only be made once you are naturalised or registered as a British citizen. Adults must attend a citizenship ceremony where they receive their naturalisation or registration certificate, which is needed for the passport application. The basic outline of requirements for naturalisation or registration are set out on our [guidance document](#).*

**15. Can I request for the "settled date" to be backdated (so I don't have to wait 1 year for the citizenship application)?**

*Settled status is a form of indefinite leave to remain, which you need to have to apply for naturalisation. You need to have held it for one year before applying for naturalisation unless you are married to or in a civil partnership with a British citizen. Unlike a grant of permanent residence under the old free movement rules, the grant cannot be backdated, even if it is based on an earlier 5 year period than the one which ended on the date of application.*

**16. How long does it take to get my ceremony invite after my application is approved?**

*There were quite long delays during the pandemic but now things seem to be back to normal, i.e. UKVI will send the naturalisation certificate to the council within a few days or up to 2 weeks, after which you can book your ceremony directly with the council.*

**17. I have indefinite leave to remain but it is in an old passport. Is this still valid?**

*If you have not been absent for a continuous 2 year period you will still have this status, but you need to prove that you have not been absent, so you have to provide pieces of evidence of your presence in the UK which are less than 2 years apart from each other.*

**18. What are the benefits of British citizenship over settled status?**

*Citizenship is more secure than settled status. It cannot be lost through absence from the UK, and the threshold for deprivation of citizenship is higher than for revocation of settled status. British citizens can vote in general elections (although so can Commonwealth citizens, which includes Maltese and Cypriot nationals).*

**19. Does the Home Office offer any category for special circumstances? Migrants who have won national awards in the UK, significant achievements, books published etc. I have read on forums some people have applied for British citizenship via this method, but actually do not know if that really exists.**

*The good character requirement is supposed to be assessed by UKVI by weighing up any of the many factors that the [Good Character guidance](#) sets out as negative, as well as any factors that should count in the applicant's favour as positive. The Good Character guidance gives no examples of such positive factors, but achievements, awards and any contribution to society or your local community will certainly show that you are an asset to the UK and of good character. Immigration lawyers would certainly recommend mentioning and evidencing these factors unless there is absolutely nothing negative under the Good Character guidance relevant to your case.*

**20. How long does it currently take to process a citizenship application? My partner has been waiting for six months and her referees have not yet been approached.**

*The service standard for citizenship applications is currently 6 months, which means that the nationality enquiries number and email address are unlikely to tell you anything about progress on your application until over 6 months have passed.*

*Citizenship and nationality enquiries*

*Tel: 0300 790 6268 (Monday to Thursday, 9am to 4:45pm, Friday, 9am to 4:30pm)*

*Email: [nationalityenquiries@homeoffice.gov.uk](mailto:nationalityenquiries@homeoffice.gov.uk)*

**21. Are there any specific requirements for over 75 year olds, long-term UK residents?**

*The English and Life in the UK test requirements do not apply to those aged 65 or over. All other requirements are the same.*

**22. I have a non-English letter (ł) in my surname and in my father's name, the application form allows me to put it in my surname but not in my father's first name. What should I do?**

*Use whatever letter is being used most commonly in English and explain in your covering letter.*

**23. Can a person who doesn't have a UK National Insurance Number (NINo) apply for British citizenship eg. an elderly person?**

*Yes.*

**24. Can people registered with both settled status and the Windrush scheme apply for citizenship, or is it better to just have settled status in order to apply?**

*There is no difference - Indefinite Leave to Remain (ILR) is ILR whether under the EU Settlement Scheme or under the Windrush scheme.*

**25. My passport is in my maiden name. If I apply for citizenship must I use the name that is on my passport?**

*UKVI will accept a name change through marriage on production of a marriage certificate.*

**26. What is a cover letter in your citizenship application?**

*You can write a cover letter to go with your application. In it, you can explain more about your immigration journey in the UK. If you need discretion for CSI purposes, you can use the letter to explain more about the reasons why your application should be awarded discretion e.g. that you didn't know about the CSI requirement. The cover letter can then be uploaded to the Sopra Steria platform where you will be asked to upload all relevant documents after paying the application fee online.*

*(Please check latest CSI update [here](#))*

## **Benefits and Disadvantages of British citizenship**

**27. As a EU citizen with settled status in the UK, is it worth considering British citizenship to future proof?**

*Whereas the legislation on the rights of settled status holders can be altered, British citizenship is more secure. It is a matter of personal choice but certainly to be recommended for consideration from an immigration lawyer's perspective. Please see the next answer for potential downsides of applying for British citizenship.*

## **28. What are the risks of applying for British citizenship?**

Firstly, you must be aware of your country of origin's rules on dual nationality. Some countries do not allow for dual citizenship so you could risk losing your first citizenship. It is important you consult with your own country's embassy or consulate for information about this as rules can change.

CSI UPDATE:

Appendix EU and EU-Family Permit of the Immigration Rules allows EU citizens, who lived in the UK before 31 December 2020 and who have EUSS status, to be a sponsor to a family member who wants to join them in future.

Before 6 April 2022, it was the case that such EU citizens who go on to naturalise to become dual British-EU citizens, but who had past gaps in comprehensive sickness insurance, may not be able to sponsor family members to join them in the UK in future.

However, following a successful House of Lords debate, the Government made a concession and from 6 April 2022 the Immigration Rules state that past gaps of comprehensive sickness insurance will be ignored when naturalised British-EU citizens wish to sponsor family members in future.

Please learn more about this update and recent CSI developments in Parliament and in the European Court of Justice here: <https://www.the3million.org.uk/fag-1/csi>

## **Life in the UK and English tests**

### **29. Do I need to pass the Life in the UK and English tests before or after submitting the application?**

*Both tests will be evidenced via an electronic test pass number, which must be entered in [Form AN](#) (the naturalisation application form) before it is submitted, so you must pass both tests before you can apply. This is because the English and Life in the UK test requirements must be satisfied at the date of application, and the date of application is the date form AN is submitted and payment is made online.*

### **30. I had a bad experience at the Life in the UK test, can I report how they treated me?**

*Sorry to hear you had a negative experience. Here is the information on where to complain about the Life in the UK test:*



Email: [complaints@lituk.psonline.com](mailto:complaints@lituk.psonline.com)

Telephone: 0800 015 4245

Hours: Monday to Friday, 8am to 4pm

**31. How long are the Life in the UK and language tests valid for?**

*Some English tests expire after 2 years, the Life in the UK test does not expire.*

**32. Where can I find resources to practice for the Life in the UK test (books, mock tests, etc)? Are they changed often?**

*They are updated periodically. The official resources are hard copy or online and available on [this page](#), which is linked to directly from the [Life in the UK test gov.uk page](#). There is a good app called "Official Life in the UK Test" if you prefer to practice on your phone.*

**33. I passed my Life in the UK test with my French ID card. Can I still use my passport to apply for citizenship or do I need to use the same ID?**

*There is no link between what ID you have used for the Life in the UK test and the ID you use to apply to naturalise. Many use their driving licence for the test, for example.*

**34. If I have completed apprenticeships in the UK in the past 10 years, do I still need an English test?**

*You can use ESOL qualifications, which may have been part of your college modules as an apprentice, but they must be on the list linked from [this page](#).*

**35. Who is exempt from the language test?**

*Info on the English language requirement is summarised on gov.uk [here](#). In short, exempt are those aged 65 and over or who have a certain type of disability; nationals of a country of UKVI's list of English majority speaking countries (which now includes Malta); or those with a degree that was taught or researched in English and which is certified to be the equivalent of a UK qualification.*

**36. Are my UK HND and Graduate Diploma in Computer Science sufficient evidence of a B1 level of English?**

*If the Graduate Diploma was taught in English and is at or above degree level, then yes (not the HND).*

**37. What is the latest edition of the Life in the UK book I should buy to study for the Life in the UK test?**

*You should be looking for the third edition!*

## Evidence

### **38. What documents do you need to apply for citizenship if you already have a settled status?**

*You will need evidence of:*

- 1. continuity of residence throughout your qualifying period;*
- 2. Holding settled status (and if not married/in a civil partnership with a British citizen, to have held this for one year);*
- 3. Proof of English language skills;*
- 4. Proof of having passed the Life in the UK test;*
- 5. Proof of lawful residence for up to 10 years;*
- 6. Evidence of identity and nationality (and if spouse/civil partner of a British citizen, of their identity and nationality, and evidence of the marriage/civil partnership)*

### **39. How to provide evidence of ILR if I have EUSS with no physical evidence?**

*Your 16-digit settled status reference number (starting “3434-...”, see top right hand corner of your grant letter which was emailed to you) is entered into your naturalisation form. UKVI can then see your status on their system.*

### **40. Is it important to continuously work during the period before applying for British citizenship? Are contributions to National Insurance considered important for this process?**

*No, it is not a requirement for you to be in work and pay National Insurance to be able to qualify for citizenship. However, for EU citizens, relying on a period of full-time study or self-sufficiency involves satisfying the CSI requirement. See the CSI section below for more information and frequent questions.*

*(Please check latest CSI update [here](#))*

### **41. Which are the best documents one can submit in order to prove residence if you are not in full-time employment?**

*The [guidance](#) states that evidence from Government departments (benefit entitlement, HMRC, DWP, or others) is preferred, but you can also use your GP and/or dentist appointments record, council tax bills and utility bills. You can also provide letters from schools addressed to you and other types of documents showing your presence in the UK.*

### **42. Is it enough to just submit my Biometric residence permit (BRP) as proof of immigration restrictions or should I submit other proof?**

*As you will have to prove your continuous residence over the last 5 or 3 years (depending on your marriage status), the proof of residence will prove that you have maintained your Indefinite Leave to Remain, so the BRP will suffice.*

**43. I am self-employed. Is it enough to submit my latest tax returns as proof of employment?**

*If you are relying on self-employment for proof of lawfulness before your grant of settled status (which will be necessary unless you acquired permanent residence earlier), you should submit your previous tax returns for however many years you were relying on your self-employment for compliance with immigration rules.*

**44. Should I submit my bank statements (even though the official site says that bank statements can't be used as proof of being in the UK)?**

*The law itself does not specify the types of evidence to prove residence. Neither the [naturalisation guidance](#) nor guidance [Form AN](#) exclude bank statements. Where these show no transactions at UK shops, of course, their evidential value is limited, but where they do, they should be accepted as evidence (although they should be corroborated with additional items).*

**45. Are certificates of incorporation and P60s sufficient as proof, or do I need to submit payslips or bank statements?**

*If you are relying on these documents to prove continuity of residence, then you should aim for one document for every 2-3 months for the time period, so payslips would be helpful if you have them. If you are relying on this evidence to prove compliance with immigration regulations before your grant of settled status, and you have other proof of continuous residence, then P60s would be enough for that purpose so long as they can be put in context with your hourly rate of pay to show that your work was genuine and effective rather than marginal and ancillary.*

**46. Can I provide tax screenshots from HMRC in conjunction with letters from employers to prove I worked for 5 years?**

*Yes, you can. While an official [subject access request](#) disclosure of your employment and national insurance records from HMRC (free of charge) would look better (and give you an easier overview of your employment history), if you do not have time to wait a few weeks, screenshots should also be acceptable as corroborating evidence.*

**47. I was born in the UK and have lived here my whole life. I am over 18. How do I prove the first 10 years of my life? What documentation is considered as proof?**

*Red book, medical records, school enrolment records (with attendance records if possible), school reports, any other documents showing your presence in the UK.*

**48. Do I need a sponsor for my application?**

*No. There is no sponsorship requirement for naturalisation or registration as a British citizen, but you will need two referees to confirm they know you.*

**49. Who can be a referee for my application?**

*The information on gov.uk conflicts, but [this guidance](#) is the one UKVI makes its decisions by, and it says on page 10 (emphasis added): “The referee must: have known the (adult) applicant for at least 3 years; [be] a British passport holder and either a professional person or aged over 25 (at least one referee must be a professional person)”. The list of acceptable professionals is on page 25 of the same guidance.*

**50. Do you need to send your passport with the application or can it be just a verified copy?**

*You will upload an image of your passport and then take the original with you to your biometrics appointment. Generally UKVI will not retain your passport at that appointment.*

**51. Is it better to apply for settled status or a permanent residence document?**

*The [UKVI Naturalisation Guidance](#) on page 27 says that those who have both must rely on their settled status to prove their freedom from immigration time restrictions, but can still use their permanent residence grant to prove their lawful residence during the 5 years before PR was granted. Only those with a permanent residence grant and no settled status could have used their PR document (or grant letter if this refers to an earlier PR date) to prove their freedom from immigration time restrictions, if they applied until 30 June 2021.*

## Dual Nationality

**52. Can I apply for British citizenship and keep my first nationality?**

*It depends on your original country of citizenship.*

*Some countries, such as The Netherlands, have restrictions on dual citizenship.*

*Others, such as Romania and Italy, allow dual citizenship with the UK for all their citizens.*

*These rules may change. Before applying for British citizenship, do check with your embassy or consulate about your EU country’s rules on this issue.*

*You can find more details about the restrictions on dual citizenship in the document below:*

*[http://www.t3m.org.uk/t3m\\_YE\\_BarriersToCitizenship\\_DualCitizenship](http://www.t3m.org.uk/t3m_YE_BarriersToCitizenship_DualCitizenship)*

## Absences

### **53. How long can I stay outside of the UK and how do I prove these absences? How precise do I need to be to avoid my application being rejected?**

*If you are married to or in a civil partnership with a British citizen, you must prove that you have not spent more than 270 days outside the UK over the 3-year period ending with the date of your application.*

*If you are not married to or in a civil partnership with a British citizen, you must prove that you have not spent more than 450 days outside the UK over the 5 year period ending with the date of application.*

*In either case you must not have spent more than 90 days outside the UK in the last year before the date of application.*

*You can prove your presence in the UK with the proof of residence set out in the [naturalisation guidance](#) on page 15. You can also use boarding passes and emails in relation to travel bookings to prove the dates of your absences, but this is not mandatory. The application form will ask you to state the dates of your absences. If you cannot find evidence of the exact dates, you can provide your best estimate and state in your covering letter that it is an estimate. merged*

### **54. I have been living in the UK since 2001 and married to a British citizen since 2005. I had a career break from 2010 until 2013. Should I wait until I have been working continuously for 10 years? Or can I now apply for citizenship? I am worried it will be declined because of the 3 years' career break.**

*If you were working and living in the UK continuously for a 5-year period at some stage before your career break, and you have evidence of that, this will be proof that you had become a permanent resident automatically by operation of law. Continued exercise of treaty rights is not required for a permanent resident's residence to be lawful. All you have to prove for the lawfulness element is that you did not lose your permanent residence through an absence from the UK of 2 years.*

### **55. What will happen if in the section where you list your trips outside of the UK, you forgot a couple of those?**

*If you are not sure whether you have been able to recall all your trips outside the UK over the continuous residence qualifying period, simply give your best estimate and state in your covering letter that it is your best estimate to your recollection. If you are able to categorically state that there are no additional absences which would bring your total over the maximum allowable limit, this would help.*

### **56. Do I need to explain the reasons for my absences?**

*No reasons are needed for absences totalling up to 90 days in the year before application. If the number of days exceeds that, the Home Office may exercise discretion in your favour in accordance with the rules on page 17 of the [Naturalisation Guidance](#). This essentially states that for absences between 90 and 100 days, discretion should generally be exercised where the future intention, to make your main home the UK, is stated in your form and not contradicted by the evidence. For spouses/civil partners of British citizens, discretion should generally be exercised even without that. For absences between 100-180 days in the final year (where total absences over the qualifying period are within the usual maximum, i.e. 270 or 450 days), discretion should only be exercised where you demonstrate strong links to the UK via proving the presence of family, employment and your “home” in the UK (this does not require home ownership but home ownership would strengthen the case).*

*For absences in the final year between 100 and 180 days where the total absences over the qualifying period also exceeds the maximum, discretion should only be exercised where the above can be proven plus there are exceptional circumstances. These are stated on page 16 of the guidance. The requirements for this are that the qualifying period, during which absences did not total more than twice the allowable maximum, is preceded by a 2-year period of residence (or a 1-year period for spouses of British citizens) without “substantial absences” (not defined); or were due to a posting abroad in Crown service or accompanying a British spouse on an appointment overseas; or absences were an unavoidable consequence of the nature of a career; where there are exceptionally compelling reasons naturalisation should be granted, e.g., where British citizenship is a requirement for a firm job offer; or where the excess absences were because you were unable to return due to “global pandemic” (not defined).*

**57. I studied in the UK from 2017-2021 and went home for 6 months during the lockdown. Am I eligible for citizenship?**

*Unless you are married to/in a civil partnership with a British citizen, you would have to evidence 5 years’ continuous residence plus having held settled status for one year, so at this stage you would not be eligible. If you are married to/in a civil partnership with a British citizen, the qualifying period is 3 years, and you only need to hold settled status. However, settled status requires 5 years’ residence so you would also not yet qualify. The 6 months’ absence, if no longer than that, should not prevent you from achieving settled status. If longer, the [EUSS Covid guidance](#) may assist you in asking that the excessive absence is overlooked. As to issues relating to the CSI requirement (if you were studying but not also working) please see the CSI section in this document.  
(Please check latest CSI update [here](#))*

**58. I lived in the UK for 8 years and have settled status. As part of my degree course I had to spend 1 year abroad. During this year I came back to the UK for a few weeks**

**during Easter and Christmas festivities. Would I be able to apply for British citizenship?**

*The absences over the total period can be distributed in any way so long as they were in the UK at the beginning of that period and no more than 90 days were in the last year before application.*

**59. Does the proof of residence period for naturalisation have to be the same period you used to obtain Settled Status?**

*No. You can use an earlier 5-year period for settled status. For example, someone who was here from 2012-2017 and then was always abroad for 7 months per year, is still eligible for settled status. For citizenship by naturalisation, the period in consideration must always be the time period ending with the date of application.*

**60. Due to work I needed to travel 2 or 3 times a week abroad (1 or 2 days trips). Are my absences cumulative or are 1 or 2 day trips not considered as absences?**

*They are cumulative but travel days do not count. Only days where you were outside the UK from midnight until midnight count as absences.*

**61. I have lived in the UK for more than 10 years and acquired settled status under the EUSS in 2019. In 2017 I spent an academic year outside of the UK as part of my degree to complete my university studies. Can I apply for British citizenship? How do I prove my absence from the UK?**

*It depends whether overall you are still below the upper limit of 450 days or not. If you are above that, the [naturalisation guidance](#) on pages 16-17 provide for discretion being exercised where certain other conditions are met.*

**62. Are there any exemptions to the 90 days of absence in the year before the application date requirement? For example, being with an elderly parent in hospital at a critical time.**

*Please refer to the policy on absences from page 16 of the Naturalisation Guidance [here](#).*

**63. If you obtain British citizenship and move out of the UK, can you retain it?**

*Yes. It does not lapse through absence. There is no deadline for return.*

**64. In the process for UK citizenship, it is required, and I quote "you must have been physically present [...] on the day five years before the application is Received by the Home Office" . My question is must this requirement be interpreted literally? So do you have to prove that on that day you were living in the UK, and what kind of evidence is valid?**

To identify the start of the qualifying period you use the day after the application date minus the length of the qualifying period. For example in an application made on 1 March 2016, the applicant must have been legally in the UK on 2 March 2011. See details [here](#).

## CSI

Please check the latest CSI update [here](#) as it may affect the answer to all the questions below.

### **65. How does CSI affect lawfulness of residence?**

*To prove the lawfulness of your residence before your settled status grant, you would have to show that you were exercising treaty rights. Exercising treaty rights means either being a worker or self-employed, OR being a student or self-sufficient (i.e. not working) with Comprehensive Sickness Insurance. Only the latter two categories require CSI. As long as your work as a self-employed person was genuine and effective, the CSI requirement will not have applied to your residence while self-employed.*

### **66. I have settled or pre-settled status, but I am currently not meeting the naturalisation requirements because of past gaps in exercising treaty rights. Do I need to obtain CSI?**

No. Both settled and pre-settled status are lawful leave granted under the immigration rules, so as long as you keep meeting the conditions and do not lose your status through excessive absences, your stay will remain lawful. CSI would add nothing at this point. Wait until the gaps no longer form part of your 10 years before applying for citizenship, or apply before that time and ask for discretion.

### **67. Can I lose my family reunion rights if I am granted citizenship by discretion for not having CSI in the past?**

No.

Appendix EU and EU-Family Permit of the Immigration Rules allows EU citizens, who lived in the UK before 31 December 2020 and who have EUSS status, to be a sponsor to a family member who wants to join them in future.

Before 6 April 2022, it was the case that such EU citizens who go on to naturalise to become dual British-EU citizens, but who had past gaps in comprehensive sickness insurance, may not be able to sponsor family members to join them in the UK in future.



However, following a successful House of Lords debate, the Government made a concession and from 6 April 2022 the Immigration Rules state that past gaps of comprehensive sickness insurance will be ignored when naturalised British-EU citizens wish to sponsor family members in future.

**68. Would 2 weeks without CSI lead to a refusal for naturalisation?**

*Realistically, you would support your application with evidence which is spaced out over the months of each year, rather than covering every single 2 week period, so such a short gap would not even feature. Alternatively, to be extra sure, use the discretion point from the guidance in relation to inadvertent and short breaches, and evidence both of those elements.*

**69. Is there a way I can explain the lack of CSI in our application for citizenship?**

*You can write a statement as to when you became aware of CSI, and how you were not informed at any stage by anyone of the requirement. You could write to your GP surgery and your university if you studied and ask whether they had a policy to inform EU nationals of this requirement. The answer is likely to be no, and you can add that to your statement. This, however, is no guarantee that your application will be accepted.*

**70. Does the CSI requirement when not being employed apply to the period when I already have pre/settled status or only before the grant of status?**

*The CSI requirement only applies to time periods where you were neither a worker, nor self-employed, and had not become a permanent resident before your pre/settled status grant. From the date of your pre/settled status grant, your residence will have been lawful automatically by virtue of that grant, without the further requirement to have exercised treaty rights.*

**71. Will CSI still be checked in citizenship applications for people who have been in the UK for a long time i.e. more than 16 years (or less if married to a UK citizen)? I do also hold a BRC under the Windrush scheme, but it just confirms that my ILR was granted in March 2019 and not that I was actually eligible for naturalisation some two decades before.**

*As you hold ILR under the Windrush Scheme, this implies that UKVI accepted that you obtained ILR status at some stage during your residence. If this point in time was assessed as being more than 10 years ago, your residence will have been lawful without the need for CSI throughout the 10-year period.*

**72. I am an EU citizen with settled status considering applying for naturalisation. I worked for 10 years in the UK but have recently become a student. Will that affect my naturalisation application because I do not have CSI?**

*So long as you can show that you were employed and resident in the UK continuously for at least 5 years, this evidence will prove that you became a permanent resident at the end of that period. Thereafter, despite never having made an application for a document certifying permanent residence, the CSI requirement (or the requirement to work) no longer applied to you as your residence will have been automatically lawful by virtue of having attained permanent residence. In addition, CSI also does not apply to anyone granted pre-settled or settled status as residence is lawful by virtue of that grant and exercise of treaty rights is no longer required from the date of the grant.*

**73. An EU national has been employed for 5 years – is CSI still needed to apply for naturalisation?**

*If your work was more than on average 10 hours per week and you were not absent for 6 months or more in any of those years (except for an important reason), you became a permanent resident at the end of the 5 years and could theoretically completely stop exercising treaty rights from that point. If you were in the UK before these 5 years of work, and this time still falls into the 10-year period leading up to your citizenship application, you will need to check if you needed CSI then.*

**74. Do I need CSI if I was in employment?**

*If an EEA or Swiss national is employed (and they thereby exercise treaty rights as a worker), the CSI requirement does not apply. It only applies to those who are self-sufficient (not working) or who are students.*

**75. What if someone has not worked (i.e. lost his work for 6 months during the pandemic) for a period of time and was not registered as unemployed?**

*Registration as unemployed is a requirement for someone to maintain their status as a “worker”, so the arguments for discretion in relation to lack of CSI will need to be made (see above). Important to note also that if you already had pre or settled status at the time you lost your employment, then you would not be required to have CSI as the EU Settlement Scheme grants lawfulness of residence.*

**76. I moved to the UK to study and then started working full-time. What documents from my home country can I use to prove CSI? I did some odd jobs while a student. Is that enough to remove the need for CSI?**

*Please refer to our [guidance document](#) for the documents or evidence that may be obtained from your relatives or the health authorities of your home country to prove that the NHS*

would have been reimbursed by its government. As to the work you were doing as a student, this need not have been full time. Reaching the [national insurance primary earnings threshold](#) merely means that UKVI would accept that you were a worker without further enquiry. This does not mean that you could not have been classed as a worker even if you earned less. The question is whether your work was genuine and effective, and there is no set number of hours worked for this to apply. However, if your weekly hours worked are less than 10 hours, it will be more difficult to persuade UKVI that your work was still genuine and effective.

**77. Can a EU health card be considered CSI?**

Yes, so long as your intention during the time you held this card was that your residence would only be temporary.

**78. How can one prove CSI?**

Some main ways to prove CSI apart from a private comprehensive insurance are: EHIC card (from your country of origin, not the UK), insurance cover via family members, insurance cover via your home state, evidenced by forms S1, S2 or S3 (requested from the home state).

**79. Do master studies count as residence? Does it affect the need for CSI?**

In terms of continuity of residence, this will be about the evidence of your presence in the UK. In terms of lawfulness, studying a masters does categorise you as a student, and if you were not yet a permanent resident at the time, the CSI requirement will apply to it.

**80. Does being married to a British citizen who is employed cover periods when I wasn't working (regarding CSI)?**

Direct family members of EEA or Swiss nationals always had the same rights of residence under the Immigration (EEA) Regulations 2016 (and their 2006 predecessor). If the EEA/Swiss national was, for example, engaging in genuine and effective work, they automatically had an extended right to reside under Reg 14(1) and their family members under Reg 14(2). The CSI requirement did not apply to workers or to their family members. However, the same does not apply where your family member is British. Unless you lived in another EEA country or Switzerland with them and then returned to the UK together (in which case they may be considered as the equivalent of an EEA or Swiss national in the UK under the Surinder Singh principle), your British partner's work will not eliminate the CSI requirement applying to you.

**81. Can you explain the 10-year period for naturalisation applications?**

The 10-year timeframe is the maximum that will be looked at. Where someone has less than 10 years' residence, the whole residence period will be looked at but applicants need not wait until they have been in the UK for 10 years. The CSI requirement only applies to those

*who were students or self-sufficient (i.e. not working or claiming benefits) and their family members who did not have their own right to reside or were not EEA/Swiss nationals themselves.*

**82. I had an EHC card from my home country which expired 3 months before the end of my studies – will the Home Office overlook this?**

*You can try to obtain proof from your home country's health department that your health costs would have been eligible for reimbursement to the NHS. If you were also working more than 10 hours during that time, you should be classed as a worker and would not have needed CSI.*

**83. Form E104/ the new S041, can it be used to prove CSI?**

*This [helpful resource](#) by the EU Rights Clinic mentions the E104 form. The Home Office guidance on qualified persons does not mention this form, only the following:*

- *a valid European Health Insurance Card (EHIC) issued by an EEA member state other than the UK (or its predecessor form E111)*
- *form S1 (or its predecessor forms E109 or E121)*
- *form S2 (or its predecessor form E112)*
- *form S3 You should perhaps, instead, try to obtain one of the above, or written confirmation from your home state that your form certifies the fact the NHS was entitled to recover health costs from your home state or the relevant insurance.*

**84. Do children, dependent children and disabled children or adults need to prove CSI?**

*A child, unless separated from their parents, will have the same status as their parents until the age of 21. So, if their EEA parent was working, or if their EEA parent was a student/self-sufficient with CSI, the parent will be a qualified person (and therefore lawfully resident), and the child will be lawfully resident too, as the parent's family member. From age 21, adult children can still depend on their parents in this way if they are dependent on their parents. This may assist an adult child who is disabled. Separated children, such as children in care, will normally not have access to information about their parents (even if the parents were working) and thus in practice have to meet the qualified person status requirements in their own right. They should seek help and advice, as there is discretion in the British Nationality Act 1981 (Section 3(1)) that can be applied.*

**85. I was granted pre-settled status in October 2019. Do I qualify as “self-sufficient” as I am a stay at home mum at the moment, a dependent of my husband who works full time? What if I start working as a freelance translator? When will I have to start paying CSI to have 5 years before I apply for citizenship?**

*From the grant of pre-settled status, your presence in the UK is lawful. The CSI requirement is no longer relevant to you from the date of that grant. However, in relation to your past period of residence, if your husband was an EEA or Swiss national, and if he was always working, he will have been a qualified person by working and therefore lawfully resident. By being a family member of a qualified person, you will also have been lawfully resident, without working or having CSI. If he was a dual EEA or Swiss national who has naturalised as a British citizen after exercising treaty rights, the same applies. However, if your husband is of a different nationality, you would have needed to meet the qualified person requirements in your own right, by either working or being self-sufficient. Self sufficiency requires CSI, or one of the other forms of proving your health cover. The qualified persons guidance says that CSI can be proven in other ways: a valid European Health Insurance Card (EHIC) issued by an EEA member state other than the UK (or its predecessor form E111) covering the relevant period; form S1 (or its predecessor forms E109 or E121); form S2 (or its predecessor form E112); or form S3. You have to contact your home state for these forms, and for confirmation that you were covered for reimbursement of NHS costs during the relevant period.*

**86. Do you have to have held CSI when receiving Jobseekers' Allowance?**

*By having claimed JSA, you will generally be classed as either having retained worker status (if you worked before receiving JSA) or as a jobseeker. In these categories, no CSI is required. There are time limits on this, however. Unless you were previously working, and did not remain on JSA for more than 6 months, you should seek legal advice.*

**87. I am a student who worked part-time during my studies. Do I also need CSI?**

*So long as the work was on average more than 10 hours per week and not a course work experience placement, you can be classed as a worker for that time period.*

**88. How long can one legally stay in the UK without working or CSI?**

*You are given a right of 3 months' initial residence, then another 91 days as a jobseeker (need evidence of a genuine chance of being employed). After that, you must meet the requirement of work or CSI to maintain lawful status in the UK.*

**89. As a PhD student, was I required to have CSI?**

*Yes, unfortunately. See the questions above on the cases of working during your studies.*

**90. I was on a carer's allowance for a few years. Should I have had CSI during that period?**

*Technically yes - unless you accrued Permanent Residence before, or had another right of residence, e.g., you were a family member to another EEA/Swiss national who perhaps*

*obtained early permanent residence by permanent incapacity to work, in which case you are likely to have become a PR at the same time.*

*You should seek legal advice regarding your individual circumstances.*

*If you had no other residence right, you can still argue that discretion should be exercised. In your case, as the time period is long but the circumstances have a compassionate and compelling element, it might be a good idea to involve your local MP to support your request for discretion.*

**91. Would the insurance of a person who is covered through the spouse's employer's continuous health insurance (except for GP, chronic and mental illness) be acceptable for a citizenship application?**

*So long as this fits the definition on page 38 of the "qualified persons" guidance, then yes.*

## Children

**92. I have 1 child born in the UK and 1 who came to this country at 6 months. What would be the different forms I need to use?**

*Your UK born child: assuming neither you or the other parent was British or settled when this child was born (in which case you would simply apply for a British passport for that child), the child would become eligible to register as British on: either one parent becoming British or settled (use form MN1, application under s1(3) British Nationality Act 1981); or on having lived in the UK for 10 years without major absences (use form T, application under s1(4) British Nationality Act 1981).*

*Your non-UK born child: use form MN1 (application under s3(1) British Nationality Act 1981). The basis of the application is different and a lot more evidence is required. For further information, please refer to our [guidance document](#).*

*PRCBC's [leaflet](#) on children's access to British citizenship is also useful.*

**93. Can I use the same referee for both my children when applying for their British citizenship?**

*Yes.*

**94. If I get British citizenship, will my children, born in Greece, get it automatically as well?**

*Unfortunately no, children born before you obtained British citizenship will each need to apply to register as British citizens at the fee of £1,012.*

**95. Does a parent necessarily need to have had Permanent Residence to be deemed settled in the UK for their child born in the UK to be granted British citizenship? What documents do I have to provide to be accepted as being settled at the time of my son's birth so that he can apply for a British passport?**

*It may be possible to use National Insurance contributions, Government letters, payslips and other documents proving lawfulness of residence in the UK. But it is recommended that you seek legal advice and assistance with writing a covering letter because case law currently conflicts in relation to whether or not parents need to have held a PR card.*

**96. I was a child for most of my 5 year period - what documents should I use to show I was here, seeing as most of the documents they mention as evidence I don't have because I was a child? Do GCSE/ A-level certificates count as evidence?**

*Yes, any records, also ask your GP and dentist surgeries to print out/email you a list of appointments.*

## (Legal) support

**97. Do I need to seek legal advice/ support before making a British citizenship application? Do I have to use a lawyer for my citizenship application?**

*No, but if you are not sure whether you meet the requirements you should seek legal advice on your individual circumstances. Some law firms offer one-off legal advice consultations and/or an application checking service which is more cost effective than full representation.*

**98. If my application is denied can I appeal?**

*There is no appeal right to the immigration tribunal on the refusal of a naturalisation application, only a nationality review to the Home Office at £372. The questions the Home Office must address in conducting such a review are set out on pages 4-5 of [Form NR](#), which is addressed to applicants who represent themselves.*

**99. How can I contact HO to track the status of my application?**

*For queries from within the UK, the contact details are [here](#) (at the time of writing, Citizenship and nationality enquiries [nationalityenquiries@homeoffice.gov.uk](mailto:nationalityenquiries@homeoffice.gov.uk) Telephone: 0300 790 6268 Monday to Thursday, 9am to 4:45pm Friday, 9am to 4:30pm) <https://www.gov.uk/contact-ukvi-inside-outside-uk/y/inside-the-uk/british-citizenship-and-nationality>*

**100. Can I send my papers to be checked before submitting them?**

*UKVI does not provide immigration advice, so there will be no option to do that via the form submission or thereafter. Some law firms offer an application checking service.*

**101. What effect could late EUSS applications (with or without good reason) have on EEA nationals who may wish to naturalise?**

*It would be best to apply using legal assistance as the position is not clear. The statement of temporary protection of 6 August 2021 may be argued as meaning such applicants should not be disadvantaged, but it is not clear whether this would be accepted.*