

Verification of English language for grant of citizenship

Introduction This policy outlines the relevant legislation and policy relating to the English language requirement of the Citizenship Act 1977 for 3 and 5 year grants.

Note:

Required for 3 or 5 year grants only.

Table of Contents

Verification of English language for grant of citizenship	1
Introduction	1
Legislation	2
Citizenship Act 1977 Section 8 Citizenship by Grant	2
Section 8(1)	2
Applicants not yet 14 years of age	2
Sufficient knowledge	3
General	3
Demonstrate ability	3
Assessment	3
English language interviews	4
Background	4
Face-to-face interviews	4
Assessment of face-to-face interviews	4
Telephone checks	5
Record of face-to-face interview or telephone check	5
Waiver of requirement	6
Legislation	6
Application of waiver	6
Criteria for waiver of English language requirement	6
English waiver schedule policy	6
Applicant not included on English waiver schedule	7
Assessment of English for schedule purposes	7
General	7
English language interview	7
Submissions	8
General	8
Interpreters and translators	8
General	8
Legislation links	8

Continued on next page

Verification of English language for grant of citizenship, Continued

Legislation

Citizenship Act 1977 Section 8 Citizenship by Grant Section 8(2)(e) of the Citizenship Act 1977 requires an applicant to satisfy the Minister 'that the applicant has sufficient knowledge of the English language'.

Section 8(1) All applicants being considered under section 8 (1) are required to have a sufficient knowledge of the English language.

Applicants not yet 14 years of age The Minister has decided not to have regard to the English language requirement for minors who have not yet attained the age of 14 years.

In general all other applicants under sections 8 and 9 of the Citizenship Act 1977 should fulfil the English language requirement.

Sufficient knowledge

General

The Citizenship Act 1977 does not specify what level of English is required for an applicant to have a 'sufficient knowledge'.

The Minister has approved a policy, however, that requires an applicant to demonstrate that they have a knowledge of English sufficient to:
'manage independently in everyday situations'.

Demonstrate ability

An applicant must be able to demonstrate their ability to manage independently in everyday situations by discussing subjects, such as:
their family, and
day-to-day life.

An applicant must also be able to discuss how they cope with the following specific situations:
seeking assistance from sales people in a shopping environment
dealing with their local bank
talking to their local doctor.

Assessment

When assessing whether an applicant has sufficient knowledge of the English language to be included on a grant schedule, consider the following:
applicant's standard of education
nature of the applicant's employment
any face-to-face communication that the applicant has had with Citizenship.

English language interviews

Background The purpose of an English language interview is to assess an applicant's ability to meet the English language requirement for grant of citizenship. It may be necessary at the interview to clarify something other than the applicant's knowledge of English.

Face-to-face interviews English language interviews must be conducted in a friendly, non-confrontational manner, to encourage the applicant to demonstrate their knowledge of the English language.

Interview questions should be designed to encourage the applicant to demonstrate their knowledge of the English language.

The applicant must be advised when the English language component of the interview begins and ends.

Assessment of face-to-face interviews An assessment of an applicant's knowledge of English must be made having regard to:
the applicant's comprehension of, and responses to, questions asked
any other conversation that develops during the interview
the requirement that the applicant's knowledge of English be sufficient to enable them to manage independently in everyday situations.

An applicant who is assessed as having an insufficient knowledge of English after a first interview should be advised of the need to improve their level of English ability. The applicant's case officer will advise the applicant of the following options:
attend a second and final interview in six months time
proceed with their application rather than wait to be interviewed again
withdraw their application and receive a refund, and
re-apply when they feel they are able to meet the requirement.

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English language interviews, Continued

Telephone checks

Telephone checks should be conducted as part of processing the application, e.g. as part of confirming that the bio data details are correct or that documents have been returned safely, and must not be conducted specifically to assess an applicant's English. The identity of the applicant must be clearly established in every instance.

If there is any doubt regarding the identity of the person on the telephone then the conversation should be discontinued and other evidence sought, or the file should be referred for a face-to-face assessment.

An applicant must not be advised on the basis of a telephone conversation that:
their English does not meet the acceptable standard, or
they should consider withdrawing because of their English ability,
or
they will become the subject of an individual submission as a direct result of the telephone conversation.

Record of face-to-face interview or telephone check

A written record of the interview or check must be made, preferably immediately afterwards. The record must accurately reflect the interview or check and include a clear recommendation stating that the applicant has been assessed as either:
having a sufficient knowledge of English
not having a sufficient knowledge of English, but being capable of developing a sufficient knowledge
being unable to develop a sufficient knowledge of English.

Waiver of requirement

Legislation The Minister may waive the English language requirement under Section 8(8) of the Citizenship Act 1977 if:

'the Minister is satisfied in a particular case that, because of the applicant's age or standard of education, or for any other reason personal to the applicant, the applicant would suffer undue hardship if compliance with the requirement of that paragraph were insisted upon...'

Application of waiver Citizenship has been advised that the English waiver provision of Section 8(8) of the Act may be applied to applicants being considered under section 8(1) or (9).

Criteria for waiver of English language requirement The Minister may only waive the English language requirement if the Minister is satisfied that an applicant would suffer undue hardship by having to achieve a sufficient knowledge of the English language.

The Act specifically mentions several criteria, which may lead the Minister to conclude that an applicant would suffer undue hardship. These are:
applicant's age
applicant's standard of education
any other reason personal to the applicant.

English waiver schedule policy Citizenship has an agreement with the Minister that an applicant may be included on an English waiver schedule if:
the applicant has been assessed (either at an interview or on the basis of information held on file) as not having a sufficient knowledge of English, and
due to the applicant's age, the applicant would suffer undue hardship if required to achieve a sufficient level of English.

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Waiver of requirement, Continued

Applicant not included on English waiver schedule

If Citizenship considers that an applicant does not have a sufficient knowledge of the English language, and the applicant is not being included on an English waiver schedule, the applicant should be given the opportunity to comment on: their personal circumstances, and whether they believe they would suffer undue hardship by having to obtain a sufficient knowledge of the English language, and the reasons why they believe this to be the case.

Assessment of English for schedule purposes

General

An applicant may be considered to have a sufficient knowledge of the English language for inclusion on a grant schedule if any of the following apply:

undertaken 10 years education in an English speaking environment

the nature of the applicant's employment necessitates that they have a conversational level of English assessed by a case officer as having a sufficient knowledge.

If it is not obvious from the details on the application form, and any initial contact, that the applicant has sufficient knowledge of English for inclusion on a general schedule, the applicant must be referred to a case officer for an English language interview.

The applicant must demonstrate that they are clearly able to meet the requirement to be included on a grant schedule.

English language interview

An applicant who is assessed as having a sufficient knowledge of English after an interview may be considered to fulfil the English language requirement for schedule purposes.

Submissions

General

Applicants who are not included on an English waiver schedule, and do not meet the English language requirement, must be forwarded to the Minister as a submission. Any recommendation to the Minister that an applicant would suffer undue hardship, must be made on a case-by-case basis.

Interpreters and translators

General

Applicants may require the assistance of an interpreter or translator to assist with completing the citizenship application form or understanding and relaying responses to a citizenship officer at an interview.

All interpreters and translators are required to complete a statutory declaration.

Legislation links

[Citizenship Act 1977](#)
