

EUDO CITIZENSHIP OBSERVATORY

Naturalisation Procedures for Immigrants United Kingdom

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European University Institute, Florence Robert Schuman Centre for Advanced Studies EUDO Citizenship Observatory

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EUDO Citizenship Observatory

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Naturalisation Procedures for Immigrants

United Kingdom

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1. Promotion of naturalisation

The British government does not actively promote naturalisation and there have been and there are no plans for campaigns to encourage naturalisation. Migrants who receive indefinite leave to remain (permanent residence) are advised that they may be eligible to naturalise in due course but they must take the initiative in seeking naturalisation. In general, far from promoting naturalisation, the current policy trend is to make it more difficult.

In 2009, the Labour Government passed the Borders, Citizenship and Immigration Act 2009 which would have simultaneously made naturalisation more difficult and incentivised migrants to apply for it through making the waiting period shorter than for permanent residency, and shorter still if migrants undertook suitable voluntary activities ('earned citizenship'). The legislation was passed but not implemented before the 2010 election and was abandoned by the Coalition government as too complex. The legislation betrayed ambivalence in seeking to promote naturalisation while reducing the number of people who qualified. That ambivalence perhaps reflected a view that not all migrants who became citizens fully merited the status. Consistent with that, the Labour government widened the grounds for deprivation of citizenship to include a provision that mirrors grounds for deportation.¹

Currently, about half of all those naturalising entered on a work-related route.² In April 2012, the Coalition government removed settlement rights or made settlement (permanent residence) more difficult for various groups of workers, which will, in time, mean that fewer of these naturalise, particularly as non-EEA migration is anyway being reduced.³ In July 2012, the government effectively increased the period of residence required before the spouses and civil partners of British citizens can naturalise from three to five years not by amending nationality legislation but by changing the immigration rules to increase the period before which indefinite leave, a pre-condition for naturalisation, is obtainable from two to five years. This, combined with new and much more rigorous criteria for entry or leave to remain, mean that, in future, it is likely that fewer spouses will qualify to naturalise.⁴ At present, about 20 to 25% of naturalisations are by the spouses of British citizens.⁵

¹ British Nationality Act 1981 s. 40(2) as amended.

² S. Blinder *Naturalisation as a British Citizen: Concepts and Trends* COMPAS Briefing 8th May 2012 p. 4.

³ HC 1888, Cm 8337

⁴ HC 395, Appendix FM.

⁵ S. Blinder *Naturalisation as a British Citizen: Concepts and Trends* COMPAS Briefing 8th May 2012 p. 4.

The British Nationality Act 1981, schedule 1, requires candidates for naturalisation to have sufficient knowledge of language and life in the UK. At present, and until changes planned for October 2013 are implemented, regulations provide that some groups of migrants (such as spouses) can meet this condition either by taking the Life in the UK test or by taking and progressing satisfactorily on a specially designed English language with citizenship course. Most migrants now meet this requirement at the settlement (permanent residence) stage, so only those who settled prior to 2 April 2007 or who were exempted from the test after that date have to meet the integration requirement at the naturalisation stage. In July 2012, the Coalition government announced its intention to make the 'citizenship test' more 'patriotic' and, arguably, more demanding for those unfamiliar with British history and culture. The new test was introduced on 25th March 2013. From October 2013, it will no longer be possible to take an English language with citizenship course and all migrants will be required both to take the citizenship test and pass a separate language test at B1 CEFR.⁹

Even under the existing rules, some nationalities find it hard to pass the test. There is little recent information available about pass rates but reports show that the average pass rate for the settlement test in 2009 was 70.9%. Countries whose nationals performed well include Argentina (93.5%), Australia (98%), Belarus (90.1%), Canada (96.9%), Greece (93.2%), New Zealand (98.3%), South Africa (93.9%) and USA (97.7%). Countries with low pass rates included Afghanistan (47.8%), Albania (56.3%), Angola (54%), Bangladesh (44%), Iraq (47.5%) and Thailand (51.8%). ¹⁰ As Ryan points out, the test presents more of a hurdle to those from poor and less developed countries. 11 The issue does not appear to be solely linguistic; the pass rate in Jamaica, for example, was 66.9%, much lower than in other English speaking countries such as USA or Australia. 12 Introduction of the test does not seem to have hindered numbers of naturalisations which, as discussed below, have increased significantly. 13 As the test may be taken as many times as necessary, it is possible that almost everyone eventually qualifies.

For those who wish to naturalise, the government provides a comprehensive online information service for prospective applicants. Information about citizenship can be accessed directly from the home page of the UK Border Agency (UKBA). ¹⁴ A link from that page goes straight to a general information page with further links to more detailed information and, via those links, application forms and guidance on completing them. ¹⁵ Consistent with its practice in other areas, the UKBA publishes most of its guidance to decision-makers although that is not available directly from this webpage. ¹⁶ Nonetheless, by searching the site, someone with a straightforward application can find all the necessary information.

In addition, there is a government-run 'nationality contact centre' available for applicants who have queries about their applications. There may be a charge to phone the

⁶ British Nationality (General) Regulations 2003/548.

⁷ http://www.guardian.co.uk/uk/2012/jul/01/uk-migrants-patriotic-citizenship-test?INTCMP=SRCH.

⁸ http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2013/march/41-new-test.

⁹ http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2012/june/13-family-migration.

¹⁰ http://news.bbc.co.uk/1/hi/8707152.stm.

B. Ryan (2008) 'Integration requirements: a new model in migration law' Journal of Immigration Asylum and Nationality Law 22(4), 303-316.

¹² http://news.bbc.co.uk/1/hi/8707152.stm.

¹³ S. Blinder *Naturalisation as a British Citizen: Concepts and Trends* COMPAS Briefing 8th May 2012 p. 4.

http://www.ukba.homeoffice.gov.uk/.
 http://www.ukba.homeoffice.gov.uk/britishcitizenship/.

¹⁶ http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/nationalityinstructions/.

service depending on the phone provider. It provides information about citizenship and nationality applications but applicants are discouraged from calling with routine enquiries that are addressed elsewhere. ¹⁷ Finally, there is a series of information leaflets about citizenship available online including one on naturalisation. ¹⁸ The forms themselves and online guidance to completing them are also available. ¹⁹ None of these materials are now available in hard copy.

If the applicant is to take the citizenship test, there are some free resources available. Sample questions are available online.²⁰ There is also a free sample online test.²¹ The handbook which is the basis for the test may be purchased in hard copy for £12.99 and in various other formats. A study guide and official practice questions and answers may also be purchased. There is a fee of £50 to take the test which must be paid each time the test is taken.²²

If an applicant is to take the English language with citizenship course, this requires attendance at an accredited college.²³ Fees are now payable for such courses which were free until 2007. Most courses are taken at public institutions in receipt of government funding but courses are also available at approved private institutions. Some fee exemptions are available. for example, for asylum seekers after 6 months, those with refugee status or humanitarian protection and their family members. Reduced fees are payable by 'home students' including non-national spouses of UK residents and citizens who have been resident in UK for more than one year and EEA/Swiss nationals and their family members. ²⁴ There is thus a partial subsidy but, as funding is very complex and liable to rapid change, applicants need to ask each college to explain its fee structure and determine the fee payable. Information about where courses may be taken is available on a government website.²⁵

The Secretary of State has power to waive the integration criterion at the naturalisation stage if "in the special circumstances of the case", he considers that because of the applicant's age or physical condition, it would be unreasonable to expect them to fulfil the requirement.²⁶ In that case, the question of fee for the course would not arise. This is explained on a government webpage.²⁷

Immigration, Asylum and Nationality Act 2006, s.51, provides that a fee is payable for naturalisation as required by order but that regulations may provide for exemptions or discretion. The current fees order provides that a fee is payable in respect of naturalisation applications and do not provide for any discretion or exemption. ²⁸ The amount of the fee is

¹⁷ http://www.ukba.homeoffice.gov.uk/aboutus/contact/contactspage/nationality/.

¹⁸ http://www.ukba.homeoffice.gov.uk/sitecontent/documents/britishcitizenship/informationleaflets/; http://www.ukba.homeoffice.gov.uk/britishcitizenship/applying/applicationtypes/naturalisation/.

http://www.ukba.homeoffice.gov.uk/britishcitizenship/applying/applicationtypes/naturalisation/.

http://lifeintheuktest.ukba.homeoffice.gov.uk/htmlsite/self_10.html.

²¹ http://www.ukcitizenshiptest.co.uk/.

²²http://www.ukba.homeoffice.gov.uk/britishcitizenship/applying/applicationtypes/naturalisation/kol/life-in-uktest/.

23 British Nationality (General) Regulations 2003/548.

²⁴Ryan, B. (2008) Country Report: United Kingdom (INTEC project available at http://www.ru.nl/law/cmr/projects/intec/p.27.

²⁵ http://www.direct.gov.uk/en/EducationAndLearning/AdultLearning/ImprovingYourSkills/DG 10037499. ²⁶ BNA 1981 Schedule 1.

²⁷http://www.ukba.homeoffice.gov.uk/britishcitizenship/applying/applicationtypes/naturalisation/kol/exemption/

²⁸ Immigration and Nationality (Fees) Regulations 2012/971; until 6/4/1011, Immigration and Nationality (Fees Order) 2011/445.

set out in a different statutory instrument which also provides that an application that is not accompanied by the correct fee is invalid. ²⁹ There is thus no statutory basis for applying without payment of the full fee and I have been advised by civil servants that discretion is not exercised in that respect. Fees are discussed further below and are high.

Levels of naturalisation rose substantially between the mid-1990s and 2010 although numbers decreased slightly in 2011. Given changes already discussed, this decrease is likely to continue. Refusal and withdrawal rates have also fallen and show no sign of increasing. The rate of refused or withdrawn applications was typically around 10% during the 1990s, was 9.3% in 2005, 6.6% in 2008 and 3.9% in 2011. The largest group of those naturalising in 2010 was from India (15%) and Pakistan (11%). Recent years have seen increases in the proportions naturalising coming from Asia, Africa, Europe and the Middle East with a decline only in those from the Americas. Slightly more women than men naturalise and the profile tends to be young.³¹ Despite the cost of naturalisation and more demanding integration and good character requirements, a survey of nearly 4,000 migrants who had naturalised found high levels of satisfaction. Surprisingly, levels of satisfaction were also high amongst those whose application had failed.³²

2. Documentation

Applicants may make their application in one of three ways: through the Nationality Checking Service, directly to the UK Border Agency in Liverpool or through an agent or representative. If they are outside the UK, they can apply to a diplomatic post.

The Nationality Checking Service is administered by local authorities and about 50% of applications are made through them. The application must be delivered to them by the applicant personally. They check the application, copy documents and forward the application to UK Border Agency. There is a fee for this service which is determined on a non-profit-making basis by each local authority and varies as it is decided locally but is typically around £50 to £60 for a single application, more for a joint application. There are two advantages to using the service. One is that, because basic checks are carried out before the application is submitted, fewer applications are refused (2% instead of 10%). The other is that original documents, such as passports, are not retained for the duration of the application process (although they may be requested during the process).³³

The Nationality Checking Service ensures that the application has been correctly submitted and that the unavailable requirements, such as correct immigration status (indefinite leave or permanent residence), marriage status (in applications based on marriage), age and so on have been met. If used, an agent or representative such as a lawyer should also fulfil this function as part of their professional responsibilities. Otherwise, checks are carried out by UKBA on receipt.

Officials in UKBA are responsible for checking the discretionary requirements. If more information is needed, this will be requested from the applicant who has three weeks to

³³ http://www.ukba.homeoffice.gov.uk/britishcitizenship/applying/checkingservice/.

²⁹ Until 6.4.2012, Immigration and Nationality (Fees) Regulations 2011/1055, now Immigration and Nationality (Fees) Regulations 2012/971.

³⁰ S. Blinder *Naturalisation as a British Citizen: Concepts and Trends* COMPAS Briefing 8th May 2012 p. 3. ³¹ Ibid p. 5.

³² Who are Britain's New Citizens? Compas Breakfast Briefing Summary 9, 8th July 2011.

respond. If there is no response, the decision will be made on the basis of the available documentation and is therefore likely to be refused. UKBA may seek further information from other bodies. The ones most commonly consulted are HMRC (taxation authorities), the Insolvency Service, employers, educational establishments, Department of Work and Pensions, and social services. Applicants are expected to self-declare criminal convictions but there will also be independent verification with the Criminal Records Bureau. Failure to declare a criminal conviction is grounds for refusal, even if the conviction itself would not be a bar to naturalisation.³⁴

UKBA sets out a list of the documentation required on its webpage.³⁵ Further guidance is available in published instructions to decision-makers and in guidance to applicants.³⁶ Applicants must establish their identity through provision of a passport; nationality identity card; Home Office travel document, entitlement card or registration card (documents issued by the government to those in various migrant, refugee or humanitarian categories); birth certificate; photo driving licence or bank, building society or credit card statements issued within the previous six months. According to guidance, satisfactory evidence of name, and place and date of birth must be provided, which means that not all these documents are likely to be acceptable on their own. It is usually expected that, with obvious exceptions such as for passports or birth certificates, documents will have been issued in the UK. Occasionally, documents from abroad will be accepted on an individual basis but they must be translated, certified and notarised.

In order to show that they have knowledge of language and life in the UK, applicants from within the UK need to provide evidence that they have attended an English language with citizenship course and made the required progress or that they have passed the 'Life in the UK' test. If they are seeking an exemption from the test, they must provide a medical report explaining their condition and why it is not reasonable for the applicant to meet the condition.

Candidates for naturalisation must show that they have lived in the UK for the period required by the British Nationality Act 1981, Schedule 1. Residence must have been in accordance with immigration laws, the migrant must have been in the UK at the start of the period and not have left the UK for more than the periods permitted. For non-EEA nationals, all this is often clear from the passport if it shows both visas and entry and exit stamps. Passports are not always reliably stamped on exit however or the passport may not be available and the published guidance to decision-makers says that lawful residence may also be verified by checks with the Home Office.³⁷ If the passport is not available or does not provide a reliable record, the applicant may provide letters from employers, educational establishments or other government departments indicating applicant's presence in the UK during the qualifying period. This is likely to be needed if the applicant is an EEA national as their passports will not contain entry and exit stamps. Guidance to officials suggests that a realistic view of documentation should be taken and the applicant given the benefit of the doubt where appropriate.³⁸ Internal guidance suggests that evidence of first entry may usually

³⁸ *Ibid*.

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³⁴ http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/nationality/guide_an.pdf and http://www.ind.homeoffice.gov.uk/policyandlaw/guidance/nationalityinstructions/nivol1/.

³⁵ http://www.ukba.homeoffice.gov.uk/britishcitizenship/applying/applicationtypes/naturalisation/supportingdocuments/.

³⁶http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/nationalityinstructions/nichapter18/andhttp://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/nationality/guide_an.pdf.

³⁷http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/nationalityinstructions/nichapter18/ch 18annexb?view=Binary.

be taken from the applicant's own declaration and further enquiries made only if there is reason to believe that this is incorrect.³⁹

Candidates must be free of immigration restrictions i.e. have indefinite leave to remain or permanent residence. For non-EEA nationals, this is established either through endorsement of the passport to show permission to remain in the UK permanently or a Home Office letter giving permission to remain in the UK permanently. EEA and Swiss nationals eligible for permanent residence may have applied for and been given a permanent residence document effect. However, those who are eligible but who have not applied for a document may show their passport or nationality identity card and evidence of exercise of Treaty rights for the relevant period. These may be, for example, tax certificates, employer's letter, evidence from benefits agencies or pension authorities, bank statements or sickness insurance.40

If the application has been made on the basis of marriage or civil partnership to a British citizen, when a shorter residency period applies, the applicant must provide the British citizen partner's passport or birth certificate and the marriage or civil partnership certificate.⁴¹ If the application is made on the basis of Crown service or of marriage to a British citizen in Crown or designated service, the applicant must supply a letter from the relevant employer confirming the date and place of recruitment, the position held and the extent to which it would be in the employer's interest for the application to be granted.

3. Discretion

The decision to naturalise is always discretionary and there is no right to be naturalised even if all the criteria are met. British Nationality Act 1981, s.6 says that the Secretary of State, if he or she is satisfied that the conditions are met, "may" grant a certificate of naturalisation while Schedule 1 sets out the conditions. In practice however, refusals are usually linked to failure to meet one of the conditions. Most commonly, an unsuccessful applicant is found not to have good character.

There is no power to grant naturalisation if the applicant does not meet the conditions so any exercise of favourable discretion must not exceed that permitted under the Act. British Nationality Act 1981, Schedule 1 provides that the Secretary of State may exercise discretion in respect only of certain of the conditions. While the power is expressed to be personal to the Secretary of State, in practice, it is exercised on her behalf by civil servants. The Nationality Team is currently located within the Permanent Migration Group in the United Kingdom Border Agency (UKBA) which is soon to be abolished with all functions brought back inside the Home Office. 42 In practice, the Team operates already separately from other UKBA operations and has its own co-ordinator. 43

S43 BNA 1981 allows the Secretary of State's functions to be delegated to a Lieutenant-Governor or Governor in respect of Channel Islands and Isle of Man or overseas

³⁹ Ibid.

 $^{^{40}} http://www.ukba.homeoffice.gov.uk/britishcitizenship/applying/applicationtypes/naturalisation/supportingdocolors and the state of the state$ uments/.
41 *Ibid*.

http://www.ukba.homeoffice.gov.uk/sitecontent/documents/news/ho-os.pdf

⁴³ http://www.ukba.homeoffice.gov.uk/aboutus/organisation/.

territories (but, in the latter case, only as regards the subsidiary form of citizenship known as British Overseas Territories Citizenship).

There is no discretion to waive the age requirement. S. 44A BNA 1981 allows the requirement of capacity to be waived by Secretary of State if he thinks it is in the applicant's best interests. Under BNA 1981, schedule 1, the Secretary of State has the power to disregard absences beyond those permitted in the statute but not the requirement to have been present in the UK at the start date of the residency period. Guidance to decision-makers sets out the extent of and the circumstances in which a waiver should normally be granted in respect of absences. If an applicant was absent at the start of the period, provided they missed the date only by a certain margin, they are permitted to resubmit the application on the appropriate date without paying a new fee.⁴⁴

The good character requirement cannot be waived but there is no statutory guidance as to what amounts to good character so the decision is, in itself, discretionary. Guidance to decision-makers sets out the sorts of matters to be considered. ⁴⁵ In practice, any criminal conviction, apart from a single minor offence (e.g. minor speeding), is a bar to naturalisation at least until it is spent and probably for longer if it was not disclosed in the application. Immigration 'fraud' and other indications of bad character, even if not resulting in conviction, may also be grounds for refusal. While the overall numbers of refusals remains low, an increasing proportion of them are on good character grounds; 29% of refusals were on this ground in 2010 compared to 10 to 13% in the period prior to 2008 when the criterion was applied less rigidly.⁴⁶

There is statutory power under BNA 1981, schedule 1, to waive the requirement to show knowledge of language and life in UK if the Secretary of State considers that because of the applicant's age or physical or mental condition it would be unreasonable to expect him to fulfil one or both of these requirements. Guidance to decision-makers says that waiver should be automatic if applicant is 65 or over or is between 60 and 64 and would be 65 by the time they could meet the condition. Age alone is not sufficient below 60. Guidance sets out the type of medical conditions for which a waiver may be given.⁴⁷

Under British Nationality Act 1981, s.42, a certificate of naturalisation shall not be granted unless the applicant has made the required citizenship pledge and oath at a ceremony. The fee for participation is £80.⁴⁸ Where the Secretary of State thinks fit, due to the 'special circumstances of a case', the requirement may be waived. In most cases, however, if an applicant is unable to attend because, for example, of serious ill health, they are expected to pay to for the ceremony carried out privately, for example, in their home. It is rare that the requirement is waived altogether.⁴⁹

Applicants for naturalisation, unless they are applying as the spouse of a British citizen, must demonstrate that they intend to reside in the UK. This condition cannot be

⁴⁴http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/nationalityinstructions/nichapter18/ch 18annexb?view=Binary.
45 *Ibid*.

⁴⁶ S. Blinder *Naturalisation as a British Citizen: Concepts and Trends* COMPAS Briefing 8th May 2012 p. 8. ⁴⁷http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/nationalityinstructions/nichapter18/ch 18annexb?view=BinaryIbid.

⁴⁸ Until 6.4.2012, Immigration and Nationality (Cost Recovery Fees) Regulations 2011/790, now Immigration and Nationality (Cost Recovery Fees) Regulations 2012/813.

http://www.ukba.homeoffice.gov.uk/britishcitizenship/applying/ceremony/.

waived but deciding whether the condition is met is, in itself, a discretionary matter. Guidance to decision-makers explains the factors that may determine the decision.⁵⁰

Under S. 42 BNA 1981, where the Secretary of State thinks fit, due to the 'special circumstances of a case', the requirement to take the oath, pledge and participate in a citizenship ceremony may be waived.

4. Bureaucracy

Naturalisation is expensive. Until 6/4/2012, the application fee for application was £756 for a single person and £1,134 for spouses or civil partners applying together. On 6/4/2012, it became £771 and £1157. The fee for the citizenship ceremony is £80 per person. There is no reduction for refugees and no provision made for those who cannot afford the fee. 51 Children cannot naturalise (but may register under a separate procedure).

There are some additional costs. If they have not already done so, and unless they are exempt, applicants must pay to take the Language and Life in the UK test, which costs £50 for each attempt, or the fees for enrolling in an English language with citizenship course. These will vary depending upon immigration status but may be up to £1000 although many people will pay less. If the Nationality Checking Service is used, that fee (of £50 to £60) will be payable. Medical practitioners often charge a fee for providing medical evidence.

There is no formal time limit within which applications must be decided. UKBA aims to decide 95% of all applications within 6 months. ⁵² According to UKBA officials, this target is currently met. As almost all applications are decided within the 6 months, there are relatively few delays but those that do occur are usually due to difficulties in obtaining responses from third parties or the need to evaluate borderline cases carefully.

Notice of receipt of a nationality application will be sent within four weeks. If more documents are needed, the agency will write to applicants who have three weeks to respond. If they fail to do so, the application will be decided on the information available. If an application is successful, the applicant will be advised to contact their local authority to attend a citizenship ceremony. This must be arranged within three months or the naturalisation process will have to be restarted.⁵³

Applicants are notified by the UKBA of the success or otherwise of their application.⁵⁴ Under British Nationality Act 1981, s. 42B, person who is naturalising becomes a citizen immediately upon making the required oath and pledge or, if that is dispensed with, on grant of the certificate of naturalisation.

5. Review

If an application is refused, the applicant will be informed and will be given reasons for the refusal. There is no statutory obligation to give reasons. However, principles of

⁵⁰ Ihid.

⁵¹ Until 6.4.2012, Immigration and Nationality (Fees) Regulations 2011/1055, now Immigration and Nationality (Fees) Regulations 2012/971.

http://www.ukba.homeoffice.gov.uk/britishcitizenship/applying/waitingtimes/.

http://www.ukba.homeoffice.gov.uk/britishcitizenship/applying/processingapplication/.

administrative law may require them if this is necessary in the interests of fairness. In practice, the government always gives reasons as a matter of policy. There has been case law finding that an applicant must be able to see the information on which a refusal was based (unless there is a national security issue when it must be disclosed to judge or special advocate) and that applicants must have an opportunity to address areas of concern. ⁵⁵

There is no right of appeal as it is a discretionary procedure. However, UKBA will carry out a review upon application by an applicant who believes that the criteria have been incorrectly applied. There is a fee of £80, which is refunded if the initial decision is overturned. The review is carried out by a different official to the original decision-maker but rarely overturns refusal on good character grounds although it may do so if an error has been made in, for example, calculation of the residence requirements.⁵⁶

The only way to obtain judicial oversight is to apply for judicial review of the decision by the High Court on the grounds of illegality, irrationality, procedural impropriety or breach of human rights and/or proportionality. Judicial review is heard in the Administrative Division of the High Court and is a formal and legally focused process for which specialist legal representation is required. It will therefore be very expensive unless the applicant qualifies for and is granted legal aid. In practice, few applications succeed because, leaving aside cost, the discretionary nature of the decision means that it will rarely be unlawful. Applications must usually be made within three months of the decision and preliminary leave from a judge is required before the substantive application can be heard. Leave is granted only if there is an 'arguable case'. Appeal from a High Court decision may be made to the Court of Appeal (at great expense again). In theory, a further appeal might be made to the Supreme Court (formerly the House of Lords) if the case raises a question of the greatest public or constitutional importance but there does not appear to have been a case heard in that Court on refusal of naturalisation.

⁵⁵ MH and others v SSHD [2009] EWCA Civ 287; R (on application of Thamby v SSHD [2011] EWHC 1763 (Admin).

http://www.ind.homeoffice.gov.uk/britishcitizenship/appeals/.

