

Immigration Directorate Instruction

English Language Speaking and Listening Requirement – Family Members under Part 8, Appendix FM and Appendix Armed Forces of the Immigration Rules

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1. Introduction

1.1 Background

An English language requirement was introduced on 29 November 2010 for those applying for entry clearance or leave to remain under Part 8 of the Immigration Rules as a fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner or same sex partner of a British citizen or a person settled in the UK.

From 6 April 2011, the English language requirement was introduced for those applying for entry clearance or leave to remain as the post-flight spouse, civil partner, unmarried partner or same sex partner of a person in the UK with refugee or humanitarian protection status.

From 9 July 2012, Appendix FM to the Immigration Rules extended the English language requirement to those applying for entry clearance or leave to remain as a parent of a child in the UK.

The English language requirement has applied since 29 November 2010 to those applying under Part 8 as the partner of a member of HM Forces who is a British citizen or has settled status. From 1 December 2013, the requirement was extended to the partners of foreign or Commonwealth members of HM Forces who apply under Appendix Armed Forces and to the partners of British or settled members of HM Forces who apply under that Appendix.

The lawfulness of the pre-entry English language requirement was upheld by the Court of Appeal in its 12 April 2013 judgment in *Bibi & Others v SSHD* [2013] EWCA Civ 322. From 28 July 2014, section 19 of the Immigration Act 2014 reinforces the public interest under Article 8 of the European Convention on Human Rights (right to respect for private and family life) in migrants being able to speak English, to reduce burdens on the taxpayer and promote integration.

1.2 Who needs to meet the English language requirement?

The English language requirement applies to those applying under Part 8, Appendix FM or Appendix Armed Forces of the Immigration Rules:

Part 8

- Paragraph 281– Entry clearance/leave to enter as a spouse or civil partner.
- Paragraph 284 – Leave to remain as a spouse or civil partner.
- Paragraph 290 – Entry clearance/leave to enter as a fiancé(e) or proposed civil partner.
- Paragraph 293 – Leave to remain as a fiancé(e) or proposed civil partner.

- Paragraph 295A – Entry clearance/leave to enter as an unmarried or same sex partner.
- Paragraph 295D – Leave to remain as an unmarried or same sex partner.
- Paragraph 319L – Entry clearance/leave to enter as a spouse or civil partner of a person in the UK with refugee or humanitarian protection status.
- Paragraph 319O – Entry clearance/leave to enter as an unmarried partner or same sex partner of a person in the UK with refugee or humanitarian protection status.

Appendix FM

- Paragraph E-ECP.4.1. – Entry clearance as a partner.
- Paragraph E-LTRP.4.1. – Leave to remain as a partner.
- Paragraph E-ECPT.4.1. – Entry clearance as a parent of a child in the UK.
- Paragraph E-LTRPT.5.1. – Leave to remain as a parent of a child in the UK.

Appendix Armed Forces

- Paragraph 23(e) – Leave to enter as a partner of a member of HM Forces.
- Paragraph 28(g) – Leave to remain as a partner of a member of HM Forces.

The English language requirement **only** applies to those applying as the main applicant under the rules listed above. It does **not** apply to dependants of such applicants.

1.3 Meeting the requirement

An applicant can meet the requirement in one of the following ways:

- by passing an acceptable test at a minimum of level A1 of the Common European Framework of Reference for Languages (CEFR) with an approved provider as set out in Appendix O to the Immigration Rules (see [Section 2](#)), or
- by being a national of a majority English speaking country (see [Section 3](#)), or
- by having an academic qualification recognised by UK NARIC to be equivalent to the standard of a Bachelor's or Master's degree or PhD in the UK, which was taught or researched in English (see [Section 4](#)).

The applicant is exempt from the requirement if:

- they are aged 65 or over (see [Section 5](#)), or
- they have a disability (physical or mental condition) which prevents them from meeting the requirement (see [Section 6](#)), or

- there are exceptional circumstances which prevent them from meeting the requirement (see [Section 7](#)).

If the applicant is not able to demonstrate that they meet the requirement or qualify for an exemption from it, their application will be refused under the rules.

2. English language test – level required/approved test providers

2.1 Evidence

The evidence that must be submitted in partner and parent applications to demonstrate they meet the English language requirement is set out in paragraphs 27 to 32 of [Appendix FM-SE](#) and in [Appendix O](#) to the Immigration Rules.

Applicants who need to may make as many attempts as they wish to pass a test at CEFR A1 level. The important thing is that they are able to provide the required evidence when they apply.

Appendix O to the rules provides that for some specified tests taken on or after 6 April 2013, documentary evidence is not required. Decision makers must refer to Appendix O for information on which tests this applies to. Where Appendix O says that no documentary evidence is required for a specific test, this is because the Home Office can use an online verification system for those tests using the applicant's details. Decision makers should refer to the relevant procedural guidance on how to access the verification systems. See [Horizon > Wrappers > Online verification systems](#) or OPI 456: Instructions on the process to verify secure English language test scores.

Where an applicant relies on an English language test in speaking and listening and is not required to submit documentary evidence, they should include the following details of the test they have passed in the application form:

- name of provider;
- test passed and level of qualification;
- date of award;
- applicant/reference number.

No further evidence is required.

Where an applicant relies on an English language test in speaking and listening and is required to submit documentary evidence, this must take the form of:

(a) a certificate and/or other document(s) for the relevant test as specified in Appendix O that:

- (i) is from an English language test provider approved by the Secretary of State for these purposes as specified in Appendix O;
- (ii) is for a test approved by the Secretary of State for these purposes as specified in Appendix O;
- (iii) shows the applicant's name;
- (iv) shows the qualification obtained (which must meet or exceed level A1 of CEFR); and
- (v) shows the date of award.

Or

(b) a print out of the online score from a PTE (Pearson) test which:

- (i) is a test approved by the Secretary of State for these purposes as specified in Appendix O;
- (ii) can be used to show the qualification obtained (which must meet or exceed level A1 of CEFR); and
- (iii) is from an English language test provider approved by the Secretary of State for these purposes as specified in Appendix O.

Applicants applying for leave to remain in the UK on the 10-year partner or parent route are not required to meet the English language requirement and are therefore not required to provide evidence of English language ability with their application.

2.2 Definition of CEFR

CEFR was put together by the Council of Europe to provide a basis for the mutual recognition of language qualifications. Its six levels are becoming widely accepted as the European standard for grading a person's language proficiency. Level A1 is the level of a basic speaker, who can understand and use familiar everyday expressions and basic phrases. They can introduce themselves and others, and can ask and answer basic questions, e.g. where they live and people they know. They can interact in a simple way provided the other person talks slowly and clearly and is prepared to help.

2.3 What is meant by “exceed the level”?

The minimum standard an applicant in the partner or parent routes must meet is level A1 of CEFR in speaking and listening skills.

An applicant in the partner or parent routes does not need to demonstrate reading and writing skills and may produce the required evidence of speaking and listening skills at level A1 of CEFR even if they fail on reading and writing (where they take a test which examines all four skills). The decision maker should ignore test scores in reading and writing in partner and parent applications as those skills are not required to meet the Immigration Rules.

The list of approved tests and providers includes some tests above A1 level. This is because the Home Office will also accept tests in speaking and listening, or speaking and listening with additional skills such as reading or writing, taken at a higher level than A1 with an approved test provider.

This is to give applicants as wide a choice as possible and to provide for those who have already taken a test at a higher level with an approved test provider. It also allows for applicants who wish to take a higher level test for work or study reasons.

The six levels of CEFR are:

A Basic Speaker

- A1
- A2

B Independent Speaker

- B1
- B2

C Proficient Speaker

- C1
- C2

An applicant who has level A2, B1, B2, C1 or C2 which tests speaking and listening (or speaking and listening plus reading and/or writing) exceeds level A1.

2.4 Applicants who already have a certificate

A partner or parent applying for leave to remain is not required to provide evidence of meeting the English language requirement if they have done so as part of a successful previous application as a partner or parent.

This flexibility does not apply in circumstances where a test certificate or result awarded to the applicant has been withdrawn by a provider such that it can no longer be relied upon: in those circumstances the applicant must provide a fresh test certificate or result from an approved provider which shows that they meet the requirement, if they are not exempt from it.

If an applicant in the partner or parent routes submits a test certificate or result from a test provider who has ceased, by the date of application, to be an approved test provider, or in respect of a test which has ceased, by the date of application, to be an approved test, we will not accept that certificate or result as valid, subject to any transitional arrangements made in respect of that change.

Otherwise, where the applicant already has a test certificate or result from a provider who is no longer approved, or in respect of a test which is no longer approved, we will accept that certificate or result as valid if its award to the applicant has not been withdrawn by the provider and the Home Office has

accepted it as part of a successful previous partner or parent application (but not where the application was refused, even if on grounds other than the English language requirement).

If there is uncertainty as to whether a test certificate, result or other specified document was previously accepted by the Home Office as part of a successful previous partner or parent application, the decision maker may request other specified evidence from the applicant to demonstrate that they meet the English language requirement.

If a test certificate is now past its validity date (if a validity date is required under Appendix O), the decision maker can accept the certificate provided that:

- a) the Home Office accepted the test certificate for an earlier parent or partner application when it was valid under Appendix O; and
- b) the applicant has had continuous leave as a partner or parent since we accepted the test certificate as valid; and
- c) no concerns have been raised about the test certificate awarded to the applicant.

An applicant who has not met the English language requirement in a successful previous partner or parent application will be required to provide specified evidence that they meet the requirement, or are exempt from it, in their current application.

An English language certificate which has been relied on by an applicant to qualify for leave on another basis, such as under the Points Based System (PBS), cannot be relied upon by them in applying as a partner or parent unless it meets the requirements of the partner and parent rules, including as to specified evidence, at the date of that partner or parent application.

2.5 Approved test providers

Only certain providers have been approved by the Home Office to provide English language tests for immigration purposes.

An approved test provider is one on the Home Office's list of approved test providers in [Appendix O](#) to the Immigration Rules. Only **tests and test providers on this list** will be accepted as evidence of meeting the English language requirement.

Test certificates/scores, providers and levels for meeting the requirement can be assessed using the steps below:

- (a) Review the Home Office list of [approved test providers](#). This list contains pass marks which do not appear at Appendix O. Check the qualification level and name of provider match the details in the table (although this may be subject to change).

(b) Verify the certificate or result to ensure it is valid and genuine using the methods below:

- For Pearson test result print outs, use the following website to confirm they match the results on the system: www.pearsonvue.com/ptescores (a log in and password should have been provided to decision makers; if they have not, decision makers should consult the relevant local manager).
- Refer to local procedural guidance for information on how to access verification systems to verify results online for certain tests.
- For other certificates, search for the provider on the internet and if there is not the option to type in a reference number, attempt to telephone them in order to verify.

If the decision maker is not able to verify the test certificate or result and if the provider is unable to confirm that it is genuine, it will not be accepted as evidence of meeting the requirement.

3. National of a majority English speaking country

3.1 Interpretation of “majority English speaking country”

The applicant is deemed to meet the language requirement as a national of a majority English speaking country if they are a national of one of the following countries:

Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America.

The specified evidence required to show that a person is a citizen or national of a majority English speaking country is a passport or travel document. A dual national may rely on either of their nationalities.

3.2 What happens if the applicant does not have a passport or travel document?

The decision maker can only accept other evidence of nationality in the following circumstances:

- where the passport or travel document has been lost or stolen;
- where it has expired and been returned to the relevant authorities; or
- where it is with another part of the Home Office.

The applicant must indicate where these circumstances apply in the application form. In these circumstances we can accept the following as proof of nationality:

- current national identity document; or
- original letter from the applicant's national government, Embassy or High Commission confirming the applicant's full name, date of birth and nationality.

4. Academic qualifications taught in English

4.1 Which qualifications are accepted as evidence that the applicant meets the English language requirement?

The applicant will meet the English language requirement if they:

- have obtained an **academic** qualification recognised by the National Academic Recognition Information Centre for the UK (UK NARIC) to be equivalent to the standard of a Bachelor's or Master's degree or PhD in the UK; and
- provide the specified evidence to show that they have the qualification and that it was taught or researched in English.

If the qualification was taken in one of these countries we will assume that it was taught or researched in English:

Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Ireland, Jamaica, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, the UK, the USA.

Please note that Canada is not on this list.

4.2 Definition of specified evidence

The rules on which specified evidence must be submitted to meet the English language requirement in a partner or parent application are in paragraphs 27 to 32 of [Appendix FM-SE](#) and in [Appendix O](#) to the Immigration Rules.

Where a partner or parent relies on an academic qualification that was taught or researched in English, the evidence must take the form of a certificate issued by the relevant institution confirming the award of the academic qualification.

If an academic qualification has been taught or researched in one of the countries listed in section 4.1, we will assume that it was taught or researched in English.

If an applicant claims that they have completed an academic qualification taught or researched in English, they must provide the original academic

qualification certificate (provisional academic qualification certificates are not acceptable), showing:

- the applicant's name;
- the title of the award;
- the date of the award; and
- the name of the awarding institution.

If the applicant is awaiting graduation or no longer has the certificate and cannot get a new one, we can accept an original academic reference from the institution awarding the academic qualification **together** with an original academic transcript from that institution. They must meet the following requirements:

- Academic reference must be on the official letter headed paper and show:

- the applicant's name;
- the title of the award;
- that the academic qualification has been or will be awarded; and
- either the date that the certificate will be issued (if the applicant has not yet graduated) or confirmation that the institution is unable to re-issue the original certificate of award.

- Academic transcript must be on the official letter headed paper and show:

- the applicant's name;
- the name of the academic institution;
- the course title; and
- confirmation of the award.

4.3 Verification of academic qualification evidence

Decision makers may find the English Skills section of the [PBS Points Calculator](#) helpful when deciding whether an academic qualification meets the criteria for the English language requirement. The calculator contains information from UK NARIC as to which academic qualifications they deem to be equivalent to the standard of a Bachelor's or Master's degree or PhD in the UK.

Further information on how to verify academic qualifications taught in English awarded in the UK and outside the UK can be found on GOV.UK under [PBS Tier 2 English Language guidance](#)

5. Exemption for those aged 65 or over

The applicant is exempt from the English language requirement if they are aged 65 or over at the date of application.

Acceptable evidence of age includes that in a passport or travel document.

6. Disability exemption

6.1 Criteria

The applicant is exempt from the English language requirement if the decision maker considers that the applicant has a disability: that is a physical or mental condition that prevents them from meeting the requirement.

6.2 Definition of disability

This exemption will apply only where the applicant has a physical or mental condition which prevents them from learning English or taking an acceptable English language test. This is not a blanket exemption. Some disabled people will be capable of learning English and taking an English language test and some will not.

6.3 Evidence required to demonstrate disability

To qualify for this exemption, the applicant must apply for it in their application and submit satisfactory medical evidence from a medical practitioner who is qualified in the appropriate field which sets out the relevant physical or mental condition and from which it may be concluded that exemption on those grounds is justified. Each application for an exemption on this basis will be considered on its merits on a case-by-case basis.

6.4 Authorisation of exemption

Authorisation of this exemption should be agreed by a senior caseworker or equivalent or an entry clearance manager.

7. Exceptional circumstances exemption

The applicant is exempt from the English language requirement if the decision maker considers that there are exceptional circumstances that prevent the applicant from meeting the requirement.

This exemption is only applicable where there are exceptional circumstances specifically relating to the ability of the applicant to meet the English language requirement.

An applicant granted an exemption on the basis of exceptional circumstances at the entry clearance stage will be required to meet the English language requirement when they apply for further leave to remain after 30 months, unless they remain exempt on this or another basis.

On 24 July 2014 the automatic exemption for an applicant who is a long-term resident of a country with no approved A1 test provision was withdrawn.

7.1 Consideration of exceptional circumstances

Each application for an exemption on the basis of exceptional circumstances will be considered on its merits on a case-by-case basis.

The applicant must demonstrate, in box 8.1 in part 8 of the VAF4A form for an entry clearance application as a partner or parent, that as a result of exceptional circumstances they are unable to learn English before coming to the UK or it is not practicable or reasonable for them to travel to another country to take an approved English language test. Partners of members of HM Forces must demonstrate this in box 9.1 of the VAF4A form.

Evidence of the nature and impact of the exceptional circumstances must be clearly provided, e.g. of previous efforts to access learning materials or to travel overseas to take an approved test and the obstacles to doing so. This must include evidence provided by an independent source (e.g. an appropriately qualified medical practitioner) or capable of being verified by the decision maker.

Examples of situations in which, subject to the necessary supporting evidence, the decision maker might conclude that there were exceptional circumstances, might include where the applicant:

- is a long-term resident of a country in international or internal armed conflict, or where there is or has been a humanitarian disaster, including in light of the infrastructure affected.
- has been hospitalised for several months immediately prior to the date of application.
- is the full-time carer of a disabled child also applying to come to the UK.
- is a long-term resident of a country with no approved A1 test provision and it is not practicable or reasonable for the applicant to travel to another country to take a test (see section 7.2 below).

Lack of or limited literacy or education will not be accepted as exceptional circumstances.

It will be extremely rare for exceptional circumstances to apply where the applicant is in the UK. However, in an exceptional case, the applicant must set out the relevant circumstances in box 8.6 in section 8 of the FLR(M) form for partners, in box 8.8 in section 8 of the FLR(FP) form for parents (5-year route) or in box 8.6 in section 8 of the FLR(AF) form for partners of a member of HM Forces, and submit relevant supporting evidence.

7.2 Countries with no approved A1 test provision

On 24 July 2014, the automatic exemption from the English language requirement for partners and parents who are long-term residents of a country with no approved A1 test provision was withdrawn.

This reflects the government's aim of ensuring that partners and parents seeking to settle in the UK should understand basic English before they come so they can participate and integrate in British society and translation costs for public services and local authorities are reduced.

Applications submitted before 24 July 2014 can continue to rely on the exceptional circumstances exemption if there was no approved A1 English language test available in their country of long-term residence at the date of application.

From 24 July 2014, applicants who are resident in a country with no approved A1 English language test are expected to travel to another country to take such a test, subject to the transitional arrangements in the next paragraph. Only where they can demonstrate in their visa application that it is not practicable or reasonable for them to do so will they be exempt from the requirement prior to entry to the UK. This exemption will not be applicable where an approved A1 test is available in the applicant's country of long-term residence.

From 24 July to 14 August 2014, partner and parent visa applicants who are a long-term resident of one of the following countries, which had no approved A1 test provision prior to 23 July, may continue to rely on their residence in that country as the basis for exemption from the requirement for A1-level English language speaking and listening skills prior to entry to the UK in a partner or parent application submitted by 14 August 2014:

Brunei Darussalam	Kiribati
Burkina Faso	Liberia
Cape Verde	Madagascar
Central African Republic	Rwanda
Chad	Samoa
Comoros	Sao Tome Principe
Congo	Seychelles
Democratic Republic of Congo	Sierra Leone
Equatorial Guinea	Somalia
Eritrea	Swaziland
Guinea- Bissau	Togo
Haiti	Turkmenistan
Ivory Coast	Wallis and Futuna Islands

From 24 July 2014 (or from 14 August 2014 in respect of the countries listed above), an applicant seeking exemption because there is no approved A1 test provision in their country of long-term residence should provide in their visa

application a detailed explanation of why it is not practicable or reasonable for them to take a test in another country. Where relevant, they should provide details of what steps they have taken to take an approved A1 English test and submit any supporting evidence with their visa application.

Applicants should check the availability of approved A1 English language testing in their country of long-term residence before submitting an application which seeks to rely on this exemption. Annex A sets out countries where there was no approved A1 test provision as at 23 July 2014. This list is subject to change and the Home Office is working with the approved test providers to establish A1 testing in countries where there is no current provision.

Some applicants as a partner or parent already travel overseas to take an approved A1 test because this is more convenient than travelling to an approved test centre in their own country. Many applicants as a partner or parent are already required to travel to another country to submit their biometrics at a Visa Application Centre in order to apply for a settlement visa.

Reasons why it is not practicable or reasonable for an applicant to take an approved A1 test in another country will normally require more than inconvenience or reluctance to travel overseas. Subject to supporting evidence, such reasons might exist where for example:

- exit visa requirements or restrictions make it very difficult for the applicant to travel overseas.
- the applicant faces insuperable problems in meeting immigration requirements to visit a country with an approved test centre.
- the applicant faces unreasonable additional travel or accommodation costs to visit a country with an approved test centre. Some applicants as a partner or parent already incur travel and accommodation costs to attend an approved test centre in their own country or to give their biometrics at a Visa Application Centre. In addition, all applicants for a settlement visa as a partner or parent are required to meet a financial requirement and it is reasonable to expect that they (or their sponsor in a partner application) will generally be able to afford reasonable costs incurred in making their application.
- other exceptional circumstances prevent the applicant taking an approved A1 test in another country.

Each application for an exemption from the requirement for A1 English prior to entry to the UK because it is not practicable or reasonable for the applicant to take an approved A1 test in another country will be considered on its merits on a case-by-case basis. We will review the position after 6 months (i.e. by the end of January 2015), with a view to publishing further guidance on the criteria by which such applications are assessed.

7.3 Authorisation of exemption

Authorisation of this exemption should be agreed by a senior caseworker or equivalent or an entry clearance manager.

8. Partners of members of HM Forces

The English language requirement does **not** apply to the partners of members of HM Forces who may continue to apply under Part 7 of the Immigration Rules under transitional arrangements:

[Part 7 - Transitional provisions 276DI-DL](#)

The English language requirement applies to partners of members of HM Forces who may continue to apply under Part 8 of the Immigration Rules under transitional arrangements:

[Part 8 - Transitional Provisions](#)

The English language requirement applies to all partners of members of HM Forces applying under Part 4 of Appendix Armed Forces unless they are applying for indefinite leave to enter or remain where the knowledge of language and life in the UK requirements will apply.

9. Knowledge of Language and Life in the UK requirements

Partners and parents applying for indefinite leave to remain after completing their probationary period will need to meet the knowledge of language and life in the UK (KoLL) requirements. Since October 2013 all applicants for indefinite leave to remain have been required to meet a B1 Level English language requirement and pass the Knowledge of Life in the UK test.

For guidance on KoLL see: [KoLL guidance](#)

10. Refusals

Information for decision makers on refusals can be found in [IDI Chapter 8: Family Members, Modernised Guidance: Family Life as a Parent](#) and in [Modernised Guidance: HM Forces Partners and Children](#).

Annex A: Countries where approved A1 language test provision is not available – as at 23 July 2014

This list is subject to change.

Afghanistan	Ivory Coast
Aruba	Kiribati
Belarus	Krygyzstan
Benin	Laos
Bermuda	Liberia
Brunei Darussalam	Madagascar
Burkina Faso	Mali
Cape Verde	Mauritania
Central African Republic	Nicaragua
Chad	Northern Mariana Islands
Comoros	Norway
Congo	Rwanda
Democratic Republic of Congo	Samoa
Denmark	Sao Tome Principe
Equatorial Guinea	Seychelles
Eritrea	Sierra Leone
Faroe Islands	Somalia
French Polynesia	Swaziland
Gaza	Tajikistan
Greenland	Togo
Guam	Turkmenistan
Guinea	Uzbekistan
Guinea-Bissau	Virgin Islands
Haiti	Wallis and Futuna Islands
Honduras	Zambia
Iceland	Zimbabwe