



Home Office

# **Immigration Directorate Instruction Family Migration:**

Appendix FM section 1.21

English Language Requirement – Family  
Members under Part 8, Appendix FM and  
Appendix Armed Forces

April 2017

# Contents

<b>Contents</b> .....	<b>2</b>
<b>Introduction</b> .....	<b>4</b>
1.1. Background .....	4
1.2. Who needs to meet the English language requirement and at what level? .....	4
1.3. Meeting the requirement.....	5
<b>2. English language test – level required/approved test providers</b> .....	<b>7</b>
2.1. Approved test providers.....	7
2.2. Evidence.....	8
2.2.1. General .....	8
2.2.2. Test taken on or after 6 April 2015 .....	8
2.2.3. Test taken before 6 April 2015 .....	9
2.2.4. Summary of approved test arrangements before and from 6 April 2015 .....	11
2.3. Definition of CEFR.....	11
2.4. Tests at a higher level than required .....	11
2.5. Applicants who already have a test certificate or result .....	12
2.6. Verification of test results .....	13
<b>3. National of a majority English speaking country</b> .....	<b>15</b>
3.1. Interpretation of “majority English speaking country” .....	15
<b>4. Academic qualifications taught in English</b> .....	<b>16</b>
4.1. Which qualifications are accepted as evidence that the applicant meets the English language requirement?.....	16
4.2. Definition of specified evidence .....	16
4.3. Verification of academic qualification awarded outside the UK evidence .....	17
4.4. Applicants who provided evidence of an acceptable academic qualification with a previous application.....	17
<b>5. Exemption for those aged 65 or over</b> .....	<b>18</b>
<b>6. Disability exemption</b> .....	<b>19</b>
6.1. Criteria.....	19
6.2. Definition of disability .....	19
6.3. Evidence required to demonstrate disability .....	19
6.4. Authorisation of exemption .....	19
<b>7. Exceptional circumstances exemption</b> .....	<b>20</b>
7.1. Consideration of exceptional circumstances .....	20

- 7.2. Countries with no approved A1 test provision ..... 21
- 7.3. Authorisation of exemption ..... 22
- 8. Partners of members of HM Forces..... 23**
- 9. Knowledge of Language and Life in the UK requirements..... 24**
- 10. Refusals ..... 25**
- Annex A: Countries where approved A1 language test provision is not available – as at 29 March 2017..... 26**
- 11. Contact for Further Information..... 27**

# 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.

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.

The lawfulness of the pre-entry English language requirement in the Rules was upheld by the Supreme Court in its 18 November 2015 judgment in *Ali & Bibi v SSHD* [2015] UKSC 68.

On 3 November 2016, Immigration Rules changes for a new English language requirement at level A2 of the Common European Framework of Reference for Languages (CEFR), announced in principle on 18 January 2016, were laid for those applying for further leave in the UK as a partner or parent, after completing 30 months in the UK on a 5-year route to settlement under Appendix FM. This new requirement applies to those whose previous period of leave expires on or after 1 May 2017.

## 1.2. Who needs to meet the English language requirement and at what level?

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

### Part 8<sup>1</sup>

- Paragraph 281– Entry clearance/leave to enter as a spouse or civil partner.
- Paragraph 284 – Leave to remain as a spouse or civil partner.

---

<sup>1</sup> Some of these routes are now closed to new applicants or are only open to those who can rely on transitional arrangements.

- 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.

Required level: CEFR level A1, unless exempt.

### 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.

Required level:

- All entry clearance or initial leave applications under these paragraphs: CEFR level A1, unless exempt.
- All applications for leave to remain where previously exempt from A1 (or last granted leave as a fiancé(e) or proposed civil partner): CEFR level A1, unless exempt.
- All applications for leave to remain where last granted leave with A1, which expires on or after 1 May 2017: CEFR level A2, unless exempt.

### 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.

Required level: CEFR level A1, unless exempt.

The required CEFR level can be met by passing an approved test at a higher level: see [section 2.4](#), below.

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 approved test at or above the required CEFR level, with an approved provider as set out in Appendix O to the Immigration Rules (see [Section 2](#));
- by being a national of a majority English speaking country (see [Section 3](#)); or
- by having an academic qualification which is either a Bachelor's or Master's degree or PhD if awarded in the UK; or, if awarded outside the UK, is deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree or PhD in

the UK, and UK NARIC has confirmed that the degree was taught or researched in English at or above the required CEFR level (see [Section 4](#)).

The applicant is exempt from the requirement if:

- they are aged 65 or over at the date of application (see [Section 5](#));
- 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 as a partner or parent will be refused under the 5-year route to settlement under the Immigration Rules.

[Back to Contents](#)

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

### 2.1. Approved test providers

Trinity College London and the IELTS SELT Consortium are approved to deliver secure English language test (SELT) services for UK immigration purposes since 6 April 2015.

The two approved level A1 tests from 6 April 2015 for partner and parent test candidates are:

- Graded Examinations in Spoken English (GESE) offered by Trinity College London (available in the UK).
- IELTS Life Skills offered by the IELTS SELT Consortium (available in the UK and overseas).

From 3 November 2016 there are three approved level A2 tests for partner and parent test candidates:

- Graded Examinations in Spoken English (GESE) offered by Trinity College London (available in the UK).
- IELTS Life Skills offered by the IELTS SELT Consortium (available in the UK).
- Integrated Skills in English offered by Trinity College London (available in the UK).

Other approved tests from those providers are also available at other levels if a partner or parent wishes to take a higher level test.

As well as doing an approved test, with an approved provider, partner and parent applicants must take that test at an approved secure test centre, in order to rely on passing that test to meet the English language requirement. [Appendix O](#) to the Immigration Rules was updated on 28 November 2016 to reflect the changes to approved tests and providers.

There is a list of approved English language tests, providers and secure test centre locations available on gov.uk at: [Approved Secure English Language Tests and Test Centres](#). As approved secure test centres, including addresses and contact details, are subject to change, possibly at short notice, those details are not included in the Immigration Rules.

Under transitional arrangements, applicants who took an approved test before 6 April 2015 may continue to rely on that test (if it was in Appendix O on 5 April 2015) to meet the English language requirement in a partner or parent application as long as they submitted their application before 6 November 2015 and regardless of whether the test was taken at a test centre approved by the Secretary of State as a secure English language test centre. The list of approved providers and tests at 5 April 2015 is available on gov.uk at: [Approved SELT tests transitional list](#).

Tests taken on or after 6 April 2015 may not rely on these transitional arrangements regardless of the date of application. Every English language test taken on or after 6 April 2015 by a partner or parent applicant must meet the new requirements in respect of the approved tests, providers and secure test centres offered by Trinity College London or the IELTS SELT Consortium.

## 2.2. Evidence

### 2.2.1. General

The evidence that must be submitted in partner and parent applications for entry clearance or leave to remain to demonstrate they meet the English language requirement is set out in paragraphs 27 to 32D of Appendix FM-SE and in Appendix O to the Immigration Rules.

Paragraph 32A of Appendix FM-SE makes clear for the avoidance of doubt that paragraphs 27 to 32D of Appendix FM-SE apply to fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner and same sex partner applications for limited leave to enter or remain made under Part 8 of the Rules where English language requirements apply, regardless of the date of application.

Paragraph A of Appendix FM-SE and paragraph 70A of Appendix Armed Forces also apply paragraphs 27 to 32D of Appendix FM-SE to limited leave applications as a partner in Appendix Armed Forces.

Family route applicants for indefinite leave to remain who need to meet knowledge of English language and life in the UK requirements are subject to the evidential requirements in Appendix KoLL. However, paragraphs 27 to 32D of Appendix FM-SE also apply to spouse, civil partner, unmarried partner and same sex partner applications which **do not** meet the requirements of Part 8 of the Immigration Rules for indefinite leave to remain (where the application is for indefinite leave to remain) and are being considered for a grant of limited leave to remain where paragraph A277A(b) of the Rules applies.

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

### 2.2.2. Test taken on or after 6 April 2015

Where an applicant relies on an English language test in speaking and listening taken on or after 6 April 2015, the evidence required is confirmation on the online verification system operated by an approved test provider that:

- the applicant has passed such a test; and
- that test was an English language test in speaking and listening which is approved by the Secretary of State, as specified in Appendix O, and was taken no more that two years before the date of application and at a test centre approved by the Secretary of State as a Secure English Language Test Centre.

The applicant must provide their SELT unique reference number (URN) on the application form.

The URN for Trinity College London tests is in the following format:

TCL/123456/123456/123456789 (first three letters are the SELT provider's code, date of test, test centre number, candidate number).

The URN for IELTS SELT Consortium tests is in the following format:

IEL/123456/XXXXX/123456 (first three letters are the SELT provider's code, date of test, test



centre code, candidate number).

Decision makers must use the URN to verify the test result on the provider's online verification system. Decision makers should refer to the relevant procedural guidance on how to access the verification systems. See [Internal guidance - online verification systems](#).

### 2.2.3. Test taken before 6 April 2015

This section only applies to applications made before 6 November 2015.

For some specified tests taken on or after 6 April 2013, documentary evidence is not required. Decision makers must refer to [Approved SELT tests - transitional list](#) for information on which tests this applies to. Where 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 approved English language test in speaking and listening taken on or after 6 April 2013 (and before 6 April 2015) and is not required to submit documentary evidence, they should ensure that they have made their results available to the Home Office on the online verification system provided by the awarding body and 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 approved English language test in speaking and listening taken before 6 April 2015 and is required to submit documentary evidence as detailed in the [Approved SELT tests - transitional list](#), this must take the form of:

(a) a certificate and/or other document(s) for the relevant test as specified in the SELT tests – transitional list that:

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

**Or**

(b) a print out of the online score for the Pearson Test of English (PTE) Academic test.

Under paragraph 32B of Appendix FM-SE, when a decision maker has:

- (a) reasonable cause to doubt that an English language test in speaking and listening at a minimum of level A1 of CEFR relied on at any time to meet a requirement for limited leave

to enter or remain in Part 8 or Appendix FM or Appendix Armed Forces was genuinely obtained; or

(b) information that the test certificate or result awarded to the applicant has been withdrawn by the test provider for any reason,

they may discount the document or result and the applicant must provide a new test certificate or result from an approved provider which shows that they meet the requirement if they are not exempt from it.

The Immigration Rules in Appendix FM-SE do not set out a timescale for when an applicant must provide a new test certificate or result where requested by the decision-maker, who should allow the applicant a reasonable amount of time to take another test.

The assessment of whether there is reasonable cause to doubt a test certificate or result was genuinely obtained must be considered on a case-by-case basis. Decision makers may refer cases of doubt to the [Family Policy](#) team for advice.

Applicants applying for leave to remain in the UK under the 10-year partner, parent or private life 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.

## 2.2.4. Summary of approved test arrangements before and from 6 April 2015

Test taken before 6 April 2015	Test taken on or after 6 April 2015
Appendix O on 5 April 2015 applies if an applicant submits partner or parent application before 6 November 2015.	Appendix O on 6 April 2015 applies regardless of the date of application.  This means applicants can only rely on tests approved from that date by Trinity College London if taken in the UK and the IELTS SELT consortium if taken in the UK or overseas.
Not required to take a test at a secure test centre if submitted partner or parent application before 6 November 2015. The approved providers and tests are available at the link below.  <a href="#">Approved SELT tests - transitional list</a>	Required to take a test at a secure test centre regardless of the date of application. The secure test centres are available at the link below.  <a href="#">Approved Secure English Language Tests and Test Centres</a>
Evidence required with the application form varies. See <a href="#">section 2.2.3</a> .	The Home Office will verify the test result online. Applicants must provide their SELT unique reference number (URN) on the application form but do not need to provide other documentary evidence. See <a href="#">section 2.2.2</a> .

## 2.3. 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.

## 2.4. Tests at a higher level than required

The minimum standard an applicant in the partner or parent routes must meet is, as appropriate, level A1 or A2 of CEFR in speaking and listening skills. If they wish, applicants can pass an approved test at a higher level to meet the requirement which applies to their application.

The six levels of CEFR are:

**A Basic Speaker**

- A1
- A2

**B Independent Speaker**

- B1
- B2

**C Proficient Speaker**

- C1
- C2

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 or A2, or above, 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.

## 2.5. Applicants who already have a test certificate or result

A partner or parent applying for leave to enter or 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. Paragraph 32D of Appendix FM-SE provides for when this earlier test certificate or result can and cannot be used.

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.

Under paragraph 32C of Appendix FM-SE if an applicant in the partner or parent routes submits a test certificate or result which has ceased, by the date of application, to be:

- (a) from an approved test provider, or
- (b) in respect of an approved test, or
- (c) from an approved test centre,

we will not accept that certificate or result as valid, unless the decision maker does so in accordance with paragraph 32D of Appendix FM-SE and subject to any transitional arrangements made in respect of the test provider or test in question.

Under paragraph 32D of Appendix FM-SE if an applicant under the partner or parent routes submits an English language test certificate or result and the Home Office has already 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), the decision maker will accept that certificate or result as valid if it is:

- (a) from a provider which is no longer approved, or

(b) from a provider who remains approved but the test the applicant has taken with that provider is no longer approved, or

(c) from a test centre which is no longer approved, or

(d) past its validity date (if a validity date is required under Appendix O),

provided that it is at or above the required CEFR level and when the subsequent application is made:

(i) the applicant has had continuous leave (disregarding any current period of overstaying where paragraph 39E of the Rules applies, as well as any previous period of overstaying where: the further application was made before 24 November 2016 and within 28 days of the expiry of leave; or the further application was made on or after 24 November 2016 and paragraph 39E of the Rules applied) as a partner or parent since the Home Office accepted the test certificate as valid; and

(ii) the award to the applicant does not fall within the circumstances set out in paragraph 32B of Appendix FM-SE.

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.

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.

## 2.6. Verification of test results

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

(a) Review the appropriate Home Office list of [approved English language tests](#) or [approved English language tests - transitional list](#). These lists contain pass marks (minimum grades required) which do not appear at Appendix O. Check the qualification level, name of provider and test centre 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 (tests sat before 6 April 2015), use the following website to confirm they match the results on the system:  
[www.pearsonvue.com/ptescores](http://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 for tests taken before 6 April 2015 if documentary evidence is required, 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.

[Back to Contents](#)

## 3. National of a majority English speaking country

### 3.1. Interpretation of “majority English speaking country”

The applicant is deemed to meet the English 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.

Under paragraphs 28 to 30 of Appendix FM-SE to the Immigration Rules, 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, except where the passport or travel document has been lost or stolen, has expired and been returned to the relevant authorities, or is with another part of the Home Office. Where one of these circumstances applies, the applicant must indicate this in the application form, in which case the decision maker can accept as proof of nationality a current national identity document or an original letter from the applicant’s national government, Embassy or High Commission confirming the applicant’s full name, date of birth and nationality.

A dual national may rely on either of their nationalities.

[Back to Contents](#)

## 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 which is either a Bachelor's or Master's degree or PhD in the UK; or, if awarded outside the UK, is deemed by the National Academic Recognition Information Centre for the UK (UK NARIC) to meet or exceed the recognised 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 at or above the required CEFR level.

If the qualification was taken in one of these countries, we will assume that it was taught or researched in English at or above the required CEFR level:

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 requirements as to the specified evidence which must be submitted to meet the English language requirement in a partner or parent application are in paragraphs 27 to 32D of Appendix FM-SE and in Appendix O to the Immigration Rules.

Where an applicant in the partner or parent routes 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 at or above the required CEFR level.

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 or 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
  - 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.

### **4.3. Verification of academic qualification awarded outside the UK evidence**

If the qualification was awarded by an educational establishment outside the UK, an applicant must also provide an original document from UK NARIC which confirms:

- that the qualification meets or exceeds the recognised standard of a Bachelor's or Master's degree or PhD in the UK; and
- if it was taught in a country not listed in paragraph 4.1, confirms that it was taught or researched in English to CEFR level A1 or A2, or above, as appropriate.

### **4.4. Applicants who provided evidence of an acceptable academic qualification with a previous application**

A partner or parent applying for leave to enter or remain who has an academic qualification which was accepted as part of a successful previous application as a partner or parent is not required to provide further evidence of that academic qualification.

## 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.

[Back to Contents](#)

## 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 – a physical or mental condition – which 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 approved English language test at the required CEFR level. This is not a blanket exemption. Some disabled people will be capable of learning English and taking an approved test at the required level 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.

[Back to Contents](#)

## 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 at A1 level 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 VAFAF 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 such a test (see section 7.2 below).

- is a long-term resident of a country in which the applicant faces very severe practical or logistical difficulties, which cannot reasonably be overcome, in accessing the learning resources required to acquire English language speaking and listening skills at CEFR level A1.

Lack of or limited literacy or education will not in itself 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 8.9 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

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 24 July, could 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 29 March 2017. 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. From 6 April 2015 pop-up testing has been introduced for the first time in places where there is lower demand and where testing may not have previously existed.

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, 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.

### **7.3. Authorisation of exemption**

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

[Back to Contents](#)

## 8. Partners of members of HM Forces

The English language requirement does **not** apply to those 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.

[Back to Contents](#)

## 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](#)

[Back to Contents](#)



## 10. Refusals

Information for decision makers on refusals can be found in [Appendix FM Section 1.0a: Family Life \(as a Partner or Parent\): 5-year Routes](#), [IDI Chapter 8: Family Members](#) and in [Modernised Guidance: HM Forces Partners and Children](#).

[Back to Contents](#)

## Annex A: Countries where approved A1 language test provision is not available – as at 29 March 2017

**This list is subject to change.**

Aruba	Haiti
Benin	Honduras
Bermuda	Iceland
Burkina Faso	Ivory Coast
Cape Verde	Kiribati
Central African Republic	Liberia
Chad	Mali
Comoros	Mauritania
Congo	Nicaragua
Democratic Republic of Congo	Northern Mariana Islands
Equatorial Guinea	Samoa
Eritrea	Sao Tome Principe
Faroe Islands	Seychelles
French Polynesia	Somalia
Greenland	Swaziland
Guam	Togo
Guinea	Virgin Islands
Guinea-Bissau	Wallis and Futuna Islands

[Back to Contents](#)

# 11. Contact for Further Information

This guidance is owned by the Family Policy Team.

Any queries should be directed to [FamilyPolicy@homeoffice.gsi.gov.uk](mailto:FamilyPolicy@homeoffice.gsi.gov.uk)