

THE PATH TO CITIZENSHIP: NEXT STEPS IN REFORMING THE IMMIGRATION SYSTEM CONSULTATION QUESTIONS

FEBRUARY 2008

Completed consultation proformas should be sent no later than 14th May to the following address.

Electronic:

ImmigrationReform@homeoffice.gsi.gov.uk

By post:

Immigration Reform Consultation Responses
Border and Immigration Agency
11th Floor
Apollo House
36 Wellesley Road
Croydon CR9 3RR

DATE	14 May 08
NAME	Beth Lakhani
ORGANISATION	child poverty action group
CONTACT DETAILS (EG POSTAL ADDRESS/ E-MAIL/TEL. NUMBER)	blakhani@cpag.org.uk

CHAPTER 3: THREE ROUTES TO CITIZENSHIP AND THREE STAGES IN THE JOURNEY

1. ARE ALL PARTS OF THE SYSTEM SET OUT IN CHAPTER 3 (I.E. THE THREE ROUTES TO CITIZENSHIP AND THE THREE STAGES IN THE JOURNEY) CLEAR AND EASY TO UNDERSTAND?

- Yes
 No
 Unsure

If you have answered no, please state what part of the system you think is not clear and easy to understand. (free response)

We've included some rather general comments which do not fit the framework of the document at this stage:

The Child Poverty Action Group (CPAG) campaigns for the eradication of child poverty in the UK. CPAG is strongly supportive of the official targets to halve (by 2010/11) and eradicate child poverty (by 2020). Poverty, even in the short term, can damage children and it is important that those who will or may remain in the UK benefit fully from the financial support and services available to British children. The Public Service Agreement underpinning the child poverty target makes no mention of nationality, birthplace or immigration status - the target is eradicate child poverty for all children present in Britain. This is an important position of principle which CPAG supports.

Our response here, therefore, is focused on the potential impact of the proposals within 'The path to citizenship: next steps in reforming the immigration system' on child poverty - we hope this will help government to child poverty proof these proposals, a concept widely accepted and to which the Department for Work and Pensions has signed up. Migrants to the UK are a group which are at great risk of being in poverty. CPAG's experience is based on our social policy and social security expertise, CPAG trains advisers on right to reside, immigration and social security law and publishes a handbook on migration and social security, is represented on both the Department for Work and Pensions' ethnic minorities forum and HM Revenue and Custom's Migrants and International working group. As a second tier advice provider, CPAG deals with a large number of queries concerning access to benefits and immigration status or right to reside. Many queries also reflect difficulties with administrative issues associated with the delivery of these benefits, including delays associated with obtaining National Insurance Numbers.

CPAG does not take issue with the need to manage migration, nor with rules protecting against the payment of benefit to visitors and holiday makers, but our view - based on the primary interests of the child (concerns which also cover the position of childless adults who may become parents) - is that control of migration should be separate from provision for need. Many of the provisions further reduce access to financial support for some migrants, the justification for this seems to be given in terms of concern over public opinion (particularly chapter two). At the same time the green paper accepts that often members of the public overstate the financial rights migrants have (para. 188) which are systematically different, and lower, than those with citizenship/ permanent leave to remain. The public misapprehension that migrants have access to large entitlements cannot be solved by 'a get tougher' message, and to do so runs counter to the positive argument that the green paper makes that:

'the average migrant makes a greater contribution to the provision of public services than the average non migrant' and 'on average migrants pay more tax than non migrants and consume fewer public services.' (para 186).

The green paper argues that public opinion is in favour of a 'something for something' deal through the welfare state (para 190), at a simplistic level that may be true but most people would also accept a civilised society awards rights to some people without an expectation of anything in return at that stage (children) or sometimes at all (the severely disabled). A child rights approach, embodied in the UN Convention on the rights of the child, gives rights to children (children - not to parents), on the basis of their importance as human beings, not on the basis of their having somehow 'earned' an entitlement. A fair migration policy and a commitment to tackling child poverty means that however government chooses to control migration it needs to enable families with children resident in the UK to have access to entitlements based on need and residency - not just citizenship.

Governments, regardless of party, have over the last 40 years sought to cut back immigration and with that access to financial support for migrants; the two exceptions to this trend being the rights of free movement and access to benefits of EEA migrants and the rights of some claimants to tax credits who would not be eligible for social security benefits at the couple rate. Yet despite this retrenchment the public remains largely hostile to the idea of immigration - get tough messages on immigration do not work in reducing this hostility, they are more likely to inflame it.

To illustrate some of our concerns at a typical case (real case with name removed) which has recently come to the attention of CPAG is:

Person had been in the UK with limited leave to remain subject to no recourse to public funds on the basis of a marriage application. She separated from husband because of domestic violence two months before making the application for permanent leave. She has a baby of three months. She was working before birth and is getting maternity allowance. Housing Benefit has been turned down on the basis of immigration status.

Maternity allowance is not subject to the public funds restriction. But she cannot get housing benefit to secure her housing. Rights to CTC were through her partner, so she (and her child) are now ineligible. That places her child at risk and compounds existing vulnerability following the domestic violence. The same applies to child benefit. In this case we do not know whether the child's benefits were already in payment but they would not continue.

Framework for access to public funds

CPAG's concern is with the financial welfare of immigrant families, through access to decent work and access (or otherwise) to social security benefits and tax credits. Children who do not have British citizenship or settled status

can be excluded from access to benefits and tax credits as a result of the public funds provisions and the immigration rules that deny certain immigrants access to public funds. The routes to exclude people derive from both social security and tax credit law and immigration law and immigration rules. It is this barrier to financial support particularly where there is the possibility that a family will be in the UK long term which concerns CPAG.

It is a principle of social security law that a child's access to social security depends not only on the adult's status but it may also depend on the child's, for example disability living allowance. For child benefit and child tax credit purposes the child's status is irrelevant but the adult who is the only person able to make the claim for the benefit/tax credit must have a status that does not debar them from access to public funds. Hence the importance of establishing a framework for access to public funds that does not exclude children from that financial help, or the parents of those children if the family claim is for the children's benefit. To exclude children from access to public funds is to promote a policy which is at odds with the government's commitment to end child poverty.

A child's access to financial support depends on the adult's status and entitlement for some benefits, in others it depends on the child's status. For example for child benefit and child tax credit the status of the child is irrelevant but the status of the adult who claims for the child is crucial. For disability benefits it is the child's status that matters. However if both adult and child are of foreign status there is no eligibility.

When assessing the need for changes to the rules it is important to bear in mind this complexity. We understand that the framework of public funds is not yet finalised, although in chapter 5 reference is made to the long-standing policy that those entering under the economic or family routes should be expected to support themselves without being able to access social security benefits and or social housing. No conditions are placed on access to support for British citizens and those with permanent residence other than normal benefit / tax credit rules and we would suggest that similar principles be applied for an interim or waiting period before that person/ family acquire the citizenship or permanent leave.

Our comments on chapters 3, 4 and 5 are made on the basis of two assumptions that:

- Mixed status couples will retain entitlement to tax credits, and
- The public funds condition will continue to be a test of additional recourse to public funds.

We hope there is no plan to cut back further access to financial support. The availability of tax credits to mixed status families gives protection to foreign spouses and children who are joining a British citizen or spouse/parent already settled here. It enables child tax credit to be paid for the children and working tax credit if the spouse from abroad is working and the employment is low paid. One change we would like to see made is that where parents and children are applying for citizenship or permanent leave via the family route that there should be a right to claim DLA after six months regardless of status. That move would protect disabled children (both through DLA and child tax credit disability elements).

A country committed to eradicating child poverty must protect all resident children from poverty and indeed given that many of the categories of claimants who come to the UK will be seeking permanent residence or will eventually become citizens protecting these families from poverty is important to their children doing well and to consequent social cohesion. One way of clearly demonstrating, as with the Department for Children, Schools and Families agenda, that every child matters, would be to give access to all benefits to parents and children who have come from abroad after a short waiting period – perhaps six months. This would exclude visitors and holiday makers but would ensure that other immigrants had access to normal financial support after this waiting period.

CPAG is disappointed by the government's negative approach to EEA migration and the failure to make any positive recommendations in relation to the operation of the right to reside test. This in particular has created problems for women from both the old and new states of the European Union who are temporarily unable to continue to be available for work for a period of time, for instance following the birth of their child, health problem or domestic violence. As currently interpreted the law denies women who are temporarily unable to work because of pregnancy and the recent birth of a child to access benefits and tax credits and are therefore without financial support at a crucial point in their lives and that of their children.

The government refers to its traditional support for the freedom of movement regulations but in fact the above undermines in particular free movement rights of women from the EEA. Is this an issue which the government to seek a unified approach from the European Commission to obtain a positive solution to this issue

2. DO YOU THINK THE CONCEPT OF 'PROBATIONARY CITIZENSHIP' IS A GOOD IDEA?

Probationary citizenship is a new stage which is time-limited to encourage migrants to complete the journey to citizenship and integrate fully into British society. It is intended to provide a stepping stone between temporary residence and British citizenship/permanent residence. During their time as probationary citizens migrants will

demonstrate whether they have earned their right to British citizenship or permanent residence.

- Yes
 No
 Unsure

Please list any reasons for your response below. (free response)

Given that becoming part of British society will also require access to its safety net provisions, CPAG argues that at this stage immigrants should have access to financial support via tax credits and social security law. We are concerned that this transitional stage will simply extend the period during which a migrant (and children) are required to live without access to normal services and benefits while at the same time the adult is subjected to a variety of obligations while seeking citizenship - this places children at greater risk and is counter to the objective of tackling child poverty.

3. MIGRANTS OF CERTAIN NATIONALITIES MAY CHOOSE NOT TO BECOME BRITISH CITIZENS BECAUSE OF RESTRICTIONS ON HOLDING MORE THAN ONE NATIONALITY IN THE LAW OF THEIR COUNTRY OF ORIGIN. DO YOU THINK THAT A PERMANENT RESIDENCE CATEGORY SHOULD BE PROVIDED FOR PERSONS IN THIS SITUATION?

We recognise that some people will feel unable to apply for British citizenship - because of restrictions on holding more than one nationality in the law of their country of origin - and we have taken this into account in the proposed architecture. We intend to provide a clear route for migrants to become permanent residents, as an alternative route to British citizenship, but all migrants will need to spend longer as probationary citizens if they choose this route. A shorter progression time to British citizenship from probationary citizenship is intended to encourage migrants to choose British citizenship above permanent residence.

- Yes
 No
 Unsure

Please list any reasons for your response below. (free response)

Again at this stage there needs to be financial support via tax credit and social security in the normal way. At the moment this category appears to extend the waiting period before a person acquires settled status and no convincing argument has been made to support this proposal. A person should acquire certain economic rights as a result of gaining long term residence, not because of some kind of other criteria. There will be strong family ties in other countries where dual citizenship is not allowed and migrants may wish to ensure they can return to their country of origin for family reasons. We are not convinced that they should have to wait longer to acquire this status.

4. DO YOU THINK THE 'UK ANCESTRY' ROUTE SHOULD BE ABOLISHED?

Under the current UK ancestry provisions, a Commonwealth citizen, aged 17 or over, who is able to show that one of his grandparents was born in the UK, and who intends to take or seek employment here, may be granted an entry clearance on the basis of his UK ancestry.

- Yes
 No
 Unsure

Please list any reasons for your response below. (free response)

If this is changed as proposed, immigrants where one grand parent was born in the UK would lose their right to come and work in the UK and eventually settle in the UK. This proposal affects commonwealth immigrants from South Africa, Zimbabwe, Australia, New Zealand, Canada and some people from India. It seems wrong in principle to deny this route of access to the UK. These individuals might potentially be able to gain access to the UK by other routes but would then face the barriers relating to access to benefits for the proposed transitional period.

5. DO YOU THINK THE 'RETIRED PERSONS OF INDEPENDENT MEANS' ROUTE SHOULD BE ABOLISHED?

Under the existing 'retired persons of independent means' provisions, a person may qualify for an entry clearance if they are aged 60 or over, have an income of at least £25,000 a year, have a close connection with the UK, and intend to make the UK their home.

- Yes
- No
- Unsure

Please list any reasons for your response below. (free response)

CHAPTER 4: EARNING THE RIGHT TO STAY

1. ARE THE PROPOSED MINIMUM TIME PERIODS FOR A MIGRANT TO COMPLETE THE JOURNEY TO BRITISH CITIZENSHIP SUITABLE?

A. 6 YEARS FOR ECONOMIC MIGRANTS (UNDER TIERS 1 AND 2 OF THE PBS) AND THEIR DEPENDANTS

*We propose that persons on the 'economic migrant' route should be able to qualify for **citizenship** after a minimum of 6 years. This period is made up of a 5 years as a temporary resident and a minimum of 1 year as a probationary citizen.*

- Yes
- No: the time period should be increased
- No: the time period should be decreased
- Unsure

B. 3 YEARS FOR FAMILY MEMBERS OF BRITISH CITIZENS/PERMANENT RESIDENTS

*We propose that family members of British citizens/permanent residents should be able to qualify for **citizenship** after a minimum of 3 years. This period is made up of a 2 years as a temporary resident and a minimum of 1 year as a probationary citizen.*

- Yes
- No: the time period should be increased
- No: the time period should be decreased
- Unsure

C. 6 YEARS FOR MIGRANTS GIVEN PROTECTION (THOSE GRANTED REFUGEE STATUS AND HUMANITARIAN PROTECTION) AND THEIR DEPENDANTS

*We propose that persons on the 'protection' route should be able to qualify for **citizenship** after a minimum of 6 years. This period is made up of 5 years as a temporary resident and a minimum of 1 year as a probationary citizen.*

- Yes
- No: the time period should be increased
- No: the time period should be decreased
- Unsure

Please list any reasons for your response below. (free response)

2. ARE THE PROPOSED MINIMUM TIME PERIODS FOR A MIGRANT TO COMPLETE THE JOURNEY TO PERMANENT RESIDENCE SUITABLE?

A. 8 YEARS FOR ECONOMIC MIGRANTS (TIERS 1 AND 2 OF THE PBS) AND THEIR DEPENDANTS

We propose that persons on the 'economic migrant' route should be able to qualify for **permanent residence** after a minimum of 8 years. This period is made up of 5 years as a temporary resident and a minimum of 3 years as a probationary citizen.

- Yes
- No: the time periods should be increased
- No: the time periods should be decreased
- Unsure

B. 5 YEARS FOR FAMILY MEMBERS OF BRITISH CITIZENS AND PERMANENT RESIDENTS

We propose that family members of British citizens and **permanent residents** should be able to qualify for permanent residence after a minimum of 5 years. This period is made up of 2 years as a temporary resident and a minimum of 3 years as a probationary citizen.

- Yes
- No: the time periods should be increased
- No: the time periods should be decreased
- Unsure

C. 8 YEARS FOR MIGRANTS GIVEN PROTECTION (THOSE GRANTED REFUGEE STATUS OR HUMANITARIAN PROTECTION) AND THEIR DEPENDANTS

We propose that persons on the 'protection' route should be able to qualify for **permanent residence** after a minimum of 8 years. This period is made up of 5 years as a temporary resident and a minimum of 3 years as a probationary citizen.

- Yes
- No: the time periods should be increased
- No: the time periods should be decreased
- Unsure

Please list any reasons for your response below. (free response)

CPAG is opposed to the extension of time during which migrants, whether economic or family members are required to spend time without access to financial support if it is needed. We are also concerned that the minimum period for acquiring citizenship will often not apply in practice to some migrants and they will be forced to spend a longer period without access to support while meeting the active citizenship test.

Where migrants have responsibility for a child the extended waiting period without access to public funds would appear to contravene the UN Convention on the Rights of the Child which the UK has signed and ratified. Under this the government is committed to:

'Recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realisation of this right ... '(article 26, clause 1), and

'Recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.' (article 27, clause 1)

'...Take appropriate measures to assist parents and others responsible for the child to implement this right' (article 27, clause 3)

Different migrant groups are currently affected in different ways by the public funds test during this period. The extent of financial support depends on the route of entry and in the case of the family route whether the spouse (and children) are joining a person with British citizenship or merely permanent residence. We outline the way in which the public funds test impacts on different groups of migrants (we assume here that in each case these are children who came to the UK with the foreign spouse and therefore do not have British citizenship/settled status).

Economic migrants

The first of the three proposed categories of migrant is economic and subdivides into two tiers depending on skill level. The proposals seem to place a good deal of risk on these groups, given that changes of personal circumstance (job loss or illness) have the potential to rapidly place families in poverty.

Tier one: provided the person who has qualified to work here does not succumb to illness or disability there are likely to be few problems as this high skill group is likely to obtain a reasonably high level of pay. However if a change of personal circumstances (for instance an accident at work) did occur it would appear that a family would be forced to use up all their savings and accrued earnings and might still be forced to leave the country and return to their country of origin. If a child within this group developed a disability there would be no payment of Disability Living Allowance (DLA). Assuming that the spouse and children had come with the economic migrant to live here or to join the economic migrant at a later stage in the transitional period, both members of the couple would have a status that would not allow them to claim tax credits. They would have no right to access any social security benefits of any kind in addition.

Tier two: this group may include those on much lower pay such as nurses. However they will not be eligible for working tax credit and it will be more difficult for this group to come with family. If they lose their job before they acquire citizenship or permanent residence they lose all rights to stay unless they are able to find a similar job and an employer who is able to apply for a work permit for them. Again the emergence of a disability or chronic illness or an accident at work will not give the person or their family if here any access to benefits.

Family members of British citizens and permanent residents (family route)

Family route joining a British citizen

The spouse here will have entitlement to all social security benefits including child benefit for a child regardless of their status. However if the spouse here claims a means tested benefit the benefit will be paid at the single person rate. The couple can make a couple claim for tax credits – including both child tax credit and working tax credit. The disability element can be claimed for the children because the British spouse will passport them to entitlement to Disability Living Allowance (DLA) and the additional disability elements in tax credits in recognition of this. Annually this is worth £2,540 (tax credits) and £2,332 (DLA middle rate care component). If the British spouse is disabled, the spouse from abroad can claim carers allowance because s/he is a member of a family of an EU national (Part 11 of the Schedule to the Immigration and Asylum (Consequential amendment) regulations 2000). If the spouse from abroad is disabled she can similarly claim DLA. This is also the reason why the children are passported to entitlement to DLA and the higher rate of CTC.

Family route joining a spouse who is here with permanent residence.

The reduced rights of the foreign children and spouses are similar but not exactly the same as above. People are treated in the same way for means tested benefits (that is means tested benefits paid at the single person's rate). Child benefit can be claimed for the child from abroad. However the rights of the foreign spouse are much reduced as the settled spouse is not a British citizen and although settled does not confer the same range of benefit rights as listed above. The foreign spouse is therefore not eligible for non-means tested benefits such as disability allowance or carers allowance because they are not a member of a family of an EU national. The couple can claim tax credits but if there was a disabled child in the family who had come from abroad the person here could not passport the child to entitlement to DLA and the child tax credit would be paid at the standard rate without additions for disability. This reduced level of entitlement and access to support will last for a longer period if immigrants are required to wait longer to acquire permanent residence.

Those in need of protection (refugees and those granted humanitarian protection)

We support the governments recommitment to the 1951 Geneva Convention on the status of refugees. CPAG remains concerned that those seeking asylum status are currently denied access to the system of social security and tax credits and instead are paid via a parallel system of support – asylum support. This is paid subject to certain restrictive conditions and the overall package of support is paid at a rate below that for the host community. Treating one sector as outsiders who are not worthy of the same level of support does little to overcome society's antagonism and fear. It would be more constructive to allow asylum seeker to work – many would wish to do so and in the past were allowed to do so.

CPAG believes that asylum seekers should:

- Have access to benefits while claims are processed;
- Be able to work;
- Be entitled to be paid benefits and tax credits British citizens are entitled. If payments continue to be different, at the least payments should be backdated to the original claim for asylum as soon as refugee status is recognised. The status of refugee and the international requirement for equal treatment starts from the date of the application not from the date of recognition.

Length of time before permanent residence or citizenship awarded.

The increased waiting time exacerbates the impact of the lack of access to public funds - that is counter to protecting families from poverty.

Depending on the group involved for a period of between three to eight years the family will be excluded entirely, or partially from financial support. It will be crucial that the government maintains access to tax credits particularly child tax credit. However we are concerned that for some families the waiting time will be so long that it will not be economically feasible for families to be reunited; it effectively means tests family unity.

Other categories: victims of domestic violence

CPAG welcomes the fact that a person admitted as a partner of a British citizen or permanent resident will be 'able to move directly to permanent residence, provided that they met the rules relevant to their category'. It might help the lone parent (a victim of domestic violence) and her child we described elsewhere in this evidence. However it is unclear what the last condition means in practice. It is also important that women in this position have certainty about their position.

Recommendation on access to public funds.

- That there should be access to public funds after a shorter waiting period (no longer than a year).
- As a priority the waiting period should be reduced for families using the family route to enter.
- That the government should extend access to DLA and the disability elements of tax credits to those who are not British or settled and as a priority extend this right to children. The status of the child should not affect the right of that child to access disability benefits which are not means tested and are paid in recognition of the extra costs of disability.
- That workers on low pay regardless of immigration status should have access to working tax credit – this could benefit those in tier two and also some of those who are admitted on a more temporary basis.
- That no distinction should be made between those applying for citizenship or settlement and we should respect the fact that a person wishes to retain citizenship in of their country of origin and this will normally be in order to be able to return to stay in contact with family there. We offer no view on whether encouraging citizenship is a good thing – but we do not agree that moves towards it should slow access to economic rights. If we are to connect the governments aim of tackling child poverty to this area, CPAG can see no logical reason for denying people from abroad normal entitlements beyond a relatively short waiting period (as suggested above).

3. SHOULD PARTNERS OF BRITISH CITIZENS OR PERMANENT RESIDENTS BE REQUIRED TO DEMONSTRATE THAT THEY ARE IN AN ONGOING RELATIONSHIP WITH THE CITIZEN/PERMANENT RESIDENT BEFORE PROGRESSING:

A. FROM THE PROBATIONARY CITIZENSHIP STAGE TO BRITISH CITIZENSHIP?

- Yes
- No
- Unsure

B. FROM THE PROBATIONARY CITIZENSHIP STAGE TO PERMANENT RESIDENCE?

- Yes
- No
- Unsure

Please list any reasons for your response below. (free response)

4. SHOULD GATEWAY REFUGEES CONTINUE TO BE GRANTED PERMANENT RESIDENCE ON ARRIVAL IN THE UK?

The Gateway Protection Programme is the UK's international commitment to offer permanent protection for refugees in vulnerable situations where resettlement is the only solution. The Gateway Programme is run in conjunction with the UNHCR. At present, Gateway refugees are granted settlement on arrival in the UK with no requirement for an active review.

- Yes

- No
 Unsure

Please list any reasons for your response below. (free response)

5. ACTIVE CITIZENSHIP

We propose that probationary citizens who have demonstrated 'active citizenship' (e.g. volunteering with a recognised charity) should be able to apply for citizenship or permanent residency sooner than those who do not.

Migrants who **have demonstrated active citizenship** would be able to apply for **citizenship** after a minimum of **1 year** and **permanent residence** after a minimum of **3 years** as probationary citizens.

Migrants who have **not** demonstrated active citizenship would be able to apply for **citizenship** after a minimum of **3 years** and **permanent residence** after a minimum of **5 years** as probationary citizens.

A. SHOULD 'ACTIVE CITIZENSHIP' BE A MEANS BY WHICH PROBATIONARY CITIZENS CAN SPEED UP THEIR JOURNEY BRITISH CITIZENSHIP OR PERMANENT RESIDENCE?

- Yes
 No
 Unsure

We are also seeking views on whether all migrants should be **required** to demonstrate a minimum level of community involvement.

B. SHOULD 'ACTIVE CITIZENSHIP' BE A MANDATORY REQUIREMENT FOR ALL PROBATIONARY CITIZENS TO QUALIFY FOR BRITISH CITIZENSHIP OR PERMANENT RESIDENCE?

- Yes
 No
 Unsure

Please list any reasons for your response below. (free response)

Where the addition of a probationary period extends the period during which financial rights are lower for migrants on the path to citizenship CPAG argues this is an unreasonable additional requirement. The concept of active citizenship requires more thought since placing additional requirements may disadvantage particular groups. It is unclear whether a person who fails the probationary citizenship test would be expected to leave the UK or whether this only applies to those on the economic route (para 103 chapter 3)

CPAG has a number of concerns:

- Foreign spouses from relatively deprived communities will have to spend time both learning English and possibly working long hours because of low pay. This will leave little time for additional community activities apart from being with their family.
- Language may be a barrier to participation in some voluntary activities until the foreign spouse has spent a longer period in the UK and has become more fluent in English.
- Lack of familiarity with concepts of volunteering mean voluntary activity may be a barrier to participation.
- That quite necessary controls around volunteering, for instance criminal records checking, may limit the 'active citizenship' which people can engage in (for instance if they come from a culture without written records) and so slow access to citizenship rights;
- The cultural background of migrants will influence what is appropriate activity at least initially for those from more conservative communities - there are risks that 'active citizenship' requirements could disadvantage some women.

In broad terms the active citizenship test could have the effect of speeding up the applications of the more advantaged and with knowledge of British or similar societies, while delaying the claims of those who are least familiar and may come from more disadvantaged and socially different societies.

6. SHOULD THE FOLLOWING ACTIVITIES BE VIEWED AS DEMONSTRATIONS OF 'ACTIVE CITIZENSHIP'?

A. VOLUNTEERING WITH A RECOGNISED ORGANISATION OR CHARITY

- Yes
- No
- Unsure

B. EMPLOYER SUPPORTED VOLUNTEERING

- Yes
- No
- Unsure

C. VOLUNTEERING WITH A RECOGNISED ORGANISATION TO SUPPORT THE UK'S INTERNATIONAL DEVELOPMENT OBJECTIVES, INCLUDING SHORT PERIODS OF TIME OVERSEAS

- Yes
- No
- Unsure

D. RUNNING OR HELPING TO RUN A PLAYGROUP WHICH ENCOURAGES THE DIFFERENT COMMUNITIES TO INTERACT

- Yes
- No
- Unsure

E. FUND-RAISING ACTIVITIES FOR CHARITIES OR SCHOOLS

- Yes
- No
- Unsure

F. SERVING ON COMMUNITY BODIES, FOR EXAMPLE AS A SCHOOL GOVERNOR

- Yes
- No
- Unsure

G. RUNNING OR HELPING RUN A LOCAL SPORTING TEAM

- Yes
- No
- Unsure

Please detail any other activities that you think should be viewed as demonstrations of active citizenship (free response).

7. DO YOU THINK THAT COMMITTING A CRIME WHICH ATTRACTS A CUSTODIAL SENTENCE SHOULD SLOW DOWN OR STOP A MIGRANT'S PROGRESSION TO PERMANENT RESIDENCE?

- Slow down
- Stop
- Neither
- Unsure

8. DO YOU THINK THAT COMMITTING AN OFFENCE WHICH DOES NOT ATTRACT A CUSTODIAL SENTENCE SHOULD SLOW DOWN OR STOP A MIGRANT'S PROGRESSION TO PERMANENT

RESIDENCE?

- Slow down
- Stop
- Neither
- Unsure

Please list any reasons for your response below. (free response)

9. DO YOU THINK PROGRESSION SHOULD BE STOPPED OR DELAYED FOR THOSE WHOSE CHILDREN COMMIT CRIMINAL OFFENCES?

- Slow down
- Stop
- Neither
- Unsure

Please list any reasons for your response below. (free response)

CHAPTER 5:

THE IMPACT OF MIGRATION AND ACCESS TO BENEFITS AND SERVICES

1. SHOULD PROBATIONARY CITIZENS WHO HAVE ENTERED THE UK THROUGH THE ECONOMIC OR FAMILY ROUTES HAVE ACCESS TO BENEFITS *IN ADDITION* TO THOSE BASED SOLELY ON CONTRIBUTIONS MADE THROUGH THE NATIONAL INSURANCE SCHEME?

We are proposing that probationary citizens who have entered the UK through the economic or family routes should continue to only have access to benefits based on the contributions they have made through the National Insurance scheme, providing that the minimum level of contributions have been made.

- Yes
- No
- Unsure

Please list any reasons for your response below. (free response)

2. FURTHER AND HIGHER EDUCATION

We are proposing that probationary citizens should have access to ESOL further education courses at the 'home rate', instead of at the higher 'overseas rate' and that access to higher education at the 'home rate' should only be available at British citizenship/permanent residence. ('Home rate' fees are those which British citizens pay for further education; non-citizens pay a higher premium for access to educational institutions: the 'overseas rate')

A. AT WHICH STAGE IN THE JOURNEY TO CITIZENSHIP DO YOU THINK FURTHER EDUCATION FOR THE SAME FEES AS BRITISH NATIONALS (RATHER THAN AT THE HIGHER 'OVERSEAS RATE') SHOULD BE AVAILABLE?

- Temporary residence
- Probationary citizenship
- British citizenship/permanent residence
- Unsure

B. AT WHICH STAGE IN THE JOURNEY TO CITIZENSHIP DO YOU THINK HIGHER EDUCATION FOR THE SAME FEES AS BRITISH NATIONALS (RATHER THAN AT THE HIGHER 'OVERSEAS RATE') SHOULD BE AVAILABLE?

- Temporary residence
- Probationary citizenship
- British citizenship/permanent residence
- Unsure

3. SHOULD NON-EEA MIGRANTS ENTERING THROUGH THE ECONOMIC AND FAMILY ROUTES PAY AN ADDITIONAL CHARGE ON TOP OF EXISTING APPLICATION FEES IN ORDER TO CREATE A FUND WHICH WOULD BE USED TO ALLEVIATE SHORT-TERM PRESSURES ON LOCAL PUBLIC SERVICES CAUSED BY MIGRATION?

- Yes
- No
- Unsure

Please list any reasons for your response below. (free response)

CHAPTER 7: SIMPLIFYING THE SYSTEM AND REFORMING THE LAW

1. OVERALL, ARE THE SIMPLIFICATION PROPOSALS SET OUT IN CHAPTER 7 OF THE GREEN PAPER IN KEEPING WITH THE SIMPLIFICATION PRINCIPLES OUTLINED IN PARAGRAPH 223?

- Yes
- No
- Unsure

ARE THERE ANY SIMPLIFICATION PROPOSALS THAT YOU FEEL ARE NOT IN KEEPING WITH THE SIMPLIFICATION PRINCIPLES IN PARAGRAPH 223?

- Yes
- No
- Unsure

Please state which proposals you feel are not in keeping with the simplification principles and why (free response).

**2. DO YOU HAVE ANY FURTHER THOUGHTS OR COMMENTS ON THE SIMPLIFICATION PROPOSALS SET OUT?
(free response)**

ANNEX C: CONSULTATION ON IMPACTS OF GREEN PAPER PROPOSALS

1. DO YOU THINK THAT THE SCOPE OF THE IDENTIFIED COSTS AND BENEFITS IN ANNEX C IS CORRECT?

In Annex C we discuss areas where the Green paper proposals may give rise to costs or benefits. We are seeking comments on whether the scope of identified costs and benefits seems broadly correct.

- Yes
- No
- Unsure

Please list any reasons for your response below. (free response)

RESPONDENT INFORMATION

HOW DID YOU FIND OUT ABOUT THE CONSULTATION?

- a) from the Home Office
- b) on line
- c) through your organisation
- d) through friends
- e) through a consultation event
- f) through the media
- g) other (please specify)

HOW ARE YOU REPLYING TO US?

- a) by e-mail
- b) by post
- c) at a consultation event
- d) other (please specify)

ARE YOU A:

- a) British Citizen
- b) non-British Citizen permanently resident in the UK
- c) non-British Citizen temporarily resident in the UK
- d) other (please state)

PLEASE INDICATE THE REGION OF THE UK YOU ARE FROM, OR THE ORGANISATION WHICH YOU REPRESENT IS BASED:

- a) England
- b) Scotland
- c) Wales
- D) Northern Ireland

CPAG is a national organisation. It has offices in London and Glasgow.

ARE YOU A: (PLEASE SELECT ALL THAT APPLY)

- a) member of the general public
- b) voluntary/community organisation or charity
- c) an employment agency
- d) educational institution
- e) local government
- f) immigration advisor/Immigration Law Practitioner
- g) central government
- h) an employer/trade association
- i) other (please specify)

ARE YOU A:

- a) public sector body
- b) private sector body
- c) other (please specify)

Charity

PLEASE TICK THE BOX THAT BEST DESCRIBES THE SECTOR YOUR ORGANISATION FALLS INTO (IF ANY)

- a) administration, business and management services
- b) agricultural activities
- c) computer services
- d) construction and land services
- e) education and cultural activities
- f) entertainment and leisure services
- g) extraction industries
- h) financial services
- i) government
- j) private health and medical services
- k) NHS Trust
- l) hospitality, hotel and catering and other related services
- m) law related services
- n) manufacturing
- o) real estate and property services
- p) retail and related services
- q) security and protective services
- r) social care services
- s) sporting activities
- t) telecommunications
- u) transport
- v) utilities – gas, electricity and water
- w) other services

anti poverty organisation