

FAQ on citizenship - Young Europeans November Citizenship Webinar

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These questions were asked at a YEN webinar on 18 November 2020. *Some questions are rephrased to preserve anonymity.*

Please note: before you consider applying to become British, you should find out whether your home country allows dual citizenship and in precisely which circumstances. Otherwise, by applying to become British, you might inadvertently lose your current citizenship now or later, and with that, your right to free movement in the EEA and Switzerland. You should consult your country's embassy or government website, i.e.: *official* sources of information about the laws of your country. Do not rely on printed information which may be out of date. Laws can change, sometimes for the better!

Legal advice and assistance with your application

After learning of all of the above, you may decide that you would prefer legal advice and assistance at this point. Here are some options:

- **Private fees** – you may only need an initial consultation if you feel you just have a few questions. Find solicitors [here](#) and OISC-accredited immigration advisers [here](#). Three of the highest-ranked private solicitor firms for immigration in the UK are [Laura Devine Immigration](#); [Bates Wells](#); [Wesley Gryk Solicitors](#)
- **Private fees (free 15-minute phone consultation)** – small organisation [Gribkowski Migration](#)
- **Legal aid (separated migrant children eg: children in care only)** – three examples of good legal aid firms and organisations are: [Bindmans](#); [Wilsons](#); [JCWI](#)
- **Charities (free advice and assistance for children and young people)** – [The Project for the Registration of Children as British Citizens \(PRCBC\)](#); [CCLC](#); [Just for Kids Law](#)

Citizenship requirements, including Comprehensive Sickness Insurance

Q1: I have settled or pre-settled status, but I am currently not meeting the naturalisation requirements because of past gaps in exercising treaty rights. Do I need to obtain CSI?

A1: No. Both settled and pre-settled status are lawful leave granted under the immigration rules, so as long as you keep meeting the conditions and do not lose your status through excessive absences, your stay will remain lawful. CSI would add nothing at this point. Wait until the gaps no longer form part of your 10 years before applying for citizenship, or apply before that time and ask for discretion.

Q2: A former student emailed her university to ask why they never informed her of CSI, the reply confirms the university never did because they had no policy to do so. Should this information be put in with the application?

A2: Absolutely! This is great evidence to support your reasoning why you did not have CSI. One could also ask the relevant GP surgery. Although chances of a response may be lower, it could be worth a try.

Q3: An EU national has been employed for 5 years – is CSI still needed to apply for naturalisation?

A3: If your work was more than on average 10 hours per week and you were not absent for 6 months or more in any of those years (except for an important reason), you became a permanent resident at the end of the 5 years and could theoretically completely stop exercising treaty rights from that point. If you were in the UK **before** these 5 years of work, and this time still falls into the 10-year period leading up to your citizenship application, you will need to check if you needed CSI then. The naturalisation online application form asks for evidence of CSI in all cases, which is wrong and confusing to applicants.

Q4: Would 2 weeks without CSI lead to a refusal for naturalisation?

A4: Realistically, you would support your application with evidence which is spaced out over the months of each year, rather than covering every single 2 week period, so such a short gap would not even feature. Alternatively, to be extra sure, use the discretion point from the guidance in relation to inadvertent *and* short breaches, and evidence both of those elements.

Q5: Does a student who worked part-time during studies need CSI to apply for naturalisation?

A5: As long as the work was on average more than 10 hours per week and not a course work experience placement, you can be classed as a worker for that time period. Workers do not need to have CSI to exercise treaty rights.

Q6: How can one prove CSI?

A6: Some main ways to prove CSI apart from a private comprehensive insurance are: EHIC card (from your country of origin, not the UK), insurance cover via family members, insurance cover via your home state, evidenced by forms S1, S2 or S3 (requested from the home state).

Q7: An EU citizen and their spouse arrived in the UK in 2013. The EU citizen has held a PhD and teaching post, but their spouse only started working in 2015. Does the spouse need CSI for the first 2 years?

A7: If the teaching post averaged 10 hours per week, then the EU citizen would be classified as a worker, and therefore the spouse would not need CSI.

Q8: I have been self-sufficient for 8 years out of 17 years' of my UK residence. Do I need CSI?

A8: Generally yes, or use one of the workarounds. In this case, it is advisable to seek legal advice as the adviser would need to know more about the basis for the self-sufficiency and your activities and those of any family members in the other years to see whether the right of permanent residence was in fact obtained under EU law.

Q9: I have not been working and had no CSI before the 5 year qualifying period for naturalisation – does this matter?

A9: The guidance does require 10 years' immigration compliance. This was tested in the courts and confirmed.

Q10: I had an EHIC card from my home country which expired 3 months before the end of my studies – will the Home Office overlook this?

A10: You can try to obtain proof from your home country's health department that your health costs would have been eligible for reimbursement to the NHS. If you were also working more than 10 hours during that time, you should be classed as a worker and would not have needed CSI.

Q11: Does my national insurance record impact citizenship?

A11: It can be extremely helpful to prove exercise of treaty rights as a worker or self-employed person.

Q12: I had two gaps in my employment (3-4 weeks each) when I was between contracts. Will this affect my application?

A12: If you registered for unemployment benefit during those gaps: no. If not, you should have legal representation when you apply.

Q13: What would happen if I cannot find the referees as requested?

A13: You will need referees as there is no discretion to allow absence of references, and UKVI would write to you to provide them. The list of acceptable professionals is quite long, so you may well find someone.

You can find the list of acceptable referees here:

<https://www.gov.im/media/624353/listofreferees.pdf>

Q14: For British citizenship, does the Home Office go through all the years you reside in the UK or just the 5 years prior to the application?

A14: They check a record of 10 years' lawful residence for those who have been in the UK for longer than 5 years. If you first came to the UK less than 10 years before your application, then only your time since arriving in the UK is checked.

Q15: When does the qualifying period start - from the date of first arrival or the last 5 years?

A15: There are two periods - the 5 or 3 years' residence requirement based on the BNA 1981 and the 10 years' immigration compliance requirement under the Good Character requirement. Immigration compliance is looked at for the whole 10 year period (or your whole residence, if you arrived less than 10 years ago), whereas allowable absences (270 or 450 days, and no more than 90 of those in the last year) is looked at in relation to the 3 or 5 year residence requirement.

Q16: How long can I stay outside the UK to get the passport?

A16: You need citizenship first (for instance, evidenced through your certificate of naturalisation) before applying for a UK passport. In the last year of residence before the citizenship application, you must not have been out of the UK for more than 90 days, although excessive absences can be excused in certain circumstances, see notes above. There is discretion under the guidance.

Q17: Can I apply for citizenship if I have been studying for the past 6 years in the UK without CSI?

A17: If you worked more than 10 hours on average per week you will likely be classed as a worker instead of a student, so no CSI needed. If not, and you held an EHIC card from another country, this can be used as evidence of being covered so long as you can add legal arguments into your covering letter as to why that should be accepted despite the fact your residence turned out not to have been temporary. If you don't have that, ask your home state to confirm via one of the other acceptable forms (S1-S3) that you were covered.

Q18: Do I need to satisfy the CSI requirements now if I've only been working in the last 3 years (and was a student before)?

A18: Your time as a student would need to be covered either by being classed as a worker instead, or CSI. See above re: how to prove CSI or ask for EHIC/S2 to be accepted. You can also ask for discretion to be exercised under the Good Character guidance.

Q19: Was the CSI rule reinforced by HO in late September by asking for 10 years' worth of CSI if someone has been a student or self sufficient?

A19: The Good Character guidance has required 10 years' lawful residence since December 2014. For the other elements of this question, see above.

Q20: 2014-2015 no CSI, 2015-2020 self-employed. Can I apply for citizenship?

A20: For the first 3 months of residence no CSI is needed for anyone as there is no requirement to exercise treaty rights during initial right of residence. See above on discretion.

Q21: Can I apply for citizenship if I did not have CSI for one year in the 5 years prior to applying (I was studying)?

A21: See above on alternative ways of proving CSI equivalent, or being a worker.

Q22: I'm worried about times where I didn't have CSI, when I was simply moving jobs and had a few weeks off between them.

A22: See above re: short periods out of employment. If you registered with the Job Centre in between, you will have maintained your worker status. Also query whether an EEA or Swiss family member was exercising treaty rights at the time.

Q23: Form E104/ the new S041, can it be used to prove CSI?

A23: This [helpful resource by EU Rights Clinic](#) mentions the E104 form. The [Home Office guidance on qualified persons](#) does not mention this form, only the following:

- a valid European Health Insurance Card (EHIC) issued by an EEA member state other than the UK (or its predecessor form E111)
- form S1 (or its predecessor forms E109 or E121)
- form S2 (or its predecessor form E112)
- form S3

You should perhaps, instead, try to obtain one of the above, or written confirmation from your home state that your form certifies the fact the NHS was entitled to recover health costs from your home state or the relevant insurance.

Q24: I have an EU health insurance card. Do I need CSI?

A24: The qualified persons' guidance says that you can submit an EHIC, issued by any country except the UK, so long as it is clear that it covered the relevant period.

Q25: Do children, dependent children and disabled children or adults need to prove CSI?

A25: A child, unless separated from their parents, will have the same status as their parents until the age of 21. So: if their EEA parent was working, or if their EEA parent was a student/self-sufficient with CSI, the parent will be a qualified person (and therefore lawfully resident), and the child will be lawfully resident too, as the parent's family member. From age 21, adult children can still depend on their parents in this way if they are dependent on their parents. This may assist an adult child who is disabled. Separated children, such as children in care, will normally not have access to information about their parents (even if the parents were working) and thus in practice have to meet the qualified person status requirements in their own right. They should seek help and advice, as there is discretion in the British Nationality Act 1981 (Section 3(1)) that can be applied.

Q26: I was granted pre-settled status in October 2019. Do I qualify as “self-sufficient” as I am a stay at home mum at the moment, a dependent of my husband who works full time? What if I start working as a freelance translator? When will I have to start paying CSI to have 5 years before I apply for citizenship?

A26: From grant of pre-settled status, your presence in the UK is lawful. The CSI requirement is no longer relevant to you from the date of that grant. However, in relation to your past period of residence: If your husband was an EEA or Swiss national, and if he was always working, he will have been a qualified person by working and therefore lawfully resident. By being a family member of a qualified person, you will also have been lawfully resident, without working or having CSI. If he was a dual EEA or Swiss national who has naturalised as a British citizen after exercising treaty rights, the same applies. However, if your husband is of a different nationality, you would have needed to meet the qualified person requirements in your own right, by either working or being self-sufficient. Self-sufficiency requires CSI, or one of the other forms of proving your health cover. The qualified persons guidance says that CSI can be proven in other ways: a valid European Health Insurance Card (EHIC) issued by an EEA member state other than the UK (or its predecessor form E111) covering the relevant period; form S1 (or its predecessor forms E109 or E121); form S2 (or its predecessor form E112); or form S3. You have to contact your home state for these forms, and for confirmation that you were covered for reimbursement of NHS costs during the relevant period.

Q27: I am a Greek guy, came to the UK in 2015 and worked in care homes since July 2015. In January 2016, I started work in the NHS and in February 2018 I started a full time course (during this time, I was receiving payslips from the NHS). I graduated in April 2020 and since then I am working again in the NHS. Does the 2 year period while I was a student and fully receiving payslips and salary from the NHS count for my citizenship period or not? I received settled status in July 2020.

A27: You may well have retained worker status during that time, because your studies were vocational and closely linked to your previous job. Therefore, no CSI should be required to cover that period. If you are working during your studies, you can also qualify as a worker - see the guidance above in this document on worker status. However, if you are planning to naturalise, it would be a good idea to instruct an immigration lawyer to write a covering letter to that effect.

Q28: Will CSI gaps under 6 months be penalised? Like if I had a few weeks off between full time jobs?

A28: If you claimed Job Seekers' Allowance (JSA) during your times between work, you will have retained worker status and the CSI requirement therefore did not apply. If you did not claim JSA, you could argue, in the covering letter to your application, that UKVI should exercise discretion and explain why you did not know about CSI and therefore did not have it. Inadvertent short breaches should be excused.

Q29: Do you have to have held CSI when receiving Jobseekers' Allowance?

A29: By having claimed JSA, you will generally be classed as either having retained worker status (if you worked before receiving JSA) or as a jobseeker. In these categories, no CSI is required. There are time limits on this, however. Unless you were previously working, and did not remain on JSA for more than 6 months, you should seek legal advice.

Q30: Will 5 years of CSI be enough?

A30: Any time period during which you were not a worker (employed, self employed or retained worker) or the family member of a qualified person or permanent resident needs to have been covered by CSI. Check the other answers for what other evidence UKVI will accept in lieu of CSI.

Q31: What can we do to reverse the decision about comprehensive sickness insurance?

A31: This is a policy/campaigning question, so please do discuss this with the3million.

Dual citizenship

Q32: I am a German National and I know that Germany does allow dual citizenship. A friend of mine is now applying to becoming British as she has read that you may be able to keep your two citizenships once you have applied before the Brexit deadline at the end of this year (31 Dec 20) Would the logical conclusion be that after the deadline you would not be able to keep your first (German in my case) citizenship? Please could you confirm this is true and what the actual costs are? Is it around £1,300? Does it also count to being covered on CSI by your partner / husband?

A32: The German embassy confirms that the only way to apply after the end of 2020 and retain German nationality is by way of a Beibehaltungsgenehmigung (permission to retain) first. If you apply before the end of 2020, as Germany allows acquisition only of other EU states (and the UK is still within transition despite having left the EU on 31 January 2020), Germany will let you keep both. Normally I cannot advise on other countries' requirements but I have several German clients right now so I have up to date knowledge as at the time of this Q&A.

Q33: I think my country allows dual citizenship, but do I need to inform them if I get British citizenship?

A33: Please consult your embassy's website and official government pages on dual nationality and what the requirements are as I can only advise on UK law. The citizenship application will ask you about your other nationalities. As far as the UK is concerned, that is the only way you need to inform UKVI, but your country may have its own requirements in that regard.

Tests and references

Q34: My Greek partner is taking her Life in the UK test for citizenship today. Are we likely to get the test result before the UK leaves the EU at the end of the year? If she doesn't pass, do you envisage there being any barriers to taking the test again if we left the EU without a deal?

A34: You should get the result immediately after taking the test. Citizenship applications are not affected by the end of the transition period, other than, as far as I know in the case of German nationals (see above). To find out if there are other such scenarios as the German one, where the law in that country, as to dual nationality in relation to the UK, changes on a certain date, please consult the Greek embassy.

Q35: One of the requirements is to have a referee that is a civil servant, an accountant or someone like a priest that knows the person for more than 3 years but what about if someone doesn't know anyone that fits the criteria? Who else is in this category that can serve as a referee?

A35: You need not have known them personally as a friend, they only need to have been aware of you, and the list of acceptable professional persons who can act as referees is quite long and is set out on page 24 of this UKVI guidance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/631639/Nationality-policy-general-information-all-British-nationals-v1.0EXT.pdf

I have clients who have asked their local pharmacists or postmaster, for example, who knew them by sight.

Q36: I just got my settled status less than 1 month ago. I read that I need to wait one year to apply for citizenship. Is there anything during this year I can start doing to speed up the process?

A36: You could make an application for a document certifying permanent residence, so long as you apply before the end of 2020. If granted, these come with a letter stating when you became a permanent resident. If that point in time is more than a year prior, you can apply to naturalise straight away.

You can also use this time to pass the Life in the UK test and the English language test (if required), which you need before submitting your application.

Other questions

Q37: On the radio-ad about immigration, they mentioned a licence that UK employers would need and pay to hire European citizens. It sounded like it would only apply to new hirings after Brexit. However, I was wondering how this impacts European citizens that arrived in the UK before Brexit. If we are changing jobs post-Brexit, would this rule apply to us? And so, giving us an unfair disadvantage?

A37: The requirement to apply for a work visa, and for your employer to have a sponsorship licence, only applies for new arrivals from 1 January 2021, so it will not affect you. You can continue to work and change jobs freely as you already live here. During the first six months of 2021, up to the 30 June 2021 deadline for applying for (pre-)settled status, employers should not ask for proof of (pre-)settled status. They should treat both groups of European citizens the same and only ask to see an EEA/Swiss passport or national identity card.

Q38: I am a key worker, does the Home Office apply, like Boris Johnson stated this year, a tax reduction for us?

A38: Apologies, but unless I am misunderstanding your question, that is a tax matter on which I cannot advise.

Q39: I have been in the UK for 5 years and 7 months however I got settled status before the 5 years at 4 years and 7 months. Is that normal?

A39: I would need to know the circumstances under which this decision was made as there are categories in which early settlement is possible. As far as citizenship is concerned, what matters is that you have held EUSS for one year (unless married to a British Citizen); that you can prove 5 (or 3) years' residence without gaps in residence of more than 450 (or 270) days; that you were not absent for 90 days or more in the last year before application; and that you were lawfully resident for 10 years (or your whole residence, if you arrived less than 10 years ago). You still also have to read the whole good character guidance to ensure nothing in this points to a refusal. If it does, speak to a lawyer.

Q40: With last month's policy change in citizenship applications for EEA/EU citizens, a case worker can now examine whether the applicant is of 'good character' (i.e., has not been in breach of immigration laws) going back 10 years rather than 5 years as previously. I'm an EEA citizen (Icelandic) and have lived in the UK 10 years but was unknowingly in breach of CSI for 17 months 7 years ago. My question is: in a citizenship application, is it better to not mention one was in breach of holding CSI and let the caseworker find this out, or is it better to explain why one didn't hold CSI during a particular period (ie. not knowing it was required)?

A40: Definitely disclose, as deception in a citizenship application could leave you barred from applying again for 10 years (see good character guidance). However, first read through these notes as to whether there are other ways in which you might have been a qualified person, or whether you can obtain documents from your home state to confirm you were reciprocally covered.

Q41: I have settled status in the UK but am currently working as a frontier worker from Belgium. Is there a chance for me?

A41: It would probably be difficult for you to meet the residence requirements of no absences in excess of 450 days across the 5 year period, and no absences in excess of 90 days in the last year. However, if you expect your main home to be the UK again in the near future, you should look at when discretion can be exercised by UKVI in relation to excess absences, from page 16 in the [naturalisation guidance for HO staff](#).

Q42: Could an EEA National holding a Document Certifying Permanent Residence (DCPR) apply for naturalisation as a British Citizen between January and June 2021 , when they have not applied under the EU Settlement Scheme (EUSS)? Would holding settled status under the EUSS become a prerequisite to apply for naturalisation after 1 January 2021?

A42: No the first question, yes to the second - settled status under the EUSS will become a prerequisite to apply for naturalisation after 1 January 2021.

Q43: How do they perform the checks on the number of days abroad in the last 5 years? I spent time abroad working but can't demonstrate it.

A43: Apparently you can request your entry and exit records from UKVI by way of a particular subject access request, but I have not attempted this yet. These records are being kept of exit and entry, presumably via scanning of your biometric passport.

I have seen references in the guidance to UKVI checking border records, presumably via scans of biometric passports on entry and exit, so you should try your best to find your travel dates. If you cannot locate all of them, give your best estimate and say in your covering letter that you have tried but failed to find proof of all your absences, so that you cannot be accused of deception.

Q44: Are there agencies that help with preparing/assessing the citizenship application form as you'll do with a mortgage broker?

A44: There used to be a town hall nationality checking service, but that has been abolished. Yes, immigration solicitors and immigration advisers do, and some charities.

Q45: My mother-in-law got settled status living with me but she is not working and I bear all her expenses. Will there be any problem for her after Brexit?

A45: Settled status protects the rights of EU citizens to live in the UK after Brexit. In terms of her naturalisation application, from grant of settled status onwards, her residence is lawful so no CSI is required. Before that, if you are an EEA/Swiss citizen, you were working and she was dependent on you, she also will not have required CSI as, instead, she was a family member of a qualified person. As part of her naturalisation application, she should submit evidence of her dependence on you, and of your work, for the relevant period. You should also include your spouse's birth certificate and your marriage certificate to prove she is your mother-in-law.

Q46: Is it better/easier to apply as an adult married to a British citizen or on your own?

A46: It is a little easier to apply as a spouse as the residence requirement will only be applied across 3 years, not 5; you can apply earlier as settled status (or permanent residence) need only be held, not held for one year; and future intentions to reside in the UK permanently are assessed more leniently.

Q47: Does a child, of EU parents, need to pay when applying for UK citizenship if the child was born in the UK in 2006? The child has been living in the UK continuously for the last 14 years.

A47: Yes, the registration fee of £1,012 unfortunately applies. The child, however, has an entitlement to register as a British national under s1(4) British Nationality Act 1981 if they spent no more than 90 days outside the UK in each of their first 10 years of life in the UK, so will be on stronger ground than an adult applying to naturalise. Even though the good character requirement applies to that child from the age of 10, they cannot be refused on grounds of their parents' lack of CSI, for example. If that's an issue, seek legal advice as these are arguments to be made under case law. Do check however that the child is not already automatically British, which they would be if one parent was settled or British at time of their birth (settled can mean being a permanent resident without having applied for a PR card).

Q48: Does a National Insurance Number (NINo) count as proof of the time one has been in the UK?

A48: Yes, if you were consistently working, your National Insurance Contributions record will show that, unless you were a posted worker. You can request your records for free from HMRC here:

<https://www.gov.uk/guidance/hmrc-subject-access-request>

Your DWP records can equally show presence in the UK. These records can also be requested for free, here:

<https://www.gov.uk/guidance/request-your-personal-information-from-the-department-for-work-and-pensions>

Please also refer to the Young Europeans guide on demystifying citizenship, which has a list of other requests for information you can make to prove your continuous residence.

Q49: Is there any indication from the government that the requirements will change after 31 December 2020? For example, the 5 years becoming 10 years, as it is for immigrants from outside the EU now.

A49: No, the 5-year residence requirement at this point in time is not set to increase. However, the period of lawful residence, if you have been living in the UK for over 5 years by the time of application, will be assessed back to up to ten years before the application under the Good Character guidance. This has been the case since December 2014.

Q50: An EEA National in possession of a Document Certifying Permanent Residence can apply for naturalisation as a British Citizen without holding a Settled Status under the EU Settled Scheme up until 31/12/2020. Would EEA Nationals holding Permanent Residence in the UK need to apply for Settled Status in order to apply for naturalisation between January and June 2021?

A50: Yes.

Q51: Can one apply after 10 years of compliance or after the 5 years qualifying period?

A51: Both requirements apply. The 5-year period is more about proving your continuous residence throughout that time. The 10 year period is the maximum period up to which the lawfulness of residence will be checked. If someone has been resident in the UK for less than 10 years, they do not have to wait until they reach the 10-year mark. That is only the maximum period which will be assessed. Of course, someone who came to the UK 6 years ago, was lawful for 5 years, then received their settled status straight away and has waited one year, does not have to wait before applying to naturalise.

Q52: As a self-employed person that pays both Class 2 and Class 4 contributions, am I exempt from paying CSI or do my contributions cover CSI ?

A52: As you have paid both classes of national insurance contributions, this indicates to me that you were a qualified person as a self employed worker. The work needs to have been genuine and effective however (see [this guidance](#), p 13). If this is the case, the CSI requirement does not apply to you.

Q53: Can we collectively challenge the Home Office through a judicial review, about the extortionate citizenship application fees? As a public sector, the HO is only meant to recover costs to deliver public goods, but it is estimated they make 300% profit on the citizenship process, it is unethical and I think against public sector principles.

A53: Please refer to the Project for the Registration of Children as British Citizens, who have run such a case but only in relation to children's registration fees. As they have looked at the relevant legal challenges already, ask them about their view of merits for such a challenge.