

# **Professor Thom Brooks, Professor of Law and Government, Durham Law School, Durham University – Written evidence (LTN0009)**

## **General Questions**

1. There is no evidence that the Life in the UK test has achieved its purpose since its launch in 2005. This is because no government has ever run any consultation into assessing whether it has – despite frequent calls to do so, at least by me.
2. To date, the government has relied mostly on hearsay. This is evidenced in various Written Answers to Parliamentary Questions. The government will note its confidence in the test (and citizenship ceremonies<sup>1</sup>) without having any evidence that the original purposes are fulfilled.<sup>2</sup> In 2020, the government admitted that it has made 'no specific assessment of the long-term effect of the Life in the UK test has on promoting British values or improving integration'.<sup>3</sup>
3. This failure to assess whether the test is fit for purpose is alarming. The test is required for Indefinite Leave to Remain and citizenship. Over 2 million tests have been sat. Sound policymaking involves regularly assessing whether an implemented reform meets expectations. There is no reason why not one of the many who have become naturalised British citizens could not be consulted about whether the test achieved its aims and purposes. The failure of successive governments to ask the question suggests they do not want to know the answer.
4. While the test was part of the creation of a clearer, more transparent route to permanent residency and to citizenship in order to support integration of migrant community efforts, the move to changing the third edition away from trivia to the more trivial facts, such as in what country did the founder of the UK's first curry house open for only a few years go to elope with his wife, seems part of an effort to increase the number of failed tests through trickery evidenced, in part, by the steep increase in fails after it was adopted in March 2013.<sup>4</sup> I also believe the move to make the test no longer count for passing the English requirement alongside steep rises in the costs of the test, English test and overall application has made the process financially prohibitive for more people.<sup>5</sup> Rather than providing a clear,

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<sup>1</sup> See <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-10-11/HL1899/>

<sup>2</sup> See <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-10-09/HL1747/> and [http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-10-10/HL1845.](http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-10-10/HL1845/)

<sup>3</sup> See <https://www.theyworkforyou.com/wrans/?id=2020-07-13.73097.h&s=%22life+in+the+uk%22#g73100.q1>

<sup>4</sup> See <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-10-09/HL1794/>, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-10-09/HL1749/> and [http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-10-09/HL1748/.](http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-10-09/HL1748/)

transparent bridge for those making a life here to become British, the government erected an arbitrarily constructed barrier. This was a mistake.

5. In interviews, some respondents have said to me that a good proof of civic knowledge is whether someone has been able to live in the UK for at least five years paying all taxes and be law abiding, as sound evidence that someone understands how to meaningfully contribute to society in a positive way.<sup>6</sup>
6. There are many ways civic knowledge can be tested. I am not opposed to the use of a supervised online test, if its content was fit for purpose.
7. I would recommend the test is reserved for citizens alone. I believe the link to requiring it for permanent residency was made because it was to be part of a new earned citizenship framework that was not implemented fully. Permanent citizens are not British citizens although their children are entitled to British passports. This could be a basis for requiring satisfactory knowledge of Life in the UK to become permanent residents.
8. I note that my work has found the current test to be impractical (without information on how to report a crime, register with a GP or that there is a phone number '999'), inconsistent (applicants do not need to know how many MPs are in Parliament, but must the number of any other devolved government), contains too many trivial facts amongst its 3,000 facts (such as the height of the London Eye in feet and metres, the approximate age of Big Ben's clock tower in 2013 and what nationality was the wife of the owner of the UK's first curry house), there is significant gender balance with some areas not mentioning any contributions from women (e.g., artists, musicians, poets) and information is outdated and in parts now false (e.g., claims Margaret Thatcher is alive and the UK is a EU member state).<sup>7</sup> These issues must all be tackled: the test must practical, consistent in approach, recognise and respect equality without imbalances and the facts included should be routinely checked to ensure their veracity.
9. I further note mixed messages from the government on the test's language. While the test can be sat in English, Welsh or Scots Gaelic, the test handbook is only available in English. This must be changed so that the test and its handbook are in the three languages permitted. The government is aware of this asymmetry and content for this to continue.<sup>8</sup> I recommend that this puts an unfair burden on Welsh or Scots Gaelic speakers who wish to take the test in these languages, as permitted by

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<sup>5</sup> Test attempts dropped when the current edition was introduced in 2013: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2017-10-09/HL1793/>.

<sup>6</sup> See Thom Brooks, *Becoming British: UK Citizenship Examined* (London: Biteback, 2016), pp. 85-120 (chapter 4).

<sup>7</sup> See Thom Brooks, *The 'Life in the United Kingdom' Citizenship Test: Is It Unfit for Purpose?* (Durham: Durham University, 2013) available online:

[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2280329](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2280329). New updated book is Thom Brooks, *Reforming the UK's Citizenship Test: Building Bridges, Not Barriers* (Bristol: Bristol University Press, 2022).

<sup>8</sup> <https://questions-statements.parliament.uk/written-questions/detail/2020-07-13/73109/>

law, and that they should be treated with the same equality – and so with a test handbook in these languages – like English speakers.

10. Furthermore, the Cornish have protected minority status and must have equality with the Welsh and Scots since 2014.<sup>9</sup> Members of Parliament have been able take their oaths when elected in English, Welsh, Scots Gaelic or Cornish and this is enshrined in the Promissory Oaths Act 1868.<sup>10</sup> In 2017, the government clearly said it *was* considering a Cornish Life in the UK test.<sup>11</sup> Yet in 2020, the government claimed it 'had no plans' to do so.<sup>12</sup> The latest statement in Parliament is inconsistent with the earlier statement for a start. The failure to grant equality to Cornish history and culture in the test is a continuing breach of the protected minority status the Cornish received. If this status is still to be recognised, then inclusion of Cornish history and culture in the test is a requirement and so too the opportunity of sitting the test in Cornish.

### **For those who took the test**

11. I took the test in 2009. My general experience was deeply unpleasant. No one had ever mentioned the test to me since arriving in 2001. The first time I saw that there was a test and that I needed to pass it was when reading through my Indefinite Leave to Remain application form as I tried to complete it about two months before my Limited Leave to Remain visa ran out. The discovery came as a shock in having to book a test, find a test handbook, master its contents sufficiently and pass it before my visa expired. It made a stressful experience far worse.
12. It was also an enormously frustrating experience. Few British citizens I spoke to had any idea there was a test or what it was about – and most were unable to answer many of the questions. It is the test for British citizenship that few British citizens seem able to pass – which makes a mockery of the whole exercise of migrants having to know various facts in order to integrate with citizens who do not know the facts themselves. Many were aghast when I showed what was required of migrants in their name to become British.
13. In addition to taking the test (now £50), there is the cost of the test handbook and official practice questions which I purchased. It is important to note that the handbook is not a complete guide to the test. For example, it does not give any examples of the kinds of questions that appear, etc. The only way to learn about the different test formats, etc is to buy extra publications. This is deeply problematic. The official test handbook should state clearly how many questions are asked, how many must be answered correctly to pass and the formats (e.g., truth or false, multiple choice etc).

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<sup>9</sup> HM Treasury, 'Cornish granted minority status within the UK', 24 April 2014. See Framework Convention for the Protection of National Minorities 1995.

<sup>10</sup> See <https://www.parliament.uk/about/how/elections-and-voting/swearingin/>.

<sup>11</sup> See Baroness Williams of Trafford, 'British nationality: assessments', House of Lords debate, 24 October 2017, UIN HL1872.

<sup>12</sup> See <https://www.theyworkforyou.com/wrans/?id=2020-07-13.73097.h&s=%22life+in+the+uk%22#g73100.q1>

Individuals applying for British citizenship should not be left to guess at how they should prepare.

14. The most useful insight into British society that I gained from preparing is that this test of civic knowledge to become British was a standard few, if any, British citizens actually met. What made it worse was discovering a number of factual inaccuracies, which I have charted across all three editions.<sup>13</sup> Given the vocal expressions of how seriously all parties claim to take immigration and citizenship, it is shocking that so many errors continue to be made and to go unnoticed. We owe it to citizens old and new that correct answers on any test for citizenship should be correct to the best of our abilities. It is intolerable that new citizens are required to memorise factually untrue and outdated information to provide sufficient evidence of integration. It is, in fact, evidence of the test's degradation.
15. Passing the test did not make me feel more integrated. After all, I had to learn facts other citizens did not know and did not want to know. While it made for amusing dinner party conversations at best, it instilled a deep sense of maltreatment and unfair play undermining the very British values I was being tested about and encouraged to adopt. The test has certainly made a very deep impression on me as it led to my commitment to campaign for its improvement since 2012 in the media long before it became a sustained object of interest for other academics and policymakers.
16. What I would have liked to have seen is in my list of 20 recommendations in *Reforming the UK's Citizenship Test* on pages 102 to 105 shared with the Committee. A key part of my recommendations is the need for a new Citizenship Advisory Group modelled on the original group led by Sir Bernard Crick that designed the first test and test handbook. This Group engaged in a constructive public consultation meeting with citizens to gather their views on Britishness and expectations about the uses of a citizenship test. It has been nearly two decades since this Group last met and it should be reconvened to better understand any shifts in public attitudes about Britishness and citizenship, expectations around the test and also engagement with various stakeholder groups including those who have naturalised. This would help refresh the test's content and help refresh its public image, as well as learning from nearly twenty years of using three test editions. Preferably, the Advisory Group would include membership, and leadership, that have completed the naturalisation journey themselves including passing the Life in the UK test.
17. I took the test in order to apply for Indefinite Leave to Remain. I had about two months to pass the test and submit my application before my visa ran out. I ran a risk that if I could not complete the test and application on time I would have lost my full-time permanent position and had to leave the UK.

## **On international comparisons**

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<sup>13</sup> See Brooks, *Reforming the UK's Citizenship Test*.

18. An increasing number of countries are testing knowledge for citizenship. In the United States, this is done at interview. I am undecided if that format is best, but the content is better than in the UK test. The information is non-partisan, general and the test is to serve as a bridge, not a barrier, to citizenship with the main hurdles passed prior to eligibility for taking the test. And once the test is passed, the individual can take part in a citizenship ceremony. In the UK, an individual must wait one year and one day from applying to become a citizen after becoming a permanent citizen. In my case, I passed the test and became a permanent citizen in 2009, but after applying at the first opportunity I did not become a British citizen until 2011.
19. There is no regional variation I am aware of for the United States. This is important. Each state has different laws, forms of governance etc. But someone is becoming a citizen of the whole, not only the part. The test is about becoming an American, not a Californian or Texan. Similarly, I would recommend knowledge about regional differences in the Life in the UK test for all but without regionally different tests. An individual is applying to become a British citizen and this should matter.
20. In the United States, failing the test means it must be taken again but sitting it a second time is free with no additional cost to pay.
21. The most important lesson for the UK to learn from the United States is in a test that is politically non-partisan, where there is no effort to trick applicants and the facts tested are genuinely widely shared knowledge. It is taught in many high schools ensuring citizens know what is on the test as part of their own citizenship education. This is a good principle to follow.
22. I note there are examples to draw on from elsewhere, such as France and Germany, where prospective applicants for citizenship meet together regularly in classes to learn civic knowledge and the language.<sup>14</sup> What I recommend about this approach is that this mirrors, in part, the original advice from Sir Bernard Crick's Life in the UK Advisory Group that there should be regular meetings where prospective citizens could meet together and support each other. This was not adopted and so the process is lonely with all effort by the individual to discover the test, what it covers, its preparation and so on with usually no support or guidance. This is no way to encourage active, constructive citizenship nor integrative belonging. This area should be reviewed with a view towards creating a more supportive pathway benefiting citizens new and old alike.

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<sup>14</sup> See Thom Brooks, *Becoming British: UK Citizenship Examined*. London: Biteback, 2016, pp. 145–46; Germany's integration system: <http://www.bamf.de/EN/Willkommen/DeutschLernen/Integrationskurse/integrationskurse-node.html> and France's system: <http://www.edrh-sophiaantipolis.com/public/docs/page/souspage/53.pdf>.