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Private and Confidential

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Our Ref: HSI06918

20 October 2025

Dear Pen,

Naturalisation as a British Citizen Application - Initial Advice Letter

Further to our initial appointment and your instructions for our firm to assist you with your application to the Home Office to be naturalised as a British citizen, this letter sets out the relevant law you are applying under, the evidence required to demonstrate you meet that law and our opinion as to whether your application will be successful.

Your instructions

You are a citizen of Taiwan.

On 24 September 2014 you entered the UK with a Tier 4 (General) student visa to study a PhD. This visa was valid from 11 September 2014 until 30 January 2019.

Prior to the expiry of your Tier 4 (General) student visa, you submitted an application to extend your status under the Doctorate Extension scheme. The application was subsequently granted on 31 January 2019, valid until 29 January 2020

On 8 November 2019, you submitted an application under the Tier 2 (General) route. This application was subsequently granted until 14 September 2022.

In 2022, prior to the expiry of your Tier 2 (General) visa, you pursued a change of employment application under the skilled worker route. The application was granted, and valid until 28 October 2023.

On 26 October 2023 you were granted your extension under the Skilled Worker route, with the same Sponsor, which was granted until 14 January 2025.

On 16 November 2024, you submitted an application for indefinite leave to remain on the basis of long residence, which was subsequently granted on 21 November 2024.

Legal Services. The Smart Way.



You have confirmed that in the qualifying period, you have been absent from the UK, however the total absences do not exceed 450 days within the qualifying 5-year period, and do not exceed more than 90 days within the previous 12 months.

You do not have any criminal convictions and are of good character. You have not overstayed any of your visas. Additionally, you have not received any criminal or civil penalties in any country.

You do not have any history of criminality or breaching immigration laws in the UK or any other country.

You are now seeking advice regarding making an application to naturalise as a British citizen.

Your current nationality

Although British nationality law allows multiple nationalities, we cannot advise on any impact acquiring British citizenship may have on your current nationality. Acquiring another nationality (for example by naturalisation), could cause the revocation of a previous nationality.

Should you have any doubts about the legal implications naturalising as a British citizen would have on any existing nationality you hold, we recommend you obtain legal advice from a nationality law expert in the relevant jurisdiction.

You advised that you have reviewed Taiwanese guidance and confirmed that dual nationality is permitted.

Our advice

Naturalisation is not a legal entitlement and the Secretary of State for the Home Department (SSHJ) may exercise their discretion to naturalise you only if you satisfy the following statutory requirements set out in the British Nationality Act 1981.

Section 6. Acquisition by naturalisation.

(1) If, on an application for naturalisation as a British citizen made by a person of full age and capacity, the Secretary of State is satisfied that the applicant fulfils the requirements of Schedule 1 for naturalisation as such a citizen under this subsection, he may, if he thinks fit, grant to him a certificate of naturalisation as such a citizen.

Legal Requirements you should meet before you apply for Naturalisation:

- You are aged 18 or over at time of the application;
- You are of sound mind, so that you understand the step you are taking;
- You intend to continue to live in the UK, or to continue in Crown service, the service of an international organisation of which the UK is a member, or the service of a company or association established in the UK;
- You are able to communicate in English (or Welsh or Scottish Gaelic) to an acceptable level (You would need evidence to demonstrate this requirement);
- You have sufficient knowledge of Life in the UK (you would need to pass the "Life in the UK Test", in order to demonstrate you meet this requirement);
- You meet the "Good Character Requirement" - (this is a complex requirement, which looks at many aspects and is not only limited to criminality);
- You have lived in the UK for a minimum of five years before you apply and meet the following residence requirements:

Residence Requirements you should meet before you apply:

- You must have been physically present in England, Wales, Scotland, Northern Ireland, the Isle of Man or the Channel Islands on the day five years before the application is received by the Home Office. (this means your five year period of residence cannot start with a day of absence);
- You must not have had more than 450 days outside the UK in the five-year period before making the application (there is limited discretion to allow absences above these normal limits);
- You must not have had more than 90 days outside the UK in the 12-month period before making the application (there is limited discretion to allow absences above these normal limits);
- You must be free from immigration time restrictions on the date of application and have been free from immigration time restrictions for the 12-month period before making the application.

Referee Requirements

- You need to have two suitable persons, who agree to act as your referees and to complete the Referee Declarations (see below for a list of acceptable referees).

Physically Present

You should not make the application if you were absent on the day 5 years before the application. For example, if your application date (the date the online application form is submitted online) is 1 November 2025, you should have been in the UK on 1 November 2020.

Upon review of the absences calculator provided, we have confirmed that you were physically present in the UK on 21 November 2020, and therefore, we will proceed with submitting the online application on 21 November 2025.

Absence

To satisfy the residence requirement, you should not have been absent for more than 90 days in the last 12 months, however:

- Up to 100 days of absences from the UK during the last 12 months of your qualifying period would normally be disregarded.
- Up to 179 days of absences may be disregarded if you have met all other requirements and you have demonstrated links with the UK through presence of family, an established home and a substantial part of your estate.

You should also have not been absent for more than 450 days within the 5-year qualifying period.

- There is discretion to disregard absences in excess of the limits:
 - Under the 5-year naturalisation route: a total number of 480 days absences will normally be disregarded; up to 730 days if you have been resident in the UK for the last 7 years; up to 900 days if you have been resident in the UK for the last 8 years.
 - UNLESS: Your absences were a result of the following:
 - A posting abroad in Crown or designated service, or as the husband, wife or civil partner of a British citizen serving abroad in Crown or designated service

- An unavoidable consequence of the nature of your work. For example, if you are a merchant seaman or someone working for a UK based business which requires frequent travel abroad
- Exceptional or compelling reasons of an occupational or compassionate nature such as having a firm job offer for which British citizenship is a genuine requirement.

You have provided an overview of your absences from the UK throughout the 5-year qualifying period. At the date of application, your absences will total 26 days in the last 90 days, and 81 days in the previous 5 years. Therefore, you will satisfy the residence requirement.

[Free from immigration time restrictions](#)

You can use one of the following to show you are free from immigration time restrictions on the date of application:

- an EUSS letter showing you have been granted EUSS ILR (settled status)
- a passport showing permission to remain permanently in the UK
- the Home Office letter showing permission to remain permanently in the UK
- a biometric residence permit (BRP) showing ILR, ILE or no time limits
- a certificate of entitlement to the right of abode

You have provided a copy of your Home Office decision letter confirming your indefinite leave to remain, which was granted on 21 November 2024. You should therefore satisfy this requirement, as we will proceed to submit your online application on 21 November 2025.

[Knowledge of language and life in the UK](#)

1. Life in the UK test

You need to pass the “Life in the UK” test in order to qualify for the legal requirements.

You have confirmed the successful completion of the Life in the UK test, which was confirmed as part of your application for indefinite leave to remain and confirmed by a copy of the Unique Reference Number (URN) provided.

You must fill in your test reference number on your naturalisation application form.

2. English language at the required level

You need to have a valid speaking and listening qualification in English at B1 CEFR or higher.

OR

You must use your UK degree certificate if you have a UK degree.

OR

If you are using an academic qualification which is equivalent to a UK Bachelor's or Master's degree or PhD, which was taught in a majority English-speaking country (excluding Canada), you need to provide your degree certificate and an Academic Qualification Level Statement (AQUALS) from Ecctis (formerly UK NARIC) confirming the qualification is equivalent to a UK qualification.

OR

If you are using an academic qualification which is equivalent to a UK Bachelor's or Master's degree or PhD, which was taught in non-majority English-speaking country, you need to provide your degree certificate and an Academic Qualification Level Statement (AQUALS) from Ecctis (formerly UK NARIC) confirming the qualification is equivalent to a UK qualification and an English Language Proficiency Statement (ELPS) from Ecctis (formerly UK NARIC) showing that your degree was taught in English.

OR

You automatically meet the English requirements if you are from Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; Malta; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; or the United States of America.

You have completed a PhD at the University of Durham, and will use this to satisfy the English language requirement.

Intention to live in the UK

Part of the application requires you to demonstrate that you intend to live in the UK on a permanent basis. Generally this intention will be assumed, where there is no indication to the contrary.

Referees and Identity

Your application must be endorsed by two referees. Each referee should have known you personally for at least three years. One referee may be a person of any nationality, who has professional standing, for example a minister of religion, civil servant or a member of a professional body, e.g. an accountant or solicitor (but this cannot be ourselves, as we are representing you with this application). The other referee must be the holder of a British citizen passport and either a professional person or over the age of 25.

Each referee should be:

- not related to you
- not related to the other referee
- not your solicitor or agent, representing you with this application
- not employed by the Home Office

The Home Office will not accept a referee who has been convicted of an imprisonable offence during the last ten years unless this sentence has become spent. Your referees will need to complete a "referee declaration".

Good Character

To be of good character you should have shown respect for the rights and freedoms of the UK, observed its laws and fulfilled your duties and obligations as a resident. Among the duties and obligations which you are expected to fulfil is payment of income tax and National Insurance contributions. The Home Office may ask HMRC for confirmation. You must give details of all criminal convictions both within or outside the UK. These include road traffic offences, but not fixed penalty notices which have not been given in a court. Criminal record checks will be carried out in all cases. If you are not honest about the information you provide and you are naturalised on the basis of incorrect or fraudulent information you will be liable to have British cit-

izenship taken away (deprivation) and be prosecuted. It is a criminal offence to make a false declaration knowing that it is untrue.

The Home Office will consider whether an applicant is a good character on the balance of probabilities. As part of their assessment, the Home Office must take into account all available information regarding an applicant's character. The Home Office will weigh any negative factors around an applicant's criminality against mitigating factors such as contributions a person has made to society, or whether an applicant has spent a large proportion of their life not offending.

If you have a conviction which is not yet spent an application for citizenship made now is unlikely to be successful, as the Home Office would not be satisfied that you are of good character.

As the Home Office assesses the application, they will consider whether or not the person is of good character on the balance of probabilities. Typically, the more recent or sizeable the sentence and fine, or if the circumstances of the incident call the person's character into question, it is more likely that the Home Office will not consider the individual to be of good character

The Home Office will assess whether or not a person is of good character on the balance of Probabilities. They will take into account all available information concerning the individual's character. They will review and negative factors around criminality against mitigating factors such as contributions a person has made to society or any significant proportions of a person's life spent not offending. These circumstances will include:

- The length of time since the offence
- The number of offences on an individual's record, and the period of time in which any offences were committed
- The seriousness and nature of the offence
- The applicant's age at the date of conviction
- Any exceptional circumstances and other mitigating factors.

You have confirmed that you have no prior convictions or offences and are a person of good character.

What if you haven't been convicted but your character may be in doubt?

You must say if there is any offence for which you may go to court or which is awaiting hearing in court. This includes having been arrested for an offence and waiting to hear if you will be formally charged. If you have been arrested and not told that charges have been dropped, or that you will not have to appear in court, you may wish to confirm the position with the police.

You must say whether you have been involved in anything which might indicate that you are not of good character. You must give information about any of these activities no matter how long ago this was. Checks will be made in all cases and your application may fail and your fee will not be fully refunded if you make an untruthful declaration.

Deprivation of citizenship

If you are not honest about the information you provide and you are naturalised on the basis of incorrect or fraudulent information, you will be liable to have your British citizenship taken away (deprivation of citizenship) and you may be prosecuted. It is a criminal offence to make a false declaration knowing that it is untrue.

You may be deprived of British citizenship if it transpires to have been obtained by fraud, false representation or the concealment of a material fact. The Home Office may also deprive you of British citizenship if it would be in the public interest to do so and where this would not render you stateless, for example if you:

- have encouraged or assisted others to commit acts of terrorism;
- have committed war crimes, public order offences or other serious crime; or
- have carried out acts seriously prejudicial to vital national interests, including espionage and acts of terrorism directed at the UK or an allied power.

A Certificate of Naturalisation may, as a matter of law, be ineffective from the outset if it is obtained by means of impersonation.

Application process

The application is made by submitting an online application form to the Home Office and providing your supporting evidence in the form of uploaded scanned documents. The application fee for Naturalisation is £1,735.00 (which includes the fee for the citizenship ceremony - see below). Please note that the Home Office fee is correct at the time of writing.

You must also enrol your biometrics which means providing your fingerprints and a digital photograph and this is a mandatory part of the process; failure to submit your biometric information within the stipulated time frames will result in your application being rejected.

If any additional documentation or information is required to decide your application, the Home Office will write to us and request this. We will usually have **10 working days** to provide the requested information. If no response is received, the Home Office will decide your application on the evidence they already have, which means there is a higher risk that your application will not be successful.

The Home Office aims to process Naturalisation applications within six months from the date of submission however, please note this is a service standard and not a guaranteed timeframe and sometimes these applications can take longer to decide.

Application documents

- Completed online Application Form and Documents Checklist - ***these will be generated by us during the online application process***
- Completed and signed Referee Declarations from two suitable referees. A recent passport-sized photograph of yourself must be attached to each of these. Referee forms can be printed from: https://visas-immigration.service.gov.uk/documents/1st_Referee_Declaration_M-N1.pdf (you are only required to send us a scanned copy or photograph of the front and back of the referee forms with the photograph attached and do not need to provide us with the originals).

Evidence of Identity

- Your current passport, along with any other passports held during the last five years (please provide all pages including any blank pages) - ***we have a copy of the ID page on file for both your current and previous passport. Please may I ask that you provide full scanned copies of both passports, including any blank pages***
- The passport or ID document used when booking your Life in the UK Test, if this is different from the above - ***as with above***
- Your National Identity Card - ***we have this on file***

Evidence of being free from immigration time restrictions

- The Home Office letter, granting you indefinite leave to remain - ***we have this on file***

Evidence of Life in the UK

- The Unique Reference Number (URN) for your Life in the UK test - ***we have this on file***

Evidence of your English language proficiency

- PhD certificate - ***we have this on file***

Evidence of Residence and Absences:

- A breakdown of all your travel dates to and from the UK including the destination countries and the reasons for your travel (eg: tourism, family visits, business etc) for the relevant period - ***we have this on file***
- Your stamped passport pages for the relevant period - ***as detailed above***
- Your current and previous biometric residence permits - ***as detailed above***
- Evidence of your UK residence for the qualifying period of five years, for example:
 - Bank statements
 - Payslips
 - Employment offers or contracts
 - Utility bills, such as council tax statements, gas and electric
 - Letters addressed to you from government departments or your local authority

Possible outcomes

Naturalisation successful: If your application is successful you will be granted a Certificate of Naturalisation, subject to attending a citizenship ceremony. The ceremony can only be booked once you have received notification from the Home Office that your application has been successful. At the ceremony, you will be asked to affirm or swear an oath of allegiance to Her Majesty the King and to pledge your loyalty to the UK. Following this, you will be presented with your Certificate of Naturalisation as a British citizen.

On receipt of the Home Office email granting your application you must make immediate contact with the local authority, as you normally have only 90 days in which to attend the ceremony.

The date by which you must attend your ceremony will be given in your Home Office citizenship ceremony invitation email. If you do not attend a ceremony within the stipulated time-frames without good reason, your application for citizenship will be refused and you will need to reapply. Please note if you want to obtain a British passport, this will require a separate application and is not included in our scope of work.

If you have held a Biometric Residence Card (BRP) this must be returned to the Home Office or you may face a civil penalty of up to £1,000. You must send your permit back within 5 working days of either:

- going to your citizenship ceremony
- getting your certificate of British citizenship

Naturalisation unsuccessful: If your application is unsuccessful, the Home Office will write and tell you the reasons. Your application fee will not be refunded except for £130, which would have been the cost of attending the citizenship ceremony. Although there is no legal right of appeal or review, you can request reconsideration of the decision if you consider that a decision to refuse your application was not soundly based on nationality law or prevailing policy and procedure.

This application must be made on a separate Form NR and you must pay £450 for the reconsideration. If the Home Office upholds the reconsideration decision on review then the only avenue to challenge this decision would be to apply for a Judicial Review of the refusal. This procedure is subject to a high legal test and can be an expensive process. If this eventuality occurs in your case, then we will provide further advice at this stage.

Strengths and Weaknesses of Your Case

Based on your instructions, we believe your case has the following strengths and weaknesses.

Strengths:

- You have Indefinite Leave to Remain in the UK.
- You have completed an approved English language test.
- You have passed the Life in the UK test.
- You have resided in the UK for a period exceeding the 5 years required.

Weaknesses:

- We have not yet reviewed the signed referee declaration forms

If there is any information that comes to light during the course of preparing your application that affects our assessment of your chances of succeeding, we will of course discuss this with you in order that you are fully informed as to the merits of making the application.

Next steps

We will review your previous application for ILR as some of the evidence will be relevant for your naturalisation application. For any other evidence we do not have, please provide this and we can start preparing the online application forms.

Please feel free to contact me if you have any further questions.

Yours sincerely,

Robbie Love
Seraphus