

3RD MARCH 2005

MINISTERS OF RELIGION FROM ABROAD: SECOND STAGE CONSULTATION

The purpose of this consultation paper is to invite faith communities' views on two further measures the Government is minded to introduce in order to ensure that ministers of religion admitted from abroad have the skills needed to practice ministry in a diverse and cohesive society. The first is a possible requirement for ministers of religion to have appropriate accredited qualifications to practice ministry.

Secondly, the Government has it in mind that at the point at which a minister of religion from abroad applies for an extension of stay, usually after their first year in the country, they should be asked to undergo an assessment of their civic knowledge and community engagement.

We recognise that some faith groups have recently raised concerns about the impact of the English language requirement, which we introduced last year after consultation, on those religious workers in non-pastoral roles. Therefore, as part of this second stage of consultation, we are inviting faith communities to give us views on the potential problems for religious workers with non-pastoral roles trying to enter under the minister of religion category. This should take the form of written evidence and should set out clearly typical information on each of the religious functionaries affected by the Rule changes (e.g. job description, skills requirements, qualifications and salary). We would also welcome specific details of cases of religious functionaries who have been refused entry to the UK under the minister of religion Route.

However, I must make it clear that although we would be willing to explore the possibility of alternative categories for these workers, I cannot commit at this stage to the introduction of any additional specialist categories to cover those who cannot meet the provisions of the Rules as they stand.

I should also say that any individuals whose duties do not involve preaching and other core duties are unlikely to meet the requirements for the Immigration Rules relating to ministers of religion. These Rules are longstanding and applicable to all faiths. They are not dependant on whether the individual speaks English and have not been affected by the changes made in 2004.

This discussion paper sets out the context for the proposed changes and invites contributions from the faith communities on the issues it raises.

Background

For many years, religious congregations with an employment vacancy that they cannot fill locally have been able to seek to appoint a minister of religion from overseas. The role of ministers of religion in modern society is more important than ever and the Government is concerned that those who come to the United Kingdom for this purpose should understand and respect the community in which they teach and work.

Following a consultation on the 2002 White Paper *Secure Borders, Safe Haven* and subsequent discussions by the Faith Communities Unit with faith representatives early last year the government announced on 22 July some changes to the Immigration Rules relating to ministers of religion. These changes, which took effect on 23 August 2004, mean that:

- Individuals applying for leave to enter the United Kingdom as a minister of religion are required to demonstrate that they are competent in the use of spoken English, to level 4 of the International English Language Testing System (level 4 is described as a limited user). Two years from the date of the change the Government plans to raise the pre-entry language requirement for new applicants to level 6 (i.e. competent user) and applicants will require written as well as spoken English.
- Those ministers of religion who have been legally resident in the UK for at least one year, whether as a student or through any other managed migration route (although not as a visitor), may apply to switch their status to minister of religion under the Immigration Rules.

I attach for your information a copy of the revised Immigration Rules that sets out the current criteria for those entering the UK as a minister of religion, but for easy reference

Religious Qualification

The Government understands that there is concern within some faith communities that the professional qualifications and standards of people coming from abroad to practice religious ministry varies substantially and that some of those concerned are poorly qualified. The Government believes that putting this right is not solely a matter for faith communities themselves, and that there is a wider public interest in ensuring that people coming to the United Kingdom to work as ministers of religion have an appropriate level of professional competence.

We are therefore looking to identify what skills and qualifications a successful minister of religion needs, with a view to developing standards or accredited qualifications that applicants for the minister of religion category should be expected to meet.

The Government will be looking to faith communities themselves for guidance on what those requirements should be and does not intend to interfere in matters of religious doctrine.

We recognise that different religious communities have different methods and criteria for determining whether a person is qualified to practice ministry. Some religions have systems for the ordination of priests. Some have arrangements for certification of ministers from abroad by a central religious authority. Other religions do not have ordination or certification systems but may be able to identify recognised institutions which administer appropriate religious qualifications.

We would like to invite comments and input from faith communities on the following broad areas:

The skills and qualifications needed for a successful minister of religion to practice ministry in the UK.

Information where relevant on the accredited qualifications for ministers of religion recognised by each faith community and the institutions that provide such qualifications.

Methods by which the faith communities could reach agreement on institutions or qualifications which the Government should be advised to recognise for the purpose of admitting people to practice ministry in this country.

The timetable for implementation of any change of rules relating to religious qualifications.

Assessment of civic knowledge and community engagement

Legislation embodied in the Nationality, Immigration and Asylum Act 2002 requires those applying for citizenship in the UK to demonstrate knowledge of life in the UK. This requirement has not yet been introduced but development of the citizenship element of language courses is well under way and course materials are being piloted in a number of areas. [later this year].

In the particular case of ministers of religion the government is minded to introduce a similar requirement at the earlier stage of applying for an extension of stay (which they must usually do one year after arrival). The reason for this is the potential influence which ministers of religion can, because of the respected position which they occupy and also through the preaching and pastoral functions which they may fulfil, exert among their congregation in favour of moral behaviour and good relations with neighbouring communities. The government believes that ministers of religion have an important role to play in strengthening community cohesion in our diverse society and that it is important that those whom we allow to remain in order to work in this profession should demonstrate a sufficient level of community engagement and understanding of our society.

It is currently envisaged that an assessment of civic knowledge and community engagement for ministers of religion wishing to remain in the UK should focus on the following objectives:

- To encourage community cohesion
- o facilitate closer involvement with the wider local community with a view to developing a greater understanding of life in the UK
- To create a greater sense of mutual respect, understanding, support and belonging in, and between, faith groups and
- To value diversity.

Set out below are a number of possible key elements that could be included in an assessment of civic knowledge and community engagement for ministers of religion. The first four elements outline practical knowledge that a person might need to function effectively in British society. The last three elements outline knowledge we might expect ministers of religion to develop to assist them in carrying out their role effectively. We would welcome the views of faith communities and seek their input on any other aspects they might wish to see included.

- An understanding of Britain as a multicultural society. This might include a basic knowledge of a citizen's rights and obligations, of the patterns of migration to the UK in recent history and of differences in national, regional and community customs and social attitudes.
- Knowing the law. This could include the fundamentals of a parliamentary democracy; basic obligations under the law: and anti-discrimination laws and rights.
- Sources of help and information. This might involve demonstrating that the person is aware of the role of the local authority, the tax system, how to contact the advisory services such as citizens advice bureaux and how to access financial advice.
- Everyday needs. This might include evidence that the person is aware of how to access advice on housing, employment, healthcare etc. through organisations such as Citizens Advice Bureaux and libraries.

In addition we might expect ministers of religion to be able to:

- demonstrate an understanding of the religious needs of those from their own faith who have been brought up in the UK;
- demonstrate some knowledge of the different faith and cultural groups represented in the UK, and some efforts to foster good relations with other faith communities; and
- provide evidence that they have participated in the civic life of their community, both within their own faith group and interactively with other religious and cultural groups.

It will be relatively easy to test the knowledge required for the first four elements by, for example multiple choice tests, but more difficult to assess the second group of elements. Early thoughts are that such evidence might be collected in the form of a portfolio, with evidence or statements signed by other participants and monitored by the sponsor body. We would welcome advice from faith communities.

We are also seeking guidance on the key aspects of their particular faith which each faith community would wish other faith communities to be aware of.

Timing

The closing date for written responses is **31st May 2005**. These should be sent to Amanda Williams at the above address until 1st April. Please note that as of the 4th April, consultation responses should be sent to, **1st Floor Seacole, 2 Marsham Street, London SW1AP 4DF**. It is also our intention to hold a round of discussions during the consultation period with representatives from each faith community. The outcomes of the written consultation exercise and discussion meetings will determine how quickly thereafter we move to implementation.

If you have any questions please feel free to ring either Tony Heal on 020 7035 5474 or Amanda Williams on 020 7035 5437 or me.

Judith Lempriere
Head of Cohesion and Faiths Unit

Immigration Rules for Ministers of Religion

169. For the purposes of these Rules:

(i) a minister of religion means a religious functionary whose main regular duties comprise the leading of a congregation in performing the rites and rituals of the faith and in preaching the essentials of the creed;

(ii) a missionary means a person who is directly engaged in spreading a religious doctrine and whose work is not in essence administrative or clerical;

(iii) a member of a religious order means a person who is coming to live in a community run by that order.

Requirements for leave to enter as a minister of religion, missionary, or member of a religious order

170. The requirements to be met by a person seeking leave to enter the United Kingdom as a minister of religion, missionary or member of a religious order are that he:

(i) (a) if seeking leave to enter as a minister of religion has either been working for at least one year as a minister of religion in any of the 5 years immediately prior to the date on which the application is made or, where ordination is prescribed by a religious faith as the sole means of entering the ministry, has been ordained as a minister of religion following at least one year's full time or two years' part time training for the ministry; or

(b) if seeking leave to enter as a missionary has been trained as a missionary or has worked as a missionary and is being sent to the United Kingdom by an overseas organisation; or

(c) if seeking leave to enter as a member of a religious order is coming to live in a community maintained by the religious order of which he is a member and, if intending to teach, does not intend to do so save at an establishment maintained by his order; and

(ii) intends to work full time as a minister of religion, missionary or for the religious order of which he is a member; and

(iii) does not intend to take employment except within the terms of this paragraph; and

(iv) can maintain and accommodate himself and any dependants adequately without recourse to public funds; and

(iva) If seeking entry as a minister of religion, can produce an International English Language Testing System certificate issued to him to certify that he has achieved level 4 competence in spoken English and that is dated not more than two years prior to the date on which the application is made.

(v) holds a valid United Kingdom entry clearance for entry in this capacity.

Leave to enter as a minister of religion, missionary, or member of a religious order

171. A person seeking leave to enter the United Kingdom as a minister of religion, missionary or member of a religious order may be admitted for a period not exceeding 12 months provided he is able to produce to the Immigration Officer, on arrival, a valid United Kingdom entry clearance for entry in this capacity.

Refusal of leave to enter as a minister of religion, missionary or member of a religious order

172. Leave to enter as a minister of religion, missionary or member of a religious order is to be refused if a valid United Kingdom entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

Requirements for an extension of stay as a minister of religion where entry to the United Kingdom was granted in that capacity

173. The requirements for an extension of stay as a minister of religion, where entry to the United Kingdom was granted in that capacity, missionary or member of a religious order are that the applicant:

(i) entered the United Kingdom with a valid United Kingdom entry clearance as a minister of religion, missionary or member of a religious order; and

(ii) is still engaged in the employment for which his entry clearance was granted; and

(iii) is still required for the employment in question as certified by the leadership of his congregation, his employer or the head of his religious order; and

(iv)(a) If he entered the United Kingdom as a minister of religion in accordance with sub-paragraph (i) prior to 23rd August 2004 or as a missionary or member of a religious order, meets the requirements of paragraph 170 (ii) - (iv);

(b) If he entered the United Kingdom as a minister of religion in accordance with sub paragraph (i) after 23rd August 2004, or was granted leave to remain in accordance with paragraph 174B after that date, meets the requirements of paragraph 170 (ii)-(iva);or

Extension of stay as a minister of religion, missionary or member of a religious order

174. An extension of stay as a minister of religion, missionary or member of a

religious order may be granted for a period not exceeding 3 years provided the Secretary of State is satisfied that each of the requirements of paragraph 173 is met.

Requirements for an extension of stay as a minister of religion where entry to the United Kingdom was not granted in that capacity

174A The requirements for an extension of stay as a minister of religion for an applicant who did not enter the United Kingdom in that capacity are that he:

(i) entered the United Kingdom, or was given an extension of stay, in accordance with these Rules, except as a minister of religion or as a visitor under paragraphs 40-56 of these Rules, and has spent a continuous period of at least 12 months here pursuant to that leave immediately prior to the application being made; and

(ii) has either been working for at least one year as a minister of religion in any of the 5 years immediately prior to the date on which the application is made (provided that, when doing so, he was not in breach of a condition of any subsisting leave to enter or remain) or, where ordination is prescribed by a religious faith as the sole means of entering the ministry, has been ordained as a minister of religion following at least one year's full-time or two years part-time training for the ministry; and

(iii) is imminently to be appointed, or has been appointed, to a position as a minister of religion in the United Kingdom and is suitable for such a position, as certified by the leadership of his prospective congregation; and

(iv) meets the requirements of paragraph 170-(ii)-(iva)

Extension of stay as a minister of religion where leave to enter was not granted in that capacity

174B An extension of stay as a minister of religion may be granted for a period not exceeding 12 months provided the Secretary of State is satisfied that each of the requirements of paragraph 174A is met.

Refusal of extension of stay as a minister of religion, missionary or member of a religious order

175. An extension of stay as a minister of religion, missionary or member of a religious order is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 173 or 174A is met.

Indefinite leave to remain for a minister of religion, missionary or member of a religious order

176. Indefinite leave to remain may be granted, on application, to a person admitted as a minister of religion, missionary or member of a religious order provided:

(i) he has spent a continuous period of 4 years in the United Kingdom in this capacity; and

(ii) he has met the requirements of paragraph 173 or 174A throughout the 4 year period; and

(iii) he is still required for the employment in question as certified by the leadership of his congregation, his employer or the head of the religious order to which he belongs.

Refusal of indefinite leave to remain for a minister of religion, missionary or member of a religious order

177. Indefinite leave to remain in the United Kingdom for a minister of religion, missionary or member of a religious order is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 176 is met.