
STATUTORY INSTRUMENTS

2014 No. 530

IMMIGRATION

The Accession of Croatia (Immigration and Worker Authorisation) (Amendment) Regulations 2014

<i>Made</i>	- - - -	<i>4th March 2014</i>
<i>Laid before Parliament</i>		<i>13th March 2014</i>
<i>Coming into force</i>	- -	<i>6th April 2014</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 4(1), (2), (3) and (9) of the European Union (Croatian Accession and Irish Protocol) Act 2013⁽¹⁾.

Citation and commencement

1.—(1) These Regulations may be cited as the Accession of Croatia (Immigration and Worker Authorisation) (Amendment) Regulations 2014.

(2) These Regulations come into force on 6th April 2014.

Amendment of the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013

2.—(1) The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013⁽²⁾ are amended as follows.

(2) In regulation 1(2) (interpretation), for the definition of “relevant statement” substitute—
““relevant statement” means the statement entitled “the Statement of relevant requirements” dated April 2014 and published by the Secretary of State⁽³⁾”.

(3) In regulation 2 (meaning of accession State national subject to worker authorisation), in paragraph (2), after “employment” insert “(other than a condition restricting his employment as a doctor in training or as a dentist in training or as a professional sportsperson (including as a sports coach))”.

(1) 2013 c. 5.

(2) S.I. 2013/1460.

(3) The relevant statement is published by the Home Office at <http://www.ukba.homeoffice.gov.uk/> and copies can also be obtained through the Direct Communications Unit, Home Office, 2 Marsham Street, London SW1P 4DF (email: public.enquiries@homeoffice.gsi.gov.uk).

(4) For regulation 5 (right of residence of accession State national subject to worker authorisation), substitute—

“5. During the accession period, an accession State national subject to worker authorisation who is seeking employment in the United Kingdom shall not be treated as a jobseeker and shall be treated as a worker only in so far as it gives him a right to reside and only during a period in which he holds an accession worker authorisation document and is working in accordance with the conditions set out in that document.”

(5) In regulation 7 (issuing EEA registration certificates and residence cards)—

(a) in paragraph (1), for paragraph (1B) substitute—

“(1B) In regulation 14(2), regulation 16(3) and (5) and regulation 17(1) and (4) a “qualified person” includes an accession State national subject to worker authorisation within the meaning of regulation 2 of the Croatian Regulations where that accession State national subject to worker authorisation has a right to reside.”;

(b) in paragraph (6), after “Croatian national extended family member” insert “, with the exception of an extended family member who is an unmarried partner (including a same sex partner),”; and

(c) after paragraph (6), insert—

“(7) Where under paragraph (1) or (4) of regulation 17 of the EEA Regulations a residence card is issued to a family member or an extended family member of an accession State national subject to worker authorisation—

- (a) paragraph (6) of regulation 17 of the EEA Regulations shall not apply;
- (b) the duration of that card shall be twelve months from the date of issue; and
- (c) that card shall be entitled “Accession Residence Card”.”.

4th March 2014

James Brokenshire
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (S.I. 2013/1460) (“the 2013 Regulations”) as follows.

Regulation 2(2) amends the interpretation of “relevant statement” in regulation 1(2) of the 2013 Regulations to take account of amendments made to the Statement of relevant requirements.

Regulation 2(3) amends the provisions in regulation 2(2) of the 2013 Regulations in relation to Croatian nationals who are not accession State nationals subject to worker authorisation - because they have leave to enter or remain in the United Kingdom not subject to conditions restricting employment - to make it clear that a restriction on taking employment as a doctor or dentist in training, or as a professional sportsperson, including as a sports coach, should be ignored when assessing whether such leave is held.

Regulation 2(4) substitutes regulation 5 of the 2013 Regulations to clarify the provisions which apply to the right of residence of an accession State national subject to worker authorisation.

Regulation 2(5)(a) amends regulation 7(1) of the 2013 Regulations to confirm that family members and extended family members of an accession State national subject to worker authorisation treated as a “qualified person” under the Immigration (European Economic Area) Regulations 2006 (S.I. 2006/1003, as amended) (“the EEA Regulations”), and who has a right to reside in that capacity, have an entitlement to reside in the United Kingdom and may be issued with a registration certificate under regulation 16 of the EEA Regulations and with a residence card under regulation 17 of the EEA Regulations.

Regulation 2(5)(b) amends regulation 7(6) of the 2013 Regulations to confirm that, in relation to the requirement that a registration certificate issued under Regulation 16(5) of the EEA Regulations to a Croatian national extended family member must be endorsed with a statement that the certificate does not confer a permission to work, this requirement does not apply to extended family members who are unmarried partners (including same sex partners).

Regulation 2(5)(c) adds a new regulation 7(7) to the 2013 Regulations to provide that a residence card issued under regulation 17(1) or (4) of the EEA Regulations to a family member or an extended family member of an accession State national subject to worker authorisation shall be of twelve months’ duration from the date of issue and shall be entitled “Accession Residence Card”.

An Impact Assessment in respect of the Government’s decision to apply transitional restrictions to Croatian nationals was published on the UK Border Agency’s website on 18 October 2012 and can be found at <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2012/october/39-croatia>.