
DRAFT STATUTORY INSTRUMENTS

2013 No.

**The Accession of Croatia (Immigration and
Worker Authorisation) Regulations 2013**

PART 3

**ACCESSION STATE WORKER AUTHORISATION
AND ASSOCIATED DOCUMENTATION**

Requirement for an accession State national subject to worker authorisation to be authorised to work

8.—(1) An accession State national subject to worker authorisation shall only be authorised to work in the United Kingdom during the accession period if he holds an accession worker authorisation document and is working in accordance with the conditions set out in that document.

(2) For the purpose of these Regulations, an accession worker authorisation document means—

- (a) a passport or other travel document endorsed before 1st July 2013 to show that the holder has leave to enter or remain in the United Kingdom under the 1971 Act, subject to a condition restricting his employment in the United Kingdom to a particular employer or category of employment; or
- (b) a worker authorisation registration certificate endorsed with a condition restricting the holder's employment to a particular employer and authorised category of employment.

(3) In the case of a document mentioned in paragraph (2)(a), the document ceases to be a valid accession worker authorisation document at the point at which—

- (a) the period of leave to enter or remain expires; or
- (b) the document holder ceases working for the employer, or in the employment, specified in the document for a period of time that exceeds 30 days in total.

(4) In the case of a document mentioned in paragraph (2)(b), the document ceases to be a valid accession worker authorisation document at the point at which—

- (a) the document expires;
- (b) the document holder ceases working for the employer, or in the authorised category of employment, specified in the document for a period of time that exceeds 30 days in total; or
- (c) the document is revoked.

(5) For the purposes of this regulation, and regulations 9 and 11, the reference to a travel document other than a passport is a reference to a document which relates to a Croatian national and which can serve the same purpose as a passport.

Application for a worker authorisation registration certificate as an accession worker authorisation document

9.—(1) An application for a worker authorisation registration certificate may be made by an accession State national subject to worker authorisation who wishes to work for an employer in the United Kingdom if the employment concerned falls within an authorised category of employment.

- (2) The application shall be in writing and shall be made to the Secretary of State.
- (3) The application shall state—
 - (a) the name, address in the United Kingdom or in Croatia, and date of birth, of the applicant;
 - (b) the name and address of the employer for whom the applicant wishes to work; and
 - (c) the authorised category of employment covered by the application.
- (4) The application shall be accompanied by—
 - (a) proof of the applicant’s identity in the form of—
 - (i) a national identity card;
 - (ii) a passport; or
 - (iii) other travel document as defined by regulation 8(5);
 - (b) two passport size photographs of the applicant;
 - (c) where the relevant requirements require the applicant to hold a certificate of sponsorship, the certificate of sponsorship reference number;
 - (d) where sub-paragraph (c) does not apply, a letter from the employer specified in the application confirming that the applicant has an offer of employment with the employer; and
 - (e) a fee of £55.

(5) In this regulation “address” means, in relation to an employer which is a body corporate or partnership, the head or main office of that employer.

Issuing and revoking a worker authorisation registration certificate

10.—(1) Subject to paragraph (3), the Secretary of State shall issue a worker authorisation registration certificate pursuant to an application made in accordance with the provisions of regulation 9 if the Secretary of State is satisfied that the applicant is an accession State national subject to worker authorisation who meets the relevant requirements.

- (2) A worker authorisation registration certificate shall include—
 - (a) a condition restricting the employment of the document holder to the employer and the authorised category of employment specified in the application;
 - (b) a statement that the document holder has a right of residence in the United Kingdom as a worker whilst working in accordance with any conditions specified in the certificate;
 - (c) where the authorised category of employment specified in the application is one for which a certificate of sponsorship is required, a statement that the holder of the document has a right to engage in supplementary employment; and
 - (d) where the period of authorised employment is less than 12 months, a statement specifying the date on which the worker authorisation registration certificate expires.
- (3) The Secretary of State may—
 - (a) refuse to issue, revoke or refuse to renew a worker authorisation registration certificate if the refusal or revocation is justified on grounds of public policy, public security or public health,

- (b) refuse the application where the Secretary of State is not satisfied that regulation 9 or this regulation has been complied with or satisfied, or
- (c) revoke a worker authorisation registration certificate where—
 - (i) the document holder ceases working for the employer, or in the employment, specified in the document for a period of time that exceeds 30 days in total,
 - (ii) deception was used in order to obtain the document, or
 - (iii) the document was obtained on the basis of sponsorship by a sponsor whose licence has been withdrawn,

and where the Secretary of State has refused to issue, revoked or refused to renew a worker authorisation registration certificate, she shall issue a notice setting out the reasons.

(4) A worker authorisation registration certificate or notice of refusal or revocation issued under this regulation shall be sent to the applicant by post together with the identity card or passport that accompanied the application.

(5) Subject to paragraph (6), in this regulation, “supplementary employment” means—

- (a) employment in a job which appears on the shortage occupation list in Appendix K of the immigration rules; or
- (b) employment in the same profession and at the same professional level as the employment for which the applicant has been issued with a certificate of sponsorship.

(6) “Supplementary employment” is subject to the condition that—

- (i) the applicant remains working for the sponsor in the employment that the certificate of sponsorship checking service records that the applicant has been sponsored to do; and
- (ii) the supplementary employment does not exceed 20 hours per week and takes place outside of the hours when the applicant is contracted to work for the sponsor in the employment the applicant is being sponsored to do.

(7) The Secretary of State shall ensure that the relevant statement is available to the public through her website and the library of the Home Office⁽¹⁾.

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