

WORKING IN THE UK IF YOU ARE A CROATIAN NATIONAL

What is this leaflet about?

This leaflet explains what Croatian nationals must do if they want to work in the United Kingdom (UK) from 1 July 2013. Issues covered include the process for obtaining work authorisation that will allow a Croatian national to take up a post in the UK, the documents that are issued that demonstrate such authorisation is held as well as the categories of Croatian who are able to work here without restrictions.

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Work authorisation

From 1st July 2013, as European Economic Area (EEA) nationals, Croatian nationals have been able to move and reside freely in any European Union (EU) Member State. However Croatian nationals wanting to work in the UK need to **obtain work authorisation** (permission to work) before starting any employment, unless they are exempt from this requirement.

Work authorisation is normally in the form of an accession worker authorisation certificate (or “purple registration certificate”). A Croatian national with an offer of employment in the UK must obtain this document from the Home Office before commencing work. This document will contain an endorsement restricting the holder to a particular job or type of employment.

Those qualifying for a purple registration certificate will generally be skilled workers who meet the criteria for the issue of a certificate of sponsorship under Tier 2 and Tier 5 of the points-based system (PBS).

It is an offence under the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 to work in the UK if you need worker authorisation and do not have it. This could lead to criminal sanctions such as a heavy fine and/or imprisonment for both the employer and employee.

See page 14 of this leaflet ‘Working without authorisation’ for further information on the employee offence and penalties.

Croatian nationals who need worker authorisation

Under the transitional arrangements that came into force on 1 July 2013, you will not have an automatic right to be a worker here under EU law. Instead you may need worker authorisation before you can take a job here. However, you will be able to work in the UK without worker authorisation if you come under any one of the following categories:

- On 30 June 2013, you had leave to enter or remain in the UK and that leave did not place any restrictions on taking employment in the UK (see below for examples).
- You had been working with permission in the UK on 30 June 2013 and had done so for a continuous period of 12 months ending on that date. This can be in any number of jobs, provided that you had leave in your passport that allowed you to work for each employer and you have worked for an uninterrupted 12 month period. For a definition of 'working without interruption' see below.
- You had been working with permission in the UK for a continuous period of 12 months ending after 30 June 2013. Again this can be for any number of jobs during the 12 month period provided work authorisation was held for each post.
- You have acquired a right of permanent residence under European law (see section below: 'Permanent Residence under Regulation 15 of the EEA regulations').
- You are also a national of the UK or another EEA Member State other than Croatia or, (until the end of December 2013) Bulgaria and Romania
- You are the family member of an EEA national with a right to reside in the UK. If you are a Croatian national and you are the family member of a Croatian national who is subject to worker authorisation and has permission to work you will be exempt from worker authorisation only if you are the spouse, civil partner, unmarried or same-sex partner, of that Croatian national, or if you are a descendant aged under 21 or dependant of that Croatian national.
- You are the spouse, civil partner or unmarried or same-sex partner of a UK national or a person settled in the UK.
- You are the spouse, civil partner, unmarried or same-sex partner, or child under 18 of a person who has leave to enter or remain in the UK that allows a person to work in the UK. For example, this would apply to you if your husband is a work permit holder or has leave under a category of PBS that allowed him to work for a particular employer or a specific job category.
- You are a posted worker (See below).
- You are a member of a diplomatic mission or are in another specified category exempt from the 1971 Act.

- You are in the UK as a student and either:
 - a) hold a registration certificate confirming that you are exercising a Treaty right as a student and that you shall not work for more than 20 hours per week during term time, except where you are undertaking a course of vocational training which requires you to do a work placement as part of that training (this certificate does allow you to work full-time during vacation periods); or
 - b) have leave to enter or remain as a student which was granted before 1 July 2013 and are working in accordance with any conditions attached to that leave. These conditions will normally be that you are able to work up to 20 hours a week during term time and only for longer hours during vacation periods. This will apply in circumstances where you had leave as a student before 1 July 2013, continue to meet the criteria as a student, and the leave as a student is still valid.

If you do not fit into any of the above categories then you will need work authorisation.

Students and worker authorisation

If you are a student in the UK, you may engage in employment for up to 20 hours a week during term time and full time work during vacation periods from your course. However, if you wish to work, **you must** first obtain a yellow registration certificate confirming that you are exercising a Treaty right as a student. This will provide authority for you to work up to 20 hours per week (or full time during vacation periods from your course of study). You may work for more than 20 hours a week during term time if you are on a course of vocational training and a work placement is considered to be a necessary part of the course. The work placement must be of an appropriate length and relevant to your qualification. You must not start your work placement before obtaining a registration certificate confirming that you are a student. A list of accredited qualifications can be found on the Register of Regulated Qualifications website at <http://register.ofqual.gov.uk/>

Definition of working 'without interruption'

'Without interruption' means the person must have been working throughout a 12 month period. Continuity of employment is not broken by any break which an employee is normally entitled to, such as paid annual leave, sick leave or maternity leave, provided they remain employed by the company.

Other breaks in legal employment, such as unpaid leave or gaps during change of employment, during the 12 month period will be accepted, provided they do not amount to more than 30 days in total.

Leave that allows a person to work in the UK without any restrictions

Leave which does not restrict a person's right to work includes:

- indefinite leave to enter or remain
- limited leave to enter or remain on code 1A conditions, such as:
 - leave as a refugee
 - humanitarian protection
 - discretionary leave, or
 - exceptional leave to enter or remain
- limited leave to enter or remain on code 1 conditions, such as:
 - leave as the spouse, civil partner, unmarried partner or same-sex partner of a British citizen or person present and settled in the UK
 - leave as a dependant of a worker permit holder
 - leave under the Highly Skilled Migrant Programme (HSMP), or
 - leave as the dependant of a worker under PBS.

If the leave has a restriction (or prohibits employment) then it does not count under this exemption. Leave that restricts or prohibits a person's right to work includes:

- code 2 leave (work permit holders, students)
- those holding leave under Tier 2 or 5 of PBS.
- code 3 or 5N leave (visitors – no right to work),

Permanent Residence under Regulation 15 of the EEA regulations

Under regulation 15 of the Immigration (European Economic Area) Regulations 2006, an EEA national or their family member can acquire permanent residence in the UK under European law if they have lived here in line with the European regulations for a continuous period of 5 years. This could be where they were 'exercising Treaty rights' throughout the 5 years they were an EEA national. This means they were working, self employed, a student or a self sufficient person during that time. Equally, they might acquire permanent residence if they were the family member of an EEA national who was 'Exercising Treaty rights' for 5 years.

Although not obliged to have documentation proving you have permanent residence, EEA nationals and non EEA nationals can obtain documents confirming their permanent residence status. The document certifying permanent residence is a free standing document issued to EEA nationals. A permanent residence card is a vignette placed in the holder's passport and is issued to non EEA nationals.

Posted workers

A posted worker is someone who is not an EEA national, but works for a company based in the EU which does not have a presence in the UK. A posted worker is someone who is then sent by their company to work in the UK. For example they may be sent here to service a contract that their employer has with a UK company. They will normally have a contract from the company explaining the terms and duration of the posting. The posting will only be for a limited time. If you came to the UK as a posted worker before 12 July 2013 and you are still in the UK, you will be exempt from worker authorisation if you only want to continue doing the job that you were sent here to do. If you want to do any other work you must obtain work authorisation from us.

Croatians who are highly skilled

If you are a highly skilled person you will be exempt from worker authorisation and will be able to work in the UK without restriction provided you hold a blue registration certificate that states you are a highly skilled person.

You can apply for a blue registration certificate on this basis if:

- You have obtained an endorsement from a designated competent body (this will either be The Royal Society, The Royal Academy of Engineering, the British Academy or the Arts Council) which meets the requirements of the Tier 1 (Exceptional Talent) immigration category; or
- Within 12 months of making the application you have been awarded one of the following qualifications;
 - A recognised bachelor, masters or doctoral degree or
 - A postgraduate certificate in education or Professional Graduate Diploma of Education or
 - A qualification awarded by a Scottish higher education institution, a Higher National Diploma

Please note: You will only be able to work without restriction as 'highly skilled' when we have issued you a blue registration certificate confirming this status.

Further information on applying for an endorsement from a designated competent body and the qualifications needed to be regarded as highly skilled can be found on the Home Office website via the link below:

<http://www.ukba.homeoffice.gov.uk/eucitizens/croatia/applying/highlyskilled>

How work authorisation is obtained

The process

If you wish to obtain a purple registration certificate you will normally need to have been issued with a certificate of sponsorship by your employer before you can apply. The only exceptions to this are if you are going to work as

- a postgraduate doctor/dentist on a recognised foundation programme,
- the representative of an overseas business; or
- a domestic servant in a private household.

Certificates of sponsorship can only be issued by employers which have been licensed by the Home Office for this purpose.

There will therefore normally be a three stage process for obtaining work authorisation;

Step 1: You will need a job offer from an employer who has a sponsor licence under PBS.

Step 2: The licensed employer must assign a certificate of sponsorship to you under one of the employment categories of either Tier 2 or Tier 5 of PBS.

Step 3: Once you have been assigned a certificate of sponsorship, your sponsor will give you a certificate of sponsorship unique reference which you will then use to support your application for a purple registration certificate. The purple registration certificate will act as evidence of your permission to work in the UK for that specific employer in the job they have recruited you to do.

Employers who hold a sponsorship license

Employers who want to act as a sponsor under PBS must apply to us for a sponsor licence if they don't already have one. Once they are licensed, they details are added to the public 'register of sponsors'. If you need work authorisation and want to take a post with an employer, that employer should be on the register of sponsors. If they are not, the employer will need to apply to be added to the register. In some circumstances a sponsor may be suspended or removed from the register. If this happens they will not be able to issue you a certificate of sponsorship.

You can check to see if your prospective employer is registered by looking at the register of sponsors which is available to view via the Home Office website using the link below.

<http://www.ukba.homeoffice.gov.uk/visas-immigration/working/tier2/general/sponsorship/registerofsponsors/>

Certificates of sponsorship

A certificate of sponsorship is a 'virtual document' assigned by a licensed sponsor to a migrant (including Croatian nationals). When the sponsor assigns a certificate, a unique reference number is generated. You must quote this number in your application for a purple registration certificate that will allow you to then work for that licensed sponsor in the job which is detailed on the certificate of sponsorship they assigned to you.

Employment for which a certificate of Sponsorship is required

A purple registration certificate may be issued for employment which meets all of the requirements for Tier 2 or Tier 5.

In general Tier 2 covers jobs which are skilled to national Qualifications Framework (NQF) level 4 (or the equivalent in Scotland) and above. The sponsor may be required to prove to us that they have been unable to find a suitable worker from the UK labour market before we can issue a purple registration certificate.

You can find out if a job you would like to do, or apply for meets our requirements on skill levels by looking it up in the codes of practice that we publish on our website. The codes of practice list all jobs skilled to NQF level 3 and above and also lists jobs which are below NQF level 3. You can find it using the link below

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/cop-skilled-workers.pdf>

There are also rules about how much a licensed sponsor must pay to any worker they sponsor under the 'General' and 'Intra-company transfer' categories. The codes of practice also tell you what the minimum rates of pay are for all jobs at NQF level 3 and above. If your sponsor assigns a Tier 2 (General) or Tier 2 (Intra-company transfer) certificate of sponsorship to you, they must pay you at least the minimum rate of pay shown in the code of practice for the job you will do, or £20,300 a year, whichever is the higher figure.

The other categories of Tier 2 are for ministers of religion and for professional sportspeople including coaches. There are no minimum salary requirements in these categories but your sponsor must pay you at least the national minimum wage if UK law requires them to.

Tier 5 covers certain types of temporary work which must be skilled to at least NQF level 3 (or the equivalent in Scotland). There are no minimum salary requirements under Tier 5 but again, your sponsor must pay you at least the national minimum wage if UK law requires them to. Further information on Tiers 2

and 5 and the categories of jobs they cover can be found in Annex A of this leaflet.

Categories of employment where a certificate of sponsorship is not required

Where you are seeking employment as either:

- a postgraduate doctor or dentist undertaking a recognised foundation programme (See below)
- a domestic worker in a private household
- the representative of an overseas business (See below)

a certificate of sponsorship is not required. However, you must still apply for a purple registration certificate as evidence of permission to work in the UK. If an employer wishes to take you on in one of the three categories above, they should provide you with a letter confirming a job offer. You will then need to submit this letter with your application for a purple registration certificate.

Postgraduate doctors and dentists

If you are a postgraduate doctor or dentist and you have gained your medical degree at a UK university, and want to undertake a recognised foundation programme, you do not need to obtain a certificate of sponsorship before applying for a purple registration certificate. If you gained your medical degree at an overseas university, but you have been accepted onto a recognised foundation programme in the UK, you must have a certificate of sponsorship.

This category does not cover those postgraduate doctors or dentists who have already completed a foundation programme and are seeking employment as a doctor, or undertaking further, specialty training. Such employment comes under Tier 2 (General) and a certificate of sponsorship will be required in order to gain a purple registration certificate.

The representative of an overseas business

This category covers two job types and is only for people who come to the UK as:

- the **sole representative of an overseas company**, intending to set up a wholly owned subsidiary or register a UK branch for an overseas parent company; or

- an **employee of an overseas newspaper, news agency or broadcasting organisation** who is being posted on a long-term assignment as a representative of their overseas employer.

Changing jobs

If you hold a purple registration certificate that allows you to do a particular job, but you then want to change employment, you may need to apply for a new purple registration certificate.

If you fall into one of the exempt categories listed on page 3 of this leaflet then you can change jobs without needing permission.

If, at the time you want to change jobs and you are not in one of the exempt categories, you must apply again for a purple registration certificate if:

- your new job is with a different employer - you must apply again with a new certificate of sponsorship from your new employer.
- your new job is with your current employer and is in a different Standard Occupational Classification (SOC) code to the job you were originally doing - you must apply again with a new certificate of sponsorship from your employer.

If your new job is with your current employer and is in the same SOC code as the job you were originally doing, you do not need to apply again.

The codes of practice we publish lists all jobs by SOC code so you can easily look up which SOC code any job is in. Further information on the SOC codes is available via the link below.

<http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/>

English language requirements

In some circumstances, you may need to meet specific English language requirements if you are to qualify for a purple registration certificate. These are summarised in Annex B of this leaflet. If you do not have the required level of English as outlined in Annex B, your application for a purple registration certificate will be refused and you will not have permission to work in the UK in that particular job category.

Supplementary employment.

If you hold a purple registration certificate, you are allowed to undertake other work which is supplementary to that for which your certificate of sponsorship was

assigned. The only exception to this is if you are working as a private servant and your employer assigned a certificate of sponsorship to you under the Tier 5 (International agreement) category. If this applies to you, you are not allowed to take supplementary employment.

Any supplementary employment you do must:

- be in the same profession and at the same professional level as the work for which your certificate of sponsorship was assigned; or
- be a job which is on the list of shortage occupations published on our website at <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/workingintheuk/shortageoccupationlistnov11.pdf> (if the occupation concerned is removed from the list of shortage occupations, you must stop doing that employment); and
- be for no more than 20 hours a week; and
- be outside of normal working hours for which your certificate of sponsorship was assigned.

You do not need to tell us about any supplementary employment you do as long as it meets these criteria.

If you do take any supplementary employment, you do not need a new certificate of sponsorship, but you must tell your other employer that the work you will do for them classes as supplementary employment so that they can make the necessary checks in accordance with the recommendations we make in our guidance for employers on illegal working.

Applying for a purple registration certificate

Once you have obtained a certificate of sponsorship, you should apply for a purple registration certificate. This can be done using form CR3 which is available on our website. You must complete all the relevant sections and include the correct fee with your application. Further information on what you must do is available on our website via the following link:

<http://www.ukba.homeoffice.gov.uk/eucitizens/croatia/applying>

Only once the purple registration certificate has been issued to you will you be able to start working lawfully in the UK.

Evidence of work authorisation

There are two ways in which you can show an employer you have work authorisation:

- Produce a valid purple registration certificate.
- Produce a Croatian passport or other travel document (e.g. a Home Office travel document) that has been endorsed with valid leave to enter or remain in the UK before 1 July 2013 and which permits limited employment (e.g. only allows the holder to work specific hours, or for a specific employer or job category).

When the purple registration certificate is deemed valid

The purple registration certificate will be valid provided that:

- you work for the employer cited in the document
- any time limit placed on the document is adhered to (e.g. this might be if the post was for a specific length of time.)
- the purple registration certificate has not been revoked. For example, it could be revoked if we discover that it was obtained fraudulently

When the leave on a Croatian passport or other travel document is deemed valid

You will only hold worker authorisation for as long as the leave in your passport remains valid. Once this leave expires you will need to apply for a purple registration certificate unless you can show you fall into a category where you are exempt from work authorisation (see page 3 of this leaflet).

Working without authorisation

Under the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 it is an offence for a Croatian national subject to worker authorisation to engage in employment without the appropriate permission.

The employee offence

You will be committing an offence if you are subject to work authorisation and:

- You work without holding a valid work authorisation document (for instance a purple registration certificate); or
- You work while holding a work authorisation document but don't stick to your conditions. This could be where you work for a different employer other than that stated on the document or you work for more hours than is permitted (for instance if you are a student); or
- You have used deception in obtaining a registration certificate.

Penalties

If you commit an employee offence as outlined above you can be:

- Fined £1000; or
- Imprisoned for up to 3 months; or
- Both.

Either a policeman or an immigration officer has the power to impose a fine on you if s/he is satisfied that you have committed an employee offence.

Documents issued to a Croatian national and what it allows them to do.

Blue registration certificates These certificates prove that the holder has full access to Treaty rights and that their access to the UK labour market is not restricted. This group includes highly skilled migrants, the Croatian national spouse or civil partner of a UK national or a person settled in the UK, and the other categories exempt from requiring work authorisation.

Yellow registration certificates These certificates prove that the holder does not have full access to the labour market. This certificate will state the manner in which the holder is exercising a Treaty right. This will normally cover those Croatian nationals who are exercising Treaty rights other than as a worker, for example as a student.

Purple registration certificates These are issued to those Croatian nationals who must have permission to work in the UK. The work that the holder is allowed to do will be stated on the purple registration certificate.

The table below summarises this information.

Type of Document	Who the document can be issued to	What employment it allows
A blue registration certificate	Croatian nationals who are not subject to worker authorisation	This gives the holder free access to the UK labour market. There is no restriction on who the holder can work for or how many hours they can work.
A yellow registration certificate	<p>Croatian nationals who are</p> <ul style="list-style-type: none">• self employed; or• self sufficient; or• students. <p>The certificate will indicate in which way the holder is exercising their treaty right</p>	Where the yellow registration certificate indicates that the holder is a student they will be able to take any work for any employer for up to 20 hours per week during term time. During vacation times they can take any work for any employer full time if they wish. If they are on a course of vocational training they can also work full or part-time time as part of that training.

		<p>Where the yellow registration certificate indicates that the holder is a self employed person, s/he cannot work as an employee.</p> <p>Where the yellow registration certificate indicates that the holder is a self sufficient person, they will not be allowed to work at all.</p>
A purple registration certificate	These are issued to Croatian nationals that need worker authorisation for employment in one of the categories under Tiers 2 or 5 of the points-based system.	<p>These allow the holder to work for the employer noted on the purple registration certificate. In a specific job.</p> <p>Where the holder is allowed to undertake supplementary employment this will be noted on the purple registration certificate.</p> <p>If the document contains no statement saying that supplementary employment is allowed, then no supplementary employment can be undertaken.</p>

Applying for Documentation: Which forms to use

The form you should complete will depend upon your circumstances and the document you are applying for:

(i) If you are applying for a yellow registration certificate confirming that either:

- you are self-employed;
- you are self-sufficient;
- you are a student; **or**

you are applying for a blue registration certificate confirming that:

- you are exempt from the requirement to obtain a work authorisation because you fall into one of the exempt categories on page 3 of this leaflet;

you should complete form CR1. If you have family members and they are nationals of a member state of the EEA, you may include them in your application.

(ii) If you are applying for a blue registration certificate confirming that you are exempt from the requirement to obtain a work authorisation document because you are highly skilled **you should complete form CR2.** If you have family members and they are nationals of a member state of the EEA, you may include them in your application.

(iii) If you are applying for a purple registration certificate because you need permission to work in the UK **you should complete form CR3.**

(iv) If you have obtained a blue or yellow registration certificate and you have family members who are not nationals of an EEA state, they may apply for a residence card **on form CR4.**

(v) If you hold a valid purple registration certificate and you have family members who are not nationals of an EEA state, they may apply for a family member residence stamp **on form CR5.**

To download these forms, please visit the Home Office website at

<http://www.ukba.homeoffice.gov.uk/eucitizens/croatia/applying>

Frequently asked questions

What is a purple registration certificate?

If someone wishes to employ you and you are not exempt from requiring permission to work in the UK, you will need worker authorisation before you start a job. This worker authorisation will normally take the form of a purple registration certificate. The purple registration certificate will restrict you to the job specified on it. The document can be issued for skilled work under Tier 2 or temporary work under Tier 5 PBS.

Is it free for a Croatian to apply for a purple registration certificate?

No. There is a fee of £55 for making an application of this type. Further information on the fees charged can be found on our website at:

<http://www.ukba.homeoffice.gov.uk/eucitizens/croatia/applying>

How do I get a purple registration certificate?

Before you apply for a purple registration certificate you must have a job offer from an employer who is licensed under PBS and a certificate of sponsorship assigned to you by your employer. You will then need to apply to us for a purple registration certificate. Applications and guidance notes can be found via the website link below

<http://www.ukba.homeoffice.gov.uk/eucitizens/croatia/applying>

Can I get a purple registration certificate before I come to the UK?

Yes. You will need to download the CR3 application form from the website and complete all the relevant sections, including all the required documents and the fee. You should then send it to the UK address on the form. You are advised to read the guidance notes for completing such applications before you send off the form.

<http://www.ukba.homeoffice.gov.uk/eucitizens/croatia/applying>

How do I apply for a purple registration certificate?

If you want a purple registration certificate, you must apply using form CR3. The form is available to download via the link below. You must complete all the relevant sections of the form and include any evidence that the form tells you to send to us along with the correct payment. Any documents you send must be originals.

Do I need to enclose the fee with the application?

The application form will give you full instructions on how the fee should be paid. Payment is normally made by credit card. Under no circumstances should you enclose cash with the application.

Please note: If you fail to pay the required fee your application will be deemed invalid and will not be processed. This will mean that you will need to re-apply.

I was told that my application was invalid and it was returned to me. What do I do now?

In order for your application to be processed, you will need to make sure that you have filled out all the sections correctly, particularly those relating to the payment of any fee. Equally, you should include evidence of your nationality (e.g. your passport or national identity card). If you fail to pay any required fee, your application will be rejected. You are free to re-apply ensuring that you have all the necessary documents and fee.

Please note if you are applying for work authorisation in a category that requires a certificate of sponsorship, **you must** include the certificate of sponsorship number in your application. Failure to do so will lead to delays in processing your application and so delays in when you can start work.

What happens if my sponsor's license is suspended or withdrawn by the Home Office?

If the sponsor who you were going to work for has their license withdrawn or they are suspended from the register of sponsors they will no longer be able to issue you with a certificate of sponsorship. If they have already issued you with one and their license is withdrawn, that certificate of sponsorship will be deemed invalid and you will not be able to continue working for that employer.

Can I work whilst my application for a purple registration certificate is being decided?

No. You will only be allowed to work after you have received the purple registration certificate.

What do I do if I've got a purple registration certificate but want to change jobs?

The purple registration certificate will be issued for a specific job. If you are still subject to work authorisation and then wish to change jobs, you may need to

obtain a new purple registration certificate. See the section on changing jobs on page 11 of this leaflet.

What should I do if I need further information on Croatian applications?

You should email the Sheffield customer contact centre using the email address below.

email CroatiaEnquiries@homeoffice.gsi.gov.uk

I fall into one of the categories where I am exempt from worker authorisation. How can I demonstrate to an employer that I don't need permission to work from the Home Office?

If you are exempt from worker authorisation, you can apply for a blue registration certificate. If you are successful in your application, the blue registration certificate will contain an endorsement on it that says you have full access to the UK labour market.

Is it free to apply for a blue registration certificate?

No. There is a fee of £55 for making an application of this type. Further information on the fees charged can be found on our website at:

<http://www.ukba.homeoffice.gov.uk/eucitizens/croatia/applying>

How do I apply for a blue registration certificate?

If you want a blue registration certificate, you must apply using form CR1. The form is available to download via the link below. You must complete all the relevant sections of the form and include any evidence that the form tells you to send to us along with the correct payment. Any documents you send should be originals. If you are unsure which application forms to use see pages 16-17 of this leaflet for more information.

<http://www.ukba.homeoffice.gov.uk/eucitizens/croatia/applying>

I am highly skilled, which form do I use to apply for a blue registration certificate?

There is a special application form for those who are applying for a blue registration certificate on the basis that they are highly skilled. If you think you meet the criteria for being highly skilled as outlined in this leaflet, you should apply for a blue registration certificate using form CR2. The form is available to

download via the link below. You must complete all the relevant sections of the form and include any evidence that the form tells you to send to us along with the correct payment. Any documents you send should be originals. If you are unsure which application forms to use see pages 16-17 of this leaflet for more information

<http://www.ukba.homeoffice.gov.uk/eucitizens/croatia/applying>

I have leave that allows me to work in the UK. Do I need to apply for worker authorization?

Provided the leave remains valid and you continue to meet the conditions attached to that leave (for example you work for the specified number of hours or for the employer stated on the leave) you won't need to apply for further documentation. If that leave expires and you don't fall into an exempt category, then you will need to apply for a purple registration certificate.

Can a Croatian student work?

If you are a Croatian student you can work for up to 20 hours a week during term time and full time during vacation time provided you obtain a yellow registration certificate. The yellow registration certificate will state that you are a student and will say what hours you can work.

Is it free to get a yellow registration certificate?

No. There is a fee of £55 for making an application of this type. Further information on the fees charged can be found on our website at:

<http://www.ukba.homeoffice.gov.uk/eucitizens/croatia/applying>

How do I apply for a yellow registration certificate?

If you are a student and want a yellow registration certificate, you should apply using form CR1. The form is available to download via the link below. You must complete all the relevant sections of the form and include any evidence that the form tells you to send to us, along with the required fee. Any documents you send must be originals.

I am married to/the civil partner of a British citizen/person with settlement in the UK. Can I work without permission?

Yes, If you are married to a British citizen or to someone who has settlement in the UK you do not have to apply for permission to work here. In order to demonstrate this to an employer you can apply for a blue registration certificate confirming you are free to work without restriction. Alternatively, you can also

demonstrate this by showing your employer an endorsement in your passport that shows you have leave under the Immigration Rules as the spouse of a British or settled person.

I am a Croatian and have been issued a purple registration certificate. My wife is a non-EEA national. Can she work?

If you are a Croatian national who is subject to worker authorisation and you are married or the civil partner of a non EEA national, they can apply for a family member residence stamp to be placed in their passport. The family member residence stamp will allow the holder to work without restriction for as long as their Croatian national spouse holds a purple registration certificate.

Is it free to apply for a family member residence stamp?

No. There is a fee of £55 for making an application of this type. Further information on the fees charged can be found on our website at:

<http://www.ukba.homeoffice.gov.uk/eucitizens/croatia/applying>

How does my non-EEA national spouse apply for a family member residence stamp?

They must apply using form CR4 which can be downloaded via the web link below. Your non-EEA spouse or civil partner must complete all the relevant sections of the form and include any evidence that the form tells them to send to us, along with the required fee. Any documents sent should be originals.

It says that a Croatian who has worked legally for a continuous period of 12 months is free from worker authorisation at the end of that period. What does 'uninterrupted period of 12 months' mean?

You will be treated as having worked in the UK without interruption for a period of 12 months if you were legally working in the UK at the beginning and end of that period, and any intervening periods in which you were not legally working in the UK did not exceed 30 days in total. Your continuity of employment is not broken by breaks that employee is normally entitled to, such as paid annual leave, sick leave or maternity leave, provided you remain employed during those breaks. The example below illustrates 12 months of lawful employment.

Example

A Croatian national is issued a purple registration certificate and starts work for the employer on 1 August 2013. He then takes two weeks paid holiday in September and a further week of paid holiday in December. He continues to

work for the same employer as detailed on the purple registration certificate. He is still working for the same employer on 1 August 2014 at which point he becomes free from worker authorisation and can work without restrictions.

What penalties does a Croatian national face for working in the UK illegally?

A Croatian national employee could face a fine of up to £1,000 and/or up to 3 months in prison.

Annex A: Information on Tiers 2 and 5 of the points-based system

What is Tier 2 employment?

Tier 2 is part of the points-based system and makes provision for skilled workers in the categories below.

Tier 2 (General)

The Tier 2 (General) category is for migrants who have a skilled job offer to fill a gap in the UK workforce that cannot be filled by a settled worker (e.g. a British citizen or third country national who has been granted settled status by the Home Office).

The job must be skilled to at least National Qualification Framework Level 4 (or the equivalent in Scotland) and you must be either £20,300 a year or the minimum rate for the job as set out in the codes of practice that we publish on our website, whichever is the higher figure. Your employer may need to demonstrate that they have first tried to fill the vacancy from the resident workforce before employing you, although this requirement does not apply in some circumstances (for example, if the vacancy is in an occupation which appears on the Shortage Occupation List or is one that attracts a salary of no less than £152,100).

Tier 2 (Intra-company transfer)

The Tier 2 (Intra-company transfer) category enables multinational companies to transfer their employees to a branch or subsidiary of that company in the UK. The job must be skilled to at least NQF Level 4 (or the equivalent in Scotland) and you must be paid at least the minimum rate for the job as set out in our codes of practice, or the minimum rate allowed under the intra-company transfer category that they sponsor you under.

If your certificate of sponsorship is assigned under the skills transfer, short term staff or graduate trainee categories, you must be paid at least £24,300. If your certificate of sponsorship is assigned under the long term staff category, you must be paid a minimum of £40,600.

Your employer can only assign an intra-company transfer certificate of sponsorship if you have already been working for them (in the UK or overseas) for a specific period of time. The applicant must have been working for the company for at least 12 months prior to the date of the application, except where the transfer is as a graduate trainee (in which case the previous employment must have been for at least 3 months) or as a skills transfer.

Tier 2 (Sportsperson) category

The Tier 2 (Sportsperson) category is for elite sportspeople and coaches:

- who are internationally established at the highest level; and
- whose employment will make a significant contribution to the development of their sport at the highest level in the UK; and
- who intend to base themselves in the UK.

Migrants under this category must be sponsored by a club (or equivalent) that is a licensed Tier 2 (Sportsperson) sponsor and include an endorsement from the relevant sports Governing body with their application.

Tier 2 (Minister of religion) category

The Tier 2 (Minister of religion) category is for people coming to the UK to work in a religious role within a bona fide religious organisation. The job can involve:

- preaching or performing pastoral duties;
- work as a missionary; or
- work in a religious order within a community which involves a permanent commitment, like a monastery or convent.

Your sponsor may have first prove that there was no suitable settled worker available to fill the role before they are allowed to assign a certificate of sponsorship to you.

Tier 5 Employment

Tier 5 is part of the points-based system and makes provision for temporary workers in the categories below:

Tier 5 - creative and sporting

This category is for migrants who want to come to the UK to work as sports people or to perform as entertainers or creative artists.

Tier 5 - charity worker category

If you come to work temporarily in the UK as a charity worker you can only undertake voluntary activity to carry out fieldwork directly related to the purpose of the charity that is sponsoring you. You cannot do paid employment or any other employment that UK law requires you to be paid for.

Tier 5 - religious worker

The religious worker category is for people coming to the UK to temporarily undertake religious roles. Religious workers can:

- do preaching, pastoral work and non-pastoral work;
- work in the UK in the same way that they are working in an overseas organisation (although their duties in the UK may be different) - the job should be done in their holiday from their job overseas; or
- work in a religious order with a community which involves a permanent commitment, such as a monastery or convent. The work in a religious order must be in the order itself or be outside work directed by the order. A migrant can apply if he or she is a novice whose training means taking part in the daily community life of the order.

Your sponsor may have first prove that there was no suitable settled worker available to fill the role before they are allowed to assign a certificate of sponsorship to you.

Tier 5 - Government authorised exchange

The government authorised exchange category is for people coming to the UK through approved schemes that aim to share knowledge, experience and best practice. Approved schemes fall under three categories:

- Work experience;
- Research programmes;
- Training programmes.

Employers are not allowed to use this route to fill job vacancies or to bring unskilled labour to the UK.

Tier 5 - international agreement category

This category is for migrants who are coming to the UK under contract to provide a service that is covered under international law, including:

- employees of overseas governments and international organisations;
- private servants in diplomatic households.

- migrants coming to the UK to service contracts awarded under specific international trade agreements.

Annex B: English language requirements

Some of the jobs under Tier 2 of the points-based system have English language requirements that you will need to meet before you can be issued a purple registration certificate that will allow you to work in the UK.

These are summarised in the table below.

Type of application	Relevant English language requirement
Application for a registration certificate on the basis that the applicant is a highly skilled person, where such a application is supported by an endorsement from a designated competent body	A knowledge of English equivalent to level B1 or above of the Council of Europe's Common European Framework for Language Learning
Application for a registration certificate on the basis of a certificate of sponsorship under Tier 2 (General)	A knowledge of English equivalent to level B1 or above of the Council of Europe's Common European Framework for Language Learning
Application for a registration certificate on the basis of a Certificate of Sponsorship under Tier 2 (Minister of Religion)	A knowledge of English equivalent to level B2 or above of the Council of Europe's Common European Framework for Language Learning
Application for a registration certificate on the basis of a certificate of sponsorship under Tier 2 (Sportsperson); or as a representative of an overseas business	A knowledge of English equivalent to level A1 or above of the Council of Europe's Common European Framework for Language Learning

Further information on how you can meet these English language requirements can be found via the link below:

<http://www.ukba.homeoffice.gov.uk/visas-immigration/working/tier2/general/supportingevidence/englishlanguage/>