



Home Office

# Bulgarian and Romanian casework – application process

This guidance is based on the Accession (Immigration and Worker Authorisation) Regulations 2006 and the Immigration (European Economic Area) Regulations 2006.

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## Bulgarian and Romanian casework

### About this guidance

Key facts: Bulgarian and Romanian casework Record and check application Posted workers Rules based application Channel Islands and Isle of Man Background to Bulgarian and Romanian casework policy	<p>This guidance tells you the initial actions you must take on any application from a Bulgarian or Romanian national, or a family member of a Bulgarian or Romanian national.</p> <p>A Bulgarian or Romanian national can apply for a registration certificate or an accession worker card (AWC). A non-European Economic Area (EEA) family member of a Bulgarian or Romanian national can apply for a family member residence stamp or residence card.</p> <p>This guidance is based on the Accession (Immigration and Worker Authorisation) Regulations 2006 and the Immigration (European Economic Area) Regulations 2006, and relevant amending regulations.</p> <p>It also contains guidance on some general aspects of Bulgarian and Romanian caseworking that are not specific to registration certificate and accession worker card applications.</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contact – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.</p>	<p><b>In this section</b></p> <p><a href="#">Changes to this guidance</a></p> <p><a href="#">Contact</a></p> <p><a href="#">Information owner</a></p> <p>Links to staff intranet removed</p>
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## Key facts: Bulgarian and Romanian casework

This page shows you the key facts for Bulgarian and Romanian casework

Category: Bulgarian and Romanian casework	
Eligibility requirements	<ul style="list-style-type: none"> <li>• nationals of Bulgaria or Romania, or</li> <li>• their family members.</li> </ul>
Application forms	<p>No mandatory application form.</p> <p>The Home Office recommended application forms are:</p> <ul style="list-style-type: none"> <li>• BR1 – Application form for a registration certificate as: <ul style="list-style-type: none"> <li>○ a self-employed person</li> <li>○ a self-sufficient person</li> <li>○ a student, or</li> <li>○ a person exempt from worker authorisation.</li> </ul> </li> <li>• BR2 – Application form for a registration certificate as a highly skilled individual.</li> <li>• BR3 – Application form for a purple accession worker card (main applicant).</li> <li>• BR4 – Application form for a purple accession worker card (authorised family member).</li> <li>• BR5 – Application form for a residence card as a non-European Economic Area (EEA) family member of a Bulgarian or Romanian national.</li> <li>• BR6 – Application form for a family member residence stamp as a non-EEA family member of a Bulgarian or Romanian worker who is subject to worker authorisation.</li> </ul> <p>See UK Border Agency webpage: Applying to work in the UK (links to staff intranet removed), for guidance on who is subject to worker authorisation and to download the application forms.</p>
Cost of application:	N/A
Entry clearance mandatory?	Not required for European Economic Area (EEA) nationals.
Is biometric information required for applications made in the UK?	Not required for EEA nationals.
Code of leave to remain granted	Not required for EEA nationals.
Entry clearance endorsements	Not required for EEA nationals.
Conditions of leave to remain	Not required for EEA nationals.
How long is leave to remain normally granted for?	Not required for EEA nationals.
Are dependants allowed?	Yes
Work and study allowed?	<p>Study – yes.</p> <p>Work – yes, if it is authorised or the applicant is exempt from</p>

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	worker authorisation.
Is switching into this category allowed?	Yes
Does this category lead to settlement (indefinite leave to remain)?	Not applicable for EEA nationals. EEA nationals can acquire permanent residence in the UK.
Is knowledge of language and life required?	No
CID case type	A2
Immigration Rules paragraphs	N/A
Other relevant legislation	<ul style="list-style-type: none"> <li>• The Accession (Immigration and Worker Authorisation) Regulations 2006 (as amended)</li> <li>• The Immigration (European Economic Area) Regulations 2006 (as amended)</li> </ul>

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## Bulgarian and Romanian casework

### Changes to this guidance

Key facts: Bulgarian and Romanian casework Record and check application Posted workers Rules based application Channel Islands and Isle of Man Background to Bulgarian and Romanian casework policy	This page lists changes to the Bulgarian and Romanian casework – application process, with the most recent at the top.		<b>Related links</b> <a href="#">Key facts: Bulgarian and Romanian casework</a>  <b>See also</b> <a href="#">Contact</a>  <a href="#">Information owner</a>  <b>External links</b>
	Date of the change	Details of the change	
	30 May 2013	Six month review by the modernised guidance team: <ul style="list-style-type: none"><li>• Key facts: Bulgarian and Romanian casework:<ul style="list-style-type: none"><li>○ all references to 'European Union (EU) citizens' changed to 'European Economic Area (EEA) nationals'</li></ul></li><li>• Minor housekeeping changes.</li></ul>	
	4 February 2013	Guidance modernised by the modernised guidance team.	

## Bulgarian and Romanian casework

### Record and check application

<p>Key facts: Bulgarian and Romanian casework</p> <p>Record and check application</p> <p>Posted workers</p> <p>Rules based application</p> <p>Channel Islands and Isle of Man</p> <p>Background to Bulgarian and Romanian casework policy</p>	<p>This section explains the initial actions and checks you must make on any application from a Bulgarian or Romanian national, or a family member of a Bulgarian or Romanian national.</p> <p>A Bulgarian or Romanian national can apply for a</p> <ul style="list-style-type: none"> <li>• blue or yellow registration certificate, or</li> <li>• purple accession worker card (AWC)</li> </ul> <p>A non-European Economic Area (EEA) family member of a Bulgarian or Romanian national can apply for a:</p> <ul style="list-style-type: none"> <li>• family member residence stamp, or</li> <li>• residence card.</li> </ul> <p>Before considering and deciding any application you must:</p> <ul style="list-style-type: none"> <li>• record what type of application has been received in GCID, and</li> <li>• make initial checks on the application to confirm it is complete.</li> </ul> <p><b>Record application in GCID</b> For guidance on the data to input in GCID, see related link: CID data requirements.</p> <p><b>Check application form</b> For information on the application process, see related link: Applying to work in the UK.</p> <p>For guidance on the application forms an applicant may use, see related link: Application forms.</p> <p>The applicant must supply the following for each person included in the application:</p>	<p><b>In this section</b></p> <p><a href="#">CID data requirements</a></p> <p><a href="#">Evidence of identity and nationality</a></p> <p><a href="#">Application forms</a></p> <p><b>Related links</b> Links to staff intranet removed</p>
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	<ul style="list-style-type: none"> <li>• original valid identity documents to prove their nationality</li> <li>• two recent, identical, passport sized photographs, and</li> <li>• original valid evidence documents (see below) to support their application.</li> </ul> <p>If the applicant has not submitted all of the relevant documents and information you must write to the applicant to request them. For guidance see related link: Request further information.</p> <p><b>Original valid identity documents</b> For guidance on what documents are accepted as proof of identity and nationality, see related link: Evidence of identity and nationality.</p> <p>If the applicant does not provide the required identity documents with their application, you must request them. If, following a written request, the applicant has still not provided them, you must refuse the application, for guidance see related link: Refuse application.</p> <p><b>Passport size photographs</b></p> <p><b>Purple accession worker card applications</b> If the applicant is applying for an accession worker card, they must provide two passport size photographs with their application. If they do not give these after a written request, you must refuse the application under regulation 11(8) with reference to regulation 10(4)(b) of the Accession (Immigration and Worker Authorisation) Regulations 2006.</p> <p><b>Registration certificate and residence card applications</b> There is no specific requirement under the Immigration (European Economic Area) Regulations 2006 for a person applying for a registration certificate or residence card to submit passport size photographs. If the applicant does not supply any photographs you may continue to consider and decide the application. However, you must not issue any documents until the applicant has provided photographs.</p> <p><b>All applications</b></p>	
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	<p>In all cases, the photographs must be taken within the last month. Guidance on acceptable photographs is given in the application form guidance notes. However, you cannot refuse an application on the basis the photographs do not meet these requirements.</p> <p>If an applicant refuses to submit acceptable photographs, you must refer the case to your line manager, who will seek advice from the technical team on how to proceed. If necessary, the technical team will seek policy advice.</p> <p><b>Original valid evidence documents</b> Evidence is needed to prove:</p> <ul style="list-style-type: none"><li>• the applicant is eligible for the document they are applying for, and</li><li>• the relationship between the applicant and any family members, for guidance on the evidence needed to prove the family relationship see related link: Family members and extended family members.</li></ul> <p>The evidence needed to show the applicant is eligible will vary depending on what the applicant is applying for. For the specific requirements, see the appropriate application form at related link: Applying to work in the UK.</p>	
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## Bulgarian and Romanian casework

### CID data requirements

<p>Key facts: Bulgarian and Romanian casework</p> <p>Record and check application</p> <p>Posted workers</p> <p>Rules based application</p> <p>Channel Islands and Isle of Man</p> <p>Background to Bulgarian and Romanian casework policy</p>	<p>This page tells you what data to input in GCID when recording and considering an application from a Bulgarian or Romanian national, or a family member of a Bulgarian or Romanian national.</p> <p>A Bulgarian or Romanian national can apply for a registration certificate or an accession worker card (AWC). A non-European Economic Area (EEA) family member of a Bulgarian or Romanian national can apply for a family member residence stamp or residence card.</p> <p><b>GCID data for blue registration certificate application</b></p> <p>Valid values to enter in the 'Case Type' field in GCID when considering and deciding an application for a blue registration certificate are listed below. Where indicated, you must also enter the name of the sponsoring family member in the 'Sponsors' tab.</p> <ul style="list-style-type: none"> <li>• A2 Exempt from Accession Worker Card</li> <li>• A2 Highly Skilled Migrants</li> <li>• A2 Dep Exempt from Accession Worker Card (sponsor required)</li> <li>• A2 Dependant Exempt (Non Exempt Family Member) (sponsor required)</li> <li>• A2 Marriage (sponsor required).</li> </ul> <p>You do not need to complete the 'Occupation' field in the 'Person Details' screen.</p> <p><b>GCID data for yellow registration certificate application</b></p> <p>The following table tells you what case type, sponsor and occupation values you must enter in GCID when considering and deciding an application for a yellow registration certificate.</p> <table border="1"> <thead> <tr> <th>Case Type</th><th>Sponsoring organisation</th><th>Occupation</th></tr> </thead> <tbody> <tr> <td>A2 Self Employed</td><td>No entry required</td><td>Self employed</td></tr> <tr> <td>A2 Self Sufficient</td><td>No entry required</td><td>No entry required</td></tr> <tr> <td>A2 Student</td><td>Name of educational</td><td>Student</td></tr> </tbody> </table>	Case Type	Sponsoring organisation	Occupation	A2 Self Employed	No entry required	Self employed	A2 Self Sufficient	No entry required	No entry required	A2 Student	Name of educational	Student	<p><b>Related links</b></p> <p><a href="#">Evidence of identity and nationality</a></p> <p><a href="#">Application forms</a></p> <p>Links to staff intranet removed</p>
Case Type	Sponsoring organisation	Occupation												
A2 Self Employed	No entry required	Self employed												
A2 Self Sufficient	No entry required	No entry required												
A2 Student	Name of educational	Student												

	establishment	
A2 Non-EEA Dependant (Purple)	No entry required	No entry required
<p><b>GCID data for purple accession worker card (AWC) application</b></p> <p>The following table tells you what case type, sponsor and occupation values you must enter in GCID when considering and deciding an application for an AWC.</p>		
Case Type	Sponsoring organisation	Occupation
A2 Airport staff of overseas Airlines	Name of airline	Airport staff of overseas airline
A2 Au Pair	Host family	Au-pair
A2 Minister of Religion, or A2 Religious Worker in non-pastoral Role	Name of religious order or church	As on application form, for example Pastor, Preacher, Missionary or Monk
A2 Nurses Supervised Practice	Employer	Overseas qualified nurse
A2 Overseas Domestic Workers	Employer	Domestic worker
A2 Overseas Domestic Workers in Diplomatic Households	Employer	Domestic worker
A2 Overseas Govt Employees	Employer	As on application form, for example Intern
A2 Postgraduate Doctors and Dentists	Name of Primary Care Trust (PCT)	Training post as stated on postgraduate dean's letter
A2 Representatives of Overseas News Agencies	Employer	As on application form, for example Journalist
A2 Skilled Employment	Employer details from Globe	'Job Title' from Globe
A2 Sole Representative	Employer	Sole representative
A2 Teachers and Language Assist in App Sch.	Employer	Teacher, or Language assistant

	<p>For guidance on using Globe, see related link: <a href="#">Globe navigational guidance</a>.</p> <p><b>GCID data for family member residence stamp or residence card application</b> Valid values to enter in the 'Case Type' field in GCID when considering and deciding an application for a family member residence stamp or residence card are:</p> <ul style="list-style-type: none"><li>• EEA Residence Card – Non EEA National</li><li>• A2 Non-EEA Dependant (Purple)</li></ul> <p>You must enter the name of the Bulgarian or Romanian sponsor in the 'Sponsors' tab.</p> <p>You do not need to complete the 'Occupation' field in the 'Person Details' screen.</p> <p><b>Representatives</b> If the applicant is using a solicitor, immigration adviser or other representative, you must enter their details in the 'Sponsors' tab.</p> <p>You must check the representative is authorised to act on behalf of the applicant. For guidance, see related link: <a href="#">17.0 - Regulation of Immigration Advisers</a>.</p>	
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## Bulgarian and Romanian casework

### Evidence of identity and nationality

<p>Key facts: Bulgarian and Romanian casework</p> <p>Record and check application</p> <p>Posted workers</p> <p>Rules based application</p> <p>Channel Islands and Isle of Man</p> <p>Background to Bulgarian and Romanian casework policy</p>	<p>This page explains what documents a Bulgarian or Romanian national must give as proof of their identity and nationality.</p> <p>A Bulgarian or Romanian national applying for a registration certificate or purple accession worker card must prove their identity and nationality by providing:</p> <ul style="list-style-type: none"> <li>• a valid national identity card issued by Bulgaria or Romania, or</li> <li>• a valid passport issued by Bulgaria or Romania.</li> </ul> <p>For exceptions, see below under: Alternative evidence of identity and nationality.</p> <p><b>Different types of passport</b></p> <p>A Bulgarian or Romanian national may hold:</p> <ul style="list-style-type: none"> <li>• a national passport</li> <li>• a diplomatic passport, or</li> <li>• a service passport.</li> </ul> <p>An original of any of these will be enough proof of the applicant's identity and nationality, provided the document is still valid.</p> <p><b>Other identity and travel documents issued by the Bulgarian and Romanian authorities</b></p> <p>Bulgaria and Romania also issue a number of other identity and travel documents which the applicant may give as evidence of their identity and nationality. The following table shows which documents are:</p> <ul style="list-style-type: none"> <li>• acceptable evidence of identity and nationality, and</li> <li>• valid for travel to the UK.</li> </ul>	<p><b>Related links</b></p> <p><a href="#">CID data requirements</a></p> <p><a href="#">Application forms</a></p> <p>Links to staff intranet removed</p>
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	Nationality	Document	Acceptable evidence of identity and nationality	Valid for travel to the UK
	<b>Bulgaria</b>			
		Temporary travel document	No	Yes
		Travel document of subsidiary protection beneficiary	No	Yes
		Temporary passport of foreigner for return to Bulgaria	No	Yes
		Official border crossing permit	No	Yes
		Temporary passport for return to Bulgaria	Yes	No
		Foreigner identity card	No	No
		Refugee identity card	No	No
		Driving licence	No	No
	<b>Romania</b>			
		Provisory national identity card	Yes	No
		Foreign identity card	No	No
		Stateless person's passport	No	Yes
		Travel document conditional humanitarian protection	No	Yes
<p>In all cases you must check the document is:</p> <ul style="list-style-type: none"> <li>• genuine</li> <li>• valid, or was valid when the application was submitted, and</li> <li>• acceptable proof of the applicant's identity and nationality.</li> </ul> <p>For more information, see related link: IDI – passports &amp; travel documents.</p>				

	<p><b>Children</b> If a child does not have their own national identity card or passport they may be included on a parent's or guardian's passport. This is acceptable evidence of identity and nationality, provided the document is valid.</p> <p><b>Alternative evidence of identity and nationality</b> You may accept evidence other than a valid national identity card or passport if the applicant is unable to provide one of these documents due to circumstances beyond their control.</p> <p>This is stated in new regulation 29A of the Immigration (European Economic Area) Regulations 2006, as amended by the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2012. See related link.</p> <p>For guidance, see related link: <a href="#">European operational policy notice - alternative evidence of nationality and identity</a>.</p>	
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## Bulgarian and Romanian casework

### Application forms

<p>Key facts: Bulgarian and Romanian casework</p> <p>Record and check application</p> <p>Posted workers</p> <p>Rules based application</p> <p>Channel Islands and Isle of Man</p> <p>Background to Bulgarian and Romanian casework policy</p>	<p>This page explains which form a Bulgarian or Romanian national, or a family member of a Bulgarian or Romanian national, can use to apply for a registration certificate, an accession worker card, a residence card or a family member residence stamp.</p> <p>A Bulgarian or Romanian national can apply for a registration certificate or an accession worker card (AWC). A non-European Economic Area (EEA) family member of a Bulgarian or Romanian national can apply for a family member residence stamp or residence card.</p> <p>A Bulgarian or Romanian national, or their family member, does not have to use any of the following forms when making their application.</p> <p>You cannot reject, or refuse to consider, an application just because it was not made using one of the forms. However the applicant must provide all the information as required by the forms.</p> <p><b>BR1</b> Application for a registration certificate when exercising a Treaty right in the UK.</p> <p>Applicants living in the UK are asked to use this form if they are:</p> <ul style="list-style-type: none"> <li>• self-employed</li> <li>• a student</li> <li>• self-sufficient</li> <li>• a worker or a jobseeker in the UK who is exempt from worker authorisation, or</li> <li>• the direct family member of a Romanian or Bulgarian worker who holds an accession worker card.</li> </ul> <p><b>BR2</b> Application for a registration certificate as a person exempt from worker authorisation on the</p>	<p><b>Related links</b></p> <p><a href="#">CID data requirements</a></p> <p><a href="#">Evidence of identity and nationality</a></p> <p>Links to staff intranet removed</p>
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	<p>basis of being highly skilled.</p> <p>Applicants are asked to use this form if they are:</p> <ul style="list-style-type: none"> <li>• living in the UK, and</li> <li>• highly skilled.</li> </ul> <p><b>BR3</b> Application for an accession worker card.</p> <p>Applicants are asked to use this form if they:</p> <ul style="list-style-type: none"> <li>• wish to take employment in the UK, and</li> <li>• are subject to the requirement to hold an accession worker card.</li> </ul> <p><b>BR4</b> Application for an accession worker card in the UK for a Bulgarian or Romanian authorised family member.</p> <p>Applicants are asked to use this form if they:</p> <ul style="list-style-type: none"> <li>• wish to work in the UK, and</li> <li>• their Bulgarian or Romanian family member holds an accession worker card or seasonal agricultural workers scheme (SAWS) work card.</li> </ul> <p><b>BR5</b> Application for a residence card for a non-European Economic Area (EEA) family member of a Bulgarian or Romanian national who is:</p> <ul style="list-style-type: none"> <li>• exercising a Treaty right in the UK, and</li> <li>• not a worker subject to worker authorisation.</li> </ul>	
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	<p><b>BR6</b></p> <p>Application for a family member residence stamp for a non-EEA family member of a Bulgarian or Romanian worker who is subject to worker authorisation.</p> <p>See related link: Applying to work in the UK for:</p> <ul style="list-style-type: none"><li>• further information</li><li>• the application forms, and</li><li>• guidance on completing the application forms.</li></ul>	
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## Bulgarian and Romanian casework

### Posted workers

<p>Key facts: Bulgarian and Romanian casework</p> <p>Record and check application</p> <p>Posted workers</p> <p>Rules based application</p> <p>Channel Islands and Isle of Man</p> <p>Background to Bulgarian and Romanian casework policy</p>	<p>This page explains how to decide applications from Bulgarian and Romanian nationals who are posted workers.</p> <p>A posted worker is:</p> <ul style="list-style-type: none"> <li>• an employee of a company or organisation set up in one member state, and</li> <li>• sent by their employer to supply services to a client in another member state.</li> </ul> <p>Bulgarian and Romanian nationals who are posted to work in the UK within the meaning of European Union Directive 96/71/EC are:</p> <ul style="list-style-type: none"> <li>• exempt from the worker authorisation requirements set out in the Accession (Immigration and Worker Authorisation) Regulations 2006 (as amended), and</li> <li>• not required to get documentation confirming they are present in the UK as a posted worker.</li> </ul> <p>A posted worker is expected to be in the UK on a temporary basis. There is no upper limit of how long the posting can last. It has to be shown as temporary by providing a fixed end date or time period. For example:</p> <ul style="list-style-type: none"> <li>• Mr X will be posted in the UK until 2013, or</li> <li>• Miss X will be posted in the UK for six months.</li> </ul> <p>The Home Office will not normally issue documentation to posted workers unless the evidence submitted shows the applicant can qualify in another capacity, for example they are the spouse of a British citizen. In these cases you must consider the application as if they applied under that category.</p> <p>If a posted worker wants to take employment in any other capacity they will be subject to</p>	<p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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	<p>worker authorisation and must make an appropriate application.</p> <p><b>Application for registration certificate or accession worker card</b>          If you receive an application for either a registration certificate (RC) or an accession worker card (AWC) from a posted worker you must seek advice from your line manager.</p> <p>You must consider the application to decide if the supporting evidence really justifies the issue of an RC or AWC.</p> <p>If it does you must:</p> <ul style="list-style-type: none"> <li>• change the application to the appropriate case type</li> <li>• decide the application in line with the appropriate guidance, see related links:             <ul style="list-style-type: none"> <li>○ Bulgarian and Romanian casework – blue registration certificate</li> <li>○ Bulgarian and Romanian casework – Yellow registration certificate</li> <li>○ Bulgarian and Romanian casework – Purple accession worker card.</li> </ul> </li> </ul> <p><b>Application for exemption on the basis of 12 months legal employment</b>          Regulation 2(11) of the Accession (Immigration and Worker Authorisation) Regulations 2006 (as amended) states ‘A national of Bulgaria or Romania is not an accession State national subject to worker authorisation during any period in which he is a posted worker’.</p> <p>Regulation 2(12)(b) of the same regulations says a person working in the UK on or after 1 January 2007 is legally working, for the purpose of becoming exempt from worker authorisation after 12 months, if they fall within the exemptions in paragraphs (5) to (10B) of regulation 2. The posted worker exemption is set out in paragraph (11). As such posted workers are not treated as legally working for the purpose of the 12 month legal employment exemption.</p> <p>Therefore, you must refuse any application for a blue registration certificate from a Bulgarian or Romanian national who claims to be exempt from worker authorisation based on 12 months’ continuous employment as a posted worker.</p>	
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## Bulgarian and Romanian casework

### Rules based application

<p>Key facts: Bulgarian and Romanian casework</p> <p>Record and check application</p> <p>Posted workers</p> <p>Rules based application</p> <p>Channel Islands and Isle of Man</p> <p>Background to Bulgarian and Romanian casework policy</p>	<p>This page explains how a Bulgarian and Romanian national can apply for leave under the Immigration Rules or Immigration Act 1971.</p> <p>A Bulgarian or Romanian national may make an application for entry clearance or leave to remain under the Immigration Rules, even if they do not need leave to enter or remain.</p> <p>An example of when a Bulgarian or Romanian national may wish to apply under the rules is if they:</p> <ul style="list-style-type: none"> <li>• are not exempt from worker authorisation</li> <li>• do not qualify for an accession worker card, and</li> <li>• qualify to work under an immigration route, for example, as the unmarried partner of a British citizen or settled person.</li> </ul> <p>If they choose to make a rules-based application they must:</p> <ul style="list-style-type: none"> <li>• use the specified application form</li> <li>• pay the specified fee (where necessary), and</li> <li>• meet the requirements of the category they are applying under in the same way as a non-European Economic Area (EEA) national.</li> </ul> <p>The application will be considered by the relevant caseworking team. For example, an application for limited leave to remain will be considered by temporary migration in Sheffield. Casework teams must not refuse to consider such applications even if it appears the applicant does not require leave.</p> <p>If a Bulgarian or Romanian national has:</p> <ul style="list-style-type: none"> <li>• valid leave under the Immigration Rules or Immigration Act 1971, and</li> </ul>	<p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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	<ul style="list-style-type: none"><li>• a right to reside in the UK under the Immigration (European Economic Area) Regulations 2006</li></ul> <p>at the same time, any conditions attached to the grant of leave do not apply for as long as they have a right to reside under the Regulations.</p> <p>If the person loses their right to reside under the Regulations, the conditions of their leave will apply if the leave is still valid.</p> <p>This is stated in paragraph 1 of schedule 2 to the Immigration (European Economic Area) Regulations 2006. See related link.</p>	
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This guidance is based on the Accession (Immigration and Worker Authorisation) Regulations 2006 and the Immigration (European Economic Area) Regulations 2006

## Bulgarian and Romanian casework

### Channel Islands and Isle of Man

Key facts: Bulgarian and Romanian casework Record and check application Posted workers Rules based application Channel Islands and Isle of Man Background to Bulgarian and Romanian casework policy	<p>This page explains why someone from the Channel Islands or Isle of Man cannot exercise Treaty rights in other member states.</p> <p>Article 2 of the Treaty of Accession 1972 states that ‘Channel Islanders and Manxmen shall not benefit from Community provisions relating to the free movement of persons and services’.</p> <p>This is shown by an endorsement in their passports which states ‘Holder is not entitled to benefit from EC provisions relating to employment or establishment’.</p> <p>Therefore someone from the Channel Islands or Isle of Man who holds such a passport cannot exercise Treaty rights in other member states. Also, a European Economic Area (EEA) national undertaking economic activity or study in the Channel Islands or Isle of Man is not exercising a Treaty right in the UK.</p>	<b>Related links</b> Links to staff intranet removed
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## Bulgarian and Romanian casework

### Background to Bulgarian and Romanian casework policy

<p>Key facts: Bulgarian and Romanian casework</p> <p>Record and check application</p> <p>Posted workers</p> <p>Rules based application</p> <p>Channel Islands and Isle of Man</p> <p>Background to Bulgarian and Romanian casework policy</p>	<p>This page gives background to Bulgarian and Romanian casework policy.</p> <p>Bulgaria and Romania joined the European Union (EU) on 1 January 2007. The Accession Treaty signed by both countries allows the UK to set controls on the right of nationals of Bulgaria and Romania to access the UK labour market. Under the terms of the treaty:</p> <ul style="list-style-type: none"> <li>• their nationals have the same free movement rights as existing European Economic Area (EEA) nationals throughout all the member states of the EU, but</li> <li>• transitional arrangements mean their nationals do not have the same right to work in the UK as other EEA nationals.</li> </ul> <p>These controls do not breach the Race Relations Act 1976 (as amended) as they are permitted by the Accession Treaty.</p> <p>The transitional arrangements are set out in the Accession (Immigration and Worker Authorisation) Regulations 2006 (as amended) (“the Accession Regulations”). These regulations define:</p> <ul style="list-style-type: none"> <li>• which Bulgarian or Romanian nationals are subject to worker authorisation requirements</li> <li>• the documentation they must hold if they wish to work</li> <li>• the criteria and consideration to be applied when issuing documents, and</li> <li>• the penalties for working in breach of these requirements.</li> </ul> <p>The Accession Regulations allow the UK to apply restrictions on Bulgarian and Romanian nationals’ access to the labour market. In practice, this means the UK will continue to provide the same degree of access for skilled workers as it did before accession but will confine access for low skilled workers to existing low skilled migration schemes:</p>	<p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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	<ul style="list-style-type: none"> <li>• the seasonal agricultural workers scheme (SAWS), and</li> <li>• the sectors based scheme (SBS).</li> </ul> <p>Bulgarian and Romanian nationals do not generally require leave to enter or remain to be admitted to or allowed to live in the UK. They:</p> <ul style="list-style-type: none"> <li>• have the right of admission to the UK on production of a valid passport or national identity card issued by Bulgaria or Romania</li> <li>• have a right of residence in the UK without exercising a Treaty right for the first three months of their stay, provided they: <ul style="list-style-type: none"> <li>○ hold a valid national identity card or passport issued by Bulgaria or Romania, and</li> <li>○ do not become an unreasonable burden on the UK's social assistance system, and</li> </ul> </li> <li>• can legally reside in the UK as long as they wish, if exercising a Treaty right as a: <ul style="list-style-type: none"> <li>○ self-employed person</li> <li>○ self-sufficient person, or</li> <li>○ student.</li> </ul> </li> </ul> <p>A Bulgarian or Romanian national can also legally reside in the UK for as long as they wish if they are the family member (as defined in the legislation) of another European Economic Area (EEA) national who is exercising a Treaty right or has a permanent right to reside in the UK.</p> <p>However, Bulgarian and Romanian nationals do not automatically have a right to reside in the UK as workers or jobseekers. Bulgarian and Romanian nationals may only work in the UK if they:</p> <ul style="list-style-type: none"> <li>• are exempt from worker authorisation requirements, or</li> <li>• hold a valid accession worker authorisation document.</li> </ul> <p>A Bulgarian or Romanian national who is subject to worker authorisation is only entitled to reside in the UK as a worker if they:</p>	
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	<ul style="list-style-type: none"> <li>• hold a valid accession worker authorisation document, and</li> <li>• are working in accordance with the conditions of that document.</li> </ul> <p>A Bulgarian or Romanian national who is subject to worker authorisation cannot establish a right of residence in the UK as a jobseeker.</p> <p>Bulgarian or Romanian nationals who are:</p> <ul style="list-style-type: none"> <li>• exempt from worker authorisation requirements, or</li> <li>• are subject to worker authorisation but are exercising a Treaty right as a: <ul style="list-style-type: none"> <li>○ self-employed person</li> <li>○ self-sufficient person, or</li> <li>○ student</li> </ul> </li> </ul> <p>can apply for a registration certificate as confirmation of their right of residence. The legislative basis for issuing this document is regulation 16 of the Immigration (European Economic Area) Regulations 2006 (as amended), as modified by regulation 7 of the Accession (Immigration and Worker Authorisation) Regulations 2006 (as amended).</p>	
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### Contact

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### Information owner

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