



Home Office

Bulgarian and Romanian casework – blue registration certificate

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

This guidance is based on the Accession (Immigration and Worker Authorisation) Regulations 2006

Bulgarian and Romanian casework

About this guidance

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This guidance tells you how to decide an application made by a Bulgarian or Romanian national for a blue registration certificate as a person exempt from worker authorisation.</p> <p>This guidance is based on Accession (Immigration and Worker Authorisation) Regulations 2006 and the Immigration (European Economic Area) Regulations 2006 and relevant amending regulations.</p> <p>For background to the policy on applications from Bulgarian and Romanian nationals, see related link: Background to Bulgarian and Romanian casework policy.</p> <p>For key facts for Bulgarian and Romanian casework, see related link: Key facts: Bulgarian and Romanian casework.</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>In this section</p> <p>Changes to this guidance</p> <p>Contact</p> <p>Information owner</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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Bulgarian and Romanian casework

Changes to this guidance

Blue registration certificate Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship Exemption on the basis of membership of a diplomatic mission Exemption on the basis of 12 months legal employment Exemption as a highly skilled person	<p>This page lists changes to the Bulgarian and Romanian casework – blue registration certificate guidance, with the most recent at the top.</p> <table><tr><th>Date of the change</th><th>Details of the change</th></tr><tr><td>31 May 2013</td><td>Six month review by the modernised guidance team:<ul style="list-style-type: none">• Minor housekeeping changes.</td></tr><tr><td>4 February 2013</td><td>Guidance modernised by the modernised guidance team.</td></tr></table>	Date of the change	Details of the change	31 May 2013	Six month review by the modernised guidance team: <ul style="list-style-type: none">• Minor housekeeping changes.	4 February 2013	Guidance modernised by the modernised guidance team.	<p>Related links</p> <p>Contact</p> <p>Information owner</p>
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Bulgarian and Romanian casework

Blue registration certificate

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains how a Bulgarian or Romanian national can apply for a blue registration certificate as a person exempt from worker authorisation.</p> <p>For guidance on Bulgarian and Romanian nationals who are subject to worker authorisation, see related link: Bulgarian and Romanian casework – purple accession worker card.</p> <p>For guidance on Bulgarian and Romanian nationals who are:</p> <ul style="list-style-type: none"> • self-employed persons • self-sufficient persons, or • students <p>see related link: Bulgarian and Romanian casework – Yellow registration certificate.</p> <p>For guidance on Bulgarian and Romanian nationals who are posted workers, see related link: Posted workers.</p> <p>Application You must:</p> <ul style="list-style-type: none"> • record the application on GCID, and • check the applicant has supplied evidence: <ul style="list-style-type: none"> ○ to prove they are a Bulgarian or Romanian national ○ they qualify for a blue registration certificate, and ○ of their relationship with any family members included on the application. <p>For guidance, see related link: Record and check application.</p> <p>Eligibility This category applies to Bulgarian or Romanian nationals who are exempt from worker</p>	<p>Related links Links to staff intranet removed</p>
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	<p>authorisation in the UK and who can work in the UK without restriction. Applicants may be exempt for a wide variety of reasons, see below.</p> <p>Requirements</p> <p>You must check all applicants are Bulgarian or Romanian nationals and are eligible under one of the following criteria:</p> <ul style="list-style-type: none">• Exemption on the basis of previous or existing leave, settlement, permanent right of residence, or dual citizenship• Exemption on the basis of membership of a diplomatic mission• Exemption on the basis of 12 months' legal employment• Exemption as a highly skilled person. <p>For more information see links on left.</p> <p>Grant the application</p> <p>For guidance on granting the application, see related link: Grant application.</p> <p>Refuse the application</p> <p>For guidance on refusing the application, see related link: Refuse application.</p> <p>Family members</p> <p>For guidance on the right for family members of a person exempt from worker authorisation to live and work in the UK, see related link: Bulgarian and Romanian casework – Family members.</p>	
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Bulgarian and Romanian casework

Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This section explains how you establish that a Bulgarian or Romanian national qualifies on the basis of previous or existing leave, settlement, permanent right of residence or dual citizenship.</p> <p>This applies to a Bulgarian or Romanian national applying for a blue registration certificate as a person exempt from worker authorisation.</p> <p>Conditions</p> <p>Applicants who qualify as exempt under any of the categories listed below are entitled to a registration certificate. The registration certificate is blue and sometimes described as a blue or full-blue registration certificate.</p> <p>Applicants who qualify as exempt:</p> <ul style="list-style-type: none"> • may apply for a registration certificate as confirmation they are entitled to exercise their Treaty rights • may only apply for a registration certificate whilst in the UK • only remain exempt while they continue to meet their qualifying conditions, unless they are exempt on the basis of previous or existing leave • can sponsor other Bulgarian and Romanian family members applying for exemption if the relevant requirements are met • can sponsor non-European Economic Area (EEA) national family members applying a residence card. <p>Eligibility</p> <p>Applicants only need to meet the requirements of one of the categories listed below to qualify as exempt from worker authorisation:</p> <ul style="list-style-type: none"> • evidence of exemption on the basis of citizenship of another European Economic Area (EEA) state 	<p>In this section</p> <p>Evidence of exemption on the basis of citizenship of another EEA state</p> <p>Evidence of exemption on the basis of permanent right of residence</p> <p>Evidence of exemption on the basis of leave in the UK with unrestricted right to work</p>
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| | <ul style="list-style-type: none">• evidence of exemption on the basis of permanent right of residence• evidence of exemption on the basis of leave in the UK with unrestricted right to work. | |
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Evidence of exemption on the basis of citizenship of another EEA state

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains how you establish that a Bulgarian or Romanian national also has UK citizenship, or citizenship of another European Economic Area (EEA) state other than Bulgaria or Romania.</p> <p>This applies to a Bulgarian or Romanian national applying for a registration certificate as a person exempt from worker authorisation.</p> <p>Requirements</p> <p>This category applies to applicants who are also nationals of the UK or another EEA state (other than Bulgaria or Romania).</p> <p>Evidence</p> <p>To demonstrate they meet the requirements applicants must provide an original valid passport or ID card for the claimed nationality.</p> <p>For EEA member states, see related link: List of EEA member states.</p> <p>The applicant is exempt as long as they continue to hold dual citizenship with another EEA state. If the applicant works without interruption for 12 months while exempt on the basis of dual nationality, they also may still remain exempt from worker authorisation on the basis of that legal and continuous employment.</p>	<p>Related links</p> <p>Evidence of exemption on the basis of permanent right of residence</p> <p>Evidence of exemption on the basis of leave in the UK with unrestricted right to work</p> <p>Links to staff intranet removed</p>
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Bulgarian and Romanian casework

Evidence of exemption on the basis of permanent right of residence

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains how you establish that a Bulgarian or Romanian national has a permanent right of residence in the UK under the Immigration (European Economic Area) Regulations 2006 (the EEA Regulations).</p> <p>This applies to a Bulgarian or Romanian national applying for a blue registration certificate as a person exempt from worker authorisation.</p> <p>Requirements</p> <p>This category applies to applicants who have a permanent right of residence in the UK under regulation 15 of the EEA Regulations, as amended by paragraph 8 of Schedule 1 to the Immigration (European Economic Area) (Amendment) Regulations 2012. See related links.</p> <p>A person can get permanent residence:</p> <ul style="list-style-type: none"> • once they have lived in the UK for a continuous period of five years in line with the EEA Regulations, for example, by exercising a Treaty right for five years, or • sooner than five years in certain circumstances, for example, if they are a retired or incapacitated worker. <p>An EEA national who has a permanent right of residence is entitled to a 'document certifying permanent residence'. A non-EEA national is entitled to a 'permanent residence card'.</p> <p>Applicants may have a permanent residence document as described above. However, as it is not a mandatory document, applicants may also provide other evidence to show they have a permanent right of residence.</p> <p>You must not accept permanent residence documents as definitive proof the applicant still has a permanent right of residence, as individuals can lose this status if they:</p>	<p>Related links</p> <p>Evidence of exemption on the basis of citizenship of another EEA state</p> <p>Evidence of exemption on the basis of leave in the UK with unrestricted right to work</p> <p>Links to staff intranet removed</p>
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	<ul style="list-style-type: none">• spend a continuous period of more than two years outside the UK, or• have been removed, or are liable for removal, on the grounds of public policy or public security. <p>For further guidance on permanent right of residence, see related link: 06 Permanent residence.</p> <p>Evidence Applicants must provide:</p> <ul style="list-style-type: none">• evidence they have a permanent right of residence, for example, evidence they have lived in the UK as:<ul style="list-style-type: none">○ a qualified person for five years○ the family member of a qualified person for five years, or○ a retired or incapacitated worker or self-employed person• a document certifying permanent residence or a permanent residence card if they have one. <p>You must verify the evidence against their GCID records, where applicable, and satisfy yourself that the person has not lost their permanent right of residence.</p>	
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Bulgarian and Romanian casework

Evidence of exemption on the basis of leave in the UK with unrestricted right to work

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains how you establish that a Bulgarian or Romanian national has, or had, leave with an unrestricted right to work that was valid on or granted after 31 December 2006.</p> <p>This applies to a Bulgarian or Romanian national applying for a blue registration certificate as a person exempt from worker authorisation.</p> <p>Requirements</p> <p>This category applies to applicants who are exempt from worker authorisation if they:</p> <ul style="list-style-type: none"> • had valid leave to enter or remain, granted under the Immigration Act 1971, on 31 December 2006 which did not restrict their right to work, or • have subsequently been granted such leave. <p>Leave which does not restrict a person's right to work includes:</p> <ul style="list-style-type: none"> • indefinite leave to enter or remain • limited leave to enter or remain on code 1A conditions, such as: <ul style="list-style-type: none"> ○ 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: <ul style="list-style-type: none"> ○ 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 under the pre-Tier 4 postgraduate doctors and dentists scheme. <p>If the leave has a restriction (or prohibits employment) then it does not count under this</p>	<p>Related links</p> <p>Evidence of exemption on the basis of citizenship of another EEA state</p> <p>Evidence of exemption on the basis of permanent right of residence</p>
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	<p>exemption. Leave that restricts or prohibits a person's right to work includes:</p> <ul style="list-style-type: none"> • code 2 leave (work permit holders, students) • code 3 or 5N leave (visitors – no right to work), and • code 4 leave (au pairs, domestic workers). <p>Expired leave If the relevant leave expired before 31 December 2006, the applicant does not qualify under this exemption.</p> <p>If the applicant's leave was granted on or after 1 January 2007, they qualify for exemption, even if that leave has since expired.</p> <p>Evidence Applicants must provide:</p> <ul style="list-style-type: none"> • Their most recent UK endorsement in their original: <ul style="list-style-type: none"> ○ passport ○ travel document ○ immigration status document, or ○ biometric residence permit. • Exceptionally, if the applicant was granted the relevant leave by letter only, they must provide the original Home Office letter. If in doubt, you must check with your line manager. <p>You must check the relevant endorsement and make sure there is no restriction on the person's right to work in the UK.</p> <p>Where an applicant has been granted indefinite leave to enter or remain, they must be able to prove this by:</p> <ul style="list-style-type: none"> • an indefinite leave to enter (ILE) endorsement • an indefinite leave to remain (ILR) endorsement 	
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	<ul style="list-style-type: none">• a no time limit (NTL) endorsement, or• a returning resident (settlement) visa. <p>In all cases, you must check the relevant endorsement against GCID or CRS records.</p>	
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Bulgarian and Romanian casework

Exemption on the basis of membership of a diplomatic mission

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains how you decide if a Bulgarian or Romanian national is a member of a diplomatic mission.</p> <p>This applies to a Bulgarian or Romanian national applying for a registration certificate as a person exempt from worker authorisation.</p> <p>Requirements</p> <p>This category applies to applicants who are exempt from immigration control under section 8(3) of the Immigration Act 1971 because they are:</p> <ul style="list-style-type: none"> • a member of a diplomatic mission, or • a person otherwise entitled to the same immunity that would be granted to a diplomatic agent. <p>A member of a diplomatic mission is only exempt while they remain a member of a diplomatic mission.</p> <p>You must give any application for a registration certificate to your line manager to forward to a senior caseworker.</p> <p>For guidance on family members of a member of a diplomatic mission, see related link: Evidence of exemption as a member of a diplomatic household.</p> <p>The exemption does not apply to:</p> <ul style="list-style-type: none"> • Members of a mission who were recruited from within the UK (locally engaged staff), unless they are of diplomatic rank. And • People who are exempt from immigration control under section 8(2) of the Immigration Act 1971 (for example, employees of certain international organisations). These people require accession worker cards in the overseas government employment category. For 	<p>Related links</p> <p>Contact</p> <p>Links to staff intranet removed</p>
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	<p>further information, see below under Applications from employees and representatives of overseas governments, the United Nations, and other international organisations.</p> <p>Who qualifies as a member of a diplomatic mission?</p> <ul style="list-style-type: none"> • The head of a mission. • All members of the diplomatic staff of foreign and Commonwealth missions. • Administrative, technical and service staff of foreign and Commonwealth missions provided they: <ul style="list-style-type: none"> ○ were living outside the UK and not present in the UK when offered the post, and ○ continue to be a member of that mission. <p>This includes diplomatic couriers and members of foreign and Commonwealth missions accredited to countries outside the UK and any members of their families who are passing through, or are in, the UK.</p> • Any person who belongs to the family and forms part of the household of the member of a mission. • Any person entitled to such immunity from jurisdiction given to a diplomatic agent. This may include senior officials of international organisations to whom the UK is obliged to grant such agreements with other member states. <p>A private servant employed directly by a member of a mission does not qualify for exemption under this category. They may qualify for an accession worker card as a private servant in a diplomatic household, for guidance see related link: Private servants in diplomatic households.</p> <p>Evidence Applicants must provide:</p> <ul style="list-style-type: none"> • a letter of accreditation from the mission for each person included in the application • a copy of the Foreign & Commonwealth Office (FCO) identity card for each person included, and • evidence of relationships of household members such as marriage and birth certificates if the relationship is not specified on the FCO ID card. 	
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	<p>Where the person is unable to provide the above documents but claims to be exempt from immigration control, your line manager will ask for advice from the European operational policy team. See related link: Contact.</p> <p>Applications from employees and representatives of overseas governments, the United Nations and other international organisations</p> <p>Certain employees of overseas governments, the United Nations, and other international organisations to which the UK belongs are either totally or partly exempt from immigration control under section 8 of the Immigration Act 1971 ("the 1971 Act"). The extent of the exemption and the range of employees covered depends on the terms of the agreement reached with each organisation.</p> <p>Full diplomatic immunity Section 8(3) of the 1971 Act exempts from control anyone with the same immunity from jurisdiction as a diplomatic agent under the Diplomatic Privileges Act 1964 (that is, full diplomatic immunity). This includes senior officials of international organisations to whom the UK is obliged to grant diplomatic immunity by agreements with other member states. Bulgarian and Romanian nationals with full diplomatic immunity are exempt from worker authorisation.</p> <p>The families of these officials are not fully exempt from control, except where the agreement relating to the organisation states that family members have the same immunity as the official.</p> <p>Officials exempt under section 8(2) of the Immigration Act 1971 Employees and representatives of overseas governments and international organisations who do not have full diplomatic immunity are usually exempt from immigration control under section 8(2) of the 1971 Act.</p> <p>These people are currently not exempt from worker authorisation. Unless they are exempt on some other basis, they must hold a valid accession worker card in the overseas government employment category to comply with the Accession Regulations.</p>	
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	<p>Junior and locally engaged staff are not generally exempt from immigration control and must also apply under the overseas government employment category.</p> <p>If you receive an application for a blue registration certificate from a person who is, or appears to be, exempt from immigration control under section 8(2) of the 1971 Act, you must:</p> <ul style="list-style-type: none"> • Refuse the application for a registration certificate (unless they qualify on another basis). • Consider the application under the criteria for overseas government employees. See related link: Overseas government employees. You should not ask the applicant to complete another application form but you may ask for further information if necessary. • If the applicant qualifies: <ul style="list-style-type: none"> ○ change the case type on GCID to 'A2 Overseas Govt Employees', and ○ issue the applicant with an accession worker card. <p>Once the applicant has worked for an uninterrupted period of 12 months in accordance with their accession worker card, they become exempt from worker authorisation. See link on left: Exemption on the basis of 12 months legal employment.</p> <p>If you are unsure whether the applicant is exempt under section 8(2) or section 8(3) of the 1971 Act, speak to your line manager, who will seek advice from the European operational policy team if necessary.</p> <p>For further information on people who are exempt from immigration control, see related link: IDI - Persons exempt from control.</p>	
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Bulgarian and Romanian casework

Exemption on the basis of 12 months legal employment

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This section explains how you establish that a Bulgarian or Romanian national has worked legally and without interruption in the UK for a period of 12 months.</p> <p>This applies to a Bulgarian or Romanian national applying for a blue registration certificate as a person exempt from worker authorisation.</p> <p>Bulgarian and Romanian nationals become exempt from worker authorisation after completing a period of 12 months uninterrupted, legal employment in the UK ending on or after 31 December 2006.</p> <p>If the application is on the basis of 12 months self-employment, the applicant does not qualify as exempt. Working in a self-employed capacity does not constitute working for the purposes of the exemption from worker authorisation. You must refuse these applications.</p> <p>Conditions</p> <p>Applicants who qualify as exempt on this basis are entitled to a registration certificate. The registration certificate is blue and sometimes described as a blue or full-blue registration certificate.</p> <p>Applicants who qualify as exempt on this basis:</p> <ul style="list-style-type: none"> • may apply for a registration certificate as confirmation they are entitled to exercise their Treaty rights • may only apply for a registration certificate whilst in the UK • can sponsor other Bulgarian and Romanian family members applying for exemption, if they meet the relevant criteria • can sponsor non-European Economic Area (EEA) national family members applying a residence card • have exemption from worker authorisation on this basis. 	<p>In this section</p> <p>Definition of legal work</p> <p>Examples of legal work</p> <p>Student legally working while at college that has closed down</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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	<p>Evidence Applicants must provide:</p> <ul style="list-style-type: none"> • Wage slips, contracts and reference letters from their employer covering the whole 12 months. And • Evidence they were authorised to do the work in question, such as: <ul style="list-style-type: none"> ○ evidence they were exempt from worker authorisation, or ○ evidence they held the appropriate authorisation and were working in line with it. For example an accession worker card (AWC) or whilst exercising a Treaty right as a student were legally working within the maximum hours previously granted for vocational and non vocational students. <p>If you have any concerns about the evidence submitted you must:</p> <ul style="list-style-type: none"> • verify the applicant had permission to work by checking: <ul style="list-style-type: none"> ○ their accession worker authorisation document, passport endorsements, or other evidence they were legally working, and ○ electronic databases such as CID or Globe, and • request a letter from the employer confirming employment details. <p>For guidance on using Globe, see related link: Globe navigational guidance.</p> <p>For guidance on what qualifies as uninterrupted and legal work, see related link: Definition of legal work.</p> <p>For examples of legal working without interruption, see related link: Examples of legal work.</p> <p>For guidance on how you consider an application from a Bulgarian or Romanian national who claims they were legally working while studying at a college which closed down, see related link: Student legally working while at college that has closed down.</p> <p>For guidance on how you consider an application from a Bulgarian or Romanian national who is:</p>	
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- the family member of a Bulgarian or Romanian national, and
- applying for a blue registration certificate as a person exempt from worker authorisation on the basis of 12 months legal and uninterrupted employment

see related link: Family member application for registration certificate on the basis of 12 months legal employment.

Unauthorised work

Restricted information – do not disclose – start of section

The information in this page has been removed as it is restricted for internal Home Office use only.

Restricted information – do not disclose – end of section

If, as a result of unauthorised employment, the applicant has not legally worked for an uninterrupted period of 12 months, you must refuse the application.

Example

An applicant was issued with an AWC. They worked in accordance with the conditions of their AWC for six months. They then left that job and worked for another employer for six months. They did not obtain a new AWC for this employment.

You must check whether the applicant was exempt during the second six months (for example, if they were married to a British citizen or the family member of a Bulgarian or Romanian national exercising a Treaty right).

If they were not exempt during this period, they would not qualify for a registration certificate on the basis of their employment because they would not have legally worked for 12 months.

Bulgarian and Romanian casework

Definition of legal work

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains how you establish that a Bulgarian or Romanian national has worked legally and without interruption in the UK.</p> <p>Definition of ‘without interruption’ ‘Without interruption’ means the person must have been working throughout a 12 month period. Continuity of employment is not broken by breaks an employee is normally entitled to, such as paid annual leave, sick leave or maternity leave, provided they remain employed by the company.</p> <p>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.</p> <p>Definition of ‘legally working’ ‘Legally working’ has different meanings depending on whether the work took place before 1 January 2007 or on or after that date.</p> <p>Before 1 January 2007 A person was legally working before 1 January 2007 if they:</p> <ul style="list-style-type: none"> • Had leave to enter or remain in the UK which allowed them to work, and they were working within the conditions of that leave. See below for examples. • Were working while exempt from immigration control under section 8(3) of the Immigration Act 1971, such as a member of a diplomatic mission or a family member forming part of such a person’s household, or a person otherwise entitled to the same immunity. Or • Were working while they had a right of residence under either the Immigration (European Economic Area) Regulations 2006 or 2000. For example, as the family member of a qualified EEA national. 	<p>Related links</p> <p>Examples of legal work</p> <p>Student legally working while at college that has closed down</p> <p>Links to staff intranet removed</p>
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	<p>‘Leave which allows a person to work’ includes (but is not restricted to):</p> <ul style="list-style-type: none">• Leave as a work permit holder, which restricts a person’s employment to a particular employer and type of employment.• Leave which restricts a person’s employment to a particular category of employment, such as an au pair, a domestic worker in a private household, or a private servant in a diplomatic household. Or• Leave as a student, which allows the person to work for 20 hours a week during term time and full-time during non-term time, or while undertaking an approved work placement or internship. For further details of what employment was permitted by pre-Tier 4 students, see section 18 of related link: Immigration directorate instructions - Chapter 3 - section 3 - leave to remain students (general) 23jun09 to 04oct12 - Horizon version. <p>On or after 1 January 2007 Work undertaken within the conditions of leave to enter or remain granted on or after 1 January 2007 does not count towards exemption (unless it is leave which does not restrict a person’s right to work).</p> <p>For the purposes of this category, a person is legally working on or after 1 January 2007 if they are working:</p> <ul style="list-style-type: none">• While exempt from worker authorisation. This includes family members of non-exempt Bulgarian and Romanian nationals who are known to caseworkers as ‘A2 Dependent Exempt (Non Exempt Family Member)’ on GCID holding a registration certificate known as a ‘half blue’. This does not include posted workers. Or• With a valid worker authorisation document. <p>The following table lists the different types of worker authorisation document and the circumstances in which they remain valid.</p> <table><tr><th>Type of document</th><th>Validity</th></tr></table>	Type of document	Validity	
Type of document	Validity			

	Accession worker card (AWC)	For as long as the person is working within the conditions set out on the document.
	Seasonal agricultural workers scheme (SAWS) card	While the person is working for the employer specified on the card, up to a maximum of six months.
	A passport or travel document endorsed before 1 January 2007 with leave to enter or remain which restricted the person's employment to a particular employer or type of employment (such as a work permit holder, au pair or domestic worker)	Until the leave expires, provided the person is working within the conditions of that leave.
<p>Examples For examples of legal working without interruption in the UK and whether it qualifies an applicant for exemption from worker authorisation, see related link: Examples of legal work.</p> <p>Employment under the seasonal agricultural workers scheme (SAWS) Employment as a seasonal agricultural worker is legal qualifying work. However, as SAWS cards are issued for a maximum of six months, applicants would then need to work legally in another category, for example, as a student or with an AWC, for another six months to qualify for exemption.</p> <p>Self-employment and voluntary work Self-employment and voluntary work do not qualify as employment. The individual is not accessing the labour market as an employee and these categories do not lead to exemption.</p>		

Bulgarian and Romanian casework

Examples of legal work

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page gives examples of legally working without interruption in the UK. It explains whether the work qualifies a Bulgarian or Romanian national for exemption from worker authorisation.</p> <p>Example one - 12 months legal work ending on 31 December 2006</p> <p>The applicant was granted leave to remain as a student in December 2005 until 31 October 2007. They immediately started working for 20 hours a week during term time and full-time during non-term time. The applicant was working on this basis on 31 December 2006 and had been doing so without interruption throughout the previous 12 months, with no gaps of more than 30 days in the intervening period.</p> <p>The applicant is exempt from worker authorisation and qualifies for a registration certificate.</p> <p>Example two - 12 months legal work falling partly after 31 December 2006</p> <p>The applicant was granted leave to enter as a work permit holder from 1 June 2006 to 31 May 2011. They started working within the conditions of their work permit on 7 June 2006. The applicant was still working on this basis on 6 June 2007 and had been doing so throughout the previous 12 months, with no gaps of more than 30 days in the intervening period.</p> <p>The applicant would not have qualified for exemption on 31 December 2006 because they had not been legally working for 12 months. However, because the applicant had leave which allowed restricted work, they were entitled to continue working within the conditions of this leave from 1 January 2007 until their leave expired. By 6 June 2007 the applicant would have legally worked for 12 months and so would have become exempt at that point.</p> <p>Example three - 12 months legal work falling wholly after 31 December 2006</p> <p>Legal work while exempt</p> <p>The applicant was exempt from worker authorisation as the family member of a European</p>	<p>Related links</p> <p>Definition of legal work</p> <p>Student legally working while at college that has closed down</p>
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	<p>Economic Area (EEA) national exercising a Treaty right. While the applicant's sponsor is exercising a Treaty right, the applicant takes advantage of their right to work. After working on this basis for an uninterrupted period of 12 months with no gaps of more than 30 days in the intervening period, the applicant is exempt from worker authorisation.</p> <p>Legal work within the conditions of an accession worker card (AWC) The applicant was issued with an AWC on 1 March 2011. They started working for the employer specified on that card the next day. The applicant is still working for the same employer and carrying out the same type of employment on 1 March 2012, and there have been no gaps of more than 30 days in the intervening period.</p> <p>The applicant is now exempt from worker authorisation.</p>	
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Bulgarian and Romanian casework

Student legally working while at college that has closed down

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains how you consider an application from a Bulgarian or Romanian national who claims they were legally working while studying at a college that has closed down.</p> <p>Students can legally work while enrolled on a course of study at an approved institution for the principal purpose of study, provided they hold a yellow registration certificate confirming they are exercising a Treaty right as a student. For guidance, see related link: Student.</p> <p>Colleges and educational establishments sometimes close down or set up in a new name. When a student claims to have studied there it can be difficult to verify if this was true and if they completed their course.</p> <p>When a student claims to have studied at a college that has closed down you need to consider the following factors:</p> <ul style="list-style-type: none"> • Is there evidence the applicant was enrolled at the college? • Was the college an approved educational institution when it was open? For guidance, see related link: Approved institution checks. • Is there evidence the applicant was not a student during the period the educational establishment was open? For example, do you have evidence the applicant was working full-time on days when they should have been at college? • Were there significant breaks during the period of study, for example, to return home? • If someone claims to have been a student after their original college has closed down, did they enrol in another establishment within 30 days and can they provide evidence of this? <p>If the applicant was not a student at the college while it was open then any claimed periods of employment during that time cannot count towards the 12 months lawful employment. This means they will not qualify for a registration certificate as an exempt person.</p> <p>If there is evidence the applicant studied for a short period at the college while it was open,</p>	<p>Related links</p> <p>Definition of legal work</p> <p>Examples of legal work</p> <p>Links to staff intranet removed</p>
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	<p>but did not re-enrol in another college within 30 days of the college closing down, then any periods of employment from that point on cannot count towards the 12 month qualifying period. This is because the applicant was not a student in line with regulation 4(1)(d) of the Immigration (European Economic Area) Regulations 2006 (as amended) throughout the period.</p> <p>If you decide the applicant is not a student who has completed 12 months lawful employment you must explain your reasons when refusing the application. For an example of the wording to use, see related link: Refusal wording.</p>	
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Bulgarian and Romanian casework

Exemption as a highly skilled person

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This section tells you how to establish that a Bulgarian or Romanian national qualifies on the basis of being a highly skilled person.</p> <p>The term ‘highly skilled person’ is defined in regulation 4 of the Accession (Immigration and Worker Authorisation) Regulations 2006, as amended by regulation 2(4) of the Accession (Worker Authorisation and Worker Registration) (Amendment) Regulations 2007. See related links.</p> <p>This applies to a Bulgarian or Romanian national applying for a blue registration certificate as a person exempt from worker authorisation.</p> <p>Conditions</p> <p>Applicants who qualify as exempt on this basis are entitled to a registration certificate. The registration certificate is blue and sometimes described as a blue or full-blue registration certificate.</p> <p>Applicants who qualify as exempt on this basis:</p> <ul style="list-style-type: none"> • must hold a registration certificate before starting employment in the UK • highly skilled recent graduates may only apply for a registration certificate whilst in the UK • highly skilled workers may apply for a registration certificate in the UK or overseas • can sponsor other Bulgarian and Romanian family members applying for exemption, if they meet the relevant criteria • can sponsor non-European Economic Area (EEA) national family members applying a residence card, and • remain exempt for as long as they hold the registration certificate. <p>Requirements</p> <p>This category applies to applicants who:</p>	<p>Related links</p> <p>Exempt as a highly skilled recent graduate</p> <p>Exempt as a highly skilled worker under HSMP</p> <p>Links to staff intranet removed</p>
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	<ul style="list-style-type: none">• are a highly skilled recent graduate, or• meet the criteria of the highly skilled migrant programme (HSMP). <p>Applicants only need to meet the requirements of one of these, for guidance see related links:</p> <ul style="list-style-type: none">• Exempt as a highly skilled recent graduate• Exempt as a highly skilled worker under HSMP.	
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Bulgarian and Romanian casework

Exempt as a highly skilled recent graduate

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This section explains how a Bulgarian or Romanian national can apply for a blue registration certificate as a person exempt from worker authorisation as a highly skilled recent graduate.</p> <p>This category is based on previous graduate schemes and is also known by caseworkers as the:</p> <ul style="list-style-type: none"> • International Graduates Scheme (IGS) (formerly the Science and Engineering Graduate Scheme (SEGS)), and • Fresh Talent: Working in Scotland Scheme (FT:WISS) or Scottish Graduates Scheme. <p>Requirements</p> <p>This category applies to applicants who:</p> <ul style="list-style-type: none"> • have been awarded: <ul style="list-style-type: none"> ○ a degree (bachelor's, master's or doctorate) from a relevant institution in the UK ○ a postgraduate certificate from a relevant institution in the UK ○ postgraduate diploma from a relevant institution in the UK, or ○ a Higher National Diploma (HND) from a relevant institution in Scotland • apply for their registration certificate within 12 months of being awarded the relevant qualification • may only apply for a registration certificate whilst in the UK. <p>For further information on how to make sure the applicant meets these requirements, see related link: Evidence of qualification at a relevant institution.</p>	<p>In this section</p> <p>Evidence of qualification at a relevant institution</p>
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Bulgarian and Romanian casework

Evidence of qualification at a relevant institution

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains how you establish that a Bulgarian or Romanian national is a highly skilled recent graduate.</p> <p>This applies to a Bulgarian or Romanian national applying for a blue registration certificate as a person exempt from worker authorisation.</p> <p>Qualification level Applicants must provide evidence to show they have been awarded their qualification. They can provide:</p> <ul style="list-style-type: none"> • their original certificate or diploma, or • an original letter from the awarding institution as described below. <p>Date of studies Applicants must apply under this category within 12 months of being awarded their qualification.</p> <p>If the applicant submits their original certificate, use the date of award on the certificate to determine this.</p> <p>If the applicant can't provide their original certificate (for example, if they have only just finished their course), or if the certificate does not state the date of award, the applicant must provide:</p> <ul style="list-style-type: none"> • An original letter from the awarding institution confirming the qualification and the date the applicant was informed they had successfully completed the course. The letter must be on headed paper, have the official stamp of the institution and can be addressed to the applicant or to the Home Office. Or • The applicant's original official results transcript. If this does not contain the name of the qualification, the date of completion, or the letterhead and official stamp of the 	<p>Related links Links to staff intranet removed</p>
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	<p>institution, then the applicant must provide a supporting letter from the awarding institution as described above.</p> <p>Qualifying educational institutions Highly skilled recent graduates can only apply under this category if a recognised institution awarded their qualification.</p> <p>For guidance on how to decide whether the institution has been accredited to provide the course and qualification, see related link: Approved institution checks.</p> <p>If the applicant has obtained their qualification from a college which is not an approved institution, or if you otherwise have doubts about the qualification, you must refer the case to your line manager or senior caseworker for them to seek policy advice.</p> <p>Institutions which are no longer approved Sometimes institutions may no longer be included in any of the lists of relevant approved institutions. The applicant or institution may claim it was approved on the date the qualification was awarded. If you are satisfied the institution was approved on that date:</p> <ul style="list-style-type: none"> • add the institution to the 'Euro Educational Establishments' database, for guidance see related link: Approved institution checks, and • accept the application. <p>If you are unable to confirm this, or if you have concerns about the institution or qualification, refer the case to your line manager.</p>	
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Bulgarian and Romanian casework

Exempt as a highly skilled worker under HSMP

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This section explains how you establish that a Bulgarian or Romanian national qualifies under the highly skilled migrant programme (HSMP).</p> <p>Requirements</p> <p>Applicants must score 75 points or more against the highly skilled migrant programme criteria.</p> <p>The applicant is awarded points across the following categories:</p> <ul style="list-style-type: none"> • master in business administration (MBA) provision • qualifications • previous earnings • UK experience • age assessment. <p>See related links for further information on these categories.</p> <p>For further information on the supporting documents required with applications, see 'Annex A – List of required documents' of related link: Evidence for scoring sections.</p>	<p>In this section</p> <p>Master in business administration (MBA) provision</p> <p>Qualifications</p> <p>Previous earnings</p> <p>UK experience</p> <p>Age assessment</p> <p>Related links</p> <p>Links to staff intranet removed</p>
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Bulgarian and Romanian casework

Master in business administration (MBA) provision

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This section explains how points are awarded for the master in business administration (MBA) provision.</p> <p>Requirements</p> <p>To meet the requirements of the MBA provision for the award of 75 points the applicant must have:</p> <ul style="list-style-type: none"> • graduated from an eligible MBA or executive MBA programme, and • provided appropriate supporting evidence. <p>For further information on eligible programmes, see related link: Eligible MBA programmes.</p> <p>For further information on supporting evidence for MBA, see related link: Supporting evidence for MBA.</p>	<p>In this section</p> <p>Eligible MBA programmes</p> <p>Supporting evidence for MBA</p>
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Bulgarian and Romanian casework

Eligible MBA programmes

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains the process for identifying eligible master in business administration (MBA) programmes.</p> <p>Eligible programmes</p> <p>HM Treasury first published a list of eligible MBA programmes and institutions on 2 December 2004. The list is periodically reviewed.</p> <p>Applicants can apply if they have:</p> <ul style="list-style-type: none"> • fully completed their course at an eligible institution and have graduated, or • graduated from an institution that was on the list at the time of their graduation, but has since been removed. <p>Applicant's cannot qualify for the MBA provision if:</p> <ul style="list-style-type: none"> • their academic institution is not on the eligible list at the time of their graduation • they have graduated from one of the eligible institutions, but this was before the publication of the list on 2 December 2004 • they have graduated from any other course at an eligible institution, or • they are only part-way through a course and have not yet graduated. <p>If any of these circumstances apply you must not award any points and refuse the case. You must inform the applicant in the refusal letter that if they still wish to apply under the highly skilled migrant programme they must make a new application. For further information on refusing applications, see the related link: Refuse application.</p> <p>For further information on the specific eligible MBA programmes and institutions, see related link: List of eligible MBA programmes.</p> <p>For further information on the supporting evidence, see related link: Supporting evidence for</p>	<p>Related links</p> <p>Master in business administration (MBA) provision</p> <p>Supporting evidence for MBA</p> <p>Links to staff intranet removed</p>
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This guidance is based on the Accession (Immigration and Worker Authorisation) Regulations 2006

	MBA.	
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Romanian and Bulgarian casework

Supporting evidence for MBA

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains the evidence required to support the award of points for the master in business administration (MBA) provision.</p> <p>Supporting evidence</p> <p>The applicant must provide an original MBA certificate issued by one of the eligible institutions.</p> <p>You cannot accept provisional certificates.</p> <p>If the applicant has only recently completed the MBA and the certificate has yet to be issued, they must provide:</p> <ul style="list-style-type: none"> • an original, official letter from the institution, and • an academic transcript. <p>The letter must be written on the institution's letter headed paper, have an official stamp of the institution and confirm the details of their qualification. It must clearly show:</p> <ul style="list-style-type: none"> • the applicant's name • the qualification awarded, and • the date of the award. <p>The academic transcript must clearly show:</p> <ul style="list-style-type: none"> • the applicant's name • the institution awarding the MBA • the course details, and • confirmation of the award. <p>For more detailed information on the specific requirements for this evidence, see section</p>	<p>Related links</p> <p>Master in business administration (MBA) provision</p> <p>Eligible MBA programmes</p> <p>Links to staff intranet removed</p>
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This guidance is based on the Accession (Immigration and Worker Authorisation) Regulations 2006

	<p>'MBA' in 'Annex A – List of required documents' of related link: Evidence for scoring sections.</p> <p>For more information on eligible MBA programmes and institutions, see related link: List of eligible MBA programmes.</p>	
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Bulgarian and Romanian casework

Qualifications

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This section explains the points awarded for the applicant's qualifications for the highly skilled migrant programme.</p> <p>Applicants are awarded points for the type of qualifications they have gained. If the applicant holds more than one of the qualifications listed, you may only award points for the highest level qualification for which supporting evidence has been provided.</p> <p>Points available</p> <table><tr><th>PhD</th><th>Masters</th><th>Bachelors</th></tr><tr><td>50 points</td><td>35 points</td><td>30 points</td></tr></table> <p>You must make sure:</p> <ul style="list-style-type: none">• You check all qualifications, gained at UK or non-UK institutions, with the National Academic Recognition Information Centre (NARIC). To access the NARIC database, see related link: NARIC database.• The applicant has provided the appropriate supporting evidence to confirm the qualification. For more information see the related link: Supporting evidence for qualifications. <p>If there are any issues in an application which cause concern, for example Bachelor degrees awarded to applicants under the age of 20, you must check the date of birth provided to confirm the age at the time of award.</p> <p>For more information on the types of higher education qualifications awarded in the UK, see 'Annex A - Guide to the UK higher education framework' of related link: Qualifications.</p>	PhD	Masters	Bachelors	50 points	35 points	30 points	<p>In this section</p> <p>Supporting evidence for qualifications</p> <p>Related links</p> <p>Links to staff intranet removed</p>
PhD	Masters	Bachelors						
50 points	35 points	30 points						

Bulgarian and Romanian casework

Supporting evidence for qualifications

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains the supporting evidence required for qualifications.</p> <p>Evidence</p> <p>Applicants can provide the following evidence to meet the points criteria:</p> <ul style="list-style-type: none"> • Their original degree certificate. Or • For vocational or professional qualifications an original award certificate must be provided. You cannot accept original provisional certificates. The applicant must also provide confirmation from the appropriate UK professional body that the qualification is equivalent to UK academic standards. This must be in the form of an original letter. <p>If you have concerns about the evidence from the UK professional body you must verify the document. For further information, see related link: Verification.</p> <p>If the applicant does not provide any evidence from a UK professional body:</p> <ul style="list-style-type: none"> • you must not undertake an investigation to confirm the equivalent UK standard, and • you must award zero points for the qualification within this category. <p>For more detailed information on the specific requirements for this evidence, see ‘Annex A – List of required documents’ of related link: Evidence for scoring sections.</p> <p>Exceptional consideration of the application - alternative evidence required for an academic qualification</p> <p>The applicant, for exceptional reasons, may not be able to provide the required supporting evidence, for example they are awaiting graduation but have completed their degree. You can consider an original letter from the institution awarding the degree together with an original transcript.</p> <p>For guidance on the original letter and original transcript contents, see related link:</p>	<p>Related links</p> <p>Qualifications</p> <p>Supporting evidence for MBA</p> <p>Links to staff intranet removed</p>
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	<p>Supporting evidence for MBA.</p> <p>You cannot accept a letter or academic transcript as suitable evidence if it does not state the qualification has been granted, conferred or awarded.</p> <p>Some researched based PhD qualifications do not have academic transcripts. For these cases you can consider a letter from the awarding institution outlining the key details requested in academic transcripts.</p> <p>For more detailed information on the specific requirements for this evidence, see 'Annex A – List of required documents' of related link: Evidence for scoring sections.</p> <p>Alternative evidence required for a professional qualification</p> <p>In exceptional circumstances you can consider a letter from the awarding institution and confirmation from the appropriate UK professional body confirming the equivalent UK academic levels for the qualifications.</p> <p>For more detailed information on the specific requirements for this evidence, see 'Annex A – List of required documents' of related link: Evidence for scoring sections.</p>	
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Bulgarian and Romanian casework

Previous earnings

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This section explains the points awarded for the applicant's previous earnings for the highly skilled migrant programme.</p> <p>A maximum of 45 points can be awarded to an applicant for their previous earnings. The earnings must come from legal employment.</p> <p>Points are awarded:</p> <ul style="list-style-type: none"> • for employed work, before tax, for a period of up to 12 months in the last 15 months • for self-employment, after tax, for a period of up to 12 months in the last 15 months. <p>Period of earnings</p> <p>Applicants do not have to claim points for a full 12 month period. If they have earnings for a period of less than 12 months these must still be considered.</p> <p>Earnings must be for one consecutive period and the applicant must indicate the start and end date of the earnings period claimed. An applicant cannot request the Home Office to consider the first six months of earnings on an application, exclude the following three months, and then request consideration of the next six months.</p>	<p>In this section</p> <p>Previous earnings criteria</p> <p>Previous earnings points</p> <p>Previous earnings supporting evidence (salaried employment)</p> <p>Previous earnings supporting evidence (independent contractors)</p> <p>Previous earnings supporting evidence (self-employment)</p>
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Bulgarian and Romanian casework

Previous earnings criteria

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains the possible variations to the earnings criteria, these include part-time workers, applicants working in several countries or who have taken out time to study, and applicants seconded overseas.</p> <p>Part time workers You can consider:</p> <ul style="list-style-type: none"> • part-time earnings over a 12 month period, and • total earnings for one or several jobs over this period. <p>The applicant must provide supporting evidence to confirm their earnings for each job. For further information on supporting evidence, see related link: Previous earnings supporting evidence.</p> <p>Working in several countries If an applicant has lived and worked in more than one country in the last 12 months you must estimate the total income for the period being claimed up to a maximum of 12 months, against the country where the applicant has spent the most time.</p> <p>To estimate the income for a full 12 months, you must:</p> <ul style="list-style-type: none"> • divide the total income earned from the country where the applicant has spent most time by the number of months worked in that country, and • multiply the result by 12 to give the earnings figure for scoring. <p>For example, if the applicant supplies evidence they spent eight months in the UK and four months in another country, you:</p> <ul style="list-style-type: none"> • divide the earned income in the UK by eight, and • multiply the result by 12 to give the earnings figure for scoring. 	<p>Related links</p> <p>Previous earnings</p> <p>Previous earnings points</p> <p>Previous earnings supporting evidence (salaried employment)</p> <p>Previous earnings supporting evidence (independent contractors)</p> <p>Previous earnings supporting evidence (self-employment)</p> <p>Links to staff intranet removed</p>
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	<p>If an applicant has worked for exactly six months in two separate countries consecutively over a 12 month period, you must estimate both earnings for a 12 month period as detailed above. Use the 12 month estimated income figure which benefits the applicant the most.</p> <p>Past earnings for applicants who have taken time out to study</p> <p>If the applicant has not earned an income in the last 12 months because they were in full-time study, you can consider their income for the period immediately before they became a student, up to 15 months before they started to study.</p> <p>You can consider applicants who:</p> <ul style="list-style-type: none"> • are current full-time students, or • recent students who have finished a course in the last 12 months. <p>Applicants must have been undertaking full-time study for consideration, or have spent at least 15 hours a week in organised study.</p> <p>To qualify for consideration the applicant must supply evidence of:</p> <ul style="list-style-type: none"> • their earnings prior to the beginning of the study • the period of study, and • the attendance requirements (hours of study each week). <p>You do not need to check that the full time study was with an accredited institution.</p> <p>For further information on the supporting evidence required to confirm earnings, see related link: Previous earnings supporting evidence.</p> <p>Applicants seconded overseas</p> <p>Applicants who have been seconded overseas during the last 15 months and whose salary continues to be paid by their employer must be assessed against the country where they have been working during the secondment.</p>	
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	<p>To establish which country to consider their earnings against the applicant must provide evidence where they have been working and where their salary has been paid for the period they wish us to consider.</p> <p>If the applicant is working in a country, but having their income paid into a bank account in another country, you must consider their income against the country where they are working.</p>	
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Bulgarian and Romanian casework

Previous earnings points

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains the process for calculating points for income.</p> <p>Calculating points</p> <p>Applicants should state the period they are claiming for and their total earnings for this period on the application form.</p> <p>Applicants must provide evidence to support the application. You must consider any evidence provided for dates outside of the period claimed into account.</p> <p>You must convert the applicant's earnings in to pounds sterling to calculate how many points to award. For links to some currency conversion websites, see paragraph 'Currency conversion' of related link: Previous earnings supporting evidence.</p> <p>When making the conversion you must use the exchange rate on the date of the last payslip. If the applicant has been a student, you must use the exchange rate on the date of their last earnings.</p> <p>HM Treasury have developed country earnings bands to reflect the variation in income levels across the world. This table provides a relative comparison of earnings in different countries.</p> <p>The country where an applicant has earned the money determines which income band to use in the table.</p> <p>Once you have converted the earnings into pounds sterling you must use 'Annex A - Country Earning Band Tables' of related link: Previous earnings supporting evidence:</p> <ul style="list-style-type: none"> • find the country within the band tables, and • use the appropriate earnings score within the band. 	<p>Related links</p> <p>Previous earnings</p> <p>Previous earnings criteria</p> <p>Previous earnings supporting evidence (salaried employment)</p> <p>Previous earnings supporting evidence (independent contractors)</p> <p>Previous earnings supporting evidence (self-employment)</p> <p>Links to staff intranet removed</p>
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	<p>Income that cannot be considered</p> <p>You cannot consider all income for the award of points. You cannot accept:</p> <ul style="list-style-type: none">• dividends from investments (including shares), unless the applicant is working full-time for the company, or if the payment is directly related to their employment• property rental income• interest on savings, or• funds received through inheritance. <p>If the applicant's earnings are paid as dividends they must provide evidence this has been declared for tax purposes. This must be either:</p> <ul style="list-style-type: none">• their personal tax returns, or• the corporate tax voucher from the company. <p>You can only consider dividend vouchers if they are part of the applicant's earned income and not from investments.</p>	
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Bulgarian and Romanian casework

Previous earnings supporting evidence (salaried employment)

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains the evidence required to support the award of points for previous earnings of a salaried employee.</p> <p>The applicant must submit original evidence of earnings for the selected period up to 12 months. The evidence must clearly confirm the applicant's total annual salary before tax.</p> <p>Salaried employment - required evidence To claim points for salaried employment, including part-time, temporary, short term or consultancy work, the applicant should provide two pieces of evidence. The applicant must provide:</p> <ul style="list-style-type: none"> • Wage slips covering the entire period being claimed. You must disregard any allowances paid that are not declared on the wage slip. And • Their income tax return covering the period being claimed, or the period before they commenced full-time study. Self-assessment tax documents are not acceptable. <p>Salaried employment - other acceptable evidence If the tax year does not cover the full period claimed, or the applicant has not yet received a tax return, then they must provide other supporting evidence. In some cases personal tax returns covering the period will not be available. For information on alternative supporting evidence, see section 'Previous earnings' in 'Annex A – List of required documents' of related link: Evidence for scoring sections.</p> <p>If the evidence supplied does not support the earnings claimed, you must award points the actual earnings qualify for.</p> <p>Considering tax returns You can accept the following evidence.</p> <p>A tax return can be a document generated by:</p>	<p>Related links</p> <p>Previous earnings</p> <p>Previous earnings criteria</p> <p>Previous earnings points</p> <p>Previous earnings supporting evidence (independent contractors)</p> <p>Previous earnings supporting evidence (self-employment)</p> <p>Links to staff intranet removed</p>
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	<ul style="list-style-type: none"> • A tax authority, detailing declarable income on which tax has been paid, or is to be paid in a tax year. • An employer for the purpose of an official return to a tax authority, showing details of earnings on which tax has been paid in a tax year. Or • An individual, business or company as an official return to a tax authority showing details of earnings on which tax has been paid, or is to be paid in that year. The return must be approved, registered or stamped by the tax authority. This is particularly relevant to some overseas tax systems, for example SARAL in India. <p>Self-certified tax documents completed by the applicant are not acceptable.</p> <p>For further information on considering tax returns, see paragraph 'Considering income tax returns' of related link: Previous earnings supporting evidence.</p> <p>Considering wage slips Wage slips must:</p> <ul style="list-style-type: none"> • Be formal payslip slips or on company letter headed paper. If the wage slip is on plain paper, or on-line wage slips have been supplied, they must be stamped and signed by the employer. • Relate to the applicant. And • Cover the correct period. <p>You must add up the gross earnings from each wage slip to establish the total income.</p> <p>You must not accept the evidence for the award of points if the wage slip does not contain the required details.</p> <p>For further information on considering wage slips, see paragraph 'Considering wage slips' of related link: Previous earnings supporting evidence.</p>	
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Bulgarian and Romanian casework

Previous earnings supporting evidence (independent contractors)

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains the evidence required to support the award of points for previous earnings of an independent contractor.</p> <p>Applications are considered in the same way as those in salaried employment.</p> <p>Applications from independent contractors must include all the following evidence:</p> <ul style="list-style-type: none"> • Income tax return. Self assessment tax documents are not acceptable. • Contracts from the employer to cover the period claimed and to total the amount of earnings claimed. They must provide details of the employment period of contract and the applicant's salary. • Invoices from the employer showing the amounts paid to the applicant. • Bank statements showing incoming payments made by the employer to the applicant. <p>If these documents do not provide two forms of supporting evidence, the applicant must provide at least one piece of alternative evidence:</p> <ul style="list-style-type: none"> • an accountant's letter on letter headed paper confirming the gross and net pay for the period claimed • invoice explanations or payment summaries. <p>For further information on alternative evidence, see section 'Previous earnings' in 'Annex A – List of required documents' of related link: Evidence for scoring sections.</p> <p>If the applicant employs a managing agent to deal with their financial affairs they must provide a letter to confirm their relationship with the agent.</p> <p>Applicants who have not paid tax</p> <p>Some countries do not have a tax system. If the applicant has been exempt from paying tax they must provide two pieces of alternative evidence:</p>	<p>Related links</p> <p>Previous earnings</p> <p>Previous earnings criteria</p> <p>Previous earnings points</p> <p>Previous earnings supporting evidence (salaried employment)</p> <p>Previous earnings supporting evidence (self-employment)</p> <p>Links to staff intranet removed</p>
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	<ul style="list-style-type: none">• bank statements• wage slips• letter from employer stating salary. <p>For further information, see section 'Previous earnings' in 'Annex A – List of required documents' of related link: Evidence for scoring sections.</p>	
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Bulgarian and Romanian casework

Previous earnings supporting evidence (self-employment)

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains the evidence required to support the award of points for previous earnings of a self-employed applicant.</p> <p>Self-employed applicants - earnings</p> <p>Self-employed applicants can be paid in various ways. The applicant can:</p> <ul style="list-style-type: none"> • be paid a salary out of the company funds • take company profits as their earnings, or • receive payment in the form of dividends. <p>Self-employed applicants - supporting evidence</p> <p>Self-employed applicants must supply the following supporting evidence:</p> <ul style="list-style-type: none"> • a personal tax return, and • a personal bank statement. <p>In addition, the applicant must provide one further set of financial evidence. For information on the evidence required, see section 'Previous earnings' in 'Annex A - List of required documents' of related link: Evidence for scoring sections.</p> <p>If the tax year does not cover the full period, or the applicant does not have a tax return, alternative evidence can be considered, see 'Annex B - Evidence Required in Support of Previous Earnings' of related link: Previous earnings supporting evidence.</p> <p>Some applicants operating as or through a limited liability company may not be able to provide the specified evidence to support their previous earning.</p> <p>For information on other acceptable evidence to support an application, see 'Annex B - Evidence Required in Support of Previous Earnings' of related link: Previous earnings supporting evidence.</p>	<p>Related links</p> <p>Previous earnings</p> <p>Previous earnings criteria</p> <p>Previous earnings points</p> <p>Previous earnings supporting evidence (salaried employment)</p> <p>Previous earnings supporting evidence (independent contractors)</p> <p>Links to staff intranet removed</p>
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	<p>If the applicant is one of a number of shareholders running a company, see 'Annex C: Background information on Limited Liability companies and Managing Agents' of related link: Previous earnings supporting evidence, for more information.</p> <p>For further information on limited liability companies, see 'Annex C: Background information on Limited Liability companies and Managing Agents' of related link: Previous earnings supporting evidence.</p> <p>Self-employed applicants – consider evidence</p> <p>You must consider the gross dividend paid to the applicant. If a breakdown of dividend payments is provided on the pay advice, the gross dividend is the net dividend payment plus the tax credit stated.</p> <p>If the applicant is not paid a set salary, you must consider the net profit from the company they have received. The assessment must work on net profit, as this is the figure that is available as potential earnings.</p> <p>You must also confirm whether the applicant is the sole owner or is a partner. If the applicant is a sole owner, make the assessment of their earnings on the full business net profit. If the applicant is one of a group of partners they must provide evidence of the share of profits they can take as earnings.</p>	
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Bulgarian and Romanian casework

UK experience

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This section explains the points awarded for the applicant's UK experience for the highly skilled migrant programme.</p> <p>If an applicant has worked or studied in the UK before you can award a maximum of five points for their UK experience.</p> <p>Points can be awarded if they have:</p> <ul style="list-style-type: none"> • Scored points in the previous earnings category and these were earned in the UK. Or • Have gained a degree-level qualification or higher in the UK in the last five years, or at a UK based overseas educational institution where they must have completed one years study. This must be supported by appropriate evidence. <p>Applicants cannot be awarded points for both a UK qualification and for UK based earnings. A maximum of five points can be awarded for either qualifications or earning, but not for both. If the applicant claims points for both qualifications and earnings, and has provided supporting evidence, you must consider as though qualification awarded in the UK only has been claimed.</p> <p>For further information on the evidence required to support points scored in the previous earnings category, see related link: Evidence to support UK previous earnings.</p> <p>For further information on the evidence required to support degree level qualifications awarded at UK or overseas education institutions, see related link: Evidence to support UK qualifications.</p>	<p>In this section</p> <p>Evidence to support UK previous earnings</p> <p>Evidence to support UK qualifications</p>
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Bulgarian and Romanian casework

Evidence to support UK previous earnings

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled worker</p>	<p>This page explains the evidence required to support the award of points for previous earnings from employment in the UK.</p> <p>You must be satisfied the:</p> <ul style="list-style-type: none"> • applicant has been awarded points in the previous earnings points scoring category, and • previous earnings awarded points related to employment in the UK. <p>If the applicant meets these requirements they do not need to provide any further evidence to support the award of points.</p> <p>If the applicant is awarded fewer points for their previous earnings than they claimed they are still eligible for the five points. For example, the applicant claims 35 points in previous earnings, but is only awarded 30 points, they are still eligible for five points in this section.</p> <p>You must not award points if:</p> <ul style="list-style-type: none"> • the applicant has not been awarded points in the previous earnings scoring category, or • the evidence provided on earnings is from a country other than the UK. <p>For further information, see related link: UK experience supporting evidence.</p>	<p>Related links</p> <p>UK experience</p> <p>Evidence to support UK qualifications</p> <p>Previous earnings</p> <p>Links to staff intranet removed</p>
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Bulgarian and Romanian casework

Evidence to support UK qualifications

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains the evidence required to support the award of points for previous study and qualifications in the UK.</p> <p>To be awarded points, you must be satisfied:</p> <ul style="list-style-type: none"> • The qualification has been formally awarded to the applicant. • The qualification is recognised by the National Academic Recognition Information Centre (NARIC) as at least Bachelor level. This includes post-graduate qualifications which are not eligible for points in the qualifications category. • It is a professional or vocational qualification accompanied by evidence from the relevant UK professional body indicating it is equivalent to a UK degree. • The qualification was awarded at a UK institution, or UK based overseas institution. • The qualification was studied for at least one full academic year, or three continuous terms. • The qualification was awarded no more than five years ago. • The applicant was legally entitled to be in the UK while studying for the qualification. <p>Supporting evidence</p> <p>Applicants must provide the following supporting evidence:</p> <ul style="list-style-type: none"> • letter on official paper from an authorised institute official, and • original Home Office document granting leave in the UK as a student. <p>If the applicant wants to keep their original Home Office grant document, they must provide a notarised copy of it showing the applicant was permitted to study while in the UK.</p> <p>The original letter on official paper from an authorised institute official is still required.</p> <p>For more detailed information on the specific requirements for this evidence, see related link: UK experience supporting evidence.</p>	<p>Related links</p> <p>UK experience</p> <p>Evidence to support UK previous earnings</p> <p>Links to staff intranet removed</p>
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Bulgarian and Romanian casework

Age assessment

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains the points awarded for the applicant’s age for the highly skilled migrant programme.</p> <p>Evidence required</p> <p>The applicant must provide an original passport or identity card as supporting evidence to be awarded points for their age.</p> <p>For further information on establishing identity, see related link: Evidence of nationality.</p> <p>Points available</p> <p>Where the evidence requirements are met, the following points can be awarded:</p> <table><tr><td>Aged 27 or under</td><td>20 points</td></tr><tr><td>Aged 28 or 29</td><td>10 points</td></tr><tr><td>Aged 30 or 31</td><td>5 points</td></tr><tr><td>Aged 32 and over</td><td>0 points</td></tr></table> <p>Points are only awarded to applicants who are still within their age band at the time the application is received at the Home Office.</p> <p>If the Home Office receives the application on or after a birthday that puts the applicant into the next age category, then their age must be assessed in the older category and the appropriate points awarded.</p>	Aged 27 or under	20 points	Aged 28 or 29	10 points	Aged 30 or 31	5 points	Aged 32 and over	0 points	<p>Related links</p> <p>Links to staff intranet removed</p>
Aged 27 or under	20 points									
Aged 28 or 29	10 points									
Aged 30 or 31	5 points									
Aged 32 and over	0 points									

Bulgarian and Romanian casework

Contact

<p>Blue registration certificate</p> <p>Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship</p> <p>Exemption on the basis of membership of a diplomatic mission</p> <p>Exemption on the basis of 12 months legal employment</p> <p>Exemption as a highly skilled person</p>	<p>This page explains who to contact for more help with a specific case when you are considering and deciding an application for a blue registration certificate from a Bulgarian or Romanian national.</p> <p>If you have read the relevant legislation and this guidance and still need more help with this category, you must first ask your line manager.</p> <p>If they cannot answer the question, they will email the European operational policy team for guidance on the policy, see related link. You must not contact the European operational policy team directly.</p> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must ask your team leader to contact the European operational policy team, who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p>	<p>Related links</p> <p>Changes to this guidance</p> <p>Information owner</p> <p>Links to staff intranet removed</p>
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Bulgarian and Romanian casework

Information owner

Blue registration certificate Exemption on the basis of previous or existing leave, settlement or permanent right of residence or dual citizenship Exemption on the basis of membership of a diplomatic mission Exemption on the basis of 12 months legal employment Exemption as a highly skilled person	This page tells you about this version of Bulgarian and Romanian casework – blue registration certificate guidance and who owns it.		Related links Changes to this guidance Contact Links to staff intranet removed
	Version	2.0	
	Valid from date	31 May 2013	
	Policy owner	European operational policy team	
	Cleared by director	Sonia Dower Neil Hughes	
	Director's role	Director, operational policy and rules Director, national lead, temporary migration	
	Clearance date	17 December 2012	
	This version approved for publication by	Richard Short	
	Approver's role	Assistant director, modernised guidance team	
	Approval date	23 May 2013	
<p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must ask your team leader to contact the European operational policy team, who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p>			