

This guidance is based on The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013.



## **Croatian casework: application process**

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## Croatian casework: application process

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This guidance tells caseworkers about the initial actions they must take on any application from a Croatian national, or person applying as the family member of a Croatian national.

This guidance is based on The Accession (Croatian Immigration and Worker Authorisation) Regulations 2013 and the Immigration (European Economic Area) Regulations 2006 with its relevant amending regulations.

#### Registration certificates – Croatian nationals

A Croatian national can apply for three different types of registration certificate:

- the blue registration certificate - to confirm unrestricted access to employment
- the purple registration certificate - to confirm permission to work for a particular employer or specific employment category, and
- the yellow registration certificate - to confirm the holder is exercising treaty rights other than as a worker (for example, as a student, self employed or self sufficient person).

The table summarises the above.

Type of document	Who the document can be issued to	What employment it allows
A blue registration certificate	Anyone not subject to worker authorisation	This gives the holder free access to the UK labour market. There is no restriction on who the person can work for or how many hours they can work.
A yellow registration certificate	Issued to the self employed, self sufficient persons and students. The certificate will indicate in which way the holder is exercising their	If the certificate indicates the holder is a student they can work for any employer for up to 20 hours a week during term time. During vacation times they can work for any employer

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		<p>treaty right.</p>	<p>full time if they wish. If they are on a course of vocational training they can also work as part of that training.</p> <p>If the certificate indicates the holder is a self employed person, they cannot work as an employee.</p> <p>If the certificate indicates the holder is a self sufficient person, they are not allowed to work.</p>		
	<p>A purple registration certificate</p>	<p>Issued to Croatian nationals who need worker authorisation for employment under Tiers 2 or 5 of the points-based system.</p>	<p>These allow the holder to work for the employer stated on the certificate. The holder will only have permission to work in the job stated on their certificate of sponsorship. If they are allowed to undertake supplementary employment this will be noted on their certificate. If the document contains no statement saying that supplementary employment is allowed, then no supplementary employment can be undertaken.</p>		
<p><b>Residence cards and accession residence cards – non European Economic Area (EEA) family members</b>  A non-EEA family member of a Croatian national can apply for either:</p>					

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- an accession residence card (if their Croatian sponsor is employed and subject to worker authorisation), or
- a residence card (if their Croatian sponsor is exercising treaty rights and isn't subject to worker authorisation).

This guidance also contains information on general aspects of Croatian caseworking that are not specific to registration certificate, residence card and accession residence card applications.

For information on key facts relating to Croatians and their families following accession in 2013 see link on left: [Key facts and definitions](#).

Changes to this guidance - This page tells you what has changed since previous versions.

Contacts - This page tells you who to contact for help if your senior caseworker or deputy chief caseworker cannot answer your question.

Information owner - This page tells you about this version of the document and who owns it.

Safeguard and promote child welfare - This section explains your duty to safeguard and promote the welfare of children and tells you where to find more information.

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This page lists changes to the 'Croatian casework: application process' guidance, with the most recent at the top.

Date of the change	Details of the change
10 April 2014	Change request: <ul style="list-style-type: none"><li>• Throughout guidance:<ul style="list-style-type: none"><li>○ 'family member residence stamp' changed to 'accession residence card'</li></ul></li><li>• Key facts and definitions:<ul style="list-style-type: none"><li>○ 'validity of documents', fourth and fifth bullet points changed</li></ul></li><li>• Minor housekeeping changes.</li></ul>
25 October 2013	Guidance modernised by the European operational policy team and the modernised guidance team

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### Key facts and definitions

This page lists key facts and definitions that apply to Croatian nationals after 1 July 2013.

Exercising treaty rights	<p>This is the term used to describe how European Economic Area (EEA) nationals (including Croatians) can derive a right to reside in the UK. An EEA national can exercise treaty rights in one of five categories:</p> <ul style="list-style-type: none"><li>• Worker</li><li>• Self employed person</li><li>• Self sufficient person</li><li>• Student</li><li>• Job seeker.</li></ul> <p>Croatians subject to worker authorisation do not have automatic permission to work in the UK nor can they have a right to reside as a job seeker.</p>
Accession	<p>This is the term used for Croatia joining the European Union (EU). Croatia's accession date was 1 July 2013.</p>
The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013	<p>These are the specific regulations that govern Croatian nationals' access to the UK labour market. The regulations detail:</p> <ul style="list-style-type: none"><li>• which Croatians need work authorisation (that is, permission to work)</li><li>• how that permission is obtained, and</li><li>• explain which categories of Croatian can work in the UK without restrictions.</li></ul>
Work authorisation	<p>Unless otherwise exempt, Croatians need permission in the form of a purple registration certificate to take up employment in the UK. For those subject to work authorisation, they cannot take up a post until they have been issued with a purple registration certificate with an endorsement confirming restricted employment access.</p>
Exemption from work authorisation	<p>The following categories of Croatians are exempt from work authorisation.</p> <ul style="list-style-type: none"><li>• On 30 June 2013 they have leave to enter under the Immigration Act 1971 and that</li></ul>

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- leave does not place any restrictions on taking employment in the UK.
- They have been working with permission in the UK on 30 June 2013 and have done so for a continuous period of 12 months ending on that date.
  - They have been working with permission in the UK for a continuous period of 12 months ending after 30 June 2013.
  - They have acquired a right of permanent residence under regulation 15 of the EEA regulations.
  - They are also a national of:
    - the UK
    - another EEA Member State other than Croatia, or
    - (until the end of December 2013) Bulgaria and Romania.
  - They are the spouse, civil partner or unmarried partner of a UK national or a person settled in the UK.
  - They are the spouse, civil partner, unmarried partner or child under 18 of a person who has leave to enter or remain in the UK under the 1971 Act that allows a person to work in the UK.
  - They are the family member (Family member in this context means a spouse, civil or unmarried or same sex partner of the sponsor) of either:
    - A Croatian who is subject to worker authorisation and has permission to work or
    - A Romanian or Bulgarian who is subject to worker authorisation and holds a valid accession worker card.
  - They are a highly skilled person and hold a blue registration certificate confirming that they have unrestricted access to the labour market.
  - They are a posted worker.
  - They are a member of a diplomatic mission or are in another specified category exempt from the 1971 Act.
  - They are in the UK as a student and they either:
    - hold a yellow registration certificate confirming that they are exercising a treaty right as a student and that they shall not work for more than 20 hours each week, except where following a course of vocational training and is working a part of that training or is working during vacation periods, or
    - have leave to enter or remain under the 1971 Act as a student and are working in line with any conditions attached to that leave. This will apply in circumstances where the Croatian national had leave as a student before 1 July 2013, they

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	continue to meet the criteria as a student and this leave is still valid.
Eligibility requirements for blue registration certificate confirming unrestricted rights as a worker	<ul style="list-style-type: none"> <li>• Applicant must be a Croatian national.</li> <li>• Applicant must submit: <ul style="list-style-type: none"> <li>○ evidence they are exempt from work authorisation</li> <li>○ evidence they are working in the UK, and</li> <li>○ the required fee.</li> </ul> </li> </ul>
Eligibility requirements for yellow registration certificate confirming exercise of treaty rights other than as a worker	<ul style="list-style-type: none"> <li>• Applicant must be a Croatian national</li> <li>• Applicant must submit: <ul style="list-style-type: none"> <li>○ evidence they are exercising treaty rights as either a self employed person, self sufficient person or student in the UK, and</li> <li>○ the required fee.</li> </ul> </li> </ul>
Eligibility requirements for purple registration certificate confirming work authorisation	<ul style="list-style-type: none"> <li>• Applicant must be a Croatian national</li> <li>• Applicant must submit a Certificate of Sponsorship (CoS) number from a licensed sponsor issued under either Tier 2 or Tier 5 of the points-based system with the application for a purple registration certificate, or <ul style="list-style-type: none"> <li>○ evidence they are a postgraduate doctor or dentist</li> <li>○ evidence they are a domestic worker in a private household, or</li> <li>○ evidence they are the representative of an overseas business</li> </ul> </li> <li>• Applicant must submit the required fee.</li> </ul>
Application forms	<p>There are no mandatory application forms. However, the Home Office recommend applicants use the following forms:</p> <ul style="list-style-type: none"> <li>• CR1 - for applications for: <ul style="list-style-type: none"> <li>○ blue registration certificates for those who are exempt from worker authorisation, and</li> <li>○ yellow registration certificates for those exercising treaty rights as a student, self employed or self sufficient person.</li> </ul> </li> <li>• CR2 - for applications for blue registration certificates from Croatians who meet the highly skilled criteria</li> <li>• CR3 - for applications for purple registration certificates from Croatians who need permission to work in the UK</li> <li>• CR4 - for applications for residence cards for non EEA family and extended family members of Croatians who are not subject to worker authorisation</li> <li>• CR5 - for applications for accession residence cards for non EEA family members of</li> </ul>



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	Croatians who need permission to work in the UK.
Cost of application	<a href="#">Fees for Home Office services</a>
Validity of documents	<ul style="list-style-type: none"> <li>• Purple registration certificates will remain valid for as long as the holder works for the employer or holds a post in the employment category as specified on that document.</li> <li>• Blue registration certificates will remain valid for as long as the holder is exercising a treaty right in the UK.</li> <li>• Yellow registration certificates will remain valid for as long as the holder is a student, self employed or self sufficient person.</li> <li>• Accession residence cards (for third country national family members) will remain valid for 12 months from the date of issue or until revoked. However, the holder will not be able to rely on the document to remain in the UK if they no longer have a right of residence under EU law.</li> <li>• Residence cards (for third country national family members) will remain valid for five years from the date of issue provided the holder remains the family member of an EEA national who is exercising treaty rights in the UK.</li> </ul>
Family members	<p>Which family members are exempt from work authorisation will depend on the status of the sponsor.</p> <p>If the sponsor is Croatian, the family members entitled to a blue registration certificate will be determined by whether the sponsor is subject to worker authorisation or not.</p> <p>For more information see the guidance: <a href="#">Links to staff intranet removed</a></p>
Switching	Third country nationals who were previously subject to the Immigration Rules can switch to coming under European law if they become the family member of a Croatian and meet the relevant requirements of the Croatian Accession regulations.
Knowledge of Life in the UK test	This is not required for applications for European documentation.

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### Record and check applications

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must request them. If, following a written request, the applicant has still not provided them you must refuse the application, for guidance see related link: Refuse application.

**Passport size photographs**

Application	Photo requirement
Purple registration certificates	If the applicant is applying for a purple registration certificate they must provide two passport size photographs with their application. If they do not give these after a written request, you must refuse the application with reference to regulation 9(4)(b) of The Accession (Croatian Immigration and Worker Authorisation) Regulations 2013.
Blue or yellow registration certificates and residence card applications	There is no specific requirement under the Immigration (European Economic Area) Regulations 2006 for a person applying for a blue or yellow registration certificate or residence card to submit passport size photographs. If the applicant does not supply any photographs you may continue to consider and decide the application. However, you must not issue any documents until the applicant has provided photographs.
All applications	In all cases, the photographs must be taken within the last month. Guidance on acceptable photographs is given in the application form guidance notes. However, you cannot refuse an application on the basis that the photographs do not meet these requirements.

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	<table border="1"><tr><td data-bbox="461 153 1120 411"></td><td data-bbox="1120 153 1762 411"><p>If an applicant refuses to submit acceptable photographs, you must refer the case to your line manager, who will seek advice from the technical team on how to proceed. If necessary, the technical team will seek policy advice.</p></td></tr></table> <p><b>Original valid evidence documents</b> Evidence is needed to prove the:</p> <ul style="list-style-type: none"><li>• applicant is eligible for the document they are applying for, and</li><li>• relationship between the applicant and any family members, for guidance on the evidence needed to prove the family relationship see related link: Family members and extended family members.</li></ul> <p>The evidence needed to show that the applicant is eligible will vary depending on what the applicant is applying for. For the specific requirements, see the appropriate application form at related link: Applying to work in the UK.</p>		<p>If an applicant refuses to submit acceptable photographs, you must refer the case to your line manager, who will seek advice from the technical team on how to proceed. If necessary, the technical team will seek policy advice.</p>	
	<p>If an applicant refuses to submit acceptable photographs, you must refer the case to your line manager, who will seek advice from the technical team on how to proceed. If necessary, the technical team will seek policy advice.</p>			

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### Application forms

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This page tells you which form a Croatian national, or a family member of a Croatian national, can use to apply for each type of registration certificate, a residence card or an accession residence card.

A Croatian national can apply for a registration certificate. A non-European Economic Area (EEA) family member of a Croatian national can apply for a residence card or an accession residence card.

You cannot reject, or refuse to consider, an application just because it was not made using one of the forms. Rejection is only possible if the applicant has failed to pay the required fee.

If a form is used, the applicant must provide all the information asked for on the form. If it is unclear what document is being applied for (for example, because they have used the wrong form), you will need to contact the applicant to confirm the type of application they want considering. If, following this further information, documents are required, these must be requested.

Application form	Type of application
CR1	Used when applying for: <ul style="list-style-type: none"> <li>a blue registration certificate when exercising unrestricted_treaty rights as a worker (other than as a highly skilled person), or</li> <li>a yellow registration certificate when exercising treaty rights as a student or self employed or self sufficient person.</li> </ul>
CR2	Used when applying for a blue registration certificate as a person exempt from worker authorisation on the basis of being highly skilled.

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	CR3	Used when applying for a purple registration certificate as a person subject to worker authorisation (including students who wish to work more than 20 hours per week).	
	CR4	Used when applying for a residence card for a non-European Economic Area (EEA) family member of a Croatian national when the Croatian sponsor is not subject to worker authorisation.	
	CR5	Used when applying for an accession residence card for a non-EEA family member of a Croatian national when the Croatian sponsor is subject to worker authorisation.	
<p>See related link: <a href="#">Applying to work in the UK</a>, for:</p> <ul style="list-style-type: none"><li>• further information</li><li>• the application forms, and</li><li>• guidance notes for Croatians applying for documentation.</li></ul>			

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### GCID data requirements

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This page tells you what data to input in GCID when recording and considering an application from a Croatian national, or a family member of a Croatian national.

A Croatian national can apply for a blue registration certificate confirming they are exercising unrestricted treaty rights as a worker, a yellow registration certificate confirming they are exercising treaty rights as a student, self employed or self sufficient person or a purple registration certificate which provides worker authorisation in the UK for a particular employer or employment category. A non-European Economic Area (EEA) family member of a Croatian national can apply for a family member resident stamp or residence card.

#### GCID application data

The following table tells you what case type, sponsor and occupation values you must enter in GCID when considering and deciding applications for registration certificates and family residence cards and stamps.

Application type	Case type	Sponsoring organisation	Occupation
<b>Blue registration certificate</b>	A1 Exempt from Work Authorisation	No entry required	No entry required
	A1 Highly Skilled Migrants		
	A1 Dep Exempt from Work Authorisation (sponsor required)		
	A1 Dependant Exempt (Non Exempt Family Member) (sponsor required)		
	A1 Marriage (sponsor required)		

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	<b>Yellow registration certificate</b>	A1 Self employed	No entry required	Self employed
		A1 Self sufficient	No entry required	No entry required
		A1 Student	Name of educational establishment	Student
	<b>Purple registration certificate</b>	A1 Tier 2	Employer	Tier 2 occupation
		A1 Tier 5	Employer	Tier 5 occupation
		A1 Postgraduate doctor or dentist	Name of Primary Care Trust (PCT)	Training post as stated by the postgraduate dean's letter
		A1 Domestic worker in a private household	Employer	Domestic worker
		A1 sole representative	Employer	Sole representative
	<b>Residence card or accession residence card application</b>	EEA Residence Card – Non EEA National	Name of Croatian sponsor	No entry required
	<p><b>Representatives</b>            If the applicant is using a solicitor, immigration adviser or other representative, you must enter their details in the 'Sponsors' tab.</p> <p>You must check the representative is authorised to act on behalf of the applicant. For guidance, see related link: 17.0 - Regulation of Immigration Advisers.</p>			



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### Evidence of identity and nationality

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This page tells you what documents a Croatian national must give as proof of their identity and nationality.

A Croatian national applying for a blue, yellow or purple registration certificate must prove their identity and nationality by providing a valid:

- national identity card issued by Croatia, or
- passport issued by Croatia.

For exceptions, see below under: Alternative evidence of identity and nationality.

#### Different types of passport

A Croatian national may hold a:

- national passport
- diplomatic passport, or
- service passport.

An original of any of these will be enough proof of the applicant's identity and nationality, provided the document is still valid.

#### Other identity and travel documents issued by the Croatian authorities

Croatia also issue a number of other identity and travel documents which the applicant may give as evidence of their identity and nationality. The following table shows which documents are:

- acceptable evidence of identity and nationality, and
- valid for travel to the UK.

Document	Acceptable evidence of identity and nationality	Valid for travel to the UK
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Passport	Yes	Yes
National identity card	Yes	Yes
Temporary passport for return to Croatia	Yes	No
Official border crossing permit	No	No
Foreigner identity card	No	No
Refugee identity card	No	No
Driving licence	No	No

**Children**

If a child does not have their own national identity card or passport they may be included on a parent's or guardian's passport. This is acceptable evidence of identity and nationality, provided the document is valid.

**Alternative evidence of identity and nationality**

You may accept evidence other than a valid national identity card or passport if the applicant is unable to provide one of these documents due to circumstances beyond their control.

This is stated in regulation 29A of the Immigration (European Economic Area) Regulations 2006, as amended by the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2012.

For guidance, see related link: [European operational policy notice - alternative evidence of nationality and identity.](#)

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### Posted workers

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If a posted worker wants to take employment in any other capacity they will be subject to worker authorisation and must make an appropriate application.

**Application for blue, yellow or purple registration certificates**

If you receive an application for any of the above from a posted worker you must seek advice from your line manager.

You must consider the application to decide if the supporting evidence really justifies the issue of an registration certificate. If it does you must:

- change the application to the appropriate case type
- decide the application in line with the appropriate guidance, see related links:
  - Croatian casework: blue registration certificate
  - Croatian casework: yellow registration certificate
  - Croatian casework: purple registration certificate.

**Application for exemption from a posted worker on the basis of 12 months legal employment**

Regulation 2(19) of The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 states ‘A national of Croatia is not an accession State national subject to worker authorisation during any period in which he is a posted worker’.

Regulation 2(5)(b) says a person working in the UK on or after 1 July 2013 is legally working, for the purpose of becoming exempt from worker authorisation after 12 months, if they fall within the exemptions in paragraphs 6 to 16 or 18 of regulation 2. The posted worker exemption is set out in regulation 2(19) of the Croatian Regulations. As such posted workers are not treated as legally working for the purpose of the 12 month legal employment exemption.

Therefore you must refuse any application for a blue registration certificate from a Croatian national who claims to be exempt from worker authorisation based on 12 months continuous employment as a posted worker.

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### Channel Islands and the Isle of Man

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This page gives background to Croatian casework policy.

Croatia joined the European Union (EU) on 1 July 2013. The Accession Treaty signed by that country allows the UK to set controls on the right of nationals of Croatia to access the UK labour market. This means:

- Croatian nationals have the same free movement rights as existing European Economic Area (EEA) nationals throughout all the member states of the EU, but
- transitional arrangements mean they do not have the same right to work in the UK as other EEA nationals.

These controls do not breach the Race Relations Act 1976 (as amended) as they are permitted by the Accession Treaty.

#### **Transitional arrangements**

These are set out in The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013. They define:

- which Croatian nationals are subject to worker authorisation requirements
- the documentation they must hold if they wish to work
- the criteria and consideration to be applied when issuing documents, and
- the penalties for working in breach of these requirements.

These regulations allow the UK to apply restrictions on Croatian nationals' access to the labour market.

#### **Entering and remaining in the UK**

Croatian nationals do not require leave to enter or remain, to enter or live legally in the UK. They:

- have the right to be admitted to the UK when they produce a valid passport or identity

card issued by Croatia, and

- have a right to live in the UK without exercising a treaty right for the first three months of their stay, provided they:
  - hold a valid national identity card or passport issued by Croatia, and
  - do not become an unreasonable burden on the UK's social assistance system.

Croatian nationals can legally live in the UK as long as they wish, if exercising a treaty right as a:

- self-employed person
- self-sufficient person, or
- student.

Such people can apply for a blue registration certificate to confirm their right of residence.

#### **Family members**

A Croatian national can also legally live in the UK for as long as they wish if they are the family member (as defined in the legislation) of another EEA national who is exercising a treaty right or has a permanent right to live in the UK.

#### **Working in the UK**

Croatian nationals may only work in the UK if they are:

- exempt from worker authorisation requirements
- qualify for a purple registration certificate confirming worker authorisation, or
- have leave under the 1971 Act granted before 1 July 2013 which confers permission to undertake the work in question.

A Croatian national who is subject to worker authorisation is only entitled to reside in the UK as a worker if they:

- hold a valid purple registration certificate, and
- are working in accordance with the conditions of that document.

This guidance is based on The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013.

	A Croatian national who is subject to worker authorisation cannot establish a right of residence in the UK as a jobseeker.	
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## Croatian casework: application process

### Contact

<p><a href="#">About this guidance</a> <a href="#">Key facts and definitions</a> <a href="#">Record check and applications</a> <a href="#">Posted workers</a> <a href="#">Channel Islands and the Isle of Man</a> <a href="#">Background to Croatian casework policy</a></p>	<p>This page tells you who to contact for more help with a specific case involving Croatian nationals.</p> <p>If you have read the relevant regulations and this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If the question cannot be answered by your senior caseworker they must discuss it with the deputy chief caseworker. If they cannot answer the question your senior caseworker or line manager can email the European operational policy team. See related link.</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 contact the 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><b>In this section</b> <a href="#">Changes to this Guidance</a> <a href="#">Information owner</a></p> <p><b>External links</b> Links to staff intranet removed</p>
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This guidance is based on The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013.

## Croatian casework: application process

### Information owner

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This page tells you about this version of the 'Croatian casework: application process' guidance, and who owns it.

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