

Appendix G: Croatian workers and students

This page tells you about what you must do if you are already sponsoring a Croatian national, or if a Croatian national wants to work or study with you.

Overview

On 1 July 2013, the Republic of Croatia acceded to the European Union (EU). This means that Croatian nationals can move and reside freely in any EU Member State. But, if they want to work in the UK, they must obtain an accession worker authorisation document from us before they start work, unless an exemption applies. Guidance for [Croatian nationals](#) who wish to apply to work legally in the UK and what documents they need can be found on GOV.UK.

If they want to study in the UK, they do not need to be sponsored under Tier 4 but if they want or need to work, they must obtain an accession worker authorisation document unless:

- they have obtained a [Yellow Registration Certificate](#) confirming that they are exercising a Treaty right as a student and
- they do not work for more than 20 hours per week unless they are following a course of vocational training and working as part of that training, or working during their vacation

Where we require a Croatian national to obtain an accession worker authorisation document, they will normally need to apply for an accession worker registration certificate (which we call a '[Purple Registration Certificate](#)') before they start work. The requirements for obtaining a Purple Registration Certificate are similar to the requirements that a non-EU national would have to meet if they were applying under Tiers 2 or 5 of the points-based system. The full requirements are set out in the guidance for applicants which you can find on GOV.UK.

The work must be for a licensed sponsor and they must have a valid certificate of sponsorship (CoS) to support their application for a Purple Registration Certificate. The key differences between sponsoring a Croatian national and a non-EU national are that:

- Croatian nationals can work in jobs which are skilled to National Qualifications Framework (NQF) Level 4 and above
- there is no maintenance requirement for Croatian nationals so they do not have to prove that they have any specific amount of funds available when they apply for worker authorisation
- Croatian nationals may make their application in the UK because they can move and reside freely in any EU member state so do not have to apply from overseas for entry clearance
- once a Croatian national has worked lawfully in the UK for a continuous period of 12 months, they have free access to the UK labour market and no longer need to be sponsored. This means that you will not normally have to sponsor a Croatian national under Tiers 2 or 5 for more than 12 months

Continuous period of employment

A period of work is classed as being continuous if the migrant was employed at the beginning and end of the period and there have been no breaks in the employment totalling more than 30 calendar days. The employment can be with one or more employers.

Where a Croatian national needs to [apply for a Purple Registration Certificate](#), all of the rules and sponsor duties in the [Tiers 2 and Tier 5: guidance for sponsors](#) apply. This means that sponsoring a Croatian national is, apart from the slight differences listed above, the same as sponsoring any other migrant worker.

Tiers 2 and 5 sponsors

The following questions and answers should help you work out what, if anything you need to do if:

- you are currently sponsoring a Croatian national or
- you want to sponsor a new Croatian national.

Do all Croatian nationals have to apply for permission to work?

No. Some Croatian nationals will need to apply for worker authorisation but others are exempt. There is a list of those who are [exempt](#) from having to apply on GOV.UK.

I am currently sponsoring a Croatian national, what do I need to do?

If you are currently sponsoring a Croatian national, any Tier 2 or Tier 5 leave they were originally granted is still valid (unless it has expired) and still allows them to work so you don't have to do anything immediately.

All of your existing sponsor duties remain the same but you should consider the following:

- as soon as a Croatian national has worked lawfully in the UK for a continuous period of 12 months ending on or after 1 July 2013, they automatically have full access to the UK labour market and do not need to apply for worker authorisation, or to be sponsored
Note: this means that even if they still have a valid grant of leave under Tier 2 or Tier 5, that is overridden by their rights as a Croatian national under the [Accession of Croatia \(Immigration and Worker Authorisation\) Regulations 2013](#). It may be that a Croatian national you are currently sponsoring has already worked for 12 months, which means that you do not have to sponsor them any longer.
- where they need to apply for worker authorisation, they may wish to first find out if they are eligible to apply for a [Blue Registration Certificate](#); if they are not, you must assign a CoS to them so that they can apply for a Purple Registration Certificate.

There are other circumstances in which a Croatian national who you are already sponsoring, can become exempt from requiring worker authorisation, for example, if their personal circumstances change and they then fall into an exempt category. All of the [current exemptions](#) are listed on GOV.UK and you should make sure that any Croatian nationals you are sponsoring tell you if their circumstances change such that they no longer need to be sponsored.

I want to offer a job to a Croatian national, what do I do?

The first thing you need to do is check whether they need to apply for a Purple Registration Certificate. If they do not need to apply for a Purple Registration Certificate, then they do not need a CoS and you can proceed in the same way as you would if you were considering employing any other non-settled worker who does not need a CoS.

If they do need to apply for a Purple Registration Certificate, the process for you as their sponsor is almost the same as sponsoring any other Tier 2 or Tier 5 migrant. The only differences are:

- you can sponsor a Croatian national under Tier 2 (General) and Tier 2 (Intra-company Transfer) to work in an NQF level 4 job (the NQF level 6 rule does not apply to Croatian nationals)
- you will never need to certify maintenance for a Croatian national as there is no maintenance requirement for applications for a Purple Registration Certificate
- once a Croatian national has worked lawfully in the UK for a continuous period of 12 months, or if their circumstances change and they subsequently fall within one of the [exempt](#) categories, they then have full rights to access to the UK labour market. This means that your sponsor duties in respect of a Croatian national will not normally last for more than 12 months
- although you must assign a CoS to any Croatian national who needs to apply for worker authorisation, the end result will be that they are given a Purple Registration Certificate and not a grant of leave under Tier 2 or Tier 5

I want to sponsor a new hire under Tier 2 (General) who is a Croatian national, do I have to apply for a restricted CoS?

Although CoS assigned to Croatian nationals will count towards the limit on numbers under Tier 2 (General) you do not have to apply for, or assign a [restricted CoS](#) to them. Instead, you should assign a 'Tier 2 (General) – Switching Immigration category' CoS to them from your [unrestricted allocation](#). This is because this CoS allows you to choose from the full range of NQF level 4 and level 6 Standard Occupation Classification (SOC) codes and SOC codes for all jobs on the [list of shortage occupations](#).

I am sponsoring a Croatian national who will be employed as a nurse or midwife, do they need to complete the Nursing and Midwifery Council (NMC) test of competence?

Croatian nationals must apply for NMC registration through the [NMC EU registration process](#). There are specific acquired rights rules in relation to nurses and midwives from Croatia. European

What are my sponsor duties when I sponsor a Croatian national?

If they are in one of the categories who are [exempt](#) from requiring a Purple Registration Certificate, you do not need to assign a CoS and so will not be sponsoring them. This means you are not obliged to meet any sponsor duties in respect of that person. In simple terms, it is no different to employing any other non-settled worker who does not need permission to work under Tiers 2 or 5.

If they need to apply for a Purple Registration Certificate, you have to assign a CoS to them so your duties are exactly the same as they are for any other migrant you are sponsoring, or want to sponsor. You must meet all of your duties in respect of any Croatian national that you sponsor until they reach the point where they no longer require worker authorisation.

Tier 4 sponsors

The following questions and answers should help you work out what, if anything, you need to do if:

- you are currently sponsoring a Croatian national
- Croatian national wants to start studying with you

Do Croatian nationals have to apply for permission to study?

No. Croatian nationals do not need to apply for permission to study. However, they may apply for a [Yellow Registration Certificate](#) confirming that they are exercising a Treaty right as a student. They must do this if they want to work either during term time or vacation periods, or if they are following a course of vocational training and need to work as part of that training.

I am currently sponsoring a Croatian national, what do I need to do?

Since 1 July 2013, you are no longer required to sponsor a Croatian national under Tier 4. Any Tier 4 leave the student was originally granted remains valid until it expires which means that where their grant of Tier 4 leave allows them to work, they can continue working in line with that grant of leave, until it expires. If the student's leave is about to expire and they still want, or need to be able to work, for example, on a work placement, they must apply for worker authorisation in the form of a [Yellow Registration Certificate](#) unless:

- they are in an exempt category

- they have been working lawfully in the UK for a [continuous period](#) of 12 months, in line with the conditions of their leave; where this is the case, they will have free access to the UK labour market and do not need worker authorisation

If they do need to apply for worker authorisation but do not actually apply until after their Tier 4 leave expires, they will not be able to work at all whilst they are waiting for their [Yellow Registration Certificate](#). This is because they will not have valid permission to work until their worker authorisation has been granted which in turn means that they would be working illegally and their employer would be employing them illegally.

I am sponsoring a Croatian national to undertake a Foundation Programme as part of their training to be a Doctor or Dentist, do they need to apply for worker authorisation?

They will need to apply for a 'special worker' authorisation (in the form of a Purple Registration Certificate) as a post-graduate doctor or dentist unless they have already been working lawfully in the UK for a [continuous period](#) of 12 months. Where that is the case, they immediately have free access to the UK labour market and do not need worker authorisation.

If they still have a valid grant of Tier 4 leave, they can continue working in line with that grant of leave, but if it is about to expire and on the expiry date they have not already worked for 12 months, and are not exempt from worker authorisation, they must apply for a Purple Registration Certificate.

If they do need to apply for worker authorisation but do not actually apply until after their Tier 4 leave expires, they will not be able to work at all whilst they are waiting for their Purple Registration Certificate. This is because they will not have valid permission to work until their worker authorisation has been granted which in turn means that they would be working illegally and their employer would be employing them illegally

I am sponsoring a Croatian national whose current work rights are restricted to 10 hours per week.

If a Croatian national still has valid Tier 4 leave, but that leave does not permit them to work 20 hours a week and they want or need to increase their work entitlement to 20 hours a week, they must apply for a [Yellow Registration Certificate](#) which will confirm that they are exercising a Treaty right as a student and allow them to work for up to 20 hours per week.

The only exception to this is if they are in an [exempt](#) category. For example, if they have already worked lawfully in the UK for a [continuous period](#) of 12 months, in line with the conditions of their leave. Where this is the case, they automatically have full rights to access the UK labour market and they are free to take any work.