

From: European Operational Policy Team

Subject: Caseworking guidance covering Croatian applications

Date: 22nd August 2013

Issue number: 05/2013

Purpose of notice

1. To inform caseworkers dealing with European applications from Croatian nationals, which types of cases they can proceed with in light of the current absence of published Croatian casework guidance.

Background

2. <REDACTED – section 42(1)>. However, as some categories of cases are subject to the same criteria and undergo the same consideration process as other EEA nationals, caseworkers can proceed with a number of Croatian application types. The information below details which applications submitted by Croatians can be decided and which must be placed on hold.

Applications that can be decided

Specific blue registration certificate applications

3. Applications for a 'blue' registration certificate submitted by Croatian nationals on the CR1 form who are exempt from worker authorisation because:
 - They had leave on the 30th June 2013 that did not impose any restrictions on their employment in the UK
 - They had completed a continuous period of legal employment ending on or after 30th June 2013
 - They are the spouse/civil partner of a British or settled person
 - They have acquired permanent residence under the EEA regulations
 - They are part of a diplomatic mission/household
 - They are the spouse/civil partner of a Croatian authorised worker
 - They are either British or another EEA national (other than a Bulgarian/Romanian subject to worker authorisation)
 - They are a posted worker

can be decided, as these exempt categories closely resemble those applied to Bulgarians and Romanians.

Yellow registration certificate applications

4. Applications for a “yellow” registration certificate submitted by Croatian nationals who are exercising their Treaty rights as either:
 - a) A student
 - b) A self-employed person
 - c) A self sufficient person

can be decided, on the basis that the criteria to be met are the same for Croatian nationals as for any other EEA national.

Specific residence card applications

5. Applications for a Residence Card made by non-EEA national family members/extended family members can be approved but **only** where the Croatian sponsor is exempt from worker authorisation for the reasons listed in point 3.

Caseworking guidance

6. When considering any of the kinds of applications listed above caseworkers should use the Bulgarian/Romanian guidance as the consideration process applies equally to Croatians. The modernised version of the Bulgaria/Romania guidance can be accessed via the link below.

<Link to staff intranet removed – see link below for equivalent public guidance>

<https://www.gov.uk/government/collections/eea-swiss-nationals-and-ec-association-agreements-modernised-guidance#accession-state-countries>

Applications that must not be decided

7. The following applications **must not** be decided and should be placed on hold until further notice.
 - Applications for blue registration certificates made on form CR1 based on an exemption that is not included in point 3 above
 - Applications for blue registration certificates on the basis that the applicant is highly skilled, made on form CR2
 - Applications for a purple registration certificate on form CR3
 - Applications for residence cards made on form CR4 by non-EEA family members/extended family members where the reason for the Croatian sponsor’s exemption is not included in point 3 above.
8. Specific instructions regarding Family Member Residence Stamp applications made by non-EEA national family members of Croatian authorised workers has been issued previously and remains in force.

Duration of notice

9. A further notice and, if appropriate, guidance will be issued in due course once this issue has been resolved. Until then, this notice will remain in force.

Enquiries

10. Any policy enquiries on this Notice should be addressed to <REDACTED – section 40(2)> or to the European Operational Policy inbox
EuropeanOperational@ukba.gsi.gov.uk

**<REDACTED – section 40(2)>
European Operational Policy, Operational Policy and Rules Unit**