

**From:** European Operational Policy Team

**Subject:** Applications from Bulgarian and Romanian nationals that are outstanding on 1 January 2014

**Date:** 24th October 2013

**Issue number:** 12/2013

**Purpose of notice**

1. To provide caseworkers with information on how to deal with applications for European documentation from Bulgarian and Romanian nationals that are still outstanding when worker restrictions are lifted on 1 January 2014.

**Background**

2. From the 1 January 2014, the current restrictions on Bulgarian and Romanian nationals' access to the UK labour market will be lifted. Those Bulgarians and Romanians who wish to work in the UK from 1 January 2014 will no longer be required to obtain prior authorisation from the Home Office. As such, they will no longer need to obtain or hold an accession worker card or registration certificate as evidence of their permission to work or of their right to reside as a worker.
3. However, until that date those subject to work authorisation will still need to obtain appropriate documentation giving them permission to work in the UK before they commence employment. Failure to obtain an accession worker card by those Bulgarian or Romanian workers who require it could lead to fines for illegal working or further criminal sanctions.
4. Although worker restrictions will cease from the start of next year, there are likely to be a small number of applications from Bulgarian and Romanian nationals and their non-EEA national family members for documents such as registration certificates, accession worker cards, residence cards and family member residence stamps that will not have been resolved by 1 January 2014. This instruction tells caseworkers how to deal with such outstanding applications.

**Outstanding applications on 1 January 2014**

5. From the 1 January 2014, the Home Office will cease to issue Bulgarian and Romanian nationals and their family members some of the documents applied for under the existing restrictions. The table

below details how applications submitted before 1 January 2014 and that are still outstanding after that date will be affected.

Application form	Document applied for	What will happen from 1 January 2014	What will happen to applications that are still outstanding on 1 January 2014
BR1	Blue registration certificate	Applications will continue to be processed	Applications will be processed as normal and successful applicants will be issued with a registration certificate in the same way as any other EEA national.
BR1	Yellow registration certificate	<b>These will no longer be issued</b>	Any outstanding applications will be treated as though they are applications for a standard registration certificate.  Caseworkers should enclose standard letter ICD1100 with the relevant wording taken from the paragraphs in Annex A attached to this instruction with the decision
BR2	Blue registration certificate on the basis of being a highly skilled worker	<b>These will no longer be issued</b>	Any outstanding applications will be withdrawn and all documents returned to the applicant.  Caseworkers should withdraw the application and Caseworkers should enclose standard letter ICD1100 with the relevant wording taken from the paragraphs in Annex A attached to this instruction.
BR3	Accession worker card	<b>These will no longer be issued</b>	Any outstanding applications will be withdrawn and all documents returned to the applicant.  Caseworkers should withdraw the application and enclose standard letter ICD1100 with the relevant wording taken from the paragraphs in Annex A attached to this instruction.
BR4	Accession worker card to authorised family members	<b>These will no longer be issued</b>	Any outstanding applications will be withdrawn and all documents returned to the applicant.  Caseworkers should withdraw the application and enclose standard letter ICD1100 with the relevant wording taken from the paragraphs in Annex A attached to this instruction.

BR5	Residence card	These applications will continue to be processed	These applications will continue to be processed as normal.
BR6	Family member residence stamp	<b>These will no longer be issued</b>	Any outstanding applications will be treated as if they are applications for a residence card.  Caseworkers should enclose standard letter ICD1100 with the relevant wording taken from the paragraphs in Annex A attached to this instruction with the decision

### **Blue registration certificates for highly skilled workers**

6. These types of applications will no longer be processed from 1 January 2014. From that date outstanding applications should be withdrawn on CID. The applicant should have their documents returned to them together with standard letter ICD1100 with the relevant wording taken from the paragraphs in Annex A attached to this instruction.

### **Yellow registration certificates**

7. Yellow registration certificates will not be issued from 1 January 2014. Instead, where a caseworker is satisfied that the Bulgarian or Romanian national is exercising any Treaty right they should issue a standard (blue) registration certificate. Where a decision has been made to grant the registration certificate, the applicant's documents should be returned together with standard letter ICD1100 with the relevant wording taken from the paragraphs in Annex A attached to this instruction.

### **Accession worker cards**

8. Accession worker cards for Bulgarian and Romanian workers and those applying as authorised family members will no longer be processed from 1 January 2014. From that date outstanding applications should be withdrawn on CID. The applicant should have their documents returned to them together with standard letter ICD1100 with the relevant wording taken from the paragraphs in Annex A attached to this instruction.

### **Family member residence stamps**

9. Where an application for a family member residence stamp is still outstanding on 1 January 2014, caseworkers should treat it as if it were an application for a residence card under the EEA regulations. They will need to amend the application type of CID to that of 'residence

card' and assesses the application in line with chapter 5 of the European Casework Instructions. Where a decision has been made to grant the residence card, the applicant's documents should be returned together with standard letter ICD1100 with the relevant wording taken from the paragraphs in Annex A attached to this instruction.

**Duration of notice**

10. This notice will remain in force until further notice.

**Enquiries**

11. Any policy enquiries on this Notice should be addressed to <REDACTED – section 40(2)>, Operational Policy and Rules – Tel: <REDACTED – section 40(2)>

**<REDACTED – section 40(2)>: European Operational Policy, OPRU**

**Annex A: Standard letters for use with Bulgarian/Romanian applications that are outstanding on 1 January 2014**

**LETTER TO BE USED FROM 1 JANUARY 2014 RE: OUTSTANDING A2 APPLICATIONS FOR YELLOW REGISTRATION CERTIFICATES OR FAMILY MEMBER RESIDENCE STAMPS**

Dear Sir/Madam

EU ACCESSION: YOUR RIGHT TO RESIDE FOLLOWING THE LIFTING OF ACCESSION WORKER RESTRICTIONS ON BULGARIAN AND ROMANIAN NATIONALS.

You have made an application for a **yellow registration certificate/family member residence stamp** in order to confirm your right to reside in the United Kingdom under European law.

From 1 January 2014 Romanian and Bulgarian nationals are no longer subject to the provisions of worker authorisation as detailed in the Accession (Immigration and Worker Authorisation) Regulations 2006. As a result they will be free to work or exercise other Treaty rights in the UK on the same basis as other European Economic Area (EEA) nationals. Equally, non EEA citizens who are the family members of Romanian or Bulgarian nationals exercising Treaty rights in the UK will have a right of residence here on that basis.

*Option 1: Where the application is for a yellow registration certificate*

In light of the above, it has been decided to treat your application for a yellow registration certificate as an application for a blue registration certificate. This registration certificate will confirm that you are currently exercising Treaty rights in the UK and can work in the UK without restriction. It is enclosed with this letter together with your original documents.

*End of option*

*Option 2: Where the application is for a family member residence stamp*

In light of the above, it has been decided to treat your application for a family member residence stamp as an application for a residence card. The residence card will confirm your right to live in the UK as a family member of an EEA national who is currently exercising Treaty rights in the UK. It will also allow you to work here without restriction. It is enclosed with this letter, together with your original documents.

*End of option*

Yours faithfully

**LETTER TO BE USED FROM 1 JANUARY 2014 RE: OUTSTANDING A2  
APPLICATIONS FOR ACCESSION WORKER CARDS OR BLUE  
REGISTRATION CERTIFICATES FOR THE HIGHLY SKILLED**

Dear Sir/Madam

EU ACCESSION: YOUR RIGHT TO RESIDE FOLLOWING THE LIFTING OF ACCESSION WORKER RESTRICTIONS ON BULGARIAN AND ROMANIAN NATIONALS.

You have made an application for **an Accession Worker Card/Blue registration certificate on the basis that you are highly skilled.**

From 1 January 2014 Romanian and Bulgarian nationals are no longer subject to the provisions of worker authorisation as detailed in the Accession (Immigration and Worker Authorisation) Regulations 2006. As a result, they are free to work or exercise other Treaty rights in the UK on the same basis as other European Economic Area (EEA) nationals. Bulgarian and Romanian nationals therefore no longer require an Accession Worker Card to take employment in the UK, and exemption from worker authorisation on the basis of being highly skilled is no longer appropriate.

In light of the above, it has been decided to discontinue consideration of applications for Accession Worker Cards and blue registration certificates for the highly skilled after 1 January 2014. Your original documents submitted with either your BR2, BR3 or BR4 application are returned to you and enclosed with this letter.

**EEA Nationals (including Romanians and Bulgarians)**

Under the terms of the Immigration (European Economic Area) Regulations 2006, any EEA national exercising Treaty rights in the UK is eligible to apply for a Registration Certificate as evidence of a right of residence under European law. **It should be noted that it is not a requirement that EEA nationals must hold such a document.** For those EEA nationals who wish to apply for a Registration Certificate, this can be done using the EEA1 application form that can be downloaded from the UKBA website. Where such applications are submitted, it is advised that the EEA 1 form should be completed with all the required original documentation enclosed. There is also a fee for making such an application. Further information on such applications, together with the relevant form can be accessed via the following link:

<http://www.ukba.homeoffice.gov.uk/eucitizens/documents-eea-nationals/applying/>

Yours faithfully