

CONTACTING US

Our main website address and telephone number for contacting us are given below.

OUR WEBSITE

www.ukba.homeoffice.gov.uk

For information about immigration law and policy, the services offered by our Public Enquiry Offices, and to see and download application forms and related guidance

Customer Contact Centre (CCC)

0114 207 4074

Monday to Thursday 9.00 - 4.45
Friday 9.00 - 4.30

For immigration information and enquiries

GUIDANCE FOR NATIONALS OF BULGARIA AND ROMANIA ON OBTAINING PERMISSION TO WORK IN THE UK

1. The purpose of this guidance is to explain what you and your family need to do if you want to work legally in the UK. It explains how to apply, and what sort of documents you may need. It also explains what you can do if you are in the UK for some other purpose (for example, study or self-employment) and you wish to obtain a document confirming your status.

2. As a Romanian or Bulgarian national you are able to move and live freely in any Member State of the European Union (EU). You do not need permission under our immigration rules to reside legally in the UK. You will have a right of residence in any EU Member State for the first 3 months of residence on an unrestricted basis and you can remain legally resident in that state as long as you wish, providing you are exercising a Treaty right as a student, a self-employed person, or if you are self-sufficient (and not economically active). You will not have an automatic right to reside as a worker in the UK (unless you are exempt from work authorisation requirements - see paragraph 6 below).

Types of European documentation that may be issued to you if you wish to remain in the UK for more than three months

3. If you want to work in the UK, you may qualify for a registration certificate or Accession worker card. Your family members may also qualify for a registration certificate or an Accession worker card or, if they are non-European Economic Area (EEA) nationals, a residence card. A description of each of these documents is outlined below. You should read this guidance before you make an application. How to make an application is set out in paragraphs 30 to 37 of this document.

Blue registration certificates

These certificates indicate that the holder can work in the UK without restrictions. Blue registration certificates are issued to Romanian and Bulgarian nationals who are highly skilled, or are exempt from the requirement to obtain an Accession worker card (see paragraphs 6-9).

Yellow registration certificates

These certificates are issued to Romanian and Bulgarians exercising Treaty rights as self-employed persons, self-sufficient persons or students. The certificate will state whether the holder is self-employed, self-sufficient or a student and explain if the holder can legally work in the UK.

Further information on self-sufficiency is set out on the UK Border Agency website, section 2, 4.6 at www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/ecis/chapter7.

Purple work cards (also known as Accession worker cards)

These are issued to those Romanian and Bulgarian nationals who wish to work in the UK but are subject to work authorisation. They are issued to workers and to their authorised family members.

Residence cards

These can only be issued to your family members if they are non-EEA nationals and you are not subject to work authorisation. They confirm the holder's right of residence under European law.

Family member residence stamp

These can also only be issued to your family members if they are non-EEA nationals and you are subject to work authorisation.

Work authorisation

4. Unless exempt from work authorisation, nationals of Bulgaria and Romania are required to obtain authorisation of their employment if they wish to work in the UK. **If you take employment without obtaining such authorisation you, and your employer, may be committing a criminal offence (see paragraphs 28 to 29).**

Situations where work authorisation is already considered to be in place

5. You will not need to obtain an Accession worker card if you are employed on the following basis:

- you are coming to the UK under the seasonal agricultural workers scheme (SAWS) and hold a valid work card issued by a SAWS operator; or

- you were given leave to enter or remain in the UK before 1 January 2007 and your passport has been endorsed with a condition allowing you to work legally for a particular employer or in a particular job (for example, if you are already in the UK as a work permit holder or au pair). If this leave to enter or remain expires, or you wish to change jobs before you have worked legally in the UK for 12 months, you may need to obtain an Accession worker card.

Exemption from the worker authorisation requirement

6. If you are exempt from worker authorisation and want to be employed here, you will not need to obtain a work authorisation document. As someone who is exempt, you will be able to take employment without restriction. You can obtain confirmation of this rightly applying for a blue registration certificate (but this is not compulsory). Paragraph 7 of this guidance will tell you whether you can work here without restriction. Paragraph 31 will advise you which application form you need in order to apply for a blue registration certificate. Further information about exemptions can be found on the UK Border Agency website at www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/ecis/chapter7.

7. You will be exempt from the requirement to obtain authorisation to work in the UK if:

- you had leave to enter or remain under the Immigration Act 1971 on 31st December 2006 and that leave did not place any restrictions on taking employment in the United Kingdom or they have been issued with such leave after that date. You will have such leave if, for example, you have been given leave to remain under the Highly Skilled Migrant Programme, as the spouse of a British citizen or as the dependant of a work permit holder; or
- you have been working with permission, and without interruption, in the United Kingdom for a period of 12 months ending on or after 31st December 2006. This may be the case if, for example, you are already present in the United Kingdom as a work permit holder or in some other category that confers permission to take employment (for example, if you are here as a student and have been in part-time employment continuously for 12 months); or

- you are also a citizen of the United Kingdom, Switzerland, or another EEA state, other than Bulgaria or Romania; or
- you are the family member of a non A2 EEA national exercising a Treaty Right in the United Kingdom, or the spouse, or civil partner of a British citizen or person with settlement in the United Kingdom; or
- you are the A2 family member of a Bulgarian or Romanian national worker who holds a valid Accession Worker Card or valid SAW card except where it was issued pursuant to an application as an authorised family member; or
- you are the family member of a Bulgarian or Romanian who is exercising a Treaty Right as a student, self-sufficient person or self-employed person. You will remain exempt provided that your sponsor remains a student, self-sufficient person or self-employed.
- you are the spouse/civil partner/ child under 18 of a person with Leave to Enter/Remain in the UK that allows the person to work.

8. You may also be exempt if you are a highly skilled person. However, in order to qualify as a highly skilled individual, you will need to demonstrate that you meet certain criteria and obtain a registration certificate on this basis (see paragraph 9).

Highly skilled individuals

9. To qualify as highly skilled, you must **either**:
- meet the criteria for the highly skilled migrants programme as in force on 1 January 2007. More details of the highly skilled programme, including the attributes for which points are awarded, are set out on the UK Border Agency website at www.ukba.homeoffice.gov.uk/workingintheuk/eea/bulgariaromania/applying/. You will not be required to satisfy the requirements of this programme in respect of proficiency in English language; **or**
 - meet the criteria for the approval of leave to remain under the international graduate scheme (this replaced the science and engineering graduate's scheme from 7 May 2007) or Scottish graduates scheme. To

qualify on this basis you must have obtained a Higher National Diploma from a recognised education institution in Scotland or a Bachelor's degree, Master's degree, PhD or equivalent or postgraduate certificate or postgraduate diploma in any subject from a recognised education institution in the UK, providing that you apply within 12 months of gaining your qualification.

If you qualify as a highly skilled individual we will issue a registration certificate confirming that there are no restrictions on you taking employment in the UK.

The self-employed and work authorisation

10. If you are working in a self-employed capacity, and exercising a Treaty right on that basis, you will not need to obtain authorisation for that work although you will need to be able, if challenged, to demonstrate that you are genuinely self-employed. If you are exercising a Treaty right as a self-employed person, you may apply for a registration certificate confirming this.

Please note, it is not a requirement that you do so and a registration certificate issued on this basis will not confer a right to take employment on any other basis than self-employment.

11. In order to determine whether or not a worker is employed or self-employed, a non-exhaustive list is given below. As a general guide, if someone answers 'Yes' to all of the following, then they are probably an employee:

- Do you have to do the work yourself?
- Can someone tell you, at any time, what to do, where to carry out the work or when and how to do it?
- Can you work a set amount of hours?
- Can someone move you from task to task?
- Will you be paid by the hour, week or month?
- Can you get overtime pay or bonus payment?

If a worker answers 'Yes' to all of the following, it will usually mean that they are self-employed:

- Can you hire someone to do the work or engage helpers at your own expense?

- Do you provide the main items of equipment to do your job, not just the small tools that many employees provide for themselves?
- Do you agree to do a job for a fixed price regardless of how long the job may take?
- Can you decide what work to do, how and when to do the work and where to provide the services?
- Do you have to correct unsatisfactory work in your own time and at your own expense?

If you are unsure whether you qualify as a self-employed person, you may wish to access the relevant information from Her Majesty's Revenue and Customs (HMRC) website at www.hmrc.gov.uk.

Information on obtaining a National Insurance Number can be found on the Department for Work and Pensions website at www.dwp.gov.uk.

Students and worker authorisation

12. If you are a student in the UK, you may engage in employment for up to 20 hours a week during term time and full time work during vacation periods from your course. However, if you wish to work, you **must** first obtain a registration certificate confirming that you are exercising a Treaty right as a student. This will provide authority for you to work up to 20 hours per week (or full time during vacation periods from your course of study). You may work for more than 20 hours a week during term time, if you are on a course of vocational training and a work placement is considered to be a necessary part of the course. The work placement must be of an appropriate length and relevant to your qualification. You must not start your work placement before obtaining a registration certificate confirming that you are a student. A list of accredited qualifications can be found on the Register of Regulated Qualifications website at <http://register.ofqual.gov.uk/>.

From 20 June 2011 we will make it mandatory for those applying for a yellow registration certificate as a student to provide evidence of Comprehensive Sickness Insurance as specified by the Immigration (European Economic Area) Regulations 2006. The evidential requirements are currently set out in Annex A of Chapter 4 of the European Casework Instructions which can be located via the following link:

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/ecis/chapter4.pdf?view=Binary>

13. To qualify for a registration certificate as a student you will be required to demonstrate that you are enrolled at a genuine educational institution. To do this you must provide a letter from the educational institution to confirm the name of the course and the start and end date.

You must prove that you have sufficient resources available (belonging to yourself or a sponsor) not to become a burden on the UK's social assistance system during your time as a student. You should provide documentary evidence from the list below:

- Recent bank statements. These can be originals or, if online statements, must either be stamped and signed by the bank or accompanied by a letter from the bank confirming the account details and that the information is correct.
- Evidence of sponsorship or funding, e.g. a letter from a parent, relative or friend, if they are supporting or sponsoring you, along with their recent bank statements; or a letter confirming a maintenance grant
- A declaration, witnessed by a Commissioner for Oaths, to state that the applicant will not become a burden on the state

*** A Commissioner for Oaths has the power to certify the oath of another over documents.**

The register of Education and Training Providers can be found on the UK Border Agency website at www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/registerofsponsors/. If you are a student and wish to work for more than 20 hours a week during term time (other than as part of vocational training), you will need to obtain an Accession worker card. If you wish to exercise your Treaty right as a student and do not intend to work you are not required to apply for a registration certificate.

14. Please be advised that while you can apply for a registration certificate confirming your rights as a student at any time the document will not be issued until you have begun your course of study or your work placement has been arranged and verified by the UK Border Agency.

Accession worker card

15. You will need an offer of employment in the UK before we can issue an Accession worker card. If your employer has made an application for a work permit and the letter of approval is pending, you can apply for an Accession Worker Card however, the card will not be issued until your Work Permit application is approved. **You must obtain an Accession worker card before you start work. If you start work before the card has been issued to you, you will be working illegally.** An Accession worker card will give the name of the employer but not the job title. Accession worker cards for authorised family members will give the name of the employer but not the job title. An Accession worker card will not be issued for a specified period of time, but it will expire if you leave your job. If you change your job, you will need to apply for a new Accession work card in respect of the new employment

Employment which does not require prior approval under the work permit arrangements

16. Most categories of employment will require your employer to apply for a work permit before you apply for an Accession worker card. However, in certain permit-free categories you will only have to apply for an Accession worker card. These categories are:

- airport-based operational ground staff of an overseas airline
- au pair placements
- domestic workers in a private household
- minister of religion, missionary or member of religious order
- overseas government employees
- postgraduate doctors, dentists and trainee general practitioners
- private servants in a diplomatic household
- representatives of an overseas newspaper, news agency or broadcasting organisation
- sole representatives of overseas businesses
- teachers and language assistants on approved exchange schemes

- overseas qualified nurses undertaking supervised practice

The qualifying requirements for these categories are set out in Annex A of this guidance and the application form BR3 will tell you what documentary evidence you will need to provide in support of your application.

Employment that does require prior approval under the work permit arrangements

17. If your employment does not fall into one of the categories above, an Accession worker card will only be issued if your employer has obtained approval of the employment through the existing work permit arrangements. This means that your employer will first need to obtain a work permit letter of approval from the UK Border Agency. The criteria and procedures for the issue of letters of approval under the work permit arrangements are set out on the UK Border Agency website at

www.ukba.homeoffice.gov.uk/workingintheuk/eea/workpermits/workpermitarrangements/.

Approvals under the work permit arrangements are generally only given for skilled jobs and where suitably qualified resident labour is unavailable to fill the vacancy. However, the work permit arrangements also include the [sectors based scheme](#) (SBS) under which a quota of permits may be issued for lower skilled jobs in the food processing industry.

18. If your employer does obtain a letter of approval under the work permit arrangements this does not constitute an authorisation to work. You should submit this letter, with a completed form BR3, as an application for an Accession worker card. You can only start work when you receive your Accession worker card.

19. Please note that if you hold work permit leave that is currently valid you do not need to obtain an Accession worker card, provided you are still working for the same employer recorded on the permit. Should you wish to work for an employer other than that on your work permit, you will need to obtain a new work permit and an Accession worker card.

Voluntary workers

20. If you are a voluntary worker you will need to apply for a registration certificate as a self-sufficient person, **not** an Accession worker card. You must be

able to demonstrate, via an official letter from the organisation, that:

- the activity is purely voluntary and does not involve taking up a salaried post or permanent position of any kind within the charitable organisation or entering into any arrangement that is likely to constitute a contract of employment; and
- the activity is either for a charitable organisation listed in [ANNEX B](#) or a registered charity or recognised body whose work meets the criteria set out in this instruction; and
- the activity is unpaid, or is not likely to be subject to payment of the National Minimum Wage and directed towards a worthy cause; and
- it is closely related to the aims of the organisation; and
- it is fieldwork involving direct assistance to those the charitable organisation has been established to help; and
- that there are satisfactory arrangements for your maintenance and accommodation in the UK
- you have comprehensive sickness insurance cover in the UK
- you have sufficient funds not to become a burden on the UK's social assistance system during your time as a voluntary worker

Family members

21. The family members of an EEA national are defined in Regulation 7 and 8 of the Immigration (EEA) Regulations 2006.

Family members are defined as:

- spouse / civil partner
- children who are under 21 years of age or are dependent
- dependent direct relatives in the ascending line (i.e. parents, grandparents)
- more distant family members who can demonstrate that they are dependent

- partners where there is no civil partnership but they can show that they are in a 'durable relationship'.

The definition of children as family members also include step-children and adopted children provided the adoption is recognised by UK law.

A2 family members of an exempt applicant

22. Bulgarian and Romanian family members of a Bulgarian or Romanian national who is exempt in their own right from work authorisation requirements are entitled to be issued with a blue registration certificate confirming that they are also exempt from those requirements. Applications on this basis should be submitted on form BR1.

A2 family member of a self-employed, a self-sufficient or a student applicant

Where a person is a national of Bulgaria and Romania and is the family member of a Bulgarian or Romanian who is in the UK as a self-employed person, self-sufficient person or a student, they will not be required to obtain an Accession worker card to take employment in the UK. Such persons can obtain a blue registration certificate confirming they can work in the UK on an unrestricted basis. Applications on this basis should be submitted on form BR1. Romanian and Bulgarian family members, who are exempt on this basis, will only remain exempt, as long as their sponsor continues to exercise their Treaty rights as a self-employed person, self-sufficient person or student.

Only after a Romanian or Bulgarian family member remains exempt in this way and has worked lawfully for 12 months (**as an employee not as a self-employed person**) will s/he acquire exemption from work authorisation in his or her own right.

A2 family member of a highly skilled applicant

Where a person is a national of Bulgaria or Romania and is the family member of a highly skilled Bulgarian or Romanian, they are entitled to be issued with a blue registration certificate confirming that they are also exempt from worker authorisation.

A2 family member of an applicant subject to work-er authorisation

23. Where a person is a national of Bulgaria or Romania, and is the family member of a Bulgarian or Romanian who is in the UK as a worker holding a valid Accession Worker card or SAWS Card,

(except where it was issued pursuant to an application as an authorised family member) they will be able to access the UK labour market without restriction. In this category a family member is defined as the spouse, civil partner, direct descendants of his or his spouse or his civil partner under 21 or dependant. Applications for a Blue Registration Certificate on this basis should be made on form BR1.

A2 family member of an applicant with permission to work under the immigration rules

Bulgarian and Romanian nationals whose spouse or civil partner has leave to enter or Remain in the UK under the 1971 act that allows him/her to work in the UK will also be required to obtain an Accession work card in order to take up employment in the UK unless they are exempt from the worker authorisation requirement. Applications on this basis should also be submitted on a BR4.

In such cases where a family member is applying on a BR4 the criteria for the issue of such a document to a dependant will not be subject to a skills test or test concerning the availability of resident labour. However, you will need an offer of employment in the UK. The applicant must be the family member of a person subject to work authorisation who holds a valid work authorisation document. There is no provision to be the authorised family member of an A2 national who has a valid work authorisation document issued to them on the basis that they themselves are an authorised family member or on the basis that they are an au pair, SAWS worker or SBS worker.

Non-EEA family member of an applicant subject to work authorisation

24. Non-EEA family members of a Bulgarian or Romanian holding a work authorisation document may apply for a family member residence stamp. They should do so on form BR6

Non-EEA family member of an applicant not subject to work authorisation

25. Non-EEA family members of a Bulgarian or Romanian who is not subject to work authorisation and is exercising a Treaty right in the UK can apply for a family member residence card and should do so on form BR5.

26. Please note that you will not be able to obtain work authorisation as an authorised family member if you are the family member of a person holding a work card under the SAWS or holding an

Accession worker card issued to an au pair or participant in the SBS.

27. If you are the family member of an EEA national who is a national of Hungary, Czech Republic, Slovakia, Slovenia, Lithuania, Latvia, Estonia or Poland and who is registered under the Worker Registration Scheme (WRS), and you intend to work, you will be exempt from worker authorisation requirements and can apply, in your own right, for a registration certificate confirming this. Applications on this basis can be submitted on form BR7. However, if you are the family member of an EEA national (other than a person registered under the WRS or a Bulgarian or Romanian subject to work authorisation) who is exercising a Treaty right in the UK and who is applying for a registration certificate confirming this, you may be included with that person's application. Such an application can be submitted on form EEA1 to:

European Applications
UK Border Agency
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

Working without permission

28. Since 1 January 2007, it has been an offence for an employer to employ a Bulgarian or Romanian national who is subject to the requirement to hold an Accession worker card but does not have one, or who is undertaking work other than that specified in the card. Employers will face a maximum fine upon conviction of £5000 per worker.

29. You, the worker, will also commit an offence in these circumstances and if you are prosecuted and convicted of this offence you could face imprisonment for up to 3 months. Individuals who commit this offence may be offered the opportunity to discharge their liability to prosecution through the payment of a fixed penalty of £1000.

How to apply for your document

Application forms

30. It is important that you ensure that you complete the correct form before you apply for a document. This will help us to process your application without unnecessary delay. You should complete the relevant sections of the form as required and

answer all the questions that apply to you and any family members included in the application.

31. The form you should complete will depend upon your circumstances and the document you are applying for:

(i) If you are applying for a registration certificate confirming that:

- you are self-employed; or
- you are self-sufficient; or
- you are a student; or
- you are exempt from the requirement to obtain a work authorisation document because you fall into one of the categories in paragraph 7 above; **you should complete form BR1**. If you have family members and they are nationals of a member state of the EEA, you may include them in your application.

(ii) If you are applying for a registration certificate confirming that you are exempt from the requirement to obtain a work authorisation document because you are highly skilled **you should complete form BR2**. If you have family members and they are nationals of a member state of the EEA, you may include them in your application.

(iii) If you are applying for an Accession worker card **you should complete form BR3**.

(iv) If you are applying for an Accession worker card as an authorised family member of a worker **you should complete form BR4**.

(v) If you have obtained a registration certificate and you have family members who are not nationals of an EEA state, they may apply for a residence card **on form BR5**.

(vi) If you have obtained an Accession worker card and you have family members who are not nationals of an EEA state, they may apply for a family member residence stamp **on form BR6**.

(vii) If you are applying for a registration certificate as the family member of a person registered under the WRS **you may complete form BR7**.

To download these forms, please visit the UK Border Agency website at <http://www.ukba.homeoffice.gov.uk/workingintheuk/eea/bulgariaromania/applying/>

Documents

32. You must provide all relevant documents, including passports/ID cards as appropriate. Unless the application form indicates otherwise, all documents should be originals. If you cannot provide original documents when applying, you should explain why and say when you will be able to provide them. If you provide a certified copy, it should be a copy certified by the body or authority which issued the original document. To decide your application we need to see the originals of passports or ID cards, and if needed to prove a family relationship, original marriage or civil partnership certificates and birth certificates. If you cannot supply original documents, it is unlikely that we will approve your application.

Photographs

33. You must provide two identical photographs of yourself and any family members included in the application. These should be taken against a light background, be clear and of good quality, and must be full face. They must not show you or your family members wearing sunglasses or any head covering unless this has to be worn for religious or cultural reasons.

Photographs where the head covering covers the face will not be acceptable. The photographs you provide will be reproduced in you and your family members' documents if the application is successful. You should therefore ensure that you are content for the photographs to be used for this purpose.

Fees

34. There will be no charge for the consideration of your application.

Submitting your application

35. You must submit your completed application by post to:

**BULGARIA AND ROMANIA CASEWORKING
UK BORDER AGENCY
PO BOX 4160
SHEFFIELD
S1 9DZ**

Posting your application to any other UKBA address will delay it. To help us record the receipt of your application, we recommend the use of Recorded or Special Delivery and that you keep the RD or SD number.

36. We return all documents by Recorded Delivery to a UK address only. Please note that Recorded Delivery does not insure you to the full value of your package should it become lost. If you want your passport and other documents returned by Special Delivery which does insure the full value, you will need to provide a suitably sized Special Delivery envelope with the correct pre-paid postage.

Documents returned to an overseas address will not be returned by recorded / special delivery and return will be at your own risk. If you wish to receive acknowledgement that we have received your application, please include a stamped, self-addressed A4 sized envelope.

37. We can only consider applications for students, self-employed and self-sufficient registration certificates if you are already in the UK. If you require an Accession worker card and have obtained an offer of employment before you come to the UK, you can apply for the document from outside the UK.

Applications from Highly skilled individuals can also be submitted from outside the UK.

If your application is refused

38. If your application for a registration certificate is refused on the grounds that you are not exercising a Treaty right, you will have a right of appeal and the notice of refusal will inform you of this. You will not have a right of appeal if the application is refused on the grounds that you have failed to provide evidence of identity/nationality, or that evidence is not found to be genuine.

39. If your application for an Accession worker card is refused and you wish to have that decision reconsidered, we will review the decision providing you provide your grounds for reconsideration of our decision within 28 days. Details of how to request a review will be given in your refusal letter.

Choosing an immigration adviser

40. The forms, and this guidance, are intended to enable you to make your own application. If you do engage an immigration adviser to assist you, you should take care when choosing one. The Office of the Immigration Services Commissioner (OISC) regulates immigration advisers. You can find information on their website at www.oisc.gov.uk.

[uk](http://www.oisc.gov.uk). Its website contains a list of authorised advisers. It also has links to websites for solicitors, barristers and legal executives. If you have a complaint about an immigration adviser or need other information, the OISC contact details are:

Office of the Immigration Services Commissioner
5th Floor
Counting House
53 Tooley Street
London
SE1 2QN

Telephone: 0845 000 0046

41. Alternatively, the Law Society which regulates solicitors in England and Wales, can help you to find a solicitor. Further information can be found on their website at www.lawsociety.org.uk or you can contact them on 0870 606 6575. If you wish to complain about a solicitor you can contact the Law Society's Consumer Complaints Service helpline on 0845 608 6565 or write to them at:

The Law Society
Victoria Court
8 Dormer Place
Leamington Spa
Warwickshire
CV32 5AE

Complaints about our service

42. If you want advice about how to make a complaint about the service you have received from the UK Border Agency, please telephone 0870 241 6523 or visit the UK Border Agency website at www.ukba.homeoffice.gov.uk/contact/makingacomplaint/.

Data protection notice

43. All information provided by you to the UK Border Agency will be treated in confidence but it may be disclosed to other government departments, agencies, local authorities, the police, foreign governments and other bodies for immigration purposes or to help them perform their functions. The UK Border Agency may also use information provided by you for training purposes.

ANNEX A

CATEGORIES OF EMPLOYMENT AND QUALIFYING REQUIREMENTS FOR THE ISSUE OF AN ACCESSION WORKER CARD

Authorised categories of employment requiring a letter of approval under the work permit arrangements.

Employment under the sectors-based scheme (SBS)

The applicant -

(1) holds a letter of approval under the work permit arrangements issued under the SBS; and

(2) is capable of undertaking the employment specified in that letter.

Training or work experience

The applicant -

(1) holds a letter of approval under the work permit arrangements issued under the training and work experience scheme; and

(2) is capable of undertaking the training or work experience as specified in that letter.

Work permit employment

The applicant -

(1) holds a letter of approval under the work permit arrangements issued in relation to work permit employment; and

(2) is capable of undertaking the employment specified in that letter.

Other authorised categories of employment

Airport based operational ground staff of an overseas air line

The applicant has been transferred to the UK by an overseas-owned airline operating services to and from the UK to take up duty at an international airport as station manager, security manager or technical manager.

Au pair placement

The applicant -

(1) has and intends to take up an offer of an au pair placement;

(2) is aged between 17 to 27 inclusive;

(3) is unmarried and is not in a civil partnership; and

(4) is without dependants.

Domestic worker in a private household

The applicant -

(1) is 18 and over

(2) has been employed for at least a year outside the UK as a domestic worker under the same roof as his employer or in a household that the employer uses for himself on a regular basis; and

(3) intends to be so employed by that employer in the UK.

Minister of religion, missionary or member of a religious order

The applicant -

(1) if a minister of religion -

(a) has either been working for at least one year as a minister of religion in any of the five years immediately prior to the date on which the application for the Accession worker card is made or, where ordination is prescribed by a religious faith as the sole means of entering the ministry, has been ordained as a minister of religion following at least one year's full time or two years' part time training for the ministry; and

(b) holds an International English Language Testing System Certificate issued to him to certify that he has achieved level 4 competence in spoken English, and the Certificate is dated not more than two years prior to the date on which the application for an Accession worker card is made;

(2) if a missionary, has been trained as a missionary or has worked as a missionary and is being sent or has been sent to the UK by an overseas organisation;

(3) if a member of a religious order, is living or coming to live in a community

maintained by the religious order of which he is a member and, if intending to teach, does not intend to do so save at an establishment maintained by his order; and

(4) intends to work in the UK as a minister of religion, missionary or for the religious order of which he is a member.

Overseas government employment

The applicant intends to work in the UK for an overseas government or the United Nations or other international organisation of which the UK is a member.

Postgraduate doctors, dentists and trainee

The applicant -

general practitioners

(1) is a graduate from a medical or dental school who is eligible for provisional or limited registration with the General Medical Council or General Dental Council and intends to work in the UK as a doctor or dentist as part of his training; or

(2) is a doctor, dentist or trainee general practitioner eligible for full or limited registration with the General Medical Council or the General Dental Council and intends to work in the UK as part of his postgraduate training or general practitioner training in a hospital or the Community Health Services.

Private servant in a diplomatic household

The applicant -

(1) is 18 and over; and

(2) intends to work in the UK as a private servant in the household of a member of staff of a diplomatic or consular mission who enjoys

diplomatic privileges and immunity within the meaning of the Vienna Convention on Diplomatic Relations(2).

Representative of an overseas newspaper, news agency or broadcasting organisation

The applicant has been engaged by an overseas newspaper, news agency or broadcasting organisation outside the UK and is being posted to the UK by that newspaper, agency or organisation to act as its representative.

Sole representative

The applicant -

(1) has been employed outside the UK as a representative of a firm that has its headquarters and

principal place of business outside the UK and has no branch, subsidiary or other representative in the UK;

(2) intends to work as a senior employee with full authority to take operational decisions on behalf of the overseas firm for the purpose of representing it in the UK by establishing and operating a registered branch or wholly owned subsidiary of that overseas firm; and

(3) is not a majority shareholder in that overseas firm.

Teacher or language assistant

The applicant intends to work at an educational establishment in the UK

under an exchange scheme approved by the Department for Children, Schools and Families, the Scottish or Welsh Office of Education or the Department of Education, Northern Ireland, or administered by the British Council's Education and Training Group.

Overseas qualified nurses

The applicant -

(1) has obtained confirmation from the Nursing and Midwifery Council that he is required to undertake an approved period of adaptation or an approved return to practise programme; and

(2) has been offered and intends to take up an adaptation programme

and/or a return to practise programme through an Education provider that is recognised by the Nursing and Midwifery Council

The requirement for Overseas qualified nurses as set out in Schedule 1 of The Accession (Immigration and Worker Authorisation) Regulations 2006 states that the applicant must have obtained permission from the Nursing and Midwifery Council that he is eligible for admission to the Overseas Nurses Programme. As Bulgaria and Romania joined the EU on the 1st January 2007 they are no longer eligible for this programme. If you are a national of a relevant European State, have successfully completed a qualification as a nurse responsible for general care or a midwife in an EU member state but you do not qualify for automatic recognition or you cannot meet the practice requirements for acquired rights the NMC will still be able

to consider your application under Article 10(b) of the Directive and where there are significant differences between training undertaken and that which is required in the UK, applicants will be offered the opportunity to make up these differences, details of which will be provided in a letter from the NMC. Further details are available on the NMC website at www.nmc-org/ or by telephoning 020 7333 9333.

Notes on Annex A

1. In this Annex –

(a) “au pair placement” means an arrangement whereby a young person -

(i) comes to the UK for the purpose of learning English;

(ii) lives for a time as a member of an English speaking family with appropriate opportunities for study; and

(iii) helps in the home for a maximum of 5 hours per day in return for an allowance and with two free days per week;

(b) “letter of approval under the work permit arrangements” means a letter issued by the Secretary of State under the work permit arrangements stating that employment by the employer specified in the letter of the person so specified for the type of employment so specified satisfies the labour market criteria set out in those arrangements;

(c) “member of a religious order” means a person who lives in a community run by that order;

(d) “minister of religion” means a religious functionary whose main regular duties comprise the leading of a congregation in performing the rites and rituals of the faith and in preaching the essentials of the creed;

(e) “missionary” means a person who is directly engaged in spreading a religious doctrine and whose work is not in essence administrative or clerical;

(f) “sectors based scheme” means the scheme established by the Secretary of State for the purpose of paragraph 135l(i) (3) of the immigration rules (requirements for leave to enter the UK for the purpose of employment under the sectors based scheme);

(g) “training and work experience scheme” means the scheme established by the Secretary of State for the purpose of paragraph 116(i) of the immigration rules (requirement for leave to enter the UK for approved training or work experience);

(h) “work permit arrangements” means the arrangements published by the Secretary of State (4) setting out the labour market criteria to be applied for the purpose of issuing the work permits referred to in paragraphs 116(i) (training and work experience scheme) and 128(i) of the immigration rules and the immigration employment document referred to in paragraph 135l(i) (SBS) of the immigration rules;

(i) “work permit employment” means a category of employment covered by the work permit arrangements, other than employment covered by the SBS and the training and work experience scheme.

(3) Paragraph 135l was inserted by immigration rules changes on 30th May 2003 (Cm 5829).

(4) These arrangements are published by Work Permits UK, part of the Home Office, and are available on Work Permits UK’s website.

ANNEX B

CHARITABLE ORGANISATIONS REGULARLY ENGAGING VOLUNTARY WORKERS

Amnesty International

ATD - Fourth World (Aide a Toute Detresse)

Camphill Village Trust Ltd (See ISBI on Rudolph Steiner Establishments)

Christian Aid

Leonard Cheshire Foundation (Cheshire Homes)

Church of England Children's Society (The Children's Society)

Community Service Volunteers (See below)

Corrymeela Community (See below)

Cyrenians

Dr Barnardos

Friends of the Earth

GAP Activity projects Ltd

Guide Association

Inter-Action

International Voluntary Service

L'Arche (see below)

Lee Abbey

National Council of YMCA's

Oxfam

Salvation Army

Samaritans Incorporated

Save the Children Fund

Scout Association

Simon Community

Society of Friends (Quakers)

Sue Ryder Foundation

Time for God

Winged Fellowship Trust

Community Service Volunteers (CSV)

CSV is a registered charity which arranges for voluntary workers to come to the UK to work for various bodies. As a concession to CSV we do not require the organisations that the voluntary workers work to be registered charities, but these voluntary workers must meet the rest of the criteria set out in Annex A (above) to qualify under the concession.

Corrymeela Community

This organisation operates in Northern Ireland to help bridge the divide between the two communities. This work is strongly supported by the Northern Ireland Office.

L'Arche Communities

L'Arche is an international federation of communities in which handicapped people and those who help them live, work and share their lives together. There are 7 such communities in the UK which are listed below.

L'Arche voluntary workers

L'Arche is a registered charity and overseas nationals coming to the UK to work at an L'Arche community as voluntary assistants should be considered under the concession. Such posts may be of a supervisory nature, such as care managers, house leaders or workshop leaders.

L'Arche communities in the UK:

SECRETARIAT: 10 Briggate
Silsden
KEIGHLEY
West Yorkshire
BD20 9JT

BELFAST: L'Arche Belfast Office
Floor 6
Howard House
1-3 Brunswick Street
BELFAST
BT2 7GE

BOGNOR REGIS: Bradbury House
51a Aldwick Road
BOGNOR REGIS
West Sussex
PO21 2NJ

BRECON: Steeple House
Steeple Lane
BRECON
Powys
LD3 7DJ

EDINBURGH: 132 Constitution Street
Leith
EDINBURGH
EH6 6AJ

INVERNESS: Braerannoch
13 Drummond Crescent
INVERNESS
IV2 4QR

KENT: Little Ewell
Barfrestone
DOVER
Kent
CT15 7JJ

LAMBETH: 15 Norwood High Street
LONDON
SE27 9JU

LIVERPOOL: The Ark
Lockerby Road
LIVERPOOL
L7 0HG

PRESTON: 3 Moor Park Avenue
PRESTON
PR1 6AS