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RIGHTS OF MOVEMENT FOR BULGARIAN AND ROMANIAN NATIONALS POST ACCESSION

- In October 2006, the Government announced that it would provide workers from Bulgaria and Romania with gradual access to the United Kingdom's labour market post-Accession. In order to do so, the Government has passed secondary legislation that places restrictions on nationals of those countries' access to the labour market. The UK labour market will be opened gradually to citizens of Bulgaria and Romania who have the skills we need.
- **Since 1st January 2007**, as European Economic Area (EEA) nationals, Bulgarians and Romanians have been able to move and reside freely in any Member State. They do not require leave to enter or remain to reside legally in the UK.
- They have a right of residence in any Member State for their first 3 months of residence and can remain legally resident in that state as long as they wish if exercising a treaty right as a student; a self-employed person; or if not economically active and self-sufficient. **But they do not have a right to reside as a worker.**
- Bulgarian and Romanian Nationals wanting to work in the UK will still need to **obtain permission to work** before starting any employment, **unless they are exempt from the requirement to do so.**

- Employers and employees will have to abide by the new rules. They are enforced through fixed penalties (in the case of employees) and, where appropriate, prosecution.

The accession regulations were approved in Parliament on 7th December 2006. Further information on how to make an application is now on the Home Office website. This includes the application forms and guidance.

WORKER AUTHORISATION SCHEME

- We will require that workers from Bulgaria and Romania must, except where they are exempt from the requirement, obtain an accession worker card before they commence employment in the United Kingdom.
- Those qualifying for such a document will generally be those skilled workers who meet the criteria for the issue of a work permit under the existing work permit arrangements.
- However, accession worker cards will also be issued to lower skilled workers coming to undertake approved seasonal agricultural work and employment in the food processing sector. Existing schemes for lower skilled work in these sectors will move to being restricted to workers from Bulgaria and Romania.

Accession Worker Cards

1. Workers not exempt from the requirement to seek permission to work will need to hold an accession worker card or a Seasonal Agricultural Workers Scheme work card in order to be legally employed in the United Kingdom. An accession worker card will be issued in respect of a specific job with a specific employer, provided that relevant qualifying criteria are met. Employment cannot commence prior to the accession worker card being issued. If the holder of an

accession worker card wishes to change employment, they will need to obtain a new accession worker card for that employment.

2. There are certain categories of employment for which non-EEA nationals are not currently required to obtain a work permit (for example, sole representatives of overseas businesses, au pairs, employees of overseas governments and ministers of religion). It will be possible for nationals of Bulgaria and Romania to apply for an accession worker card for these categories of employment where they meet the existing criteria for approval of such employment.

3. Accession worker cards will also be issued for:

- skilled jobs that meet the current criteria for the issue of a work permit; and
- lower skilled jobs in the food processing sector, where the existing criteria for the issue of a Sectors Based Scheme permit are met.

In these instances, as is currently the case for non-EEA workers, the employer will first need to apply for a document confirming that these criteria have been met. Once the employer has been issued with a letter of approval confirming that these criteria have been met, the worker will then be required to make an application for an accession worker card.

EU Rights as a worker – Registration Certificates

Persons exempt from a requirement to obtain a Accession Worker Card.

4. Those people who will be exempt from the requirement to obtain an accession worker card if they intend to take employment in the United Kingdom,

will be able to obtain a registration certificate confirming their status post accession if required. They will include:

- Those with unrestricted permission to work on 31 December 2006 or those who have completed 12 months legal and continuous employment in the United Kingdom ending on or after 31 December 2006;
- Those who are the spouse of an EEA national or a British citizen;
- Those who are highly skilled and are in possession of a registration certificate confirming that they have unrestricted access to the labour market. Those falling into this category will be those who meet the existing criteria for admission under the Highly Skilled Migrants Programme, the Science and Engineering Graduates Scheme and the Scottish Graduates Scheme.
- Students who intend to work less than 20 hours a week (during term time) and are in possession of a registration certificate confirming that he or she has this restricted permission to take employment. A student may work full time between terms and over the 20 hour threshold as part of a vocational training course.

Persons working for twelve months or more lawfully can obtain a registration certificate confirming unrestricted right to access UK labour market.

Spouse/Civil partners of Romanian and Bulgarian Nationals

5. Where a person is a national of Bulgaria and Romania, and is the spouse of a person holding a registration certificate restricting their access to the labour market (for example, the spouse of a student or self-employed person) or a person holding a work authorisation document, they too will be required to obtain

an accession worker card in order to take employment in the United Kingdom. However, the criteria for the issue of such a document to a dependant spouse in these circumstances will not be subject to a skills test. This reflects the entitlements that the dependants of, for example, non-EEA work permit holders enjoy under the existing arrangements for non-EEA workers.

Working without permission

6. It will be 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 document. Employers will face a maximum fine upon conviction of £5,000 per worker.

7. It will be an offence for a Bulgarian or Romanian national who is subject to the requirement to hold an accession worker card but does not have one to take employment or to undertake work other than that specified in the document. Individuals who commit this offence may be offered the opportunity to discharge their liability to prosecution through the payment of a fixed penalty of £1,000.

Top Ten Frequently Asked Questions

1. I was in the UK as a visitor before the Accession, what do I need to do to be able to work?

In order to work lawfully in the UK, a Romanian or Bulgarian national must apply for either a registration certificate or an Accession Worker Card (depending on their particular circumstances). Full details of the Accession Regulations and the forms to use are available from the Border and Immigration Agency website.

2. My dependant was here with me in the UK before the Accession, what do they need to do to be able to work?

The regulations governing access to the UK labour market for spouses or civil partners following Accession is dependent on the particular circumstances of the individuals concerned. For example, an A2 spouse or civil partner of a UK national or settled person in the UK will have no restrictions placed on their employment in the UK; an A2 spouse or civil partner of a self-employed A2 national would be eligible to apply for a Purple Accession Worker Card only. Further details and information can be found on the Border and Immigration Agency.

3. My dependants were not with me in the UK before Accession, what do I need to do so that they can now join me?

If the dependant is a Romanian or Bulgarian national then they will have acquired free movement rights following Accession and will be able to travel throughout all EU Member States. If the dependant is a third-party national they will be required

to apply for a family permit from the local British embassy before they are able to enter the EU.

4. I am currently on a fiancé(e) visa, what do I need to do to work in the UK?

For the purposes of the Accession Regulations, Romanian or Bulgarian nationals who are fiancé(e)s to a UK national or a person settled in the UK may obtain either a Registration Certificate if they are exercising a treaty right or an accession worker card if they wish to be employed and do not have a right under Community law to do so.

Once a Bulgarian or Romanian national is married to a UK or settled person they may seek a “blue” registration certificate confirming full access to UK labour market.

5. I am currently on ECAA, if I remain as self employed, do I need to do anything?

No. You don't have to do anything in order to continue to reside in the United Kingdom engaged in self employment. Any person engaged in self-employment must have registered their business activities with the Inland Revenue and be able to show they are paying appropriate national insurance contributions.

6. I've been here for three years with leave to remain under ECAA. Can I still apply for indefinite leave to remain under ECAA rules?

Yes you can still apply for ILR under the ECAA immigration rules provided you have.

- Obtained an initial period of leave and subsequent extension under ECAA rules prior to 1 January 2007.
- At time of application for indefinite leave to remain (ILR) you meet the terms of immigration rules for ILR under ECAA criteria, including being solely engaged in self employment for five years and the submission of documentation and supporting evidence covering the entire period as requested by those rules.

7. I am under ECAA and will remain self employed but my dependant has been working for more than 12 months? What do they need to do to continue to work?

A Romanian or Bulgarian dependant national who has been lawfully employed in the UK for 12 months prior to the Accession can apply for a Blue Registration Certificate on a BR1 Form, which will confirm that there will be no restrictions on their employment in the UK.

8. I am a work permit holder who has been working in the UK for more than 12 months. I qualify for the Blue Registration certificate – if I apply for it can I still qualify for ILR after 5 years?

The Blue Registration Certificate is a document concerned with the restrictions on access to the UK labour market that the Government has put in place during the transitional period following Romanian and Bulgarian Accession to the EU. As such it has no bearing on whether a Romanian or Bulgarian is eligible to settle in the UK in the long-term.

If you have leave to remain as a work permit holder to the point at which you qualify for indefinite leave to remain you are free to make such an application,

you will at that stage need to demonstrate compliance with the relevant immigration rules.

9. I was only granted 4 years on my work permit instead of 5? Why can't I apply for an extension so that I would qualify for ILR after 5 years?

You no longer need permission to work in the United Kingdom as you have full movement rights as a worker under EU law. You may obtain a registration certificate confirming this status. The registration certificate does not provide a time limit on your residence as a worker. You will have a right to reside in the United Kingdom as a worker for as long as you wish, whilst you are still exercising a treaty right.

10. What is the difference between ILR and permanent residence under EU Law?

Indefinite leave to remain is the means by which a foreign national is granted settlement in the United Kingdom by the United Kingdom government. This is considered under the Immigration rules.

Permanent residence under EU law is a right provided by Directive 2004/38/ec to all EEA Nationals and their family members. To be a permanent resident under EU law you must have resided in a member state, as an EEA national, exercising a treaty right, for five years. As Bulgaria and Romania joined the EU on 1 January 2007 Bulgarian and Romanian Nationals will start to become permanent residents of the UK under EU law from 1 January 2012.

1. Bulgarian and Romanian Accession

What is accession?

Accession is the term used when a country joins the European Union (EU).

Bulgaria and Romania acceded to the EU on 1 January 2007

What changed?

When Bulgaria and Romania became part of the EU, they also become European Economic Area (EEA) countries. EEA countries have agreed to be an area of free movement. This means people from these countries are not subject to immigration controls in each other countries.

This means that since 1st January 2007 no visas have been required to come to the UK. From that date Bulgarian and Romanian nationals have gone through the same controls as British citizens when entering and can enter on proving their nationality. Their passports are not stamped.

What did not change?

Romanian and Bulgarian nationals still need permission from the Home Office to take up work unless they are exempt from the requirement to do so. They are not being given a right to work in the United Kingdom automatically.

Was this different to A10 accession? Why?

Yes. In 2004 A8 workers obtained full access to UK labour market. This is not the case on this occasion. We are still looking closely into the impact of 2004 accession and until this has been fully considered we are adopting a gradual approach on labour market access to minimise any further impact.

How long will these arrangements last?

The Accession treaty allows us to maintain controls on access to our labour market for up to seven years. The arrangements will be reviewed on a regular basis. It is probable initial arrangements will be reviewed after a year.

2. Coming to the UK and getting documents

Do I need a visa?

Following accession, a Bulgarian or Romanian national will not need a visa to come to the United Kingdom.

Do I need a document confirming my status?

This depends on what you are doing and if you want to work. If you want to work you must get an accession worker card or a registration certificate that provides access to the labour market. You do not need a document if you don't want to work.

I was deported from the United Kingdom, do I have a right of movement?

A person deported from the United Kingdom has no right of movement; in order to be allowed to enter they will need to have their deportation order lifted.

3. Self-employed persons

Can a Bulgarian / Romanian national be self-employed in UK?

Yes – You have a right of establishment under EU law. This allows you to be self-employed. This right does **NOT** extend to working as an employee. Any person engaged in self-employment must have registered their business activities with the Inland Revenue and be able to show they are paying appropriate national insurance contributions.

I was here on a self-employed basis before accession and my leave runs out in June 2007, what do I need to do?

Nothing – You had permission to be self-employed before accession and after accession you will have a right to reside as a self-employed person if you are continuing your self-employed activities.

PEOPLE WHO HAD LEAVE TO REMAIN IN UNITED KINGDOM PRIOR TO ACCESSION UNDER BULGARIAN AND ROMANIAN ECAA

What has changed?

- As a result of accession, we have deleted all of the immigration rules for Bulgarian and Romanian ECAA, except for the ILR rules. This is because the agreements on which those rules were based have lapsed and because Bulgarian and Romanian applicants can now exercise treaty rights as self-employed people. They do not therefore need grants of leave under ECAA in order to be self-employed.

Why have you kept the ILR rules?

- Time spent under the domestic Immigration Rules, such as the ECAA rules, does not count towards the time necessary for being considered as a permanent resident under EU law. An EEA national becomes a permanent

resident of a Member State if they have been residing in a state other than their own, as an EEA national, for five years, and during that time have been exercising a treaty right.

- So, as Bulgaria and Romania joined the EU on 1 January 2007, nationals from these states will not be considered as permanent residents of the UK under EU law before 1 January 2012.
- **However**, we have retained the ILR rules to allow Bulgarian and Romanian nationals to still be able to qualify for ILR. Those who have leave under ECAA can in most (see below) circumstances still qualify for ILR under the relevant immigration rules (paragraphs 222-223A).

What about people who need a further grant of FLR to get to the point where they are eligible for ILR? They won't get that because you have deleted the FLR rules, and so the retention of the ILR rules is useless for them.

- Although time spent under the Immigration Rules cannot contribute to the five years necessary for being considered as a permanent resident under EU law, the reverse is possible – time spent in the United Kingdom, after accession, and exercising a treaty right, can contribute to the five years which you need to qualify for ILR under the ECAA immigration rules.
- So, people who have leave under ECAA and who would ordinarily need a further FLR grant to get to the ILR point will be eligible to qualify for ILR at the appropriate point, **provided that they have received at least one extension of their leave under ECAA**. People who have had an initial extension of their leave under ECAA will not need to receive a second extension in order to be able to qualify under the ILR rules. Instead, they can use periods of time after accession (1 January 2007) without leave under the Immigration

Rules but exercising a treaty right as a self-employed person, as counting towards the five year period required to qualify for ILR under the ECAA immigration rules . **But, even if they did not have leave to remain under the immigration rules for the whole five years, they will still need to meet all the requirements of the ILR rules throughout the five years.**

- So, people who had an extension of their leave before accession but who, as a result of the increase in the qualifying period for settlement, do not have leave to the point at which they qualify for ILR - and so would ordinarily need another FLR grant - will not need to seek a further extension of leave to be able to qualify for ILR. But they will need to meet all the requirements of the ILR rules when they do apply.

What about people who have not even had one extension of their leave?

- They will not be able to qualify for ILR. But they, like all those engaging in self-employment, will have a right to reside in the United Kingdom under EU law for as long as they wish, provided that they are engaged in self-employment.

I want a document which shows that the Home Office accepts that I can live here and be self employed.

- You can seek a registration certificate which will confirm your status as an EEA national engaged in self-employment at the time of your application. **You do not need** this document to reside lawfully in the United Kingdom; your right of residence continues whilst you are self-employed.
- You must ensure that you comply with Inland Revenue rules regarding self-employment to maintain your right of residence.

Will the new Knowledge of Life test apply to Bulgarian and Romanian ECAA ILR?

- Yes. But applicants do not need to apply at the five year point if they have not at that point done the test. They can apply and qualify for ILR at any time after the five year point, provided that they are still established in business when they apply.

What will you do with outstanding applications for Further Leave to Remain?

- Applicants who submitted an application for a first extension of their ECAA leave before accession but who have not had a decision before accession, will have their cases substantively considered. This is to make them eligible for ILR, as above, even though they do not need this grant of leave to be established in business.
- Applicants who submitted an application for a second extension of their ECAA leave before accession, but who have not had a decision before accession, will not have their cases substantively considered in the first instance. This is because they no longer need this grant, either to be able to establish themselves in business or to qualify for ILR. We will write to applicants explaining this, inviting them to withdraw their application and informing them that, if we do not hear otherwise from them within twenty-eight days, their application will be treated as withdrawn. If they reply to us within that period to request that their case be substantively considered, it will be.

And other applications?

Except for ILR applications no other Bulgarian and Romanian ECAA applications will be considered.

4. Students

Can I study?

Yes – you have a right to come to the UK and reside here as a student if engaged in a full-time course of study following accession. You do not need Home Office permission to be a student.

If I'm a student can I work?

Yes, but in order to work you must first obtain a registration certificate. This will confirm we accept you are an EEA national exercising a treaty right as a student and will provide you with permission to work for up to 20 hours a week during term time, and full time outside of term time. We will only issue registration certificates to those people studying at genuine educational establishments included in the Department of Education and Skills (DfES) Register of Education Providers. A list of these establishments can be found at:

<http://www.dfes.gov.uk/providersregister/>

I'm a student but don't want to work, do I need a "Student registration Certificate?"

No – You do not need the registration certificate to have a right of residence as a student. You only need the document if you want to work part-time whilst studying, or full-time during vacations.

5. Workers

Can I work without permission?

No – You must have permission, either by means of a registration certificate providing access to the labour market, an accession worker card or on the basis of leave to remain given prior to accession.

What happens if I work illegally?

It will be a criminal offence to work illegally. Both you and your employer could be taken to court. You could face an on the spot fine (fixed penalty) of £1,000.

How do I get permission to work?

An employer will need to obtain a letter of approval (work permit) for you and, if this is approved, you can obtain an accession worker card. In certain circumstances you will be able to apply for the accession worker card for a specific job without a work permit.

Details of how to apply for an accession worker card can be found on the Border and Immigration Agency website.

How do I get an employer to apply for permission to employ me?

If you have been offered employment, then your potential employer can apply for approval under the work permit arrangements. If the application meets the relevant criteria your employer will be issued with a letter of approval.

Do I need to be in the UK to do this?

No. Your potential employer will apply for a letter of approval.

Does the employer need to be in the UK?

Yes. If an application is to be considered under the work permit arrangements we will normally expect the employer to have a trading presence in the UK.

If my employer is given a letter or approval, who applies for the accession work card?

You, the worker.

How do I get a job on the Sector Based Scheme?

This will depend on the employers in the food-processing sector and how they choose to organise their recruitment. Some may recruit directly and, for example, use employment fairs in Bulgaria and Romania to do so. Others may use recruitment agencies who source suitable workers on their behalf.

If studying and wanting to work you must seek a registration certificate which will confirm you are a student. This will give you permission to work for up to 20 hours a week during term time and full time outside of term time.

If you are highly skilled, have a community right as a worker or are married to a British citizen you can obtain a registration certificate providing an unrestricted right to access the UK labour market.

How do I get community rights as a worker?

Anybody who has been legally employed on a continuous basis for twelve months obtains community rights as a worker. This means you have a full right to reside under EU law as a worker in a Member State and have an unrestricted right to access that Member States labour market.

I've been here on a work permit for the past two years. Do I need to do anything?

No – as long as you continue in your current job you need do nothing. You can seek a registration certificate confirming your unrestricted right to access UK labour market if you wish as you will have been legally employed for more than 12 months.

Can I change jobs?

Yes, if you have full worker rights you are free to take up any job offer. In order to demonstrate this right to an employer you will need to provide them with evidence of this, such as a registration certificate confirming you have a unrestricted right to access UK labour market

6. Married to a British Citizen

My wife is Bulgarian/Romanian. I'm British, what does she need to do to live with me legally?

Nothing – However if she wants to work she can seek a registration certificate giving her an unrestricted right to access the UK labour market. She will only be able to obtain this document if the marriage is genuine and not one of convenience. However, if she already has leave to remain in the UK as your wife that leave provides permission to work.

My wife's leave to remain as my spouse runs out in June 2007. What does she need to do then ?

At this time your wife has a choice, she can either seek indefinite leave to remain under the immigration rules as your spouse, and if granted she will then have permanent residence in the UK on basis of her marriage. If she does not want to have ILR but still wishes to work she should seek a blue registration certificate confirming unrestricted right to access the UK labour market. The blue registration

certificate does not provide her with a right of permanent residence, this would only be obtained if she exercised a treaty right as an EEA national, for five years from date of accession. (She would therefore become a permanent resident in 2012).

7. Highly Skilled persons

I am highly skilled how do I get permission to work?

You will have to apply to obtain a “blue” registration certificate on the basis of your skills.

8. Seasonal Agricultural Workers Scheme

Who can recruit me onto the SAWS?

Only Home Office-appointed SAWS operators - of which there are nine - can recruit workers. Some of the operators use agents abroad to source workers. There are strict rules which apply to agents sourcing/recruiting workers for labour in the UK.

How do I qualify?

You need to be 18 years old or over; a Romanian or Bulgarian national; and fulfill the SAWS operator’s criteria - the ability to undertake hard manual work. Each Operator has its own application form and recruitment procedure.

How do I apply to obtain a SAWS card?

You need to make an application to one of the nine approved operators. If you are successful, they will issue you with the relevant work card. The work card will

state the dates of employment and the location of the farm where you will be working.

What kind of work is it?

The work will be seasonal and agricultural and therefore mainly physical, outdoor work such as strawberry picking, potato grading, picking salad vegetables, erecting and dismantling poly-tunnels, etc.

What will I be paid?

In the UK there are strict rules about how you are treated and how much you can be paid. There is a minimum wage which is currently £4.45 per hour for workers aged 18-21 inclusive and £5.35 per hour for workers aged 22 and older, although in agriculture this may be advertised as 'piece rate'. You should not receive less than the statutory minimum rate. In agriculture there are other conditions which apply to payment of wages. All these will be issued to you in your information pack from the operator.

Will my accommodation be arranged?

Yes, all SAWS farmers are obliged to supply accommodation, which is usually in shared caravans or dormitories. However, you are not obliged to take this accommodation if you can find suitable accommodation elsewhere that enables you to arrive at the farm on time for starting a day's work.

How long will I be able to work?

You can work for up to 6 months and return to the SAWS provided there is a break of 3 months.

Do I need insurance?

Some SAWS Operators offer insurance but other operators prefer you take out your own insurance.

What charges may the Operator impose?

Under the Employment Agencies Act you should not pay to go to work. However there may be charges in connection with travel to the UK, accommodation bonds, a pastoral fee and an arrival bond. If you are asked to pay a bond there should be clear information as to what it is for and what conditions are attached to it, and when and how you will get it back. An operator must refund an 'arrival bond' once you turn up within the agreed timescales and must not hold on to it for any period of time.

Where will the work be?

This is dependent on which operator you apply to. Some SAWS operators only recruit for their own farms, but others recruit for farmers and growers over the whole of the UK. However, under the SAWS you will only be allowed to work for a SAWS-registered farm as stated on your work card.

Can I obtain a SAWS card more than once?

Yes, provided there has been a break of 3 months, you fulfill the operator's criteria and a suitable placement is available.

Can I pass my SAWS card on to another person?

No. The SAWS work card is for the named individual on the work card only and any alterations/use by another person will render the work card invalid.

Can I take other work when in the UK as a SAWS person?

No. The only work you are allowed to take under the SAWS will be seasonal agricultural work on a SAWS registered farm in agreement with your SAWS Operator.

Who are the SAWS operators?

Details of the nine SAWS operators are below. All applications for SAWS work are made to the operator direct.

Concordia Ltd (YSV) – recruits on behalf of farmers throughout the UK
2nd Floor, Heversham House, 20-22 Boundary Road, Hove, Sussex BN3 4ET
Tel: 01273 422 293 Fax: 01273 422 443
Email: info@concordia-ysv-org.uk
Website: www.concordiafarms.org

HOPS Labour Solutions – recruits on behalf of farmers throughout the UK
YFC Centre, Stoneleigh Park, Kenilworth, Warwickshire CV8 2LB
Tel: 02476 857 210 Fax: 02476 857 205
Email: hopsqb@nfyfc.org.uk

Friday Bridge International Farm Camp – recruits on behalf of farmers in the North Cambridgeshire area only
March Road, Friday Bridge, Wisbech, Cambs PE14 0LR
Tel: 01945 860 255 Fax: 01945 861 088
Email: fbifc-contact@hotmail.com

Sastak Ltd – recruits on behalf of farmers in the Shropshire & Staffordshire areas only

1-7 BDC, Long Lane, Craven Arms, Shropshire SY7 8DU

Tel: 01588 673 636 Fax: 01588 672 205

Email: saws@sastak.com

Barway Services Ltd – recruits to meet their own demand for seasonal labour

Barway, Ely, Cambridgeshire CB7 5TZ

Tel: 01353 727 314 Fax: 01353 727 255

Email: hostel@gs-marketing.com

Websites: www.gs-marketing.com or www.gs-recruitment.com

Haygrove Ltd – recruits to meet their own demand for seasonal labour only

Redbank, Ledbury, Hereford HR8 2JL

Tel: 01531 633 659 Fax: 01531 635 969

Email: students@haygrove.co.uk

Website: www.haygrove.co.uk

R&J M Place Ltd (International Farm Camp) – recruits to meet their own demand for seasonal labour only

Church Farm, Tunstead, Norwich, Norfolk NR12 8RQ

Tel: 01692 536 337 Fax: 01692 535 493

Email: info@ifctunstead.co.uk

Website: www.ifctunstead.co.uk

S&A Produce (UK) Ltd – recruits to meet their own demand for seasonal labour only

Brook Farm, Marden, Hereford HR1 3ET

Tel: 01432 880 235 Fax: 01432 880 644

Email: student@sagroup.co.uk

Website: www.sagroup.co.uk

Wilkins & Sons Ltd (International Farm Camp) – recruits to meet their own demand for seasonal labour only

Hall Road, Tiptree, Colchester, Essex CO5 0RF

Tel: 01621 815 496 Fax: 01621 814 555

Email: ifc@tiptree.com

Website: www.fruit-pickers.com

9. Family members

My wife and Children are Bulgarian/Romanian, what do they have to do to live with me?

Following accession they will be able to reside with you freely and don't need a document confirming status to live in the UK lawfully. Depending on your circumstances your wife, if wanting to work, will need an accession worker card, or may be entitled to a registration certificate. Her level of access to the UK labour market is the same as yours. If you have unrestricted right to access the UK labour market she will be able to obtain a document with the same level of access, if not her access will also be restricted.

I'm Bulgarian/Romanian and have a French wife, what happens to me?

Your French wife can exercise her full rights of movement. If she is residing with you in the UK and exercising a treaty right you will be exempt from the requirement to obtain a worker authorisation card. In order to show your full access to UK labour market you will be able to obtain a registration certificate.

I'm Bulgarian/Romanian and have a Ukrainian wife, what do I need to do to have her live with me?

Your Ukrainian wife will need to obtain a document to confirm she is your family member in order to show her lawful presence in the UK. Details on how she can apply can be found at the Border and Immigration Agency website.

. If you are outside the United Kingdom she must seek a family permit in order to enter as your family member.

10. Employer information

What happens if I employ a Bulgarian / Romanian without appropriate documents?

You will be committing a criminal offence and will be liable to prosecution.

How will I know they have the correct papers?

You will either have obtained a work permit first and they will then obtain an accession worker card (the “purple” card); or they will present you with one of the following:

- A “Blue” registration certificate showing full access to UK labour market.
- A “Yellow” registration certificate confirming the person is here as a student and has permission to work for 20 hours a week during term time and full time outside of term time.
- A UK residence permit showing a person has leave to remain with unrestricted permission to work (that has not expired) or evidence that the person has been working legally and continuously for a period of 12 months ending on or after 31 December 2006.
- An indefinite leave to remain stamp in their passport.
- A no time limit stamp in their passport.

Can I get the Home Office to check their papers?

An online toolkit for employers will provide assistance; this will be available at www.employingmigrantworkers.org.uk

Can I recruit from Bulgaria and Romania

Yes – But unless they are exempt persons you will need to get a work permit first. They will then have to obtain an Accession worker card before they start the job.

11. Outstanding applications

I have made an application for leave to remain/ indefinite leave to remain to IND, but it has not been resolved. What will happen to my application?

All applications for indefinite leave to remain will be considered even if your application is not completed until after accession.

Any application for limited leave will be reviewed and you will be written to explaining your new rights. Documentation will be returned at the earliest possible opportunity. No automatic permission to work will be given and if you want to work you will need to get an Accession worker card.

I have made an asylum application

This will still be considered as is required under the 1951 convention.

I was the subject of enforcement action

Your case will be reviewed and you will be informed of whether we will still wish to pursue removal action. If we decide to not do so you will be notified. Documentation will be returned at the earliest possible opportunity. No automatic permission to work will be given and if you want to work you will need to get an Accession worker card.

I have appealed against a decision

The appeal will progress as normal unless you give instructions that you no longer wish to contest the decision.