



Home Office

**UK Border
Agency**

LIVING AND WORKING IN THE UK

RIGHTS AND RESPONSIBILITIES OF NATIONALS FROM THE NEW MEMBER STATES FROM 1 MAY 2004

Poland

Lithuania

Estonia

Latvia

Slovenia

Slovakia

Hungary

Czech Republic

WHAT IS THIS LEAFLET ABOUT?

This leaflet explains how nationals of the new member states, listed on the front of this leaflet (“A8 member states”), can enter, live and work in the UK. It tells you how to get more information if you need it.

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Informace obsažené v tomto letáčku jsou k dispozici v češtině na:

www.ukba.homeoffice.gov.uk/workingintheuk/wrs/

Selles reklámlehes antud informatsiooni on võimalik leida veebileheküljelt:

www.ukba.homeoffice.gov.uk/workingintheuk/wrs/

A kiadványban szereplő információt magyar nyelven az alábbi címen lehet megtalálni:

www.ukba.homeoffice.gov.uk/workingintheuk/wrs/

Šajā bukletā esošo informāciju var atrast latviešu valodā:

www.ukba.homeoffice.gov.uk/workingintheuk/wrs/

Šio bukletu informacija lietuviškai galima rasti tinklapyje:

www.ukba.homeoffice.gov.uk/workingintheuk/wrs/

Informacje zawarte w tej broszurze dostępne są w języku Polskim na

www.ukba.homeoffice.gov.uk/workingintheuk/wrs/

Informácie v tomto letáku si môžete nájsť na:

www.ukba.homeoffice.gov.uk/workingintheuk/wrs/

Priloženě informacije so tudi v slovenščini na

www.ukba.homeoffice.gov.uk/workingintheuk/wrs/

ENTERING THE UK

Do I need to show my passport or identity card when I enter the UK?

Yes, you will need to show your passport or national identity card when you enter the UK. When you arrive at the port or airport, you should use the separate channel marked EEA/EU where it is available.

Do I have the right to live in the UK?

European Community law gives you the right to live in the UK if:

- you are working in the UK; or
- you have enough money to support yourself without help from public funds.

Can my family join me in the UK?

Yes, if you have the right to live in the UK, your family may join you. Under European Community law your family includes:

- your husband, wife or civil partner;
- your, or your spouse's, or your civil partner's children or grandchildren (if they are under 21); or if they are over 21 and dependent on you;
- dependent relatives, for example, your, or your spouse's, or your civil partner's parents or grandparents. If you are a student only your husband, wife or civil partner and your dependent children can join you;
- Unmarried partners or same sex partners if they meet the durable relationship test.

Your other relatives such as brothers, sisters or cousins do not have an automatic right to live with you. However, we will consider applications from other relatives to join you if you are working in the UK and:

- your relatives are your dependants; or
- they were living with you before you came to the UK.

Does my non-EEA family need an EEA family permit to visit me in the UK?

Family members who are not nationals of the EEA must get an EEA family permit if they are coming to join you in the UK. They must get the permit before they travel to the UK. If they try to enter the UK without an EEA family permit they may be refused entry.

Am I entitled to a European Union Registration Certificate?

People who have full rights of free movement within the European Union can get a Registration Certificate confirming this. You can apply for this permit on form EEA1, available from the Application Forms Unit (see below).

You have full free rights of movement if you are:

- a citizen of an A8 member state and you are working in the UK but are not required to register;
- working as a self-employed person;
- a citizen of an A8 member state living in the UK as a full time student, or as a retired or self-sufficient person. If you are a student and also wish to work for more than 10 hours a week you will need to register on the Worker Registration Scheme.

If you are unsure of your immigration status please contact the Immigration Enquiry Bureau: Tel: 0870 606 7766

How do I apply for a Registration Certificate?

Applications for Registration Certificate can be made on the form EEA1. You can get application forms from the Application Forms Unit.

Telephone: 0870 241 0645

Text-phone service: 0800 3898289

Or visit: www.ukba.homeoffice.gov.uk

The application form explains how you can confirm your status in the UK.

WORKING IN THE UK THE WORKER REGISTRATION SCHEME (WRS)

Since 1 May 2004, most nationals of the new member states (except Cyprus and Malta) working in the UK are subject to the Accession State Worker Registration Scheme. Where you are subject to the accession state Worker Registration Scheme (WRS), you should apply to register as soon as you start a new job in the United Kingdom. You should not apply until you have started work. If you do not apply within one month of starting a job, your employment will be unlawful after that date. Further details are set out below.

Do I need to register to work in the UK?

You will need to register with the Home Office if:

- you are a national of one of the A8 Member States subject to the Worker Registration Scheme; and
- you started a new job on or after 1 May 2004; or you were working in the UK before 1 May without authorisation or in breach of your immigration conditions. No action will be taken against you in respect of your immigration status prior to 1 May 2004.

You will not be subject to the Worker Registration Scheme and therefore do not need to register if one or more of the following applies:

- on 30 April 2004 you had valid leave to enter or remain in the UK not subject to any condition restricting your employment rights
- you have undertaken 12 months of continuous legal employment, either;
 - entirely before but ending on 30 April 2004, or
 - starting before and finishing after 30 April 2004 or
 - wholly after 30 April 2004.

- you are also a national of the UK, another EEA state (excluding other A8 states and Romania and Bulgaria who are subject to worker authorisation) or Switzerland
- you are the member of a diplomatic mission, the family member of such a person or a person otherwise entitled to diplomatic immunity.
- you are a posted worker.
- you are the family member of a Swiss national or an EEA national (excluding a national of the UK and a national of one of the A8 states, Romania or Bulgaria *who is a worker*). Family members of A8 national, Romania national and Bulgaria national students, self-employed persons and self-sufficient persons do not have to register for as long as they remain the family member of such a person.
- you are self-employed (and not undertaking any paid employment).
- you are working for less than 10 hours per week.

See page 10 for the definition of working “12 months’ without interruption”.

When should I register?

You should apply to register with the Worker Registration Scheme as soon as you start a new job and within one month of starting a job at the very latest. If you do not apply within one month of starting a job, your employment will be unlawful after that date until you have received a valid registration certificate and you may have to stop working.

How do I apply?

You should complete application form WRS giving your name, address, date of birth, nationality and your employment details.

To get an application form and more information, telephone: 08705 210 224
Or visit: www.ukba.homeoffice.gov.uk/workingintheuk/wrs/

If you need help completing the application form, you can telephone 0114 207 4074

Send your form to:
Worker Registration Scheme
PO Box 492
Durham
DH99 1WU

We recommend that you use registered post.

If you do not already have a valid WRS registration card and registration certificate you must send with your application:

- payment of £90
- a letter from your employer confirming the start date of your employment;
- two passport photographs; and
- your valid passport or ID card.

If you already have a registration card and are re-applying for a new registration certificate you will need to provide the Unique Reference Number from your registration card, the name and address of your employer, the start date of your employment, your salary and your hours of work.

Will my family members need to register if they want to work in the UK?

Family members are not required to register under the Worker Registration Scheme (unless they are A8 nationals subject to the Worker Registration Scheme).

If you are an A8 national who is eligible for an EEA registration certificate, your non-EEA family members can apply for a residence document to confirm that they have a right to live and work in the UK. (see page 4).

If you are registered and working under the Worker Registration Scheme, your non-EEA family members can apply for a family member residence stamp to confirm that they have a right to live and work in the UK (whilst you are working).

Applications for residence documents should be made on form EEA1 and applications for family residence stamps should be made on form FMRS. You can get application forms from the Application Forms Unit.

Telephone: 0870 241 0645

Text-phone service: 0800 3898289

Or visit: www.ukba.homeoffice.gov.uk/workingintheuk/wrs/

What should I do if the Home Office already has my passport or ID card?

You can tick this on the application form.

How should I pay?

You can pay by UK cheque, UK postal order or by credit or debit card. It can take up to 5 days for some payments to clear. A postal order is the quickest way to pay.

You must enclose full payment of £90 for your application. You cannot enclose an application for another person unless you also enclose full, separate payment for that application. We cannot accept a single payment for more than one application. (For employers submitting applications on behalf of employees, please see p15: Information for Employers.)

What happens next?

Your passport and/or ID card and any other legal documents (for example, original marriage certificate) will be returned to you separately by Recorded Delivery.

If your application is successful, we will send you:

- A registration card.

This includes your name, date of birth, nationality, your photograph and a unique reference number. The registration card is valid for as long as you are registered on the scheme.

- A registration certificate

This is in the form of a letter. This authorises you to work for the employer named in your application. We will send a copy to your employer. The certificate expires on the date you stop working for that employer. If you are no longer working for that employer when the certificate is issued, the certificate is not valid.

You should keep the registration card and certificate in a safe place.

If your application is not successful, (for example, if you do not need to register under the scheme) we will send you a letter of refusal.

We will refund your payment in full. We will send a copy of the refusal letter to your employer, outlining the reason for the refusal.

What should I do if I change jobs?

If you change jobs, you must apply for a registration certificate under the Worker Registration Scheme authorising you to work for your new employer. You should use the application form WRS.

You must quote the reference number on your registration card and provide details of your new employer, including the date on which you began working for your new employer. You should also provide evidence of your new employment, i.e. a copy of a letter from your employer confirming your employment.

We will then issue you with a new certificate naming your new employer. We will send a copy of the certificate to your new employer. You should keep the new certificate as well as your other certificate(s) and photo registration card.

Do I have to pay when I apply for another registration certificate?

No, you only have to pay the first time you apply to the Worker Registration Scheme and are issued with a registration card.

Can I have more than one job at the same time?

Yes, but you must apply for a registration certificate for each employer you are working for.

Who is my employer?

Your employer is the person who directly pays your wages or salary.

Do I still have to apply for a registration certificate if I change jobs while working for the same employment agency?

No, if there is no break in your employment, you continue to be authorised to work for the employment agency, regardless of the job you are doing. However, if you have a break between assignments of more than one week you will need to apply for a registration certificate when you start work again.

What if my employment ends?

If you are claiming child benefit or tax credits and your employment ends you should contact the Child benefit enquiry line on 0845 302 1444.

What should I do if I lose my registration card or certificate?

You should contact the Worker Registration Scheme. See page 13.

What are the benefits of registering on the Worker Registration Scheme?

Once you have been working lawfully in the UK for 12 months, without interruption, you will have full free movement rights and will no longer need to register on the Worker Registration Scheme. You can get a EEA registration certificate confirming your right to live in the UK under European Community law.

What counts as 12 months' work without interruption?

You will be treated as having worked in the UK without interruption for a period of 12 months if you were legally working in the UK at the beginning and end of that period and any intervening periods in which you were not legally working in the UK do not, in total, exceed 30 days. You will need your registration certificates and other evidence of employment to show 12 months' uninterrupted employment.

Can I take time off work?

Yes, but your time off work must be paid holiday and not a break in employment.

What are the advantages of registering?

It is in your interest to register as soon as you start a job. This will allow you to start accruing time towards 12 months' uninterrupted employment and it will enable you to get full rights of free movement at the end of the 12 months. Your employer will not be authorised to employ you for more than one month if you have not applied to register within that time.

Is there a quota for the Worker Registration Scheme?

There is no quota. People who find work in the UK and can support themselves are welcome.

Do I have to pay tax and National Insurance?

You have to pay Tax and National Insurance Contributions when your UK income reaches a certain level. This is arranged through your employer and usually taken from your salary.

If you have worked in the UK before and are concerned about your tax and National Insurance contribution position for earlier periods, you can contact the Inland Revenue tax and benefits confidential helpline on 0845 608 6000.

Do I have to have a National Insurance Number?

You do not need a National Insurance Number in order to start work or to register under the Worker Registration Scheme. You are required to apply for one if you are working in order for your employer to make sure any NI contributions are correctly recorded. If you do not already have a number, you should contact your nearest Department for Work and Pensions office if you are in England, Scotland or Wales. If you are in Northern Ireland you should contact the Department for Social Development. Your employer may help you do this, though applying for a National Insurance Number is your responsibility. You should keep a copy of your NI application as evidence that you have complied with this requirement.

If you have worked in the UK before, such as on a Work Permit, a Sectors Based Scheme permit, under the Highly Skilled Migrant Programme or on a Seasonal Agricultural Workers' Scheme work card, you should already have a National Insurance number.

What do I do if I am self-employed?

You do not need register with the Worker Registration Scheme if you are self-employed. You must register with the Inland Revenue immediately by telephoning 0845 915 4515. There is a penalty of £100 for late registration.

What other deductions can my employer make from my wages?

Apart from tax and National Insurance, employers can only take money from your wages for accommodation and transport. The law limits the amount that they can take for accommodation.

Your employer may ask you to sign a separate agreement for these deductions. If you are not given any choice about where you live or what services you use, these deductions may be illegal. Before signing any agreement, ask for advice from the Citizens Advice Bureau or the minimum wage help line on page 12 of this leaflet.

Can my employer keep my passport?

Your passport belongs to your national Government and no one else should keep it.

How much should I be paid?

Most people who work in the UK have a right to be paid at least the National Minimum Wage. If you don't know how much you should be paid under this law, or you think that your pay is less than the National Minimum Wage, you can call the help line on 0845 6000 678.

How many hours can I work?

There is a legal limit on the average working hours, rest breaks, and paid annual leave for most jobs in the UK. You should check if your job is covered and ensure that you and your employer are not breaking the conditions. You can do this by calling the Department for Business Enterprise and Regulatory Reform by visiting www.berr.gov.uk

Will I get time off?

If you work full time you are entitled to four weeks paid holiday per year; so for example if you have a one year contract and work five days per week, you are entitled to 20 days holiday. These may however include public holidays, so you should check your contract to find out your holiday entitlement.

If you have not taken all the holidays that you are entitled to when your employment ends, your employer must pay you for the days that you have not taken.

How can I find new work?

Your nearest Jobcentre Plus office may be able to help you to find new work. Or you may be able to work through a temporary work agency.

These agencies provide workers to other companies. The agency recruits the worker, pays your wages and may provide accommodation and transport. The work, however, is completed for the second company and that company decides how the work is carried out.

If you work for a temporary work agency, the agency will pay your wages and take tax and National Insurance.

What should I do if I am worried about my health and safety at work?

Your employer and the person who controls your workplace have a duty to protect your health, safety and welfare. They must control any risks from your work that will cause injury or ill health.

Your employer has to give you information about any risks to your health and safety and instruct and train you where necessary.

If you are worried about health and safety in your workplace, first tell your boss or your safety representative or trade union representative, if you have one.

If you are still not happy, you can contact the Health and Safety Executive's Infoline on 0845 345 0055 . If you would like to speak to someone in your own language, tell the operator which language. They treat all contacts in strictest confidence.

A LIST OF USEFUL ORGANISATIONS AND HOW TO CONTACT THEM

Worker Registration Scheme

Tel: 0114 207 4074

Email: wpcustomers@ind.homeoffice.gsi.gov.uk

Website: www.ukba.homeoffice.gov.uk/workingintheuk/wrs/

Immigration Enquiry Bureau (IEB)

Tel: 0870 606 7766

Department for Work and Pensions

Tel: 0207 712 2171

Website: www.dwp.gov.uk

Jobcentre Plus website: www.jobcentreplus.gov.uk

National Minimum Wage Helpline

Tel: 0845 6000 678

Email: nmw@hmrc.gov.uk

Website: www.hmrc.gov.uk/nmw/help.htm

Newly Self-employed Helpline

Tel: 0845 915 4515

Website: www.hmrc.gov.uk/pdfs/ir56.htm

Health & Safety Executive

HSE Infoline

Caerphilly Business Park

Caerphilly

CF83 3GG

Tel: 0845 345 0055

Minicom: 0845 408 9577

Email: hse.infoline@natbrit.com

Website: www.hse.gov.uk

Agricultural Wages Board Helplines

England or Wales 0845 0000 134

Scotland 0131 244 6392

Northern Ireland 02890 520813 or 02890 524492

Police

If you think your employer is exploiting or mistreating you or other workers, contact your local police station. The telephone number is in the local telephone directory.

Citizens' Advice Bureau

The Citizens' Advice Bureau provides free, confidential and impartial advice. They can help you solve problems including debt, housing, legal matters and employment matters. Citizens' Advice Bureaux are in most towns. You can find them in the local telephone directory, or visit: www.citizensadvice.org.uk.

Her Majesty's Revenue and Customs

Her Majesty's Revenue and Customs provides advice on taxation, National Insurance Contributions, National Minimum Wage, Tax Credits and Child Benefit. You can find the nearest office in the local telephone directory, or visit: www.hmrc.gov.uk

Trade Unions

In many jobs there will be a trade union representing the rights of people who work there. These rights include: the right to the national minimum wage, the right to breaks, holidays and holiday pay; the right to health and safety protection; the right to join a union and the right to protection from unfair discrimination.

If you have a problem, you should contact a trade union, or the TUC's 'Know Your Rights Line' on 0870 600 4882 . You can get more detailed information about rights from: www.tuc.org.uk

Learn Direct

Learn Direct is an organisation that can provide free advice on English language learning in your area. There may be a charge for the courses that are available. Helpline: 0800 100 900

WHERE EMPLOYERS CAN GET MORE INFORMATION

The Worker Registration Scheme is designed to be a streamlined registration system, which does not impose additional or unnecessary burdens on you as a potential employer of a national from one of the eight Accession States.

Applications for registration are the responsibility of the individual. You should however ensure that the individual is provided with a letter on company paper confirming the date on which the individual began working. The individual will need this when applying for registration.

You are responsible under the regulations for ensuring that you are authorised to employ a worker from one of the eight Accession States. You are an authorised employer in relation to a worker from one of the A8 member states during the first month of work. If the worker has applied for a registration certificate during that one-month period, you will be an authorised employer until the application is decided. You will continue to be an authorised employer if the registration certificate is issued.

Employers may submit payment for an application on the workers behalf. Each application must be accompanied by a payment of £90. You may enclose a single payment for multiple applicants but if you do so, you must complete the Multiple Payment slip and enclose it with the applications.

You should:

- take and retain a copy of the individual's completed application form as evidence that they have applied for registration within one month of the person starting work for you;
- receive and retain a copy of a valid registration certificate.

If your worker's application to register is refused by the Home Office, you will receive notification of this outlining the reason for the refusal. You should not

continue to employ that individual. If the worker is not required to register his or her employment with the scheme, the application and payment will be returned to the individual with a covering note explaining this. In this instance you should ask to see evidence that the individual is not required to register and take a copy of this. Further information is available from the “Comprehensive guidance for employers on changes to the law on preventing illegal working”. (This can be downloaded from the UK Border Agency website or requested free of charge from the Employers’ Helpline on 0845 010 6677).

You may be guilty of committing a criminal offence under new legislation if:

- you are not an authorised employer in relation to a worker; and
- you do not have a copy of a completed application form; and
- you continue to employ them.

If convicted, the maximum penalty an employer will face is £5000.

The Worker Registration Scheme will send you a copy of the registration certificate once approved or a copy of the refusal letter.

If you do not receive a copy of the workers’ registration certificate within one month of employing them, you can contact the Worker Registration Scheme on: 0114 207 4074 or fax on 0114 207 4000.

Further guidance for employers is available from the employers’ helpline on 0845 010 6677 or at: www.ukba.homeoffice.gov.uk

