

From: European Operational Policy Team

Subject: Caseworking guidance covering amendments to the Croatian regulations that come into force on 6th April 2014

Date: 4th March 2014

Issue number: 04/2014

Purpose of notice

1. To inform caseworkers that the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 are being amended and how these changes will impact casework.

Background

2. The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 detail which Croatians are subject to worker authorisation, how such authorisation is obtained as well as which documents they and their family members can apply for.
3. These Croatian regulations are to be amended, with the changes coming into force on the 6th April 2014. The changes will affect how caseworkers deal with Family Member Residence Stamp (FMRS) applications and applications for purple registration certificates for Croatians seeking employment under the Tier 2 category.

Changes to the Croatian Regulations

The Accession Residence Card

4. The main impact of the changes will be that from 6th April 2006, FMRS applications will no longer be processed. Instead a new document will be introduced called an Accession Residence Card. The conditions for issuing this new document are virtually the same as those that operated for the FMRS. However, there are three differences that caseworkers will need to be aware of:
 - The Accession Residence Card can also be issued to non- EEA national extended family members of a Croatian authorised worker and
 - The Accession Residence Card will only be valid for 12 months from the date of issue.
 - There will be a right of appeal against a decision to issue an Accession Residence Card in the same as appeal rights operate for 'ordinary' residence card refusals.

5. Caseworkers should refer to EOPN notice 05/2014 for information on what to do with FMRS applications that have not been outcome before the new amendments come into force.

Tier 2

The changes to the Tier 2 category are relatively straight forward. The minimum salary requirements for both Tier 2 (General) and Tier 2 (Intra Company Transfer) have been raised slightly. Caseworkers will need to be aware of this should they need to assess whether an appropriate salary is being paid in relation to a Certificate of Sponsorship issued in these categories

Caseworking Guidance

6. The Croatian caseworking guidance has been updated accordingly and will be published on 6th April. The main changes can be found in Chapter 3- Purple Registration Certificates, Chapter 5- Family Members and Chapter 6- Granting and Refusing applications. The revised guidance will be available via the link below.

07 Accession State Nationals¹:

Duration of notice

7. This instruction will remain in force until further notice.

Enquiries

8. Any policy enquiries on this Notice should be addressed to *<name and phone number redacted – section 40(2)>* or to the European Operational Policy inbox
EuropeanOperational@ukba.gsi.gov.uk

<Name redacted – section 40(2)>

European Operational Policy, Operational Policy and Rules Unit

¹ Link to staff intranet removed. Equivalent public guidance can be found at:
<https://www.gov.uk/government/collections/eea-swiss-nationals-and-ec-association-agreements-modernised-guidance>