

From: European Operational Policy Team

Subject: Caseworking guidance covering Croatian FMRS applications that are outstanding on 6th April 2014

Date: 4th March 2014

Issue number: 05/2014

Purpose of notice

1. To inform caseworkers how to deal with applications for Family Member Residence Stamps (FMRS) from family members of Croatian authorized workers that remain outstanding on 6th April 2014.

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. Under the current guidance where a Croatian is an 'authorised worker' their non EEA family member can be issued a FMRS. In this context an 'authorised worker' means a Croatian who needs permission to work and has such authorisation in the form of a purple registration certificate.
4. In light of the changes to the regulations, the FMRS will be replaced with a new document called an Accession Residence Card. This Accession Residence Card will still allow the holder to work freely and will only be available to those non EEA nationals where the Croatian sponsor is an authorised worker.

Action to be taken

5. Where a Caseworker is dealing with a FMRS application that has not been resolved by 6th April, they will need to treat it as an application for 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.
6. Guidance on how to deal with assessing an application for an Accession Residence Card is contained in the updated Chapter 5- Family Members of the Croatian casework guidance. How to complete CID with the new CID case type for Accession Residence Cards is also contained in the revised Chapter 6- Granting and Refusing applications. The guidance can be accessed via the link below.

07 Accession State Nationals¹:

Granting an Accession Residence Card

7. Where caseworkers have decided to grant an Accession Residence Card, they will need to update CID accordingly. They will also need to enclose the letter at Annex A attached to this instruction, as well as the appropriate grant letter (ICD 4636) available from Doc Gen.

Refusing an Accession Residence Card

8. If a caseworker decides that the applicant does not meet the conditions for the issuing of an Accession Residence Card, they should update CID accordingly. Refusal notices are available on Doc Gen (ICD4657) and caseworkers should ensure that these are tailored to the facts of the case. They will also need to assess whether the applicant has a right of appeal against the decision in line with Chapter 6 of the caseworking guidance and if so enclose the relevant appeals notices.

Duration of notice

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

Enquiries

10. 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>

Annex A: LETTER TO BE USED FROM 6 APRIL 2014 RE: OUTSTANDING CROATIAN FMRS APPLICATIONS

Dear Sir/Madam

APPLICATIONS FOR A FAMILY MEMBER RESIDENCE STAMP.

You have made an application for a Family Member Residence Stamp in order to confirm your right to reside in the United Kingdom under European law.

Worker authorisation and the documents issued to Croatians and their family members is governed by the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013. These were recently amended on 6th April 2014. As a result of these changes those non- EEA national family members of a Croatian authorised worker will no longer be issued a Family Member Residence Stamp. Instead, such non-EEA nationals will be issued an accession residence card upon application in order to confirm their status. An authorised worker in this context means a Croatian who needs permission to work in the UK and holds worker authorisation such as a purple registration certificate.

In light of the above, it has been decided to treat your application for a Family Member Residence Stamp as one for an accession residence card. The accession residence card will confirm your right to live in the UK as a family member/extended family member of a Croatian authorised worker. It will also allow you to work here without restriction. It is enclosed with this letter, together with your original documents.

Yours faithfully