



Home Office

Border & Immigration Agency

BULGARIAN AND ROMANIAN ACCESSION STATISTICS

October – December 2007

A joint online report with the Department for Work and Pensions

DWP Department for
Work and Pensions

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INTRODUCTION

BACKGROUND

On 1 January 2007 Bulgaria and Romania joined the European Union. The Government announced on 24 October 2006 that nationals of Bulgaria and Romania would be afforded gradual access to the United Kingdom's labour market. There would continue to be access for skilled workers who met the skills requirements of the United Kingdom's work permit arrangements and the Highly Skilled Migrant Programme. Access for lower skilled workers, however, would be quota limited and restricted to those accessing existing schemes (the Seasonal Agricultural Workers Scheme and the Sectors Based Scheme) for the agricultural and food processing sectors. At the same time these low-skilled schemes would move to being restricted to Bulgarian and Romanian nationals only.

The Accession (Immigration and Worker Authorisation) Regulations 2006 give effect to this policy. These Regulations make Bulgarian and Romanian nationals taking employment in the United Kingdom after 31 December 2006 subject to a requirement to hold a work authorisation document. This requirement will be met if the individual holds:

- i) an accession worker card;
- ii) a valid work card issued in accordance with the Seasonal Agricultural Workers Scheme; or
- iii) a passport endorsed before 1 January 2007 where the individual has extant leave to enter or remain for the purpose of employment, for example, a work permit holder.

Other Bulgarian and Romanian nationals exercising a Treaty right in the United Kingdom may seek a registration certificate. This includes those exempt from the worker authorisation restrictions; highly skilled migrants; those with restricted access to the labour market – students, the self-employed, and self-sufficient persons; and Bulgarian and Romanian family members of main applicants.

On 30th October the Government announced the decision to maintain the restrictions on the labour market access of migrants coming to the UK from Romania and Bulgaria until at least the end of 2008.

The data in this publication are based on Management Information, are provisional and may be subject to change. The data are not National Statistics. They have been subject to data reconciliation to ensure that the outcomes recorded are accurate and consistent. A fuller explanation of the documentation that Bulgarian and Romanian nationals may obtain after 1 January 2007 and how the processes for obtaining them relate to the data set out in this report is set out at Annex A.

NOTE ON THE PUBLICATION

This report is based on provisional Management Information collected by Border and Immigration Agency systems and manual monitoring of applications for National Insurance numbers. The figures published in this report are subject to change when updated.

TECHNICAL NOTES

- All figures (other than percentages) in tables 1 to 5 are rounded to the nearest five. The figures in tables 6 and 7 are not rounded.
- † indicates 1 or 2.
- - indicates nil.
- Because of rounding, figures may not sum to the totals shown. All percentages and figures are calculated from non-rounded figures.

BULGARIAN AND ROMANIAN ACCESSION

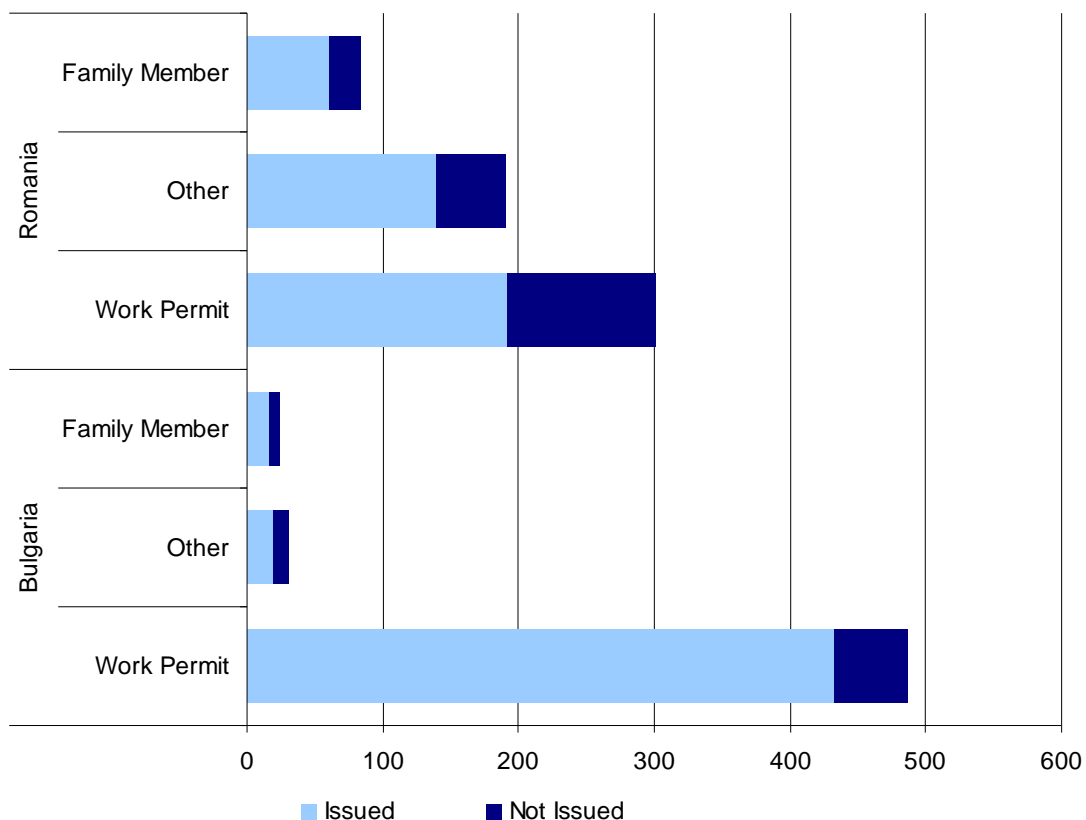
APPLICATIONS FOR ACCESSION WORKER CARDS ^{1, 2}

A total of 1,260 applications for accession worker cards have been received in the fourth quarter of 2007, of which 860 have been approved and 215 refused.

53% of applicants in Q4 2007 are of Romanian nationality.

68% of applications are from Bulgarian and Romanian nationals seeking to show that their employment meets the criteria of the work permit scheme for skilled workers.

Figure 1 - Applications for accession worker cards by category, October – December 2007³



The majority of applications in “other” categories are accounted for by the Sectors Based Scheme (SBS) for low skilled jobs in the food processing sector, where 475 applications⁴ by employers (400 of which have been for Bulgarians) have been approved in the fourth quarter of 2007. This is comparable with the 95 approvals to Bulgarian and Romanian nationals in the fourth quarter of 2006.

The data in Table 1 do not include participants on the Seasonal Agricultural Workers Scheme (SAWS). Provisional figures indicate that in Q4 2007 the operators of the SAWS issued 360 SAWS work cards to Bulgarian nationals and 335 SAWS work cards to Romanian nationals, a total of 695 SAWS work cards.

1 The data for applications are recorded by the date on the application form, the standard statistical approach. However, as applications continue to be received there may be an increase in the quarterly total number of applications in subsequent reports.

2 The data may include more than one application per applicant, as applicants may reapply and may be issued a further certificate. The original application would be superseded, but would count as a separate application in these data.

3 Source: Management Information from Border and Immigration Agency, which is extracted from administrative databases.

4 These applications from employers are not comparable with the data in Figure 1 and Table 1 which is derived from decisions on applications by employees for accession worker cards. The data regarding employer approvals are from decisions on applications received between 1 October and 31 December 2007 from employers for approval of employment of a Bulgarian or Romanian national in the Sectors Based Scheme.

Table 1 - Applications for accession worker cards by category, October - December 2007⁵

Number of applications						
Bulgarian Nationals	Approved	Refused ^{6, 7}	Withdrawn	Void ⁸	Outstanding	Total Received
Authorised category of employment						
Work Permit	430	35	5	15	40	525
Other ⁹	20	10	†	-	5	35
Authorised Family Members						
Family Member	15	5	†	-	†	25
Total	470	50	10	15	45	590
Romanian Nationals	Approved	Refused ^{6, 7}	Withdrawn	Void ⁸	Outstanding	Total Received
Authorised category of employment						
Work Permit	190	105	5	-	35	335
Other ⁷	140	40	15	-	50	245
Authorised Family Members						
Family Member	60	20	5	-	10	95
Total	390	165	20	-	95	675
Combined Total	860	215	30	15	145	1260

Note: Please see Introduction: Technical Notes.

⁵ Source: Management Information from Border and Immigration Agency, which is extracted from administrative databases.

⁶ The data relate to the refusal of the worker's application for an accession worker card and not the separate consideration of the employer's application for approval of the employment against the work permit criteria.

⁷ May include cases that are subsequently reconsidered and as a result the accession worker card is issued.

⁸ Void applications are applications that are made that are erroneous. Rather than delete them from the system an outcome is recorded to show that it has been assessed by case workers but that no application should have been made.

⁹ The "Other" category refers to applications for accession worker cards in those authorised categories of employment set out in Schedule 1 of the Accession (Immigration and Worker Authorisation) Regulations 2006, other than the work permit employment category. These include those approved under the Sectors Based Scheme, au pairs, ministers of religion, etc. It does not include those issued with work cards under the Seasonal Agricultural Workers Scheme.

APPLICATIONS FOR REGISTRATION CERTIFICATES ^{10,11}

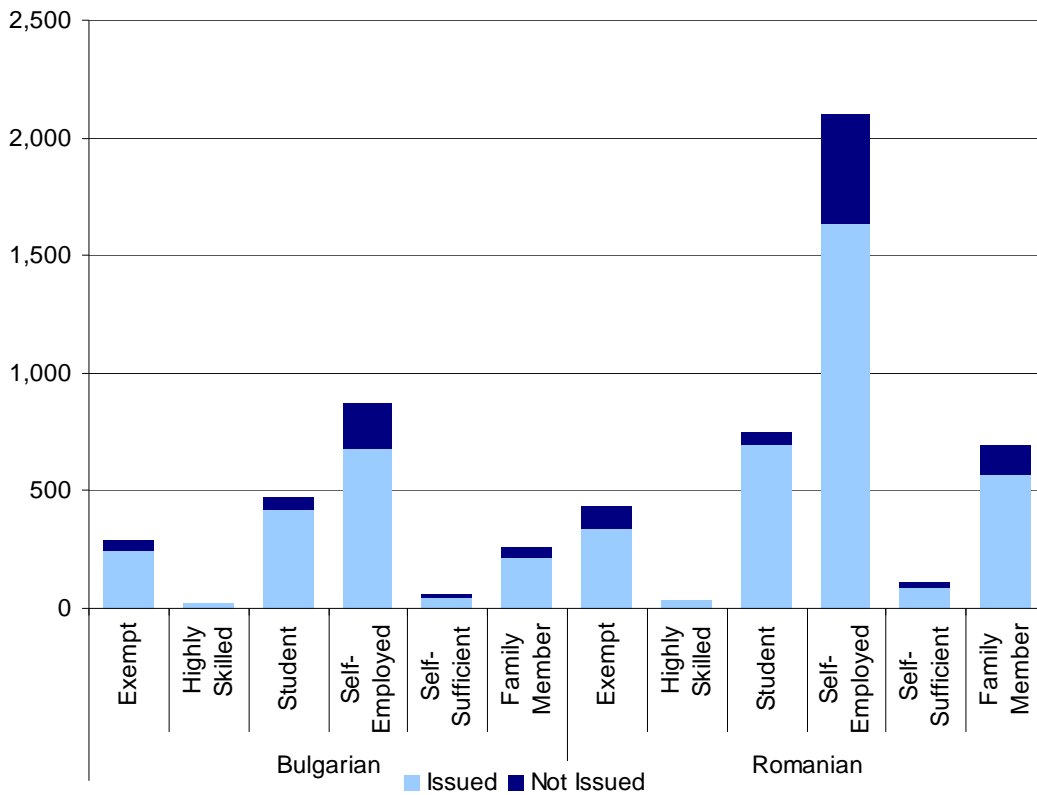
There have been a total of 8,855 applications for registration certificates in October to December 2007 6,055 (68%) of which have been submitted by Romanian nationals.

56% of the decisions result in the issue of the document, indicating that the majority of applicants are able to demonstrate that they genuinely have a right of residence as claimed.

The largest proportion of these applications (53%) in Q4 2007 is for registration certificates confirming that the applicant is exercising a Treaty right as a self-employed person. 13% of these applications have been refused. The next largest groups (17%) of those applying for registration certificates are those applying on the basis that they are family members of the main applicant, and those applying on the basis of study.

In the fourth quarter of 2007, very few applicants are seeking free access to the labour market on the basis that they are highly skilled (less than 1%).

Figure 2 – Applications for registration certificates by category, October - December 2007¹²



10 The data for applications are recorded by the date on the application form, the standard statistical approach. However, as applications continue to be received there may be an increase in the quarterly total number of applications in subsequent reports.

11 The data may include more than one application per applicant, as applicants may reapply and may be issued a further certificate. The original application would be superseded, but would count as a separate application in these data.

12 Source: Management Information from Border and Immigration Agency, which is extracted from administrative databases.

Table 2 Applications for registration certificates by category, October - December 2007¹³

Number of applications

Bulgarian Nationals	Approved	Refused ^{14,15}	Withdrawn	Void ¹⁶	Outstanding	Total Received
No restriction on access to the labour market						
Exempt	245	35	5	-	85	370
Highly Skilled	20	5	-	-	†	25
Restricted access to the labour market						
Student	420	40	15	-	90	560
Self-Employed	680	180	10	†	500	1,370
Self-Sufficient	45	10	†	-	20	75
Registration certificate as a family member¹⁷						
Family Members	210	40	10	-	130	395
Total	1,625	310	35	†	825	2,800

Romanian Nationals	Approved	Refused ^{14,15}	Withdrawn	Void ¹⁶	Outstanding	Total Received
No restriction on access to the labour market						
Exempt	345	85	10	-	80	515
Highly Skilled	35	5	-	-	10	50
Restricted access to the labour market						
Student	695	45	5	-	170	915
Self-Employed	1,635	440	20	5	1,240	3,340
Self-Sufficient	90	15	†	-	30	140
Registration certificate as a family member¹⁷						
Family Members	565	90	30	5	400	1,095
Total	3,365	685	65	10	1,935	6,055

Combined Total	4,990	995	100	10	2,760	8,855
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Note: Please see Introduction: Technical Notes.

13 Source: Management Information from Border and Immigration Agency, which is extracted from administrative databases.

14 The data relate to the refusal of the worker's application for a Registration Certificate which is made directly to the Border and Immigration Agency and does not include any application from an employer.

15 May include cases that are subsequently reconsidered and as a result the registration certificate is issued.

16 Void applications are applications that are made that are erroneous. Rather than delete them from the system an outcome is recorded to show that it has been assessed by case workers but that no application should have been made.

17 The data in this table relate only to applicants, including family members, that are nationals of Bulgaria and Romania. It is possible for third country nationals (nationals from outside the EEA and Switzerland) to qualify for the issuance of EU residence documentation on the basis of their relationship to a Bulgarian or Romanian national exercising a Treaty right. Such documents have been issued to 105 third country nationals on this basis in the fourth quarter of 2007.

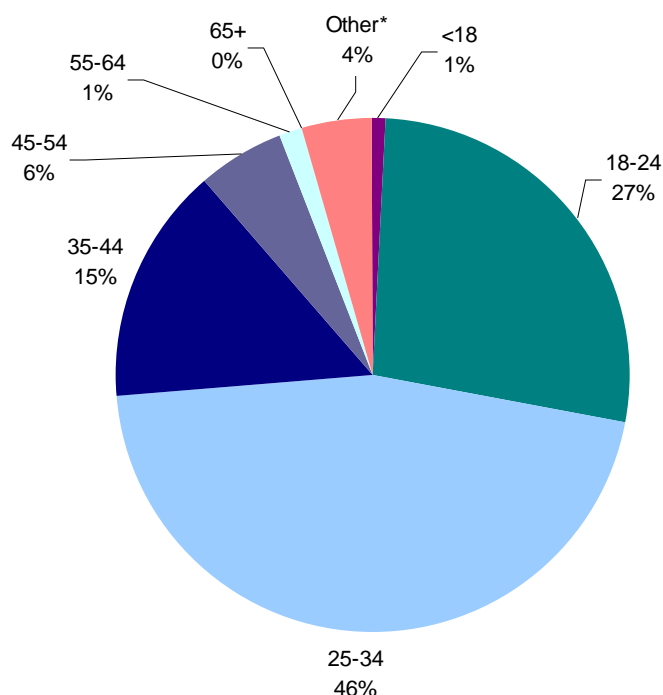
APPLICANT PROFILE

AGE AND GENDER OF APPLICANTS

Of the total number of Bulgarians and Romanians who applied in Q4 2007, 46% of applicants for registration certificates and accession worker cards were aged 25-34, of whom 42% of Bulgarian applicants were 25-34 compared to 47% of Romanian applicants. A further 27% of all applicants were aged between 18 and 24 and 15% between 35 and 44 years old.

57% of Bulgarian and Romanian applicants were male and 43% were female. The proportion of male Romanian applicants (58%) remains higher than male Bulgarian applicants (55%).

Figure 3 – Age of applicants, October - December 2007¹⁸



* 'Other' refers to applicants under 15 or over 71 years of age.

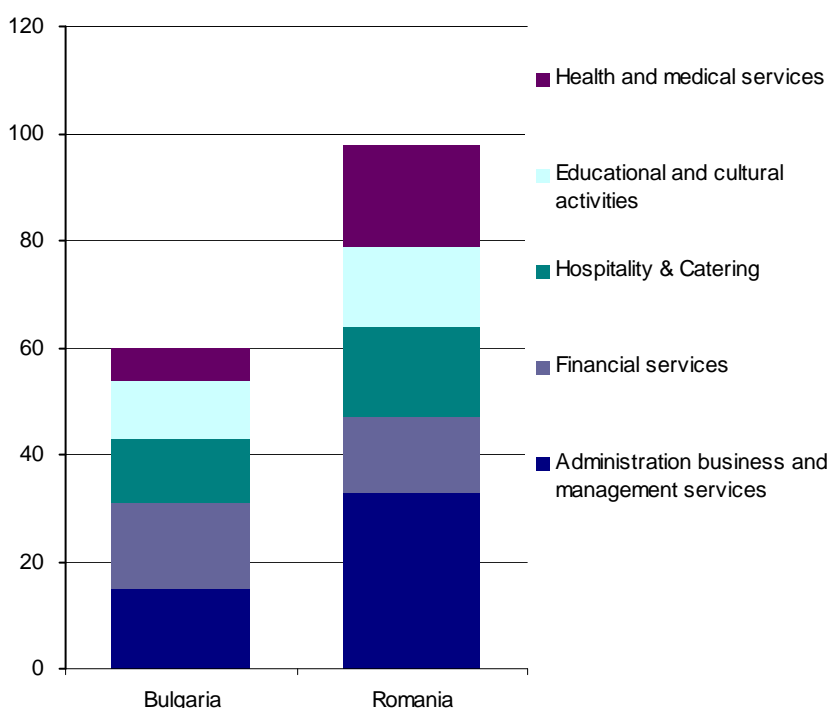
¹⁸ Source: Management Information from Border and Immigration Agency, which is extracted from administrative databases.

SECTORS AND OCCUPATIONS IN WHICH APPROVED WORK PERMIT APPLICANTS ARE EMPLOYED ^{19, 20}

The data in this section do not provide a full picture of the sectoral and occupational distribution of Bulgarian and Romanian nationals taking employment in the United Kingdom – solely those seeking access to the labour market through the work permit arrangements where access to the labour market is considered against labour market criteria. Bulgarian and Romanian nationals seeking to take up work must then apply to the Border and Immigration Agency for an accession worker card, applications for which constitute 9% of all applications from Bulgarian and Romanian nationals in the fourth quarter of 2007.

Where Bulgarian and Romanian nationals apply for accession worker cards in the work permit or Sectors Based Scheme category, their employers must first apply for a letter of approval under the work permit arrangements. The following data are derived from outcomes of such applications by employers; refers only to applications from employers; and provides limited detail on the sectoral and occupational distribution of approvals under the work permit arrangements.

Figure 4 – Top 5 sectors of employers of approved work permit applicants, October – December 2007²¹



The most significant sectors for the employment of skilled Bulgarian and Romanian workers in Q4 2007 were administration business and management services (18%), financial services (11%) and hospitality and catering (11%). The greatest proportion of approvals of work permits for Bulgarians were for financial services (18%) and for Romanians the largest share was for administration business and management services (18%).

¹⁹ The number of approvals will not precisely correspond with numbers of applications for accession worker cards in the work permit category because a period of time may intervene between approval of the employer's application and the individual applying for an accession worker card.

²⁰ The data in this section do not provide a full picture of the sectoral and occupational distribution of Bulgarian and Romanian nationals taking employment in the United Kingdom – solely those seeking access to the labour market through the work permit arrangements where access to the labour market is considered against labour market criteria.

²¹ Source: Management Information from Border and Immigration Agency, which is extracted from administrative databases.

The data in this section do not provide a full picture of the sectoral and occupational distribution of Bulgarian and Romanian nationals taking employment in the United Kingdom – solely those seeking access to the labour market through the work permit arrangements where access to the labour market is considered against labour market criteria. Bulgarian and Romanian nationals seeking to take up work must then apply to the Border and Immigration Agency for an accession worker card, applications for which constitute 9% of all applications from Bulgarian and Romanian nationals in the fourth quarter of 2007.

Table 3 – Sectors of employers of approved work permits by applicant’s nationality, October – December 2007^{22, 23}

Sector	Number of approvals against work permit criteria		
	Bulgaria	Romania	Total
Administration business and management services	15	35	50
Financial services	15	15	30
Hospitality & Catering	10	15	30
Educational and cultural activities	10	15	25
Health and medical services	5	20	25
Manufacturing	-	25	25
Computer services	5	20	20
Entertainment and leisure	5	10	20
Construction and land services	†	10	10
Retail and related services	5	5	5
Extraction services	†	5	5
Government	-	5	5
Agriculture activities	5	-	5
Law related services	5	†	5
Telecommunications	-	5	5
Transport	†	†	5
Food/Fish/Meat Processing	5	-	5
Real estate & property services	-	†	†
Sporting activities	-	†	†
Utilities - gas, electricity and water	†	-	†
Total	85	185	275

Note: Please see Introduction: Technical Notes.

²² The data in this table do not derive from decisions on applications for accession worker cards but from decisions on applications received between 1 October and 31 December 2007 from employers for approval of the employment against the work permit criteria. The number of approvals of such applications in Q4 2007 compares with 735 such approvals in the same period in Q4 2006.

²³ Source: Management Information from Border and Immigration Agency, which is extracted from administrative databases.

The data in this section do not provide a full picture of the sectoral and occupational distribution of Bulgarian and Romanian nationals taking employment in the United Kingdom – solely those seeking access to the labour market through the work permit arrangements where access to the labour market is considered against labour market criteria. Bulgarian and Romanian nationals seeking to take up work must then apply to the Border and Immigration Agency for an accession worker card, applications for which constitute 9% of all applications from Bulgarian and Romanian nationals in the fourth quarter of 2007.

Table 4 – Top ten occupations of approved work permits, by applicant’s nationality October - December 2007^{24, 25}

		Number of approvals against work permit criteria	
Occupation	Bulgaria	Occupation	Romania
Other managerial related occupation	15	Other engineering occupation	20
Other financial occupation	10	Other managerial related occupation	15
Other hotel and catering occupations	10	Other IT related occupation	10
Other agricultural occupation	5	Other financial occupation	10
Other engineering occupation	5	Researcher	10
Other IT related occupation	5	Civil/structural engineer	10
Researcher	5	Other health/medical occupation	10
Lecturer (university)	5	Chef	5
Other educational/cultural occupation	5	Other hotel and catering occupations	5
Solicitor	5	Software engineer	5
Total top ten	60	Total top ten	115
Other occupations / not stated	25	Other occupations / not stated	70

Note: Please see Introduction: Technical Notes

²⁴The data in this table do not derive from decisions on applications for accession worker cards but from decisions between 1 October and 31 December 2007 on applications from employers for approval of the employment against the work permit criteria.

²⁵ Source: Management Information from Border and Immigration Agency, which is extracted from administrative databases.

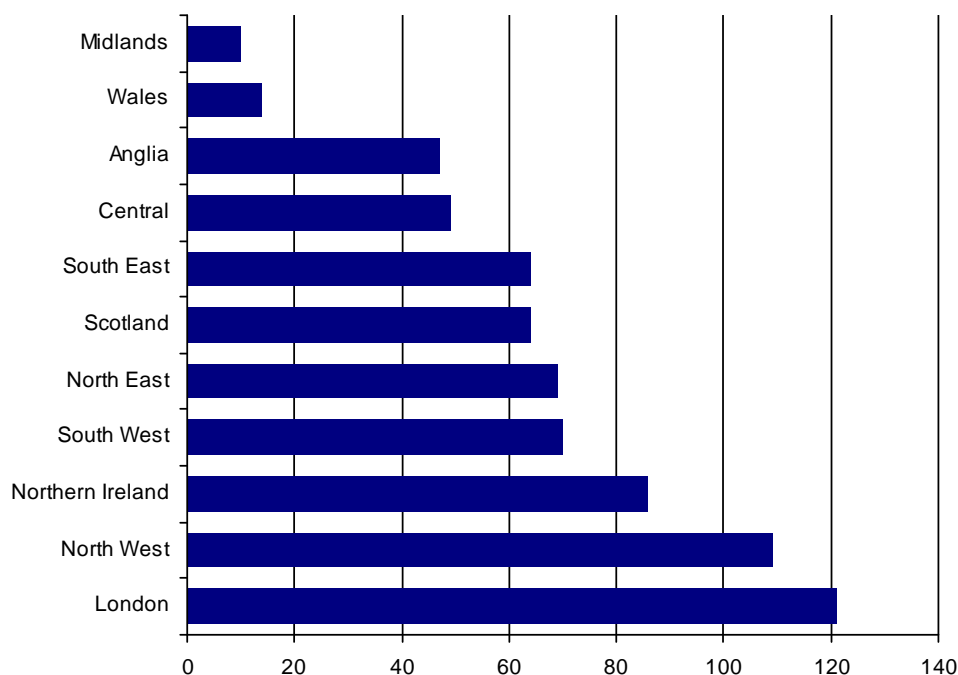
GEOGRAPHICAL DISTRIBUTION OF EMPLOYERS OF APPROVED WORK PERMIT AND SECTORS BASED SCHEME APPLICANTS ^{26, 27, 28}

The data in this section do not provide a full picture of the sectoral and occupational distribution of Bulgarian and Romanian nationals taking employment in the United Kingdom – solely those seeking access to the labour market through the work permit arrangements, where access to the labour market is considered against labour market criteria, or to the Sectors Based Scheme. Bulgarian and Romanian nationals seeking to take up work must then apply to the Border and Immigration Agency for an accession worker card, applications for which constitute 9% of all applications from Bulgarian and Romanian nationals in the fourth quarter of 2007.

Where Bulgarian and Romanian nationals apply for accession worker cards in the work permit or Sectors Based Scheme category, their employers must first apply for a letter of approval. The following data are derived from outcomes of such applications by employers; refers only to applications from employers; and provides limited detail on the regional distribution of approvals under the work permit arrangements. These data also include approvals under the Sectors Based Scheme sector.

In Q4 2007 the highest proportions of nationals of Bulgaria and Romania in the work permit and Sectors Based Scheme category are in London (16%) and the North West (15%). In the North West 91% have been issued permits for low-skilled work on the Sectors Based Scheme; most Sectors Based Scheme permits are issued for employment in the food-processing sector. Whereas, in London 93% of these applications by employers for Bulgarian and Romanian workers were for skilled employment.

Figure 5 – Geographical distribution of employers of approved work permit and Sectors Based Scheme applicants, October – December 2007²⁹



²⁶ Regions are based on the applicant's employer's postcode, where supplied. Regions are defined according to the Post Office's Postal Address Book regions.

²⁷ The number of approvals will not precisely correspond with numbers of applications for accession worker cards in the work permit category because a period of time may intervene between approval of the employer's application and the individual applying for an accession worker card.

²⁸ The data in this section do not provide a full picture of the regional distribution of Bulgarian and Romanian nationals taking employment in the United Kingdom – solely those seeking access to the labour market through the work permit arrangements where access to the labour market is considered against labour market criteria.

²⁹ Source: Management Information from Border and Immigration Agency, which is extracted from administrative databases.

The data in this section do not provide a full picture of the sectoral and occupational distribution of Bulgarian and Romanian nationals taking employment in the United Kingdom – solely those seeking access to the labour market through the work permit arrangements, where access to the labour market is considered against labour market criteria, or to the Sectors Based Scheme. Bulgarian and Romanian nationals seeking to take up work must then apply to the Border and Immigration Agency for an accession worker card, applications for which constitute 9% of all applications from Bulgarian and Romanian nationals in the fourth quarter of 2007.

Table 5 – Geographical distribution of employers of approved work permit and Sectors Based Scheme applicants, October – December 2007^{30, 31}

	Number of approvals against work permit criteria		
	Work permits	Sectors Based Scheme	Total
London	115	10	120
North West	10	100	110
Northern Ireland	5	85	85
South West	†	70	70
North East	20	50	70
Scotland	15	50	65
South East	30	30	65
Central	40	10	50
Anglia	20	25	45
Not Stated	5	40	45
Wales	5	10	15
Midlands	10	†	10
Total	275	475	750

Note: Please see Introduction: Technical Notes

30 As pointed out in the Note on the Data, the data in this table do not derive from decisions on applications for accession worker cards but from decisions between 1 October and 31 December 2007 on applications from employers for approval of the employment against the work permit criteria or in the Sectors Based Scheme.

31 Source: Management Information from Border and Immigration Agency, which is extracted from administrative databases.

NATIONAL INSURANCE ALLOCATIONS

NATIONAL INSURANCE NUMBERS ALLOCATED AND PURPOSE OF ALLOCATION

Between October and December 2007, the total number of National Insurance Number applications from Bulgarian and Romanian nationals stood at an overall total of just under 9,330.

Application volumes relate to all Bulgarian and Romanian nationals making applications, including those who were resident in the UK prior to accession.

97.6% of National Insurance Numbers were allocated for employment purposes, 1.5% for benefit purposes and 0.9% for tax credit purposes.

67.5% of applications were from Romanian nationals and 32.5% from Bulgarian nationals.

62.1% of applicants were male and 37.9% were female. 77.2% of applicants were aged 18-34 years old.

Table 6 – National Insurance Numbers allocated and refused, October – December 2007³²

	Total Allocated	Allocated for employment purposes ³³	Allocated for benefit purposes	Allocated for tax credit purposes	Total Refused
Total	7,521	7,370	102	49	1,808

³² Source: Department for Works and Pensions Management Information from Jobcentre Plus, which is collated from their clerical processes.

³³ Includes self-employment.

NATIONAL INSURANCE NUMBER APPLICATIONS BY REGION

Table 7 – National Insurance Numbers applications by region, October - December 2007^{34, 35}

Region	Total
London	6,501
South East	794
North West	336
East of England	335
South West	200
Scotland	181
West Midlands	175
East Midlands	164
Yorks & Humber	162
North East	71
Wales	62
Fast-track*	348
TOTAL	9,329

*Fast-track applications relate to highly skilled employment only. Specific regions are unknown.

34 Jobcentre Plus is currently divided into the eleven regions shown. A customer's postcode determines to which Jobcentre Plus local office and ultimately region s/he is allocated.

35 Source: Department for Works and Pensions Management Information from Jobcentre Plus, which is collated from their clerical processes.

ANNEX A

NOTE ON THE A2 SCHEME

Data on accession worker card applications

1. The data in this report include statistics relating to applications for accession worker cards between 1 October and 31 December 2007. Applications for accession worker cards can be approved only in respect of a number of specified categories of employment set out in Schedule 1 of the Regulations. These categories of employment replicate categories of employment that were available to Bulgarian and Romanian nationals prior to accession, as the standstill clause in the Accession Treaty requires. They include categories of employment accessed through the work permit arrangements but also categories of employment which, under the Immigration Rules, sit outside the work permit arrangements (for example, au pairs, ministers of religion and overseas government employees).

2. It should be noted that the application process for obtaining an accession worker card depends on the category of employment. Applications for an accession worker card are made by the individual worker. However three of the authorised categories of employment (the work permit category, the Sectors Based Scheme and the Training and Work Experience Scheme) require the employer to make an initial application for approval of the employment by the Border and Immigration Agency against labour market criteria. If the employment is approved, the employer is issued with a letter of approval. The worker is then required to submit this letter of approval in support of their application for an accession worker card.

3. This means there are two sources of data relevant to accession worker card issuance: the database on which decisions on the issuance of accession worker cards is held and the separate database on which decisions on employers' applications for approval of the employment against the work permit criteria is held. In this report, data relating to the number of accession worker cards issued in each authorised category of employment and the nationality, age and gender of the individuals to which they have been issued are derived from the database on which the issue of accession worker cards is recorded. It is not, however, currently possible to extract data relating to the regional distribution of applicants from this database. Data relating to sector, occupation and region, however, can be extracted from Border and Immigration Agency management information relating to the issuance of letters of approval to employers' applications under the work permit category, the Sectors Based Scheme and the Training and Work Experience Scheme. These data are included in this report. This means that the sectoral, occupational and regional data set out in pages 8 to 12 of this report relate only to those Bulgarian and Romanian nationals who are subject to worker authorisation requirements and have had their employment approved under the work permit arrangements. The data do not provide a picture of the sectoral, occupational or regional distribution of those who are not subject to worker authorisation requirements.

Data on accession worker card applications for authorised family members

4. Table 1 includes data on applications for accession worker cards in respect of authorised family members. If a Bulgarian or Romanian national is subject to work authorisation requirements if they wish to take employment, then their family members are also required to obtain an accession worker card if they similarly wish to take employment. These applications are not, however, subject to a skills test or resident labour market test. This arrangement effectively replicates the position prior to accession in which the dependant spouse of a work permit holder would be given leave to enter or remain that was not subject to a condition restricting access to the labour market.

Data on registration certificate applications

5. Table 2 of this report includes data on applications for registration certificate applications submitted by Bulgarian and Romanian nationals. These are applications for a document confirming that the holder is exercising a Treaty right in the United Kingdom and are issued in accordance with the Immigration (European Economic Area) Regulations 2006. The data in this report record applications for registration certificates falling into the following three categories:

i) Unrestricted access to the labour market

Bulgarian and Romanian nationals will be exempt from work authorisation requirements if they are exercising a Treaty right and fall into one of the following categories:

- they have leave to enter under the Immigration Act 1971 and that leave does not place any restrictions on taking employment in the United Kingdom (for example, they were given leave to remain prior to Accession as the spouse of a British citizen or as the dependant of a work permit holder);
- they have been working with permission, and without interruption, in the United Kingdom for a period of 12 months ending on or after 31 December 2006 (for example, they were already present in the United Kingdom as a work permit holder or in some other category that confers permission to take employment);
- they are providing services in the United Kingdom on behalf of an employer established elsewhere in the European Economic Area (EEA);
- they are also a citizen of the United Kingdom or another EEA state, other than Bulgaria or Romania, or Switzerland;
- they are the family member of a EEA national exercising a Treaty right in the United Kingdom (except if you are the family member of a Bulgarian or Romanian national who is subject to work authorisation requirements) or the spouse or civil partner of a British citizen or person with settlement in the United Kingdom.

It should be noted that a person falling into one of the above categories and wishing to work in the United Kingdom is automatically exempt from worker authorisation requirements and does not need to obtain a registration certificate confirming that he or she has free access to the labour market. Consequently, the data set out in this report should not be interpreted as being a reliable indicator of the number of Bulgarian and Romanian nationals exempt from worker authorisation requirements. The data simply represent those that choose to apply.

Bulgarian and Romanian nationals may also establish an exemption from the requirement to obtain work authorisation if they can demonstrate that they are highly skilled within the meaning of the Regulations i.e. they meet the criteria of the Highly Skilled Migrant Programme or they have been awarded qualifications at the required level at an institution in the United Kingdom.

ii) Restricted access to the labour market

Nationals of Bulgaria and Romania have a right of residence if they are exercising a Treaty right as a student, self-employed person or self-sufficient person. They would, however, be subject to work authorisation if they were to commence employment³⁶. A registration certificate issued to a person falling into one of these categories will not confer access to the labour market. Again, it should be noted that a person exercising a Treaty right in one of these categories is not required to obtain a registration certificate. The data in this report should not therefore be interpreted as putting a figure to the number of, for example, Bulgarian and Romanian students in the United Kingdom.

However, it should also be noted that while Bulgarian and Romanian students may engage in part-time employment during term time, full-time employment during vacations or where the employment is part of a course of vocational training, they may only do so if they obtain a registration certificate confirming that they are exercising a Treaty right as a student by virtue of study at an educational establishment on the Department for Education and Skills' Register of Education and Training Providers. In practice, this means there will be an incentive for students to obtain such documentation with the consequence that numbers of applications will be a strong indicator of student numbers over time.

iii) Family members

The family members of those falling into categories (i) and (ii) may obtain documentation confirming their right to reside as the family member of a Bulgarian or Romanian national exercising a Treaty right. If they are the family member of a Bulgarian or Romanian national exempt from worker authorisation requirements they too

³⁶ Those exercising a Treaty right as a student are able to do so without obtaining documentation from the Border and Immigration Agency. However, if they wish to undertake work alongside their studies - 20 hours per week during term-time or full-time during vacations - then they must first obtain a Registration Certificate confirming that they are studying at an approved educational establishment. The level of work permitted mirrors the situation of students from Bulgaria and Romania prior to accession.

will be issued a registration certificate (if they are an EEA national) conferring free access to the labour market. If they are the family member of a Bulgarian and Romanian national subject to worker authorisation requirements, they too will be subject to worker authorisation and will need, if they wish to work, to obtain an accession worker card as an authorised family member (see paragraph 4 above).

Other comments

6. The data set out below relate to applications for documentation and therefore should be interpreted as a record of numbers of applications, not necessarily people. A person subject to worker authorisation who changes employment will need to apply for a new accession worker card. Likewise, a person who obtains a registration certificate on the basis of self-employment but who subsequently seeks to take employment will need to obtain an accession worker card. Over the longer term, those who are subject to work authorisation requirements but subsequently become exempt from the requirement as a consequence of 12 months' legal and continuous employment may apply for a registration certificate confirming free access to the labour market.

7. A further 60 applications received in Q4 2007 were of 'unknown' category that are not included in the commentary or tables. These applications were refused, withdrawn or still outstanding.

8. **The figures in this report are provisional management information and subject to change. The data in this publication have been subject to data reconciliation to ensure that the outcomes recorded are accurate and consistent.** The data on accession worker cards and registration certificates on pages 3 to 7 in this report are based on the application date, the standard statistical approach. There will be cases in which there is a delay between the date when the forms are filled in or posted and the date when the applications are received by the Border and Immigration Agency. The Work Permits and SBS data in pages 8 to 12 are based on the date a decision was made on the application.

9. Enquiries about the figures should be made to Customer Service Directorate (Tel: 0151 672 5651). Press Enquiries should be made to the Home Office Press Office (Tel: 020 7035 3535).