



# BULGARIAN AND ROMANIAN ACCESSION STATISTICS

April – June 2008



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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 leave to 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 these main applicants.

On 30 October 2007 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.

## NOTE ON THE PUBLICATION

The data in this publication are based on Management Information collected by UK Border Agency systems. The data are provisional and may be subject to change and 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 in this report is set out at Annex B.

Data on National Insurance Number Allocations to A2 Nationals and applications by region, Great Britain, are no longer published in the Bulgarian and Romanian Accession Statistics

Quarterly National Statistics on National Insurance Number Allocations to all adult overseas nationals (including A2 nationals) entering the UK are now available via the DWP website:

<http://www.dwp.gov.uk/asd/tabtool.asp>

## TECHNICAL NOTES

- All figures (other than percentages) in tables 1 and 2 are rounded to the nearest five.
- \* indicates 1 or 2.
- - indicates nil.
- .. indicates not available
- 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

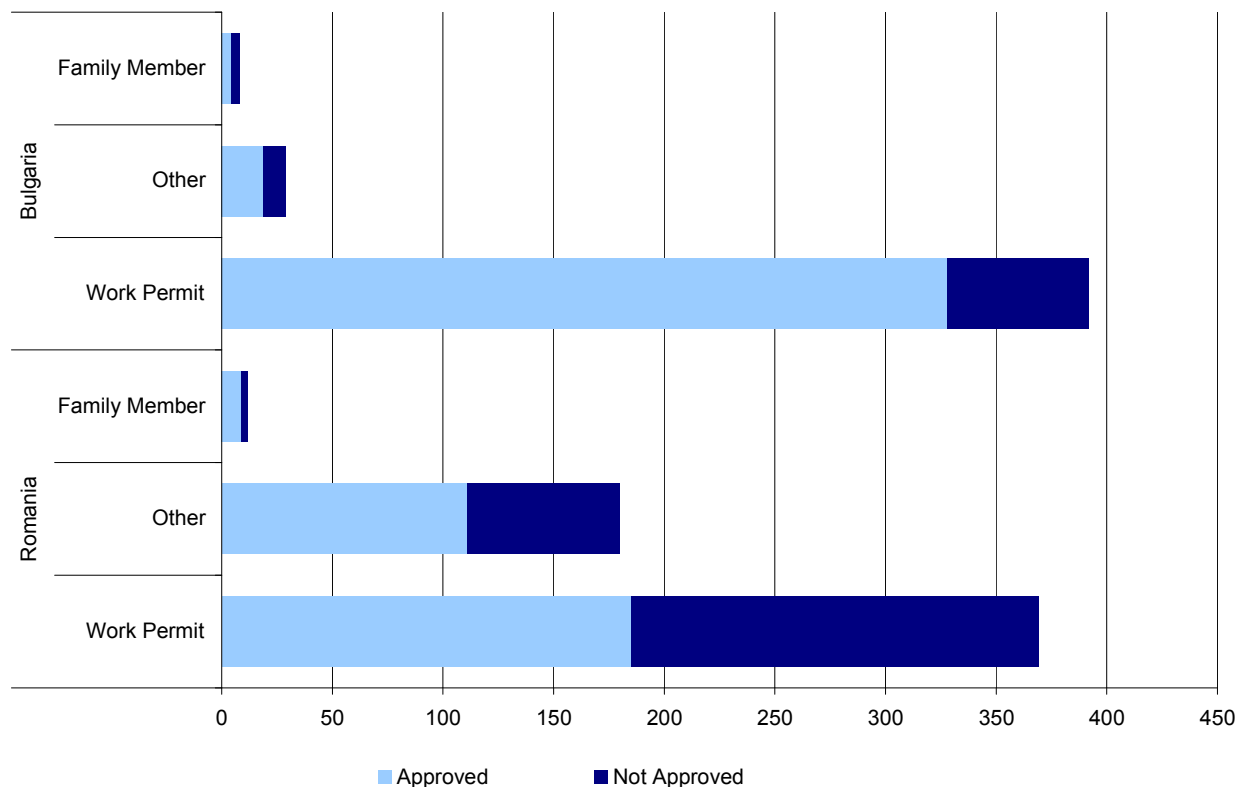
## APPLICATIONS FOR ACCESSION WORKER CARDS <sup>1,2</sup>

A total of 1,015 applications for accession worker cards have been received in the second quarter of 2008, of which 655 (61%) have been approved and 315 (31%) refused (see Figure 1).

57% of applications in Q2 2008 are from Romanian nationals.

76% 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 - Decisions on applications for accession workers cards, by category, April - June 2008 (1)**



(1) Source: Management Information from UK Border Agency, which is extracted from administrative databases. Excludes 'outstanding' applications.

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 385 applications<sup>3</sup> by employers (330 of which have been for Bulgarians) have been approved in the second quarter of 2008. This is comparable with the 350 approvals to Bulgarian and Romanian nationals in the second quarter of 2007.

The data in Figure 1 and Table 1 do not include participants on the Seasonal Agricultural Workers Scheme (SAWS)<sup>4</sup>.

<sup>1</sup> The data for applications are recorded by the date on the application form, the standard statistical approach.

<sup>2</sup> 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.

<sup>3</sup> The 'other' category, shown in figure 1, includes applications received from employers between 1 April and 30 June 2008 approved for employment of a Bulgarian or Romanian national under the Sector Based Scheme. These are not directly comparable with the data for accession worker cards applications by employees shown in Table 1, as these are shown by the date on the application form rather than the decision date.

<sup>4</sup> Quarterly Management Information from UK Border Agency for SAWS for Q1 and Q2 2008 is not available from the Home Office database on a consistent basis to the data published for earlier quarters. The UK Border Agency plans to publish SAWS data broken down by nationality in the next report in November 2008.

**Table 1 - Applications for accession worker cards by category, April - June 2008 (1)**

Number of applications

<b>Bulgarian Nationals</b>	<b>Approved</b>	<b>Refused (2)(3)</b>	<b>Withdrawn</b>	<b>Void (4)</b>	<b>Total Received (5)</b>
<b>Authorised category of employment</b>					
Work Permit	330	60	5	-	<b>400</b>
Other (6)	20	10	-	-	<b>30</b>
<b>Authorised Family Members</b>					
Family Member	5	5	*	-	<b>10</b>
<b>Total</b>	<b>350</b>	<b>75</b>	<b>5</b>	<b>-</b>	<b>440</b>

<b>Romanian Nationals</b>	<b>Approved</b>	<b>Refused (2)(3)</b>	<b>Withdrawn</b>	<b>Void (4)</b>	<b>Total Received (5)</b>
<b>Authorised category of employment</b>					
Work Permit	185	180	5	-	<b>380</b>
Other (6)	110	55	10	*	<b>190</b>
<b>Authorised Family Members</b>					
Family Member	10	*	*	-	<b>15</b>
<b>Total</b>	<b>305</b>	<b>240</b>	<b>15</b>	<b>*</b>	<b>580</b>

<b>Combined Total</b>	<b>655</b>	<b>315</b>	<b>20</b>	<b>*</b>	<b>1,015</b>
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(1) Source: Management Information from UK Border Agency, which is extracted from administrative databases.

(2) 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.

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

(4) 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.

(5) Includes outstanding applications received and dated in Q2 2008. In the same period 1,465 decisions were made on applications dated and received from previous quarters.

(6) 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.

Note: Please see Introduction: Technical Notes.

## APPLICATIONS FOR REGISTRATION CERTIFICATES<sup>5,6</sup>

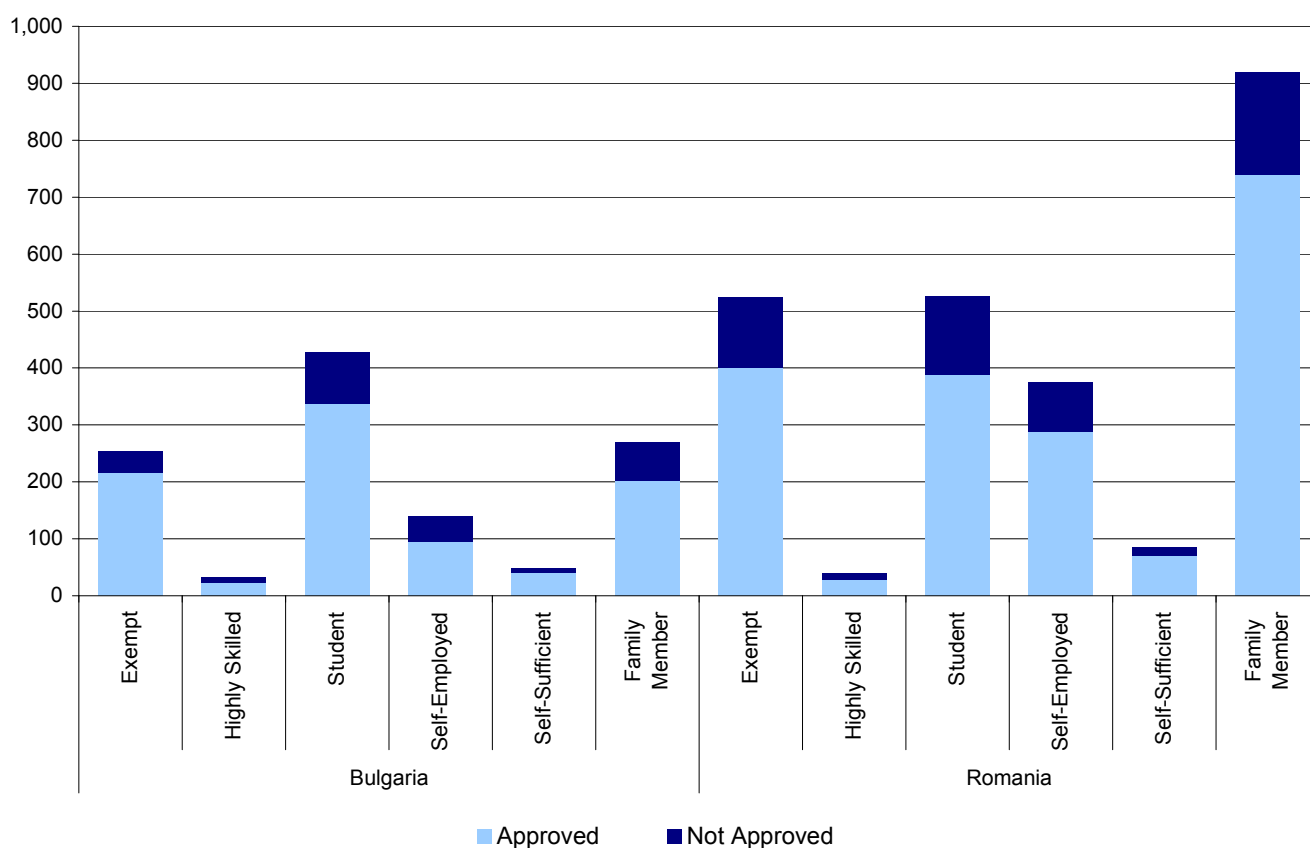
There have been a total of 5,990 applications for registration certificates in April to June 2008, of which 4,120 (69%) have been submitted by Romanian nationals.

2,830 (78%) of the 3,640 applications decided were issued with documentation

The largest proportion of these applications (43%) in Q2 2008 is for registration certificates confirming that the applicant is exercising a Treaty right as a self-employed person. 17% of the decisions in this category results in the application being refused. The next largest groups of those applying for registration certificates are those applying on the basis that they are family members of the main applicant (23%), and those applying on the basis of study (17%).

In the second quarter of 2008, 1% of applications were seeking free access to the labour market on the basis of being highly skilled.

**Figure 2 - Decisions on applications for registration certificates, by category, April - June 2008 (1)**



(1) Source: Management Information from UK Border Agency, which is extracted from administrative databases, excludes 'outstanding' applications.

<sup>5</sup> The data for applications are recorded by the date on the application form, the standard statistical approach.

<sup>6</sup> 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.

**Table 2 - Applications for registration certificates by category, April - June 2008 (1)**

Number of applications

<b>Bulgarian Nationals</b>	<b>Approved</b>	<b>Refused (2)(3)</b>	<b>Withdrawn</b>	<b>Void (4)</b>	<b>Total Received (5)</b>
<b>No restriction on access to the labour market</b>					
Exempt	215	30	5	5	<b>265</b>
Highly Skilled	25	10	-	-	<b>35</b>
<b>Restricted access to the labour market</b>					
Student	335	80	10	*	<b>445</b>
Self-Employed	95	25	20	5	<b>765</b>
Self-Sufficient	40	5	*	-	<b>50</b>
<b>Registration certificate as a family member (6)</b>					
Family Member	205	45	10	10	<b>305</b>
<b>Total</b>	<b>915</b>	<b>195</b>	<b>45</b>	<b>15</b>	<b>1,865</b>

<b>Romanian</b>	<b>Approved</b>	<b>Refused (2)(3)</b>	<b>Withdrawn</b>	<b>Void (4)</b>	<b>Total Received (5)</b>
<b>No restriction on access to the labour market</b>					
Exempt	400	105	15	5	<b>580</b>
Highly Skilled	30	10	-	-	<b>40</b>
<b>Restricted access to the labour market</b>					
Student	390	100	30	5	<b>555</b>
Self-Employed	285	65	20	5	<b>1,790</b>
Self-Sufficient	70	10	5	*	<b>100</b>
<b>Registration certificate as a family member (6)</b>					
Family Member	740	140	30	5	<b>1,060</b>
<b>Total</b>	<b>1,915</b>	<b>430</b>	<b>100</b>	<b>25</b>	<b>4,120</b>

<b>Combined total</b>	<b>2,830</b>	<b>625</b>	<b>150</b>	<b>40</b>	<b>5,990</b>
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(1) Source: Management Information from UK Border Agency, which is extracted from administrative databases.

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

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

(4) 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.

(5) Includes outstanding applications received and dated in Q2 2008. In the same period 6,095 decisions were made on applications dated and received from previous quarters.

(6) 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 45 third country nationals on this basis in the second quarter of 2008.

Note: Please see Introduction: Technical Notes.

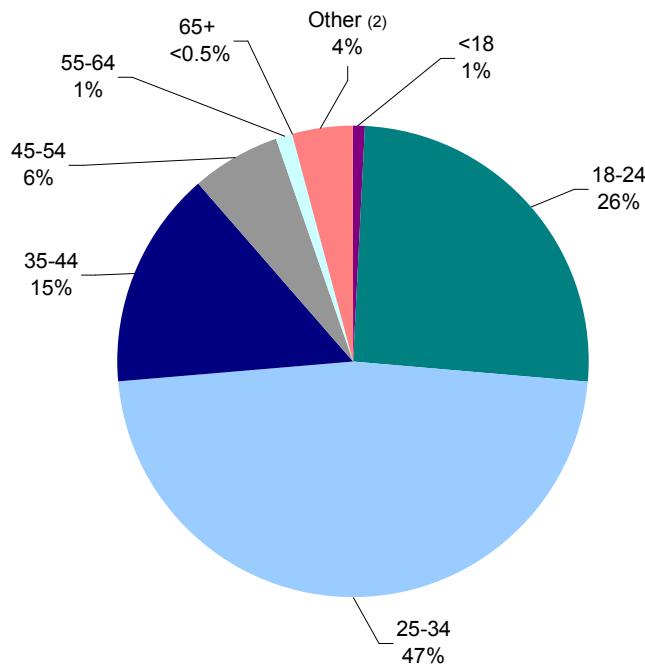
# APPLICANT PROFILE

## AGE AND SEX OF APPLICANTS

Of the total number of Bulgarians and Romanians who applied in Q2 2008, 47% of applicants for registration certificates and accession worker cards were aged 25-34. A further 26% of all applicants were aged between 18 and 24 and 15% between 35 and 44 years old. 32% of applications were from Bulgarian applicants compared to 66% from Romanian applicants.

55% of Bulgarian and Romanian applicants were male and 45% were female. The proportion of male Romanian applicants (55%) was the same as male Bulgarian applicants (55%).

**Figure 3 - Age of applicants, April - June 2008 (1)**



(1) Source: Management Information from UK Border Agency, which is extracted from administrative databases.

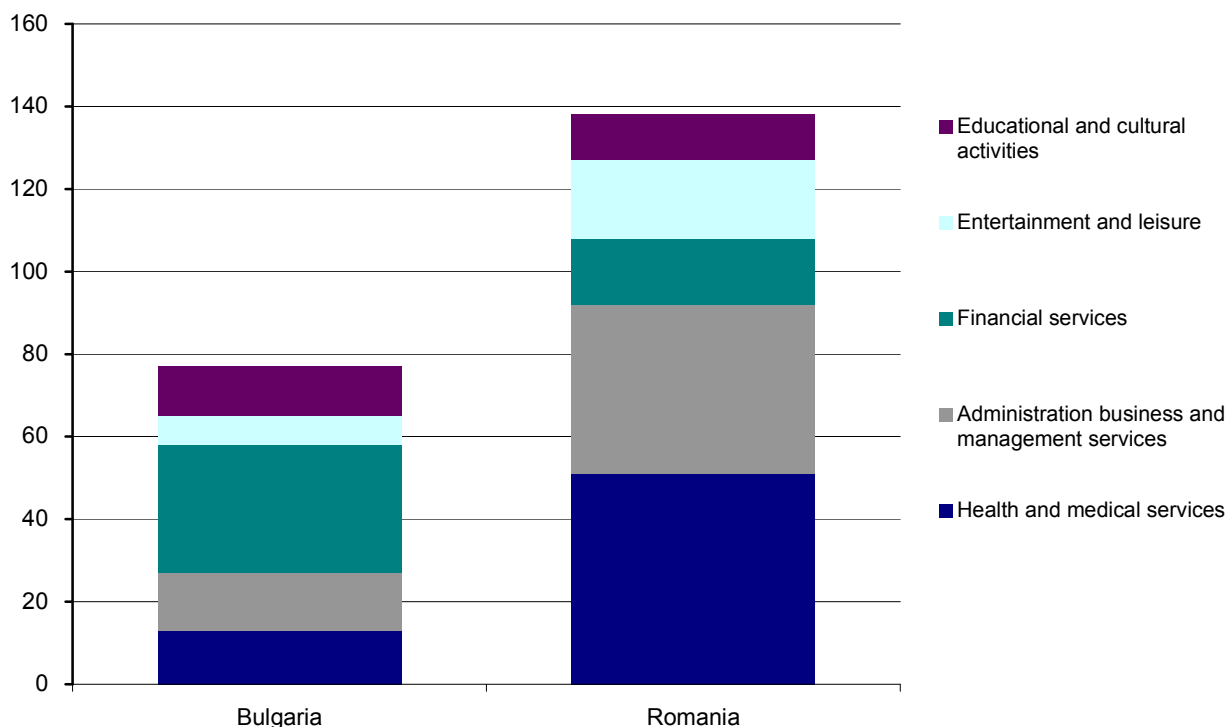
(2) 'Other' refers to applicants under 15 or over 71 years of age.

## SECTORS AND OCCUPATIONS IN WHICH APPROVED WORK PERMIT APPLICANTS ARE EMPLOYED<sup>7</sup>

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 (this does *not* include those on the Seasonal Agricultural Workers Scheme) 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 UK Border Agency for an accession worker card. These applications constitute 11% of all applications from Bulgarian and Romanian nationals in the second quarter of 2008.

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; refer only to applications from employers; and provide 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, April - June 2008 (1)(2)**



(1) Source: Management Information from UK Border Agency, which is extracted from administrative databases.

(2) The data in this figure do not derive from decisions on applications for accession worker cards but from decisions between 1 April and 30 June 2008 on applications from employers for approval of the employment against the work permit criteria. The number of approvals of such applications in Q2 2008 (315) compares with 370 such approvals in Q2 2007.

The most significant sectors for the employment of skilled Bulgarian and Romanian workers in Q2 2008 were health and medical services (20%), administration business and management (18%) and financial services (15%). The greatest proportion of approvals of work permits for Bulgarians (29%) was for financial services and for Romanians (25%) was for health and medical services.

The most significant occupations for Bulgarian nationals in Q2 2008 were other financial occupation (25%) and other managerial related occupation (9%). For Romanian nationals the most significant occupations were other engineering occupation and veterinary surgeon (each with 20%).

<sup>7</sup> The number of approvals will not precisely correspond with numbers of applications for accession worker cards in the work permit category because they are issued under two separate casework streams which are not always in sync with each other.

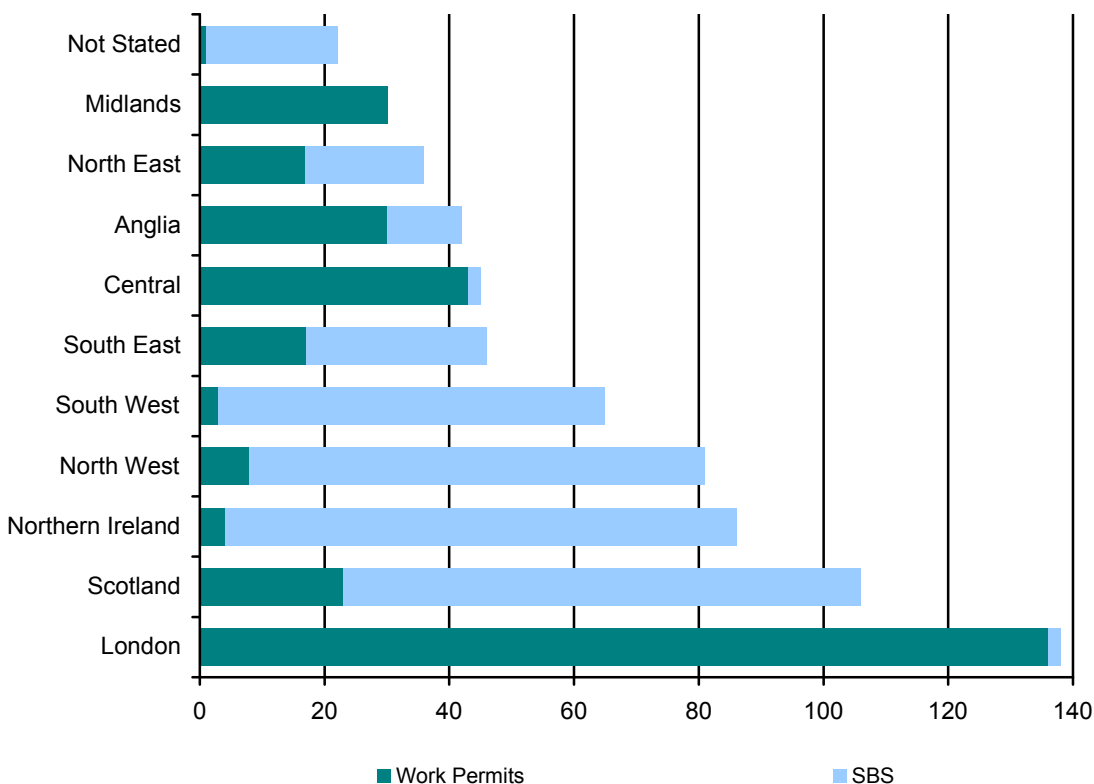
## GEOGRAPHICAL DISTRIBUTION OF EMPLOYERS OF APPROVED WORK PERMIT AND SECTORS BASED SCHEME APPLICANTS<sup>8,9</sup>

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 (this does *not* include those on the Seasonal Agricultural Workers Scheme) 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 UK Border Agency for an accession worker card. These applications constitute 11% of all applications from Bulgarian and Romanian nationals in the second quarter of 2008.

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 Q2 2008 the highest proportions of nationals of Bulgaria and Romania in the work permit and Sectors Based Scheme category are in London (20%), Scotland (15%) and Northern Ireland (12%). In the South West and N. Ireland 95% 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 the Midlands 100% 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, April - June 2008 (1)(2)(3)**



(1) Source: Management Information from UK Border Agency, which is extracted from administrative databases.

(2) Does not include applicants who did not state a postcode.

(3) The data presented in this figures do not derive from decisions on applications for accession worker cards but from decisions between 1 April and 30 June 2008 on applications from employers for approval of the employment against the work permit criteria or in the Sectors Based Scheme.

<sup>8</sup> 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 and based on the first two letters of the postcode.

<sup>9</sup> The number of approvals will not precisely correspond with numbers of applications for accession worker cards in the work permit category because they are issued under two separate casework streams which are not always in sync with each other.

# ANNEX A

## SUMMARY UPDATED FIGURES - BULGARIAN AND ROMANIAN APPLICATIONS, JANUARY 2007 - JUNE 2008

Please note that it is not possible to get an indication of the total number of arrivals of Bulgarian and Romanian nationals by adding up the totals of all the columns in the summary table below, as they are not directly comparable and doing so will cause double-counting. 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. For further details please refer to Annex B: notes on the A2 scheme, paragraph 4.

### Applications for accession worker cards, registration certificates, Sector Based Scheme (SBS) and Seasonal Agricultural Workers Scheme (SAWS), by quarter and year of application, January 2007 - June 2008 (1)(2)(3)

Bulgarian Nationals	accession worker cards		registration certificates		SBS	SAWS
	Received	Approved	Received	Approved	Approved	Approved
2007 Q1	380	300	3,470	2,790	170	2,070
Q2	485	405	2,680	2,275	260	3,105
Q3	525	415	2,460	1,945	335	100
Q4	595	495	2,810	2,160	400	360
<b>2007 Total</b>	<b>1,985</b>	<b>1,615</b>	<b>11,420</b>	<b>9,165</b>	<b>1,160</b>	<b>5,640</b>
2008 Q1	410	325	2,320	1,515	300	..
Q2	440	350	1,865	915	330	..

Romanian Nationals	accession worker cards		registration certificates		SBS	SAWS
	Received	Approved	Received	Approved	Approved	Approved
2007 Q1	735	545	5,835	5,160	40	1,125
Q2	830	630	6,870	6,215	90	870
Q3	860	595	5,620	4,635	40	95
Q4	670	420	6,085	4,590	75	330
<b>2007 Total</b>	<b>3,100</b>	<b>2,190</b>	<b>24,410</b>	<b>20,595</b>	<b>245</b>	<b>2,420</b>
2008 Q1	580	320	5,040	3,335	50	..
Q2	580	305	4,120	1,915	55	..

Bulgarian & Romanian Nationals	accession worker cards		registration certificates		SBS	SAWS
	Received	Approved	Received	Approved	Approved	Approved
2007 Q1	1,120	840	9,305	7,950	210	3,195
Q2	1,315	1,035	9,545	8,490	350	3,975
Q3	1,380	1,010	8,085	6,580	375	195
Q4	1,270	915	8,895	6,750	475	690
<b>2007 Total</b>	<b>5,080</b>	<b>3,805</b>	<b>35,835</b>	<b>29,765</b>	<b>1,405</b>	<b>8,060</b>
2008 Q1	990	645	7,360	4,850	350	..
Q2	1,015	655	5,990	2,830	385	..

(1) Source: Management Information from UK Border Agency, which is extracted from administrative databases.

(2) The data for accession worker cards and registration certificates are recorded by the date on the application form, the standard statistical approach. However, as applications continue to be received dated under previously published quarters and decisions continue to be made on applications received in previous quarters, the number of applications will show increases for earlier quarters published in previous reports.

(3) Quarterly Management Information from UK Border Agency for SAWS for Q1 and Q2 2008 is not available from the Home Office database on a consistent basis to the data published for earlier quarters. The UK Border Agency plans to publish SAWS data broken down by nationality in the next report in November 2008.

Note: Please see Introduction and Annex B: Notes on the A2 scheme.

# ANNEX B

## NOTES 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 April and 30 June 2008. 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 Accession (Immigration and Worker Authorisation) Regulations 2006. 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, sat 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 UK Border 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. The time-gap occurring between the approval of the employer's application and the submission of the accession worker card by the employee, together with changes in employee's circumstances, may explain the differences between the statistics shown as 'other' on accession worker cards and SBS applications in this report.
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 UK Border 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 7 to 8 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.
4. Statistics on accession worker cards, registration certificates, Work Permits, Sector Based Scheme and SAWS are not directly comparable. This is due to:
  - Differences in the way applications are sorted: by application date for accession worker cards and registration certificates compared to decision date for SBS, Work Permits and SAWS. For this reason summing all the categories together will include a proportion of applications approved in the relevant quarter and also some applications dated in previous quarters.
  - Differences in the nature of applications: applications for accession worker cards and registration certificates are made by the employee, while applications for SBS, Work Permits and SAWS are made by the employer before approval is given. The latter precedes the application by the employee for an accession worker card (in determinate categories). For this reason summing all the categories together will cause some double-counting of SBS applications. For further details please refer to paragraph 2.

### Data on accession worker card applications for authorised family members

5. 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 is working in the UK and is subject to work authorisation requirements, 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 leave to remain that was not subject to a condition restricting access to the labour market.

## Data on registration certificate applications

6. Table 2 of this report includes data on applications for registration certificate 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 two 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 also a citizen of the United Kingdom or another EEA state, other than Bulgaria or Romania, or Switzerland;
- they are the family members of a Bulgarian or Romanian who is exercising Treaty rights as a student, self-sufficient or self-employed person. They remain exempt provided that the sponsor remains a student, self-sufficient, or self-employed person.
- they are the family member of an EEA national exercising a Treaty right in the United Kingdom (except if they are the family member of a Bulgarian or Romanian national who is subject to work authorisation requirements or who is exempt from those requirements but only by virtue of being the family member of a self-employed, a self-sufficient person or a student 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 employment<sup>10</sup>. 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.

<sup>10</sup> Those exercising a Treaty right as a student are able to do so without obtaining documentation from the UK Border 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.

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, for 4 months following the completion of the course 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 Innovation, Universities 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.

## Other comments

7. The data in pages 2 to 5 of this report 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.
8. A further 40 applications received in Q2 2008 were of 'unknown' category that are not included in the commentary or tables. These applications were refused, withdrawn or still outstanding.
9. **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 2 to 5 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 UK Border Agency. The work permits and SBS data in pages 7 and 8 are based on the date a decision was made on the application.
10. Enquiries about the figures should be made to UK Border Agency, Operational Policy - Europe (Tel: 020 8760 4351). Press Enquiries should be made to the Home Office Press Office (Tel: 020 7035 3535).