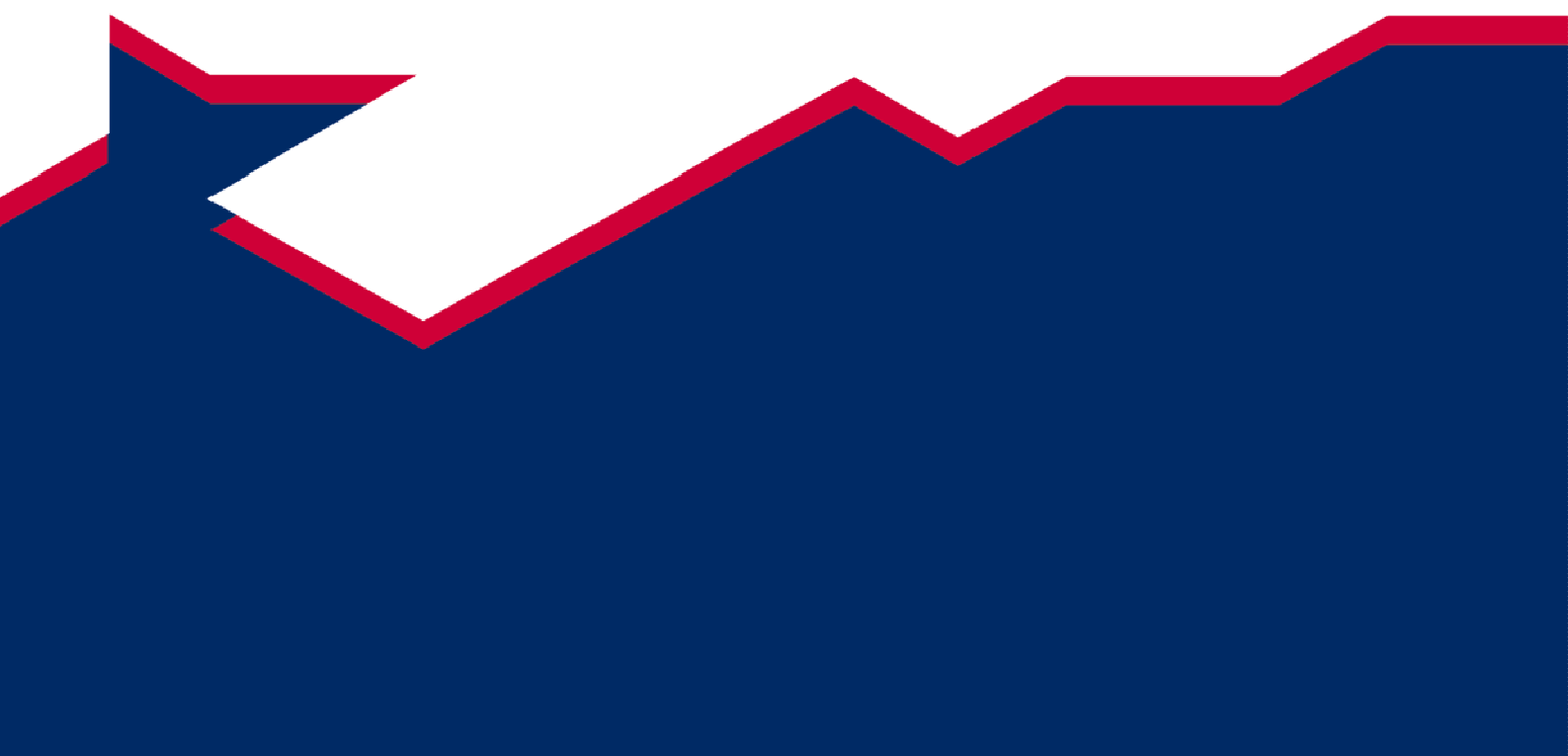




BULGARIAN AND ROMANIAN ACCESSION STATISTICS

July – September 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 had valid 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>

Data on sectors and occupations in which approved work permit applicants are employed and on geographical distribution of employers of approved work permit and sector based scheme applicants are no longer published due to the small percentage of cases these statistics represent.

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

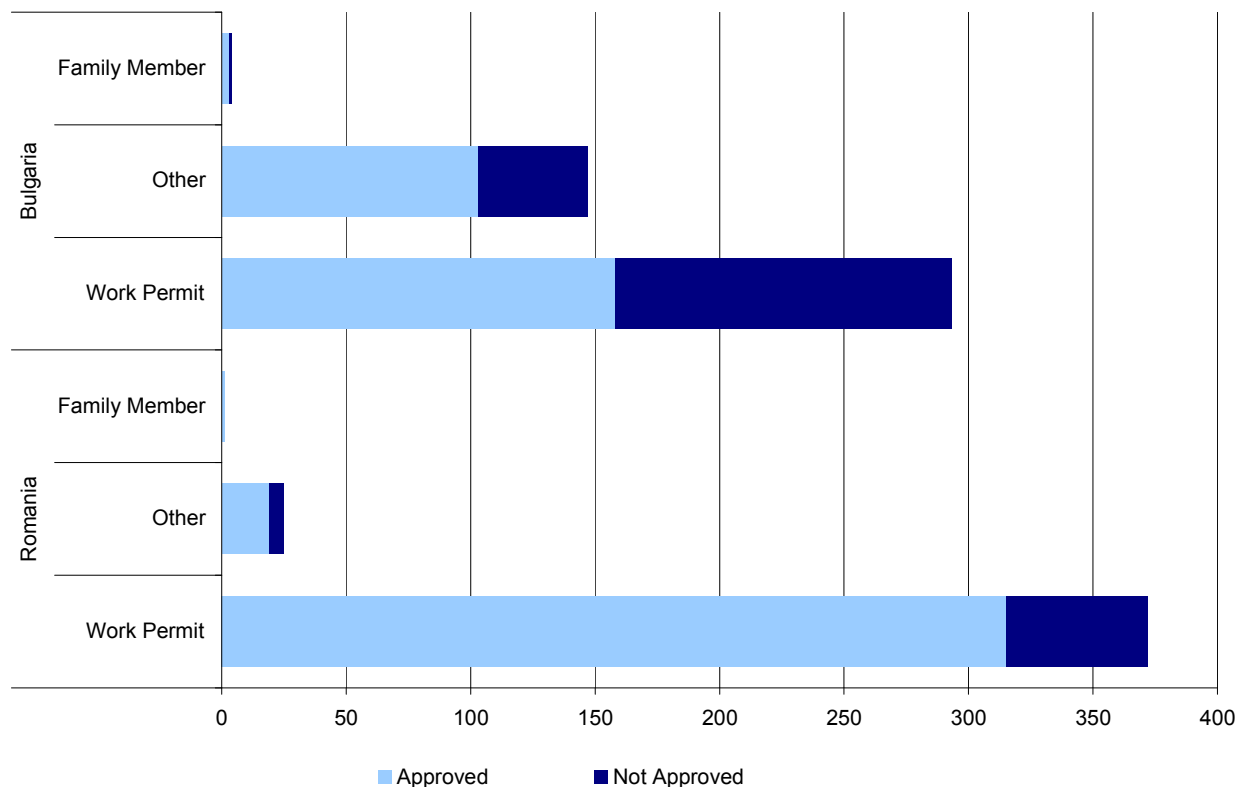
APPLICATIONS FOR ACCESSION WORKER CARDS ^{1,2}

A total of 1,010 applications for accession worker cards have been received in the third quarter of 2008, of which 600 (59%) have been approved and 235 (23%) refused (see Figure 1).

53% of applications in Q3 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, July - September 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 415 applications³ by employers (375 of which have been for Bulgarians) have been approved in the third quarter of 2008. This is comparable with the 375 approvals to Bulgarian and Romanian nationals in the third quarter of 2007.

The data in Figure 1 and Table 1 do not include participants on the Seasonal Agricultural Workers Scheme (SAWS). Provisional figures indicate that in Q3 2008 the operators of the SAWS issued 665 SAWS work cards to Bulgarian nationals and 350 SAWS work cards to Romanian nationals, a total of 1,015 SAWS work cards

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

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 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 July and 30 September 2008 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, July - September 2008 (1)

Number of applications

Bulgarian Nationals	Approved	Refused (2)(3)	Withdrawn	Void (4)	Total Received (5)
Authorised category of employment					
Work Permit	315	50	5	*	430
Other (6)	20	5	*	-	35
Authorised Family Members					
Family Member	*	-	-	-	*
Total	335	55	5	*	470

Romanian Nationals	Approved	Refused (2)(3)	Withdrawn	Void (4)	Total Received (5)
Authorised category of employment					
Work Permit	160	130	5	-	340
Other (6)	105	45	*	-	195
Authorised Family Members					
Family Member	5	*	-	-	5
Total	265	175	5	-	540

Combined Total	600	235	10	*	1,010
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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 Q3 2008. In the same period 215 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^{5,6}

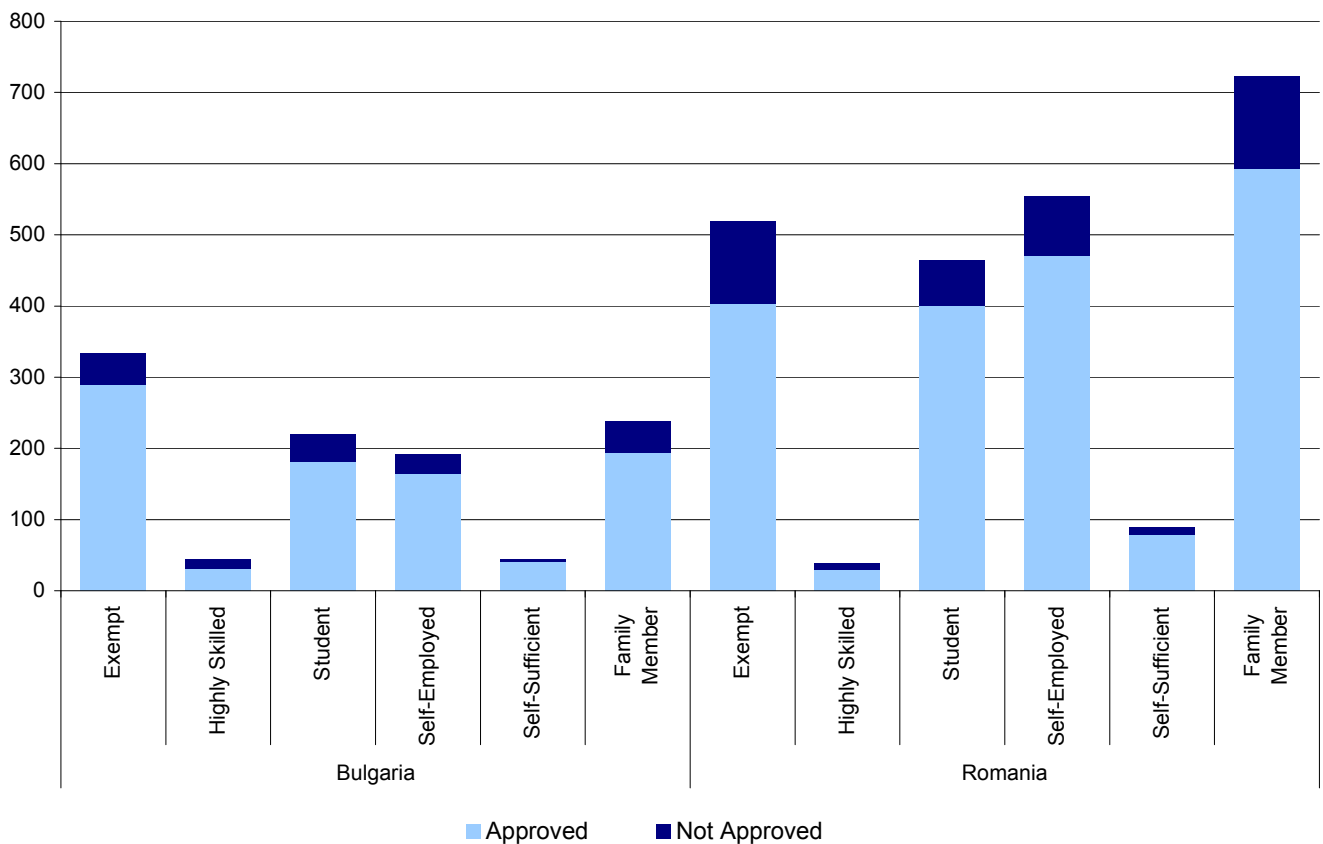
There have been a total of 5,505 applications for registration certificates in July to September 2008, of which 3,775 (69%) have been submitted by Romanian nationals.

2,875 (87%) of the 3,310 applications decided were issued with documentation

The largest proportion of these applications (32%) in Q3 2008 is for registration certificates confirming that the applicant is exercising a Treaty right as a self-employed person. 4% of the decisions in this category resulted 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 (26%), and those applying on the basis of being exempt (20%).

In the third quarter of 2008, 2% 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, July - September 2008 (1)



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

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

⁶ 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, July - September 2008 (1)(6)

Number of applications

Bulgarian Nationals	Approved	Refused (2)(3)	Withdrawn	Void (4)	Total Received (5)
No restriction on access to the labour market					
Exempt	290	35	5	*	435
Highly Skilled	30	10	5	*	50
Restricted access to the labour market					
Student	180	20	15	*	310
Self-Employed	165	20	10	*	525
Self-Sufficient	40	*	*	*	55
Registration certificate as a family member (6)					
Family Member	195	30	10	*	355
Total	900	120	45	10	1,735

Romanian	Approved	Refused (2)(3)	Withdrawn	Void (4)	Total Received (5)
No restriction on access to the labour market					
Exempt	405	85	25	5	655
Highly Skilled	30	5	5	-	50
Restricted access to the labour market					
Student	400	40	25	-	640
Self-Employed	470	55	20	10	1,260
Self-Sufficient	80	5	5	*	115
Registration certificate as a family member (6)					
Family Member	595	90	30	10	1,050
Total	1,975	285	105	25	3,775

Combined total	2,875	400	150	30	5,505
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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 Q3 2008. In the same period 5,840 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 60 third country nationals on this basis in the third quarter of 2008.

Note: Please see Introduction: Technical Notes.

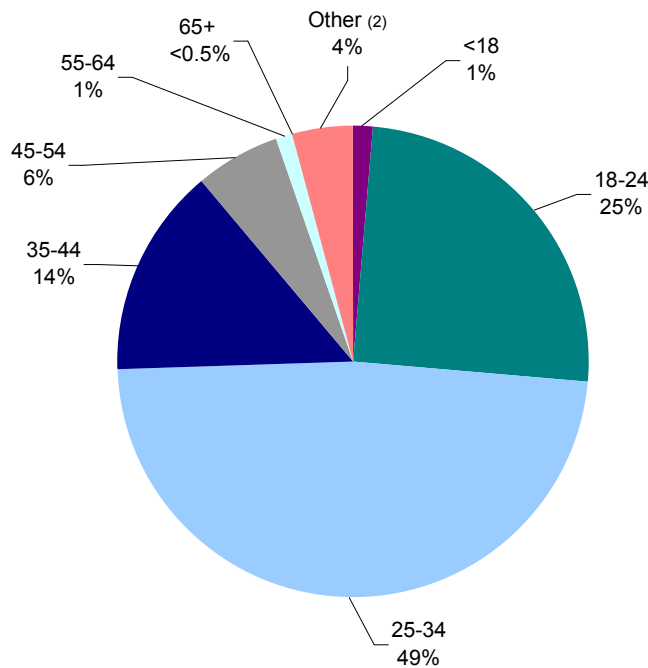
APPLICANT PROFILE

AGE AND SEX OF APPLICANTS

Of the total number of Bulgarians and Romanians who applied in Q3 2008, 49% of applicants for registration certificates and accession worker cards were aged 25-34. A further 25% of all applicants were aged between 18 and 24 and 14% between 35 and 44 years old. 33% of applications were from Bulgarian applicants compared to 65% from Romanian applicants.

51% of Bulgarian and Romanian applicants were male and 49% were female. The proportion of male (51%) and female (49%) applicants was the same for Romanian and Bulgarian applicants.

Figure 3 - Age of applicants, July - September 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.

ANNEX A

SUMMARY UPDATED FIGURES - BULGARIAN AND ROMANIAN APPLICATIONS, JANUARY 2007 - SEPTEMBER 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 - September 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	2,675	2,275	260	3,105
Q3	525	415	2,465	1,945	335	100
Q4	595	495	2,810	2,160	400	360
2007 Total	1,985	1,615	11,420	9,170	1,160	5,640
2008 Q1	410	325	2,320	1,670	300	4,510
Q2	440	355	1,870	1,265	330	5,260
Q3	470	335	1,735	900	375	665

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
2007 Total	3,100	2,190	24,410	20,600	245	2,420
2008 Q1	580	320	5,040	3,615	50	2,350
Q2	585	310	4,125	2,835	55	2,630
Q3	540	265	3,775	1,975	45	350

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	8,485	350	3,975
Q3	1,385	1,010	8,085	6,580	375	195
Q4	1,270	915	8,895	6,750	475	690
2007 Total	5,085	3,805	35,835	29,765	1,405	8,060
2008 Q1	990	645	7,360	5,285	350	6,865
Q2	1,025	665	5,995	4,100	385	7,890
Q3	1,010	600	5,505	2,875	415	1,015

(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) The data for the number of SAWS approvals is provided by the approved scheme operators. The number of SAWS worker cards issued in the first three quarters 2008 is much higher than the total number of cards issued in 2007 because in 2007 Bulgaria and Romania were allocated a minimum of 40% (6,500) of the SAWS quota. In 2008 the full allocation has been given to Bulgarian and Romanian nationals only.

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 July and 30 September 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 no longer included in this report due to the small percentage of cases these statistics represent
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 employment¹⁰. 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.

¹⁰ 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 75 applications received in Q3 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 8786). Press Enquiries should be made to the Home Office Press Office (Tel: 020 7035 3535).