

EUROPEAN AGREEMENTS

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EUROPEAN AGREEMENTS

Introduction

The UK is party to a number of European Agreements which allow the transfer of key personnel between a parent company in a European Agreement country and a UK based subsidiary.

Bulgaria and Romania

Europe Agreements are arrangements to allow prospective members of the European Union (EU) to harmonise their countries legal and business systems with those of members of the EU. As part of the Europe Agreements businesses in prospective member states are able to provide goods and services to EU members without some of the restrictions that would apply to countries from outside the EU.

From the 1st May 2004, the Czech Republic, Estonia, Hungary, Latvia, Lithuania and Poland will become full members of the EU, this means that caseworkers will only need to consider applications made under the Europe Agreements for Bulgaria and Romania. Bulgaria and Romania are likely to become full members of the EU in 2007.

Turkey

Caseworkers should also note that there is a Europe Agreement between the EU and Turkey. This agreement has three impacts on the way applications for work permits for Turkish citizens are caseworked. These are: -

A Turkish worker who has worked for one year legally in the UK is entitled to have their work permit extended if the job remains the same,

A Turkish worker is allowed to change employers within the same occupation so long as the person's new employer has given resident workers priority.

A Turkish worker is allowed to work permit free after completing four years of employment in the UK.

What to do if?

An application is received to employ a national from one of the 10 Accession country nationals from the 1st May – Caseworkers should write back to the employer informing them that a work permit is no longer required, and refer the employer to the Worker's Registration Scheme information on the website (www.workingintheuk.gov.uk).

An ICT application is received for a Bulgarian or Romanian national -

The caseworker should establish the link between the parent company in Bulgaria or Romania and the UK based subsidiary. Applications should be treated under the existing Tier One Inter Company Transfer criteria. See Intra Company Transfers.

An ICT application is received to employ a Bulgarian or Romanian worker does not meet the work permit criteria - the application should be refused. L800/860 and P81A should be included. Caseworkers should note that all refusal reasons should be included in a refusal letter and all letters should be tailored to the individual application.

An application is received to extend a Turkish work permit holders employment after they have been in the UK for 12 months and they are required to remain undertaking the same role for the same employer.

The application should be considered against the work permit extension criteria and a recruitment search would not be required

An application is received for a Turkish work permit holder to change employment undertaking the same role as previously issued for.

Caseworkers should process the application against the change of employment criteria and a recruitment search will not be required. In cases where doubts arise regarding whether there is a genuine vacancy, caseworkers should contact Policy Team for advice.

An application is received to employ a Turkish work permit holder who has completed over 48 months of continuous work permit employment.

Caseworkers should contact the employer and advise them that under the terms of Turkish agreement a work permit would not be required and that they should contact our immigration colleagues for advice. However, if an employer insists that they want their application to be considered, caseworkers should casework the application against the work permit criteria.