

SCHEDULE 1

Regulation 1(2)

Authorised categories of employment and relevant requirements

<i>Authorised category of employment</i>	<i>Relevant requirements in relation to authorised category of employment</i>
<i>Authorised categories of employment requiring a letter of approval under the work permit arrangements</i>	
Employment under the Sectors Based Scheme	The applicant— (1) holds a letter of approval under the work permit arrangements issued under the Sectors-Based Scheme; and (2) is capable of undertaking the employment specified in that letter.
Training or work experience	The applicant— (1) holds a letter of approval under the work permit arrangements issued under the Training and Work Experience Scheme; and (2) is capable of undertaking the training or work experience as specified in that letter.
Work permit employment	The applicant— (1) holds a letter of approval under the work permit arrangements issued in relation to work permit employment; and (2) is capable of undertaking the employment specified in that letter.
Other authorised categories of employment	
Airport based operational ground staff of an overseas air line	The applicant has been transferred to the United Kingdom by an overseas-owned airline operating services to and from the United Kingdom to take up duty at an international airport as station manager, security manager or technical manager.
Au pair placement	The applicant – (1) has and intends to take up an offer of an au pair placement; (2) is aged between 17 to 27 inclusive; (3) is unmarried and is not in a civil partnership; and (4) is without dependants.
Domestic worker in a private household	The applicant— (1) is over 18; (2) has been employed for at least a year outside the United Kingdom as a domestic worker under the same roof as his employer or in a household that the employer uses for himself on a regular basis; and

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	(3) intends to be so employed by that employer in the United Kingdom.
Minister of religion, missionary or member of a religious order	<p>The applicant—</p> <p>(1) if a minister of religion—</p> <p>(a) has either been working for at least one year as a minister of religion in any of the five years immediately prior to the date on which the application for the worker accession card is made or, where ordination is prescribed by a religious faith as the sole means of entering the ministry, has been ordained as a minister of religion following at least one year's full time or two years' part time training for the ministry; and</p> <p>(b) holds an International English Language Testing System Certificate issued to him to certify that he has achieved level 4 competence in spoken English, and the Certificate is dated not more than two years prior to the date on which the application for an accession worker card is made;</p> <p>(2) if a missionary, has been trained as a missionary or has worked as a missionary and is being sent or has been sent to the United Kingdom by an overseas organisation;</p> <p>(3) if a member of a religious order, is living or coming to live in a community maintained by the religious order of which he is a member and, if intending to teach, does not intend to do so save at an establishment maintained by his order; and</p> <p>(4) intends to work in the United Kingdom as a minister of religion, missionary or for the religious order of which he is a member.</p>
Overseas government employment	The applicant intends to work in the United Kingdom for an overseas government or the United Nations or other international organisation of which the United Kingdom is a member.

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Postgraduate doctors, dentists and trainee general practitioners	The applicant— (1) is a graduate from a medical or dental school who is eligible for provisional or limited registration with the General Medical Council or General Dental Council and intends to work in the United Kingdom as a doctor or dentist as part of his training; or (2) is a doctor, dentist or trainee general practitioner eligible for full or limited registration with the General Medical Council or the General Dental Council and intends to work in the United Kingdom as part of his postgraduate training or general practitioner training in a hospital or the Community Health Services.
Private servant in a diplomatic household	The applicant— (1) is over 18; and (2) intends to work in the United Kingdom as a private servant in the household of a member of staff of a diplomatic or consular mission who enjoys diplomatic privileges and immunity within the meaning of the Vienna Convention on Diplomatic Relations ⁽¹⁾ .
Representative of an overseas newspaper, news agency or broadcasting organisation	The applicant has been engaged by an overseas newspaper, news agency or broadcasting organisation outside the United Kingdom and is being posted to the United Kingdom by that newspaper, agency or organisation to act as its representative.
Sole representative	The applicant— (1) has been employed outside the United Kingdom as a representative of a firm that has its headquarters and principal place of business outside the United Kingdom and has no branch, subsidiary or other representative in the United Kingdom; (2) intends to work as a senior employee with full authority to take operational decisions on behalf of the overseas firm for the purpose of representing it in the United Kingdom by establishing and

(1) Cmnd. 2565.

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	operating a registered branch or wholly owned subsidiary of that overseas firm; and (3) is not a majority shareholder in that overseas firm.
Teacher or language assistant	The applicant intends to work at an educational establishment in the United Kingdom under an exchange scheme approved by the Department for Education and Skills, the Scottish or Welsh Office of Education or the Department of Education, Northern Ireland, or administered by the British Council's Education and Training Group.
Overseas qualified nurses	The applicant— (1) has obtained confirmation from the Nursing and Midwifery Council that he is eligible for admission to the Overseas Nurses Programme; and (2) has been offered and intends to take up a supervised practice placement through an education provider that is recognised by the Nursing and Midwifery Council or a midwifery adaptation programme placement in a setting approved by that Council

1. In this Schedule—
- (a) “au pair placement” means an arrangement whereby a young person—
 - (i) comes to the United Kingdom for the purpose of learning English;
 - (ii) lives for a time as a member of an English speaking family with appropriate opportunities for study; and
 - (iii) helps in the home for a maximum of 5 hours per day in return for an allowance and with two free days per week;
 - (b) “letter of approval under the work permit arrangements” means a letter issued by the Secretary of State under the work permit arrangements stating that employment by the employer specified in the letter of the person so specified for the type of employment so specified satisfies the labour market criteria set out in those arrangements;
 - (c) “member of a religious order” means a person who lives in a community run by that order;
 - (d) “minister of religion” means a religious functionary whose main regular duties comprise the leading of a congregation in performing the rites and rituals of the faith and in preaching the essentials of the creed;
 - (e) “missionary” means a person who is directly engaged in spreading a religious doctrine and whose work is not in essence administrative or clerical;
 - (f) “Sectors Based Scheme” means the scheme established by the Secretary of State for the purpose of paragraph 135I(i)(2) of the immigration rules (requirements for leave to enter the United Kingdom for the purpose of employment under the Sectors Based Scheme);
 - (g) “Training and Work Experience Scheme” means the scheme established by the Secretary of State for the purpose of paragraph 116(i) of the immigration rules (requirement for leave to enter the United Kingdom for approved training or work experience);

(2) Paragraph 135I was inserted by immigration rules changes on 30th May 2003 (Cm 5829).

- (h) “work permit arrangements” means the arrangements published by the Secretary of State **(3)** setting out the labour market criteria to be applied for the purpose of issuing the work permits referred to in paragraphs 116(i) (Training and Work Experience Scheme) and 128(i) of the immigration rules and the immigration employment document referred to in paragraph 135I(i) (Sectors Based Scheme) of the immigration rules;
- (i) “work permit employment” means a category of employment covered by the work permit arrangements, other than employment covered by the Sectors Based Scheme and the Training and Work Experience Scheme.

SCHEDULE 2

Regulation 1(3)

Consequential amendments

The Accession (Immigration and Worker Registration) Regulations 2004

1.—(1) The Accession (Immigration and Worker Registration) Regulations 2004**(4)** are amended as follows.

(2) In regulation 2 (“accession State worker requiring registration”)—

(a) for paragraph (5)(b) there is substituted—

“(b) another EEA State, other than a relevant accession State or Bulgaria or Romania;”;

(b) for paragraph (6)(b) there is substituted—

“(b) a family member of a Swiss or EEA national who has a right to reside in the United Kingdom under the 2006 Regulations, other than the family member of—

(i) a national of a relevant accession State who only has a right to reside under regulation 13 of those Regulations and would be an accession State worker requiring registration if he began working in the United Kingdom;

(ii) an accession State worker requiring registration who only has a right to reside under regulation 14 of those Regulations by virtue of being treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of those Regulations; or

(iii) an accession State national subject to worker authorisation or a student who is not an accession State national subject to worker authorisation solely by virtue of falling within regulation 2(10) of the 2006 Accession Regulations;”;

(c) in paragraph (9), before paragraph (b) there is inserted—

“(aa) “2006 Accession Regulations” means the Accession (Immigration and Worker Authorisation) Regulations 2006 and “accession State national subject to worker authorisation” has the meaning given in regulation 2 of those Regulations;”.

The 2006 Regulations

2.—(1) The 2006 Regulations are amended as follows.

(3) These arrangements are published by Work Permits UK, part of the Home Office, and are available on the Home Office website (www.workingintheuk.gov.uk).

(4) [S.I. 2004/1219](#); the relevant amending instruments are [S.I. 2004/1236](#) and [S.I. 2006/1003](#).

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- (2) In Schedule 2 (effect on other legislation)—
 - (a) in paragraph 1 (leave under the 1971 Act)—
 - (i) at the beginning of sub-paragraph (2) there is inserted “Subject to sub-paragraph (3),”;
 - (ii) after sub-paragraph (2) there is inserted—
 - “(3) Where the person mentioned in sub-paragraph (2) is an accession State national subject to worker authorisation working in the United Kingdom during the accession period and the document endorsed to show that the person has leave is an accession worker authorisation document, any conditions to which that leave is subject restricting his employment shall continue to apply.
 - (4) In sub-paragraph (3)—
 - (a) “accession period” has the meaning given in regulation 1(2)(c) of the Accession (Immigration and Worker Authorisation) Regulations 2006;
 - (b) “accession State national subject to worker authorisation” has the meaning given in regulation 2 of those Regulations; and
 - (c) “accession worker authorisation document” has the meaning given in regulation 9(2) of those Regulations.”;
 - (b) in paragraph 4 (appeals under the Nationality, Immigration and Asylum Act 2002 and previous immigration Acts)—
 - (i) in sub-paragraph (2), after “Accession (Immigration and Worker Registration) Regulations 2004,” there is inserted “or an accession worker card under the Accession (Immigration and Worker Authorisation) Regulations 2006,”;
 - (c) in sub-paragraph (9), after “accession State worker requiring registration” where it first occurs there is inserted “or an accession State national subject to worker authorisation working in the United Kingdom” and at the end of the sub-paragraph there is inserted “and “accession State national subject to worker authorisation” has the meaning given in regulation 2 of the Accession (Immigration and Worker Authorisation) Regulations 2006”.
- (3) Paragraph 7(3)(a) of Schedule 5 (consequential amendments) is omitted.