
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 (S.I. 2013/1460) (“the 2013 Regulations”) as follows.

Regulation 2(2) amends the interpretation of “relevant statement” in regulation 1(2) of the 2013 Regulations to take account of amendments made to the Statement of relevant requirements.

Regulation 2(3) amends the provisions in regulation 2(2) of the 2013 Regulations in relation to Croatian nationals who are not accession State nationals subject to worker authorisation - because they have leave to enter or remain in the United Kingdom not subject to conditions restricting employment - to make it clear that a restriction on taking employment as a doctor or dentist in training, or as a professional sportsperson, including as a sports coach, should be ignored when assessing whether such leave is held.

Regulation 2(4) substitutes regulation 5 of the 2013 Regulations to clarify the provisions which apply to the right of residence of an accession State national subject to worker authorisation.

Regulation 2(5)(a) amends regulation 7(1) of the 2013 Regulations to confirm that family members and extended family members of an accession State national subject to worker authorisation treated as a “qualified person” under the Immigration (European Economic Area) Regulations 2006 (S.I. 2006/1003, as amended) (“the EEA Regulations”), and who has a right to reside in that capacity, have an entitlement to reside in the United Kingdom and may be issued with a registration certificate under regulation 16 of the EEA Regulations and with a residence card under regulation 17 of the EEA Regulations.

Regulation 2(5)(b) amends regulation 7(6) of the 2013 Regulations to confirm that, in relation to the requirement that a registration certificate issued under Regulation 16(5) of the EEA Regulations to a Croatian national extended family member must be endorsed with a statement that the certificate does not confer a permission to work, this requirement does not apply to extended family members who are unmarried partners (including same sex partners).

Regulation 2(5)(c) adds a new regulation 7(7) to the 2013 Regulations to provide that a residence card issued under regulation 17(1) or (4) of the EEA Regulations to a family member or an extended family member of an accession State national subject to worker authorisation shall be of twelve months’ duration from the date of issue and shall be entitled “Accession Residence Card”.

An Impact Assessment in respect of the Government’s decision to apply transitional restrictions to Croatian nationals was published on the UK Border Agency’s website on 18 October 2012 and can be found at <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2012/october/39-croatia>.