



UCL Croatian Nationals Briefing Note

1. Background

- 1.1 Croatia joined the European Union on 1st July 2013.
- 1.2 The right to work for Croatian nationals will be subject to transitional restrictions by the UK Government. These transitional arrangements will be for at least five years, with a possible further two year extension. After this period, all Croatian nationals will have the right to move, work, and settle within the United Kingdom without restriction.
- 1.3 It is currently unclear what implications Brexit will have for the status of EEA nationals in the UK after the country leaves the European Union. This document is therefore based on the information currently available.

2. Restrictions

2.1 The restrictions that apply to Croatian nationals are summarised as follows:

- Since 1st July 2013 Croatian nationals have been able to enter and reside (but not work) without restriction within the UK for up to 3 months
- Croatian nationals will only be able to obtain permission to work in skilled positions using the Points Based System under Tier 1 (Exceptional Talent), Tier 2, and Tier 5. They will therefore still be denied access to work in low-skilled positions.
- If during this time, a Croatian national wishes to undertake employment within the UK they will be required to obtain a certificate of sponsorship from a Tier 2 or Tier 5 sponsor and then apply for an Accession Worker Registration Certificate.
- Such applications must be made before the applicant starts working.

2.2 The restrictions apply to any Croatian national wishing to work in the UK. However, the following groups are exempt (the below list is not exhaustive):

- Croatian nationals who are currently legally present in the UK, who have been previously granted settlement.
- Croatians already working within the UK on 1st July 2013 who have been doing so for an uninterrupted period of 12 months. A period of work is classed as being continuous if the migrant was employed at the beginning and end of the

period and there have been no breaks of employment totaling more than 30 calendar days. The employment can be with one or more employers.

- As soon as a Croatian national has worked lawfully in the UK for a continuous period of 12 months, they automatically have the right to full access to the UK labour market and do not need to apply for worker authorisation, or to be sponsored.
- Croatian nationals who have dual nationality with a current EU member state.
- Croatian nationals whose spouse or civil partner is a UK national.

2.3 The Home Office does not issue any formal confirmation that a Croatian national has completed 12 months' uninterrupted work and therefore does not require an Accession Worker Registration Certificate although this is available on application.

2.4 Authorisation will be granted to employ Croatian nationals if the following criteria are met:

- Employers will need to be licensed with UK Visas and Immigration and meet all of the criteria for issuing a certificate of sponsorship including, where applicable, a resident labour market test.
- Applications under Tier 2 are exempt from the maintenance requirement but applicants are still required to meet the relevant English language requirements.
- The Certificate of Sponsorship should be issued from our 'unrestricted' pool.

3. Sanctions

3.1 Sanctions will be taken against organisations who knowingly employ Croatian nationals without the proper authorisation, or who fail to check that such employees have the relevant documentation. These include a maximum of five years' imprisonment and unlimited fine on conviction or a civil penalty of up to £20,000 per employee.

4. Conclusion

4.1 While the accession of Croatia to the European Union will eventually result in Croatian nationals being granted freedom to work without restriction, in practice UK employers will not see the benefit of that for some time.