



Home Office

# **Border & Immigration Agency**

**LIVING AND WORKING IN THE UK  
RIGHTS AND RESPONSIBILITIES OF  
NATIONALS FROM BULGARIA AND  
ROMANIA FROM 1 JANUARY 2007**

# WHAT IS THIS LEAFLET ABOUT?

This leaflet explains how Bulgarian and Romanian nationals on becoming Members of the European Union can enter, live and work in the UK. It tells you how to get more information if you need it.

Bulgaria and Romania joined the European Union on 1 January 2007 and as a national of one of these countries, you will enjoy certain rights of movement between, and residence in, other EU Member States. These are set out in this leaflet. You will not, however, necessarily be free to take employment in the United Kingdom. If you wish to work in the United Kingdom after 1 January 2007, it is your responsibility to ensure that you have permission to do so, and this leaflet will help you to understand how to go about doing this. You may face severe penalties if you work without permission. If you do need to obtain permission to work in the United Kingdom, you will generally need to have an offer of employment in order to obtain that permission. If you intend to travel to the United Kingdom to seek work, you should consider carefully whether you are likely to find work that will meet the requirements of the United Kingdom's work permit arrangements. In most cases, this means that you will need an offer of skilled employment.

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# ENTERING THE UK

## DO I NEED TO SHOW MY PASSPORT OR IDENTITY CARD WHEN I ENTER THE UK?

Yes, you will need to show your passport or national identity card when you enter the UK. When you arrive at the port or airport, you should use the channel marked EEA/EU where it is available.

## DO I HAVE THE RIGHT TO LIVE IN THE UK?

You have a right of free movement as an EEA citizen. This means you have the right to move to any member state (provided you do not have a deportation or exclusion order against you) and to reside for up to 3 months following arrival. If you want to live in a member state for longer than 3 months you need to exercise a Treaty right or have permission from the member state to reside there.

## HOW DO I SHOW I AM EXERCISING A TREATY RIGHT?

If you are exercising a Treaty right you may seek a European Union Registration Certificate (registration certificate) confirming this. You are able to exercise the following Treaty rights after accession:

- As a student;
- As a self-employed person;
- As a self-sufficient person.

Under the transitional arrangements coming into force on the 1 January 2007, Bulgarian and Romanian nationals will not have a right to be a worker under EU law. However, you are able to exercise a Treaty right as a worker in the United Kingdom without restriction in the following circumstances:

- you have completed, on or after 31 December 2006, 12 months continuous lawful employment in the United Kingdom;
- you had leave to enter or remain in the United Kingdom on 31 December 2006 and that leave is not subject to a restriction on taking employment;

- you are married to a UK national or a person settled in the United Kingdom;
- you are the family member of an EEA national who has a right to reside and is not subject to work authorisation requirements.

Under EU law there are also narrow provisions which sometimes allow for workers employed in another Member State to work legally in the UK on a temporary basis.

A national of Bulgaria and Romania is also able to seek a registration certificate providing full access to the UK labour market if they are highly skilled. More information concerning who is considered to be highly skilled can be found in the Guidance Notes for Bulgarian and Romanian nationals which accompanies the application forms and is available on the website [www.workingintheuk.gov.uk](http://www.workingintheuk.gov.uk)

If you are unsure of your status please contact the Immigration and Nationality Enquiry Bureau.  
Tel: 0870 606 7766

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### DO I NEED A REGISTRATION CERTIFICATE?

If you are exercising a Treaty right, you are not required to obtain a document confirming this, but you are entitled to a registration certificate confirming your status if you wish. Applications can be made on form BR1, or in the case of the highly skilled, on form BR2.

You can get application forms from our distribution centre: Telephone: 08705 210 224 (between 9.00am and 5.00pm, Monday to Friday). Or visit: [www.workingintheuk.gov.uk](http://www.workingintheuk.gov.uk)

The application form and accompanying Guidance Notes will set out the information you will have to supply, the process you have to follow to obtain the appropriate document, and how you can confirm your status in the UK.

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**CAN MY FAMILY COME WITH ME TO THE UNITED KINGDOM?**

Yes, if you have the right to live in the UK, your family may join you. However they will not be able to work without permission. If your family are nationals of Bulgaria or Romania the same rules on access to UK labour market that apply to you may apply to them.

Family members who are not nationals of the EEA must get an EEA family permit if they are coming to live with you permanently or long-term, or are visa nationals. They must get the permit before they travel to the UK. If they try to enter the UK without an EEA family permit they may be refused entry.

For details on who is defined as a family member under EU law visit [www.ind.homeoffice.gov.uk/documents/ecis/](http://www.ind.homeoffice.gov.uk/documents/ecis/)

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**DOES MY NON-EEA FAMILY NEED AN EEA FAMILY PERMIT TO VISIT ME IN THE UK?**

Nationals of some countries need a visa to come to the UK. If your family member is a visa national, he or she will need a visa or an EEA family permit to travel to the UK. Family members who are not visa nationals may visit the UK for up to 6 months without a visa or permit, provided they meet the Immigration Rules. You can find out who needs a visa at: [www.ukvisas.gov.uk](http://www.ukvisas.gov.uk)

# LIVING AND WORKING IN THE UK

## WHAT DOCUMENTS DO I NEED TO PROVE I HAVE PERMISSION TO WORK IN THE UK?

If you do not qualify for a registration certificate giving you permission to work in the UK, or do not have leave to remain granted before 1 January 2007 that gives you permission to work, you will normally need to obtain an accession worker card before you commence employment in the United Kingdom. If you are required to obtain one and you commence working without doing so, you may be committing a criminal offence.

Those qualifying for accession worker cards will generally be skilled workers who meet the criteria for the issue of a work permit under the existing work permit arrangements.

Work authorisation will also be given to lower skilled workers from Bulgaria and Romania coming through the lower skilled Seasonal Agricultural Workers Scheme. Companies will also be able to seek approval of the employment of Bulgarian and Romanian workers to fill lower skilled vacancies in the food processing sector. These arrangements will be subject to a quota.

In most cases a person wanting an accession worker card will need a company for whom they would work to seek approval of the work arrangement under the work permit system first. If the company receives a letter of approval under these arrangements, the individual will then be able to apply for an accession worker card. Only when the accession worker card has been issued will you be allowed to start work.

The accession worker card will be issued for a specific job. If you then wish to change jobs, you will need to obtain a new accession worker card.

Full details of the process for obtaining an accession worker card is set out in the Guidance Notes for Bulgaria and Romania which accompanies the relevant application forms and is posted on the website at [www.workingintheuk.gov.uk](http://www.workingintheuk.gov.uk). If you already have an offer of work, it will be possible for you to obtain an accession worker card before you travel to the United Kingdom.

You can get application forms from our distribution centre:

Telephone: 08705 210 224 (between 9.00am and 5.00pm, Monday to Friday). Or visit: [www.workingintheuk.gov.uk](http://www.workingintheuk.gov.uk)

If you are an accession worker card holder, your permission to reside as a worker will cease when that work ceases (unless you have worked on a continuous basis of twelve months and have obtained a right to reside as a worker under EU law).

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**WHAT SHOULD I DO IF I LOSE MY ACCESSION WORKER CARD OR ANY OTHER DOCUMENTS ISSUED BY THE HOME OFFICE?**

You should contact the Immigration and Nationality Enquiries Bureau:  
Tel: 0870 606 7766

Or our Customer Contact Centre:  
Telephone: 0114 207 4074  
Fax: 0114 207 4000

E-mail: [wpcustomers@ind.homeoffice.gsi.gov.uk](mailto:wpcustomers@ind.homeoffice.gsi.gov.uk)

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**WHY SHOULD I GET AN ACCESSION WORKER CARD?**

You will be breaking the law if you are working illegally in the United Kingdom. Working illegally can result in an on the spot fine of £1000. The company for whom you work can also be fined up to £5000.

Anybody who has been legally employed on a continuous basis for twelve months obtains community rights as a worker. This means you have a full right to reside under EU law as a worker in a Member State and have an unrestricted right to access that Member States' labour market. If you don't get an accession worker card to work you will not be able to accrue full EU rights.

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**WHAT COUNTS AS 12 MONTHS' WORK WITHOUT INTERRUPTION?**

You will be treated as having worked in the UK without interruption for a period of 12 months if you were legally working in the UK at the beginning and end of that period, and any intervening periods in which you were not legally working in the UK do not, in total, exceed 30 days. You will be able to obtain a 'blue' European Union Registration Certificate to confirm this.

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**CAN I TAKE TIME OFF WORK?**

Yes, but your time off work must be paid holiday and not a break in employment.

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**DO I HAVE TO PAY TAX AND NATIONAL INSURANCE?**

You have to pay tax and National Insurance Contributions when your UK income reaches a certain level. This is arranged through your employer and is usually taken from your salary. If you have worked in the UK before and are concerned about your tax and National Insurance contribution position for earlier periods, you can contact the HM Revenue and Customs tax and benefits confidential helpline on 0845 608 6000.

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**DO I HAVE TO HAVE A NATIONAL INSURANCE NUMBER?**

You do not need a National Insurance Number in order to start work. You are required to apply for one if you are working in order for your employer to make sure any NI

contributions are correctly recorded. If you do not already have a number, you should contact your nearest Department for Work and Pensions office if you are in England, Scotland or Wales. If you are in Northern Ireland you should contact the Department for Social Development. Your employer may help you do this, though applying for a National Insurance Number is your responsibility. You should keep a copy of your NI application as evidence that you have complied with this requirement.

If you have worked in the UK before, such as on a Work Permit, a Sectors Based Scheme permit, under the Highly Skilled Migrant Programme or on a Seasonal Agricultural Workers' Scheme work card, you should already have a National Insurance number.

A National Insurance Number cannot be used as proof that you have permission to work in the UK.

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#### WHAT DO I DO IF I AM SELF-EMPLOYED?

You do not need a document confirming that you have permission to be self-employed, but you will need to be able to demonstrate that you are genuinely self-employed if you are challenged. You must register with HM Revenue and Customs immediately by telephoning 0845 915 4515. There is a penalty of £100 for late registration.

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#### IF I AM A STUDENT CAN I WORK?

Yes, but in order to work you must first obtain a registration certificate. This will confirm we accept you are an EEA national exercising a treaty right as a student and will provide you with permission to work for up to 20 hours a week during term time and for an unrestricted period during vacations

and as part of a vocational training course. We will only issue registration certificates to those people studying at genuine educational establishments included in the Department of Education and Skills (DfES) Register of Education Providers. A list of these establishments can be found at:  
[www.dfes.gov.uk/providersregister/](http://www.dfes.gov.uk/providersregister/)

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**I AM A STUDENT  
BUT DON'T WANT TO  
WORK. DO I NEED  
A REGISTRATION  
CERTIFICATE?**

No. You do not need the registration certificate to have a right of residence as a student. You only need the document if you want to work part-time whilst studying.

# WORKING IN THE UK – KNOW YOUR RIGHTS

Workers in the UK benefit from a range of workplace rights and protections. This leaflet can only cover the main points. In the UK, you can approach a range of organisations for advice, including the Advisory, Conciliation and Arbitration Service (Acas), or the Trades Union Congress (TUC). Citizens Advice Bureaux are another good source of help. You will find a list of useful contacts at the end of this leaflet.

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## HOW MUCH SHOULD I BE PAID?

Most people who work in the UK have a right to be paid at least the National Minimum Wage. If you are hired to do agricultural work you are entitled to the Agricultural Minimum Wage. If you do not know how much you should be paid under this law, or you think that your pay is less than the national minimum, call the National Minimum Wage helpline on 0845 6000 678 or the Agricultural Minimum Wage Helpline on 0845 000 0134.

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## CAN MY EMPLOYER MAKE DEDUCTIONS FROM MY WAGES TO BRING ME BELOW THE NATIONAL MINIMUM WAGE?

Apart from tax and National Insurance, employers can only take money from your wages for accommodation. The law limits the amount that they can take for accommodation.

Your employer may ask you to sign a separate agreement for deductions. These deductions may be illegal.

Before signing any agreement, or for further information, call the National Minimum Wage helpline on 0845 6000 678 or the Agricultural Minimum Wage Helpline on 0845 000 0134.

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## CAN MY EMPLOYER KEEP MY PASSPORT OR IDENTITY CARD?

Your passport belongs to your national Government and no one else should keep it.

**HOW MANY HOURS CAN I WORK?**

There are legal limits governing average working hours, rest breaks, and rules relating to paid annual leave in the UK. You cannot be required to work more than 48 hours a week, averaged over 17 weeks (over 26 weeks if you are working on a farm) unless you have agreed in writing that you are willing to do so.

For further information call the Acas helpline on 08457 47 47 47.

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**WILL I GET TIME OFF?**

You are entitled to four weeks paid holiday a year; so for example if you have a one year contract and work five days per week, you are entitled to 20 days holiday. If your contract is for one year and you work 2 days a week, you are entitled to 8 days holiday.

If you work in the agricultural sector you are entitled to 22 days paid holiday a year (11 days if you are on a six month contract) plus public holidays.

If you have not taken all the holidays that you are entitled to when your employment ends, your employer must pay you for the days that you have not taken.

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**ARE THERE PROTECTIONS FOR PREGNANT WOMEN AT WORK?**

UK law gives special protection to pregnant women at work. They have rights to paid time off for ante-natal care, statutory maternity leave, and may get maternity pay or a maternity allowance. They are also protected against unfair treatment. For more information visit: [www.direct.gov.uk/Employees](http://www.direct.gov.uk/Employees)

**WHAT SHOULD I DO IF I AM WORRIED ABOUT MY HEALTH AND SAFETY AT WORK?**

Your employer and the person who controls your workplace have a duty to protect your health, safety and welfare. They must control any risks from your work that will cause injury or ill health. Your employer has to give you information about any risks to your health and safety and instruct and train you where necessary.

If you are worried about health and safety in your workplace, tell your boss or you can contact the Health and Safety Executive's Infoline on 0845 345 0055. If you would like to speak to someone in your own language, tell the operator which language. They treat all contacts in strictest confidence.

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**WHAT SHOULD I LOOK OUT FOR IF I WORK THROUGH A TEMPORARY WORK AGENCY OR GANGMASTER?**

If you work through an agency or gangmaster in agriculture or food processing and packing, you should check that they have a licence issued by the Gangmasters Licensing Authority. You can check on the GLA website at [www.gla.gov.uk](http://www.gla.gov.uk) or by telephoning 0845 602 5020.

If you work through a temporary work agency to undertake work other than in agriculture or on food processing, the agency is not required to have a licence. Its behaviour towards its workers is regulated by the Employment Agency Standards Inspectorate (EASI). If you have any concerns about the behaviour of such an agency, you can get help and advice from the EASI Helpline on 0845 955 5105.

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**WHAT IF MY EMPLOYMENT ENDS?**

If you are claiming child benefit or tax credits and your employment ends, you should contact the Child Benefit international enquiry line on 0845 302 1454.

# WHO TO CONTACT FOR MORE INFORMATION

## GENERAL IMMIGRATION ENQUIRIES

Tel: 0870 606 7766

Website: [www.ind.homeoffice.gov.uk](http://www.ind.homeoffice.gov.uk)

## ADVICE ON WORK PERMIT SCHEMES AND PROGRAMMES

Our Customer Contact Centre

Telephone: 0114 207 4074

Fax: 0114 207 4000

E-mail: [wpcustomers@ind.homeoffice.gsi.gov.uk](mailto:wpcustomers@ind.homeoffice.gsi.gov.uk)

## DEPARTMENT FOR WORK AND PENSIONS

Tel: 0207 712 2171

Website: [www.dwp.gov.uk](http://www.dwp.gov.uk)

Jobcentre Plus website: [www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk)

## NATIONAL MINIMUM WAGE HELPLINE

Tel: 0845 6000 678

## AGRICULTURAL WAGES BOARD HELPLINES

England or Wales

0845 0000 134

Scotland

0131 244 6392

Northern Ireland

02890 520813 or 02890 524492

## NEWLY SELF-EMPLOYED HELPLINE

Tel: 0845 915 4515

## DIRECT.GOV

Public service information online: [www.direct.gov.uk](http://www.direct.gov.uk)

## HEALTH & SAFETY EXECUTIVE

HSE Infoline, Caerphilly Business Park  
Caerphilly CF83 3GG

Tel: 0845 345 0055

Minicom: 02920 808537

Email: [hseinformationservices@natbrit.com](mailto:hseinformationservices@natbrit.com)

Website: [www.hse.gov.uk](http://www.hse.gov.uk)

## POLICE

If you think your employer is exploiting or mistreating you or other workers, contact your local police station. The telephone number is in the local telephone directory.

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## ACAS

Acas provides free, impartial and practical advice on employment issues and on solving problems in the workplace. If you want further advice on an employment-related issue or problem, contact the Acas helpline on 08457 47 47 47, or visit [www.acas.org.uk](http://www.acas.org.uk)

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## CITIZENS ADVICE BUREAU

The Citizens Advice Bureau provides free, confidential and impartial advice. They can help you solve problems including debt, housing, legal matters and employment matters. Citizens Advice Bureaux are in most towns. You can find them in the local telephone directory, or visit: [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

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## HM REVENUE AND CUSTOMS

HM Revenue and Customs provides advice on taxation, National Insurance Contributions, National Minimum Wage, Tax Credits and Child Benefit. You can find the nearest office in the local telephone directory, or visit: [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

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## TRADE UNIONS

In some jobs there will be a trade union representing people who work there. Those trade unions and their local workplace representatives can advise on employment rights.

It is not compulsory to join a trade union in the UK, but you are free to do so, if you choose. If you wish to join a union you should contact a trade union, or the Trades Union Congress (TUC), the main federation of trade unions in the UK. The TUC also runs a 'Know Your Rights Line' on 0870 600 4882. You can get more detailed information about rights from: [www.tuc.org.uk](http://www.tuc.org.uk)

**LEARN DIRECT**

Learn Direct is an organisation that can provide free advice on English language learning in your area. There may be a charge for the courses that are available.

Helpline: 0800 100 900

Website: [www.learndirect.co.uk](http://www.learndirect.co.uk)

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**EMPLOYING A2 NATIONALS**

Further guidance for employers is available from the employers' helpline on 0845 010 6677 or at [www.ind.homeoffice.gov.uk](http://www.ind.homeoffice.gov.uk) or [www.employingmigrantworkers.org.uk](http://www.employingmigrantworkers.org.uk)

**This leaflet is only intended as a guide. It is not a complete statement of the law. More information can be found at: [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)**

**Translated versions can be found online at: [www.workingintheuk.gov.uk](http://www.workingintheuk.gov.uk)**

**For more copies of this leaflet phone 0114 207 4074**

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