

---

## STATUTORY INSTRUMENTS

---

# 2013 No. 1460

## The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013

### PART 1

#### INTERPRETATION ETC

##### **Citation, commencement, interpretation and consequential amendments**

1.—(1) These Regulations may be cited as the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 and come into force on 1st July 2013.

(2) In these Regulations—

“the 1971 Act” means the Immigration Act 1971 <sup>M1</sup>;

“the 2006 Act” means the Immigration, Asylum and Nationality Act 2006 <sup>M2</sup>;

“accession period” means the period beginning with 1st July 2013 and ending with 30th June 2018;

“accession State national subject to worker authorisation” has the meaning given in regulation 2;

“accession worker authorisation document” has the meaning given in regulation 8(2);

“authorised category of employment” means—

(a) employment for which the applicant has been issued by a sponsor with a valid certificate of sponsorship under Tier 2 or Tier 5 of the Points-Based System; or

(b) employment as—

(i) a representative of an overseas business;

(ii) a postgraduate doctor or dentist; or

(iii) a domestic worker in a private household;

“certificate of sponsorship” has the meaning given in paragraph 6 of the immigration rules, except that the reference to an application or potential application for entry clearance or leave to enter or remain as a Tier 2 migrant or a Tier 5 migrant is to be read as including a reference to an application or potential application for a worker authorisation registration certificate;

“certificate of sponsorship checking service” has the meaning given in paragraph 6 of the immigration rules, except that the reference to an application or potential application for entry clearance or leave to enter or remain as a Tier 2 migrant or a Tier 5 migrant is to be read as including a reference to an application or potential application for a worker authorisation registration certificate;

“civil partner” does not include a party to a civil partnership of convenience;

“EEA registration certificate” means a certificate issued in accordance with regulation 16 of the EEA Regulations;

“the EEA Regulations” means the Immigration (European Economic Area) Regulations 2006<sup>M3</sup>;

“EEA State” excludes the United Kingdom and includes Switzerland;

“employer” means, in relation to a worker, the person who directly pays the wage or salary of that worker, and “employ”, “employment” and “employs” shall be construed accordingly;

“the EU2 Regulations” means the Accession (Immigration and Worker Authorisation) Regulations 2006<sup>M4</sup>;

“extended family member” has the meaning given in regulation 8 of the EEA Regulations;

“family member” has the meaning given in regulation 7 of the EEA Regulations;

“highly skilled person” has the meaning given in regulation 3;

“immigration rules” means the rules laid down as mentioned in section 3(2) of the 1971 Act applying (except for in the definition of “relevant requirements”) [<sup>F1</sup>—

(a) for the purposes of regulation 3(1)(a) (highly skilled person: Tier 1 (Exceptional Talent) migrant), on 6th November 2014; and

(b) for all other purposes, on 1st July 2013]<sup>M5</sup>;

“Points-Based System” means the system established under Part 6A of the immigration rules;

“relevant requirements” means, in relation to an authorised category of employment, the requirements which, subject to any necessary modifications, a person in that category of employment was obliged to meet under the immigration rules in force on 9th December 2011 in order to obtain entry clearance or leave to enter or remain in the United Kingdom and which are set out in the relevant statement;

[<sup>F2</sup>“ relevant statement ” means the statement entitled “the Statement of relevant requirements” dated [<sup>F3</sup>March 2015] and published by the Secretary of State<sup>M6</sup> ; ]

“right to reside” shall be interpreted in accordance with the EEA Regulations and “entitled to reside” and “right of residence” shall be construed accordingly;

“sponsor” means the holder of a sponsor licence<sup>M7</sup>;

“sponsor licence” has the meaning given in paragraph 6 of the immigration rules;

“spouse” does not include a party to a marriage of convenience;

“student” has the meaning given in regulation 4(1)(d) of the EEA Regulations;

[<sup>F4</sup>“Student Union Sabbatical Officer” and “National Union of Students (NUS) position” have the same meaning as in paragraph 245ZW of the immigration rules;]

“Tier 2” and “Tier 5” shall be construed in accordance in paragraph 6 of the immigration rules, except that the reference to the grant of leave is to be read as including a reference to the issuing of a worker authorisation registration certificate;

“unmarried or same sex partner” means a person who is in a durable relationship with another person;

“work” and “working” shall be construed in accordance with the meaning of “worker”<sup>M8</sup>; and

“worker authorisation registration certificate” means a certificate issued in accordance with regulation 10 of these Regulations.

(3) The Schedule (consequential amendments) shall have effect.

<p><b>F1</b> Words in reg. 1(2) substituted (6.4.2015) by <a href="#">The Immigration (European Economic Area) (Amendment) Regulations 2015 (S.I. 2015/694)</a>, reg. 2, <b>Sch. 2 para. 1(a)</b></p>
---

- F2** Words in reg. 1(2) substituted (6.4.2014) by The Accession of Croatia (Immigration and Worker Authorisation) (Amendment) Regulations 2014 (S.I. 2014/530), regs. 1(2), **2(2)**
- F3** Words in reg. 1(2) substituted (6.4.2015) by The Immigration (European Economic Area) (Amendment) Regulations 2015 (S.I. 2015/694), reg. 2, **Sch. 2 para. 1(b)**
- F4** Words in reg. 1(2) inserted (6.4.2015) by The Immigration (European Economic Area) (Amendment) Regulations 2015 (S.I. 2015/694), reg. 2, **Sch. 2 para. 1(c)**

---

**Marginal Citations**

- M1** 1971 c.77.
- M2** 2006 c.13.
- M3** S.I. 2006/1003, amended by S.I. 2006/3317, 2009/1117, 2010/21, 1593, 2011/544, 1247, 2012/1547, 1809 and 2560.
- M4** S.I. 2006/3317, amended by S.I. 2007/475, 3012, 3224, 2009/2426, 2748, 2010/1836, 2011/2816 and 2012/1809.
- M5** Immigration rules H.C. 395, laid before Parliament on 23 May 1994 (as amended).
- M6** The relevant statement is published by the Home Office at: <http://www.ukba.homeoffice.gov.uk/> and copies can be obtained through the Direct Communications Unit, Home Office, 2 Marsham Street, London, SW1P 4DF (email: [public.enquiries@homeoffice.gsi.gov.uk](mailto:public.enquiries@homeoffice.gsi.gov.uk)).
- M7** The requirements for the issuance of a licence to a sponsor for the purposes of Part 6A of the immigration rules are published by the Home Office at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/>
- M8** See section 4(11) of the European Union (Croatian Accession and Irish Protocol) Act 2013.

**Changes to legislation:**

There are currently no known outstanding effects for the The Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013, Section 1.