

Restricted Access to UK Labour Market for Romanian and Bulgarian Citizens

On 1 January 2007, Romania and Bulgaria joined the European Union following applications made in the early 1990s. The media widely reported on the huge New Year celebrations that took place in both Bucharest and Sofia to mark the occasion. This takes membership of the EU to 27 Member States.

While Romanian and Bulgarian citizens now have the right to travel throughout the EU by virtue of their membership, access to the UK labour market will be opened up on a gradual basis.

The rules for access to the UK labour market for Romanian and Bulgarian citizens are now as follows: -

- Low-skilled workers will be restricted to existing quota schemes to fill vacancies in the agricultural and food processing sectors. There will be no net increase in these existing schemes (19,750 places per year) and workers will be required to have an authorisation document. However, the Government has made it clear that they will listen to industry representatives if it is felt that similar schemes are needed in other sectors. Employers or their representatives will need to be able to convince the Government there is a genuine labour shortage in their particular sector.

Employers out with the approved sectors should take advice before employing anyone who is a Bulgarian or Romanian national. The fact that they have legally entered the UK as EU citizens does not give them the automatic right to work. Employers within the approved sectors should only engage Bulgarian or Romanian nationals in accordance with the requirements of the quota scheme. Please contact us for advice if you are uncertain regarding the applicability of the scheme to any intended hire.

- Skilled workers will continue to be able to work in the UK if they obtain a work permit for a specific job (where no suitable UK applicant can be found) or they qualify under the Highly Skilled Migrant Programme.
- Students will continue to be allowed to study in the UK and to seek part-time employment during their stay but will need a work authorisation document to do so.
- Self-employed persons will continue to be able to work in the UK but must be able to prove they are genuinely self-employed.

Employers and employees will have a duty to abide by the rules and the Government has warned that they will robustly enforce them. Fixed penalty notices can be issued to employers who fail to comply with the rules.



The arrangements covering access for Romanian and Bulgarian citizens to the UK labour market is to be reviewed, within 12 months, by the proposed new Migration Advisory Committee. It has been suggested that this review should take account of the needs of the UK labour market, the impact of the EU expansion and the positions adopted by other Member States.

This e-bulletin is sent to you by Anderson Strathern's **Employment Department**. We hope you find it useful. If we can help with any matters arising from this e-bulletin, or any employment law matter please contact **Chris McDowall** on chris.mcdowall@andersonstrathern.co.uk, or any other member of our team.