

Briefing: restrictions for Bulgarian and Romanian workers

In December 2008, the government announced that Bulgarians and Romanians will not get increased access to the British labour market, following advice from the Migration Advisory Committee (MAC).

Current access to the labour market

Unlike migrants from A8¹ countries, residents of Bulgaria and Romania (A2 countries) have had only limited access to British jobs since they joined the European Union in January 2007.

A2 nationals can work in the UK if they are self-employed, students, skilled workers with a work permit, workers on the Seasonal Agricultural Workers Scheme (SAWS) and workers on the Sectors Based Scheme (SBS) for food processing.

The majority of restrictions apply to low skilled workers. The SAWS is designed to allow farmers and growers in the UK to recruit low-skilled overseas workers to undertake short-term agricultural work. The scheme works on a quota basis. Participants in the scheme are issued with a work card which gives them permission to work in the UK for a fixed period of up to six months. After this point they do NOT gain permanent access to the UK Labour market. To read more, click here: <http://www.ukba.homeoffice.gov.uk/workingintheuk/eea/saws/>

The SBS also operates on a quota system. Workers employed on the SBS are restricted to specific roles work within the food manufacturing sector. An employer must apply for an SBS permit for each worker, who will then need to apply for an accession worker card. To see which roles are open with the SBS, click here: <http://www.ukba.homeoffice.gov.uk/workingintheuk/eea/sbs/SBSworkers/>

Migration Advisory Committee (MAC) recommendations

The MAC was asked by the Government to look at the options around removing, relaxing or retaining the current labour market restrictions for A2 workers. Their report, published on 18th December 2008, recommends that the restrictions on low skilled jobs are maintained, in order to monitor the impact of accession, particularly amid the uncertainties of the current economic situation. It found that:

- the current quota for SBS is sufficient to meet demand for jobs. The quota for the sector-based scheme for food processing will remain at 3,500.
- there is insufficient evidence of national shortages in other sectors - eg construction or hospitality - to merit introducing schemes for A2 workers to enter these types of employment.
- the seasonal basis of SAWS provides much needed labour for the UK. The report recommends an increase to the SAWS quota from 16,250 to 21,250 in 2009, action which has now been agreed by the government.

¹ A8 refers to countries which joined the EU in 2004 - Czech Republic, Hungary, Poland, Slovakia, Slovenia, Latvia, Estonia and Lithuania

Impact for clients from A2 countries

Clients from Romania and Bulgaria will continue to have more limited access to the labour market than other migrants. Most low skilled employment (via SAWs) remains temporary so clients will not be eligible for public funds or the majority of homelessness services if they become out of work. When in work A2 nationals are entitled to the same benefits that UK nationals are entitled to.

If you are working with A2 clients, please visit <http://www.homeless.org.uk/policyandinfo/issues/EU10s/> for more information and guidance about entitlements to services.

To access the MAC report in full, please click here: <http://www.homeless.org.uk/policyandinfo/issues/EU10s/policyandinfo/issues/EU10s/MACreport.pdf/>

Further information about workers from A2 countries can also be found at the UKBA website <http://www.ukba.homeoffice.gov.uk/workingintheuk/eea/bulgariaromania/>

Using this briefing

We hope that this information is helpful, but you should not use it to make definitive judgements about eligibility. If you are uncertain about an individual's entitlement you should seek legal advice. A list of providers is available on our website <http://www.homeless.org.uk/policyandinfo/issues/EU10s/legaladvice/>