

## RIGHT TO WORK FOR ASYLUM SEEKERS

On 27<sup>th</sup> June 2018 Minister for Justice Charlie Flanagan announced the new right to work provisions for asylum seekers under the Recast Reception Conditions Directive which came into force on 6<sup>th</sup> July 2018.

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### WHO IS ELIGIBLE?

If you are an asylum seeker and have been waiting for a FIRST INSTANCE DECISION on your International Protection application for 9 months or longer. You will need to show that you have cooperated with the process and that you have made reasonable efforts to establish your identity. The 'labour market permission' will last for 6 months and can be renewed until you receive a FINAL DECISION on your asylum application. If you receive a negative final decision, your permission to work ends immediately.

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### I AM WAITING FOR A DECISION FROM THE INTERNATIONAL PROTECTION APPEALS TRIBUNAL. AM I ELIGIBLE TO APPLY?

No, the right to work provisions will not apply retrospectively. If you already had a first instance decision prior to the Directive coming into force then you will not be eligible.

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### HOW MUCH WILL A LABOUR MARKET PERMISSION COST AND HOW IS AN APPLICATION MADE?

The labour market permission is free. Applications can be made to the INIS Labour Market Access Unit.

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### WHAT IF I ALREADY HAVE A PERMISSION TO WORK UNDER THE INTERIM SCHEME?

If you have a self-employment permit and have not received a first instance decision on your asylum case from the International Protection Office, you will automatically receive a labour market permission.

If you have a self-employment permit and have received a negative first instance decision from the International Protection Office and are currently appealing that decision, you will retain the self employment permission and can apply for a renewal.

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### ARE THERE ANY RESTRICTIONS ON THE WORK THAT I CAN TAKE UP?

Eligible applicants will have access to all sectors of employment except employment in the Civil Service, publicly funded higher education institutions, the Defence Forces, or An Garda Síochána. There is no income threshold and applicants can work in part-time or full-time positions, or as self employed.

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### I HAVE LABOUR MARKET PERMISSION. CAN I ACCESS VOCATIONAL TRAINING?

Yes. Applicants will be able to access vocational training on the same basis as Irish citizens. Please contact your local ETB ([www.etbi.ie](http://www.etbi.ie)) or Intreo office ([www.welfare.ie](http://www.welfare.ie)) for more information.



EUROPEAN UNION

Asylum, Migration  
and Integration Fund



AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS  
DEPARTMENT OF JUSTICE AND EQUALITY



Comhairle Cathrach Chorcaí  
Cork City Council

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## IF I GET WORK CAN I STAY IN DIRECT PROVISION AND RECEIVE THE WEEKLY ALLOWANCE?

Yes, you can remain in direct provision accommodation. People who have been working for 12 weeks may have their allowance reduced or withdrawn based on a means test<sup>1</sup>. You may also be required to contribute towards the cost of your accommodation.<sup>2</sup> You can also choose to leave direct provision, however you should know that you will not be able to return to direct provision if you receive a negative final decision, as you are no longer deemed to be in the 'protection process'.

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## CAN I APPLY FOR A DRIVING LICENCE?

No. The Department of Transport, Tourism and Sport has decided to retain a requirement to produce a Residence Permit for any non-EEA citizens applying for a driving licence.

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## IF I AM REFUSED A LABOUR MARKET PERMISSION, CAN I APPEAL?

Yes. If your application or request for renewal for labour market access has been refused, you can request a review of the decision by the Minister for Justice. If you are unhappy with the result of the review, you can appeal the decision to the International Protection Appeals Tribunal. You can also request a review and appeal of a decision relating to contribution of costs or in relation to reduction or withdrawal of your allowance.

## ELIGIBILITY CHECKLIST

To be eligible, at the time you apply you must:

- Be waiting for a first instance decision on your application for 9 months or more.<sup>3</sup>
  - You have not received any decision on your protection application (refugee or subsidiary protection)
  - You received a decision on your refugee application but are still waiting for a decision on subsidiary protection
- Have cooperated with the protection process.
- Have made efforts to establish your identity.<sup>4</sup>

You cannot apply if:

- You received decisions on both your refugee and subsidiary protection, and your case is in the appeals tribunal (IPAT) or in the High Court
- You have a Dublin transfer

Applications are available on the INIS website [HERE](#). You can submit by free post to the Labour Market Access Unit (LMAU), PO Box 12931, Freepost FDN5264, Dublin 2 or by email to: [lmauapplications@justice.ie](mailto:lmauapplications@justice.ie). For more information, visit the INIS website here: <http://www.inis.gov.ie/en/INIS/Pages/labour-market-access>.

**Disclaimer: The information provided in this leaflet is intended for informational purposes only and should not be relied upon as a substitute for legal advice. It does not give a legal interpretation of any of the legislation or processes referred to. Nasc does not accept liability for the use or misuse of the information contained in this leaflet.**

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<sup>1</sup> The proposed means test is an income disregard of €60 per week earned by the applicant with 60% of the balance assessed as means. The allowance for dependent children will not be reduced or withdrawn.

<sup>2</sup> Residents of direct provision who are working will have to supply information regarding their weekly income to the Labour Market Access Unit, who will assess the contribution owed, up to €238 / week for those earning €600 and above / week. There is no contribution required for dependent adult family members or for children.

<sup>3</sup> You can submit an LMAP application after 8 months, however you will not receive the permission until you hit 9 months from the date of your international protection application.

<sup>4</sup> We do not advise you to contact your government if it is not safe for you or your family to do so.