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DEPARTMENT OF JUSTICE AND EQUALITY

INFORMATION BOOKLET

**ACCESS TO THE LABOUR MARKET FOR
ELIGIBLE INTERNATIONAL PROTECTION
APPLICANTS**

**FROM 9 FEBRUARY
2018**

The arrangements set out in this Information Booklet refer to the temporary interim measure for access to the labour market, which the Government has introduced from 9 February 2018 until the date of entry into force in the State of the EU (recast) Reception Conditions Directive¹.

Once the Directive enters into force, the Government has said that increased access to the labour market will be provided for applicants. Information will be made available at that time as to what new rights this access will bring and when it will be introduced.

The grant of a permission to be self-employed, or the acceptance by the Minister of any statement made by the protection applicant in the course of his or her application for the self-employment permission, will not prejudice the outcome of or have any bearing upon the international protection process.

The information provided in the application for a self-employment permission may be disclosed to other Government Departments, An Garda Síochána and State agencies, which provide labour market services in order to verify the information provided in the application, including the protection applicants' identity and entitlement to access State supports. Information concerning any permission granted may be disclosed to third parties for the purposes of verifying the validity of the permission. The INIS Labour Market Access Unit may be required to consult internally to confirm some details of your international protection application, which are relevant to this application.

This information is not legal advice and does not give a legal interpretation of any of the legislation or processes referred to throughout the booklet.

¹ Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), 29 June 2013, OJ L. 180/96 -105/32; 29.6.2013, 2013/33/EU

➤ **How can I access the labour market?**

From 9 February 2018, as an international protection applicant you will be able to access the labour market in two ways:

1. All applicants can apply to the Department of Business, Enterprise and Innovation for an employment permit. This is an existing scheme and the same conditions for eligibility will be applied to you as for all other non-EEA² nationals. Full details can be found on the Department's website www.dbei.gov.ie by following the link to 'Employment Permits'.
2. The Minister for Justice and Equality is setting up an administrative scheme to provide eligible international protection applicants with permission to be self-employed. To be eligible for this scheme you must, on the date you apply for a permission under the scheme be waiting on a first instance recommendation on your protection application for 9 months or more. You must also have made reasonable efforts to establish your identity and have cooperated with, and not otherwise delayed the protection process. If on 9 February 2018, you have already received a first instance recommendation on your protection application, you are not eligible for this scheme.

➤ **I have a Dublin transfer decision. Am I eligible?**

If you have received a transfer decision for another EU Member State to examine your application for international protection under the Dublin Regulation³, you are not eligible for this scheme.

If your application for international protection is being transferred to the State from another EU Member State, you will not be eligible to apply for access to the labour market, until Ireland has been finally determined as the Member State responsible for examining your international protection claim. Periods of time spent in other Member States will not be counted for the purpose of determining eligibility.

² European Economic Area.

³ REGULATION (EU) No 604/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)

- **Does this only apply to applicants living in accommodation provided under the Direct Provision system or to all applicants?**

The measures outlined above will apply equally to all eligible applicants, regardless of whether or not you are living in accommodation provided under the system of Direct Provision.

- **How do I get an employment permit to access the labour market as an employee?**

To be eligible for this scheme you must have received a job offer from an employer. You and the employer submit the application form to the Department of Business, Enterprise and Innovation for a permission to employ you and the fee may be paid by you **or** by the employer. There are conditions attached to the granting of an employment permit including the eligible sectors of employment in which you may work and minimum salary levels. Full information is available on their website <https://dbei.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/>. You may make an application to the Department of Business, Enterprise and Innovation for an employment permit from February 9 2018.

If the Minister for Business, Enterprise and Innovation approves your application, you will be granted permission to work in the employment applied for. This permission will be posted to the address given by you on your application form for an employment permit.

- **How do I complete an application for an employment permit**

Applicants can apply online to the Department of Business, Enterprise and Innovation for an employment permit via their website <https://epos.djei.ie/EPOSOnlineportal#/app/welcome> and attach all relevant documents including passport, copy of your temporary residence certificate (TRC) and passport photo.

If you wish to submit a postal application please email the Department of Business, Enterprise and Innovation at employmentpermits@dbei.gov.ie to request a hard copy form be provided to you. Applications will be processed in the order they are received.

➤ **How do I access self-employment?**

To be eligible for this scheme you must, on the date you apply for a permission under the scheme be waiting on a first instance recommendation on your protection application for 9 months or more. Any delay must not be caused as a result of your own actions. You can apply to the Department of Justice and Equality for a permission from the Minister to be self-employed. To be eligible, you must also have made reasonable efforts to establish your identity and have cooperated with the protection process, including having returned your completed Application for International Protection Questionnaire (IPO2). The International Protection Office may be asked to confirm that these statements made by you are true. You must also register with the Revenue Commissioners on www.ros.ie to be tax compliant.

An application form is available on the website of the Irish Naturalisation and Immigration Service www.inis.gov.ie. You may submit your application online to the INIS Labour Market Access Unit at lmauapplications@justice.ie or if returning by post you should send your completed application form to PO Box 12931, Freepost FDN5264, Dublin 2. Applications will be processed in the order in which they are received. Any queries may be sent to lmauqueries@justice.ie.

If the Minister approves your application, you will be granted a six-month permission to be self-employed. This permission will be posted to the address currently held on file for you by the International Protection Office (IPO). If you have changed your address, you must request a change of address form from the IPO by telephone or in writing⁴ and complete and return the form before applying for a permission under this scheme. This permission will expire immediately if you get a final decision within this six-month period. This permission may be renewable after the expiry of the six-month period if you are still awaiting a final decision on your protection application. You should apply to the Department of Justice and Equality one month in advance of its expiry to ask for a renewal.

The permission letter is not an identity document.

➤ **Where do I get the application form for permission to be self-employed?**

You can access the form online at www.inis.gov.ie or to receive a hard copy, you can write to the INIS Labour Market Access Unit at PO Box 12931, Freepost

⁴ Postal address: International Protection Office, Irish Naturalisation and Immigration Service, 79-83 Lower Mount St., Dublin 2, D02ND99. Phone: +353 1 602 8008.

FDN5264, Dublin 2 or email Imauqueries@justice.ie. The application form will be posted to the address held on file for you by the International Protection Office.

➤ **How do I complete the application form for permission to be self-employed?**

You must include a clear copy of your temporary residence certificate (TRC) and one passport-sized colour photograph with your application form. If you are submitting your application online these documents may be scanned and attached to your application. As you must sign the application form, if you are completing and submitting online, you must print a copy of the completed form, sign and scan the document to the INIS LMAU at Imauapplications@justice.ie. Your Personal ID number must be entered on the application form, along with your address and other contact details including a telephone number. If you are returning your application by post, please also write your Personal ID number on the back of the photograph.

You will be asked to confirm that you meet the eligibility criteria – that on the date you apply for a permission under the scheme [the date your application for a permission is made], you are waiting on a first instance recommendation on your protection application for 9 months or more, and that any delay is not caused as a result of your own actions, that you have made reasonable efforts to establish your identity and that you have cooperated with the protection process. You will be asked to sign a declaration on the application form to confirm that these statements are true. These details may be checked with the International Protection Office.

➤ **Can I access further education and training?**

Access to the labour market may allow for access to further education or training (FET) or third level courses that have an employment, vocational or workplace-training component. Your letter of permission from the Minister to engage in self-employment can be used as proof of your eligibility to work.

Information regarding Further Education and Training can be obtained at your local Education and Training Board (ETB), or your local Intreo Centre or your Local Employment Service (LES).

While access to the majority of these programmes is free of charge, participation on Post Leaving Certificate and higher education programmes will continue to be subject to the payment of fees.

➤ **Will I qualify for social welfare payments?**

As an international protection applicant with a right to seek employment, you may have entitlement to the following Department of Employment Affairs and Social Protection supports:

- Employees with children who are in full time employment (38 hours per fortnight or more), may qualify for the Working Family Payment (formerly known as Family Income Supplement), subject to satisfying the eligibility criteria. This scheme is subject to a means test.
- If you are an employee earning more than €38 per week you will pay Class A PRSI (Pay Related Social Insurance) contributions. Your employer will pay a PRSI contribution for you and you will also pay a PRSI contribution once your earnings go over €352 per week. Class A employees may qualify for the full range of social insurance payments subject to meeting the qualifying conditions.
- If you are self-employed you will pay a Class S contribution once your income exceeds €5,000 per year. Class S contributions cover self-employed people for certain social insurance payments subject to satisfying the qualifying conditions.
- Details of PRSI contribution rates and benefits can be found at http://www.welfare.ie/en/downloads/SW19_18.pdf.

Access to the labour market does not automatically lead to eligibility for any social welfare payment. As an international protection applicant, you do not satisfy the habitual residence condition, which is an eligibility requirement for certain social welfare assistance payments, including Jobseeker's Allowance.

Further information is available on www.welfare.ie.

➤ **Can I access Public Employment Services?**

Yes, you can access Public Employment Services through your local Department of Employment Affairs and Social Protection Intreo Centre who may support you in seeking further education, training and employment.

- **If I am working, will my weekly Direct Provision Allowance payment be affected?**

Your weekly Direct Provision Allowance will continue to be paid if you are working. This position may change following the opt-in by the State to the EU (recast) Reception Conditions Directive.

- **If I am working, can I remain in the accommodation provided to me under the Direct Provision system?**

If you are working, this may affect your entitlements to the range of support services available to you from the State as a non-working person seeking international protection.

A contribution towards the costs of your accommodation provided under the Direct Provision system and related supports may be required once the State opts into the EU (recast) Reception Conditions Directive, if you have sufficient resources, including if you have been working for a reasonable period. This will be done by assessing your means or income.

People with their own means are able to source and provide their own accommodation and may no longer be dependent on the State's Reception Centres.

Useful Websites/Contact Details:

Organisation/Department	Contact Details
Irish Naturalisation and immigration Service	www.inis.gov.ie
Department of Business, Enterprise and Innovation	<p>Web: https://dbe.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/</p> <p>Application portal: https://dbe.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits</p> <p>Frequently Asked Questions: https://dbe.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/FAQs/Employment-Permits-FAQs.pdf</p> <p>Email: employmentpermits@dbe.gov.ie</p> <p>Tel: 01 4175333</p> <p>Lo-Call: 1890 201 616</p>
Office of the Revenue Commissioners	Web: https://www.revenue.ie/en/starting-a-business/index.aspx
Citizens Information	Web: http://www.citizensinformation.ie/en/ Tel: 0761 074000
Department of Employment Affairs and Social Protection	www.welfare.ie http://www.welfare.ie/en/Pages/Intro-Centres-and-Local-and-Branch-Offices.aspx

Education and Training Boards	http://www.etbi.ie/etbs/directory-of-etbs/
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Glossary of Terms:

International Protection - There are two forms of international protection covered by the International Protection Act 2015 namely refugee status and subsidiary protection.

Refugee status – To be recognised as a *refugee*, you must be a person who, owing to a well-founded fear of being persecuted for reasons of: race, religion, nationality, political opinion or membership of a particular social group, is outside his or her country of nationality and is unable or, owing to such fear, is unwilling to avail of the protection of that country, or a stateless person, who, being outside of his or her country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it.

Subsidiary protection status – a person may qualify for subsidiary protection if there are substantial grounds for believing that you would face a real risk of suffering serious harm if returned to your country of origin/country of former habitual residence.

First instance recommendation - The International Protection Office will consider all relevant information in respect of your application for international protection (both refugee status and subsidiary protection) as part of a single application procedure and will prepare a recommendation based on this. The recommendation will be one of the following:

- (i) that you should be given a refugee declaration,
- (ii) that you should not be given a refugee declaration but should be given a subsidiary protection declaration, or
- (iii) that you should be given neither a refugee nor a subsidiary protection declaration.

If you are refused refugee status or both refugee status and subsidiary protection, you will be sent:

- (i) a statement of the reasons for the recommendation,
- (ii) a copy of the report containing the recommendation, and
- (iii) information on how to appeal this recommendation to the International Protection Appeals Tribunal (IPAT).

Final decision - You may appeal a recommendation not to grant you international protection (either refugee status or both refugee status and subsidiary protection) to the IPAT. A final decision is made when all appeals procedures, including any judicial review proceedings, are concluded.