

## Work and the Protection System

---

This leaflet explains the **temporary** measures to allow protection applicants to work while their application is being considered. These measures will be effective from 9<sup>th</sup> February 2018 until the EU (recast) Reception Conditions Directive enters into force in Ireland.

### I am in the protection system: Can I work or have my own business?

The temporary measures provide access to employment under two categories:

#### 1) Working as an Employee

#### 2) Working as Self-Employed

Conditions to work as an employee or as self-employed are different and depend on where your protection (asylum) application is in the process. This leaflet gives you more information so that you can check if you are eligible to apply for work or to be self-employed.

---

*You do not need to be in Direct Provision accommodation to apply for an employment permit or permission to be self-employed.*

### Am I in the Protection System?

You are in the protection system if you applied for protection (asylum) and have not received a final decision on your application. A final decision is when all appeals, including any judicial reviews, are concluded. You are no longer in the protection system if you have a deportation order, or if you are awaiting the outcome and application for leave to remain or permission to remain. Being allowed to work will not have any effect on the final decision of your protection application.

## Working as an Employee

---

**EVERYONE WHO IS IN THE PROTECTION SYSTEM CAN APPLY FOR AN EMPLOYMENT PERMIT.** Individuals who are in the section 3 stage are not eligible. With regards to individuals who are in the Dublin III transfer process, once a transfer decision **has been issued**, you will not be eligible to apply for an employment permit. This would suggest that those still waiting for a transfer decision can apply for an employment permit.

To apply for an employment permit you need to:

1. Get a job offer
2. The job offer needs to meet certain conditions:
  - a. The job must not be excluded from employment permits (see the list 'Ineligible Categories of Employment for Employment Permits: <http://dbei.gov.ie>)
  - b. You must have the qualifications, skills or experience needed for the job
  - c. In general, the pay offered must be at least €30,000 per year (there are exceptions to this, visit the DBEI website for more info)
3. You need to make an application to the Department of Business, Enterprise and Innovation (DBEI). Documents you will require for an application include:
  - a. Your passport
  - b. A copy of your temporary residence certificate (your IPO card)
  - c. A passport-sized photo
  - d. You, or your employer, need to pay the employment permit fee to the DBEI- €500 for 6 months or less, and €1,000 for 6 to 36 months. (If your application is refused, 90% of the fee is refunded to you.)

### Some Restrictions

Please note that even if you get an employment permit, you will not be issued a stamp 1 and your time as an employment permit holder will not count towards the required years of residence for citizenship by naturalisation or your children born in Ireland (citizenship by birth).

You can also apply for a **Critical Skills Employment Permit** while you are in the protection system, (see list of occupations that qualify for this employment permit on the DBEI website). This employment permit is for occupations that are considered very important and necessary for Ireland's economy.

You will not however be able to enjoy some benefits that come with the Critical Skills Employment Permit:

- You will not be able to apply for family reunification for your immediate family members;
- This permit will only be valid for 6 months, rather than 2 years;
- You will not be eligible for a stamp 4 after 2 years;
- Your spouse or dependants will not be able to apply for a Dependent/Spouse Employment permits (Nasc is seeking clarification from DBEI on this point)

## Working as Self-Employed/Starting your own business

---

Only people who are still waiting for a first instance recommendation can apply for permission to be self-employed or start their own business. A first instance recommendation is the first decision made on your protection case, it is made by the International Protection Office (IPO, formerly ORAC).

---

*If you returned your protection questionnaire and are still waiting for your first recommendation on your application for refugee status or subsidiary protection, then you can apply to be self-employed.*

To start your own business, you need to apply for permission to be self-employed. To be eligible for this permission, you must:

1. Be waiting for a first instance decision on your protection/asylum application for 9 months or more. **So, you are eligible if:**
  - You have not received any decision on your protection application (refugee or subsidiary protection)
  - You received a decision on your refugee application -even if you appealed it- but not on your subsidiary protection application
2. Have made reasonable efforts to establish your identity. (Do not contact your government authorities if it is not safe for you or your family to do so.)
3. Have cooperated and not delayed the protection process.
4. You must be registered as self-employed with The Revenue Commissioners (you can register on their website: [www.Revenue.ie](http://www.Revenue.ie))
5. You need to make an application in writing to the INIS Labour Market Access Unit, by regular post or by email (more info below).

### You are not eligible for this permission if:

- You received decisions on both your refugee and subsidiary protection applications, and your case is in the Appeals Tribunal or in the High Court.
- You have a Dublin transfer. You can only apply for the scheme once it is decided that Ireland is responsible to decide your protection application. Any time you spent in other EU countries does not count towards the 9 months.

## How to apply for permission to be self-employed

An application form is available on the INIS website ([www.inis.gov.ie](http://www.inis.gov.ie)). You must include a copy of your temporary residence certificate (your IPO card), any identity document you have and a passport-sized photo of yourself. You can do this online or by free post:

<p><b>Online</b> The signed form and attach the required documents should be sent to <a href="mailto:Imauapplications@justice.ie">Imauapplications@justice.ie</a></p>	<p><b>Free Post (you don't need a stamp)</b> INIS Labour Market Access Unit PO Box 12931 Freepost FDN 5264 Dublin 2</p>
---	---

If your application is approved, you will be granted a six-month permission to be self-employed. You must renew it one month before it expires. Your permission to be self-employed will expire immediately once you get a final decision on your protection application.

## Access to Social Welfare Benefits & Direct Provision Allowance

Being allowed to work or being self-employed does **not** mean that you can automatically access any social welfare payment. As someone who is an applicant for international protection you do not qualify for most social welfare assistance payments, including jobseekers allowance.

As an employee you may be eligible for:

- **Working Family Payment (formerly Family Income Supplement):** This is a tax-free payment that gives extra financial support for people in low pay. It is only available for employees that have at least one child living with them, earn less than the amounts set by the government and work at least 38 hours in a fortnight (a period of 14 days). You can add up your and your spouse's/partner's hours to meet the 38 hours required.
- **Class A PRSI (Pay Related Social Insurance):** PRSI contributions are paid by your employer if you earn more than €38 per week. You will also pay a PRSI contribution if your earnings are over €352 per week. Class A employees can qualify for the full range of social insurance payments once they meet the required criteria. For more info: [http://www.welfare.ie/en/downloads/SW19\\_18.pdf](http://www.welfare.ie/en/downloads/SW19_18.pdf).

If you are self-employed you may be eligible for:

- **Class S PRSI (Pay Related Social Insurance):** As a self-employed person, you will pay Class S PRSI contributions once your income is over €5,000 per year. Class S contributions only cover a self-employed person for certain social insurance payments, once they meet the required criteria. For more info: [http://www.welfare.ie/en/downloads/SW19\\_18.pdf](http://www.welfare.ie/en/downloads/SW19_18.pdf).

While this interim measure is in place, you will continue to access the allowances you can access at the moment: Exceptional Needs Payment, Urgent Needs Payment and Back to School (Clothing and Footwear) Allowance. If you are living in Direct Provision, you will continue to receive your Direct Provision Allowance, however this may change once the EU (recast) Reception Conditions Directive enters into force and you may be asked to make a contribution towards the cost of your accommodation in Direct Provision.

## Further education, training and employment supports

All qualifying applicants can access the Public Employment Services through their local Intreo Centre. You will be able to engage with Public Employment Supports, where they can assist you in looking for work, refer

you to your local Education and Training Board (ETB) for education and training and can help you access a Training Support Grant (TSG). Visit [www.welfare.ie](http://www.welfare.ie) for more info.

## Additional Info

---

Remember to update the International Protection Office (IPO) of your current address. If you make an application for self-employment, the permission will be posted to the address that the IPO has on file. You can update your address by phone or by writing a letter. Their address is: International Protection Office, 79-83 Lower Mount Street, Dublin 2 and their phone number is 01 602 8008.

The information you give when you apply for self-employment may be shared with other government departments, including the Gardaí and state agencies that give support to access employment. They can use this information to check your identity and that you are entitled to access government supports. The INIS Labour Market Access Unit may have to check with other units on details of your protection application that are relevant to your application for the right to work.

## Some Useful Contacts

---

**Cork City Partnership** – [www.corkcitypartnership.ie](http://www.corkcitypartnership.ie) / (021) 430 2310

**Cork City Local Enterprise Office** – [www.localenterprise.ie/corkcity](http://www.localenterprise.ie/corkcity) / (021) 4961828

**South Cork Local Enterprise Office** – [www.localenterprise.ie/southcork](http://www.localenterprise.ie/southcork) / (021) 428 5200

### **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.***

---

For more information, visit our website at [www.nascireland.org](http://www.nascireland.org) or ring (021) 450 3462.



EUROPEAN UNION

Asylum, Migration  
and Integration Fund



AN ROINN DE JAGUS CIRT AGUS COMHIONANNAS  
DEPARTMENT OF JUSTICE AND EQUALITY



Comhairle Cathrach Chorcaí  
Cork City Council