



AD HOC QUERY ON 2019.5 Right to work for asylum seekers

Requested by UK EMN NCP on 16 January 2019

Responses from EMN NCP Austria, EMN NCP Belgium, EMN NCP Bulgaria, EMN NCP Croatia, EMN NCP Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Greece, EMN NCP Hungary, EMN NCP Ireland, EMN NCP Italy, EMN NCP Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Malta, EMN NCP Norwal, EMN NCP Poland, EMN NCP Portugal, EMN NCP Slovakia, EMN NCP Spain, EMN NCP Sweden, EMN NCP United Kingdom plus EMN NCP Norway (25 in Total)

Disclaimer:

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1. Background information

Asylum seekers are not allowed to work in the UK unless their claim has been outstanding for at least 12 months through no fault of their own. Those allowed to work are restricted to jobs on the shortage occupation list published by the Home Office. There is an ongoing campaign initiated by Non-Governmental Organisations (NGOs) in the UK calling for the Government to allow asylum seekers to work sooner and have unrestricted access to the labour market. We are listening carefully to the complex arguments around allowing asylum seekers to work and in the process of reviewing the policy. We are considering all the evidence to ensure that our policy safeguards the integrity of our asylum and immigration system. As part of this we are keen to seek Member States'

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views and experiences of allowing asylum seekers to work, any restrictions in place and how this works in practice. We would therefore be grateful if you could respond to the questions below:

2. Questions

- 1. 1. When do you allow asylum seekers to work?
- 2. 2. Are there any restrictions on the work they can undertake when they do have permission?
- 3. 3. Why have you decided to put these restrictions in place?
- 4. 4. How many asylum seekers find work within 12 months from making their asylum claim? How many asylum seekers find work before their asylum claim has been decided? And what, if any, support do you offer to help asylum seekers find work?
- 5. 5. How much does your policy on allowing asylum seekers to work, save in asylum support costs in your Member State?
- 6. 6. Have you seen an increase in the number of asylum claims lodged in your Member State following any changes in permission to work policy?
- 7. 7. Do you have any plans to review or change your policy on permission to work and why?

We would very much appreciate your responses by **15 April 2019**.

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3. Responses

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=	EMN NCP Austria	Yes	1. Asylum seekers are not allowed to engage in a self-employed activity for the first three months after their application for international protection (Art 7 para 2 Federal Basic Care Act 2005). There is no such time limit for asylum seekers for taking up employed activity. However, engaging in an employed activity is only permitted in accordance with the Act Governing the Employment of Foreign Nationals (Art 7 para 1 Federal Basic Care Act 2005). Asylum seekers therefore are only allowed to take up such activity if they are in possession of an official permit (Art 3 para 2 Act Governing the Employment of Foreign Nationals). It should also be noted that asylum seekers, who are accommodated in federal or provincial reception facilities, might be assigned to ancillary tasks directly related to their reception facilities or in non-commercially activities for the Federal State, provinces, communities or community associations, provided the asylum seeker's consent. Furthermore, the Minister of the Interior is empowered to enact a decree, stipulating inter alia the conditions under which asylum seekers, with their consent, may be employed by non-governmental organizations for non-commercially ancillary tasks (Art 7 para 3a Federal Basic Care Act 2005). If such ancillary activities are provided, the asylum seeker must be granted a financial acknowledgement (Art 7 para 5 Federal Basic Care Act 2005). Furthermore, asylum seekers who

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

have been admitted to the asylum procedure for at least three months may be employed on a service cheque basis for simple typical household tasks in private households without permit (Art 1 subpara 16 Regulation for the Employment of Foreign Nationals). From November 2017 to October 2018, 335 asylum seekers were employed on a service cheque basis in AustriaSource: Ministry of the Interior 2. If there is an official permit, there is no restriction of employmentSource: Ministry of the Interior 3. See Q2Source: Ministry of the Interior 4. Asylum seekers are not registered or actively supported by the AMS (Arbeitsmarktservice, national employment service) during their asylum procedure. The labour market integration of refugees focuses on the large number of refugees who already have been granted asylum or subsidiary protection and therefore possess full labour market access. This status includes the full support and all sponsorship services of the AMSSource: Ministry of the Interior 5. We cannot calculate or estimate any such numbers, because we do not have the necessary data. The income of asylum seekers from permitted regular employment, if over a certain threshold amount (between 100-200 € per month, depending on the province and type of work), is taken into account regarding the asylum seeker's "Grundversorgung" (basic provision). Full time employment according to the Austrian wage and working conditions will therefore have the consequence that an asylum seeker loses his/her claim for "Grundversorgung" (basic provision)Source: Ministry of the Interior 6. The further employment of asylum seekers even at non-governmental organizations was regulated by the Act Amending the Aliens Law 2017. This provision came into force on 1 April 2018. Since then, increases as well as a decrease of applications for international protection was recorded (https://www.bmi.gv.at/301/Statistiken/files/2018/Asylstatistik_November_2018.pdf).However, due to the usual monthly fluctuations and various other infl
employment of asylum seekersSource: Ministry of the Interior

<u>Disclaimer</u>

		7. At the moment there are no plans to change the current policy. The government program clearly states the intention to strictly separate the areas of asylum and labour migrationSource: Ministry of the Interior
EMN NCP Belgium	Yes	1. Since December 2015, asylum seekers have access to the labour market after four months in the asylum procedure. On 9 December 2015, a Royal Decree came into force which stipulates that asylum applicants are granted access to employment after having spent four months in the asylum procedure without having received a negative first instance decision from the Office of the Commissioner General for Refugees and Stateless Persons (CGRS). Since 3 January 2019, these applicants no longer need to apply for a work permit C, they can now legally work with their residence permit as long as they meet the criteria for access to the labour market (ongoing asylum procedure). Most studies back up the assumption that rapid integration into the labour market is advantageous. For example: a) Rea, A., & Wets, J. (2014). The Long and Winding Road to Employment: an Analysis of the Labour Market Careers of Asylum Seekers and Refugees in Belgium. Gent: Academia Press: "To increase employment integration of refugees, people must have access to work during the asylum procedure. Facilitating this requires the development of a series of adapted policies on different levels, in different fields. Language proficiency can be attributed a key role. Some suggestions made in the OECD study The Labour Market Integration of Immigrants and their children (2009) can be defended on the basis of on the explicit and implicit findings of this study." More information and a summary of the study on: https://emnbelgium.be/publication/long-and-winding-road-employment-careersb) The Labour Market Integration of Immigrants and their Children, OECD: http://www.oecd.org/els/thelabourmarketintegrationofimmigrantsandtheirchildren.htm c) OECD (2016). Making Integration Work: Refugees and others in need of protection. Paris: OECD Publishing, available on https://read.oecd-ilibrary.org/social-issues-migration-health/making-integration-work-humanitarian-migrants_9789264251236-en#page1 d) Eurofound (2016). Approaches to the labour market integration of refugees and

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2. No.

3. No restrictions

4. In general: International studies on the employment integration of asylum seekers and recognized refugees shows that the employment rates of refugees are relatively low. These rates are lower than those of the indigenous population, second generation immigrants and other immigrants who migrated under a different status (Piché et al. 2002; Piguet and Wimmer 2000; Bloc 2007; Bevelander 2011). This finding is also confirmed by the UK study: Differences in labour market outcomes between natives, refugees and other migrants in the UK (Isabel Ruiz, Carlos Vargas-Silva, Journal of Economic Geography, Volume 18, Issue 4, 1 July 2018, Pages 855–885, https://doi.org/10.1093/jeg/lby027). The factors which account for employment integration are generally of three kinds: individual factors (age, gender, family situation, nationality, etc.), factors relating to access to the labour market (length of stay, language skills, level of education, social capital, etc.), and structural and institutional characteristics (opportunities available in the labour market, barriers to employment, local unemployment levels, legislation relating to asylum seekers, etc.). For BE: It is currently not possible to answer this question correctly. Several studies have tried to provide data on the number of migrants/asylum seekers working after a certain period of time. But the data are hard to compare and cannot be generalized. Studies that rely on data from the public employment services encounter the problem that these services do not take into account the length of stay of the jobseeker during the intake. The inflow therefore consists of newcomers who register for the first time with the service, as well as oldcomers who have registered for the first time or several times as job-seekers. Moreover, these figures only relate to people who have registered with a public employment service and not the ones who have find a job otherwise. This is the case for a recent the study (December 2018) "The labour market integration of asylum seekers in Flanders" (Vansteenkiste, S., & De Graeve, P. (2018). De arbeidsmarktintegratie van asielzoekers in Vlaanderen: executive summary (Werk.Focus 2018 nr.13). Leuven: Steunpunt Werk. The results show that about 55% of the asylum seekers, of whom the work permit C was approved in 2015 or 2016, joined the Flemish Public Employment Service (VDAB). Whether or not to join the VDAB is influenced by gender, age and length of stay. Of the asylum seekers who were registered with the VDAB, 12,4% went to work after 6 months, 24.5% found work after 12 months. With regard to the outflow to work, significant differences were found according gender, age, knowledge of Dutch and if

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one followed a civic integration and integration programme. Fedasil did an exercise via a data intersection between the DIMONA database (an electronic system all employers are requested to use to register a new employee with the National Office for Social Security) and database of Fedasil (Match-it) for the month of March 2018. However, the exercise was only possible for residents with a known National Register number. Of all residents who were present on the last day of March in the reception network of Fedasil and who were admitted to the pool (# 4729, those with a known National Register number and who meet the 4-month residence criterion), 249 people were employed in March 2018. The data shows that 23 people or 9% of the total number of persons employed worked for one day. 91% of the total number of persons employed worked for more than 1 day (it is not possible to calculate the exact number of days worked. The DIMONA crossing only gives a start and end date. Since the nature of the contracts is not known, the exact number of days worked cannot be calculated). Of all residents present on the last day of March, 5% worked in March relative to the pool. Of all the residents who were present on the last day of March and who were admitted to the pool, 1,068 residents or 23% worked between 01/01/2017 and 31/03/2018. This includes the residents who worked in March and the people who worked before March.

5. Asylum seekers who have a professional income from an activity as an employee are obliged to contribute to the expenses related to their care. This is foreseen in Article 35/1 of the Reception Act of 12 January 2007 and in the Royal Decree of 12 January 2011 on the granting of material aid to asylum seekers who have a professional income from an activity as an employee. It concerns a contribution for the material aid applicants for international protection receive in the reception centres. The amount of the contribution to the material aid is calculated in function of the amount of the monthly net pay of the applicant for international protection. The applicant contributes progressively to the material aid, regardless of the total amount of the monthly net pay, in the following manner: 1° No contribution is due for the income bracket between EUR 0 and 79.99; 2° For the income bracket of EUR 80 to 149.99, a contribution of 35% of the income bracket concerned is due, without prejudice to the amounts due for the previous installment. 3 ° For the income bracket between EUR 150 and 299.99, a contribution of 50% of the income bracket concerned is due, without prejudice to the amounts due for the previous installments. 4 ° For the income bracket between EUR 300 and 499.99, a contribution of 65% of the income bracket concerned is due, without prejudice to the amounts due for the previous installments. 5 ° A contribution of 75% of the relevant income bracket is due for the income bracket from EUR 500, without prejudice to the

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amounts due for the previous installments (Article 7 of the Royal Decree). According to the calculations, the contributions received in this framework by Fedasil in 2018 amounted to € 351,000. Note that in Belgium another action can be taken towards applicants for international protection who have a professional income from an activity as an employee, but only if the applicant has a fixedterm employment contract with a duration of at least six months, or an employment contract for a specific job of which the duration can be estimated at a minimum of six months, or an employment contract of indefinite duration of which the trial period has expired AND if the net monthly wage that they receive is higher than the integration income. If both conditions (salary is higher than the integration income + durable employment contract) are met, the Federal Agency for the Reception of Asylum Seekers (Fedasil) may cancel the mandatory place of registration (reception structure) and the applicant will have to find housing on the regular housing market (private or social). The Agency can only cancel the mandatory place of registration if the applicant has actually received the salary for the second time, and takes place at the latest within a period of one month from the collection of this second wage. Pending the effective cancellation of the mandatory place of registration, the applicant must pay the contribution to the material aid as described above. The Agency may decide not to terminate the mandatory place of registration, even if the applicant complies with the two conditions above, in particular when the medical or family situation justifies this. If the applicant loses his/her job or receives a final negative decision in the application for international protection (and thus losing the right to work) before leaving the reception structure, the cancellation can be reversed by submitting a new application for a reception structure to Fedasil. When the applicant loses his/her job after his/her departure from the reception facility, in principle no return to a reception structure is possible. Even if the application for international protection is still ongoing and the applicant is still entitled to material Depending on his/her situation the applicant can fall back on unemployment benefit or social aid provided by Public Social Welfare Centre. The Royal Decree also states that the applicant who is working must inform the reception structure in writing of the employment and of any change in his/her professional situation. If the asylum seeker fails to comply with this obligation, either intentionally or through negligence, or provides misleading information, Fedasil may recover the amounts that the applicant should have paid if the obligation to provide information had been properly complied with. So, any failure to communicate information about employment gives the Agency the right to recover the amounts due (possibly with interest). Note that this is not done in practice. It turns out to be too difficult given the lack of data, etc. so no enforcement of repayment is realised yet.

		6. No. 7. No
EMN NCP Bulgaria	Yes	 Asylum seekers have access to the labour market, if the determination procedure takes longer than 3 months from the submission of the asylum application. They have access to all types of employment with the exception of positions for which Bulgarian citizenship is required by law. N/A. The period in which most of these people work during the procedure is inconsiderable, given that they have the right to access to the labour market if the proceedings are not completed within 3 months of filing the application and the fact that their stay in the registration-and-reception centres is from 4 to 6 months, a period during which, in general, the procedure for status determination is completed. In 2018, the State Agency for Refugees (SAR) issued 134 documents (they verify the duration of the status determination procedure and whether it is still pending) to applicants for international protection who are in a status determination procedure. SAR organizes regular meetings of employers with asylum seekers. In 2018, 28 meetings were organized and 81 persons were employed. The policy on allowing asylum-seekers to work is not intended to save in asylum support costs but to help the adaptation of asylum seekers if they are granted asylum, refugee status or subsidiary protection.

			6. Since the creation of the legal base regarding the right for access to the labour market, no work permits have ever been required for refugees or beneficiaries of subsidiary protection. Since 2002 no work permits are required also for persons seeking international protection.7. No.
===	EMN NCP Croatia	Yes	 Applicants shall acquire the right to work after 9 months from the day of lodging an application upon which the Ministry has not yet rendered any decision if the applicant, through his/her conduct, has not caused the reasons for the failure to render a decision. The Ministry shall issue a document at the request of an applicant to certify that the applicant has acquired the right to work. The applicant shall exercise the right to work without a residence permit or work permit, or a certificate on registration of work until the decision on the application becomes final. No, they have unrestricted access to the labour market and no shortage occupation list applies. Only restrictions are general conditions that need to be fulfilled for specific work position. - In 2018, 53 international protection seekers submitted the employment contracts to the Ministry of Interior. Just for the comparison, in 2018 there were 1068 intentions made for international protection in the Republic of Croatia. The Ministry of Interior, which is in charge of the international protection approval procedure, does not provide assistance with job-seeking to international protection seekers. However, according to the agreement with the Ministry of the Interior, many NGOs (including the Croatian Red Cross) amongst other things, provide support and job search assistance, for example job - seeking workshops in the Reception centre for asylum seekers The material reception conditions of international protection seekers who do not have the adequate standard of living are: accommodation in the Reception centre for asylum seekers, food and clothing, costs of public transport for the need of international protection procedure and financial

			assistance. Applicants who have an adequate standard of living, amongst other things, who are employed, may be restricted or denied material reception conditions. 6. No. 7. No.
.	EMN NCP Cyprus	Yes	 Asylum Seekers are allowed to work after one (1) month from the date of their asylum application submission. Asylum Seekers are allowed to work only in limited sectors and occupations that are specified by a Decree issued by the Minister of Labour, Welfare and Social Insurance according to the provisions of the Alliens and Migration law. A contract of employment must be signed by both sides (employer/employee) and presented to the District Labour Office for approval provided that, the employer has obtained a work permit from the Department of Labour. The sectors asylum seekers are allowed to work are: agriculture/animal husbandry/fishery labourers, forage production labourers, drainage and waste processing/garbage and trach collection and processing/recycling/offal processing labourers, gas station and car wash labourers, freight handlers of wholesale trade, building and outdoors cleaners, distributors of advertising and informative material, food delivery. Restrictions are put in place always taking into consideration the state of the labour market There are no available such data. The Public Employment Service provide job search support to asylum seekers arranging appointments with potential employers in order to find a job in the sectors and occupations that are specified by the relative Decree issued by the Minister of Labour, Welfare and Social Insurance. It is too early to have an estimation at this stage, as the policy was introduced in October 2018

		6. Yes. No specific data available.7. Following a recent policy change Asylum Seekers have access to the labour market one (1) month after the date of the submission of their application for international protection (with the
		previous policy the waiting period for labour market access was six (6) months). Additionally, the Ministry of Labour, Welfare and Social Insurance is in the process of reevaluating the range of jobs and employment opportunities for asylum seekers.
EMN NCP Czech Republic	Yes	 Asylum seekers in the Czech Republic are not allowed to work immediately. After applying for international protection they have to wait six months until they are allowed to apply for a work permit to the relevant employment office and legally apply for employment. No N/A Statistics for first and second question are not available. Asylum seekers can attend language courses and professional social consulting services. They have access to more specialised services focused on labour market counselling when they are granted international protection (State Integration Programme, Centres for the Support of the Integration of Foreigners etc.). The Czech Republic did not make any research on this field yet. Until the end of the year 2015, the asylum seekers were not allowed to work no earlier than one year after their submission of the application for international protection, then there was the change of this period to six months and no increase was observed in the number of asylum claims. In year 2015 there were 1 525 asylum claims, in 2016 there were 1 478 asylum claims registered.

			7. No
	EMN NCP Estonia	Yes	 An applicant for international protection may take employment in Estonia if the decision on his/her application for international protection has not entered into force within six months as of the submission of the application for international protection due to reasons beyond the applicant's control. No, there are not any restrictions in place. Applicants for international protection do not have access to public sector jobs. N/A We do not collect any data concerning applicant's activity on labour market. Applicants have access to labour market services and trainings. It means that after they have received access to the labour market they can register themselves as unemployed. Also accommodation centre provides some help to find contact with employers, to prepare CV etc. As the number of applicants for international protection is very small the saving is not significant. Applicants who work and still live in accommodation centre do not receive monthly monetary benefit. No. No.
+	EMN NCP Finland	Yes	As an asylum seeker, you can start working (employment with a salary) three or six months after you have told the police or the border control authorities that you are applying for asylum in

"	EMN NCP France	Yes	1. Until recently, as indicated in the EU Directive 2013/33/EU, an asylum seeker could not have access to the labour market during a 9 months period after the filing of his/her application if the competent authorities did not process his/her application for reasons which cannot depend on them. The recent law of 10 September 2018 for a managed migration, an effective asylum right and a successfull integration has reduced this period from 9 to 6 months. This new measure will be enforced as from 1st March 2019.
			2. The asylum seeker needs to respect the same rules as for third country nationals wishing to apply for a work permit. This work permit can be limited to some professional activities or geographical regions. The work permit can be refused because of the labour market situation in the job and/of geographical region (i.e. if the employment rate is too high in this area). However, foreign nationals (and asylum seekers) who are recruited for a salaried position in a sector and geographic zone which is facing recruitment difficulties and which features on a national list drawn up by the administrative authorities, cannot be refused a work permit on the grounds of the employment situation.
			3. This framework is not specific to asylum seekers but concerns all TCNs applying for a work permit. This framework aims at answering the needs of the companies which cannot be fulfilled by the labour market, either because of a shortage of candidates for a specific job position, or because the profile of the required candidate cannot be found among candidates already presnt on the French territory.
			4. n/a 5. n/a
			6. The law of 29 July 2015 related to the reform of the asylum right reduced the period of access to the labour market for asylum seekers from 12 to 9 months. However this measure cannot explain the steady increase of the asylum applications in France since 2014. The 2015 migratory crisis, its consequences on secondary movements and the visa liberalization process with some countries have had more impact on this asylum increase in France.

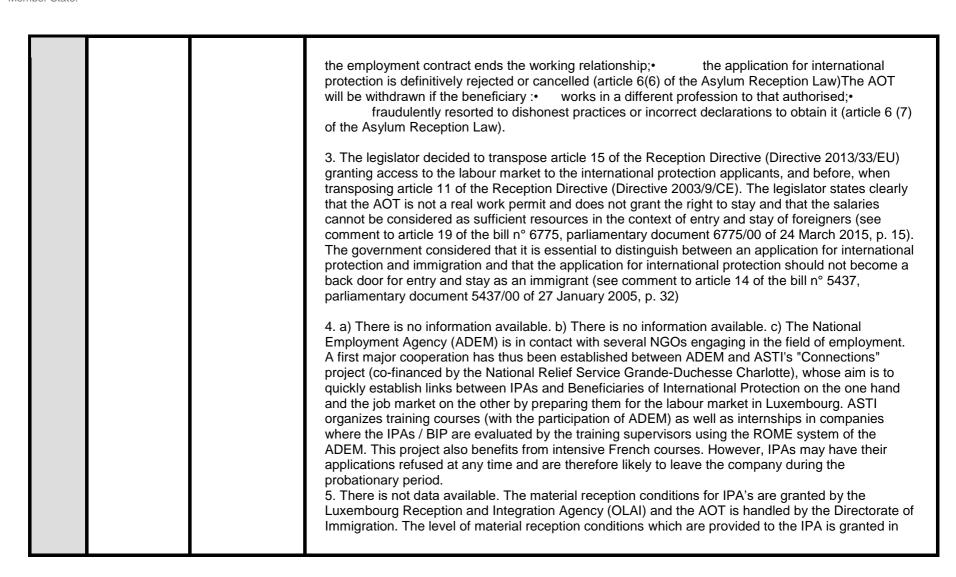
		7. As indicated in Q1, as from 1 March 2019, an asylum seeker can have access to the labour market after a 6 months period after the filing of his/her application if the competent authorities has not processed his/her application for reasons which cannot depend on them. The reduction of this period is linked with the objective of the law of 10 September 2018 to reduce the processing time for asylum applications to a 6 months period, including judicial remedies. This law of 10 September 2018 also mentions that the competent authorities have a 2 month period after the filing of a work permit application to verify if the hiring of this person fulfils the legal condition for access to the labour market. If the decision is not taken within this period, the work permit is automatically approved. This measure aims at simplifying the work permit application.
EMN NCP Greece	Yes	1. According to the transposition of Directive 2013/33/EU (L.180/96/29.6.2013) into national legislation, L.4540/Gov.Gazette A 91/22-05-2018), art.15 enshrines the right to employment of the applicants for international protection and art.16 to employment training. More specifically, applicants have the right to be informed and have access to the labour market according to the provisions of art.71 L.4375/ Gov.Gazette A 51/3-04-2016 after lodging their application and the issuance of the international protection applicant's card for the time period that it is referred on the card until a final decision is taken. Even during appeals, the right to employment cannot be withdrawn until a final decision is issued. In case of granting refugee status, art. 69 in Law 4375/2016 and art.27 p.d.141/2013 provide the legal basis for access to employment for refugees or for persons eligible for subsidiary status. 2. N/A for GAS 3. N/A 4. N/A for GAS 5. N/A

			6. N/A 7. N/A
	EMN NCP Hungary	Yes	 Hungary implanted in its national law, the currently in force 2011/95/EU Directive's relevant provision, which regulates, that an asylum seeker has a right to access to the labour market after 9 months from the registration of its application. However this particular provision is not in force right now, since in Hungary the government declared a crisis situation caused by mass migration, and suspended the implementation of this right. In generally there is no restriction regarding the type of the work. N/A We don't have relevant data, since this provision in the national law is not in force since 2017. We don't have relevant data, since this provision in the national law is not in force since 2017. We don't have relevant data, since this provision in the national law is not in force since 2017. Although we haven't detected any decrease because of this restriction. There is no plan to change our policy regarding the right to access to the labour market.
•••	EMN NCP Ireland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.

EMN NCP Italy	Yes	 According to the Law Decree approved on August 18, 2015 n°142, asylum seekers are allowed to work after 60 days from the moment the asylum application has been lodged. This permit allows asylum seekers to work during the examination of the application and it cannot be converted into a permanent working permit. After 60 days from the moment the asylum application has been lodged, asylum seekers are considered as any other Italian worker and they may freely register in the Public Employment Service (Centri per l'impiego). According to the Law Decree passed on 4th October 2018, n. 113, the residence permit issued to asylum seekers does not give them the right to be registered in the Civil Register, so they are allowed to access public services in the place where they have elected domicile or the reception centre is placed. Asylum seekers may access both public and private organizations, with the exceptions of positions involving the exercise of public authority or responsibility for safeguarding the general interest of the State. The reason why these restrictions are in place relies on article 51 of the Italian Constitution, according to which those working positions involving the exercise of public authority od responsibility for safeguarding the general interest of the State are reserved to Italian citizens.
		5. Not available data
		6. Not available data
		7. Not available data

_	EMN NCP	Yes	1. An asylum seeker may be granted the right to employment in case if the decision of the 1st
	Latvia		instance is not taken within the time period of 6 months after submitting an application (and it has not happened due to his/her fault). The right to employment remain until the moment when the final decision has entered into effect. Rights to work are indicated by the notice in the personal document of an asylum seeker.
			2. No particular restrictions for the asylum seekers.
			3. N/A
			4. There are no statistics on how many asylum seekers find work within 12 months, but there are only same few cases when asylum seeker within 6 months after submitting an application requests right to work. As an asylum procedure usually ends within the time frame of 9 to 10 months (and only in cases mentioned in the point N.1 asylum seekers have permission to work), we do not have support system for the asylum seekers who are searching for employment.
			5. N/A
			6. No.
			7. No.
-	EMN NCP Lithuania	Yes	1. Asylum seekers are not allowed to work during the asylum procedure. In Lithuania, the decision on asylum status must be adopted is 6 months, therefore, this is in line with the Directive. There were no cases of procedure exceeding this time limit, hence, no practice of allowing asylum seeker to work.
			2. n/a
			3. n/a

		4. n/a5. n/a6. n/a7. n/a
EMN NCP Luxembou rg	Yes	 International protection applicants (IPA's) may apply to work temporarily in certain specific cases. An application for an authorisation of temporary occupation (AOT) can be submitted to the National Employment Agency (Agence pour le développement de l'emploi – ADEM) 6 months at the earliest after the application for international protection has been submitted to the Immigration Directorate of the Ministry of Foreign and European Affairs, if a decision on the application for international protection has not yet been taken by the Minister responsible for asylum, and provided that the IPA is not responsible for the delay in taking the decision (article 6 (2) of the amended law of 18 December 2015 on reception of applicants for international protection and temporary protection, Asylum Reception Law). Yes. The IPA is subject to fulfil all the conditions of an authorisation of stay for salaried worker (article 41 (1) of the amended law of 29 August 2008 on free movement of persons and immigration) and s/he has to pass the labour market test (article L. 622-4 of the Labour Code). The AOT is valid for 6 months and can be renewed. It is only valid for one profession and for a specific employer. AOT applications and renewals may be rejected for reasons connected with the situation, changes to or the organisation of the employment market, in particular with regard to priority given to employing citizens of EU Member States or countries treated as such (Norway, Liechtenstein, Iceland and Switzerland) and third-country nationals with lawful residence who are receiving unemployment benefits (article 6 (3) of the Asylum Reception Law in accordance with article L. 622-4 of the Labour Code). The AOT is no longer valid when:



		accordance with the household composition, the ages of household members and the financial resources of the IPA (article 9(1) of the Asylum Recpetion Law). 6. There has not been any increase in the number of international protection applications based on any changes in permission to work policy. 7. No.
EMN NCP Malta	Yes	 Asylum seekers are allowed to take up employment as soon as they are able to present documentation indicating their status/situation in Malta. The requirements for submitting an application for an Employment Licence include a filling an application form duly signed by the employer, a valid Police Immigration Certificate or a copy of appointment slip if Police Immigration Certificate is expired; or a copy of the Asylum Confirmation document issued by the Refugee Commissioner; and a processing fee of €58 for a new application or €34 for a renewed Employment Licence, to be paid on issue of Licence. Information on application, processing and issuance of Employment Licences may be found in the Employment Licence Guidelines on the Jobsplus (Malta's Public Employment Services) website at www.jobsplus.gov.mt. Present legislation authorises the Employment Licence Unit to carry out labour market tests for these individuals. in view of the present situation of the Maltese Labour Market, these applicants are (for the time being) not subject to any labour market tests. Restrictions, that apply may include:-Employment Licence must be applied for by the prospective employer and is restricted to a specific employer and a specific job- This is issued for a period of 3-6 months depending on the feedback obtained from the Refugee Commission highlighting the status of their application for asylum Employment Licences: As stated in the Immigration Act, an employment licence is required. At present, all foreign nationals require authorisation to work in Malta and licences are needed in respect of persons who enjoy long-term residence status. This is also applicable for asylum seekers. Until a refugee status is provided by the Refugee Commissioner, the case is considered on the same terms as that of a TCN. The asylum seeker is granted a licence in their own name, after being

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			granted asylum. This is done for security measures. Duration: This restriction was implemented in view of the temporary status of the applicant. Since the application for status would be ongoing at the Refugee Commission, duration of the Employment Licence is temporary in view of the temporary status of the individual (still in the process of obtaining protection if applicable). 4. We do not have any data available on the first question. On the last question; Jobsplus, Malta's Public Employment Services, assists asylum seekers through the Job Brokerage Office whereby short-term placements are offered with the possibility of being retained in employment. 5. Malta's Public Employment Services (PES), Jobsplus, is not in possession of statistical data regarding financial implications of the asylum support. Nonetheless, from a labour market perspective it should be noted that according to S.L. 420.06 Reception of Asylum Seekers Article 10 (1): An applicant shall be granted access to the labour market after the lapse of nine months from the date when the application was lodged, provided that he is still an applicant when such a lapse has occurred. Furthermore, Articles 9, 10, and 11 of the same legislation provide other benefits such as free education for minors and free healthcare. It should be noted that once an applicant has sufficient resources he/she will be required to contribute to the social security system. This is a necessary measure to help the state with asylum support costs and the social security system in general. Therefore, in Malta's case, the engagement of asylum seekers is a priority both from an integration perspective and also from a labour market perspective. 6. No data is available.
=	EMN NCP Netherlan ds	Yes	1. If an asylum seeker has submitted an asylum application, he is not allowed to work during the first 6 months of the asylum procedure. After 6 months the asylum seeker is allowed to work for 24 of every 52 weeks, as long as the asylum application is still being processed and the asylum seeker stays in an asylum reception facility. The employer requires a work permit to employ an asylum seeker. Asylum seekers are also allowed to work at the asylum seekers centre. Asylum seekers

			receive a small compensation for their work activities at the asylum seekers centre. Asylum seekers are also allowed to be a volunteer at a non-profit organisation that serves a social purpose. If the asylum seeker receives a temporary residence permit then he will be granted the same rights and duties as Dutch citizens. Asylum seekers will then be allowed to be fully employed, without a work permit being required. 2. No, asylum seekers can undertake any type of work and no labour market test, used to give priority to nationals or to other Union citizens, is done. 3. Not applicable. 4. The Netherlands does not have specific information on asylum seekers finding work within 12 months from making their asylum claim. On average 80 to 100 work permits are issued annually to employers in order to employ asylum seekers. Asylum seekers who want to work have to find this on their own. The Central Agency for the Reception of Asylum Seekers (COA) does offer advice on how they could find a job. COA furthermore stimulates them to do voluntary work and brings them into contact with organisations who need volunteers. 5. We are not able to answer this question. 6. Not applicable. 7. No.
1	EMN NCP Poland	Yes	1. If after 6 months from the date of submitting the application for refugee status there is no decision at first instance, and the cause of failure to make the decision within this time limit does not lie with the applicant, the Head of the Office, at the request of the applicant, issues a certificate, which, together with a temporary identity certificate provides the basis for the applicant and spouse, on whose behalf he is acting, to work on the territory of the Republic of Poland on the principles and

		procedures set forth in the Act of 20 April 2004 on employment promotion and labour market institutions. 2. There are no restrictions on the work for asylum seekers if they have above mentioned permission. 3. N/A 4. There are no statistics on these cases. 5. Foreigners get support from the Head of the Office of Foreigners regardless of they work or not. 6. It hasn't been any changes in permission to work policy last time triggering an increase of asylum claims. 7. No, Poland doesn't have any plans to review / change its policy on permission to work for this
		group of foreigners.
EMN NCP Portugal	Yes	 They may work from the moment the provisional residence permit is issued. They have access to employment under the general labor law. No
		3. NA
		4. There are no available statistics
		5. NA. The most important is go give access to rights not so much the financial dimension.

		6. No 7. No
EMN NCP Slovakia	Yes	 The applicant must not enter any employment relation or similar labour relation or start business; however, he/she can enter labour relations after 9 months since the initiation of the procedure, if: - bringing an action against the Ministry's decision in the asylum procedure has no suspensive effect and the Administrative Court has not decided to grant suspensive effect,- the cassation court did not decide to grant the suspensive effect of a cassation complaint against a decision of the administrative court which concerned an administrative action against a decision of the Ministry issued in asylum procedure. No restrictions. N/A We do not have exact statistics. Social workers provide them with the assistance in writing a CV and finding a job (mostly a temporary one) in the close area. Employers find the duration of the procedure (until when the asylum seeker can actually work) and uncertainty of its result problematic. Another obstacle is the language barrier, recognition of education, etc. Social workers also inform asylum seekers about the situation on the labour market and salaries-wise. No data available. No, we have not seen any influence on the number of asylum claims because of this fact. Currently there are no plans foreseen in the nearest future.

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£	EMN NCP Spain	Yes	1. Once the application is submitted, they are entitled to work after six months from its submission, if a decision hasn't been taken yet. 2. No. 3. N/A 4 N/A (our statistics do not contemplate the 12 months period mentioned, so we do not have those figures) Relating to the support, the following actions are put in place in order to support the labor insertion of asylum seekers and beneficiaries of international protection; These actions are carried out by a group of non-profit social entities specialized in providing care to this group, which receive annual subsidies from the Secretary of State for Migrations:- Projects co-financed by the European Social Fund (Operational Program for Inclusion Social and Social Economy):Employment projectsThe objective is to develop individual labor insertion itineraries for applicants and beneficiaries of international protection, statelessness and temporary protection status, as well as to promote equal opportunities for men and women, to avoid xenophobic behavior and promote diversity in the work environment. The following types of actions may be subsidized:1. Development of customised itineraries for labor insertion. 2. Preparation and accompaniment of self-employment initiatives, with special consideration to those oriented to the social economy. 3. Actions aimed at the eradication of trafficking of persons for the purpose of sexual or labor exploitation and promoting the insertion of victims in the labor market, through labor integration itineraries and training for employment. 4. Actions that enable the labor insertion of families of the target group in rural areas with low population density, through personalized processes of selection, training and
			insertion of victims in the labor market, through labor integration itineraries and training for employment.4. Actions that enable the labor insertion of families of the target group in rural areas

		5. This information is not available.6. N/A7. None foreseen.
EMN NCP Sweden	Yes	 The asylum seeker is exempted from the requirement to have a work permit if he/she fulfil the following conditions:• provide proper identity papers or in some other way help to prove his/her identity.•The application is to be considered in Sweden.•There are solid reasons for the application for asylum. The person will not be granted AT-UND if he/she has been issued a refusal of entry with immediate effect. If the asylum seeker fulfil the conditions above, he/she will receive an Asylum Seeker Card (LMA-kort) stating that he/she has AT-UND. This means that the person is exempt from the requirement for a work permit. The AT-UND status normally lasts until either the person is granted a residence permit or until he/she leaves the country. No Not applicable No information available. The policy has not been changed for a long time so no information available. Not to the best of our knowledge.

EMN NCP United Kingdom	Yes	1. Asylum seekers are not allowed to work in the UK unless:• they have waited for over 12 months for an initial decision on their asylum claim, or they have been refused asylum but have not received a response to further submissions submitted over 12 months ago; and they are not considered responsible for the delay in decision-making. For further information see: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/5 83192/Permission-to-work-v7.pdf 2. Those allowed to work are restricted to jobs on the Shortage Occupation List (SOL) published by the Home Office. The SOL is based on expert advice from the independent Migration Advisory Committee. The list comprises skilled jobs where there is an identified national shortage. For further information about the Migration Advisory Committee see: https://www.gov.uk/government/organisations/migration-advisory-committee. For further information about the UK Shortage Occupation List see: https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-k-shortage-occupation-list 3. The policy is designed to protect the resident labour market by prioritising access to employment for British citizens and those lawfully resident here, including those granted refugees status. It is also to distinguish between those who need protection and those seeking to work here, who can apply for a work visa under the Immigration Rules. Our wider policy could be undermined if non-
		apply for a work visa under the Immigration Rules. Our wider policy could be undermined if non-EEA nationals could bypass work visa Rules by lodging unfounded asylum claims here. 4. Data is not available on how many asylum seekers in the UK currently find work after being given permission, but evidence suggests that numbers are low due to language barriers, limited knowledge of the UK labour market, limited social networks and an uncertain immigration status. There is no specific support to help asylum seekers gain employment. However, those granted refugee status or humanitarian protection have immediate and unrestricted access to the labour market and benefits. Unemployed refugees are legally entitled to receive employment support from the Department for Work and Pensions. 5. Asylum seekers are not allowed to work in the UK unless they have been waiting for a decision on their claim for 12 months or more and the delay is through no fault of their own. They are also restricted to jobs on the Shortage Occupation List. As such, it is likely that the number of asylum

			seekers who find work in practice is low and any associated cost savings are minimal. The UK does not record how many asylum seekers have been granted permission to work so there is no information available regarding support costs savings. 6. The UK has not made any recent changes to the permission to work policy, however, we believe that unrestricted access to employment opportunities would be an incentive for more migrants to choose to come to the UK illegally rather than claim in the first safe country they reach. 7. The UK Government is currently considering the evidence, listening to views on the current policy and reviewing the position.
#=	EMN NCP Norway	Yes	1. In order for an asylum seeker to be granted a temporary work permit in Norway, certain criteria must be met: • The applicant has had his/her asylum interview. This condition can be waived if there are a high probability that the application for asylum will be granted. • The applicant presents a valid passport*, or a valid national identity card from certain countries, and there is no doubt about the identity of the applicant. • The applicant is not subject to a decision for removal, or a decision for transfer to another EU member state pursuant to the Dublin-regulation. *Referring to an amendment of the Norwegian Immigration Regulations, Section § 17-24 in 2018, residents from certain countries in integration reception centres are no longer obliged to present a valid passport/national ID card in order to be granted a temporary work permit, as long as there is no doubt about the resident's identity. This is a temporary change and in effect only until May of 2021. The effect of this amendment will in the meantime be evaluated. 2. There are no restrictions as such. However, usually a refugee's qualifications, work experience and education would have to be reviewed and approved for any positions that require specialized education and/or higher education. Norway has government agencies that carry out this kind of evaluation and it can take some time to complete the process. Most refugees would need to get certified, get the necessary licences and prove they have the required Norwegian language skills for

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highly skilled jobs. However, much unskilled labour in Norway is carried out by immigrants lacking in advanced language skills and these kinds of jobs would presumably also be open to refugees. 3. The qualifications referred to in response 2, above apply to everyone living and working legally in Norway. 4. See attached table and EDITED version.** In 2015, 31 150 persons applied for asylum in Norway. Of these, 1 023 persons were issued temporary work permits while they waited for their application to be completed. Of these 1 023 persons, 295 (29 %) took longer than 12 months from asylum application to get a temporary work permit, while 728 asylum seekers got a work permit in less than 12 months after they had registered their asylum application. We do not know if any of these persons actually found employment. In 2016, 3460 persons applied for asylum in Norway. Of these, 99 asylum seekers were granted temporary work permits, 78 persons (79 %) within 12 months after registering their asylum applications and 21 (21 %) after 12 months. (In 2017, 3560 persons applied for asylum and 120 temporary work permits were issued, 98 (82 %) within 12 months of registered asylum applications, while 22 took longer. In 2018, 2655 persons applied for asylum. So far, 158 of these have received a temporary work permit. We can conclude that in recent years, only small numbers of asylum seekers have been issued work permits in Norway while waiting for their asylum applications to be processed, approximately three percent of asylum seekers. We do not know how many actually become employed.....And what, if any, support do you offer to help asylum seekers find work? All residents of asylum centers who are over the age of 16 and who have been granted a residence permit, or are highly likely to receive a residence permit, are offered the opportunity to register their qualifications. The purpose is to give public agencies who advise refugees who are granted a residence permit in Norway, information about training, education and work. The goal is for the individual to get better customized services and get into education and work faster. In 2016 Norway established the first integration reception centers. The reception centers are a part of a pilot project that will be evaluated. Staying in an integration reception center is voluntary, and the asylum seekers apply for a place in the program. The activities are mandatory, and the residents enter into an agreement with the municipality on participation in a full-time program. The activities in the fulltime program are language training, work training, career guidance, education-oriented activities etc. The goal is early integration and preparation for education and work in Norway after settlement. no 2.edited response.uk emn ahq on right to work for asylum seekers-4.docx

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