



**AD HOC QUERY ON 2020.16 Update on EMN AHQ 2019.5 and additional questions on asylum seekers right to work**

**Requested by Rafael BÄ., RLUND on 11 March 2020**

**Compilation produced on 8 July 2020**

**Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Sweden (21 in Total)**

**Disclaimer:**

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

**1. Background information**

Finland has an request for updated and additional information on asylum seekers right to work. Please find enclosed AHQ 2019.5 from January 2019 which this refers to. The reason for the AHQ are the changes in the Finnish government concerning the administration of labour migration. The administration of labour migration has been transferred from the Ministry of the Interior to the Ministry for Economic Affairs and the Employment. Work is ongoing to review the procedure and the competencies of the actors involved. Therefore Finland is interested in how the asylum seekers right to work is administered in other Member States.

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

## **2. Questions**

- 1. When can the asylum seekers work in your MS? (please update your response to AHQ 2019.5 if needed – see attached document)**
- 2. How does the asylum seeker prove to an employer that he/she has the right to work (do you e.g. issue a certificate/document for this purpose)?**
- 3. If your MS issues a document to prove the right to work, which authority issues it? Does the asylum seeker have to cover any costs?**
- 4. Does the employer have the obligation to verify the right to work of asylum seekers in your MS? Which document does the employer have to keep in his/her records?**
- 5. Under which circumstances does the right to work of asylum seekers end in your MS?**

We would very much appreciate your responses by **8 April 2020**.

## **3. Responses**

1



|  |  |                                  |  |
|--|--|----------------------------------|--|
|  |  | Wider Dissemination <sup>2</sup> |  |
|--|--|----------------------------------|--|

<sup>1</sup> 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.

<sup>2</sup> 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."


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|  |                            |            |  |
|--|----------------------------|------------|--|
|   | <p>EMN NCP<br/>Austria</p> | <p>Yes</p> | <ol style="list-style-type: none"> <li>1. No update.</li> <li>2. Asylum seekers are only allowed to take up an employed activity if they are in possession of an official permit (Art. 3 para 2 Act Governing the Employment of Foreign Nationals). This permit is issued to the prospective employer, who is then entitled to employ the respective person.</li> <li>3. This permit is issued by the regional office of the Public Employment Service. The asylum seeker does not have to cover the costs for the permit, as the permit is requested by the prospective employer.</li> <li>4. n/a, see Q2</li> <li>5. A work permit is issued for a certain period of time; it can be issued for at most one year (Art. 7 para 1 Act Governing the Employment of Foreign Nationals) or for a shorter time period (six weeks or six months for seasonal workers and harvest workers; Art. 4 Regulation on the temporary employment of foreigners in tourism and in agriculture and forestry in 2020).</li> </ol>   |
|  | <p>EMN NCP<br/>Belgium</p> | <p>Yes</p> | <ol style="list-style-type: none"> <li>1. No changes, since December 2015, asylum seekers have access to the labour market after 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).</li> <li>2. Until the end of 2018, asylum seekers needed a work permit C to be able to work, but since January 2019 <b>the right to work is mentioned directly on their temporary residence permit (Attestation of Immatriculation)</b>. A separate work permit is no longer needed and asylum seekers can work in the area he or she wishes.<br/>Since 1 September 2019, the first Attestation of Immatriculation, the temporary residence permit, issued to an applicant for international protection is valid for four months from the date of lodging the asylum application. This follows from an amendment to Articles 74 and 75 of the Royal Decree of 8 October 1981 implementing the Immigration Act. The first Attestation of Immatriculation states</li> </ol> |


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|   |                             |            |   |
|---|-----------------------------|------------|---|
|   |                             |            | <p>that there is no access to the labour market.</p> <p>In case of an extension of the temporary residence permit after 4 months from the lodging of the asylum request and if the Commissioner General for Refugees and Stateless Persons has not yet served a negative decision concerning the asylum application, the Attestation of Immatriculation will state that access to the labour market is allowed.</p> <p>3. On behalf of the Immigration Office (Federal Public Service Home Affairs), the local authorities of the municipality (municipal Civil Affairs Department) where the applicant for international resides, issues and extends the Attestation of Immatriculation.</p> <p>Municipalities can charge an administrative cost for the issuance of an Attestation of Immatriculation (mostly between €0 and €10). The extension of the attestation is free.</p> <p>4. The employer has to check that the Attestation of Immatriculation is valid and that this document states that the person concerned has access to the labour market. It is advisable for the employer to check the expiry date of the document, not only when entering employment, but also regularly during the term of the employment contract. 4 to 6 weeks before the end of the expiry date, the person concerned must be made aware of this, so s/he can take the necessary steps and obtain an extension of the Attestation of Immatriculation.</p> <p>The employer is advised to take a copy of the Attestation of Immatriculation. He/she can show this document in case of a visit from the social inspection.</p> <p>5. Asylum seekers have the right to work until a negative decision in the asylum procedure is taken by the Commissioner General for Refugees and Stateless Persons (CGRS), or in case of an appeal against the decision of refusal taken by the CGRS, until a negative decision has been notified by the Council for Alien Law Litigation (CALL).</p> |
|  | <p>EMN NCP<br/>Bulgaria</p> | <p>Yes</p> | <p>1.<br/>Aliens have the right to access to the labour market, including the right to involvement in programmes and projects, if proceedings are not completed within three months of filing</p>   |


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|   |                            |            |   |
|---|----------------------------|------------|---|
|   |                            |            | <p>the application for international protection due to reasons beyond such alien's control.</p> <p>2.<br/>The State Agency for Refugees issues documents which 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.</p> <p>3.<br/>The State Agency for Refugees issues documents which 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. The asylum seeker does not have to cover any costs.</p> <p>4.<br/>No work permits are required also for persons seeking international protection.</p> <p>5.<br/>N/A</p> |
|  | <p>EMN NCP<br/>Croatia</p> | <p>Yes</p> | <p>1. Applicants can work if 9 months after lodging an application has passed upon which the Ministry has not yet rendered any decision and if the applicant, through his/her conduct, has not caused the reasons for the failure to render a decision.</p> <p>2. If the applicant meets the conditions mentioned above, the Ministry issues a document at the request of an applicant to certify that the applicant has the right to work. The applicant can 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.</p>   |

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|   |                           |            |   |
|---|---------------------------|------------|---|
|   |                           |            | <p>3. The Ministry of the Interior provides a document if requested. The document currently cost nothing for the applicants.</p> <p>4. No.</p> <p>5. When decision for asylum application become finally.</p>   |
|  | <p>EMN NCP<br/>Cyprus</p> | <p>Yes</p> | <p>1. As of July 2019, according to a new decree of Minister of Labour, Welfare and Social Insurance, asylum seekers are allowed to work in the following sectors/jobs:</p> <p><b>Agriculture-Animal Husbandry-Fishery-Animal Shelters and Pet Hotels</b></p> <ul style="list-style-type: none"> <li>-Agriculture Labourers</li> <li>-Animal Husbandry Labourers</li> <li>-Poultry Farm Labourers</li> <li>-Fishery Labourers</li> <li>-Fish Farm Labourers</li> <li>-Animal Caretakers</li> </ul> <p><b>Processing</b></p> <ul style="list-style-type: none"> <li>-Animal Feed Production Labourers</li> <li>-Bakery and Dairy Production Night-Shift Labourers</li> <li>-Loading / Unloading Labourers</li> <li>-Poultry Slaughterhouse Night-Shift Labourers</li> </ul> <p><b>Waste Management</b></p> <ul style="list-style-type: none"> <li>-Sewerage, Waste and Wastewater Treatment Labourers</li> <li>-Collection and Processing of Waste and Garbage Labourers</li> <li>-Recycling Labourers</li> <li>-Animal Waste and Slaughterhouse Waste Processing Labourers</li> </ul> <p><b>Trade-Repairs</b></p> <ul style="list-style-type: none"> <li>-Petrol Station and Carwash Labourers</li> </ul> |


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|  |  |  |   |
|--|--|--|---|
|  |  |  | <ul style="list-style-type: none"> <li>-Loading / Unloading Labourers</li> <li>-Fish Market Labourers</li> <li>-Automobile Panel-Beaters and Spray-Painters</li> </ul> <p><b>Service Provision</b></p> <ul style="list-style-type: none"> <li>-Employment by Cleaning Companies as Cleaners of Buildings and Outdoor Areas</li> <li>-Groundskeepers</li> <li>-Loading / Unloading Labourers</li> <li>-Pest Control Labourers for Homes and Offices</li> <li>-Food Delivery Persons</li> <li>-Advertising Material Delivery Persons</li> </ul> <p><b>Restaurants and Recreation Centres</b></p> <ul style="list-style-type: none"> <li>-Kitchen Aides, Cleaners</li> </ul> <p><b>Hotels</b></p> <ul style="list-style-type: none"> <li>-Kitchen Aides, Cleaners</li> </ul> <p><b>Other</b></p> <ul style="list-style-type: none"> <li>-Laundromat Labourers</li> </ul> <p>Asylum seekers have the right to work one (1) month after submitting their asylum obligations. Further restrictions still apply (Employers are responsible to have all social insurance obligations settled, employer's liability insurance and medical insurance, and a contract approved by the Labour Office in the name of the concerned asylum applicant)</p> <p>2. The asylum seekers can prove their status, as asylum seekers, with the Confirmation Letter, that they get from Asylum Service, when they submit their asylum application. No additional document is required. Furthermore, since a contract approved by the Labour Office is required for hiring an asylum seeker, the Labour Office, during the approval procedure, checks the status of the asylum seeker.</p> <p>3. A contract approved by the Labour Office in the name of the concerned asylum applicant is required. There is no additional cost for the asylum seeker. However, the employer has to pay for the official stamps put on the contract.</p> |
|--|--|--|---|

Disclaimer:


The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|   |                            |            |  |
|---|----------------------------|------------|--|
|   |                            |            | <p>4. Yes. The employer keeps the contract, that has been approved by the Labour Office.</p> <p>5. The right to work ends when the asylum application is rejected.</p>   |
|  | <p>EMN NCP<br/>Estonia</p> | <p>Yes</p> | <p>1.<br/>An applicant for international protection may uptake employment in Estonia if the decision on their 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.<br/>Also, only the applicants for international protection placed outside of the detention centre are able to uptake work.</p> <p>2.<br/>An applicant for international protection will receive a special certificate designated to an applicant for international protection, where a note regarding their right to work and date when they can start working will be added in addition to other details.</p> <p>3.<br/>This certificate is issued by the Estonian Police and Boarder Guard Board. The applicant of international protection does not have to cover any costs as the certificate is provided by the state free of charge.</p> <p>4.<br/>The employer does not have the obligation to verify the right to work of applicants for international protection. The applicant will need to present their certificate of applicant for international protection when requested to prove their right to work.</p> |




Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|   |                            |            |   |
|---|----------------------------|------------|---|
|   |                            |            | <p>5.<br/>The right to work for applicant for international protection ends once the applicant receives a negative response to their application for international protection and they are obliged to leave the country. The right to work for applicant for international protection also ends when the applicant receives a positive reply to their application for international protection and receive a status of beneficiary of international protection as from that point on they have a right to work as a beneficiary of international protection.</p>  |
|  | <p>EMN NCP<br/>Finland</p> | <p>Yes</p> | <p>1. The applicant may work after 3 or 6 months after submitting his or her application. The time-limit is 3 months if the applicant has provided a genuine travel document verifying his or her identity. Without such document the time limit is 6 months. The time limit will begin again on subsequent applications.</p> <p>2. The law does not require such document. Finnish immigration service may provide such a document if requested.</p> <p>3. The Finnish immigration service provides a document if requested. The document currently costs 50€ for the applicants.</p> <p>4. Yes. However, the law does not stipulate how it should be verified. The employer may be fined if (s)he has not verified it. This is sort of a 'due diligence' obligation. The law is silent on how and when this should be verified and the employer must prove that (s)he has taken necessary measures to ensure that the employees have the right to work.</p> <p>5. The right to work ends when the decision of the applicant is enforceable, i.e. when he or she may be removed from the country. The right to work as an asylum seeker also ends if the applicant is granted some kind of a residence permit, after which the right to work is determined by that permit.</p> |



Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|   |                           |            |   |
|---|---------------------------|------------|---|
|   |                           |            |   |
|  | <p>EMN NCP<br/>France</p> | <p>Yes</p> | <ol style="list-style-type: none"> <li>1.<br/>see AHQ 2019.5: no change<br/>Since 1 March 2019, an asylum seeker cannot have access to the labour market during a 6 months period after the filing of his/her asylum application if the competent authorities did not process his/her application for reasons which cannot depend on them.</li> <li>2.<br/>The employer has to apply for a work permit (as required for all TCNs, with the same rules regarding the labour market situation, the level of salary in compliance with the common law, provision of a draft employment contract, etc.), with the statement issued to asylum seekers as soon as they have filed their asylum application.</li> <li>3.<br/>The authorities competent for labour and employment issues issue work permit to TCNS. Work permits for asylum seekers are issued for 6 months (same duration as the receipt for asylum applications) and renewable until the decision is taken.<br/>NO cost for asylum seekers.</li> <li>4.<br/>The employer can verify the date of filing the asylum application with the statement issued to all asylum seekers when they have filed their asylum application.</li> <li>5.<br/>When the asylum application is refused.<br/>The work permit is valid for 6 months (same duration as the receipt for asylum applications) and renewable until the decision is taken.<br/>The right to work applies during the whole asylum application process and the appeal process (if any) providing the asylum seeker has applied and obtained for a work permit during the first instance process.</li> </ol> |

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|   |                    |     |   |
|---|--------------------|-----|---|
|   |                    |     |   |
|    | EMN NCP<br>Germany | Yes | <p>1. Asylum seekers are generally obliged to live in a reception center. For the duration of this obligation, there is a ban on gainful employment.<br/>After nine months, employment can be allowed if the Federal Employment Agency has agreed to work, the asylum seeker is not from a safe country of origin (as of April 2020: Albania, Bosnia and Herzegovina, Ghana, Kosovo, Macedonia, Montenegro, Senegal and Serbia ) comes and the asylum application was not rejected as clearly unfounded or as inadmissible.<br/>After six months, employment can be allowed under the same conditions if the asylum seeker has minor children.<br/>After a three-month stay, an asylum seeker can be granted employment under the same conditions if he is not obliged to live in a reception center.</p> <p>2. The admission of employment is noted in the certificate of residence permit for asylum seekers.</p> <p>3. The responsible foreigners authority decides on the issue of the employment permit. There are no fees for issuing residence permits.</p> <p>4. Anyone who employs a foreigner must check whether he has a work permit. The employer must keep a copy of the residence permit certificate for the duration of the employment.</p> <p>5. With the rejection of his asylum application by the Federal Office for Migration and Refugees (BAMF), the foreigner is usually legally obliged to leave the country. The right to pursue employment no longer applies.</p> |
|  | EMN NCP            | Yes | 1.  |

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|  |         |  |  |
|--|---------|--|--|
|  | Hungary |  | <p>According to the Ssection (1) c) of Paragraph 5 of the Act LXXX of 2007 on Asylum, a person seeking asylum is entitled to undertake employment inside the premises of the reception facility within a period of nine months from the date of submission of the application for asylum, or at a workplace specified by the public employer, and beyond nine month according to the general rules applicable to foreigners.</p> <p>According to the Subsection (3) of Paragraph21 of the Government Decree 301/2007 (XI.9.) on the implementation of the Act LXXX of 2007 on Asylum, the asylum authority may provide the applicant a possibility of work in the reception facility during the time of the asylum procedure.</p> <p>Asylum seekers can be employed as third country nationals residing outside of the reception facility if the final decision on their asylum application is not made within nine months.</p> <p>The above mentioned provisions are not applicable right now, as the Hungarian Government declared a crisis situation caused by mass migration thus the Section (4) of Paragraph 80/J suspended the implementation of therights given by Points a-c of Section (1) of Paragraph 5 . Currently, the declared mass migration crisis situation has been extended until 7th of September 2020.</p> <p>2.<br/>Hungarian laws provide the right for the applicant to access the labour market after 9 months from the submission of his/herasylum application therefore asylum authority – by the main rule – does not issue the certificate and /ordocument for this purpose.</p> <p>At the same time, in case of need for an official certification to prove that the asylum</p> |
|--|---------|--|--|


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|  |  |  |   |
|--|--|--|---|
|  |  |  | <p>application has been lodged and the required 9 months have already passed from the date of its submission the asylum seeker has the right to be employed. Thus, the asylum seeker upon his/her request shall be given a certificate proving his/her status with the date of the submission of his/her asylum application.</p> <p>3.<br/>As mentioned above, asylum seeker can be employed as third country national if the final decision on his/her asylum application is not made within nine months. In this case, a work permit is necessary for the employment. The work permit can be applied for via the competent Government Office. The time limit for issuing this authorisation is 10 days. This authorisation is initiated by the employer at the Government Office, and at the same time the labour need for the same workforce must be submitted.</p> <p>4.<br/>In its application, the employer needs to specify the exact position in which it intends to employ that third country national. The Government Office examines whether the foreigner can take up that position. The key issue in this examination is whether the Employment Agency of the Government Office is capable for sending a Hungarian citizen to that position or not. If there is no circumstance that excludes the employment of a foreigner, the Government Office grants the authorisation.</p> <p>5.<br/>If the asylum authority finally rejects the asylum application, the work permit becomes ineffective.</p> <p>According to Section (1) of Paragraph 10 of the Act LXXX of 2007 on Asylum: unless a rule of law or government decree expressly provides otherwise, a refugee shall have the rights and obligations of a Hungarian citizen with exceptions set out in Sections (2) and (3).</p> |
|--|--|--|---|

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|   |                          |            |   |
|---|--------------------------|------------|---|
|   |                          |            | <p>According to Section (1) of Paragraph 17 of the Act LXXX of 2007 on Asylum – except as set out in Sections (2)–(4) –, unless a law or government decree expressly provides otherwise, a beneficiary of subsidiary protection shall have the rights and obligations of a refugee.</p> <p>On the one hand, a person who was granted asylum –in principle– has the same right to work as a Hungarian citizen. On the other hand, a beneficiary of international protection may not hold a job or office, or position which is required by law to be filled by Hungarian citizen</p>   |
|  | <p>EMN NCP<br/>Italy</p> | <p>Yes</p> | <ol style="list-style-type: none"> <li>1.<br/>As said in the previous response, according to law n. 142/2015, asylum seekers are allowed to work after 60 days from the moment the asylum application has been lodged (art. 22). After this period of 60 days, asylum seekers may freely register in the Public Employment Service.</li> <li>2.<br/>According to art. 4 of law 142/2015, a residence permit has to be issued to asylum seekers. The receipt of the submission of the asylum application (issued simultaneously to the registration of the application) constitutes a temporary residence permit.<br/><u>This permit</u> - valid on Italian territory for 6 months, renewable until the international protection procedure is concluded - <u>allow seekers to work</u> during the examination of the application (but after 60 days from the submission of the claim) and it cannot be converted into a working permit.</li> <li>3.<br/>Residence permit for asylum seekers is issued by the Immigration Office of the Police</li> </ol> |



Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|  |  |  |   |
|--|--|--|---|
|  |  |  | <p>Headquarters competent for the Municipality of applicant's residence (before which the asylum claim has been submitted).</p> <p>As mentioned before, the receipt of the submission of the asylum application issued by the Police Headquarters constitutes a temporary residence permit.</p> <p>Asylum seekers are exempt from the payment of contribution on issue and renewal of residence permit (art. 3 of Ministerial Decree 6 October 2003 and Ministerial Decree 5 May 2017).</p> <p>4.</p> <p>The employer – who desires to hire an asylum seeker - has to verify:</p> <ul style="list-style-type: none"><li>- the existence of the residence permit for asylum seekers or of the receipt of the submission of the asylum application;</li><li>- a period of 60 days which has to be passed from the moment the asylum application has been lodged.</li></ul> <p>In case of unregistered employment, the employer will be condemned pursuant to law 12/2002 (art. 3 co. 3) to a significant financial penalty (and not to imprisonment and penalty according t. 22 co. 12 law 286/1998).</p> <p>5.</p> <p>The residence permit for asylum seekers allows them to work <u>after 60 days from the submission and until the competent Territorial Commission</u> (administrative authority of the first instance) <u>decides on the international protection's application, but only if the delay in taking decision is not due to the behavior of the applicant.</u></p> <p>Anyway, the right to work ends when the asylum application's is rejected.</p> <p>Moreover, in cases of ban of expulsion based on the principle of non-refoulement, according to which a person cannot be return to his Country of origin, if he runs the risk to suffer different forms of persecution, torture or other inhuman treatments, a "special protection" residence permit is granted. In these cases, the issue of a residence permit for special protection – valid for 1 year and renewable following a positive opinion from the Territorial Commission – allows</p> |
|--|--|--|---|

Disclaimer:


The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|   |                      |     |  |
|---|----------------------|-----|--|
|   |                      |     | beneficiaries to work.   |
|    | EMN NCP<br>Latvia    | Yes | <ol style="list-style-type: none"> <li>1. There are no changes in conditions for asylum seeker's access to work - an asylum seeker has the right to work without restrictions if the decision of the 1st 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).</li> <li>2. Right to work is indicated in the personal document of an asylum seeker when it is repeatedly issued by the State Border Guards.</li> <li>3. The State Border Guard issues a personal document of asylum seeker free of charge in all cases.</li> <li>4. N/A</li> <li>5. The right to work of asylum seeker remains until the moment when the final decision on his/her asylum application has entered into effect.</li> </ol> |
|  | EMN NCP<br>Lithuania | Yes | <ol style="list-style-type: none"> <li>1. An asylum seeker is entitled to work in Lithuania if a decision on granting asylum in Lithuania has not been taken within 6 months after the the asylum application was lodged and of no fault on the part of the asylum seeker.</li> <li>2. An asylum seeker who has acquired the right to work and intends to work must hold a foreigner's registration certificate attesting his or her right to work. S/he presents that certificate to the employer, proving acquired right to work.</li> </ol>   |



Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|   |                               |            |  |
|---|-------------------------------|------------|--|
|   |                               |            | <p>3. The foreigner's registration certificate is issued by the Migration Department under the Ministry of the Interior. The certificate is issued free of charge.</p> <p>4. Yes. In accordance with the Law on Employment of the Republic of Lithuania, when recruiting a third-country national, the employer must verify, inter alia, that a residence permit or other document granting a right to stay or reside in Lithuania has been obtained as well as a work permit (provided that the third-country national is not exempted from the obligation to obtain a work permit in Lithuania). The employer must keep copies of these documents during the third-country national's employment in Lithuania.</p> <p>5. The right to work as an asylum seeker expires when a final decision on an asylum application has entered into force, concluding that he or she no longer has the right to stay in the territory of Lithuania, or when he or she is granted asylum and a residence permit in Lithuania is issued. However, if a third-country national is granted asylum and a residence permit in Lithuania is issued, he/she may continue to work, according to a corresponding residence permit in Lithuania.</p> |
|  | <p>EMN NCP<br/>Luxembourg</p> | <p>Yes</p> | <p>1.<br/>The conditions required in order asylum seekers can work remain the same as it was reported in the ad-hoc query 2019.005 requested by the UK EMN NCP.<br/>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).</p>   |


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|  |  |  |  |
|--|--|--|--|
|  |  |  | <p>2.<br/>As mentioned in answer to Q.1, the ADEM will deliver the AOT if the IPA fulfils all the criteria required.<br/>The IPA has 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).</p> <p>3.<br/>See answer to Q.2. The issuance of the AOT does not imply any cost for the IPAs.</p> <p>4.<br/>Yes. The employer is obliged to keep in his/her records a copy of the AOT.</p> <p>5.<br/>The AOT is no longer valid when :</p> <ul style="list-style-type: none"><li>• it expires;</li><li>• one of the parties to the employment contract ends the working relationship;</li><li>• the application for international protection is definitively rejected or cancelled (article 6(6) of the Asylum Reception Law)</li></ul> <p>The AOT will be withdrawn if the beneficiary :</p> <ul style="list-style-type: none"><li>• works in a different profession to that authorised;</li><li>• fraudulently resorted to dishonest practices or incorrect declarations to obtain it (article 6 (7) of the Asylum Reception Law).</li></ul> |
|--|--|--|--|


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|   |                          |            |  |
|---|--------------------------|------------|--|
|  | <p>EMN NCP<br/>Malta</p> | <p>Yes</p> | <ol style="list-style-type: none"> <li>1.<br/>Asylum seekers can apply for an employment licence with Jobsplus (Malta’s Public Employment Service) 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 filled in 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 website at <a href="http://www.jobsplus.gov.mt">www.jobsplus.gov.mt</a>.</li> <br/> <li>2.<br/>In order for an asylum seeker to be able to take up work, the individual has to provide documentation indicating their status or situation in Malta. The said documentation is provided by the Office of the Refugee Commission (REFCOM).<br/>Employment Licences for asylum seekers may also be subject to labour market tests. This however, depends on the situation of the labour market at a given time.</li> <br/> <li>3.<br/>Jobsplus issues an employment licence which gives the right to work to asylum seekers. The document from Jobsplus end is given to the employer and not the employee. [Internal note for MHSE: However, Jobsplus does not delve into who covers the cost, if the employer or the asylum seeker.]</li> <br/> <li>4.<br/>Employers endorse the applications for asylum seekers to work. Moreover, when an employment licence is issued, this document is issued to the employer of the particular asylum seeker.</li> </ol> |
|---|--------------------------|------------|--|

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|   |                                |            |  |
|---|--------------------------------|------------|--|
|   |                                |            | <p>5.<br/>The right to work of an asylum seeker depends on feedback received by Jobsplus from the Refugee Commission with regards to the status of the particular asylum application. Licenses are objected in the below cases:</p> <ul style="list-style-type: none"> <li>• Dublin Closure – this means that the applications fall within the responsibility of another Member States to access and therefore, cannot be granted protection in Malta. In such cases, the application for an Employment License must be refused. The client has a right to appeal.</li> <li>• Inadmissible meaning that the applicant already has protection or an application for protection with another Member States and therefore, cannot be granted protection in Malta. In such cases, the application for an Employment License must be refused. The client has a right to appeal.</li> <li>• Administrative closure – the application cannot be considered from an administrative point of view. Such consideration/decision is provided by the Refugee Commission and therefore, the application for an Employment License must be refused. The client has no right to appeal.</li> </ul> <p>Implicitly Withdrawn / Explicitly Withdrawn / Abandoned Lost (old cases) – the application is withdrawn by the REFCOM or by the applicant. The application for an Employment License must be refused and the client has no right to appeal.</p> |
|  | <p>EMN NCP<br/>Netherlands</p> | <p>Yes</p> | <p>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. The Netherlands Employees Insurance Agency (UWV) controls the wages the asylum</p>   |


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|  |  |  |   |
|--|--|--|---|
|  |  |  | <p>seeker receives; he/she is entitled to the same wages-setting procedures as Dutch citizens. Asylum seekers are also allowed to work at the asylum seekers center. Asylum seekers receive a small compensation for their work activities at the asylum seekers center. Asylum seekers are also allowed to be a volunteer at a non-profit organization that serves a social purpose. To do this, the organization needs to request a volunteer declaration.. The UWV will test if all requirements for volunteering work are met.</p> <p>If the asylum seeker receives a temporary residence permit (statusholder) 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.</p> <p>2. A work permit (TWV) shows that the asylum seeker (not yet status holder) is allowed to work. The employer needs to request the work permit for the asylum seeker. The Netherlands Employees Insurance Agency (UWV) provides the employer a work permit for the asylum seeker, if the conditions for a work permit are met (see answer 1). The UWV also controls the wages an asylum seeker receives; he/she is entitled to the same wages-setting procedures as Dutch citizens. If the asylum seeker receives a temporary residence permit (statusholder), he or she 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. On their residence permit it will state that the status holder is allowed to work without a work permit.<br/><a href="https://www.government.nl/topics/foreign-nationals-working-in-the-netherlands/question-and-answer/what-permits-do-foreign-workers-need">https://www.government.nl/topics/foreign-nationals-working-in-the-netherlands/question-and-answer/what-permits-do-foreign-workers-need</a></p> <p>3. Yes, the Netherlands Employees Insurance Agency (UWV) issues documents to prove the right to work. Getting a work permit is free and the asylum seeker does not have to cover any costs. However, an asylum seeker who has work, pays the Central Agency for the Reception of Asylum Seekers (COA) a contribution, which can cover the costs for reception.<br/><a href="https://www.government.nl/topics/foreign-nationals-working-in-the-netherlands/question-and-answer/what-permits-do-foreign-workers-need">https://www.government.nl/topics/foreign-nationals-working-in-the-netherlands/question-and-answer/what-permits-do-foreign-workers-need</a></p> <p>4. Yes, employers have to apply for a work permit (TWV) for the asylum seeker in order to employ him or her. Certain conditions have to be met in order receive the work permit. The following documents have to be sent to the Netherlands Employees Insurance Agency (UWV) when applying</p> |
|--|--|--|---|


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|   |                           |            |   |
|---|---------------------------|------------|---|
|   |                           |            | <p>for the work permit:</p> <ul style="list-style-type: none"> <li>• Application form with signature and date</li> <li>• Copy of the passport</li> <li>• Copy of the labour contract with the signature of the employer. The labour contract must prove that the asylum seeker is granted at least the minimum wage for the job that he/she is doing.</li> <li>• In case of an authorized representative: an authorization of the employer if someone does the application in his or her name.</li> </ul> <p>The employer must at all times have a copy of the work permit in his records as well as a copy of the identity card of the asylum seeker.</p> <p>5. An asylum seeker is not allowed to work when the requirements are not met (anymore) (see answer 1). If the asylum seeker receives a temporary residence permit, he/she 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.</p> |
|  | <p>EMN NCP<br/>Poland</p> | <p>Yes</p> | <p>1.<br/>No updates.</p> <p>2.<br/>If after 6 months starting 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 for Foreigners, at the request of the applicant, <u>issues a certificate</u>, which, together with <u>a temporary identity certificate</u> provides the basis for the applicant and spouse, on whose behalf one 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 (legal basis for</p>   |


Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|   |                             |            |  |
|---|-----------------------------|------------|--|
|   |                             |            | <p>labour market access for foreigners).<br/>Thus, the documents entitle the asylum seekers to perform work in Poland and to legally stay in Poland, despite the fact that the administrative proceedings regarding refugee status, or other forms of international protection have not yet been completed.</p> <p>3.<br/>Head of the Office for Foreigners issues these particular temporary documents, an asylum seeker does not have to cover up any costs in these terms.</p> <p>4.<br/>An employer has to verify whether an asylum seeker holds a valid document entitling him/her to stay in Poland, as well as the employer has to make a copy of the said document and keep it throughout the entire period of the foreigner's employment.</p> <p>5.<br/>This certificate is valid until the day on which the decision on granting international protection becomes final.</p> |
|  | <p>EMN NCP<br/>Portugal</p> | <p>Yes</p> | <ol style="list-style-type: none"> <li>1. Asylum seekers may work as soon as the provisional residence permit is issued.</li> <li>2. By presenting the provisional residence permit.</li> <li>3. Sef issues the residence permit with no costs for the asylum seeker.</li> <li>4. The verification is made and the residence permit is the document to always present and keep.</li> <li>5. NA</li> </ol>  |

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|   |                             |            |   |
|---|-----------------------------|------------|---|
|   |                             |            |   |
|  | <p>EMN NCP<br/>Slovakia</p> | <p>Yes</p> | <p>1. Asylum seekers are entitled to enter the working relationship 9 months after the beginning of their asylum procedure (the previous response to AHQ 2019.5 is still valid. However, there should be also some other legislative provisions mentioned, see below).</p> <p>According to the Act No. 480/2002 Coll. on Asylum and amendments to certain acts (Section 23, Paragraph 6 a,b):<br/>The applicant must not enter any employment relation or similar labour relation or do business; however, he/she shall be entitled to enter labour-law relations after 9 months since the initiation of the procedure, if</p> <ol style="list-style-type: none"> <li>1. 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</li> <li>2. the cassation court did not decide to grant the suspensory 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 an asylum procedure</li> </ol> <p>(Section 23, Paragraph 7):<br/>The applicant shall remain in an employment relation even during the court's ruling on the granting of the suspensive effect pursuant to Paragraph 6 if at the time of entering this employment relation the applicant had met the conditions stipulated in Paragraph 6 (mentioned above).</p> <p>According to the Act No 5/2004 Coll. on Employment Services and on amendment and supplement of other acts as amended (Section 8), a third-country national granted asylum is considered as a disadvantaged job seeker. Thus, in case of a person with granted</p> |





Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|  |  |  |  |
|--|--|--|--|
|  |  |  | <p>asylum, it is not required to provide a confirmation about the possibility to fill a vacancy which corresponds to a highly qualified employment, a confirmation about the possibility to fill a vacancy and the work permit. There is an accelerated labour market access. With granting of an asylum, the third-country national is granted a permanent residence. Persons with granted asylum have the same rights and obligations in regard to the labour market as the Slovak citizens.</p> <ol style="list-style-type: none"><li>2. The asylum seeker is required to have a permission to work - “a confirmation of the asylum seeker's entitlement to enter into a working relationship“.</li><li>3. The permission to work is issued by the Migration Office of the Ministry of Interior of the Slovak Republic, asylum seekers do not have to cover the cost.</li><li>4. Prior to employment, an employer is obliged to ask a third-country national to provide a valid residence card or other document entitling them to stay. During the employment, an employer is also obliged to keep a copy of this residence card or other document entitling a third-country national to stay.</li></ol> <p>Moreover, an employer has to keep an employment contract, a permission to work, a copy of an identification card and an insurance card. Except that, every employer who employs a third country national has to inform the Regional Office of Labour Social Affairs and Family about the start and termination of employment of such a person. This has to be done through a special form called “Information card”.</p> <ol style="list-style-type: none"><li>5. Asylum seekers have the right to work as long as they have the status of an asylum seeker.</li></ol> |
|--|--|--|--|

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|   |                             |            |  |
|---|-----------------------------|------------|--|
|    | <p>EMN NCP<br/>Slovenia</p> | <p>Yes</p> | <ol style="list-style-type: none"> <li>1.<br/>An applicant has the right to free access to the labour market after nine months following the filing of the application if he or she is not given a decision from the Ministry of the Interior in the meantime and this delay cannot be attributed to the applicant.</li> <li>2.<br/>When the above mentioned time period of nine months elapses and the delay of a decision cannot be attributed to the applicant, the applicant may request for a certificate from the Ministry of the Interior with a statement that the applicant is eligible for access to the labour market. The applicant may submit the certificate either to her/his employer or to the Employment service of the Republic of Slovenia (to enter the register of unemployed persons – in order to seek employment), together with her/his asylum applicant identity card (a document confirming the status of the applicant).</li> <li>3.<br/>Ministry of the Interior issues the document. There are no costs.</li> <li>4.<br/>There are no special obligations for employers regarding asylum applicants.</li> <li>5.<br/>An applicant is able to exercise the right to work pending the enforceability of the competent authority's decision on the application.</li> </ol> |
|  | <p>EMN NCP<br/>Sweden</p>   | <p>Yes</p> | <ol style="list-style-type: none"> <li>1. 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</li> </ol>   |

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

|  |  |  |  |
|--|--|--|--|
|  |  |  | <p>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.</p> <p>2. If the asylum seeker fulfil the conditions, 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.</p> <p>3. Swedish Migration Agency. This is free of charge</p> <p>4. When an employer hires an asylum seeker, he/she must complete the form Notification of employment or termination of employment of an asylum seeker and send the form to the Migration Agency Reception Unit where the asylum seeker is registered. The employer must also inform the Migration Agency once the employment ends</p> <p>5. Normally the right to work lasts until either the asylum seeker is granted a residence permit or leaves the country. If the asylum seeker whos application has been rejected does not cooperate to leave the country, the AT-UND is no longer valid.</p> |
|--|--|--|--|

\*\*\*\*\*