



**UNHCR**  
The UN Refugee Agency



**HIRING REFUGEES AND ASYLUM-SEEKERS:  
A REFERENCE GUIDE FOR HR DEPARTMENTS**

# **TAPPING POTENTIAL**

A TOOLKIT TO HELP BUSINESSES EMPLOY REFUGEES AND ASYLUM-SEEKERS



**UNHCR**  
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**IOM**  
UN MIGRATION

**BUSINESS  
IN THE  
COMMUNITY  
IRELAND**

This publication is based on original guidance for employers produced in the United Kingdom (UK) by UNHCR, Business in the Community (BITC) and the International Organization for Migration (IOM) with support from the UK Government Home Office and Department for Work and Pensions.

# TAPPING POTENTIAL

## Guidelines to Help British Businesses Employ Refugees



The Prince's  
Responsible  
Business Network



The UK guide is available here: *Tapping Potential: Guidelines to Help British Businesses Employ Refugees*

<http://www.unhcr.org/publications/brochures/5cc9c7ed4/tapping-potential-guidelines-to-help-british-businesses-employ-rufugees.html>

### CONTACT US

#### UNHCR Ireland

102 Pembrboke Road  
Ballsbridge  
Dublin 4

Tel: +353 1 6314614

Email: [iredu@unhcr.org](mailto:iredu@unhcr.org)

#### COVER PHOTOGRAPH:

Syrian refugees Abdulhadi, 73, and Faisal, 45, work at Ahena Organic farm in County Mayo with owner Oliver Dixon on a 10 week placement organised by the South West Mayo Development Company.



### About UNHCR

UNHCR, the UN Refugee Agency, is dedicated to saving lives, protecting rights and building a better future for refugees, internally displaced persons, refugee returnees and stateless people. We work to ensure that everybody has the right to seek asylum and find safe refuge, having fled violence, persecution, war or disaster at home. This includes enhancing pathways to protection and solutions for refugees and assessing and supporting their economic and social integration.

STATUS	DESCRIPTION	CAN THIS PERSON WORK?
Refugee	Refugee status is granted to people who meet the definition of a refugee under the 1951 Refugee Convention. A refugee is a person who cannot return to their country of origin owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion.	Yes
Subsidiary Protection	Subsidiary protection is granted to people who do not qualify as a refugee but who are at risk of serious harm if returned to their home country.	Yes
Permission to remain	Permission to remain is a form of immigration status granted to those people who do not qualify for refugee status or for subsidiary protection but who have permission to stay in Ireland for humanitarian or other reasons.	Usually yes, but it depends on the type of permission granted (stamp).
Asylum-seeker	A person who has made an application for international protection (refugee status and subsidiary protection) and is waiting for a decision as to whether or not they are to be granted status. Only asylum-seekers who have not received a first instance decision within 6 months are eligible to work.	Yes, but with some limitations. Permissions are valid for a period of 12 months, after which the permission must be renewed. Permissions will cease if a final negative decision issues on asylum application (following appeal where availed of).



*Photo: Belinda Kassab, a graduate of Diageo's Learning for Life Programme, pulls a pint of Ireland's famous stout in the Guinness Storehouse.*

## REFUGEES AND SUBSIDIARY PROTECTION BENEFICIARIES

People who have refugee status or subsidiary protection have the same right to work as Irish citizens. Persons granted refugee status or subsidiary protection must register at an Immigration Registration Office following which they will be given an Irish Residence Permit (IRP).<sup>1</sup> The IRP will state the type of permission/stamp that has been granted which will be a Stamp 4. This means that the holder is entitled to access the labour market without the need to apply for an Employment Permit. The IRP will also state the "Valid until" date. Refugee status and subsidiary protection status will be eligible for renewal at the end of this period; this is normally done quickly and without a gap in status. For a picture of an IRP see here.<sup>2</sup>

### **Asylum-seekers**

Since July 2018, asylum-seekers had the right to work if they were waiting for a decision on their application for 9 months or more. On 2 October 2020, the government announced that the waiting period would be reduced to 6 months from the date of the first application for international protection. Certain public bodies are prohibited from employing asylum-seekers as set out in Schedule 6 of S.I. No. 230 of 2018 European Communities (Reception Conditions) Regulations 2018. S.<sup>3</sup>

The document issued to asylum-seekers to show that they are free to take employment is printed double-sided on watermarked paper with the asylum-seeker's photograph and validity period included. It has to be presented along with a valid, in-date Temporary Residence Certificate (TRC). A TRC contains the name and nationality of the asylum-seeker, together with a photograph of them which should be sufficient to identify the asylum-seeker. An asylum-seeker will not be in possession of their national passport as such documentation will have been retained by the Irish Naturalisation and Immigration Service (INIS) when the asylum-seeker made their application for international protection.

**Employers must verify that an asylum-seeker holds a valid, in-date labour market access permission before employing the asylum-seeker. An official permission has the following security features:**

- Colour photograph
- Features a unique permission number
- Signed on both sides by the officer who has approved the permission
- Double-sided on watermarked paper
- Clearly shows the validity period

***An employer who employs an asylum-seeker holding a labour market access permission must inform the Minister for Justice and Equality within 21 days that the asylum-seeker has been employed, and within 21 days of the employment ceasing.***

This means as an employer, you must complete, sign and post a labour market access declaration form (LMA5) to the Labour Market Access Unit within INIS when an asylum-seeker commences employment with your business. The LMA5 form will have been provided to an asylum-seeker when they were issued their permission letter. The form can also be accessed [here](#).

***An employer who employs an asylum-seeker holding a labour market access permission must keep a record of the employment.***

This means as an employer you must keep a record of the employment concerned, the duration of the employment, the particulars of the labour market access permission and the details of the remuneration paid to the asylum-seeker. The record must be kept for 3 years from the date on which the asylum-seeker ceases to be an employee. The record must be furnished to the Minister for Justice and Equality within 10 working days of being requested to do so.

***An employer must adhere to the 50-50 rule when employing asylum-seekers.***

This means as an employer you must show that at least 50 per cent or more of the employees in your business are European Economic Area (EEA) or Swiss nationals.

***An employer who employs more than one asylum-seeker may be required to furnish information to the Minister for Justice and Equality.***

This means as an employer you must furnish information about the number of employees who are nationals of an EU Member State, EEA or Swiss Confederation, foreign nationals holding an employment permits and asylum-seekers holding labour market access permissions to the Minister for Justice and Equality within 10 working days of being requested to do so.

***An employer who employs an asylum-seeker holding a labour market access permission must comply with the obligations under the Reception Conditions Regulations.***

An employer who fails to comply with any obligations under the Reception Conditions Regulations will be guilty of an offence and will be liable to a fine or imprisonment, or both.

***An employer who employs an asylum-seeker holding a labour market access permission must protect the identity of the person.***

It is an offence to identify an asylum-seeker in a public publication or broadcast without their consent. This means as an employer you must obtain the consent of an asylum-seeker if you will be publishing or broadcasting information which will identify them as an asylum-seeker.

***An asylum-seeker with a labour market access permission is not allowed to leave the State without the consent of the Minister for Justice and Equality.***

This means that if an asylum-seeker will be required to travel abroad in their role with your business, including travel to Northern Ireland, they must seek the permission of the Minister for Justice and Equality before they travel.

***How long is a labour market access permission valid?***

Labour market access permissions are **valid for 12 months** and **can be renewed** up until a final decision on an asylum-seeker's application for international protection has been made. This means a permission is renewable when an asylum-seeker is appealing their application for international protection.

An asylum-seeker working in your business will be able to apply for a renewal of their permission one month in advance of the expiry date. The application for renewal of a labour market access permission form (LMA4 form) can be found [here](#).

A labour market access permission will expire immediately when an asylum-seeker receives a final decision on their application for international protection. For those granted refugee status or subsidiary protection, an application for an Irish Residence Permit can be made which will give them access to the labour market (see above).

A labour market access permission can be withdrawn by the Minister for Justice and Equality if an asylum-seeker fails to comply with certain conditions, including the reporting of their income.

**Contact details for the Labour Market Access Unit are:**

Labour Market Access Unit  
Irish Naturalisation and Immigration Service  
PO Box 12931  
Freepost FDN5264  
Dublin 2

Labour Market Access Unit Queries can be directed to [Imauqueries@justice.ie](mailto:Imauqueries@justice.ie).

Applications and renewals of Labour Market Access should be directed to [Imauapplications@justice.ie](mailto:Imauapplications@justice.ie).

For further information you can consult the information booklet at the following website:  
<http://www.inis.gov.ie/en/INIS/form-LMA7.pdf/Files/form-LMA7.pdf>

**Permission to remain**

Permission to remain is a form of immigration status granted to those people who do not qualify for refugee status or for subsidiary protection but who have permission to stay in Ireland for humanitarian or other reasons. Examples include: victims of trafficking, people with serious medical conditions and people with family members in Ireland or those who have other connections with Ireland.



The rights of persons with permission to remain are not provided for in legislation and vary depending on the immigration permission/stamp<sup>4</sup> issued and the conditions attached to it, for example some beneficiaries may be permitted to seek and enter employment at the discretion of the Minister for Justice and Equality. Persons granted permission to remain must register at an Immigration Registration Office following which they will be given an IRP which will state the type of permission/stamp that has been granted. A common permission to remain status granted is “Stamp 4” which means the person is entitled to access the labour market without the need to apply for an Employment Permit.

### References and qualifications

Refugees and asylum-seekers may not find it easy to provide references because of the circumstances which brought them to Ireland, and the qualifications they hold may not seem comparable to Irish qualifications.

Hosted by QQI, NARIC Ireland<sup>5</sup> (National Academic Recognition Information Centre) provides free advice on the recognition of foreign qualifications in Ireland. The NARIC Ireland qualifications database has details of almost 1,200 qualifications from over 140 countries and provides certificates of comparability which are free of charge.

#### FOOTNOTES:

<sup>1</sup> <http://www.inis.gov.ie/en/INIS/Pages/irish-residence-permit>

<sup>2</sup> <http://www.inis.gov.ie/en/INIS/Pages/irish-residence-permit-card>

<sup>3</sup> The changes to the law took effect on 9 February 2021.

<sup>4</sup> <http://www.inis.gov.ie/en/INIS/Pages/registration-stamps>

<sup>5</sup> <https://www.qqi.ie/Articles/Pages/NARIC-Ireland.aspx>

