



INFORMATION BOOKLET

LABOUR MARKET ACCESS PERMISSION FOR EMPLOYERS

APRIL 2021

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**This booklet is for general guidance only. It provides a summary of the Labour Market Access process which covers the majority of applicants and their situations.*

1. ABOUT LABOUR MARKET ACCESS PERMISSION

Since July 2018 eligible international protection applicants can apply for permission to work. This is known as a “Labour Market Access Permission”. Labour Market Access Permissions are issued by Immigration Services Delivery (ISD, formerly INIS), operating on behalf of the Minister for Justice

In summary, an international protection applicant is eligible to apply if:

- a) They are an international protection applicant in Ireland; and
- b) They have been waiting at least 5 months for their first instance recommendation; and
- c) They are cooperating with the international protection process

A permission will only become valid **6 months** after the date an individual applies for international protection.

The permission allows access to employment, self-employment and vocational training. It is valid for twelve months. It may be renewed if the holder continues to co-operate with the international protection process and continues to have an active international protection application in the state. This means the permission can be renewed until the end of the appeals process.

Note: Neither the TRC nor the permission is an identity document

Application forms are available on the ISD website.

<http://www.inis.gov.ie/en/inis/pages/labour-market-access>

2. THE LABOUR MARKET ACCESS PERMISSION

A Labour Market Access Permission is valid for 12 months. For most permission holders it is easily renewed until their international protection claim is fully decided.

A Labour Market Access Permission is printed double-sided on watermarked paper with the applicants photograph and validity period included.

It must be presented in this format to an employer or to any relevant bodies when the holder engages in employment or self-employment. The permission is only valid when presented along with a valid, in-date Temporary Residence Certificate (TRC Card), unless the individual is under the age of 18 and has not received a TRC Card.

Due to Covid-19 restrictions, LMAU are not issuing paper copies of permissions. Labour Market Access Permissions are therefore being issued by email. The permission number will be in the text of the email and a copy of the permission itself is in the accompanying pdf. The applicant should present both a copy of the permission itself and a copy of the accompanying email to you the employer.

An employer or potential employer can contact LMAU at Lmauqueries@justice.ie to verify that an emailed labour market access permission is a valid document.

3. CAN I EMPLOY SOMEONE WITH A LABOUR MARKET ACCESS PERMISSION?

Most businesses and organisations can employ someone with a labour market access permission, however there are a number of restrictions. These are outlined below.

Employers must comply with all other aspects of employment law **applying in the State.**

Employers should note that neither the TRC nor the permission is an identity document and should not be treated as such.

The following organisations and entities may **not** employ a holder of a labour market access permission:

- a) The Civil Service of the Government.
- b) The Civil Service of the State.
- c) A local authority within the meaning of the Local Government Act 2001.
- d) Any other entity established by or under any enactment (other than the Companies Acts), statutory instrument or charter or any scheme administered by a Minister of the Government.
- e) A company (within the meaning of the Companies Acts) a majority of the shares in which are held by or on behalf of a Minister of the Government.
- f) A subsidiary (within the meaning of the Companies Acts) of such a company.
- g) An entity established or appointed by the Government or a Minister of the Government.
- h) Any entity (other than one within paragraph (f)) that is directly or indirectly controlled by an entity within any of paragraphs (c) to (g).
- i) An entity on which any functions are conferred by or under any enactment (other than the Companies Acts), statutory instrument or charter.
- j) An institution of higher education (within the meaning of the Higher Education Authority Act 1971) in receipt of public funding.
- k) The Defence Forces.
- l) An Garda Síochána.

The above list is as specified in [Schedule 6 of the European Communities \(Reception Conditions\) Regulations \(2018 to 2021\)](#) and may be updated from time to time.

The regulations also state that an employer shall not employ an applicant who holds a labour market access permission in the business or one of the businesses of the employer unless, on the date of the applicant's employment, 50 per cent or more of the employees of the employer in the business are nationals of—

- i. one or more Member States of the EEA

- ii. the Swiss Confederation, or
- iii. a combination of any of the States referred to in clauses (i) and (ii).

4. RESPONSIBILITIES WHEN EMPLOYING A LABOUR MARKET ACCESS PERMISSION HOLDER

Employers must comply with all other aspects of employment law **applying in the State.**

To employ someone with a Labour Market Access Permission you must comply with a number of additional conditions. These are specified in the [European Communities \(Reception Conditions\) Regulations \(2018 to 2021\)](#), in particular Regulation 14 and summarised below:

You must verify that your employee has a labour market access permission meeting the description in Section 2 above. You must also verify that your employee has a valid TRC card.

If, due to Covid-19 restrictions, your employee has been issued an emailed permission you may confirm that it is valid by emailing LMAUqueries@justice.ie for confirmation.

You must note the expiry date and confirm that the permission has been or will be renewed as appropriate.

Within 21 days of employing a permission holder, you must submit form LMA5 to inform the Minister about their income and employment. An LMA5 form can be downloaded from the [website](#) and should be submitted to Lmauapplications@justice.ie. Details of the employment may be verified by the Labour Market Access Unit.

If the employee stops working for you, you must within 21 working days of the permission holder ceasing to be employed, inform the Minister of that fact. You

should do this by emailing Lmauapplications@justice.ie

For each labour market permission holder you employ, you must keep a record of—

- a) the employment concerned,
- b) the duration of the employment,
- c) the particulars of the labour market access permission,
- d) the details of the remuneration paid to the applicant.

You must keep these records for a period of 3 years after the employee ceases to be employed by you on a labour market access permission. If requested by the Minister for a copy of these records, you must provide them to the Minister within 10 working days.

If you employ more than one—

- a) foreign national, pursuant to an employment permit within the meaning of the Employment Permits Acts 2003 to 2014, or
- b) applicant, pursuant to a labour market access permission,

You must, if requested, provide the minister with this information within 10 working days of the date on which the request is made.

You must also keep a record of the numbers in your employment at any given time, who are:

- a) nationals of a Member State of the European Union, the Swiss Confederation or of the European Economic Area,
- b) foreign nationals who hold an employment permit, and
- c) applicants who hold a labour market access permission.

An employer who contravenes The European Communities (Reception Conditions) Regulations 2018 to 2021 is guilty of an offence and shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.

An employer should also note that if an applicant for international protection works without a valid permission, the applicant shall be guilty of an offence

and shall be liable on summary conviction to a class D fine or imprisonment for a term not exceeding 1 month, or both.

5. USEFUL CONTACTS

Organisation/ Department	Contact Details
Labour Market Access Unit Website	http://www.inis.gov.ie/en/inis/pages/labour-market-access
Applications and Forms (incl LMA5)	Lmauapplications@justice.ie
Queries	Lmauqueries@justice.ie