Ohessa vertaileva aineisto, jonka lupasin eilen vastaanottodirektiiviehdotusta koskevassa kuulemistilaisuudessa lähettää.

Mailta on siis kysytty seuraavia asioita turvapaikanhakijoiden työntekoon liittyen (RCD=vastaanottodirektiivi):

Questions
1. Do international protection applicants, in general, have access to the labour market in your Member State? Please specify relevant legal regulations?
2. After how many months is an access to the labour market granted in your Member State? (Art. 15/1 RCD recast: no later than 9 months after having filed their application for international protection)
3. How do you apply Art 15/2 clause 1 of the RCD recast?a.Is a work authorisation/permit needed? If yes, who has to request this authorisation/permit (Employer, IPA, other)? Which institution is in charge of granting this authorisation/permit?b. Do the general rules on labour market access for TCNs also apply to international protection applicants who want to open their self-employed business?c. Do the general rules on labour market access also apply to international protection applicants whose skills are needed (skilled workers/highly qualified workers)?
4. Do you apply Art. 15/2 clause 2 of the RCD recast (priority to EU and EEA citizens and to legally resident third-country nationals)? If yes, please specify how.
5. Are there any further conditions and/or restrictions for access to the labour market (e.g. identity document, only to certain sectors, place of residence, etc.)?
6. Have you recently made any legislative or practical changes or do you currently plan any such changes in regards to labour market access for international protection applicants?

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EMN Ad-Hoc Query on Ad-Hoc Query on access of international protection applicants to the labour market

Requested by Adolfo SOMMARRIBAS on 19th July 2016

Protection

Responses from Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (22 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.

Background information:

Since summer 2015, several Member States of the European Union have been confronted with significant inflows of international protection applicants. Accordingly, Member States not only have to adapt their reception and integration system in terms of logistics, but also its legal framework with a view to integrate these individuals in their societies.

In this context, Luxembourgish authorities would like to know the current situation in your Member State in regards to access to the labour market for international protection applicants.

Therefore, the LU EMN NCP would like to request an update to the answer that your MS provided to the AT EMN NCP Ad/hoc Query on access of asylum seekers to the labour market, launched on 23 January 2015.

Questions

1. Do international protection applicants, in general, have access to the labour market in your Member State? Please specify relevant legal regulations?
2. After how many months is an access to the labour market granted in your Member State? (Art. 15/1 RCD recast: no later than 9 months after having filed their application for international protection)
3. How do you apply Art 15/2 clause 1 of the RCD recast?a.Is a work authorisation/permit needed? If yes, who has to request this authorisation/permit (Employer, IPA, other)? Which institution is in charge of granting this authorisation/permit?b. Do the general rules on labour market access for TCNs also apply to international protection applicants who want to open their self-employed business?c. Do the general rules on labour market access also apply to international protection applicants whose skills are needed (skilled workers/highly qualified workers)?
4. Do you apply Art. 15/2 clause 2 of the RCD recast (priority to EU and EEA citizens and to legally resident third-country nationals)? If yes, please specify how.
5. Are there any further conditions and/or restrictions for access to the labour market (e.g. identity document, only to certain sectors, place of residence, etc.)?
6. Have you recently made any legislative or practical changes or do you currently plan any such changes in regards to labour market access for international protection applicants?

Responses

	Country	Wider Dissemination	Response
	Austria	Yes	**1.** Yes. According to Art. 4 of the Act Governing the Employment of Foreigners, asylum seekers have the right to pursue a dependent employment three months after the admission to the asylum procedure, the granting of a work permit and a labour market check. Three months after the application, they have the right to be self-employed. **2.** See question above **3.** a) A work permit is required (Art. 3 Act Governing the Employment of Foreigners). The work permit is issued by employer's request, from the competent regional agency of the Labor Market Service. b) No. Asylum-seekers may be self-employed three months after the application, provided that the self-employment complies with the principles of the Trade, Commerce and Industry Regulation Act. c) Yes. **4.** Yes, according to Art. 4b para 1 of the Act Governing the Employment of Foreigners, as part of the market labour test, foreigners who are entitled to unemployment insurance benefits, EEA-citizens, Swiss citizens, Turkish association employees, and foreigners with an unlimited labour market access have a priority towards asylum-seekers. **5.** Yes, see first question above. **6.** No.
	Belgium	Yes	**1.** Yes, since January 2010 asylum applicants have access to the labour market. On 9 December 2015, a Royal Decree came into force which stipulates that asylum applicants are granted access to employment after having spent 4 months (instead of a 6 month waiting period) in the asylum-procedure without having received a first instance decision from the Office of the Commissioner General for Refugees and Stateless Persons (CGRS). (Royal Decree of 29 October 2015, amending Article 17 of the Royal Decree of 9 June

			1999 regarding the employment of foreign employees). **2.** Asylum applicants are granted access to employment after having spent 4 months in the asylum-procedure without having received a first instance decision from the Office of the Commissioner General for Refugees and Stateless Persons (CGRS). **3.** a) The asylum applicants needs to apply for a work permit (type C). The application for a labour card type C has to be submitted to the "migration service" in the Flemish region, or the public employment service "FOREM" in the Walloon Region or "Arbeitsamt" for what concerns the German speaking part of Belgium. Asylum applicants living in the Brussels capital region need to submit their application to the Brussels administation Economy and Employment. b) For asylum applicants who want to be self-employed workers, a professional card is required. c) The labour card C provides the possibility for the asylum applicant to do any job in salaried employment. (no specific regulation for skilled asylum applicants) **4.** A labour card is not required for EU and EEA citizens. (Other non-asylm seeking third country nationals need to apply for a labour card type B if they want to work in Belgium. In case the third country national is working in Belgium with a work permit type B, several conditions apply. The work permit type B will only be granted if certain conditions are fulfilled, such as a minimum income. Moreover, a work permit B only provides the authorisation to work for the specific employer who applied for the work permit. Besides, a labour market investigation has to precede the issuing of the work permit type B and the employer has to prove that he cannot recruit someone suitable for the job who has already access to the labour market within a reasonable amount of time. There are less strict conditions for bottleneck occupations: for example, long-term residents who are employed for a duration of at least 12 months in a bottleneck occupation are exempted from a work permit). **5.** There are no restrictions regarding the employer, sector or specific job and there is no labour market test. For what concerns the applicant who wants to be self-employed, the application will be assessed on several criteria (financial analysis, etc..). **6.** The waiting period for asylum applicants to be granted access to the labour market was reduced from 6 to 4 months (see answer to question 1)

	Croatia	Yes	**1.** 1. Yes, according to the Act on International and Temporary Protection (Official Gazette 70/15), asylum seekers have access to the labour market. **2.** 2. The Act on International and Temporary Protection entered into force on 2nd July 2015. Since 2nd July 2015, a legal deadline after which asylum seekers can have access to a labour market has been shortened from one year to nine months. More exact, article 61 prescribes that asylum seeker has access to the labour market after expiration of nine months from the day of his/her lodging of the application for asylum, if the asylum procedure has not been completed yet, without guilt of asylum seekers. **3.** 3. No, asylum seeker can work in Croatia without a residence or a work registration certificate, according to the above-mentioned Act, until enforceability of the decision about asylum request. Only he/she must submit a request for a confirmation about his/her status in the Republic of Croatia, which can obtain the Ministry of Interior. The same conditions are applicable for international protection applicants whose skills are required. TCNs who want to open their self-employed business need to have a residence and a work permit. So these "General rules on labour market access for TCNs" are not applicable in this case. **4.** 4. N/a. **5.** 5. No. **6.** 6. No.
	Czech Republic	Yes	**1.** Yes, access to the labour market of asylum seekers is regulated by the Employment Act, No. 435/2004 Coll. **2.** Asylum seekers can be employed after a period of 6 months after lodging an application for international protection. **3.** a) Yes a work authorisation is needed. Asylum seeker has to request the work authorisation. The confirmation of the employer to employ the asylum seeker must be attached to the application for work authorisation. Regional Labour Office is in charge of granting the work authorisation. b) The law stipulates that long term visa or residence permit is necessary if a third country national wishes to run business,

			therefore asylum seekers are not allowed to do so. c) Yes, general rules are applied in this area. **4.** No. While asylum seekers still do need work permit, the labour market test is not applied. **5.** No. **6.** No changes have been made since the transposition of reception condition directive in December 2015 and no changes are currently planned in this area.
	Estonia	Yes	**1.** Yes, according to the Act on Granting International Protection to Aliens an applicant for international protection may take employment in Estonia if the decision on his or 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. An applicant for international protection may take employment in Estonia until the termination of the proceedings of his or her application for international protection. **2.** Please see the answer above. **3.** a. The asylum seekers do not need a permit to work because as a general rule asylum seekers have the right to work after 6 months have passed. In case an asylum seeker wishes to work after 6 months have passed, the Police and Border Guard Board will make a note on the asylum seekers certificate about the date starting from which he or she has the right to work (Written on the certificate: the user of this certificate is permitted to work from…) b. In general yes. c. Yes **4.** No. **5.** No additional conditions or restrictions apply unless the nature of employment requires fulfillment of specific conditions. **6.** The most recent legislative amendment regarding the labour market access to international protection applicants entered into force in 02.04.2015 and gave them more favorable conditions for entering the labour market. Previously it was stipulated in the Act on Granting International Protection to Aliens that an asylum

			seeker may take employment in Estonia if the Police and Border Guard Board have not made a decision on his or her application for asylum within one year as of the submission of the application for asylum due to reasons beyond the asylum seeker's control. As of 02.04. an applicant for international protection may take employment in Estonia if the decision on his or 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.
+	Finland	Yes	**1.** No change from the AT ad hoc -query. Yes. Pursuant to the Aliens Act, an asylum seeker has a right to work without a residence permit once three months have passed from the entry into the country, provided that the asylum seeker holds a valid travel document that entitles him/her to cross the border (in which case the identity of the asylum seeker is clear), and otherwise once six months have passed from the entry into the country. Aliens Act, Section 79, Subsection 2: Aliens who have applied for international protection have a right to gainful employment without a residence permit if they: 1) have a document referred to in section 11(1) and have stayed in the country for three months; or 2) have stayed in the country for six months. **2.** See answer to the previous question. **3.** a) No. Work authorization/permit is not required. Asylum seekers are entitled to look for a job themselves. Registration as a jobseeker at the Employment and Economic Development Office is, however, not possible. b) If the asylum seeker would like to start his/her self–employed business in Finland, he/she should lodge a residence permit application for self-employed persons. Otherwise this ground for residence permit would not be taken into account in the asylum process/decision. If the asylum seeker's main purpose for stay in Finland is self-employment, he or she should apply for self-employed person's residence permit. c) Labour market test is not applied to the asylum seekers (skilled workers included). An asylum seeker is entitled to work in case the conditions set forth in Section 79, Subsection 2 of the Finnish Aliens Act are met (please see Q. 1 and 2 above). **4.** Labour market test is not applied to the asylum seekers. **5.** Same rules/conditions apply as to the nationals of Finland. For example, healthcare professionals in Finland are required to have the right to practice their profession, granted by Valvira, the National Supervisory Authority for Welfare and Health. The website of the Finnish National Board of Education has

			information on professions that are regulated in Finland and require professional practice rights: http://www.oph.fi/english/mobility/recognition/regulated_professions_in_finland **6.** No
	France	Yes	**1.** In principle, asylum seekers are not allowed to work during the examination of their application in France. However, they can apply for a work authorisation in some limited cases, i.e. when the French Office for the Protection of Refugees and Stateless Persons (Office français de protection des réfugiés et apatrides = OFPRA) has failed to give a ruling within 9 months following the registration of their application, for reasons they are not responsible for. **2.** The law of 29 July 2015 modified the access to the labour market by reducing the timeframe from 12 to 9 months after which asylum seekers can apply for a work permit. **3.** a) A work authorisation is required: its application has to be filed by the applicant itself with the competent foreign labour service. b) A work authorization only authorizes a salaried activity; therefore an asylum seeker cannot perform a self-employed activity during the examination of his/her application. c) all general rules on access to labour market apply to all salaried activities, including for skilled workers: if the asylum seeker fulfils the conditions for applying for the EC Blue Card (dedicated to highly-qualified workers), his/her application will be processed through the relevant regulation with no labour market test as prevailed in French regulation. **4.** Asylum seekers' application for a work authorization is considered according to the rules of law applied to all foreign workers. According to the principle of enforceability of the employment situation, a work authorization is only issued to an asylum seeker if there is no French or European citizen or no foreign national holding already a work authorization who can be employed. This condition is verified through a labour market test. **5.** The asylum seeker needs to present the statement attesting the date of his/her asylum application, as well as a proof of residence and a work contract in compliance with French labour regulations (mentioning the salary, length of work, job position, etc.). The work authorization will be issued if the French labour regulations are respected and if there is no available EU or French national worker available on the labour

			market, except for labour shortages (exemption of the labour market test). **6.** The last legislative change was dated from the law on 29 July 2015 and was in force on 1 November 2015.
	Germany	Yes	**1.** Yes. After a certain waiting period, foreigners, who applied for international protection and who were granted a permission to remain for these proceedings, can be granted access to the labour market in individual cases by a decision to be taken by the German Immigration Authority; §§47, 61 Asylgesetz (Asylum Act = the former German Asylum Procedure Law) and §§ 39 to 42, Aufenthaltsgesetz (German Residence Act) confer the legal bases. § 32, section 2 to 4, Beschäftigungsverordnung (= German Employment Re-gulation) regulate those cases in which such a permission does not require approval by the Bundesagentur für Arbeit (=German Federal Labour Office) because of the nature of the employment or residence period. **2.** Since 6th November 2014 the waiting period has only been three months (Law dated 31st October 2014, published in the Federal Law Gazette Part I of 5th November 2014, page 1, 649). **3.** a. Yes. The work permit is issued by the German Immigration Authority in the form of an ancillary provision to the residence permit. b. Only the permission to work as an employee can be granted, but not as a self-employed person. c. The same rules for access to the labour market apply for all foreigners who filed for an application for international protection, regardless of their professional qualification. **4.** Yes. If the approval of the German Federal Labour Office is required, due to the nature of employment sought after or the (short) duration of the stay, the Office investigates the effects of the employment of the applicant on the labour market and whether Germans, EU-citizens or privileged Third-Country-Nationals are available for such an employment and whether working conditions are complied with. **5.** If the nature of employment sought after requires this, specific proof of qualification for the employment must be handed in. **6.** For international protection seekers from safe countries of origin on 24. Oct. 2015 has been ruled out the possibility of allowing to receive a job. In reaction to that for nationals of the safe countries of origin of the

			Western Balkans is opened up the way to facilitate economic migration in the years 2016 to and including 2020 (§ 26 para. 2 Beschäftigungsverordnung).
	Hungary	Yes	**1.** Yes, in the transposition process of Directive 2013/33/EU, Hungary chose to provide access to the labour market to asylum seekers 9 months following the submission of their asylum application. **2.** During the first 9 months of asylum procedure asylum seekers have restricted access to the labour market. According to Hungarian legislation, during this period they may work in the premises of the reception centre, without obtaining a work permit and subject to a maximum working time of 80 hours per month. Only after 9 months, if the admission of the application has passed and a decision has not been taken, they are granted access to the labour market under the general rules applied for foreigners. **3.** Yes. The employer has to request a working permit (valid for one year, but renewable) from the local employment office. Asylum seekers can only apply for jobs which are not available for Hungarians or nationals of States parties to the Agreement on the European Economic Area, therefore subject to a labour market test. **4.** No. **5.** No. **6.** Based on the recast of Act CVI of 2011. on the Amendment of the Act on Public Employment and other acts relating to public employment, as of 1. August 2015 applicants of international protection are entitled to work in the framework of public employment. The subsidized period may be maximum 12 months in the case of the individual public employment programmes, and this can be extended by maximum 6 additional months. The income collected under public employment is higher than the amount of the social benefit, but lower than the lowest wage on the primary labour market.
	Italy	Yes	**1.** Yes. In Italy, Legislative Decree No 142 of 18 August 2015, implementing Directive 2013/33/EU laying down standards for the reception of applicants for international protection as well as Directive 2013/32/EU on common procedures for granting and withdrawing international protection status, amended the time it

			takes asylum seekers to have access to the labour market (Art.22). **2.** Article 22 specified above provides that a residence permit on grounds of humanitarian protection allows applicants to work after two months from having filed their application (six months under previous legislation). This provision does not apply if the asylum procedure could not be completed and therefore the final examination of the application was not possible for reasons attributable to the applicant. **3.** As stated above, a 'residence permit for asylum application' issued by the police authorities allows access to the labour market without any other document being required. However, as stated in Article 22, this residence permit cannot be converted into a work permit. As regards applicants hosted in reception facilities, they can take part in training and professional retraining courses/projects. **4.** Neither the above Decree 142/2015 nor the Circular of the Ministry of the Interior 2257 of 30 October 2015, implementing Legislative Decree 142/2015 (implementing Directive 2013/33/EU and Directive 2013/32/EU) establish any distinctions/priorities. **5.** No. **6.** Yes. As stated above, some legislative changes were made as a result of the adoption of Legislative Decree 142/2015.
	Latvia	Yes	**1.** In accordance with the Immigration Law an asylum seeker has an access to the labour market 9 months after the date of applying for asylum if the decision of the first instance on international protection has not been taken and the delay cannot be attributed to the applicant. The right to employment shall remain until the moment when the final decision on international protection has entered into force and is no longer disputable **2.** Please see the answer above. **3.** a) There is no need for work permit as such because any asylum seeker has a right to work for any employer as well as to work as a self-employed. In case an asylum seeker wishes to start to work, the State Border Guard includes the information on right to work in the personal document of asylum seeker. b) Yes

			c) Yes **4.** Yes, in practice it means: when the EU or EEA national or legally resident third-country national or asylum seeker apply for a vacancy at the same time and they all are equal in their skills the employer has a right to give a priority to EU or EEA national or other legally resident third-country national. **5.** No, an asylum seeker has a right to work for any employer as well as work as a self-employed and there are no any additional preconditions or restrictions. **6.** According to the draft of Immigration Law the time limit to access to labour market for asylum seeker is reduced from 9 months to 6 months. The new provision could come into force by the end of 2016.
	Lithuania	Yes	**1.** No. Applicants for international protection do not have access to labour market. **2.** Absolute majority of asylum applications are examined within 3 months (in exceptional cases after 6 months). After the application is examined an alien either receives asylum in Lithuania and access to labour market or is refused asylum. **3.** No procedure. The legal status of an asylum seeker is regulated within 3 months: an application is either rejected and the person needs to return or he/she is granted international protection and issued a residence permit which gives him/her access to labour market. **4.** - **5.** - **6.** No
	Luxembourg	Yes	**1.** According to article 6(1) of the Law of 18 December 2015 on the reception of the international protection applicants (IPA's), IPA's do not have access to the labour market for the first six months after submitting their application for international protection. After six months, in the absence of a refusal decision of the international protection application, and if the applicant is not responsible for this delay, access to the labour

			market becomes possible if he/she fulfils the conditions (see answers to questions 3, 4, 5). **2.** See answer to question 1. **3.** a. The applicant can obtain a temporary authorisation of occupation (AOT – "Autorisation d'occupation temporaire"). For obtaining this authorisation the applicant must present a working proposal and a work contract of an employer and has to pass the labour market test (article 6 (3)). The employer must submit the application to ADEM (Administration de l'Emploi – Luxembourg Employment Administration) after declaring the vacant position. b. In Luxembourg IPA's cannot have access to the labour market as self-employed workers. c. Yes, the same rules apply. **4.** Yes. The priority to EU citizens and EEA nationals and to legally resident third-country nationals apply. According to article 6 (3) the international protection applicant has to pass the labour market test as mentioned in the answer to question 3.a. **5.** Yes. The AOT is subject to specific restrictions. It is restricted to one single profession with one single employer, and is valid for six months but can be renewed (article 6 (2)). The granting or the renewal of an AOT can be refused for different reasons linked to the evolution or organization of the labour market: e.g. the employment priority ("priorité d'embauche") for EU citizens, EEA nationals or third-country nationals with a residence permit registered at the ADEM and who receive unemployment benefits (art 6 (3)). **6.** Yes, with the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection, the delay for not having access to the labour market was reduced from 9 to 6 months after the submission of the application for international protection.
	Malta	Yes	**1.** As per attached. **2.** As per attached. **3.** As per attached.

			4. As per attached. **5.** As per attached. **6.** As per attached.
	Netherlands	Yes	**1.** No changes took place since we provided our answers to the previous ad hoc query. Also no changes are planned at the moment. **2.** See answer to question 1. **3.** See answer to question 1. **4.** See answer to question 1. **5.** See answer to question 1. **6.** See answer to question 1.
	Portugal	Yes	**1.** Yes. In the Portuguese case, it is provided for in Law no. 26/2014, of 5 May, article 54, that the seekers of asylum or subsidiary protection who are already in possession of a provisional residence permit have the right to gain access to the labour market. On the other hand, beneficiaries of refugee status and subsidiary protection status enjoy the same rights and are bound by the same duties as foreigners residing in Portugal, enjoying, logically, the same type of access. In legal terms, the principle of equality of treatment between foreign and national citizens is properly enshrined and, therefore, the beneficiaries of refugee status or subsidiary protection status are automatically covered by this framework, being ensured access to the existing employment measures and programmes, which are guided by a strong focus on aggregation and inclusion. **2.** The access to the labour market is granted once their situation is regularized.

			3. As referred in 1), a provisional residence permit ensures the access to the labour market. **4.** Yes. As mentioned in 1), beneficiaries of refugee status and subsidiary protection status enjoy the same rights as national citizens, so, once they are legal, they have access to the labour market. **5.** No. There are no restrictions. **6.** No.
	Slovak Republic	Yes	**1.** Yes. According to an Act on Asylum, an asylum seeker may enter into an employment relationship, if the decision on his/her asylum application has not been made within a period of nine months as of the submission of the asylum application (apart from cases when an appeal against the decision rejecting the asylum application does not have a suspensive effect and unless the court suspends the execution of this decision). **2.** Access to the labour market is granted, if the decision has not been made within a period of nine months as of the submission of the asylum application. **3.** a. Is a work authorisation/permit needed? If yes, who has to request this authorisation/permit (Employer, IPA, other)? Which institution is in charge of granting this authorisation/permit? No. Based on Employment Services Act a Slovak employer may employ the applicant (as mentioned in point 1) without a work permit or a need for labour market test. b. Do the general rules on labour market access for TCNs also apply to international protection applicants who want to open their self-employed business? No. Applicants for asylum are not entitled to establish a business. c. Do the general rules on labour market access also apply to international protection applicants whose skills are needed (skilled workers/highly qualified workers)? Yes. For the applicants in question, there is no requirement for a labour market test (nor a requirement of a confirmation on the possibility of filling a vacancy that corresponds to a highly qualified employment). **4.** No. **5.** No.

			6. No.
	Slovenia	Yes	**1.** Yes according to 78 and 87. Articles of the International Protection Act. **2.** Applicants for international protection have right to access to the labour market 9 months after their applications were lounged in case that responsible authority has not been decided yet about their applications and applicants are not responsible for delay of issuing final decisions. **3.** a.) According to the Employment and Work of Aliens Act applicants for international protection needs to apply for personal working permits. First personal permit is issued for validity of three months with possibility of extension of another 3 months. Responsible authority is the Employment Institute under the Ministry for Labour. Applicant needs to enclosed special certificate issued by the Ministry of the Interior with whom applicant confirms that fulfils all required conditions. b. c.) yes. **4.** Yes. **5.** Identity of the applicant needs to be clear and unquestioned. **6.** /
	Spain	Yes	**1.** Spanish legislation recognizes the right of asylum seekers to work. Article 32, Act 12/2009, of 30th October, regulating the right of asylum and subsidiary protection. **2.** After the course of six months from the formalization and admission of the application for asylum. No information to update. **3.** a) No. On the very asylum seeker card it is specified that the document itself entitles to work after the set time. b) Yes. c) Yes. **4.** Currently this possibility does not apply.

			5. No. **6.** No.
	Sweden	Yes	**1.** Yes. According to Chapter 5, section 4 of the Aliens Ordinance (2006:97), a person who has applied for a residence permit in Sweden citing grounds under Chapter 4, Section 1 or 2 of the Aliens Act (2005:716) is exempt from the obligation to have a work permit if certain conditions are fulfilled. This exemption does not apply to an alien who lacks identity documents, unless the alien cooperates in clarifying his or her identity. The exemption applies until the alien leaves the country or a decision to grant him or her a residence permit has become final and non-appealable. However, the exemption ceases to apply if an alien does not cooperate in the enforcement of a decision on refusal-of-entry or expulsion that has become final and non-appealable. Applicants subject to a probable transfer to another member state according to the Dublin Regulation and applicants probable to receive a decision of refusal of entry with immediate enforcement do not have the possibility to be exempt from the obligation to have a work permit. In principle, all other applicants would be permitted to work pending the decision if the requirements mentioned are fulfilled. The Swedish Migration Agency issues a special certificate on exemption from the obligation to have a work permit. Asylum seekers who find work must present the above mentioned certificate to their employer. Employers must notify the Migration Agency of the employment. Employers must also notify the Migration Agency when the employment expires. Applicants who have a daily allowance must always report their work income to the Migration Agency. Asylum seekers are not eligible for e.g. unemployment benefits or other residence-based benefits that follow from a registration in the Swedish population register. **2.** An asylum applicant has immediate access to the labour market in connection with lodging their application for asylum given that the above mentioned requirements are fulfilled and a special certificate on exemption from the obligation to have a work permit has been issued. **3.** a) Please see above. An exemption from the obligation to have a work permit is needed. This can be requested any time by the applicant when he or she has lodged an application for asylum. The Swedish Migration Agency is responsible for examining whether the conditions for an exemption from the obligation to hold a work permit are fulfilled. b) Yes, an asylum seeker can open his or her self-employed business, provided it is in accordance with relevant regulations. For example, a business might need to be registered with the Swedish Tax Agency. c) Yes, but there is no distinction between skilled and unskilled labour. The

			national labour immigration system in this respect is demand-driven, i.e. the need for recruitment of foreign labour is decided by employers. Ultimately, the employers will decide whether they want to employ an asylum seeker, or not. **4.** No. **5.** No. However, as mentioned above, please note that applicants needs to fulfil certain requirements regarding identity documents and/or to cooperate in clarifying their identity. **6.** No. Sweden has recently made several changes to its asylum policy, e.g. regarding the issuing of temporary residence permits (instead of permanent permits) to beneficiaries of protection, a more restrictive approach to family reunification, and a tougher approch to rejected asylum seekers. There have been no changes to asylum seekers' right to work pending their application, however.
	United Kingdom	Yes	**1.** With certain exceptions, asylum seekers in the UK are not permitted to take employment pending the final determination of their protection claim. Please see relevant policy guidance for more detailed information about the UK policy and relevant legislation. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299415/Permission_to_Work_Asy_v6_0.pdf **2.** Asylum seekers are only given access to the labour market if their asylum claim has been outstanding for 12 months or more, and where the delay cannot be attributed to the applicant. Applicants must apply for permission to work by writing to UK Visas and Immigration. **3.** The UK has opted out of the RCD recast and so is not subject to these provisions. Asylum seekers are provided with an Application Registration Card (ARC) and this card is amended to show that the individual has permission to work where such permission is granted. They must also contact the Department for Work and Pensions to obtain a national insurance number. **4.** N/A **5.** The following restrictions apply Access to the labour market is restricted to jobs included in the list of

			shortage occupations (a list formulated and recommended to the UK Government by an independent body) See the shortage occupations list at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308513/shortageoccupationlistapril14.pdf)n An asylum seeker is not allowed to become self-employed or set up their own business. **6.** No
	Norway	Yes	**1.** In principle yes, but it is very hard to get work in Norway without some fluency in Norwegian. NOs response 2015: "An asylum seeker may be granted a temporary work permit, valid for 6 months and renewable on certain conditions, which gives him/her access to the Norwegian labour marked, provided that s/he has documented his/her identity, i.e. presented a valid passport (cf. the list provided by EU) or a valid national identity card. The permit will expire at the date set for return if the former asylum seeker has an obligation to return to the country of origin. Those who are included in Norway's fast track procedures or in the Dublin procedure do not qualify: they will not get a work permit which allows them to work. The same restrictions apply concerning the types of jobs that an asylum seeker may hold as for others, e.g. with respect to the need for a security clearance. The latest material modifications to the regulations concerning the granting of work permits to (former) asylum seekers were made in May 2012." NOs response to our own AHQ July 2016: An asylum seeker has the right to apply for a temporary working permit if his/her asylum interview has been completed, and there is no doubt about his/her identity, and there is no likelihood that the person will be returned to another country as a result of a legal procedure. To allow the asylum seeker to work, s/he in majority of the cases should present the authorities with a valid (by the date of the application) travel document or a national ID card. **2.** N/A **3.** N/A **4.** N/A **5.** Must have no doubt about identity. Valid travel document required.

			6. Norway sent out an AHQ in July asking some of these questions, so the issue is under consideration.