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## Research Report

# Labour market integration of international protection applicants in Ireland

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# LABOUR MARKET INTEGRATION OF INTERNATIONAL PROTECTION APPLICANTS IN IRELAND

MICHAŁ POLAKOWSKI AND EMILY CUNNIFFE



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An Roinn Dlí agus Cirt  
Department of Justice



# **LABOUR MARKET INTEGRATION OF INTERNATIONAL PROTECTION APPLICANTS IN IRELAND**

Michał Polakowski

Emily Cunniffe

**March 2023**

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## ABBREVIATIONS

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AkiDwa	Akina Dada wa Africa, sisterhood in Swahili
AMIF	Asylum, Migration and Integration Fund
An Garda Síochána	Ireland's national police service
BTWA	Back to Work Allowance
CEDAW	Convention on Convention on the Elimination of All Forms of Discrimination against Women
CSO	Central Statistics Office
DCEDIY	Department of Children, Equality, Disability, Integration and Youth
EEA	European Economic Area
EMN	European Migration Network
EPA	Employment personal adviser
ESF	European Social Fund
ESOL	English for speakers of other languages
EU	European Union
HRC	Habitual Residence Condition
IHREC	Irish Human Rights and Equality Commission
IPAS	International Protection Accommodation Services
LFS	Labour Force Survey
LMAU	Labour Market Access Unit, Department of Justice
LMA3	First-time application form for labour market access permission
LMA4	Form for renewal of labour market access permission
LMA5	Labour Market Access Declaration Form to declare employment
NARIC	National Academic Recognition Information Centre
NCP	National Contact Point
NFQ	National Framework of Qualifications
NGO	Non-governmental organisation
NWCI	National Women's Council of Ireland
PEIL	Programme for Employability, Inclusion and Learning
PPSN	Personal public service number (Irish social security number)
PUP	Pandemic Unemployment Payment
QQI	Quality and Qualifications Ireland
SICAP	Social Inclusion and Community Activation Programme
Teachta Dála (TD)	Member of Oireachtas (Parliament)
TFEU	Treaty on the Functioning of the European Union
TRC	Temporary Residence Card
UNHCR	United Nations High Commissioner for Refugees
WRC	Work Relations Commission



## EXECUTIVE SUMMARY

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In mid-2018, international protection applicants were granted permission to access the labour market in Ireland. This followed a landmark Supreme Court ruling in *NHV v. the Minister for Justice and Equality*, which overturned the prohibition on work for applicants. Between mid-2018 and the end of 2022, 12,180 first-time permissions for labour market access were granted to international protection applicants in Ireland. The granting of access to the labour market marked a significant change in how Ireland provides reception to applicants.

This study examines the integration of international protection applicants into the labour market in Ireland over the past five years (2017–2022). It assesses how such access has been implemented, the key policy debates, the legal framework, good practices and the ongoing challenges to integration.

Currently, an international protection applicant can apply for labour market access six months after lodging an application, as long as a first-instance recommendation has not been made on their application and the delay cannot be attributed to the applicant. If their application is approved, the applicant is issued with a labour market access permission. This is valid for 12 months and can be renewed as long as a final decision has not been taken on the applicant's international protection application. An applicant can enter employment or be self-employed, and these are not regulated differently. In terms of sectoral restrictions, while international protection applicants can work in most sectors, they cannot work in sectors that are public bodies, including the civil service, or in some cases, bodies primarily funded by public funding.

### DATA ON LABOUR MARKET ACCESS

Data on labour market access by applicants is collected by the Labour Market Access Unit (LMAU) in the Department of Justice. These are some of the key findings on access between July 2018 and December 2022.

- Approximately 80 per cent of applications for first-time labour market access permissions were granted. The remainder of applications were either refused or 'deemed closed', where there was no response from the applicant to correspondence from the LMAU.
- A labour market access permission is valid for 12 months and can be renewed. Most applications for renewals were granted (94 per cent).
- In terms of the number of applicants in employment, while the available data are limited, 5,481 applicants informed the LMAU they were in employment in the period examined, which is approximately 45 per cent of all applicants that were granted labour market access permissions. Not

all applicants, or their employers, return their forms, which may indicate that applicants who are granted permission to work may subsequently face difficulties in securing employment in practice.

- International protection applicants tend to find jobs characterised by lower quality work, such as lower wages and poorer working conditions. The most common job titles reported by applicants were general operative (for example, in a warehouse), healthcare assistant, kitchen porter and cleaner.
- Young people in the international protection system are applying to and being granted labour market access permissions, with 135 young people aged 16 and 17 obtaining a labour market access permission between mid-2018 and 2022.

While these data show the widespread take up of labour market access permissions and give an indication as to where applicants are working, further data collection and analysis is required to better understand the labour market situation of applicants, particularly their places of employment, the nature of their employment and wages. Current data monitoring efforts on persons fleeing Ukraine who are beneficiaries of temporary protection in Ireland provide insights into how this might be done (Chapter 2).

Employment is a key indicator of migrant integration (McGinnity et al., 2020a). In Ireland, while non-Irish nationals have a higher employment rate than Irish nationals (McGinnity et al., 2020b), persons who were previously in the international protection system have been found to have worse labour market outcomes, even when controlling for factors such as English language skills, age and gender, among other factors (ibid.). Previous research has also shown poor labour market outcomes specifically among African nationals, with lower employment rates, and higher unemployment and inactivity rates than Irish nationals, and it has been suggested that time spent in the international protection system might explain some of these differences (O'Connell, 2019). New data analysis included in Chapter 2 shows that the gaps in labour market outcomes between Irish and African nationals became smaller between 2017 and 2021, and that by 2022 there were no longer any significant differences between the two groups. Nonetheless, while economic and policy changes did occur during the time period examined, including granting applicants access to the labour market, the main reason behind this change remains unclear; future monitoring of these data is needed.

## INTEGRATION MEASURES AND GOVERNANCE STRUCTURES

Access to the labour market was viewed as a positive development in Ireland by the broad range of stakeholders interviewed for this study. There nonetheless remain gaps in labour market integration supports for applicants. Ireland has neither a specific policy nor a strategy to support the labour market integration of third-country nationals; neither does it have a strategy tailored to support labour market integration of international protection applicants. The Migrant Integration Strategy that was in operation between 2017 and 2021 targeted EEA and non-EEA nationals, including beneficiaries of international protection, economic migrants and people with a legal status to remain in Ireland (Department Justice and Equality, 2017). International protection applicants generally did not fall within its scope, save where the actions relate to public services that are provided to applicants as a matter of public policy; for example, compulsory education. International protection applicants with labour market access permission can avail of services available through the mainstream Public Employment Services (Intreo). However, due to their residence status, some limitations apply; for example, on measures targeting the long-term unemployed.

No specific nation-wide governance structures to support the labour market integration of international protection applicants in Ireland were identified in this research. Nonetheless, the key stakeholders involved in supporting this integration more broadly include the government departments and agencies responsible for the labour market, health, education and social protection. Outside of government bodies, the Irish Human Rights and Equality Commission (IHREC) and non-governmental organisations (NGOs) play an important role in supporting labour market integration for international protection applicants, with a number of NGOs providing small-scale projects specifically targeting international protection applicants seeking to enter the labour market.

Similarly, while no specific protocols or synergies on cooperation to support the labour market integration of international protection applicants were identified, the above-mentioned stakeholders nonetheless communicate and cooperate via various fora to support applicants' labour market integration. The Social Inclusion and Community Activation Programme (SICAP) plays an important role in the provision of integration measures that target international protection applicants at the local level. Additionally, a new stream of funding was announced by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) in 2022, targeting community-based organisations with the aim of supporting the integration of this group.

Desk research and stakeholder interviews identified a number of challenges regarding the integration of international protection applicants. One of the main challenges identified by NGOs interviewed for this research was the lack of a coordinated national programme to support the integration of international

protection applicants into the labour market, with short-term funding for separate non-governmental projects across the country providing the majority of tailored supports. Other challenges identified included difficulties accessing the local labour market and underemployment of applicants in low-skilled jobs that did not match qualifications held.



## CHAPTER 1

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### Introduction

In 2017, the Irish Supreme Court in *NHV v. the Minister for Justice and Equality* held that the ban on access to the labour market for international protection applicants, where there is no upper limit on application processing times, was unconstitutional. O'Donnell J recognised that 'a right to work, at least in the sense of a freedom to work or seek employment, is a part of the human personality'.<sup>1</sup> This ruling heralded the introduction of labour market access for applicants from 2018. Between the end of June 2018, when the scheme was introduced, and December 2022, just over 12,000 international protection applicants were granted first-time labour market access permissions. The ability to access the labour market from 2018 onwards has marked a significant change in how international protection applicants live in Ireland and in their ability to engage with society around them.

This study examines the integration of international protection applicants in the labour market in Ireland. It assesses how access has been implemented, the key policy debates and the ongoing challenges to integration. This study is based on material from the Irish contribution to the European Migration Network (EMN) report, *Integration of applicants for international protection in the labour market* (EMN, forthcoming).

Employment is seen as a key indicator of migrant integration (McGinnity et al., 2020a). In Ireland, while non-Irish nationals have a higher employment rate than Irish nationals (McGinnity et al. 2020b), persons who were previously in the international protection system have been found to have worse labour market outcomes, even when controlling for educational attainment, English language skills, age and gender, among other factors (ibid.). That research was based on data from 2016, prior to the introduction of labour market access for international protection applicants. Some of the reasons for these lower labour market outcomes include the trauma and disruption experienced by international protection applicants, as well as the length of time waiting for a decision while unable to work, leaving a scarring effect on future employment prospects (O'Connell, 2019; McGinnity et al., 2020b; cf. Gusciute et al., 2016, Ní Raghallaigh et al., 2016).

While there is a wide body of research on migrant integration, literature on labour market integration and outcomes of international protection applicants is more limited, particularly in the Irish context. This is in part due to the fact that labour market access was only recently granted to this group, in 2018. In international

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<sup>1</sup> Supreme Court of Ireland. *N.H.V. v. Minister for Justice and Equality* [2017] IESC 35.

literature, the obstacles faced by applicants in accessing the labour market include practical barriers, such as language barriers and residence in reception centres, which have been found to be common across the European Union (EU) (Poptcheva and Stuchlik, 2015). Other scholarship has pointed to the employment of international protection applicants in the secondary labour market, one that is 'generally characterised by low wages, long working hours and little to no job security and protection' (Schenner and Neergaard, 2019). This can leave applicants vulnerable to labour exploitation (ibid.).

This study contributes to this body of literature in examining the labour market integration of international protection applicants in Ireland. With an increase in international protection applications in Ireland in 2022, beyond the immediate accommodation shortages, longer-term issues, such as access to work and labour market integration, become ever more important.

## 1.1 CONTEXT

Prior to the Supreme Court ruling in *NHV v. Minister for Justice and Equality* in 2017, applicants were not permitted to access the labour market, and Ireland did not participate in the recast *Reception Conditions Directive 2013/33/EU*. The recast Reception Conditions Directive is an EU legal act that sets out what reception conditions, such as healthcare, housing and education, are granted to people seeking international protection in Member States. It sets out minimum standards for reception, including granting access to the labour market. The Directive requires Member States to grant access no later than nine months from lodging an international protection application if no first-instance decision is taken on the application. Ireland, using powers under Protocol 21 to the Treaty on the Functioning of the European Union (TFEU), did not participate in the Directive. In Ireland, applicants were not permitted to access employment, and this was explicitly set out in international protection legislation.<sup>2</sup> Almost all other EU Member States, other than Lithuania, granted labour market access to international protection applicants.<sup>3</sup>

In Ireland, international protection applicants and non-governmental organisations (NGOs) had long advocated for a 'right to work' for international protection applicants (Loyal and Staunton, 2001). The prohibition on access to work was a concern raised at an international level, including in the UN's Committee on Economic, Social and Cultural Rights (2015), as well as at national level, including in the final report of the Working Group to Report to Government on Improvements to the Protection Process, including Direct Provision and

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<sup>2</sup> Section 9(4) of the *Refugee Act 1996* initially and, subsequently, section 16(3)(b) of the International Protection Act 2015.

<sup>3</sup> European Migration Network (EMN) (2016). 'EMN ad-hoc query on ad-hoc query on access of international protection applicants to the labour market'.

Supports to Asylum Seekers (the ‘McMahon report’), and in submissions made to that working group (Department of Justice and Equality, 2015).

A year after the Supreme Court ruling, in June 2018, Ireland opted in to the recast Reception Conditions Directive and transposed the Directive in the *European Communities (Reception Conditions) Regulations 2018*.<sup>4</sup> Prior to this, a pilot scheme was introduced for self-employment of applicants from February 2018, but with the transposition of the Directive, applicants were formally granted access to the labour market nine months after lodging an application if a first-instance decision was not taken on their case and if the delay was not attributable to the applicant. The sectors in which applicants could be employed were limited, with applicants unable to work in most areas of the public sector, including the civil service of the State and of the Government, the Defence Forces and An Garda Síochána, among other bodies. While broadly welcomed politically and by NGOs, there was nonetheless discussion in the Oireachtas on the rationale behind not letting applicants work in the public sector, as well as concerns about the waiting period of nine months being too long and the exclusion of persons who had already received a decision on their case.<sup>5</sup> In these discussions, the Minister for Justice and Equality responded that the limitations on public sector employment of international protection applicants was due to the temporary nature of their permission to remain in the State.<sup>6</sup>

Following the implementation of the Directive, the focus shifted to issues around access to the labour market in practice. In a publication released a year on from the enactment of the Regulations, the Irish Refugee Council highlighted how the provision of labour market access was positive: ‘[i]t provides dignity, autonomy, and the ability to maintain and develop employment skills’ (Irish Refugee Council, 2019). The report, nonetheless, highlighted difficulties faced by applicants, including regarding access to bank accounts and driving licences, the remote location of reception centres, a lack of awareness on the part of employers of the provisions for labour market access, and the temporary nature of the permission. The report also highlighted the long wait times for first-instance decisions.

In 2019, the Joint Committee on Justice and Equality examined the Direct Provision system and the international protection application process. Similar to the challenges highlighted by the Irish Refugee Council, several submissions to the Committee highlighted the practical barriers faced by applicants (Joint Committee on Justice and Equality, 2019a; Joint Committee on Justice and Equality, 2019b). The year 2019 also saw the publication of two government reports on international

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<sup>4</sup> *European Communities (Reception Conditions) Regulations 2018*, S.I. No. 230/2018.

<sup>5</sup> Houses of the Oireachtas (2018). Response to parliamentary question 29607/18, 5 July, [www.oireachtas.ie/en/debates/debate/dail/2018-07-05/9/](http://www.oireachtas.ie/en/debates/debate/dail/2018-07-05/9/). Houses of the Oireachtas (2018). Dáil Éireann Debate, 5 July, [www.oireachtas.ie/en/debates/debate/dail/2018-07-05/3/](http://www.oireachtas.ie/en/debates/debate/dail/2018-07-05/3/).

<sup>6</sup> Houses of the Oireachtas (2018). Response to parliamentary question 29607/18, 5 July, [www.oireachtas.ie/en/debates/debate/dail/2018-07-05/9/](http://www.oireachtas.ie/en/debates/debate/dail/2018-07-05/9/).

protection and reception. First, *Spending review 2019 Direct Provision: Overview of current accommodation expenditure* by the Department of Justice and Equality recognised the potential economic contribution of international protection applicants both in terms of their contribution to the Irish economy as well as applicants' ability to contribute to paying for their accommodation costs (IGEES Unit and Department of Justice and Equality, 2019).

A second government report was published in December 2019 by the Inter-Departmental Group on Direct Provision (Department of Justice and Equality, 2019b). This report reviewed the implementation of the recast Reception Conditions Directive in Ireland. With regard to labour market access, it recommended reducing the waiting time to six months and extending the duration of a permission from six months to a year. It also recommended that the Department review the services provided to persons in employment and introduce charges for or the withdrawal of ancillary services once a person is able to provide for themselves. Among other things, it was recommended that the Department of Social Protection should, in addition to linking applicants with employers through the Public Employment Service Intreo, be the primary route for applicants to receive advice on employability and referrals to education and training (Department of Justice and Equality, 2019a).

In October 2020, the *Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process* (the 'Catherine Day report') was published (Department of Justice, 2020). The report recommended, among other things, that the waiting period to access the labour market be reduced to 3 months, that the period of validity of permissions be extended to 12 months, and that all applicants, including those already in the system, be granted labour market access if a first-instance decision was not taken on their case 3 months after lodging an application (ibid.).

At the same time, three legal cases were brought to the Workplace Relations Commission (WRC) regarding access to driving licences for applicants.<sup>7</sup> The Irish Human Rights and Equality Commission (IHREC) provided legal assistance to the asylum applicants in these cases. While the WRC ruled in favour of two of the applicants, on appeal brought by the Government, one applicant settled and, in the High Court, the WRC ruling was overturned. The High Court ruled that international protection applicants were not normally resident in the State for the purpose of obtaining a driving licence and that their exclusion from access did not amount to indirect racial discrimination.<sup>8</sup> In a subsequent judicial review case, *Landsberg and Breetzke*, also supported by the IHREC as *amicus curiae*, the High Court found that applicants should be recognised as normally resident in the

<sup>7</sup> Workplace Relations Commission (Date of adjudication hearing: 30 January 2019). *An Asylum Seeker v. A Government Agency*, ADJ-00017832. Workplace Relations Commission (Date of Adjudication Hearing: 04 September 2019). *An Asylum Seeker v. A Statutory Body*, ADJ-00020743.

<sup>8</sup> High Court of Ireland (25 March 2021). *AB v. Road Safety Authority & ors*, [2021] IEHC 217.

State.<sup>9</sup> In 2020, the Programme for Government committed to act on a number of recommendations from the Catherine Day report, including improving applicants' ability to apply for driving licences (Department of the Taoiseach, 2020). In December 2021, the Department of Transport announced that applicants could apply for driving licences.<sup>10</sup>

A number of the other barriers to labour market access were addressed in 2021. In January 2021, following recommendations from the Catherine Day report, the Department of Justice announced that the waiting period would be reduced to six months and the period of validity of permissions would be extended from six to 12 months. A month later, the *White Paper to End Direct Provision and to Establish a New International Protection Support Service* was published (Government of Ireland, 2021a). The White Paper sets out a plan for a future reception system for international protection applicants in Ireland. Referencing the reduction of the waiting period by the Department of Justice, the White Paper seeks to introduce various employment supports from Phase Two of the new reception system onwards. In Phase One, applicants are accommodated in a 'Reception and Integration Centre' for four months, with a focus on identifying their needs and linking them to appropriate services. In turn, in Phase Two, there is a focus on fostering independent life within the community, with applicants residing in either own-door or own-room accommodation. In this phase, the White Paper states an intention to ensure 'Intreo supports and services will be specifically geared towards encouraging a greater diversity of employment options for International Protection applicants' (DCEDIY, 2021, p. 63). The White Paper also recognises the importance of upskilling and, to this end, proposes to waive the international student charge for Post Leaving Certificate (PLC) courses. It also proposes granting access to employer networks and that local enterprise offices provide information on supports available to start a business in Ireland, which applicants will be able to access when they have received status (ibid.). In May 2021, the Banking and Payments Federation of Ireland and five retail banks announced changes to enable applicants to open bank accounts.<sup>11</sup> This followed concerns raised in the public sphere by NGOs and concerted efforts by the IHREC using its statutory powers to encourage banks to make these changes.<sup>12</sup>

During the COVID-19 pandemic, international protection applicants who lost their jobs were initially not entitled to the Pandemic Unemployment Payment (PUP). Following advocacy by civil society groups, applicants were later permitted to

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<sup>9</sup> High Court of Ireland (5 November 2021). *Landsberg and Breetzke v. Road Safety Authority & ors*, [2021] IEHC 748.

<sup>10</sup> Department of Transport (17 December 2021). 'Asylum seekers can now apply for driving licences', [www.gov.ie/en/press-release/79aaa-asylum-seekers-can-now-apply-for-driving-licences/](http://www.gov.ie/en/press-release/79aaa-asylum-seekers-can-now-apply-for-driving-licences/).

<sup>11</sup> Shevlin, L. (2021). 'Retail banks announce asylum seekers can open bank accounts using alternative identification documents', BPI, 13 May, [www.bpfi.ie/retail-banks-announce-asylum-seekers-can-open-bank-accounts-using-alternative-identification-documents/](http://www.bpfi.ie/retail-banks-announce-asylum-seekers-can-open-bank-accounts-using-alternative-identification-documents/).

<sup>12</sup> Interview with IHREC, October 2022.

access the payment.<sup>13</sup> International protection applicants employed in the healthcare sector and resident in the Direct Provision system were provided with temporary accommodation during the pandemic and this was a subject of political and public debate, particularly when some temporary accommodation was closed in mid-2021.<sup>14</sup>

Various issues remained the focus of public discussion in 2021 and 2022, driven by concerns raised by NGOs.<sup>15</sup> This includes efforts to increase employer knowledge of labour market access permissions for applicants,<sup>16</sup> as well as the issue of access to decent work for applicants (Doras, 2021). These ongoing challenges and policy discussions are discussed in further detail in Chapter 5.

## 1.2 METHODOLOGY AND SCOPE

The structure of the study is based on EMN specifications for an EMN-wide study, agreed by EMN's National Contact Points (NCPs). NCPs gather information according to these commonly agreed specifications (a common template). The main findings are brought together and compared in an EU-level EMN report (EMN, forthcoming).

For this national study, desk research was conducted at the outset. This was followed by interviews with key stakeholders in Ireland in October 2022. Interviews were conducted with representatives of national NGOs, including the Irish Refugee Council, AkiDWA and Doras, as well as a representative of the EPIC Programme (Business in the Community Ireland). A representative from the IHREC, Ireland's national human rights and equality institution, was also interviewed. We also interviewed representatives from the Department of Social Protection and the Department of Justice's LMAU. The data used in this report were obtained from the LMAU, the International Protection Office and Eurostat. The temporal scope of this study is 2017 to 2022, with updates to 2023 provided where relevant.

This study also draws on selected EMN submissions from other EU Member States to examine how labour market access and labour market integration in Ireland compare to other EU Member States.

<sup>13</sup> Department of Social Protection (2020). 'Access to COVID-19 Enhanced Illness Benefit and the Pandemic Unemployment Payment for people in Direct Provision', press release, 7 August, [www.gov.ie](http://www.gov.ie).

<sup>14</sup> HSE (2018). 'Letter to Brid Smith TD in response to parliamentary question 22738/21 and 22739/21', 10 May, <https://www.hse.ie/eng/about/personal/pq/pq/2021-pq-responses/may-2021/pq-22739-21-brid-smith.pdf>. Labour Party (2021). 'Workers living in Direct Provision must have their rights protected', 22 April, <https://labour.ie/news/2021/04/22/workers-living-in-direct-provision-must-have-their-rights-protected/>. Houses of the Oireachtas (2021). Responses to parliamentary questions 24836/21 and 28753/21, 27 May, [www.oireachtas.ie](http://www.oireachtas.ie).

<sup>15</sup> Interviews conducted with the Irish Refugee Council, Doras and AkiDWA.

<sup>16</sup> IHREC published a guide entitled 'Employing international protection applicants – Employer guide'. See (IHREC 2021).

### **1.3 STRUCTURE OF THIS STUDY**

Chapter 2 presents the available data on labour market access by international protection applicants, including an overview of the sectors of employment of applicants, as well as a case study on employment rates of African nationals in Ireland and recent changes in labour market outcomes. Chapter 3 presents the legal framework for labour market access in Ireland, including who it excludes from access, the renewal procedure and insights from other EU Member States. Chapter 4 examines the integration of international protection applicants into the labour market, looking at current strategies and policies in place on a national level. Chapter 5 presents the opportunities and challenges identified in this study for the labour market integration of applicants, as identified in desk research and in interviews conducted for this study. Chapter 6 concludes the study.





## CHAPTER 2

### Data on access to the labour market in Ireland

Labour market access for international protection applicants in Ireland is relatively new, with access granted from mid-2018. In examining how it has been taken up by applicants, this chapter presents data on the period between mid-2018 and the end of 2022. This chapter shows that a considerable number of applicants for international protection who are of working age apply for labour market access permissions. While descriptive data are available, the labour market situation of international protection applicants in Ireland is nonetheless not monitored with official data by Department of Justice or the Department of Social Protection.<sup>17</sup> As a result, there is a gap in our understanding of how this group is faring in the labour market in Ireland, including with regard to the types of work they enter, the length of time they are in employment and their wages. This chapter sets out how data could be better collected.

This chapter also presents a case study on labour market outcomes for African nationals, which shows a decrease in unemployment levels and an increase in employment levels of African nationals in Ireland to a level similar to that of Irish nationals. Linked to the importance of labour market access for integration, this change may be due to a variety of reasons and it is difficult to identify a single driver. There were various important policy changes during that time, including the introduction of access to the labour market for international protection applicants in 2018, but it may also be due to the labour market situation in Ireland in the aftermath of the COVID-19 pandemic.

#### 2.1 TRENDS IN INTERNATIONAL PROTECTION IN IRELAND

The number of international protection applications lodged in Ireland between 2017 and 2022 has increased (Figure 2.1). Between January 2017 and January 2020, the monthly number of applications lodged increased by 75 per cent, from 174 applications in January 2017, to 305 applications in January 2020.<sup>18</sup> However, from March 2020 onwards, the COVID-19 pandemic and the ensuing public health measures saw a significant reduction in applications, with the lowest number of monthly applications lodged in May 2020 (15 applications across the whole month). The number of applications only returned to pre-pandemic levels in

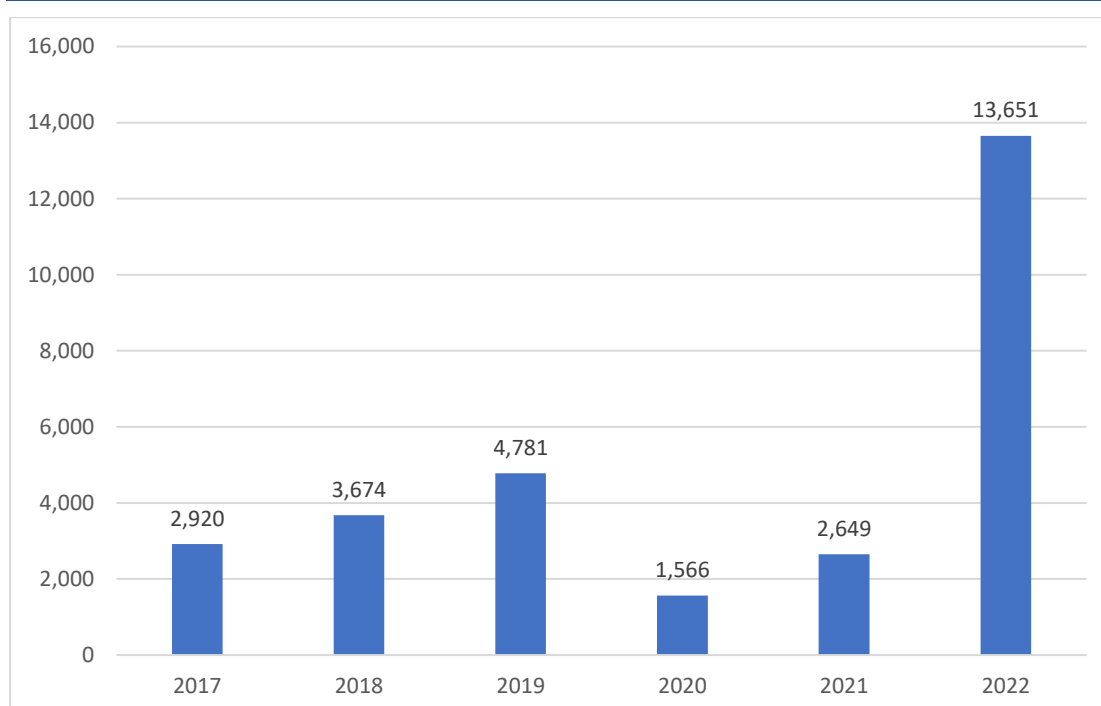
<sup>17</sup> A research project on the labour market integration of international protection applicants commissioned by the Department of Justice in 2021 is currently underway. The research consists of quantitative and qualitative components and has three main aims: (1) to determine the impact of opening access to the labour market in 2018 on international protection applicants as well as on other stakeholders; (2) to ascertain the views of applicants and other stakeholders on the arrangements for labour market access; and (3) to present the overall picture of such policy change to guide recommendations for policy actions. Correspondence with the Research and Data Analytics, Department of Justice, November 2022.

<sup>18</sup> Eurostat. Asylum applicants by type of applicant, citizenship, age and sex – Monthly data [MIGR\_ASYAPPCTZM\_\_custom\_3691300]. Data extracted: 26 October 2022.

August 2021. The year 2022 was different to previous years (Cunniffe et al., 2022), with 13,651 applications lodged across the whole year.<sup>19</sup> This marked an increase of 286 per cent on 2019, the most recent year not affected by the COVID-19 pandemic, when 4,781 international protection applications were lodged.

It should be noted from the outset that persons who have fled Ukraine as a result of the Russian invasion that began on 24 February 2022 primarily fall under the *Temporary Protection Directive (2001/55/EC)* in Ireland and are ‘beneficiaries of temporary protection’. They are not included in the statistics for international protection. Nonetheless, a proportion of international protection applicants are Ukrainian, with 422 Ukrainians applying for international protection in 2022.<sup>20</sup>

**FIGURE 2.1 INTERNATIONAL PROTECTION APPLICATIONS IN IRELAND (2017–2022)**



Source: International Protection Office (IPO). ‘Statistics’, [www.ipa.gov.ie](http://www.ipa.gov.ie).

The age of applicants remained similar throughout the timeframe examined. Between 2017 and 2022, on average 24 per cent of applicants were under 18, and 76 per cent were between the ages of 18 and 64. In 2022, there was a reduction in the proportion of applicants under 18 years, which fell to 21 per cent, and an increase, to 79 per cent, of applicants between the ages of 18 and 64. There are typically very few applicants over the age of 65 in Ireland.<sup>21</sup> The proportion of female-to-male applicants has also remained similar throughout the years examined. On average, between 2017 and 2022, 36 per cent of applicants were female and 63 per cent of applicants were male. While it remained around 36 and

<sup>19</sup> International Protection Office (IPO). Statistics, December 2022, [www.ipa.gov.ie](http://www.ipa.gov.ie).

<sup>20</sup> Correspondence with the International Protection Office, February 2023.

<sup>21</sup> Eurostat. Asylum applicants by type of applicant, citizenship, age and sex – Annual data [MIGR\_ASYAPPCTZA]. Data extracted: 20 March 2023.

37 per cent between 2017 and 2021, it decreased slightly to 32 per cent female in 2022.<sup>22</sup>

Applicants are from a variety of countries, between January 2017 and December 2022, the five most common nationalities were: Georgian, Nigerian, Somali, Algerian and Zimbabwean.<sup>23</sup> In 2022, the top ten nationalities were Georgian, Algerian, Somali, Nigerian, Zimbabwean, Afghan, South African, Ukrainian, Botswanan and Egyptian.<sup>24</sup>

The number of people resident in International Protection Accommodation Services (IPAS) centres and emergency accommodation, at the time of the introduction of access to the labour market in July 2018, was just under 5,500.<sup>25</sup> At the end of 2022, this had increased significantly, with over 19,000 people in accommodation.<sup>26</sup>

## 2.2 APPLICATIONS FOR LABOUR MARKET ACCESS PERMISSIONS

The available administrative data from the Labour Market Access Unit (LMAU) of the Department of Justice cover the period from 30 June 2018 (when international protection applicants were granted the right to apply for labour market permissions) to 31 December 2022.<sup>27</sup> Some applicants applied for permissions to access the labour market under a pilot self-employment scheme introduced in February 2018 and were able to receive permissions under the scheme introduced in June 2018. The analysis below does not include data on the pilot scheme.

Between 30 June 2018 and 31 December 2022, 15,135 international protection applicants applied for first-time labour market access permissions. Of these, 12,181 permissions were granted. This represents a grant rate of 80 per cent (Table 2.1). For the same period, 5,428 applicants informed the LMAU that they were in employment or self-employment. This is approximately 45 per cent of the applicants who received a labour market access permission. This could indicate that applicants who are able to work face difficulties in securing employment in practice. Nonetheless, the data on the number of applicants in employment are poor. This is because, after entering employment, the applicant and the employer are required to submit a form containing details on the employment concerned

<sup>22</sup> Eurostat. Asylum applicants by type of applicant, citizenship, age and sex – Monthly data [MIGR\_ASYAPPCTZM\_custom\_3691300]. Data extracted: 9 March 2023.

<sup>23</sup> Eurostat. Asylum applicants by type of applicant, citizenship, age and sex – Annual data [MIGR\_ASYAPPCTZA]. Data extracted: 20 March 2023. Correspondence with the International Protection Office, February 2023.

<sup>24</sup> Correspondence with the International Protection Office, February 2023.

<sup>25</sup> As of 24 June 2018, 5,406 applicants were resident in IPAS accommodation. See <https://www.gov.ie/pdf/?file=https://assets.gov.ie/245578/e49e42f3-950b-4317-aad8-2bf24573f680.pdf#page=null>.

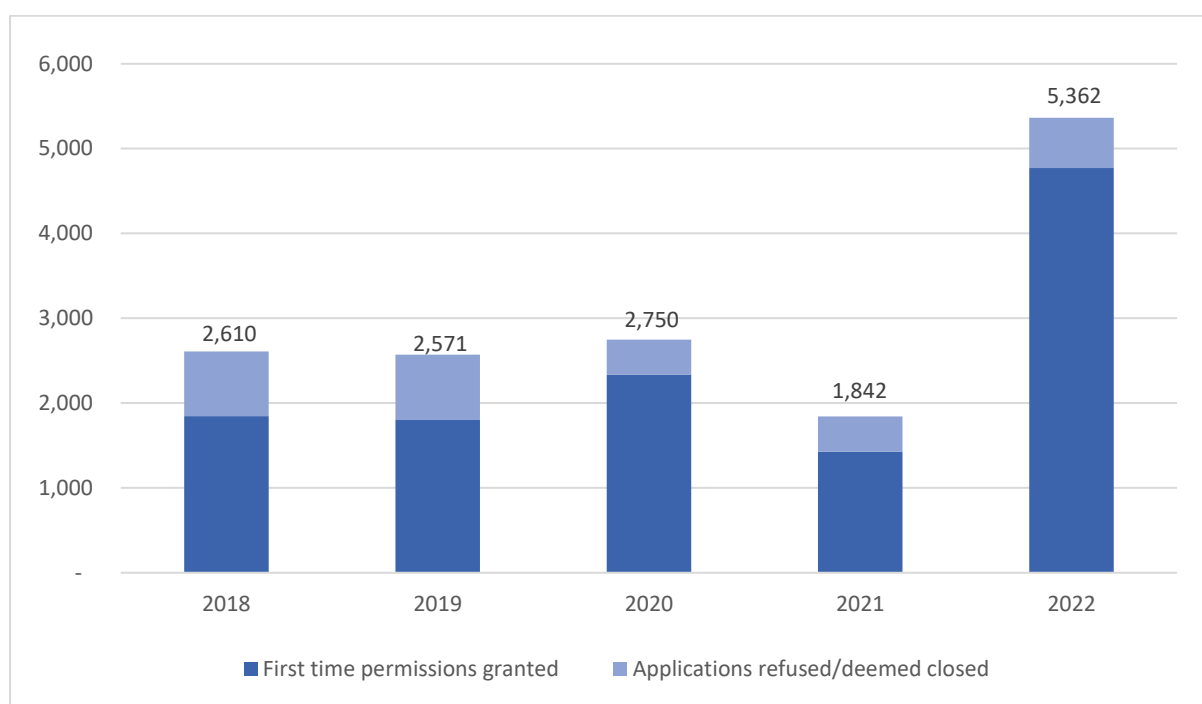
<sup>26</sup> As of 1 January 2023, 19,104 people were resident in IPAS accommodation. See <https://www.gov.ie/pdf/?file=https://assets.gov.ie/245578/e49e42f3-950b-4317-aad8-2bf24573f680.pdf#page=null>.

<sup>27</sup> Information received from the LMAU of Department of Justice, 4 October 2022.

within 21 days (Section 3.3) and not all applicants return their forms to indicate employment.<sup>28</sup>

In terms of trends in applications for labour market access, while the number of applications for first-time permissions remained relatively stable across July 2018 and 2021, 2022 saw an increase in the number of applications and permissions granted (Figure 2.2). This likely reflects the higher number of applications lodged for international protection in Ireland in 2022, as well as a decrease in labour market activity during the COVID-19 pandemic and subsequent increase with the lifting of restrictions, as well as other factors, including the reduction of the waiting period from nine months to six months and the extension of the validity of the permit from six months to twelve months in 2021.

**FIGURE 2.2 FIRST-TIME LABOUR MARKET ACCESS PERMISSIONS: APPLICATIONS AND NUMBER GRANTED (JUNE 2018–DECEMBER 2022)**



Source: LMAU, Department of Justice, February 2023.

A proportion of the applications for labour market access are also refused or ‘deemed closed’ by the LMAU (Figure 2.2). An application is ‘deemed closed’ where the LMAU writes back to an applicant asking for additional information and the applicant does not respond. The LMAU stated that many of these people will submit a new application, which is treated as such.<sup>29</sup> As will be described in Chapter 3, reasons for refusal can include failure to cooperate with the international protection procedure, including in establishing one’s identity.

<sup>28</sup> Interview with the LMAU, Department of Justice, October 2022.

<sup>29</sup> Interview with the LMAU, Department of Justice, October 2022.

Establishing the share of applicants that are applying for labour market access can be difficult. This is due to the six-month waiting period for access, as well as the change in the length of the waiting period in 2021 (from nine months to six months). It should also be borne in mind that not all applicants may want to work or be ready to work, either at all during the protection procedure, or upon expiry of the waiting period. Moreover, as is set out in further detail in Chapter 5, international protection applicants may also face barriers such as accessing childcare or transport, or issues concerning the location of their accommodation, which may deter them from making an application in the first place.

Bearing in mind these caveats, Figure 2.3 shows data on applicants for international protection aged between 18 and 64, the number of applications for first-time labour market access permissions and the number granted.<sup>30</sup> The figure shows that a considerable number of international protection applicants are applying for labour market access permissions. As data are not available on how many international protection applicants were eligible for labour market access when it was first introduced in 2018, it is difficult to conclusively determine what proportion of applicants have access.

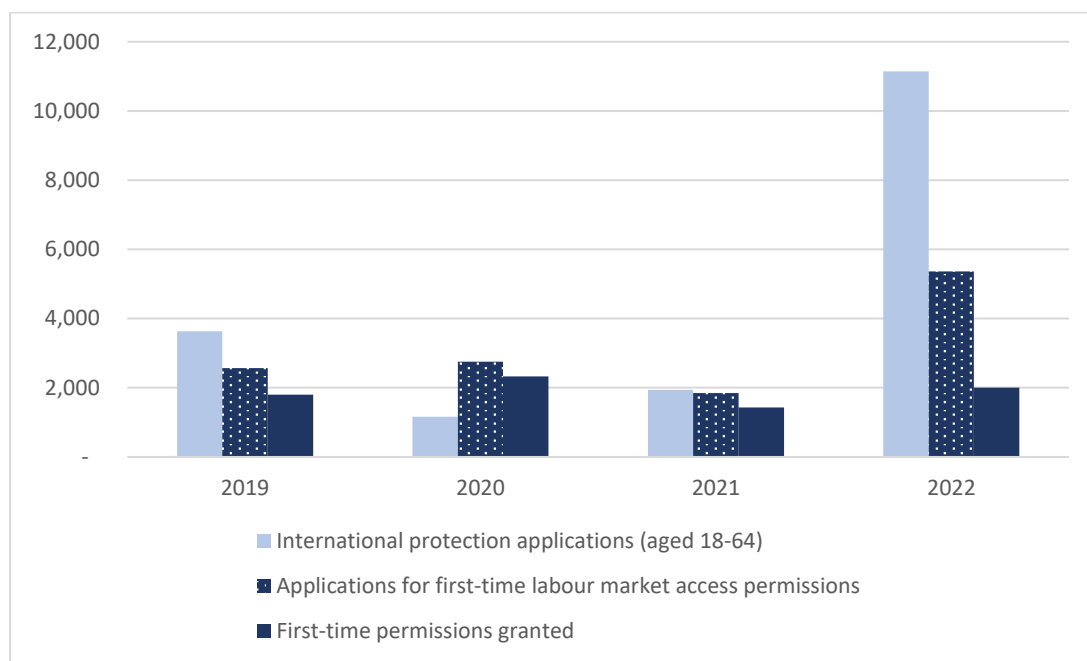
In 2020, there were more labour market access permission applications than international protection applications, which is likely due to the reduction in international protection applications from March 2020 onwards during the COVID-19 pandemic. The disparity seen in 2022 is likely due to the rapid increase in international protection applications that year and the six-month waiting period to access the labour market. Furthermore, a regularisation scheme was introduced in 2022 to grant permission to remain to persons who had been in the international protection system for two years or more. This may have led to a reduction in the number applying for labour market access.<sup>31</sup>

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<sup>30</sup> Applicants aged over 16 are permitted to apply for labour market access permissions. Those aged 16-17 years are excluded from the analysis due to the lack of disaggregated data for this age group. Recent figures published by the Department of Justice for January to June 2022 indicate that a small number of applicants (35) in this age group apply for labour market access permissions. See Department of Justice (2023).

<sup>31</sup> Department of Justice (2022). 'Regularisation of Long Term Undocumented Migrant Scheme', [www.irishimmigration.ie/regularisation-of-long-term-undocumented-migrant-scheme/](http://www.irishimmigration.ie/regularisation-of-long-term-undocumented-migrant-scheme/).

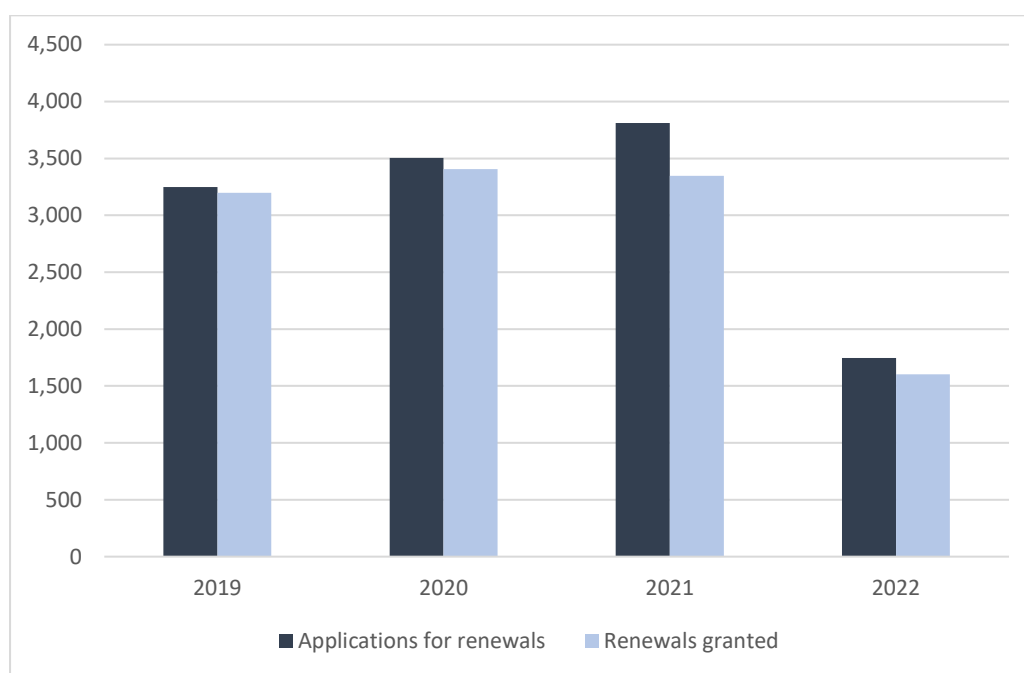
**FIGURE 2.3 INTERNATIONAL PROTECTION APPLICATIONS FROM APPLICANTS OF WORKING AGE AND LABOUR MARKET ACCESS PERMISSION APPLICATIONS AND PERMISSIONS GRANTED (2019–2022)**



*Source:* Correspondence with the LMAU, Department of Justice. Eurostat. Asylum applicants by type of applicant, citizenship, age and sex – monthly data [MIGR\_ASYAPPCTZM\_\_custom\_4543043].

*Notes:* International protection applications in this figure are applicants between 18 and 64. Applicants who are between 16 and 18 are allowed to apply for labour market access permissions but are excluded from this figure due to the lack of disaggregated data available on Eurostat for the 16-18 age group. Applications for international protection that were lodged in 2018 are excluded from Figure 2.3 due to the scheme being introduced that year and the likely high number of international protection applicants eligible at one time.

As regards renewals during this period, 12,310 applications for renewals were submitted overall and, of those, the vast majority (11,551, 94 per cent) were granted (Figure 2.4). It should be noted that the length of validity of each labour market access permissions was extended from six months to twelve months in 2021.

**FIGURE 2.4 NUMBER OF APPLICATIONS FOR RENEWALS AND RENEWALS GRANTED (2019–2022)**

*Source:* Correspondence with the LMAU, Department of Justice.

*Note:* No figures are available for 2018 because the first labour market permissions were issued in July 2018 and were only eligible for renewal in 2019.

Table 2.1 sets out the number of applications for first-time labour market access permissions, the number of permissions granted, the number of permissions refused and how many applicants subsequently entered employment for each year. This table disaggregates the data by gender, and shows that the majority of persons who apply for labour market access permissions are male, with females submitting 32 per cent of the applications for first-time permissions.<sup>15</sup> This reflects the higher proportion of male applicants for international protection in Ireland (see also Figure 2.1 above). On average, between 2017 and 2022, approximately 36 per cent of all international protection applicants were female. The barriers to labour market access faced by female applicants, such as access to childcare, are described in Chapter 5. These notwithstanding, the difference in gender is particularly notable for applications for self-employment, where significantly more male applicants apply for permission to be self-employed. This reflects a gender pattern in the general labour market, whereby a significantly higher number of males are self-employed than females.<sup>32</sup> This may be due to the nature of some types of self-employed jobs (e.g. taxi driving); however, data are not available on the types of jobs engaged in by people who fall under this category.

<sup>32</sup> Central Statistics Office. 'Labour Force Survey Quarter 4 2022', [www.cso.ie](http://www.cso.ie).

**TABLE 2.1 LABOUR MARKET ACCESS OF INTERNATIONAL PROTECTION APPLICANTS (JUNE 2018–AUGUST 2022)**

	2018	2019	2020	2021	2022	Total
<b>Applications for first-time permissions</b>	2,610	2,571	2,750	1,842	5,362	<b>15,135</b>
Female	712	866	995	589	1,630	<b>4,792</b>
Male	1,898	1,705	1,755	1,253	3,732	<b>10,343</b>
Female (%)	27%	34%	36%	32%	30%	<b>32%</b>
<b>First-time permissions granted</b>	1,848	1,800	2,332	1,428	4,773	<b>12,181</b>
Female	567	684	894	469	1,478	<b>4,092</b>
Male	1,281	1,116	1,438	959	3,294	<b>8,088</b>
<b>First-time permission grant rate</b>	71%	70%	85%	78%	89%	<b>80%</b>
<b>First-time permission applications refused/deemed closed</b>	759	764	414	399	569	<b>2,905</b>
Female	144	181	101	114	148	<b>688</b>
Male	615	583	313	285	421	<b>2,217</b>
<b>Applications for renewals</b>	0	3,248	3,505	3,812	1,745	<b>12,310</b>
Female	0	911	1,173	1,354	543	<b>3,981</b>
Male	0	2,330	2,324	2,453	1,200	<b>8,307</b>
<b>Renewals granted</b>	0	3,197	3,405	3,346	1,603	<b>11,551</b>
<b>Renewal rate (%)</b>	0%	98%	97%	88%	92%	<b>94%</b>
<b>Applications for self-employment</b>	0	79	25	11	0	<b>115</b>
Female	0	10	<5	<5	0	<b>12</b>
Male	0	69	24	10	0	<b>103</b>

*Source:* Correspondence with the LMAU, Department of Justice.

*Notes:* An application is 'deemed closed' where the LMAU writes back to an applicant asking for additional information and the applicant does not respond. The LMAU stated that many of these people will submit a new application, which is then treated as such.



## 2.3 YOUNG INTERNATIONAL PROTECTION APPLICANTS IN EMPLOYMENT

A small proportion of applicants for international protection who have been granted access to the labour market are young people: those aged 16 and 17 years. Between mid-2018 and the end of 2022, 185 young people applied for labour market access permissions, and of them, 33 per cent were female (Table 2.2). From the 185 applications, approximately 73 per cent were granted a first-time labour market access permission. These young people may be resident with their parents or family members in IPAS accommodation across the country, or they may be unaccompanied or separated children who are in the care of Tusla, the Child and Family Agency. The female share of applications among young people (33 per cent) is the same as that found overall.

**TABLE 2.2 LABOUR MARKET ACCESS OF YOUNG INTERNATIONAL PROTECTION APPLICANTS (2018–2022)**

	Jun–Dec 2018	2019	2020	2021	2022	Total
<b>Applications for a first-time permission</b>	<b>19</b>	<b>25</b>	<b>25</b>	<b>38</b>	<b>78</b>	<b>185</b>
Female						61
Male						124
<b>First-time permission granted</b>	<b>16</b>	<b>18</b>	<b>21</b>	<b>23</b>	<b>57</b>	<b>135</b>
Female						49
Male						86
<b>First-time applications refused or deemed closed</b>	<b>&lt;5</b>	<b>7</b>	<b>&lt;5</b>	<b>15</b>	<b>21</b>	<b>50</b>
Female						12
Male						38
<b>Applications for renewals</b>	<b>0</b>	<b>7</b>	<b>8</b>	<b>5</b>	<b>&lt;5</b>	<b>22</b>
Female						10
Male						12
<b>Renewals granted</b>	<b>0</b>	<b>7</b>	<b>7</b>	<b>&lt;5</b>	<b>&lt;5</b>	<b>20</b>
Female						9
Male						11

Source: Correspondence with the LMAU, Department of Justice, February 2023.

Note: Young people are aged 16 and 17 years.

Previous research in this area highlighted that unaccompanied minors are unable to obtain short-term employment, such as a summer job, and that they felt like this set them apart from their peers (Ní Raghallaigh, 2013). The data set out in Table 2.2 show that young people are applying for and successfully obtaining labour market access permissions.

## 2.4 TYPES OF EMPLOYMENT

Another aspect of labour market integration concerns the employment types and sectors of international protection applicants. While data are limited and the quality of the data is poor, due to the fact that not all applicants or employers return forms to indicate their employment, the data presented below are nonetheless indicative of the types of work in which applicants are employed.

Scholarship has highlighted the higher propensity of international protection applicants to engage in precarious work due to the interaction of their socio-legal status and the structure of the labour market (Lewis et al., 2015). The gradations of socio-legal statuses and the attendant restrictions on various rights, including but not limited to work, can in some contexts create conditions for exploitation (Dwyer et al., 2016). Others have pointed to the employment of asylum applicants in the secondary labour market, one that is 'generally characterised by low wages, long working hours and little to no job security and protection' (Schenner and Neergaard, 2019).

In recent research on Ireland, Laurence et al. (2023) found that non-Irish nationals are more likely to be in lower quality jobs than Irish nationals and that a migrant wage gap exists, with non-Irish nationals earning on average 78 cents to every 1 euro earned by an Irish national. This differs depending on the region of origin of the non-national. The migrant wage gap is compounded for women, who face a 'double earnings penalty' (Laurence et al., 2023).

Irish research findings on the sectors of employment and job types in which international protection applicants work mirrors those of research conducted in other jurisdictions. While the data are not comprehensive, they indicate that international protection applicants tend to be employed in the secondary labour market and in jobs that can be of lower quality (e.g. lower wages and poorer working conditions) (Tables 2.3 and 2.4). In the figures available on the sectors of employment of international protection applicants in Ireland, the most common sectors are 'business, sales and tourism', followed by the grouping of 'agriculture, animals and food'.

**TABLE 2.3 TOP SECTORS OF EMPLOYMENT OF INTERNATIONAL PROTECTION APPLICANTS, AS COLLECTED BY THE LMAU (2018–OCTOBER 2022)**

Sector	Number in employment
Business, sales and tourism	2,186
Agriculture, animals and food	1,321
Health services (medical, wellbeing and sport)	588
STEM, environment and construction	492
Government, law and education	231
Creative arts, fashion and media	117
Not stated	13

*Source:* Correspondence with the LMAU, Department of Justice, October 2022.

*Note:* The above data are incomplete and data quality is poor due to not all forms indicating employment being returned to the LMAU.

The above sector categories do not reflect typical sectoral categorisations used elsewhere, such as the European Classification of Economic Activities (NACE). Nonetheless, they give an indication as to the general areas in which people work. The LMAU is exploring how these data could be better recorded in the future.<sup>33</sup>

With regard to the job titles of international protection applicants in Ireland, the most common job title is general operative, which is a job title in a variety of sectors but typically used in factories/warehouses. The second most common reported job title is healthcare assistant, followed by kitchen porter and cleaner.

<sup>33</sup> Correspondence with the LMAU, Department of Justice, February 2023.

**TABLE 2.4 JOB TITLES OF INTERNATIONAL PROTECTION APPLICANTS IN EMPLOYMENT, AS COLLECTED BY THE LMAU (2018–OCTOBER 2022)**

Job title	Number of applicants
General operative (including warehouse general operative)	890
Healthcare assistant	424
Kitchen porter	337
Cleaner	322
Chef	283
Security officer	242
Retail assistant	204
Accommodation assistant	179
Waiting Staff	96

*Source:* Correspondence with the LMAU, Department of Justice, October 2022.

*Note:* The above data are incomplete and data quality is poor due to not all forms indicating employment being returned to the LMAU.

Data are not captured on the duration of employment or on whether applicants are employed on a temporary or permanent contract. Neither are data captured on earnings. As described above, these data would allow for a more comprehensive understanding of the ways in which international protection applicants are included in the labour market in Ireland and their access to decent work, as set out in the next section.

## 2.5 FUTURE DATA MONITORING

In order to better understand how international protection applicants are integrated into the labour market, more robust data monitoring and collection are required, particularly in relation to types of work, length of employment and earnings. Moreover, research could be done on labour market outcomes of international protection applicants in tracking changes overtime, including when they are granted a status in Ireland.

According to the UNHCR, labour market integration of resettled refugees can be measured through the following metrics: '(1) labour market participation and employment rates; (2) earnings; (3) freedom from poverty; (4) occupational status; and (5) employment commensurate with experience and qualifications' (Ott, 2013). While such metrics may be difficult to measure (Schenner and Neergaard, 2019), they provide an indication as to what could be monitored when seeking to understand labour market integration.

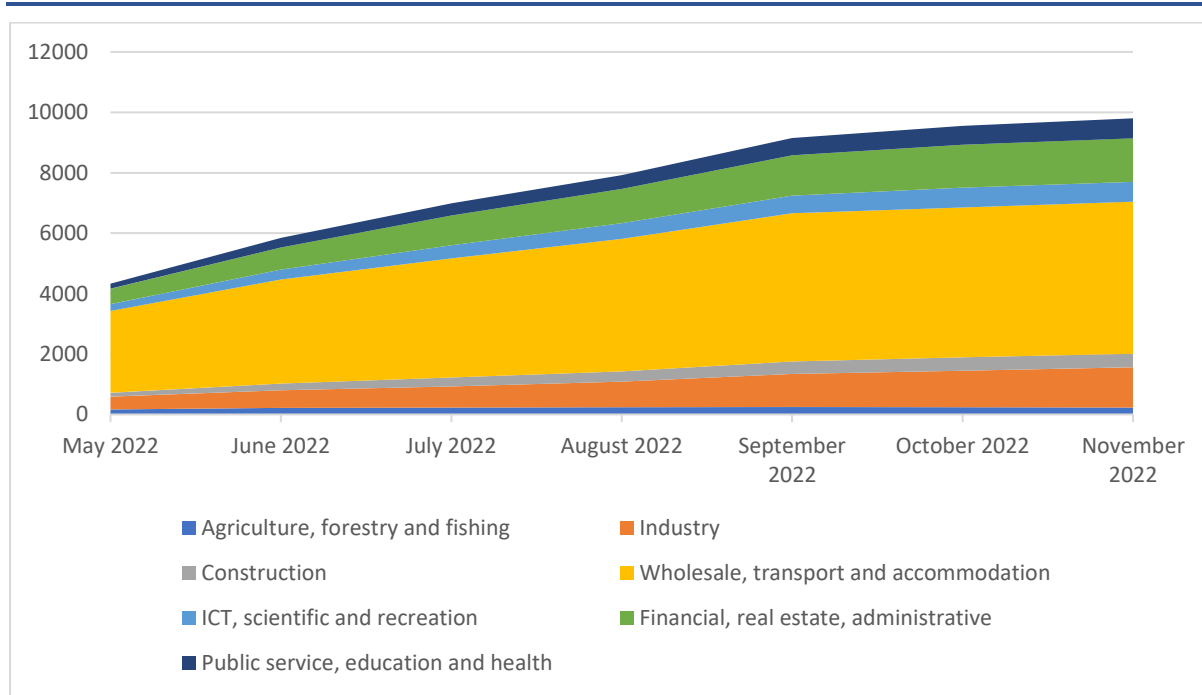
One potential model for how such data on international protection applicants could be monitored is the ongoing approach to data monitoring of persons who have fled Ukraine and are beneficiaries of temporary protection in Ireland.

### 2.5.1 Data monitoring of beneficiaries of temporary protection in Ireland

The Central Statistics Office (CSO) publishes monthly information on the situation of Ukrainians and other third-country nationals who have fled Ukraine after Russia's invasion on 24 February 2022 and are beneficiaries of the Temporary Protection Directive (TPD).<sup>34</sup>

The labour market situation of this group in terms of labour market activity – sector of employment, county of employment and wages – has been analysed since March 2022. The CSO has also published data on the number of engagements with Intreo by beneficiaries, as well their education levels, previous occupation and assessed barriers to employment. For example, CSO data for the period May to November 2022 show that the main sector of beneficiaries' employment is 'wholesale, transport and accommodation' (Figure 2.5).

**FIGURE 2.5 EMPLOYMENT OF BENEFICIARIES OF TEMPORARY PROTECTION BY SECTOR, MAY–NOVEMBER 2022**



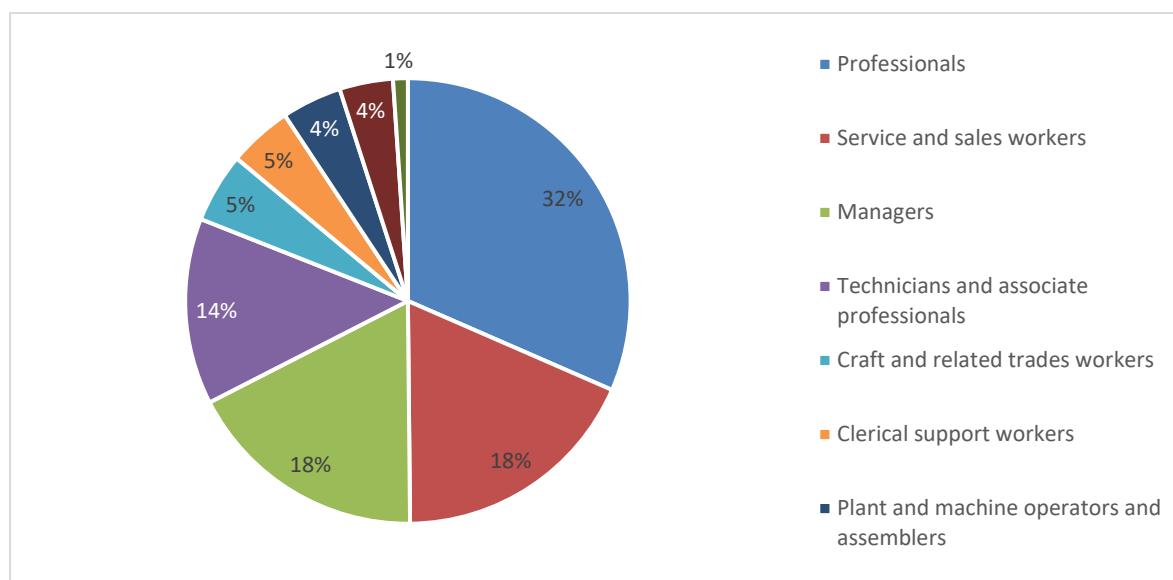
Source: CSO, 'Arrivals from Ukraine in Ireland Series 8', [www.cso.ie/en/releasesandpublications/FP/P-AUI/arrivalsfromukraineinirelandseries8/](http://www.cso.ie/en/releasesandpublications/FP/P-AUI/arrivalsfromukraineinirelandseries8/).

The available data also cover the previous occupation of individuals arriving from Ukraine and attending Intreo events as of 11 December 2022. The main previous

<sup>34</sup> In Ireland, persons fleeing Ukraine fall under the Temporary Protection Directive (Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof). The activation of the Directive was triggered in response to Russia's invasion of Ukraine on 24 February 2022. One of the provisions of the Directive concerns access to employment by beneficiaries of temporary protection, subject to rules applicable to the profession and to national labour market policies and general conditions of employment. See EMN (2022).

occupation group was ‘professionals’, followed by ‘service and sales workers’ (Figure 2.6).

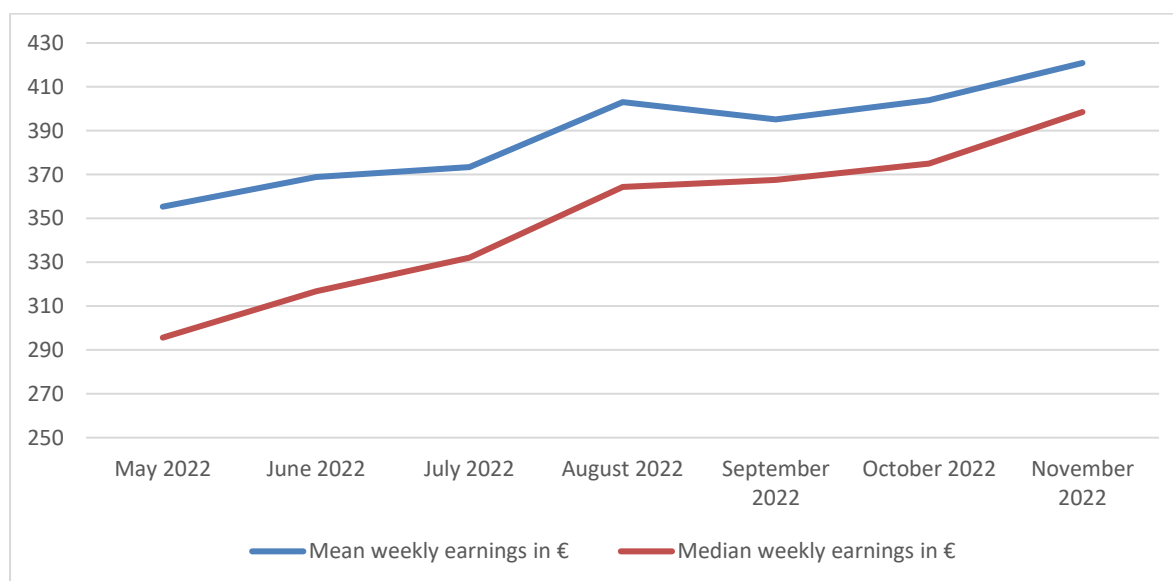
**FIGURE 2.6 PREVIOUS OCCUPATIONS OF BENEFICIARIES OF TEMPORARY PROTECTION ATTENDING INTREO, 11 DECEMBER 2022**



Source: CSO (2022). ‘Arrivals from Ukraine in Ireland Series 8’, <https://www.cso.ie/en/releasesandpublications/FP/P-AUI/arrivalsfromukraineinirelandseries8/>.

Based on the CSO data, one can note a growth of both the mean and median weekly earnings of this group between May and November 2022 (Figure 2.7).

**FIGURE 2.7 MEAN AND MEDIAN WEEKLY EARNINGS OF BENEFICIARIES OF TEMPORARY PROTECTION, MAY–NOVEMBER 2022, IN EURO**



Source: CSO (2022). ‘Arrivals from Ukraine in Ireland Series 8’, [www.cso.ie/en/releasesandpublications/FP/P-AUI/arrivalsfromukraineinirelandseries8/](https://www.cso.ie/en/releasesandpublications/FP/P-AUI/arrivalsfromukraineinirelandseries8/).

This information is mainly drawn from records on personal public service (PPS) numbers,<sup>35</sup> issued to every beneficiary and collated from several government departments and agencies, such as the Department of Social Protection, the Department of Education, Solas (via the Programme Learner Support System<sup>36</sup>) and Revenue (via PAYE Modernisation dataset).<sup>37</sup>

This monitoring of beneficiaries of temporary protection in Ireland demonstrates the potential capacity of administrative data in terms of tracking the situation of relatively small, ‘hard to reach’ sub-populations (Fahey et al., 2019). With respect to labour market integration, such information might contribute to the better understating of issues of overqualification, underemployment, in-work poverty and stability of employment.

## 2.6 CASE STUDY: EMPLOYMENT LEVELS AMONG AFRICAN NATIONALS IN IRELAND AND RECENT DEVELOPMENTS

**By Stefanie Sprong, Frances McGinnity and James Laurence**

Employment is a key domain of immigrant integration. Work allows migrants to earn a living and a chance to contribute to their host society (OECD, 2015; McGinnity et al., 2020a). In this section, we briefly examine recent trends in labour market activity among African nationals, a group that has consistently been found to experience lower employment and higher unemployment rates in the Irish labour market (McGinnity et al., 2018; McGinnity et al., 2020b; O’Connell, 2019). As stated above, previous research has found that the lower employment and higher unemployment rates can be partly explained by exposure to the international protection system in Ireland leaving a ‘scarring effect’ on their future prospects for employment (O’Connell, 2019). In this section, we draw on Labour Force Survey (LFS) data for the period 2017–2022, which is a large-scale nationally representative survey of households in Ireland and is conducted by the CSO. For each year, we pool data from all available quarters to boost the sample size and the data are weighted to be nationally representative. Nonetheless, sample sizes remain too small to distinguish between different African nationalities. It is thus important to note that African nationals are a diverse and heterogeneous group in terms of (un)employment (McGinnity et al. 2020b).<sup>38</sup> It is also important to highlight that the LFS only surveys private households and thereby excludes people

<sup>35</sup> Each beneficiary of temporary protection should apply for a PPS number. For the purpose of monitoring, the CSO removes all identifying personal information, including a PPS number, and creates a pseudonymised protected identifier key (PIK). The PIK is unique and non-identifiable and is only used by the CSO. See <https://www.cso.ie/en/releasesandpublications/FP/p-ai/arrivalsfromukraineinirelandseries8/backgroundnotes/>.

<sup>36</sup> The Programme Learner Support System is used to manage course information, learner records and reporting; see: <https://qsdocs.gqi.ie/Downloads/Programme%20Learner%20Support%20System%20EQU%20VET%20-%20Fiona%20Maloney%20ETBI.pdf>.

<sup>37</sup> PAYE Modernisation is operational since 2019 and collects data on employees’ pay and deductions. See McGrane and O’Rourke (2020).

<sup>38</sup> While unemployment is particularly high among Somalis, aside from Zambians and South Africans, all other African groups have higher or much higher rates of self-reported unemployment in the 2016 Census (McGinnity et al., 2020b).

currently living in Direct Provision centres, emergency accommodation and other forms of communal accommodation.

A number of significant changes in the availability of jobs, policy and migration happened in the period 2017 to 2022. While the 2017–2019 period was one of falling unemployment,<sup>39</sup> the COVID-19 pandemic, and the related lockdowns, was associated with a sharp fall in employment and rise in unemployment in the 2020–2021 period, followed by rapid labour market recovery in 2022 as restrictions were eased.<sup>40</sup> As detailed elsewhere in this study, labour market access for those currently seeking asylum was also made easier in this period, when in 2018 labour market access permission was granted after a waiting period of nine months if no first-instance decision had been taken on their application, later dropping in 2021 to six months.

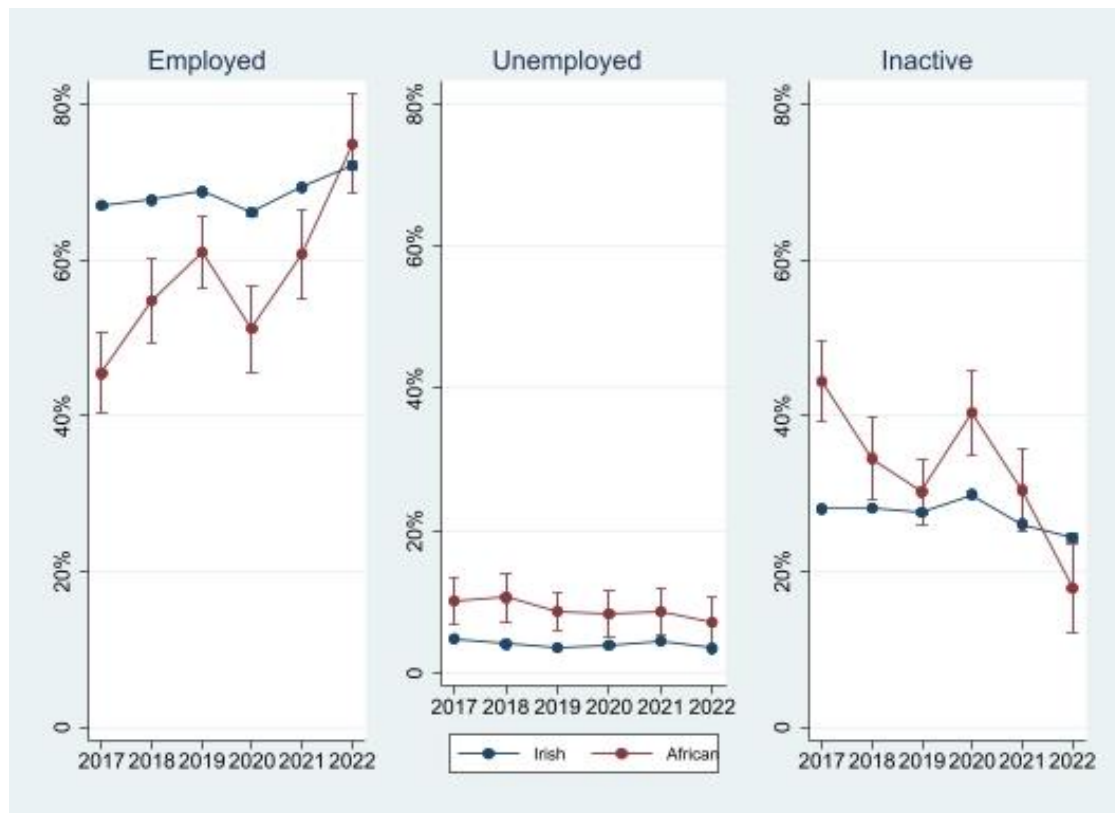
Figure 2.8 shows the employment, unemployment and inactivity rates for Irish and African nationals between 2017 and 2022. In the period between 2017 and 2021, the employment rate among African nationals was between 4 to 20 percentage points lower than among Irish nationals, while their unemployment rate was between 4 and 8 percentage points higher. Their inactivity rate was also higher than that of Irish nationals in these years. However, these disadvantages became smaller over the years and patterns eventually seem to have been eliminated in 2022, when there were no longer any significant differences between African and Irish nationals. The consistency of the trends over time and within these sub-groups suggests that the change in labour market outcomes is not simply due to compositional change, although there may have been changes in other areas that we cannot currently examine, such as English language abilities.

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<sup>39</sup> The national unemployment rate fell from 7.5 per cent in December 2016 to 4.8 per cent in December 2019; see <https://www.cso.ie/en/releasesandpublications/er/mue/monthlyunemploymentdecember2019/>.

<sup>40</sup> See <https://www.cso.ie/en/statistics/labourmarket/monthlyunemployment/>.



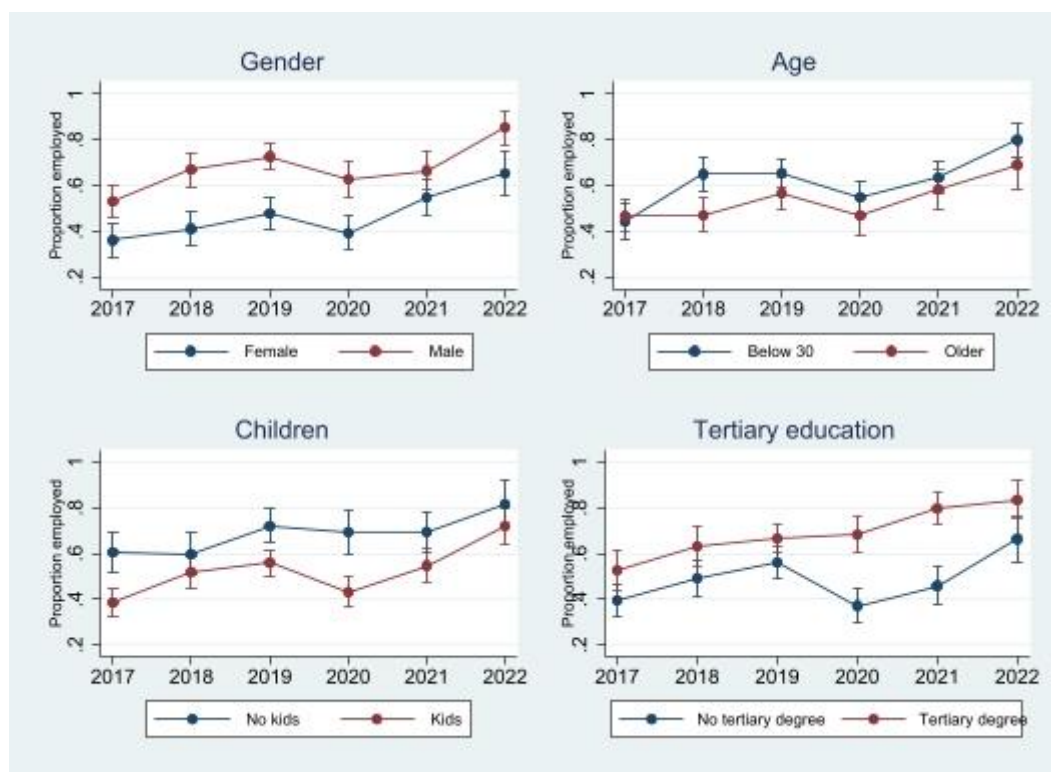
**FIGURE 2.8 EMPLOYMENT, UNEMPLOYMENT AND INACTIVITY RATES FOR IRISH AND AFRICAN NATIONALS BETWEEN 2017 AND 2022**

*Source:* Labour Force Survey (Q1 2017 to Q2 2022, all quarters pooled, weighted). Working age population only (16-64).  
*Notes:* The employment rate is the proportion of working age in paid work; the unemployment rate is the proportion of the labour force (employed and unemployed) without work but actively seeking work. The inactivity rate is the proportion of working age who are neither employed nor unemployed. The error bars show the 95 per cent confidence intervals, which give an indication of the degree of uncertainty in the reported rate. Confidence intervals tend to be larger if the sample size is smaller, and hence they are larger for the group of African nationals than for Irish nationals.

We further explore if the pattern of increasing employment rates among African nationals holds for different sub-groups. Figure 2.9 shows the employment rate for African nationals by gender, age, the presence of children in the household and level of education. Between 2017 and 2022, employment rates increased for all these groups, with the exception of 2020 in which employment decreased, which likely reflects the impact of the COVID-19 pandemic (Enright et al., 2020). African nationals living in a household with children and those without a tertiary degree appeared to be harder hit by the pandemic, with the employment rates decreasing more for them as compared to African nationals living without children or having a tertiary education. However, employment rates for these groups also increased more in 2021 and 2022, with gaps returning to pre-pandemic levels. In fact, by 2022, differences by age, education and parenthood are very small and not statistically significant. The employment rate of African women increased at a slightly faster rate than that of men since 2020, suggesting that this may partly be underlying the increasing employment rate of African nationals in the recent period. The forthcoming Integration Monitoring report (McGinnity et al., 2023) finds that the share of people of African origin who reported they were engaged in

home duties fell dramatically in 2021 and 2022, which suggests that African women are moving from inactivity to paid work.

**FIGURE 2.9 EMPLOYMENT RATES AMONG AFRICAN NATIONALS IN THE PERIOD 2017–2022 BY GENDER, AGE, PRESENCE OF CHILDREN AND TERTIARY EDUCATION**



*Source:* Labour Force Survey (Q1 2017 to Q2 2022, all quarters pooled, weighted) Working age population only (16–64).

*Note:* The error bars show the 95 per cent confidence intervals, which give an indication of the degree of uncertainty in the reported rate. Confidence intervals tend to be larger if the sample size is smaller, and hence they are larger for the group of African nationals than for Irish nationals.

The pattern of increasing employment rates and decreasing unemployment and inactivity rates among African nationals in the recent period is at variance with findings from past research, which found that African nationals experienced greater challenges in the Irish labour market (McGinnity et al., 2018; McGinnity et al., 2020b; O’Connell, 2019). We do not know about the nature and quality of these jobs, but preliminary analysis indicates no significant shift in the economic sector African nationals are working in, with health and social care accounting for over one-quarter of those in employment in 2022, as before (see Enright et al., 2020). If these recent trends persist, they represent a noteworthy development. The change may be related to changes to rules regarding work for those in the international protection system, with the introduction of labour market access in 2018, as well as the tight labour market, where there is high demand for labour, which may offer new opportunities to find work, or the increasing costs of living, which may necessitate households to generate more income. However, understanding the exact reasons behind these changes would require more in-depth analysis and more and better data.

## 2.7 CONCLUSION

This chapter has presented the available data on the labour market access of international protection applicants. Overall, it appears that a considerable number of working-age applicants apply for labour market access. Most applications for renewals are granted. In terms of the number of applicants in employment, the available data are limited, but 5,428 applicants returned forms to the LMAU stating they were in employment, which is approximately just under half of all applicants who were granted labour market access permissions. This may indicate that applicants who are able to work face difficulties in securing employment in practice. There is also evidence that young international protection applicants, aged 16 and 17, are accessing employment in Ireland. Sectors of employment for international protection applicants generally tend to be in the secondary labour market and to involve lower quality positions (typically characterised, for example, by lower wages and poorer working conditions). Further data collection and analysis is required to better understand the labour market situation of international protection applicants in Ireland.

This chapter has also presented a case study on African nationals and their labour market situation. While previous research found a higher unemployment rate among African nationals, the reasons for which were believed to be in part due to the length of time spent in the international protection system without access to work, new data indicate that the gap has now significantly decreased, with African nationals and Irish nationals on par for unemployment levels.



## CHAPTER 3

### Access to the labour market: Legal framework

In EU law, access to the labour market for international protection applicants is set out under Article 15 of the recast *Reception Conditions Directive 2013/33/EU*. This provision requires Member States to ensure that international protection applicants have labour market access no later than nine months after they have lodged their application and so long as a first-instance decision has not been taken on their case. Under the Directive, Member States can set conditions for labour market access and can prioritise EU and EEA nationals, along with legally resident third-country nationals. Notwithstanding such conditions, access to the labour market for applicants must be ‘effective’.<sup>41</sup>

Member States have transposed the Directive into their national legislation.<sup>42</sup> In Ireland, it is transposed in the *European Communities (Reception Conditions) Regulations 2018–2021*.<sup>43</sup> One area of divergence between Member States in the transposition is the waiting period required. The Directive sets nine months as a maximum but does not prevent Member States from implementing shorter waiting periods. In Ireland, applicants can access the labour market after six months if no first-instance decision has been taken. Some Member States impose longer waiting periods, while others impose shorter ones.

Access to the labour market for international protection applicants in Ireland is set out under regulations 11-16 of the *European Communities (Reception Conditions) Regulations 2018*. This chapter reviews key provisions under these regulations, including conditions for access, the application procedure, renewal procedure, limitations on where an applicant can work, self-employment provisions and various other conditions and limitations. The chapter then situates Ireland in the broader EU context, with reference to a select number of other EU Member States.

#### 3.1 CONDITIONS FOR ACCESS

This section first examines the waiting period in Ireland, followed by other conditions for access.

<sup>41</sup> Article 15(2), *Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)*.

<sup>42</sup> The only EU Member State that has not transposed the Directive is Denmark.

<sup>43</sup> *European Communities (Reception Conditions) Regulations 2018*, S.I. No. 230/2018. *European Communities (Reception Conditions) (Amendment) Regulations 2021*, S.I. No. 52/2021. *European Communities (Reception Conditions) (Amendment) (No. 2) Regulations 2021*, S.I. No. 178/2021.

### 3.1.1 Waiting period

The waiting period to access the labour market in Ireland is six months from lodging an application, so long as a first-instance decision has not been taken on their application by the International Protection Office (IPO) and any delay cannot be attributed to the applicant.<sup>44</sup> A first-instance decision is a recommendation made under section 39 of the *International Protection Act 2015* by an international protection officer as to whether the person qualifies for refugee status or subsidiary protection.<sup>45</sup> If it is a negative recommendation, this can be appealed by the individual. An application for labour market access can be submitted to the Labour Market Access Unit (LMAU) five months after lodging an application for international protection, with the permission becoming valid at the six-month stage where no first-instance recommendation has been made.<sup>46</sup>

Ireland opted in to the recast *Reception Conditions Directive 2013/33/EU* in 2018 and the initial waiting period that was implemented was nine months.<sup>47</sup> In 2020, the *Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process* identified the nine-month waiting period as creating an ‘unfair difference of treatment between applicants’ (Department of Justice, 2020). The report stated that the nine-month waiting time excluded those who receive a decision before this period and are in the appeals process. It stated that this exclusion ‘adds further to psychological problems and means that people lose their skills through inactivity and loss of sense of purpose’ (ibid.). The report recommended reducing the waiting period to three months. The report also recommended extending the validity of labour market access permissions from six months to one year to give confidence to both employers and employees.

Based on these recommendations, in 2021 the Department of Justice announced that the waiting period would be reduced to six months and that permissions would be extended to 12-month validity. In announcing these changes, the Minister for Justice stated that it ‘will help even more people to integrate into Irish society while providing for themselves and their families outside of the State’s directly provided services and supports. It also helps people to plan and prepare

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<sup>44</sup> *European Communities (Reception Conditions) Regulations 2018–2021*, S.I. 230/2018.

<sup>45</sup> Regulation 2(1), *European Communities (Reception Conditions) Regulations 2018*, S.I. 230/2018. First-instance decisions also include ‘an application under section 8 of the Act of 1996, a recommendation under section 13 of that Act, an application under Regulation 4 of the Regulations of 2006, a determination under paragraph (4) or (5) of Regulation 4 of those Regulations, and an application under Regulation 3 of the Regulations of 2013, a recommendation under Regulation 6 of those Regulations’.

<sup>46</sup> Interview with LMAU, Department of Justice, October 2022.

<sup>47</sup> *European Communities (Reception Conditions) Regulations 2018*, S.I. 230/2018.

for their future if they receive a positive decision on their application for international protection'.<sup>48</sup>

The LMAU stated that from their perspective there are several reasons for the current waiting period. First, it can allow the IPO to deal with complicated applications before international protection applicants can begin to establish a life in the State. It also allows for a period of cooperation with the IPO to be established (for example, in returning a questionnaire for their international protection procedure). Lastly, it was stated that it introduces a small personal cost to applying for a labour market access permission, as without this, immediate access to the labour market might act as a draw factor and create a disincentive to engage with regular immigration processes.<sup>49</sup>

### 3.1.2 Recipients versus applicants

A differentiation between 'recipients' and 'applicants' under the *European Communities (Reception Conditions) Regulations 2018*, as amended, places limitations on who can access the labour market. This distinction is not seen in the EU Directive. Under current legislation, a recipient would include a person who has not yet received an inadmissibility recommendation. This has been subject to amendments, but aspects of it remain unclear. In practice, persons who are in inadmissibility proceedings have access to the labour market.<sup>50</sup> The LMAU stated that the legislation had not been updated to reflect this.

### 3.1.3 Other conditions for access

In addition to the waiting period and exclusion of persons whose applications are inadmissible, other conditions also apply to labour market access.

- The applicant must not have received a first-instance recommendation on their application within six months of lodging the application.
- Any delay in issuing this recommendation is not attributable to the applicant.

The meaning of attributing delay to the applicant is described under regulation 27 of the *European Communities (Reception Conditions) Regulations 2018*, as amended. It provides that the delay can be attributed in whole or in part to the applicant where the applicant has failed to comply with obligations in respect of their application, including by:

'(i) failing to make reasonable efforts to establish his or her identity,

<sup>48</sup> Department of Justice (2021). 'Minister McEntee announces reduced 6 month waiting period for international protection applicants to access work', 28 January, [www.gov.ie/en/press-release/71e03-minister-mcentee-announces-reduced-6-month-waiting-period-for-international-protection-applicants-to-access-work/](http://www.gov.ie/en/press-release/71e03-minister-mcentee-announces-reduced-6-month-waiting-period-for-international-protection-applicants-to-access-work/).

<sup>49</sup> Correspondence with the LMAU, Department of Justice, October 2022.

<sup>50</sup> Correspondence with the LMAU, Department of Justice, February 2023.

- (ii) without reasonable excuse, acting in such a way as to delay the processing of his or her application, or,
- (iii) otherwise failing to comply with an obligation under an enactment relating to the application.<sup>51</sup>

The Irish Refugee Council raised a concern around situations where a person is refused a labour market access permission on the basis that a person did not produce an identity document that they may not have or where it is unreasonable to expect them to have. In an interview for this study, they stated that there is an additional risk that people might interpret this as a requirement to approach national authorities for their passport, which could then have an impact on their asylum application.<sup>52</sup> Additionally, in cases of age-disputed minors, the Irish Refugee Council has found that they may be refused permission to access the labour market for reasons including that they have not cooperated with the international protection process and that they may have been registered in another EU Member State with a different date of birth. In turn, the LMAU highlighted how contradictory information regarding the identity of a person applying to enter employment often presents a challenge.<sup>53</sup>

In January 2021, the Court of Justice of the European Union (CJEU) ruled on a preliminary reference from the High Court in Ireland on whether persons who are subject to the Dublin III procedure (where it is found that another Member State is responsible for processing their application) can access the labour market, as well as the meaning of a delay attributable to the applicant. The CJEU held that applicants in the Dublin III procedure were entitled to material reception conditions, which could be understood to include labour market access where the other conditions are met. The CJEU held that the meaning of a delay attributable to the applicant is where the applicant has failed to cooperate with the relevant authorities, and this does not include for reasons relating to the applicant previously applying for protection in another Member State or because they appealed the Dublin III transfer decision.<sup>54</sup> Amendments were subsequently implemented in Irish law in the *European Communities (Reception Conditions) (Amendment) (No. 2) Regulations 2021*.<sup>55</sup>

In reviewing these conditions, it is also important to note that where an applicant fails to comply with the legal mechanism to access the labour market (the conditions for access to employment as set out under the Regulations), they may be found guilty of an offence, as set out under regulation 15 of the Regulations.

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<sup>51</sup> Regulation 27, *European Communities (Reception Conditions) Regulations 2018*, S.I. No. 230/2018.

<sup>52</sup> Correspondence with the Irish Refugee Council, October 2022.

<sup>53</sup> Interview with the LMAU, Department of Justice, October 2022.

<sup>54</sup> *KS and MHK v. International Protection Appeals Tribunal, the Minister for Justice and Equality and the Advocate General and RAT and DS v. Minister for Justice and Equality* (Joined Cases C-322/19 and C-385/19).

<sup>55</sup> *European Communities (Reception Conditions) (Amendment) (No. 2) Regulations 2021*, S.I. No. 178/2021.



Under this provision, an applicant shall be liable on summary conviction to a class D fine or imprisonment for a term not exceeding one month or both.<sup>56</sup>

### 3.2 PROCEDURE FOR FIRST-TIME APPLICATIONS

Five months after lodging their international protection application, an applicant can apply to the LMAU in the Department of Justice to request permission to access employment. The international protection applicant is required to submit:

- a completed Labour Market Access (LMA3) form
- a copy of their Temporary Residence Certificate (TRC).

In the LMA3 form, the applicant must provide their name, personal ID number and contact details; they must also confirm that they comply with the application conditions, as detailed in the previous section. No other identity documents need to be submitted but the applicant is required to submit a description of the identity documents provided to the IPO to establish their identity or a description of the efforts made to obtain identity documents.<sup>57</sup> The LMAU can see the status of an international protection application using the applicant's personal ID number.<sup>58</sup> As described above, where the applicant has not made reasonable efforts to establish their identity in the international protection procedure, this can potentially be deemed a delay attributable to the applicant, and can result in a refusal of labour market access.<sup>59</sup> In terms of processing times, according to the LMAU these have varied considerably, based on the unit's workload. They stated that in recent years, it has typically been less than one week; however, as of February 2023, it is approximately six weeks due to increased application numbers.<sup>60</sup> In practice, the LMAU endeavours to keep maximum processing times to one month.<sup>61</sup>

The LMAU highlighted how TRC cards are now issued for 12 months, whereas they were previously issued for six months. This has reduced issues for the LMAU with regard to dealing with out-of-date TRC cards.<sup>62</sup>

A labour market access permission is valid for 12 months and is renewable, as described in Section 3.4.<sup>63</sup>

<sup>56</sup> Regulation 15(1), *European Communities (Reception Conditions) Regulations 2018*, S.I. No. 230/2018.

<sup>57</sup> Department of Justice. 'Labour market access permission', [www.irishimmigration.ie/my-situation-has-changed-since-i-arrived-in-ireland/labour-market-access-permission/](http://www.irishimmigration.ie/my-situation-has-changed-since-i-arrived-in-ireland/labour-market-access-permission/).

<sup>58</sup> Interview with the LMAU, Department of Justice, October 2022.

<sup>59</sup> Regulation 27, *European Communities (Reception Conditions) Regulations 2018*.

<sup>60</sup> Interview and correspondence with the LMAU, Department of Justice, October 2022.

<sup>61</sup> Correspondence with the LMAU, November 2022.

<sup>62</sup> Correspondence with the LMAU, February 2023.

<sup>63</sup> S.I. No. 52/2021.

### 3.3 ENTERING EMPLOYMENT: SECTOR RESTRICTIONS AND EMPLOYEE AND EMPLOYER REQUIREMENTS

Once the applicant has received a labour market access permission, they can enter employment. The sectors in which applicants can be employed are quite broad and there is not a significant number of restrictions on the types of sectors. Nonetheless, international protection applicants cannot work in sectors that are public bodies, such as the Defence Forces, An Garda Síochána (police), the civil service, the public service or, in some cases, bodies funded by public funding.<sup>64</sup> The Minister for Justice and Equality in 2018 stated that the reason behind this exclusion is the temporary nature of applicants' permission to reside in Ireland, given that they are awaiting a decision on their international protection applications.<sup>65</sup> Public sector jobs in Ireland are generally characterised by better conditions, including better pay for those in the lower part of the earnings distribution.<sup>66</sup> This puts international protection applicants at a disadvantage as compared to others.

These bodies are specified under Schedule 6 of the European Communities (Reception Conditions) Regulations 2018 to 2021:

- (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) a designated institution of higher education within the meaning of the *Higher Education Authority Act 2022* that falls under paragraph (a) of section 53 (1) of that Act and that is also a funded body within the meaning of that Act
- (k) the Defence Forces
- (l) the Garda Síochána.<sup>67</sup>

<sup>64</sup> Regulation 11(9)(a), *European Communities (Reception Conditions) Regulations 2018*.

<sup>65</sup> Houses of the Oireachtas (5 July 2018). 'Response to parliamentary question 29607/18', [www.oireachtas.ie/en/debates/debate/dail/2018-07-05/9/](http://www.oireachtas.ie/en/debates/debate/dail/2018-07-05/9/).

<sup>66</sup> Central Statistics Office (2018). 'Econometric analysis of the public-private sector pay differential 2018', [www.cso.ie/en/releasesandpublications/rp/rp-eappp/eappp20152018/](http://www.cso.ie/en/releasesandpublications/rp/rp-eappp/eappp20152018/).

<sup>67</sup> Schedule 6, *European Communities (Reception Conditions) Regulations 2018*, S.I. 230/2018, as amended by the *Higher Education Authority Act 2022*.

The LMAU in the Department of Justice stated that Schedule 6 is undergoing a review.<sup>68</sup> The inability of applicants to be employed by the Health Service Executive (HSE) during the COVID-19 pandemic was an issue and the LMAU stated that this is something that is being reviewed.

An applicant can also be self-employed, in which case the process is the same as it is for employed applicants. A self-employed applicant cannot employ any person or carry on a business in partnership with another person.<sup>69</sup>

After receiving permission to access the labour market, an international protection applicant is required to have a personal public services number (PPSN), be registered with Revenue for tax purposes and, for many employers, hold a bank account.

After entering employment, the applicant and the employer are required to submit a form (LMA5) with details about the employment within 21 days of employment. They are also required to inform the LMAU of the employment ceasing within 21 days. The employer is required to keep a record of the employment for three years from the date on which the employment ended and must provide information when requested to do so by the Minister within ten working days.<sup>70</sup> There are also specific conditions as regards the composition of the workforce. An employer cannot employ an international protection applicant if more than 50 per cent of their workforce is from one of more Member States of the European Economic Association (EEA), Switzerland or any combination of the two.<sup>71</sup>

The Regulations set out offences that apply to the employer where they fail to comply with the abovementioned requirements.<sup>72</sup>

### 3.4 RENEWAL REQUIREMENTS AND PROCEDURE

The renewal procedure is set out under regulation 11(7) and (8) of the *European Communities (Reception Conditions) Regulations 2018*, as amended. An applicant can renew their permission so long as a final decision has not been taken on their international protection application and that final decision is not subject to an appeal.<sup>73</sup>

The renewal procedure can be initiated one month prior to the permission expiring. The following conditions must be complied with.

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<sup>68</sup> Interview with the LMAU, Department of Justice, October 2022.

<sup>69</sup> Regulation 11(10), *European Communities (Reception Conditions) Regulations 2018*.

<sup>70</sup> Regulation 14(5), *European Communities (Reception Conditions) Regulations 2018*.

<sup>71</sup> Regulation 14(6), *European Communities (Reception Conditions) Regulations 2018*.

<sup>72</sup> Regulation 15, *European Communities (Reception Conditions) Regulations 2018*.

<sup>73</sup> Regulation 11(8)(a)-(c), *European Communities (Reception Conditions) Regulations 2018*, as amended.

- The applicant has co-operated with the IPO, including attending all interviews, submitting a questionnaire and submitting all appropriate documentation.
- A final decision has not been taken in the applicant's international protection application.
- Registration with the Revenue Commissioners when a job is started or when the applicant is engaged in self-employment.
- The applicant's TRC is in date and their address is up to date with the IPO.

In terms of the documentation required for renewals, an applicant must submit an 'LMA4 form', which requests a personal ID number, a permission number and contact details, as well as confirmation of 'compliance with application conditions for renewal of permission' (conditions set out above).<sup>74</sup> The LMA4 form must be signed and submitted, along with the applicant's personal ID number and a copy of their TRC.<sup>75</sup> The applicant must also have submitted an LMA5 form detailing their prior employment or a note to explain that they were not in employment. As described in Chapter 2, the vast majority of applications for renewals of permissions are granted.

### 3.5 IRELAND AS COMPARED TO OTHER EU MEMBER STATES

In other EU Member States, the legal framework is typically based on the transposition of the recast *Reception Conditions Directive 2013/33/EU*. This section examines the framework for a selection of Member States (Finland, Italy, the Netherlands and Sweden), including the conditions that they apply. This is based on a selection of submissions from EMN National Contact Points (NCPs) to the broader EMN study on labour market integration of international protection applicants.

One area of divergence is the minimum waiting period. In Sweden, there is no minimum waiting period, while in Italy the waiting period is 60 days and in the Netherlands, for example, it is six months, as it is in Ireland. Some Member States have different waiting periods depending on the situation of the applicant. This is the case in Finland where, if an applicant has provided identity documents when applying for international protection, they can access the labour market three months after applying for international protection. Where no identity documents are provided, the labour market can be accessed after six months.

Conditions that can be applied also differ between Member States, although many, like Ireland and Sweden, apply requirements such as establishing identity (for example, through providing identity documents) and cooperating with the relevant

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<sup>74</sup> Department of Justice. 'Application for renewal of labour market access permission', FORM LMA4, [www.irishimmigration.ie](http://www.irishimmigration.ie).

<sup>75</sup> Department of Justice (2022). 'Labour market access permission', accessed 12 October 2022.

authorities in this regard (EMN Sweden, 2022). As described above, Ireland applies conditions on the sectors in which applicants can work. Other Member States, such as Finland, apply the same conditions as those applied to other third-country nationals who seek to access the labour market in their Member State. In the Netherlands, the criteria for obtaining a work permit are more favourable for international protection applicants when compared to the application forms and documents required in other Member States, like in Ireland. In other Member States, such as Finland and Sweden, no further documentation is required, beyond application for international protection and the establishment of identity.

Some Member States have renewal procedures like those seen in Ireland; in the Netherlands, for example, such procedures apply after one year. However, in some countries, like Italy, there is no specific procedure to access the labour market. This is because access to the labour market is granted automatically after the expiration of the waiting period and applicants can maintain access to the labour market for the length of time they are in the international protection procedure.

### **3.6 CONCLUSION**

This chapter has set out the legal framework for labour market access for international protection applicants in Ireland, including current conditions such as the waiting period and how conditions vary for recipients and applicants. It has also described the changes in recent years, such as the reduction in the waiting period.

Ireland shares some similarities with a number of other Member States, such as the minimum waiting period of six months. It also differs from other Member States; for example, in regard to whether or not there is a renewal procedure and the length of validity of the permission. This shows that while the recast *Reception Conditions Directive 2013/33/EU* sets out minimum standards, Member States can vary widely in the way it is implemented.



## CHAPTER 4

### Labour market integration: Strategies, policies and supports

Access to employment is a key measure of integration. As evidenced in previous chapters, a considerable number of international protection applicants have sought permissions to access the labour market and have been engaged in employment. This chapter presents the relevant integration policies and strategies in Ireland. It also presents the governance structures, as well as the supports that are available to international protection applicants accessing the labour market. There is no applicant-specific integration policy or strategy in Ireland.

Research on labour market integration policies for international protection applicants, including their impact, is scant, not only in Ireland but also internationally. This may relate to at least three key factors. First, it was only after the 2015 asylum arrivals in the EU that many Member States established structured instruments and programmes that would facilitate such access. Second, in some Member States, international protection applicants have no access to ‘active labour market policies’, despite being able to access the labour market. Finally, the vast majority of research regarding humanitarian migration tends to focus on the labour market situation of beneficiaries of international protection (sometimes grouping applicants and beneficiaries under one heading of ‘refugees’). While this study focuses exclusively on international protection applicants, several points regarding integration of beneficiaries of international protection will hold in the case of applicants for international protection. Such issues might concern a choice of an integration strategy (a mainstream approach versus a targeted intervention), the timing of labour market interventions and their sequencing (for example, language training followed by vocational training) or the role of stakeholders’ cooperation in the integration process (Martín et al., 2016). This literature is incorporated throughout the analysis of integration policies in Ireland in this chapter.

#### 4.1 LABOUR MARKET INTEGRATION STRATEGY AND POLICY IN IRELAND

In Ireland, there is currently no labour market integration strategy or policy that directly targets third-country nationals or, more specifically, international protection applicants. Instead, applicants are included within the broader population covered by more mainstream labour market integration policies. The question of whether supports should be mainstreamed or targeted has been discussed in the literature. Arcarons (2018) states that

*in order to support the full and speedy integration of PSBs [protection seekers and beneficiaries of protection] in the labour market, a key debate is whether PSBs should be positively discriminated as a group,*

*or instead equally treated and consequently mainstreamed in labour market programmes already in place for natives or other migrants. Research seems to indicate that mainstreaming should be the preferred option insofar as access to equal opportunities can be granted. As long as the latter is not likely to be the case, mainstreaming practices should be complemented with targeted policies until equality of opportunities can be ensured. (Arcarons, 2018, p. 10)*

At the same time, international research tends to emphasise the importance of targeted integration policies (or a hybrid of targeting within a mainstream system) in addressing the needs of international protection applicants (and beneficiaries thereof). The need for such targeted approach stems from the unique situation of this group, which fares consistently worse than other groups in the labour market (Fasani et al., 2018).

Despite this, several EU Member States place their labour market integration strategies of international protection applicants within broader frameworks (such as strategies that cover all migrants or foreigners), or do not target this group at all, such as in the Netherlands or Austria for example; in the latter only a subgroup of applicants with high chances for receiving protection is targeted (EMN Austria, 2022; EMN Netherlands, 2022).

While Ireland has no specific policy or strategy on the labour market integration of third-country nationals,<sup>76</sup> it is included within broader integration policies. The labour market integration of third-country nationals was listed among the actions (Actions 38–47)<sup>77</sup> of the Migrant Integration Strategy 2017–2020 (extended to 2021), which covered a wider group of migrants (Department of Justice and Equality, 2017). Importantly, the labour market integration of international protection applicants was not included in the scope of the strategy (at the time of preparing the strategy this group had no access to the labour market). The actions referred to collection of data, tailoring education and training programmes, improving engagement with Public Employment Services, enhancing employment chances in public services (including in the civil service) and self-employment.

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<sup>76</sup> Interview with Department of Social Protection, October 2022.

<sup>77</sup> These actions included: collection of disaggregated data on unemployment; ensuring that courses provided by the Education and Training Boards (ETBs) meet the specific needs of migrants; provision of education and training programmes catering for unemployed migrants whose language skills require development; ensuring appropriate levels of quality engagement with migrants who are jobseekers; and promotion of availability of employment services for those who are not on the Live Register. The Strategy also stipulated: an analysis of the extent of joblessness among jobseekers of African origin; promotion of Quality and Qualifications Ireland for recognition of vocational skills; an increase in the number of persons with an immigrant background employed in the public service; awareness raising regarding underrepresented groups; and engagement of Local Enterprise Offices with migrants concerning entrepreneurship (Department of Justice and Equality, 2017).



In terms of labour market policies, a mainstreamed approach is taken to the labour market integration of third-country nationals,<sup>78</sup> such as is presented in the current Pathways to Work Strategy 2021–2025 (Government of Ireland, 2021c). This strategy is complemented by the Roadmap for Social Inclusion 2020–2025 (Government of Ireland, 2020).<sup>79</sup> The Working for All strand of the Pathways to Work Strategy 2021–2025 indicates that pathways to education and work for migrants will be underpinned by the successor to the Migrant Integration Strategy, which lapsed in 2021 and is currently being reviewed by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY).

The Pathways to Work Strategy 2021–2025 includes international protection applicants in a list of groups facing particular barriers to work. This strategy states that ‘Intreo and its partner organisations will, within the lifetime of this strategy, develop and deliver targeted support measures that are specific to individual needs of these groups. These measures will include:

- the provision of English language and integration classes,
- increased access to further education and training opportunities via the Education and Training Boards,
- access to paid work internships and apprenticeships, including in the public service,<sup>80</sup>
- reserved places on state employment schemes, such as Community Employment and Tús,
- extension of the higher level of the JobsPlus subsidy<sup>81</sup> to employers who recruit people from minority groups with disadvantage,
- the promotion of entrepreneurship and self-employment as a viable career option to all jobseekers from marginalised groups’ (Government of Ireland, 2021c, pp. 75-76).

However, international protection applicants may not be eligible for a number of the instruments mentioned in the strategy, as they target those who are long-term unemployed or drawing certain benefits, both of which are based on the Habitual Residence Condition (HRC),<sup>82</sup> and international protection applicants do not meet the HRC criteria.<sup>83</sup> At the same time, the benefit paid to international protection applicants (Daily Expenses Allowance) is not listed among such qualifying benefits.

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<sup>78</sup> Interview with Department of Social Protection, October 2022.

<sup>79</sup> Interview with Department of Social Protection, October 2022.

<sup>80</sup> Note that international protection applicants cannot be employed in the public service, see Section 3.3.

<sup>81</sup> JobsPlus subsidy is an employer incentive which encourages and rewards employers who employ jobseekers on the Live Register. Employers are paid an incentive on a monthly basis over a two-year period. The Live Register includes beneficiaries of Jobseekers Benefit (JB) Jobseekers Allowance (JA) or various other statutory entitlements. International protection applicants cannot access Jobseeker Allowance as they do not meet the Habitual Residence Condition but can access Jobseeker Benefits based on general requirements (approximately two years of contributions payment); see Irish Refugee Council (2022a).

<sup>82</sup> These benefits include Jobseekers Allowance, One-Parent Family Payment and Disability Allowance.

<sup>83</sup> The Habitual Residence Condition is an eligibility condition applied to certain social welfare payments in Ireland, which aims to assess the permanence of an applicant’s residence in the State.

Finally, international protection applicants are not eligible for some instruments mentioned in the strategy, including Community Employment schemes, or may be ineligible due to inability to meet minimum time spent in employment previously, as required by Tús.<sup>84</sup>

There have been no major changes to the strategy to support the labour market integration of third-country nationals since 2017. When compared to its predecessor – Pathways to Work 2016–2020 (Department of Social Protection, 2016)<sup>85</sup> – the current strategy, Pathways to Work 2021–2025 (Government of Ireland, 2021c) includes a direct reference to the Migrant Integration Strategy (Department of Justice and Equality, 2017) and lists international protection applicants among the groups facing particular challenges with respect to the labour market access. This inclusion shows recognition of the connections between migrant integration and labour market integration policy.

As described in Chapter 1, in the *White Paper to End Direct Provision and Establish a New International Protection Support Service*, the Government committed to providing specifically tailored Intreo supports to international protection applicants seeking employment (DCEDIY, 2021). This further indicates recognition of the need for supports.

## 4.2 GOVERNANCE STRUCTURES AND THE ROLE OF NGOS

Planning and delivering integration policies involves several state and non-state actors, such as civil society organisations or business organisations. No national governance structures with responsibilities specific to the labour market integration of international protection applicants exist in Ireland. The lack of such structures was also noted by the stakeholders consulted,<sup>86</sup> as was a lack of local integration structures and targeted measures, which might hamper local integration efforts.<sup>87</sup>

While comparative research suggests the importance of dedicated governance structures for the successful integration of international protection applicants and refugees, the lack of such structures in several European states might be associated with the dominance of a mainstreamed approach to labour market integration. A Eurofound study that covered the early responses to the post-2015 international protection arrivals in the EU identified mainstreaming, with some targeted elements, as the dominant form of integration policies (Eurofound, 2016). Konle-Seidl (2017) notes that while some countries might not provide targeted services,

<sup>84</sup> Department of Social Protection. 'Tús (community work and placement scheme)', [www.gov.ie/en/service/de6a8b-tus-community-work-placement-initiative/](http://www.gov.ie/en/service/de6a8b-tus-community-work-placement-initiative/).

<sup>85</sup> Department of Social Protection (2016). *Pathways to Work 2016–2020*, <https://www.gov.ie/en/publication/5b410e-pathways-to-work-2016/>. This strategy was accompanied by *the Action Plan for Jobless Households (2017–2020)*, <https://enterprise.gov.ie/en/publications/publication-files/action-plan-for-jobs-2017.pdf>.

<sup>86</sup> Interview with Doras, October 2022, and Interview with Irish Refugee Council, October 2022.

<sup>87</sup> Interview with Doras October 2022.

due to a lack of resources, separate targeting might be too extensive for some groups, such as highly qualified individuals. As the author states, ‘a targeted approach needs commitment and active engagement of all relevant actors for it to work, especially employers’ (Konle-Seidl, 2017, p. 14). Similarly, when it comes to sequencing of policy interventions such as language provisions, vocational training or job placement, close coordination might be required between local stakeholders (Martín et al., 2016).

In Ireland, in practice, a mainstreamed approach to labour market integration is adopted and the following stakeholders are involved in this approach: Intreo; the Department of Education; the Department of Social Protection; Education and Training Boards; the Department of Education; the Department of Health; the Department of Housing; the Department of Children, Equality, Disability and Youth (DCEDIY); and the Department of Justice.<sup>88</sup>

An important stakeholder when it comes to legal aspects of the labour market integration is the Irish Human Rights and Equality Commission (IHREC).<sup>89</sup> The IHREC has provided legal assistance to individuals and has played a role of *amicus curiae* in several legal cases concerning various aspects of the labour market integration of international protection applicants in Ireland; it has also contributed to the debate on the right to work (see IHREC, 2018).<sup>90</sup> The IHREC publishes information materials on access to the labour market by international protection applicants.<sup>91</sup>

Non-governmental organisations (NGOs) play a key role in Ireland in supporting the labour market integration of applicants. Such involvement was mentioned by several stakeholders consulted for the purpose of this study.<sup>92</sup> NGOs provide support measures that are tailored to the needs of international protection applicants, such as language classes, counselling and one-to-one training. A representative of one NGO stated that such organisations fill the gaps present in the mainstreamed system of the integration of international protection applicants by providing tailored supports that meet particular needs.<sup>93</sup> While Public Employment Services provide employment support and services to jobseekers, NGOs can provide supports that are sensitive to experiences such as trauma, racism and concerns related to protection applications more generally (see

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<sup>88</sup> Interview with Department of Social Protection, October 2022.

<sup>89</sup> The IHREC is an independent public body that accounts to the Oireachtas (Irish Parliament), with a mandate established under the *Irish Human Rights and Equality Commission Act 2014*. See: <https://www.ihrec.ie/about/who-we-are/>.

<sup>90</sup> Interview with the IHREC, October 2022.

<sup>91</sup> Interview with the IHREC, October 2022. See, for example, [www.ihrec.ie/app/uploads/2018/05/Access-to-the-labour-market-for-applicants-for-international-protection.pdf](http://www.ihrec.ie/app/uploads/2018/05/Access-to-the-labour-market-for-applicants-for-international-protection.pdf) and [www.ihrec.ie/app/uploads/2021/12/Employing-International-Protection-Applicants-Employer-Guide-10122021-F.pdf](http://www.ihrec.ie/app/uploads/2021/12/Employing-International-Protection-Applicants-Employer-Guide-10122021-F.pdf).

<sup>92</sup> Interview with AkiDwA, October 2022, Doras, October 2022, interview with Irish Refugee Council, October 2022, interview with EPIC, October 2022.

<sup>93</sup> Interview with Doras, October 2022.

Chapter 5 for an overview of the challenges of policy delivery faced by NGOs, including short-term funding).<sup>94</sup>

Recent research on the role of NGOs in Europe in the integration of various categories of migrants, including international protection applicants, points out that irrespective of differences in the role and importance of NGOs, they play a role in all analysed cases (Baglioni et al., 2022).<sup>95</sup>

In terms of recent updates to policies to support labour market integration, some changes have been introduced that might affect the integration of international protection applicants. The year 2021 saw the abolishment of international student fees for international protection applicants who want to avail of further education and training provided by the Education and Training Boards (Irish Refugee Council, 2022b).

When it comes to possible further developments, the Department of Social Protection representatives indicated that future strategies measures might be more tailored to the needs of specific groups (including international protection applicants).<sup>96</sup>

### **4.3 SUPPORTS AVAILABLE TO INTERNATIONAL PROTECTION APPLICANTS WITH ACCESS TO THE LABOUR MARKET**

This subsection presents the main labour market integration supports available to international protection applicants who have labour market access permissions. The choice of the measures presented below follow the agreed EU-wide template (EMN, forthcoming). In principle, in addition to the provision of information resources (booklets, etc.), the mainstream job-seeking supports, principally delivered by Intreo, include: registration and creating a profile at jobsireland.ie;<sup>97</sup> access to a phone or a computer; and other walk-in services, including an appointment with an employment personal adviser (EPA) (Intreo, 2022). Additionally, international protection applicants can access or be referred to the mainstream services described below. Several mainstream labour market measures are not available to this cohort of individuals. Factors include the requirements of the Habitual Residence Condition and the requirement of previous employment or social contributions history, which can be difficult to meet. The presentation of each supports area is complemented by a mapping of main stakeholders.

<sup>94</sup> Interview with Irish Refugee Council, October 2022.

<sup>95</sup> The research analysed state–civil society organisations relations in the Czech Republic, Finland, Greece, Italy, Switzerland and the UK.

<sup>96</sup> Interview with Department of Social Protection, October 2022.

<sup>97</sup> Jobsireland.ie is a public employment service of the Department of Social Protection. It offers a free job advertising service and enables job seekers to search for jobs and to create a profile to match their skills and experience with available jobs.

### 4.3.1 Access to Intreo supports

International protection applicants who have a labour market access permission can avail of the labour market integration supports available to all clients of Intreo (which is the public employment service in Ireland). Intreo is the single point of contact for all employment and income supports and services.

When international protection applicants approach a local Intreo office,<sup>98</sup> they are profiled to assess their likelihood of getting a job and identify supports they will require.<sup>99</sup> An international protection applicant who has permission to work and attends an Intreo office meets with an employment personal adviser (EPA, previously known as case officer). The EPA assesses the customers' skills and previous work experience and considers any barriers to work. Based on this information, an individual progression plan is developed, which includes tailored supports for applicants.<sup>100</sup> A representative of the Irish Refugee Council indicated that Intreo EPAs whose catchment area includes a higher number of international protection applicants might have more experience in counselling and referring this specific group.<sup>101</sup> Representatives interviewed from the Department of Social Protection highlighted that Irish public employment services continue to work on training EPAs to ensure consistency of approach.<sup>102</sup>

Additionally, some local Intreo offices approach Direct Provision reception centres with information regarding courses and training opportunities.<sup>103</sup> It was perceived that the COVID-19 pandemic and conditions of post-pandemic recovery might have contributed to a reduction in the intensity of such engagements.

### 4.3.2 Language acquisition

Actions 39 and 40 of the Migrant Integration Strategy indicate that education and further education and training should respond to the specific needs of migrants.<sup>104</sup> In the Adult Literacy Strategy, published in 2021, international protection

<sup>98</sup> The Migrant Integration Strategy progress report stated that 309 international protection applicants availed of such an opportunity between 30 June 2018 and April 2019. See: Department of Justice and Equality (2019a).

<sup>99</sup> If a customer is receiving a jobseekers payment, the system will profile the probability of the customer exiting the Live Register. Where an international protection applicant is not in receipt of a jobseekers payment, this does not happen. Correspondence with Department of Social Protection.

<sup>100</sup> Interview and correspondence with Department of Social Protection.

<sup>101</sup> Interview with Irish Refugee Council, October 2022.

<sup>102</sup> Correspondence with Department of Social Protection.

<sup>103</sup> Interview with Department of Social Protection, October 2022.

<sup>104</sup> The strategy covered period 2017–2020 and was extended to 2021. Action 39 stated: 'The Further Education and Training Authority (Solás) will, through its funding and reporting requirements, require the Education and Training Boards to ensure that their Further Education and Training courses provision meet the specific needs of migrants e.g. language acquisition, knowledge of the Irish working environment, interview skills, c.v. preparation etc. This provision will be either directly on their principal courses or through part-time modular provision parallel to the learners' participation on their principal courses as appropriate'. Action 40 refers to: 'Education or training programmes specifically catering for unemployed migrants whose language skills require development will contain a language component' (Department of Justice and Equality, 2017).

applicants are listed among potential vulnerable cohorts that should be prioritised for targeted funding (Government of Ireland, 2021b).

International protection applicants can avail of ESOL (English for Speakers of Other Languages) classes, which are provided by the Education and Training Boards (ETBs) (Solas, 2021). This measure applies to all third-country nationals (as well as EU citizens) in Ireland. As of 2021, there was no national policy or protocols related to provision of ESOL, though some ETBs developed their own protocols; see for example Limerick and Clare Education and Training Board (2022). Neither are there common guidelines regarding ESOL provision, apart from the adult literacy programme (Solas, 2021). Language courses are provided by non-governmental organisations.<sup>105</sup>

The main stakeholders in delivering ESOL education are the Department of Further and Higher Education, Research, Innovation and Science, local Education and Training Boards, Education and Training Boards Ireland,<sup>106</sup> and Solas.<sup>107</sup> Such language classes are free of charge (Department of Justice, 2020). There can, however, be gaps in the provision of language classes as well as limitations in the variety of classes on offer (Gusciute et al., 2016; Stapleton et al., 2022).

Practices differ in terms of provision of language education across other Member States. For example, in Austria and the Netherlands, language classes that are part of federal measures may only be offered to applicants with a high probability of being granted protection (EMN Austria, 2022; EMN Netherlands, 2022). In Finland, all applicants residing in reception centres and receiving financial support are required to follow Finnish or Swedish language classes (EMN Finland, 2022).

### 4.3.3 Vocational training and reskilling

International research finds that international protection applicants, as well as beneficiaries of international protection, often have interrupted education paths, skills that are not recognised by countries where they have applied for protection, or qualifications acquired through practice and not via formal certification. To alleviate this challenge, vocational training or up/reskilling programmes can be devised so that individuals are equipped with skills and qualifications that are recognised (and in demand) locally.

A comparative study by Martín et al. (2016) discusses the different priorities given to labour market integration supports in EU Member States. These include priority of employment over vocational training, the importance of a host country's

<sup>105</sup> See, for example, the work of NGO Spirasi: <https://spirasi.ie/what-we-do/education/>.

<sup>106</sup> Education and Training Boards Ireland is the national representative body established to collectively represent the 16 Education and Training Boards (ETBs) and promote their interests; see: <https://www.etbi.ie>.

<sup>107</sup> Solas is the state agency tasked with building further education and training (FET); see: [www.solas.ie](http://www.solas.ie).

language knowledge, coordination between language instruction and facilitation of the labour market entry (such as on-job language training).

In Ireland, international protection applicants holding labour market access permissions can avail of vocational training, including apprenticeships through the Vocational Training Opportunities Scheme (without a training allowance) free of charge (National Centre for Guidance in Education, 2018). The vocational training courses are full time, comprising about 30 hours a week (for example, six hours a day for five days) and can last up to two years. Courses can lead to qualifications at National Framework of Qualifications (NFQ) Levels 3, 4, 5 or 6 (Irish Refugee Council, 2022b). Apprenticeships take longer (two to four years) and lead to qualification ranging from Level 5 to Level 10 (Joint Committee on Education and Skills, 2019).

International protection applicants can avail of further education and training at Post-Leaving Certificate level. Such courses might require a fee – a ‘participant contribution’ of €200 to €300, which also applies to Irish students (Irish Refugee Council, 2022b).<sup>108</sup> The courses range from basic education and training to advanced vocational training and there is a wide choice of subjects.<sup>109</sup> This group is also eligible for the Skills for Work training programme, which is part of further education and training provision, provided by the ETBs. The courses are free of charge and can be delivered on an employer’s premises or in an ETB centre. The courses last for 35 hours and include reading, writing, maths as well as other topics.<sup>110</sup>

International protection applicants are also eligible for the Training Support Grant scheme, which has the aim of financing the short-term training of jobseekers to increase their employment (or self-employment) prospects.<sup>111</sup>

This research identified the following stakeholders in the area: the Department of Further and Higher Education, Research, Innovation and Science, Education and Training Boards, Education and Training Boards Ireland.<sup>112</sup> In addition, Solas-approved employers provide apprenticeships.<sup>113</sup>

<sup>108</sup> Such courses are provided by the Education and Training Boards. See also: Parliamentary question 472, 22 June 2021, <https://www.oireachtas.ie/en/debates/question/2021-06-22/472/?highlight%5B0%5D=international&highlight%5B1%5D=protection>.

<sup>109</sup> According to the study *Non-Irish nationals in FET* published by Solas, in 2020, 855 learners in the further education and training reported their residency status as asylum seeker. See Dulee-Kinsolving and Guerin (2021).

<sup>110</sup> Department of Further and Higher Education, Research, Innovation and Science (2021), ‘Free training courses for employees – Skills for Work’, <https://www.gov.ie/en/service/cb762-skills-for-work-training-courses/>.

<sup>111</sup> Department of Social Protection (2020). *Operational guidelines: Training Support Grant Scheme administration*, <https://www.gov.ie/en/publication/0a962-operational-guidelines-training-support-grant/>.

<sup>112</sup> Education and Training Boards Ireland is the national representative body established to collectively represent the 16 Education and Training Boards (ETBs) and promote their interests; see: <https://www.etbi.ie>.

<sup>113</sup> Department of Further and Higher Education, Research, Innovation and Science (2021). *Become an apprentice*, <https://www.gov.ie/en/service/b9760-how-to-become-an-apprentice/>.

#### 4.3.4 Recognition of diplomas and professional qualifications

Recognition of qualifications lies at the centre of the labour market integration of migrants, including international protection applicants. In principle, this allows individuals to find employment that reflects their level of educational attainment. In the case of employers, locally recognised diplomas and professional qualifications might shorten the procedure of in-work training. Martín et al. (2016) indicate that while recognition of foreign qualifications is important, it might be an insufficient incentive for employers to employ foreigners. It should be stated, nonetheless, that the research does not focus on the quality of jobs.

NARIC Ireland (hosted by Quality and Qualifications Ireland (QQI)) provides advice on the academic recognition of a foreign qualification in Ireland, by comparing it, where possible, to a major award type and level on the Irish NFQ, thus clearly setting these qualifications in an Irish context.<sup>114</sup> Such advice is free of charge.

Importantly, those seeking to practice in a regulated profession (for example, that of doctor, nurse or teacher), must engage with the relevant Irish competent authority or professional regulator to seek recognition of their qualifications. Finally, in addition to requiring certain levels of qualification or training, regulated professions frequently have related requirements prior to permitting persons to practice, which may include police vetting, proof of good standing or professional indemnity insurance.<sup>115</sup>

Konle-Seidl (2017) emphasises that recognition models and related procedures significantly differ across the EU. Such diversity is not only driven by different patterns – whether professions are ‘regulated’ or not – but also stems from the structure of particular labour markets. In labour markets that are occupationally structured and governed by collective bargaining, the role of skills recognition is more important than it is in labour markets that are not structured by occupation. In occupationally-structured labour markets, education and vocational training are strongly linked to the labour market. In non-occupational labour markets, transitions to employment are less dependent on education and more on work experience (Gangl, 2003). Germany and Austria might be located in the first group, where vocational education and training are central and where there is a nationwide uniform qualification pathway against which foreign qualifications are compared. Ireland and the UK might be located in the latter group,<sup>116</sup> as well as Nordic states such as Denmark, Finland and Norway. In Nordic states, the so-called ‘fundamental comparability’ dominates, which, in practical terms, means recognition of informal and non-formal competencies (Konle-Seidl 2017). Konle-

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<sup>114</sup> See EMN Ireland’s response to AD HOC QUERY 2022.36 on the recognition of diplomas from third countries.

<sup>115</sup> See EMN Ireland’s response to AD HOC QUERY 2022.36 on the recognition of diplomas from third countries.

<sup>116</sup> Ireland shares some similarities in collective bargaining with the UK (relatively low coverage rates) as compared to Austria and Germany.



Seidl connects this approach with the shorter time for processing the recognition of skills.

In Ireland, the skills (and experience) assessment to validate prior learning takes place through a process called Recognition of Prior Learning. The Recognition of Prior Learning programme is set out in both the National Strategy for Higher Education to 2030 and the National Skills Strategy, and is focused on the further education and training sector. This procedure entails the evaluation of the ‘skills and knowledge a person has gained through life outside of formal education and training’,<sup>117</sup> and is performed by providers such as higher education institutions (universities or institutes of technology).<sup>118</sup> Research by Meaney-Sartori and Nwanze (2021) suggests that this approach to skills recognition is complicated and not yet fully developed (see also Finn, 2019).

The main stakeholders in this field are the Department of Education, the Higher Education Authority, Solas, Quality and Qualifications Ireland, higher education institutions and further education and training institutions.

#### **4.3.5 Incentives for employers and supports for self-employment**

Prospective employers of international protection applicants can avail of services through the mainstreamed system. These include getting expert advice on recruitment, getting help to register on Jobsireland.ie and access to the information and contacts for other employment services provided by Intreo. Through Intreo Employer Engagement Teams, employers can receive: advice on supports and services; help with advertising vacancies; help with matching employers with the best candidates; and support with scheduling interviews and providing facilities for such interviews (Intreo, 2022).

The IHREC, along with the Open Doors Initiative, have published a guide for employers about access to the labour market for international protection applicants and the procedure that is to be followed, as well as general background information on people seeking international protection in Ireland (IHREC, 2021). The *White Paper to End Direct Provision* states that applicants will be linked with employer networks in Phase Two of the proposed new system (where applicants will reside from four months after lodging an application) (DCEDIY, 2021).

When it comes to supports regarding self-employment, there is no separate (preferential) tax treatment of self-employed international protection applicants. Within a mainstream system, an applicant can consult their local enterprise office, which act as a ‘first stop shop’ for individuals seeking information and support on

<sup>117</sup> QQI Recognition of Prior Learning for Providers, [www.qqi.ie/what-we-do/qqi-awards/recognition-of-prior-learning-provider](http://www.qqi.ie/what-we-do/qqi-awards/recognition-of-prior-learning-provider).

<sup>118</sup> The practice in this field is at an early stage nationally, is unevenly available, and can be time-consuming and challenging for RPL applicants; see: <https://www.qqi.ie/what-we-do/qqi-awards/recognition-of-prior-learning-learner>.

starting or growing a business in Ireland. Anyone can contact their local enterprise offices for advice, referral to other supports, help with training, mentoring or financial assistance.<sup>119</sup> International protection applicants who fulfil the general benefit-qualifying criteria can avail of the Back to Work Enterprise Allowance (BTWEA).<sup>120</sup> This scheme allows social welfare recipients to keep a percentage of their social welfare payment for up to two years. The BTWEA might be supplemented by the Enterprise Support Grant.<sup>121</sup>

#### 4.4 FUNDING

Some of the consulted organisations indicated the central role of funds, such as the Social Inclusion and Community Activation Programme (SICAP) or funds governed by the DCEDIY in financing integration measures.<sup>122</sup> SICAP aims to reduce poverty and promote social inclusion and equality.<sup>123</sup> It does this through Programme Implementers, agencies and companies who work with the most disadvantaged and the hardest-to-reach groups in communities. SICAP includes international protection applicants as a target group facing socio-economic disadvantage (Pobal, 2021). Local development companies engage with the target groups in local communities, through supports such as CV development, mock interviews and business planning advice (Pobal, 2021).<sup>124</sup>

Within the scope of European Social Fund (ESF), Integration and Employment of Migrants, funding has supported employment measures for vulnerable migrants, which includes international protection applicants. Under the 2016 ESF Programme for Employability, Inclusion and Learning (PEIL) Integration and Employment of Migrants (IEM) programme, five projects were approved for funding of €3.3 million over four years. These projects were to be completed in 2021. This programme is funded 50 per cent by the EU, and 50 per cent by the Government of Ireland. A new call for proposals was held in 2022 and the outcome was announced recently.<sup>125</sup>

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<sup>119</sup> See Local Enterprise Office, <https://www.localenterprise.ie/FAQs/>.

<sup>120</sup> In order to qualify for the BTWEA, an international protection applicant must receive a Jobseeker Benefit (i.e. the only benefit which does not require meeting the HRC among all benefits with access to the BTWEA), meaning that they must have been in active employment for almost two years prior to application. A period of residence in a Direct Provision reception centre qualifies as a reckonable period for the BTWEA.

<sup>121</sup> The research by Pobal on international protection applicants who were beneficiaries of SICAP (1,168 individuals) indicated that only three were eligible for BTWEA or the Short-term Enterprise Allowance (STEA). See Pobal (2021).

<sup>122</sup> Interview with EPIC, October 2022.

<sup>123</sup> SICAP is funded by the Irish government through the Department of Rural and Community Development and co-funded by the European Social Fund under the Programme for Employability, Inclusion and Learning (PEIL) 2014–2020.

<sup>124</sup> Local Development Companies (LDCs) are multi-sectoral partnerships that deliver community and rural development, labour market activation, social inclusion, climate action and social enterprise services. See: <https://ildn.ie/about/local-development-companies/>.

<sup>125</sup> Correspondence with Department of Children, Equality, Disability Integration and Youth, 22 November 2022.

In July 2022, a new funding stream devoted to the integration of international protection applicants was announced.<sup>126</sup> Among its specific themes, the International Protection Integration Fund 2022 lists employment ('a project offering employment advice and/or opportunities, e.g. through sponsorship by local businesses for training, skills assessment, placements, etc.') and other themes relevant to the effective labour integration such as language and civic and legal supports and combatting racism and xenophobia. Special priorities for 2022 relevant to labour integration include language training, employment and pre-school children.<sup>127</sup> The target beneficiaries of this fund are community-based organisations. The allocation of the Fund for 2022 is €1 million.<sup>128</sup>

#### 4.5 CONCLUSIONS

This chapter has presented how the labour market integration of applicants for international protection is considered in strategies, policies, governance structures and supports. The chapter has demonstrated that the specific situation of this group has been taken into account only to a limited extent. Applicants with labour market access permissions are eligible for the selected mainstream supports such as language training, vocational training or skills recognition, yet they are excluded from others. In the analysed period, some barriers to accessing supports have been removed; one example of this is the removal of international fees for participation in further education and training. This chapter also identifies a multiplicity of stakeholders involved in the planning and delivery of integration supports. The stakeholders cooperate, but no dedicated governance structures or protocols could be identified.

Non-state actors, such as NGOs, play an important role in the process of labour market integration, catering, to some extent, for applicants' specific needs. As these integration efforts rely on external funding, funding is a crucial issue.

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<sup>126</sup> DCEDIY (2022). 'Minister O'Gorman announces €1,000,000 International Protection Integration Fund 2022', 26 July, <https://www.gov.ie/en/press-release/6810b-minister-ogorman-announces-1000000-international-protection-integration-fund-2022/>.

<sup>127</sup> DCEDIY (2022). 'International Protection Integration Fund 2022 guidance note', <https://ec.europa.eu/eusurvey/files/582393fb-6829-437d-8952-00d2e767a7de/f7f02adb-0f1a-4f30-8d50-4e110ddecf89>.

<sup>128</sup> A total of 67 projects have been granted funding, with the total allocation of €1.62 million; see <https://www.gov.ie/en/press-release/05f40-minister-ogorman-announces-67-projects-to-be-funded-under-the-international-protection-integration-fund-2022/>.



## CHAPTER 5

### Challenges and opportunities

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This chapter presents opportunities and challenges identified through desk research and interviews with stakeholders, which were conducted for the purpose of this research. One of the cross-cutting findings is that the majority of these issues are non-legislative and stem from the practical aspects of migrant integration policy in Ireland. A representative of an NGO grouped issues into three general categories: broader structural integration challenges, procedural challenges and practical challenges.<sup>129</sup> This structure is adopted here.

This chapter also presents opportunities for future initiatives to support the labour market integration of international protection applicants.

As mentioned in Chapter 4, international protection applicants constitute a specific category that might require dedicated and needs-tailored responses. Schenner et al. (2019) argue that, in relation to the labour market, international applicants may experience ‘hyper-precarity trap’, composed of three elements: precarity of work; vulnerability (due to their uncertain status); and law that might exacerbate the previous two (by structuring access to the labour market and restricting access to legal remedies).

#### 5.1 STRUCTURAL INTEGRATION CHALLENGES

This category concerns general issues migrants in Ireland might face (though comparative research shows many of them are present in several European countries as well). Some are specific to international protection applicants and relate to the location of Direct Provision reception centres.

Experiences of discrimination and racism are among the main structural integration challenges faced by international protection applicants in Ireland. This was highlighted in particular by AkiDWA.<sup>130</sup> More broadly, scholarship has shown that migrants face discrimination in recruitment and employment more widely (McGinnity and Lunn, 2011; McGinnity et al., 2017; McGinnity et al., 2018). For instance, McGinnity et al. (2018) find that Black non-Irish people are five times more likely to experience discrimination when seeking employment in Ireland as compared to White Irish people. International protection applicants, many of whom are from ethnic minority backgrounds, would also experience this.

A second structural challenge relates to accommodation. Many IPAS accommodation centres are located in remote areas and, combined with problems

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<sup>129</sup> Interview with Irish Refugee Council, October 2022.

<sup>130</sup> Interview with AkiDWA, October 2022.

related to lack of public transport and obtaining driving licenses, this might contribute to a feeling of isolation.<sup>131</sup> Relatedly, there is a spatial mismatch between services offered (mainly in Dublin) and communities where applicants are located. The housing crisis in Ireland might contribute to difficulties with finding independent accommodation in urban centres where there is a greater demand for workers.<sup>132</sup>

Looking at challenges to integration from a spatial perspective, so-called dispersal policies are frequently criticised for hampering the integration outcomes of refugees. Fasani et al. (2018) emphasise the role of dispersal policies in widening the employment gap between refugees and native populations, as well as their impact on unemployment among this group, though they also find the effect of dispersal policies diminishes with time. While there is no research available on the impact of dispersal policies on international protection applicants specifically (some studies group them with beneficiaries of international protection), one might expect these findings to have relevance to them.

Dispersal policies seek to ensure a spatially balanced allocation of international protection applicants, so as to avoid a high concentration occurring within one locality. From a labour market participation perspective, this might be suboptimal. Local labour markets might not be able to absorb new workers or offer them jobs matching their qualifications. Further, local ‘integration infrastructures’ (such as available education services) might be insufficient.

In the 1990s, Sweden moved away from a dispersal-based policy based on housing capacity and towards a labour-market-based one. This shift has been acknowledged as contributing to the improvement of employment outcomes (OECD, 2017). In Finland, the dispersal policy takes into account the professional skills of international protection applicants when allocating them, so that skills profiles are matched to local education and business opportunities (Konle-Seidl, 2017). In its allocation mechanism of applicants for international protection, Ireland does not consider the situation in local labour markets – the McMahon report indicated that the dispersal of applicants is mainly based on family composition and availability of accommodation places (Department of Justice and Equality, 2015). This reasoning was highlighted more recently in the *White Paper to End Direct Provision*; however, it is unclear whether the current dispersal approach will change under the White Paper’s proposal (DCEDIY, 2021). Related to dispersal is the transfer of international protection applicants between IPAS centres. These transfers may be necessary due to the limited availability of accommodation,<sup>133</sup> but can also raise difficulties in terms of access to employment and access to services.<sup>134</sup> This will likely be made more difficult given the current

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<sup>131</sup> Interview with EPIC, October 2022.

<sup>132</sup> Interview with the IHREC, October 2022.

<sup>133</sup> See <https://www.oireachtas.ie/ga/debates/question/2022-10-18/574/>.

<sup>134</sup> Interview with EPIC, October 2022.

shortage of accommodation for international protection applicants and significant use of emergency accommodation.<sup>135</sup>

‘Funnelling’ to lower-paid jobs (care, security, other manual jobs), irrespective of a person’s previous experience or potential, was highlighted as an issue by stakeholders from AkiDwA, Doras, the Irish Refugee Council and the Irish Human Rights Equality Commission (IHREC).<sup>136</sup> This theme also emerged in desk research (including international research on refugees; see OECD, 2019). A qualitative report by AkiDwA on the experiences of women seeking international protection in the labour market identified the care sector as the most common sector of employment for the women interviewed, despite them having qualifications in other areas (AkiDwA, 2022). A study by Pobal on SICAP beneficiaries indicates that many refugees and international protection applicants are employed in the food, drink and tobacco production sector (Pobal, 2021).<sup>137</sup> At the same time, both refugees and international protection applicants with higher educational attainment were more likely to get a job than individuals with lower levels. This funnelling may be due in part to some of the other challenges referenced in this section, including English language barriers, difficulties in skills being recognised and limited social capital in Ireland. These are described in Section 5.3.

## 5.2 PROCEDURAL CHALLENGES

Challenges relating to procedural aspects of accessing the labour market were identified. For example, issues around the issuance of Temporary Residence Cards (TRC), including delays, were raised by representatives from the Irish Refugee Council, the EPIC programme, Doras and the IHREC.<sup>138</sup> Difficulties around qualification recognition, including for university degrees, were also identified; a particular issue concerned how lengthy this procedure can be.<sup>139,140</sup>

According to the Department of Justice, the labour market access permission process itself is relatively straightforward.<sup>141</sup> However, the Irish Refugee Council highlighted situations in which it might not always be clear as to why a person may be refused a labour market access permission, and noted they have requested further information on this.<sup>142</sup> A related procedural challenge arises where an applicant is required to establish their identity. The Irish Refugee Council highlighted two potential problems: it may not always be possible for them to do so and the requirement to provide identification may result in them contacting

<sup>135</sup> International Protection Accommodation Service (2023). ‘IPAS Monthly Statistics February 2023’, March, [www.gov.ie/pdf/?file=https://assets.gov.ie/249525/cc3ea980-fd51-4d30-b08b-d557544a43d9.pdf#page=null](https://www.gov.ie/pdf/?file=https://assets.gov.ie/249525/cc3ea980-fd51-4d30-b08b-d557544a43d9.pdf#page=null).

<sup>136</sup> Interviews with AkiDwA, Doras, the Irish Refugee Council, and the IHREC, October 2022.

<sup>137</sup> A state agency that provides management and support services to programmes in the areas of social inclusion and equality, inclusive employment and enterprise, and early years and young people.

<sup>138</sup> Interview with EPIC, Doras, the IHREC and the Irish Refugee Council, October 2022.

<sup>139</sup> Interview with the Department of Social Protection, October 2022.

<sup>140</sup> Interview with Doras, October 2022.

<sup>141</sup> Interview and correspondence with the LMAU, Department of Justice, October 2022.

<sup>142</sup> Interview with the Irish Refugee Council, October 2022.

their national authorities, which may in turn put them at risk.<sup>143</sup> The LMAU highlighted how contradictory information regarding the identity of a person applying to enter employment often presents a challenge.<sup>144</sup>

Lastly, several stakeholders expressed the opinion that access to the labour market should be granted sooner than six months after lodging the international application, as this would allow for earlier integration into the labour market; see also Department of Justice (2020).

### 5.3 PRACTICAL CHALLENGES

Practical challenges to accessing the labour market are of particular relevance to the existence and effectiveness of integration supports. Among the challenges highlighted were: insufficient access to appropriate and timely English language training among international protection applicants; insufficient awareness of cultural underpinnings of the Irish labour market; and the lack of extensive social and professional networks, or difficulties with obtaining reference letters (Doras, 2021).<sup>145</sup> One NGO also raised the issue of insufficient supports (especially language classes) available immediately after arrival.<sup>146</sup>

Securing formal childcare was highlighted as a particular challenge for women (AkiDwA, 2022). Children of international protection applicants are eligible for the National Childcare Scheme and the Early Childhood Care and Education (ECCE) Programme.<sup>147</sup> The ECCE programme provides two years of preschool for 15 hours per week in term time (Curristan et al., 2023). There are also childcare places in some IPAS centres; however, the number of places available is insufficient, and securing childcare outside of reception centres might be difficult due to general shortages and the high cost of childcare in Ireland (AkiDwA, 2022).<sup>148</sup> As a result, international protection applicants might have to rely on informal childcare provided by others in Direct Provision centres, or may be deterred from seeking employment due to inability to secure childcare.<sup>149</sup> Finally, practical challenges can be faced in opening a bank account, even though formally this issue has been recognised and amended; see Section 1.1. Issues here include delays in opening accounts, although this is less of a challenge as it was prior to the policy changes. This problem may have been exacerbated for some by the withdrawal of two banks from Ireland in 2022, which resulted in customers needing to open an account in another bank.<sup>150</sup>

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<sup>143</sup> Interview with the Irish Refugee Council, October 2022.

<sup>144</sup> Interview with the LMAU, Department of Justice, October 2022.

<sup>145</sup> Interview with the Department of Social Protection, interview with Doras and interview with EPIC, October 2022.

<sup>146</sup> Interview with Doras, October 2022.

<sup>147</sup> National Childcare Scheme, Early Learning and Care, 'Application guide', [www.ncs.gov.ie/en/application-form-guide/](http://www.ncs.gov.ie/en/application-form-guide/).

<sup>148</sup> Interview with Doras, October 2022.

<sup>149</sup> Interview with AkiDwA, October 2022.

<sup>150</sup> Interview with the IHREC, October 2022.



Mental health issues among international protection applicants, and their experience of trauma, both prior to and during their migration journey, including in Ireland, may result in applicants not wanting to work, or being unable to do so. The experiences of trauma of international protection applicants were highlighted by an NGO providing labour market supports.<sup>151</sup>

Another significant issue raised is the physical format of the labour market access permission document, which is issued as an A4 paper document and contains extensive information. This format differs from residence permit cards, with which employers are familiar. This might lead to a sense of uncertainty among potential employers, which might act as a barrier.<sup>152</sup> This was highlighted alongside a more general lack of awareness among employers regarding different employment permits (Doras, 2021).<sup>153</sup> International research identifies predictable and transparent rules for employers as an incentive for employing international protection applicants and beneficiaries of international protection (Galgóczy, 2021). Further, the German experience shows the centrality of employers' positive attitudes towards asylum seekers and refugees: among employers who had hired asylum seekers and refugees, corporate social responsibility was a stronger motivation in their hiring decision than worker shortages (Konle-Seidl, 2017).

A related practical issue is the period of validity (12 months) of labour market access permissions. It was reported that for some employers, this relatively short period, alongside uncertainty around whether or not the permission will be renewed, acts as a disincentive to investing in upskilling such workers or to offer them jobs requiring high skills (with higher salaries).<sup>154</sup>

Lastly, the practical issue of internet access was mentioned. One organisation consulted in this research has provided international protection applicants with equipment that enables them to participate in training and to apply for jobs.<sup>155</sup>

#### 5.4 ROLE OF SUPPORTS

A separate set of challenges identified in the interviews, as well as the desk research, concerns supports: access to support services as well as their scope and targeting. The consulted stakeholders paid considerable attention to the insufficiency or lack of tailored labour market measures that could take into account the specific situation of international protection applicants; for example, experiences of trauma were raised by the interviewees from Doras, EPIC and the

<sup>151</sup> Interview with EPIC, October 2022.

<sup>152</sup> Interview with EPIC and interview with the Irish Refugee Council, October 2022.

<sup>153</sup> Interview with EPIC, October 2022. A guide for employers wishing to hire international protection applicants has been published by the IHREC (IHREC, 2021). See also a publication by UNHCR Ireland (nd), <https://www.unhcr.org/en-ie/publications/brochures/613f11d44/hiring-refugees-and-asylum-seekers-a-reference-guide-for-hr-departments.html>.

<sup>154</sup> Interview with the Irish Refugee Council, interview with Doras, October 2022.

<sup>155</sup> Interview with EPIC, October 2022.

Irish Refugee Council.<sup>156</sup> Other issues identified as requiring tailored support include the demands of the international protection procedure and language needs that are distinct from those of other third-country nationals (or migrants in general). Research conducted by the non-governmental organisation (NGO) Doras highlighted broad agreement among applicants and NGOs that the mainstream instruments should be more tailored to the specific needs of international protection applicants (Doras, 2021). The study indicated that Public Employment Service staff also considered their supports to be limited and inadequately tailored. The study noted that a lack of information on supports available to international protection applicants could lead to missed chances for employment.<sup>157</sup> Relatedly, several stakeholders stated that the current non-governmental programmes to support international protection applicants in accessing the labour market were small in scale and relied on short-term financing, which might reduce the sustainability of such projects.<sup>158</sup>

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<sup>156</sup> Interview with Doras, October 2022; interview with EPIC, October 2022 and interview with the Irish Refugee Council, October 2022.

<sup>157</sup> Interview with Doras, October 2022; see also Doras (2021). The research was based on a survey with a sample of 72 individuals – international protection applicants and refugees – combined with interviews and focus groups.

<sup>158</sup> Interview with Doras, October 2022; Interview with EPIC, October 2022; Interview with AkiDwA, October 2022.

**BOX 5.1 EPIC PROGRAMME**

The EPIC programme operated by Business in the Community Ireland is an example of an initiative aimed at the labour market integration of international protection applicants in Ireland. EPIC is funded by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY), with additional funding from philanthropic and corporate donors. Their services are provided free of charge.

EPIC was established in 2008 and initially offered supports to a wide group of migrants. Since 2018, international protection applicants have been included in the target group, and since mid-2021 international protection applicants have been its main supported group. The EPIC programme aims to provide international protection applicants with supports to integrate into Irish society, with a focus on labour market and education.

This measure operates in parallel to instruments provided by Public Employment Services (Intreo). EPIC consists of two major components: pre-employment training and individual support from career counsellors. The pre-employment training component takes six weeks, and runs Monday to Friday, for three hours a day. This module covers training on job applications, work on CV, identification of relevant skills and experience, professional vocabulary, preparation of interviews as well as identification of desired employment. During the second component, individual support from career counsellors, participants can receive supports in the form of career guidance and planning, tailored assistance with job applications, individuals interview coaching and, finally, referrals to hiring companies. Support is also available while participants start work and get established.

Potential participants can enrol in the recruitment programme via EPIC's website. To do so, they must: be international protection applicants, or hold another specified immigration status; be resident in Ireland; and have an intermediate to high level of English. Participants can be referred by other services and they can contact the programme via phone, email and WhatsApp.

The EPIC programme targets international protection applicants with labour market access permission, as well as individuals granted international protection. Individuals without a labour market access permission can also apply.

The programme tracks its participants and feedback is sought through participant surveys and focus groups. The programme is supported by multiple businesses, who also provide feedback on employment and recruitment standards and practices, which is used to ensure the programme provides up-to-date information on the current job market.

Insufficient awareness of the programme's existence among international protection applicants was identified as a challenge to its implementation. Another noted challenge concerned mobility issues for international protection applicants between different

reception centres, resulting in job losses or training interruptions. Further, while there is a very high and growing demand for the services EPIC provides, due to the high number of people arriving from Ukraine and the increase in international protection applicants, there has been a shift in focus in EU and Irish government funding to support these groups in particular, which has required a shift in the type of service provided by EPIC.

**TABLE 5.1 DISTRIBUTION OF EPIC PROGRAMME PARTICIPANTS WHO ARE APPLICANTS FOR INTERNATIONAL PROTECTION**

Category	Number of applicants	Share
Currently in EPIC group training	25	12%
Receiving one-to-one support	51	24%
Progressed to employment	82	38%
Progressed to internship or skills training/education	38	18%
Exited programme-no recorded outcome	20	9%
<b>Total</b>	<b>200</b>	<b>100%</b>

Source: Correspondence with EPIC, November 2022.

Note: Snapshot: 24 November 2022.

The main fund tackling social exclusion and poverty in Ireland is the Social Inclusion and Community Activation Programme (SICAP), and SICAP's priorities identify the integration of international protection applicants as a challenge. One of the high-level recommendations of the Pobal report on the role of SICAP in supporting migrants is to 'recognise that asylum seekers face specific or unique challenges and barriers to social inclusion in Ireland and develop strategies to enable SICAP to better respond to their needs' (Pobal, 2021, p. 4).<sup>159</sup>

One NGO pointed to the restricted access to several mainstream supports, which is conditional upon criteria that international protection applicants are unable to meet.<sup>160</sup> Another issue is the lack of access to Child Benefit, which can act as a barrier to employment, especially among women.<sup>161</sup> This is highlighted in Chapter 4, and may also relate to lower levels of women applying for labour market access permissions.

For one NGO, the response from Government, local authorities and others to the arrival of individuals from Ukraine in 2022 reflected a recognition of the need for supports to assist labour market integration.<sup>162</sup> Such a response would go beyond provision of supports, but would also include comprehensive data collection, which

<sup>159</sup> The report states: 'Programme evidence also shows that the intensity and mix of supports delivered to SICAP clients are important factors influencing the progression of some groups to employment and self-employment, especially asylum seekers and refugees. This highlights the importance of applying a case management and person-centred approach, which is intended to be responsive to people's needs. It also speaks to the evidence of the greater barriers to economic and social inclusion faced by asylum seekers and refugees in Ireland and underlines the level of support that they require to address these barriers to progress into employment or self-employment' (Pobal, 2021, p. 16).

<sup>160</sup> Interview with Doras, October 2022.

<sup>161</sup> Interview with Doras, October 2022.

<sup>162</sup> Interview with Doras, October 2022.

might serve as a basis for targeted integration actions (see Chapter 2). No comparable data are available, either on the situation of international protection applicants or beneficiaries of international protection.

## 5.5 CONCLUSIONS

This chapter has presented a number of challenges to the labour market integration of applicants for international protection. Despite a desire to work among international protection applicants, many structural barriers can make it difficult for them to do so.

The case study by Ndomo and Lillie (2023), in which the authors analyse the job-seeking experiences of migrants and refugees in Finland, demonstrates that even though international protection applicants are highly motivated and can have good qualifications and an extensive education/training history, structural hurdles can diminish their chances for accessing high-quality jobs.

In Ireland, an integrated approach to labour market integration that could help overcome such hurdles has been envisaged by the *Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process* chaired by Catherine Day. The Advisory Group recommended that an international protection applicant should receive: access to skills assessment, information and support for education opportunities; access to social welfare benefits; qualification recognition; and other employment supports within three months of submitting their application (Department of Justice, 2020).



## CHAPTER 6

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### Conclusion

This report has explored the experience of access to the labour market among applicants for international protection in Ireland during the period 2017 to 2022. It looks at four aspects of this phenomenon: the available statistical data on the scale of applications and grants of labour market permissions; the legal provisions guiding the labour market access; the policy approach to the labour market integration (both in terms of the governance structure as well as the available supports); and the challenges and (some) opportunities identified by the desk research and the interviews with stakeholders.

International protection applicants were granted labour market access, subject to conditions, from July 2018. Since then, a significant number of applicants have applied for labour market access. Between 1 July 2018 and 31 December 2022, 15,135 applicants applied for labour market access permission and 12,181 were granted first-time permissions for labour market access. However, based on limited data, only approximately half of the applicants who were granted labour market access (5,428) have indicated to the Labour Market Access Unit (LMAU) (in the Department of Justice) that they are in employment. From the available data, it appears that the most common job titles include general operative, for instance in a warehouse, healthcare assistant and kitchen porter. These positions are typically low paid.

Currently, an international protection applicant can apply for labour market access six months after lodging a protection application, as long as a first-instance recommendation has not been made on their application and the delay cannot be attributed to the applicant. An application for labour market access can be submitted to the LMAU five months after lodging a protection application, but the permission is only valid after six months have passed. The same principles apply in the case of self-employment.

Access to the labour market was a prominent subject of public discussion in the timeframe examined and much of this discussion has been driven by NGOs and civil society groups. Initially, the focus was on changing legal provisions for access to the labour market. In 2017, a Supreme Court ruling found that the absolute ban on labour market access for international protection applicants, where there was no time limit for decisions, was unconstitutional. Ireland subsequently opted in to the recast *Reception Conditions Directive 2013/33/EU*, and as a result international protection applicants were allowed to access the labour market after nine months.

The initial reaction among civil society groups was positive. Nonetheless, since 2018, the focus has shifted to practical obstacles in accessing the labour market.

Following a review of the international protection system, in 2021, the Department of Justice announced that the waiting period would be reduced to six months and permissions would be extended in validity to 12 months. While some of the practical barriers, including access to driving licences and bank accounts, have been addressed, civil society groups continue to work and advocate on more general civic integration issues, such as access to decent work, and the gendered dimension of work.

Ireland has no specific strategy or policy to support the labour market integration of third-country nationals. A mainstreamed approach is taken to the labour market integration of this group, such as presented in the current labour market strategy, Pathways to Work Strategy 2021–2025. International protection applicants are therefore not addressed in the national integration policies.

At the same time, due to the requirement of the Habitual Residence Condition, international protection applicants can only access some labour market integration supports and active labour market programmes. They can access language training, vocational training, apprenticeship and further education and training via a mainstreamed system. They can also have their qualifications recognised in the same way as any other non-national.

Labour market integration support takes place via a mainstreamed approach and, as such, publicly provided services do not offer targeted actions. When necessary, the Public Employment Service Intreo can offer help with preparing CVs and jobs applications, and can also refer an international protection applicant with labour market access permission to services that can address their needs (language classes, apprenticeship, upskilling, etc.). Such services are also provided within a mainstreamed system, as are supports for employers wishing to hire international applicants.

Non-governmental organisations (NGOs) play an important role in labour market integration through targeted supports such as cultural (including labour market) orientation, CV and application writing, language classes and, in some cases, job matching. The Social Inclusion and Community Activation Programme (SICAP) considers international protection applicants to be a group facing socio-economic disadvantage and requiring tailored supports.

Whereas the labour market access permission application process is seen as a relatively easy one (though the eligibility period is debated by several stakeholders), a number of challenges were identified as hampering labour market integration. These include structural issues: racism; the remote location of many Direct Provision accommodation centres and their distance from labour markets; and the ‘funnelling’ of international protection applicants to low-skilled jobs. Other challenges identified concern a lack of awareness on the side of employers and



their unwillingness to hire and invest in such workers, the insufficiency or lack of tailored supports, problems with childcare, and problems with skills recognition. As several integration measures delivered by NGOs are based on insecure funding, their short-term nature has also been raised as a challenge.

Importantly, signs of positive change have been identified by the case study on the situation of African nationals in the Irish labour market between 2017 and 2022. Previous research partly associated the worse labour market performance of this group with long periods spent outside the labour market while international protection claims were being processed. The results presented in this report demonstrate that the employment gap between African nationals and Irish population had disappeared by 2022. Nonetheless, it is difficult to determine the reason for this change; it may have been affected by the post-COVID-19 labour market situation, among other factors.

Moving forward, better data monitoring is required to understand how international protection applicants are faring in the labour market in Ireland, including on where they are employed, the nature of their work and on wages. The ongoing data collection on beneficiaries of temporary protection (as detailed in Chapter 2) provides a possible template for approaching this situation.

More in-depth research would allow for a fuller exploration of the experience of labour market integration among international protection applicants in Ireland. Monitoring of labour market participation, using methods similar to those recently used for beneficiaries of temporary protection, would be helpful in this regard.

Understanding various aspects of the labour market integration of international protection applicants is crucial for at least two reasons. First, one should not expect all persons who have applied for international protection to be 'labour market ready', given their vulnerabilities. Integrating such persons might require dedicated supports and resources. Second, it might help to reduce the scale of the 'hyper-precarity trap'; that is, a protracted situation in which applicants for international protection also find themselves vulnerable in the labour market.



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