

## Are you an asylum seeker? Do you want to start work?

A recent change in immigration law means that *some* asylum seekers will now be able to start work. This short briefing is aimed at asylum seekers who wish to find out more about this.

Please read this information carefully and look out for further briefings from the Migration Justice Project that will provide more guidance on the process. Translations are available in Arabic, Farsi, Somali and Tigrinya.

**Background information:** Asylum seekers are generally not allowed to work. Asylum seekers are only allowed to work if they:

- a) Have been waiting for 12+ months for a decision on their asylum claim; and
- b) Find a job listed on the [Shortage Occupation List](#).

However, most of the jobs on the Shortage Occupation List are very specialist e.g. civil engineers, veterinarians and architects. To date, it has proved almost impossible for asylum seekers to find suitable work.

However, the Shortage Occupation List has recently been expanded and now includes [nursing](#) (and nursing assistants). On 15 February 2022, [care work](#) will also be added to the list. This opens the possibility of employment for asylum seekers.

### 1. How do I apply for permission to work?

Permission to work is not issued automatically: you have to apply to the Home Office for it. We recommend that you ask your solicitor to do this for you. Your solicitor can tell you:

- a) If you qualify to apply for permission to work; and
- b) If there is any reason why you should not apply.<sup>1</sup>

Alternatively, an OISC Level 1 Adviser can assist you. Law Centre NI has prepared a [template letter](#) that your solicitor or adviser may wish to use.

### 2. Who is eligible to receive permission to work?

The Home Office will only grant you permission to work if you:

- are aged 18+ years; and
- have waited for 12+ months for a decision on an asylum claim;<sup>2</sup> and

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<sup>1</sup> You should be aware that applying for work permission may prompt the Home Office to make a decision on your asylum claim. It may be advisable that some asylum seekers – e.g. persons planning to apply for leave to remain based on the long residence rules – do not apply for permission to work.

<sup>2</sup> This includes the initial asylum claim and fresh claim

- only if you have not caused the delay.<sup>3</sup>

Your application may be refused if you have a criminal record.

### 3. How do I know if I have been granted permission to work?

If your application is successful, you will receive an updated Asylum Registration Card stating:

- WORK PERMITTED i.e. you can now work.
- SHORTAGE OCC: i.e. you can only do a job on the Shortage Occupation List.
- NO PUBLIC FUNDS: i.e. you cannot claim most social security benefits, or housing assistance from the government.



Contact your solicitor if your application is refused.

### 4. Applying for a National Insurance Number and Access NI

Once you have received your updated Asylum Registration Card, you will need to apply for a National Insurance Number.

Your new employer may also ask you to complete an **Access NI** check. This is a criminal history record check which lets your employer know if you have been convicted of a criminal offence or are barred from working with children or other vulnerable groups. This is the standard procedure for *anyone* who works with vulnerable persons.

We will soon publish further briefings that explain how to apply for a National Insurance Number and Access NI.

### 5. If I receive permission to work, can I start any job?

No, you can only work in a job that is on the Shortage Occupation List. If you get a job that is not on this list, you and your employer risk committing a criminal offence. This could have serious implications including a negative impact on your asylum claim. You are responsible for ensuring that you are working within the rules.

Even if you obtain permission to work, you may not be able to find suitable work. Many jobs require English language skills or particular qualifications or experience.

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<sup>3</sup> This means that you must have attended all your scheduled interviews and have provided any information requested by the Home Office.

**6. My spouse/partner is a dependent on my asylum claim. Will s/he get permission to work too?**

No, all asylum seekers must apply individually for permission to work. If you have a husband, wife or child aged 18 years+ who is dependent on your asylum claim, they should also seek a solicitor's help in applying for permission to work.

**7. If I receive permission to work, how long is it valid for?**

Your permission to work will come to an end if your asylum claim or fresh claim is refused and any appeal rights exhausted. The Government has indicated that the care work option will only initially be available for 12 months.

**8. If I receive permission to work, do I have to get a job?**

No, if you are granted permission to work you are not *required* to find a job.

**9. If I receive permission to work, do I have to pay tax?**

Yes, everyone who works must pay tax, which is usually deducted automatically from wages.

**10. If I start working, can I keep my NASS / asylum support?**

If you start working, you are likely to lose some or all of your entitlement to NASS asylum support. We will publish further information explaining this.

**What should I do next?**

Speak to your solicitor as soon as you can. Look out for further information about work for asylum seekers from the Migration Justice Project at Law Centre NI.

Immigration advice line: Tel: 028 9024 4401  
Monday – Thursday  
9.30am – 1pm and 2 – 4.30pm