



STATUTORY INSTRUMENTS.

S.I. No. 230 of 2018



EUROPEAN COMMUNITIES (RECEPTION CONDITIONS)
REGULATIONS 2018

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EUROPEAN COMMUNITIES (RECEPTION CONDITIONS)
REGULATIONS 2018

I, CHARLES FLANAGAN, Minister for Justice and Equality, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving effect to Directive 2013/33/EU of 26 June 2013¹, hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the European Communities (Reception Conditions) Regulations 2018.

(2) These Regulations shall come into operation on 30 June 2018.

Interpretation

2. (1) In these Regulations—

“Act of 1996” means the Refugee Act 1996 (No. 17 of 1996);

“Act of 2015” means the International Protection Act 2015 (No. 66 of 2015);

“accommodation centre” means a premises designated by the Minister in accordance with Regulation 7, but does not include a reception centre;

“applicant”, subject to paragraph (2), means any of the following:

- (a) an applicant under the Act of 2015;
- (b) an applicant under the Act of 1996, to whom a declaration, within the meaning of that Act, has not, under section 17 of that Act, been given or refused;
- (c) a person who has made an application for subsidiary protection under Regulation 4 of the Regulations of 2006, in respect of which a determination has not been made under that Regulation;
- (d) a person who has made an application within the meaning of the Regulations of 2013, to whom a subsidiary protection declaration has not, under Regulation 20 of those Regulations, been given or refused;

“daily expenses allowance” means that part of the material reception conditions that constitutes a weekly payment made, under a scheme administered by the Minister for Employment Affairs and Social Protection, to a recipient in order for the recipient to meet incidental, personal expenses;

¹OJ No. L.180, 29.06.2013, p.96.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 6th July, 2018.*

“Directive” means Council Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013¹, laying down standards for the reception of applicants for international protection (recast);

“family member”, in relation to a recipient, means the following persons who were members of the recipient’s family in the country of origin, who are present in the State and who have made, or who are deemed to have made, a protection application:

- (a) the spouse or civil partner of the recipient or his or her unmarried partner in a stable relationship;
- (b) the unmarried, minor children of the recipient;
- (c) where the recipient is a minor and unmarried—
 - (i) the recipient’s father or mother or another adult responsible under law for the recipient, and
 - (ii) the minor, unmarried children of the recipient’s father or mother;

“final decision” means, in relation to—

- (a) an application under section 15 of the Act of 2015, the giving, under section 47 of that Act, by the Minister of a refugee declaration or a subsidiary protection declaration to the applicant or, as the case may be, the refusal by the Minister under that section to give such a declaration to the applicant,
- (b) an application under section 8 of the Act of 1996, the giving by the Minister under section 17 of that Act of a declaration, within the meaning of that Act, or, as the case may be, a refusal by the Minister to give such a declaration to the applicant,
- (c) an application under Regulation 4 of the Regulations of 2006, a determination under paragraph (4) or (5) of Regulation 4(4) of those Regulations in respect of the applicant, and
- (d) an application under Regulation 3 of the Regulations of 2013, the giving by the Minister, under Regulation 20 of those Regulations, of a subsidiary protection declaration to the applicant or, as the case may be, the refusal by the Minister under that Regulation to give such a declaration to the applicant;

“first instance decision” means, in relation to—

- (a) an application under section 15 of the Act of 2015, a recommendation under section 39 of that Act,

¹OJ No. L.180, 29.06.2013, p.96.

- (b) an application under section 8 of the Act of 1996, a recommendation under section 13 of that Act,
- (c) an application under Regulation 4 of the Regulations of 2006, a determination under paragraph (4) or (5) of Regulation 4 of those Regulations, and
- (d) an application under Regulation 3 of the Regulations of 2013, a recommendation under Regulation 6 of those Regulations;

“foreign national” has the meaning assigned to it in section 1(1) of the Employment Permits Act 2003;

“house rules”, means, in relation to an accommodation centre or reception centre, rules made by the Minister under Regulation 25 that apply to that centre;

“labour market access permission” means a permission granted or renewed by the Minister under Regulation 11;

“material reception conditions” means the following provided to a recipient for the purposes of compliance with the Directive—

- (a) the housing, food and associated benefits provided in kind,
- (b) the daily expenses allowance, and
- (c) clothing provided by way of financial allowance under section 201 of the Social Welfare Consolidation Act 2005;

“Minister” means the Minister for Justice and Equality;

“minor” means a person who has not attained the age of 18 years;

“protection application” means any one of the following:

- (a) an application under section 15 of the Act of 2015;
- (b) an application under section 8 of the Act of 1996;
- (c) an application under Regulation 4 of the Regulations of 2006;
- (d) an application under Regulation 3 of the Regulations of 2013;
- (e) an application under Regulation 4 of the Regulations of 2017;
- (f) an appeal under Regulation 16(2) of the Regulations of 2018;

“reception centre” means a place at which a recipient is accommodated upon becoming a recipient but before an accommodation centre is designated under Regulation 7 in respect of him or her;

“reception conditions” mean all of the benefits provided to a recipient in accordance with these Regulations;

“recipient”, subject to paragraphs (2) and (3), means—

(a) a person who—

- (i) has given, or is deemed under paragraph (5) to have given, an indication referred to in paragraph (a), (b) or (c) of section 13(1) of the Act of 2015, and
- (ii) has not ceased, under paragraph (4), to be a recipient, and

(b) an applicant;

“recipient with special reception needs” means a recipient who is vulnerable and who has been assessed, in accordance with Regulation 8, as being in need of special guarantees in order to benefit from his or her entitlements, and to comply with his or her obligation, under these Regulations;

“Regulations of 2006” means the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006);

“Regulations of 2013” means the European Union (Subsidiary Protection) Regulations 2013 (S.I. No. 426 of 2013);

“Regulations of 2017” means the European Union (Subsidiary Protection) Regulations 2017 (S.I. No. 409 of 2017);

“Regulations of 2018” means the European Union (Dublin System) Regulations 2018 (S.I. No. 62 of 2018);

“relevant reception conditions” means the benefits referred to in paragraph (a) of the definition of “material reception conditions”;

“unaccompanied minor” means a minor who is not accompanied by an adult who is taking responsibility for the care and protection of the minor and includes a minor who is left unaccompanied after he or she has entered the State;

“UNHCR” means the United Nations High Commissioner for Refugees and includes the representative in the State of that organisation;

(2) For the purposes of these Regulations, where a transfer decision, within the meaning of the Regulations of 2018, is made in respect of an applicant, he or she shall, on and from the date of the sending to him or her of the notification under Regulation 5(2) of those Regulations of the making of the transfer decision—

(a) cease to be an applicant, and

(b) be deemed to be a recipient but not an applicant.

(3) For the purposes of these Regulations, a person who has made an appeal under Regulation 16(2) of the Regulations of 2018, in respect of which appeal the International Protection Appeals Tribunal has not made a decision, shall be deemed to be a recipient but not an applicant.

(4) A person shall cease to be a recipient if, within 30 working days of giving an indication referred to in paragraph (a), (b) or (c) of section 13(1) of the Act of 2015, he or she does not make, or is not deemed under that section to have made, an application for international protection under section 15 of the Act of 2015.

(5) A reference in these Regulations to a vulnerable person includes a reference to a person who is a minor, an unaccompanied minor, a person with a disability, an elderly person, a pregnant woman, a single parent of a minor, a victim of human trafficking, a person with a serious illness, a person with a mental disorder, and a person who has been subjected to torture, rape or other form of serious psychological, physical or sexual violence.

(6) For the purpose of these Regulations, where a person gives an indication referred to in paragraph (a), (b) or (c) of section 13(1) of the Act of 2015, he or she shall be deemed to have also given such an indication on behalf of any minor in respect of whom the person is taking responsibility for his or her care and protection where the minor is not an Irish citizen and—

- (a) at the time of the giving of the indication by the person, is present in the State,
- (b) is born in the State while the person is a recipient, or
- (c) while still a minor, enters the State while the person is a recipient.

(6) A word or expression which is used in these Regulations and is also used in the Directive has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive.

Provision of information to recipient

3. The Minister shall, within 15 working days from the date on which a recipient gives an indication referred to in paragraph (a), (b) or (c) of section 13(1) of the Act of 2015, inform the recipient in writing, in a language that he or she understands or may reasonably be supposed to understand, of—

- (a) the material reception conditions to which he or she is entitled under these Regulations,
- and
- (b) the contact details of any organisations or groups of persons that, in the opinion of the Minister, may be able to help or inform recipients in relation to the material reception conditions to which they are entitled under these Regulations.

Provision of material reception conditions

4. (1) A recipient shall, subject to these Regulations, be entitled to receive the material reception conditions where he or she does not have sufficient means to have an adequate standard of living.

(2) The entitlement of a recipient under paragraph (1) is subject to the requirement that—

- (a) the material reception conditions concerned be made available to him or her only at an accommodation centre that has been designated under Regulation 7 in respect of him or her, and
- (b) he or she complies with the house rules of the accommodation centre.

(3) Notwithstanding paragraph (2), the Minister may, during the period beginning on the date on which a recipient becomes a recipient, and ending on the date on which an accommodation centre is designated under Regulation 7 in respect of the recipient, make the material reception conditions available to a recipient at a reception centre.

(4) Where paragraph (3) applies, the Minister shall, without delay, inform the recipient in writing, in a language that he or she may reasonably be supposed to understand, of—

- (a) his or her obligations under the house rules of the reception centre in which he or she is being accommodated, and
- (b) the contact details of the office of the—
 - (i) Legal Aid Board (Refugee Legal Service), and
 - (ii) Health Service Executive,

that services the area in which the reception centre referred to in subparagraph (a) is located.

(5) The Minister may, exceptionally and subject to paragraph (6), provide the material reception conditions in a manner that is different to that provided for in these Regulations where—

- (a) an assessment of a recipient's specific needs is required to be carried out, or
- (b) the accommodation capacity normally available is temporarily exhausted.

(6) The provision of the material reception conditions authorised by paragraph (5) shall—

- (a) be for as short a period as possible, and
- (b) meet the recipient's basic needs.

Variation of material reception conditions where recipient in receipt of income

5. (1) Where a recipient to whom Regulation 4(1) applies, who has attained the age of 18 years, is in receipt of an income for a period of, or periods amounting in aggregate to, 12 weeks, the Minister for Employment Affairs and Social Protection shall assess the relevant portion of the recipient's weekly income in accordance with Schedule 1 and—

- (a) reduce the amount of the daily expenses allowance payable to the recipient by the amount that is identical to the relevant portion concerned, or
- (b) where the relevant portion exceeds the daily expenses allowance, cease to pay the daily expenses allowance to the recipient.

(2) A recipient to whom paragraph (1)(b) applies whose weekly income falls within an amount specified in the second column of Schedule 2 at any reference number shall make the contribution specified in the fourth column opposite that reference number towards the cost of the relevant reception conditions being provided to him or her.

(3) The Minister, where paragraph (6) applies, may by notice in writing require a recipient to refund all or part, as appropriate, of the cost of providing the recipient with relevant reception conditions.

(4) The Minister may recover from the recipient as a simple contract debt, in any court of competent jurisdiction—

- (a) any contribution the recipient is required under paragraph (2) to make and which has not been made, or
- (b) any amount the recipient is required under paragraph (3) to refund and which has not been refunded.

(5) The Minister for Employment Affairs and Social Protection, where paragraph (6) applies, may by notice in writing require the recipient concerned to refund of or raise an overpayment for all or part of the daily expenses allowance amount paid.

(6) This paragraph applies where the Minister or, as the case may be, the Minister Employment Affairs and Social Protection becomes aware that—

- (a) at the time the recipient was provided with the daily expenses allowance or, as the case may be, the relevant reception conditions, he or she had the means to have, or to have in part, an adequate standard of living, or
- (b) the recipient has concealed financial resources, and has therefore unduly benefited from receipt of the material reception conditions.

(7) The Minister shall, by notice in writing, inform a recipient of the recipient's obligation to make a contribution under paragraph (2).

(8) The Minister for Employment Affairs and Social Protection shall inform the recipient concerned, by notice in writing, of a decision under paragraph (1) to reduce the daily expenses allowance payable to him or her.

Withdrawal or reduction of material reception conditions

6. (1) The Minister may, subject to this Regulation, decide to reduce or withdraw the relevant reception conditions provided to a recipient, where satisfied that—

- (a) where the recipient is an applicant—
 - (i) the fact that a first instance decision in respect of the applicant's protection application has not been made can be attributed, or attributed in part, to the applicant, or
 - (ii) he or she, without reasonable excuse, is failing, or has failed to comply with an obligation under an enactment relating to the application,
- (b) the recipient has committed, or is committing, a serious breach of the house rules of the place of accommodation, or
- (c) the recipient has engaged in seriously violent behaviour.

(2) The Minister for Employment Affairs and Social Protection may, subject to this Regulation, decide to reduce or withdraw the daily expenses allowance provided to a recipient, where satisfied that paragraph (a), (b) or (c) of paragraph (1) applies to the recipient.

(3) In making a decision under paragraph (1) or (2), the Minister concerned shall have regard to—

- (a) the individual circumstances of the recipient and, in particular, whether the recipient is a vulnerable person, and
- (b) any reasons given by the recipient for the conduct to which the proposed decision relates.

(4) The Minister concerned shall inform the recipient by notice in writing of a decision under paragraph (1) or, as the case may be, paragraph (2), and of the reasons for it.

(5) The Minister concerned shall make a decision under paragraph (1) or (2) to withdraw the relevant reception conditions or the daily expenses allowance, as the case may be, only in exceptional cases and where there is no other action that can be taken to address the conduct of the recipient.

(6) Where the Minister makes a decision under paragraph (1), he or she shall ensure that the recipient concerned has—

- (a) access to health care in accordance with Regulation 18, and

(b) where the recipient does not have sufficient means to provide this for himself or herself a dignified standard of living.

(7) Where a recipient who is the subject of a decision under paragraph (1) or (2) ceases to engage in the conduct, referred to in paragraph (1), to which the decision relates, the Minister concerned—

(a) shall reassess his or her decision under paragraph (1) or, as the case may be, (2), and

(b) may, following such reassessment, reinstate the relevant reception conditions or, as the case may be, daily expenses allowance, to the extent that he or she considers appropriate.

Designation of accommodation centre

7. (1) The Minister shall, in accordance with this Regulation, designate a premises to be the accommodation centre at which the material reception conditions shall be made available to a recipient.

(2) In designating an accommodation centre under paragraph (1), the Minister shall take account of the following, as applicable:

(a) where family members of the recipient are recipients and are present in the territory of the State, the maintenance, with the agreement of the recipient and family members concerned, of possible family unity,

(b) gender and age-specific concerns;

(c) the public interest;

(d) public order;

(e) where applicable, the efficient processing and effective monitoring of the recipient's application for international protection.

(3) Where the recipient concerned is a minor, the Minister, in designating an accommodation centre under paragraph (1), shall, in addition to the matters specified in paragraph (2), take account of the following:

(a) the need to lodge a minor with his or her parents, unmarried minor siblings or an adult responsible for him or her, provided it is in the best interests of the minor concerned;

(b) the need for the accommodation centre to be suitable to meet all of the minor's needs and to allow the minor to avail of the benefits to which he or she is entitled under these Regulations.

(4) Where the recipient concerned is a vulnerable recipient, the Minister, in designating an accommodation centre under paragraph (1), shall, in addition to the matters specified in paragraph (2), take account of any special reception needs of the recipient, assessed in accordance with Regulation 8.

(5) Where the Minister has designated an accommodation centre under paragraph (1), he or she may, where he or she considers it necessary in order to facilitate the continued observation of the objectives specified in paragraphs (2) to (4), designate a different accommodation centre in respect of the recipient concerned.

(6) Where a recipient is availing of the material reception conditions in an accommodation centre—

(a) he or she shall be afforded sufficient facilities within the accommodation centre so as to ensure that he or she can communicate with relatives, legal advisers, representatives of the UNHCR and other relevant non-governmental organisations, and

(b) subject to paragraph (7), family members and legal advisers of the recipient, representatives of the UNHCR and other relevant non-governmental organisations shall have access to the accommodation centre in order to assist the recipient.

(7) The right of access referred to in paragraph (6)(b) may be limited only to the extent necessary to ensure the security of the accommodation centre and of recipients.

(8) Where an accommodation centre is designated under this Regulation in respect of a recipient, the Minister shall, without delay, inform the recipient in writing, in a language that he or she may reasonably be supposed to understand, of—

(a) his or her obligations under the house rules of the accommodation centre, and

(b) the contact details of the office of the—

(i) Legal Aid Board (Refugee Legal Service), and

(ii) Health Service Executive,

that services the area in which the accommodation centre referred to in subparagraph (a) is located.

(9) In this Regulation, “minor” means—

(a) a minor child of a recipient, or

(b) a recipient who is a minor.

Vulnerable persons

8. (1) The Minister—

(a) shall within 30 working days of the recipient giving an indication referred to in paragraph (a), (b) or (c) of section 13(1) of the Act of 2015, and

- (b) may at any stage after the expiry of the period referred to in subparagraph (a), where he or she considers it necessary to do so, assess—
 - (i) whether a recipient is a recipient with special reception needs, and
 - (ii) if so, the nature of his or her special reception needs.

(2) The Minister for Health and the Health Service Executive shall provide the Minister with such assistance as is necessary for the performance by him or her of his or her functions under paragraph (1).

Minors

9. (1) In the application of these Regulations to minors, the best interests of the child shall be a primary consideration.

(2) In assessing, for the purposes of paragraph (1), the best interests of the child, due account shall be taken of the following:

- (a) the possibility of family unity;
- (b) the minor's well-being and social development, taking into account the minor's background;
- (c) safety and security considerations, in particular where there is a possibility of the minor being a victim of human trafficking;
- (d) the views of the minor in accordance with his or her age and maturity.

Unaccompanied minors

10. (1) This Regulation applies to an unaccompanied minor who—

- (a) has given, or is deemed under Regulation 2(6) to have given, an indication referred to in paragraph (a), (b) or (c) of section 13(1) of the Act of 2015, or
- (b) is an applicant,

and a reference in this Regulation to an unaccompanied minor should be construed accordingly.

(2) The Agency shall be the representative of an unaccompanied minor in respect of whom it is providing care and protection, and shall represent and assist the unaccompanied minor so as to enable him or her to benefit from his or her entitlements, and to comply with his or her obligations, under these Regulations.

(3) The Child Care Act 1991 as amended, the Child and Family Agency Act 2013, the Children First Act 2015 and other enactments relating to the care and welfare of persons who have not attained the age of 18 years shall apply to unaccompanied minors.

(4) Where paragraph (2) applies, the Agency shall—

- (a) designate an employee of the Agency, or such other individual as it may determine, to perform, in respect of the unaccompanied minor concerned, the functions of a representative under this Regulation, and
- (b) without delay, inform the unaccompanied minor of its appointment under that paragraph and the designation of the employee or individual concerned under subparagraph (a).

(5) The Agency shall, subject to paragraph (6), and with assistance from other relevant agencies, endeavour to trace the unaccompanied minor's family.

(6) In cases where there may be a threat to life or the integrity of the unaccompanied minor or his or her close relatives, particularly if they have remained in the country of origin, the Agency, in complying with paragraph (5), shall take care to ensure the collection, processing and circulation of information concerning the minor or his or her close family is undertaken on a confidential basis so as not to jeopardise his or her, or their, safety.

(7) Notwithstanding Regulation 4, the entitlement under these Regulations of an applicant to the material reception conditions shall, in the case of an unaccompanied minor in respect of whom the Child and Family Agency is providing care and protection, be deemed to have been met.

(8) In these Regulations—

“Agency” means the Child and Family Agency;

“representative” means a person appointed in order to assist and represent an unaccompanied minor in procedures provided for in these Regulations with a view to ensuring the best interests of the child and exercising legal capacity for the minor where necessary;

Labour market access permission

11. (1) Save as may be provided under any other enactment or rule of law, an applicant shall not seek, enter or be in employment or self-employment except in accordance with—

- (a) a labour market access permission granted or renewed by the Minister under this Regulation (in this Regulation referred to as a “permission”) that is valid, and
- (b) this Regulation and, where applicable, Regulation 16.

(2) Save as may be provided under any other enactment or rule of law, a recipient who is not an applicant shall not seek, enter or be in employment or self-employment.

(3) An applicant may make an application for a permission, which application shall be—

- (a) in the form set out in Schedule 3, and
 - (b) made on or after the expiry of the period of 8 months beginning on the application date.
- (4) The Minister may, on receipt of an application made in accordance with paragraph (3), grant a permission to the applicant where satisfied that—
- (a) subject to paragraph (6), a period of 9 months, beginning on the application date, has expired, and, by that date, a first instance decision has not been made in respect of the applicant's protection application, and
 - (b) the situation referred to in subparagraph (a) cannot be attributed, or attributed in part, to the applicant.
- (5) A permission granted or renewed under this Regulation shall be in the form specified in Schedule 4 and shall—
- (a) subject to these Regulations, allow the holder to be employed or self-employed in the State for the period of validity of the permission, and
 - (b) subject to paragraph (6), be valid from such date as the Minister may specify in the permission until the earliest of the following:
 - (i) the expiry of the period of 6 months beginning on the date from which the permission is valid,
 - (ii) the withdrawal of the permission under Regulation 12, or
 - (iii) the date on which—
 - (I) a final decision has been made in respect of the applicant's protection application, and that final decision is no longer subject to an appeal;
 - (II) the applicant otherwise ceases to be an applicant.
- (6) Where an applicant makes an application in accordance with paragraph (3) before the expiry of the period of 9 months beginning on the application date, the Minister may, in accordance with paragraph (4), grant the applicant a permission, but the permission so granted shall not be valid—
- (a) until the date on which the period expires, and
 - (b) unless, by that date, a first instance decision has not been made in respect of the applicant's protection application.
- (7) An applicant may make an application for the renewal of a permission that has ceased, under paragraph (5)(b)(i), to be valid, which application shall be—

- (a) in the form set out in Schedule 5, and
- (b) made no earlier than one month before the date on which the permission ceases to be valid.

(8) The Minister may, on receipt of an application made in accordance with paragraph (7), renew the permission concerned where satisfied that the applicant remains in compliance with these Regulations and—

- (a) a first instance decision has not been made in respect of the applicant's protection application, and that situation cannot be attributed, or attributed in part, to the applicant,
- (b) a final decision has not been made in respect of the applicant's protection application, or
- (c) a final decision has been made in respect of the applicant's protection application, and that final decision is subject to an appeal.

(9) An applicant who holds a permission—

- (a) shall not be or seek to be employed by, or enter into a contract for services with, a body specified in Schedule 6,
- (b) shall inform the Minister of his or her income from any employment or self-employment pursuant to the permission and from any other source, and
- (c) where he or she becomes self-employed pursuant to the permission, shall inform the Minister of his or her self-employment and of any change in that self-employment.

(10) An applicant who holds a permission and is self-employed shall not employ any person or carry on a business in partnership with another person.

(11) An applicant who holds a permission shall be entitled to avail of vocational training—

- (a) subject to subparagraph (b), in the like manner and to the like extent in all respects as an Irish citizen, and
- (b) in the case of vocational training relating to an employment contract, to the extent to which the training relates to an occupation in which the applicant may, by virtue of the permission, be employed or self-employed.

(12) The Employment Permits Acts 2006 to 2014 shall not apply to a non-national (within the meaning of that Act) who is an applicant or a recipient.

(13) The Minister shall, within one month of the date on which these Regulations come into operation, grant a permission to an applicant where satisfied that—

- (a) immediately before that date on which, the applicant was the holder of an International Protection Self-Employment Permission issued under the administrative self-employment scheme established on 9 February 2018,
- (b) by that date, a first instance decision has not been made in respect of the application concerned, and
- (c) the situation referred to in subparagraph (b) cannot be attributed, or attributed in part, to the applicant.

(14) Paragraph (5) shall apply to a permission that is renewed under paragraph (7) or granted under paragraph (13).

(15) Where the Minister refuses to grant or renew a permission under this Regulation, he or she shall give the applicant concerned a notice in writing of his or her decision.

(16) In this Regulation, “application date”, in relation to an applicant, means the date on which he or she is deemed, under paragraph (16), to have made his or her protection application.

(17) For the purposes of this Regulation, an applicant shall be deemed to have made his or her protection application—

- (a) in the case of an application under the Act of 2015, on the date on which, as the case may be—
 - (i) the Minister receives an application completed by the applicant in accordance with section 15(5) of that Act, or
 - (ii) the application is deemed, under Regulations 11, 12, 13 or 14 of the Regulations of 2018, to be an application made in accordance with section 15 of the International Protection Act 2015,
- (b) in the case of an application under section 8 of the Act of 1996, on the date on which the Minister receives an application completed by the applicant in accordance with that section, or
- (c) in the case of an application under—
 - (i) Regulation 4 of the Regulations of 2006,
 - (ii) Regulation 3 of the Regulations of 2013, or
 - (iii) Regulation 4 of the Regulations of 2017,
 the date on which the applicant’s application under section 8 of the Act of 1996, the refusal of which gave rise to the applicant’s entitlement to make the application referred to in clause (i), (ii) or (iii), as the case may be, was made in accordance with that section.

Withdrawal of labour market access permission

12. (1) The Minister may, in accordance with this Regulation, withdraw a labour market access permission granted to an applicant where he or she is satisfied that—

- (a) a delay, or some part of a delay, in the making of a first instance decision in respect of the applicant's protection application can be attributed to the applicant,
- (b) the applicant has breached Regulation 11(9) or (10).

(2) The Minister, where he or she proposes to exercise his or her power under paragraph (1), shall give the applicant concerned a notice in writing—

- (a) informing him or her of the proposal and the reasons for it, and
- (b) inviting the applicant, within 7 working days of the date on which the notice is given, to make representations to the Minister in relation to the proposal.

(3) The Minister, in deciding whether to not to withdraw a permission under paragraph (1), shall have regard to any representations made by the applicant concerned in accordance with paragraph (2).

(4) Where the Minister decides to withdraw a permission under paragraph (1), he or she shall give the applicant concerned a notice in writing of his or her decision.

Review of Schedule 6

13. (1) The Minister, in consultation with the Minister for Business, Enterprise and Innovation, shall keep under review the bodies specified in Schedule 6.

(2) In reviewing the occupations specified in Schedule 6, the Minister shall, in particular, have regard to—

- (a) any disturbance or development that the labour market is experiencing or is likely to experience that may result in job losses or salary reductions,
- (b) whether, where a development or disturbance referred to in subparagraph (a) has occurred, the inclusion of particular occupations in Schedule 6 would have a stabilising effect on the labour market, and
- (c) the nature of the work available to applicants.

Obligations of employers

14. (1) An employer shall, before he or she employs an applicant, verify that the applicant—

- (a) holds a labour market access permission, or

(b) is, under any other enactment or rule of law, entitled to seek, or be in, employment.

(2) An employer shall, before he or she employs a recipient who is not an applicant, verify that the recipient is, under any other enactment or rule of law, entitled to seek, or be in, employment.

(3) An employer who employs an applicant who holds a labour market access permission shall—

(a) within 21 working days of the employment of the applicant, inform the Minister of that fact, and

(b) within 21 working days of the applicant ceasing to be employed, inform the Minister of that fact.

(4) An employer of an applicant who holds a labour market access permission shall keep, in relation to the applicant, a record of—

(a) the employment concerned,

(b) the duration of the employment,

(c) the particulars of the labour market access permission,

(d) the details of the remuneration paid to the applicant.

(5) An employer referred to in paragraph (3) shall—

(a) keep a record under that paragraph for a period of 3 years from the date on which the applicant concerned ceases to be an employee of the employer, and

(b) on request by the Minister for a copy of the record, provide such record to the Minister within 10 working days of the date on which the request is made.

(6) An employer shall not employ an applicant who holds a labour market access permission in the business or one of the businesses of the employer unless, on the date of the applicant's employment, 50 per cent or more of the employees of the employer in the business are nationals of—

(i) one or more Member States of the EEA

(ii) the Swiss Confederation, or

(iii) a combination of any of the States referred to in clauses (i) and (ii).

(7) An employer who, in a business or one of the businesses of the employer, employs more than one—

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

shall, on request by the Minister for the information specified in paragraph (7), furnish the Minister with the information within 10 working days of the date on which the request is made.

(8) The information referred to in paragraph (6) is a record of the number, for the time being, if any, of each the following who are employed by the employer—

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

Offences

15. (1) An applicant or recipient who contravenes paragraph (1)(a) or (2) of Regulation 11 shall be guilty of an offence and shall be liable on summary conviction to a class D fine or imprisonment for a term not exceeding 1 month or both.

(2) An employer who fails to comply with a provision of Regulation 14 shall be guilty of an offence and shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.

(3) A prosecution for an offence under this Regulation may be brought by the Minister.

(4) In proceedings for an offence under this Regulation, where evidence is given by—

- (a) a member of the Garda Síochána, or
- (b) an immigration officer (within the meaning of the Immigration Act 2004),

that he or she observed a person doing an act in a particular place, being an act the doing of which, in the circumstances concerned, is consistent with that person's having been employed to do that act in that place, then it shall be presumed, until the contrary is shown, that that person was employed to do that act in that place.

Applicant under age of 18

16. Regulations 11 to 14 shall apply in relation to an applicant who is under the age of 18, subject to the modification that the employment of such an applicant pursuant to a labour market access permission shall, in addition, be subject to the Protection of Young Persons (Employment) Act 1996.

Right to Education

17. (1) A recipient who is a minor shall have access to primary and post-primary education in the like manner and to the like extent in all respects as a minor who is an Irish citizen.

(2) The Minister for Education and Skills shall ensure that a recipient to whom paragraph (1) applies is provided with such support services and language supports as are necessary to facilitate the recipient's access to, and participation in, the education referred to in that paragraph.

(3) In this Regulation, "support services" has the meaning it has in the Education Act 1998.

Right to health care

18. The Minister for Health shall ensure that a recipient has access to—

- (a) emergency health care,
- (b) such health care as is necessary for the treatment of serious illnesses and mental disorders,
- (c) such other health care as is necessary to maintain his or her health, and
- (d) where the recipient is vulnerable, such mental health care as is appropriate, having regard to his or her special reception needs.

Detention

19. (1) A detained applicant shall, in the place of detention in which he or she is detained—

- (a) subject to subparagraph (b) and paragraph (2), be kept separately from any prisoner detained in the place of detention, and
- (b) in so far as is possible, be kept separately from other third country nationals who are not applicants and who are detained in the place of detention.

(2) Where it is not possible to keep a detained applicant from persons referred to in paragraph (1) (b), this Regulation shall apply to the detention of such persons as it does to the detention of detained applicants.

(3) A detained applicant shall have access to open air spaces.

(4) A detained applicant shall be entitled to communicate with and receive visits from, in conditions that respect privacy—

- (a) representatives of the UNHCR,
- (b) subject to paragraph (5), family members, legal representatives and representative of relevant, non-governmental organisations.

(5) The right specified in paragraph (4)(b) may be limited only to the extent necessary to ensure the good governance of, or safe or secure custody in, the place of detention.

(6) The person in charge of the place of detention in which an applicant is, or is to be, detained under section 20 of the Act of 2015 shall, without delay, provide the applicant with information—

- (a) that explains the rules applied in the place of detention in which the detained applicant is, or is to be, detained, and
- (b) setting out, in a language which he or she understands or may reasonably be supposed to understand, the detained applicant's rights and obligations while he or she is detained in the place of detention.

(7) Paragraph (6) is in addition to the entitlement of a detained applicant under section 20(15) of the Act of 2015.

(8) Notwithstanding Regulation 4, the entitlement under these Regulations of an applicant to the material reception conditions shall, in the case of an applicant who is a detained applicant, be deemed to have been met where he or she is provided with the daily expenses allowance.

(9) Where a detained applicant is a vulnerable person, the Minister shall ensure, taking into account the person's particular situation, including his or her health, that—

- (a) the person is monitored regularly, and
- (b) he or she is provided with adequate support.

(10) In this Regulation—

“detained applicant” means an applicant who is detained pursuant to section 20 of the Act of 2015;

“place of detention” means a place that is prescribed under section 20 of the Act of 2015 as a place of detention for the purposes of that section;

“prisoner” has the same meaning as it has in the Prisons Act 2007, but does not include a detained applicant.

Review of certain decisions made under Regulations

20. (1) A recipient who is dissatisfied with a decision—

- (a) under Regulation 4, that the recipient is not entitled, under Regulation 4(1), to receive the relevant reception conditions,
- (b) under Regulation 5(2), to contribute to the costs of relevant reception conditions,
- (c) under Regulation 5(3), to seek a refund of the cost of providing the recipient with the relevant reception conditions,
- (d) under Regulation 6(1), to reduce or withdraw the relevant reception conditions provided to a recipient,
- (e) under Regulation 11, to refuse to grant or renew a labour market access permission, or
- (f) under Regulation 12(1), to withdraw a labour market access permission,

may, within 10 working days of the date of the notice of that decision, apply in writing to the Minister for a review of the decision or part of it.

(2) A recipient who is dissatisfied with a decision—

- (a) under Regulation 4, that the recipient is not entitled to receive the daily expenses allowance,
- (b) under Regulation 5(1), to reduce the amount of the daily expenses allowance payable to the recipient,
- (c) under Regulation 5(6) to require a refund of or raise an overpayment for all or part of the daily expenses allowance amount paid to a recipient, or
- (d) under Regulation 6(2), to reduce or withdraw the daily expenses allowance payable to the recipient,

may, within 10 working days of the date of the notice of that decision, apply in writing to the Minister for Employment Affairs and Social Protection for a review of the decision or part of it.

(3) The Minister concerned, on receipt of an application under paragraph (1) or (2), shall appoint an officer of the Minister concerned of a rank that is the same or higher than the officer who made the decision that gave rise to the application for a review, to be, and perform the functions of, a review officer under this Regulation.

(4) The review officer, having reviewed the decision that gave rise to the application for a review, may affirm or set aside the decision.

(5) A review officer shall notify the recipient concerned of his or her decision under paragraph (4) and of the reasons for it.

(6) Where a recipient applies for a review of a decision referred to in paragraph (1) or (2), the decision concerned shall stand suspended until, as the case may be—

- (a) the review officer notifies the recipient of his or her decision to affirm the decision, or
- (b) where the decision of the review officer referred to in paragraph (a) is appealed to the International Protection Appeals Tribunal in accordance with Regulation 21(1), the appeal has been determined or withdrawn.

Appeal

21. (1) A recipient who is dissatisfied with a decision of a review officer under Regulation 20, may, subject to Regulation 22, within 10 working days of the date of the notice of the decision, appeal, in fact and law, against that decision to the International Protection Appeals Tribunal.

(2) An appeal under paragraph (1)—

- (a) shall be made in writing in the form specified in Schedule 7, and
- (b) shall include copies of the documents referred to in the appeal.

(3) The Chairperson of the International Protection Appeals Tribunal shall designate a member of the Tribunal to hear and determine appeals under this Regulation, and a reference in these Regulations to the designated member shall be construed as a reference to the member of the Tribunal so designated.

(4) The designated member of the International Protection Appeals Tribunal shall—

- (a) determine an appeal under this Regulation within a reasonable time and in any case, within 15 working days from the date on which the appeal is received by the Tribunal, and
 - (b) unless it considers it is not in the interests of justice to do so, make its determination in relation to the appeal without holding an oral hearing.
- (5) (a) The determination of the designated member under paragraph (4) shall be to affirm or set aside the decision of the review officer.
- (b) The designated member may, for the purposes of paragraph (a), determine the date of effect of the determination under that paragraph having regard to the circumstances of the case.

Recipient may request permission to make late appeal

22. (1) A recipient who fails to make an appeal within the period specified in Regulation 21(1) may request, in accordance with paragraph (3), the Tribunal to permit him or her to make an appeal under that Regulation.

(2) Where an applicant (other than an applicant to whom a permission under this Regulation has been granted) purports to make an appeal under Regulation 21 after the expiry of the period specified in Regulation 21(1)—

(a) the Tribunal shall, by notice in writing, inform the applicant—

(i) that his or her purported appeal has been received after the expiry of the period specified in Regulation 21(1),

(ii) that he or she will be entitled under these Regulations to make an appeal under Regulation 21 only in accordance with a permission granted under paragraph (4), and

(iii) of his or her entitlement to make, in accordance with paragraph (b), a request under paragraph (3),

and

(b) that he or she may, within 3 working days of the date on which the notice under paragraph (a) is given to him or her, make a request under paragraph (3).

(3) A request referred to in paragraph (1) or (2) shall be made by notice in writing, in the form specified in Schedule 8 or a form to the like effect—

(a) setting out the reasons why the applicant was unable to bring the appeal within the period specified in Regulation 21(1), and

(b) requesting the Tribunal to permit him or her to make an appeal under Regulation 21.

(4) The Tribunal, on receipt of a request under paragraph (3), shall, subject to paragraph (5)—

(a) permit the applicant to make an appeal within such period as the Tribunal may specify, or

(b) refuse the request.

(5) The Tribunal shall grant a permission under paragraph (4) only where it is satisfied that—

(a) the applicant has demonstrated that there were special circumstances as to why he or she could not make an appeal within the period specified in Regulation 21(1), and

- (b) in the circumstances concerned, it would be unjust not to grant the permission.

Review of other decisions relating to reception conditions

23. (1) Where—

- (a) a recipient is dissatisfied with a decision made by or on behalf of a Minister of the Government or the Health Service Executive relating to the entitlement of the recipient to a benefit, or the provision of a benefit to the recipient, and
- (b) the benefit is one that is also available to a national of the State,

the right of the recipient to a review or appeal of the decision shall be the same right as is available to the national of the State.

Data Protection

24. (1) The Minister may disclose to an international protection officer, and an international protection officer may disclose to the Minister, information (including personal data) relating to an applicant and to the applicant's protection application, where such disclosure is necessary to allow the Minister to consider, for the purposes referred to in that Regulation, the matters referred to in Regulation 27.

(2) The Minister, the Minister for Employment Affairs and Social Protection and the Revenue Commissioners may disclose to one another relevant personal data, where such disclosure is necessary to allow the person to whom the data are disclosed to assess the means of a recipient and the entitlements of the recipient under these Regulations.

(3) The Minister may, on request by a person to whom paragraph (5) applies, provide that person with information as to whether a particular person is the holder of a labour market access permission, and, if so, the period of validity of the permission concerned.

(4) A person to whom paragraph (5) applies may disclose to any other person to whom that paragraph applies relevant personal data, where such disclosure is necessary to allow the person to whom the data are disclosed to assess whether the recipient concerned—

- (a) is vulnerable,
- (b) is a recipient with special reception needs, or
- (c) is entitled to a service or benefit provided by the person to whom the data are disclosed.

(5) The persons to whom this paragraph applies are—

- (a) the Minister,

- (b) the Minister for Employment Affairs and Social Protection,
- (c) the Minister for Education and Skills,
- (d) the Minister for Health,
- (e) the Health Service Executive,
- (f) the Revenue Commissioners, and
- (g) any other person providing a recipient with a service for the purpose of the provision to the recipient of reception conditions.

(6) Where a determination is made under Regulation 21, the Minister may provide a Minister of the Government or the Health Service Executive with that determination where the determination is likely to affect the performance by that Minister of his or her, or by the Health Service Executive of its, functions.

(7) This Regulation is without prejudice to a person's obligation under the Data Protection Regulation and the Data Protection Act 2018 (No. 7 of 2018).

(8) In this Regulation—

“Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

“personal data” means personal data within the meaning of—

- (a) the Data Protection Regulation, or
- (b) Part 5 of the Data Protection Act 2018;

“relevant personal data” means personal data provided by a recipient for the purpose of the provision to him or her of the material reception conditions.

House rules

25. (1) The Minister may, for the purposes referred to in paragraph (3), make rules (“house rules”) to be complied with by persons who are being accommodated in an accommodation centre or a reception centre.

(2) House rules made under this Regulation may relate to—

- (a) the operation of the accommodation centre or reception centre concerned, and
- (b) the conduct of persons while being accommodated in the centre.

(3) In making rules under this Regulation, the Minister shall have regard to the following objectives:

- (a) ensuring the quiet and peaceful enjoyment by persons accommodated in an accommodation centre or a reception centre of the facilities available at the centre;
- (b) ensuring the security of the accommodation centre or reception centre.

(4) The Minister shall cause house rules made under this Regulation to be made available on the website of the Reception and Integration Agency.

Service of notices

26. (1) Where a notice is required or authorised by these Regulations to be served on or given to a person, it shall be addressed to him or her and shall be served on or given to him or her in one of the following ways:

- (a) by delivering it to him or her,
- (b) by leaving it at the address at which the person ordinarily resides or carries on business or, in a case in which an address for service has been furnished, at that address, or
- (c) by sending it by prepaid registered post addressed to him or her at the address referred to at paragraph (b) or, in the case of his or her legal representative, if any, at his or her address, or, in a case in which an address for service has been furnished, at that address.

(2) Where a notice under these Regulations has been sent to a person in accordance with paragraph (1)(c), the notice is deemed to have been duly served on or given to the person on the third working day after the day on which it was so sent.

Attribution of delay in making of first instance decision

27. The matters to which the Minister may have regard in considering, for the purposes of Regulation 6(1)(a), paragraph (4)(b), (8)(a) or (13)(c) of Regulation 11 or Regulation 12(1)(a), whether the fact that a first instance decision has not been made in respect of the applicant's protection application can be attributed, or attributed in part, to the applicant include whether the applicant has failed, or is failing, to comply with his or her obligations in respect of his or her protection application, including by—

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

Amendment of Criminal Justice (Theft and Fraud Offences) Act 2001

28. Section 24 of the Criminal Justice (Theft and Fraud Offences) Act 2001 (No. 50 of 2001) is amended in paragraph (n) of the definition of “instrument”, by the insertion of “or self-employment” after “employment”.

Amendment of Act of 2015

29. The Act of 2015 is amended—

(a) in section 17, by the insertion of the following subsection after subsection (1):

“(1A) A certificate shall be given to the applicant within 3 working days of the date on which he or she makes an application for international protection in accordance with section 15, or such an application is made or deemed to have been made, on his or her behalf.”, and

(b) in section 20, by the insertion of the following after paragraph (a) of subsection (14):

“(aa) seek legal assistance and legal representation,

(ab) be informed of—

(i) his or her entitlement referred to in paragraph (aa), and

(ii) his or her right to make a complaint under Article 40.4.2 of the Constitution and the procedures for doing so,

(ac) be given a copy of the warrant under which he or she is being detained.”.

Amendment of Regulations of 2013

30. Regulation 4 of the Regulations of 2013 is amended—

(a) by the insertion of the following after paragraph (2):

“(2A) A certificate shall be given to the applicant within 3 working days of the date on which his or her application for subsidiary protection is made in accordance with Regulation 3 of the Regulations of 2013.”, and

(b) by the deletion of paragraph (7)(b).

Amendment of International Protection Act 2015 (Places of Detention) Regulations 2016

31. The International Protection Act 2015 (Places of Detention) Regulations 2016 (S.I. No. 666 of 2016) are amended by the substitution of the following for Part 1 of the Schedule:

“Part 1

CLOVERHILL PRISON”.

Amendment of Regulations of 2018

32. The Regulations of 2018 are amended by the substitution of the following for Schedule 4:

“Schedule 4

Places of Detention

Every Garda Síochána Station

Cloverhill Prison.”.

SCHEDULE 1

Calculation of Relevant Portion of Income for Purposes of Reduction of Daily Expenses Allowance

The relevant portion of a recipient's weekly income shall, for the purposes of Regulation 5(1), be calculated as follows:

1. The first €60 of the recipient's weekly income shall be disregarded
2. The relevant portion of the recipient's weekly income shall be the amount equal to 60% of the amount of that weekly income, after the amount referred to in paragraph 1 is disregarded.

SCHEDULE 2

Calculation of Contribution to Cost of Relevant Reception Conditions

	(2) Weekly income	(3) Proportion of weekly cost of €238.00 for accommodation services payable by recipient	(4) Contribution payable by recipient
1	Up to €97.00	€0.00	€0.00
2	From €97.01 to €150.00	€15.00 per resident in receipt of income	€15.00
3	From €150.01 to €210.00	15% of weekly cost of accommodation services — €35.70	€35.70
4	From €210.01 to €275.00	25% of weekly cost of accommodation services — €59.50	€59.50
5	From €275.01 to €340.00	35% of weekly cost of accommodation services — €83.30	€83.30
6	From €340.01 to €405.00	50% of weekly cost of accommodation services — €119.00	€119.00
7	From €405.01 to €470.00	65% of weekly cost of accommodation services — €154.70	€154.70
8	From €470.01 to €535.00	75% of weekly costs of accommodation services — €178.50	€178.50
9	From €535.01 to €600.00	85% of weekly costs of accommodation services — €202.30	€202.30
10	From €600.01 or over	100% of weekly costs of accommodation services — €238.00	€238.00

SCHEDULE 3

FORM LMA3

Application for labour market access permission**Who is this form for?**

You should use this application form if:

- You wish to apply for Labour Market Access Permission

How to complete this form:

- Please complete this form in English in BLOCK CAPITAL letters and place a tick in the relevant boxes
- You must complete all sections of this form fully
- You must include photocopies of supporting documents requested
- Your Personal ID number must be entered on this application form
- Incomplete or unsigned applications cannot be processed

Where to send your completed application form:

- You must send your completed application form and supporting documents to the address below:

Labour Market Access Unit (LMAU)
PO Box 12931,
Freepost FDN5264,
Dublin 2

- If submitting your form by email, you must print a copy of the completed form, sign it, scan it, and email to:

lmauapplications@justice.ie

- Please note that any permission will be posted to the most up to date address you have provided to the International Protection Office

Data privacy notice

1. The data you provide in this form is collected by the Irish Naturalisation and Immigration Service (INIS), a part of the Department of Justice and Equality. The data controller for the information you provide is the Department of Justice and Equality. The data controller's contact details are: Labour Market Access Unit (LMAU), PO Box 12931, Freepost FDN5264, Dublin 2.
2. You can contact the Data Protection Officer for the Department of Justice by writing to: The Data Protection Officer, the Department of Justice and Equality, 51 St. Stephen's Green, Dublin 2, D02 HK52. Or by email – dataprotectioncompliance@justice.ie
3. We will use the personal data you provide in this form for the following purposes:
 1. Assessing your application for permission to access the labour market
 2. Verifying your identity
 3. Verifying details of your employment with your employer
4. We collect and process this data in order to comply with our legal obligations or to perform tasks in the public interest. The specific basis for collecting and processing this data is as follows:
 1. The European Communities (Reception Conditions) Regulations 2018
5. The personal data provided here will be stored securely in INIS's databases. It may be shared, if necessary, with the following people:
 1. Other government departments and agencies
 2. An Garda Síochána
 3. Any state agencies which provide labour market services
6. This data may be retained until INIS can be sure that you will have no further contact with the immigration services. This is an indeterminate period as your immigration history in the State may span a full lifetime.
7. The personal data you provide in this form is necessary for us to determine if you meet the criteria for this permission. If you do not provide this data, your application for this permission cannot be processed.
8. You have the right to request access to, and a copy of, your personal data that we process. You can do this by filling in a Subject Access Request form, available at www.justice.ie, and sending it to dataprotectioncompliance@justice.ie. You may be required to verify your identity

before we send this information to you.

9. You have the right to request us to rectify any errors in your data or to erase your data, as well as to seek a restriction of the processing of your data or to object to the processing of your data in certain circumstances. To do this you should write to Labour Market Access Unit (LMAU), PO Box 12931, Freepost FDN5264, Dublin 2 explaining what errors need to be rectified or erased or your reasons for seeking the restriction of, or objecting to, the processing.

10. You have a right to lodge a complaint with the Data Protection Commission if you believe your personal data is being processed by us unlawfully. Information about how to make a complaint can be found on www.dataprotection.ie.

I acknowledge that I have read and understood the information outlined above, which relates to my data protection rights.

Name _____

Signature _____ Date _____

Name of Parent/Guardian of applicant aged under 18 years _____

Signature of Parent/Guardian _____ Date _____

Section 3 Compliance with Application Conditions

You must answer all questions within this section AND meet the following criteria. (✓)

3.1 Declaration that the conditions of application have been met	Yes	No
My application for International Protection is 8 months old or more (the permission will not become valid until 9 months)		
I am still waiting on a first instance recommendation on my International Protection application		
I have cooperated fully with the International Protection process.		
I have made reasonable efforts to establish my identity. (Please attach/enclose any copies of additional identity documents).		
I will register with the Revenue Commissioners when I start a job or any self-employment activity (see www.revenue.ie for more information)		
I have attached a copy of my valid (in date) TRC		

Please do not send your original TRC or any original documents with this application.

Section 4 For office use only

Please do not complete this section	Yes	No
Completed		
Permission sent		
Permission Number		

Date of Decision:

D	D	/	M	M	/	Y	Y	Y	Y
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SCHEDULE 4

Labour Market Access Unit, INIS, PO Box 12931, Freepost FDN5264, Dublin 2

PERMISSION TO ACCESS THE LABOUR MARKET

This is to certify that the Minister for Justice and Equality has granted permission to access the labour market in accordance with The European Communities (Reception Conditions) Regulations 2018 to the person named below.

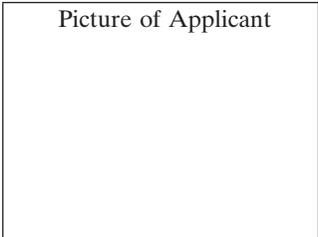
Permission valid from XX/XX/20XX to XX/XX/20XX

Name in full
Ainm agus Sloinne

Date of Birth
An dáta a Rugadh

Person ID No:

Picture of Applicant



For and on behalf of the Minister for Justice and Equality

Conditions and obligations as set out in The European Communities (Reception Conditions) Regulations 2018 (This is not an exhaustive list).

- The **holder** of this permission shall not seek, nor be employed in any of the occupations listed in Schedule 3 of The European Communities (Reception Conditions) Regulations 2018. For full updated list of this schedule, please visit our website www.inis.gov.ie.
- The **holder** of this permission must inform the Minister for Justice and Equality of any engagement in self-employment. Declaration form enclosed and available on our website.
- The **holder** of this permission, whether in employment or self-employment, must inform the Revenue Commissioners and be compliant with any relevant tax legislation.
- If the **holder** of this permission is under the age of 18, The Protection of Young Persons (Employment) Act 1996 also applies.
- The **employer** of a holder of this permission must inform the Minister for Justice and Equality within 21 days of commencement of employment and within 21 days of cessation of employment. Declaration forms enclosed and available on our website.
- The **employer** of a holder of this permission shall not employ an applicant in any of the employer's businesses unless, on the date of employment of the holder of the permission, 50 per cent or more of the employees in the

business are nationals of (i) an EEA Member State, and/or (ii) the Swiss Confederation.

- The **employer** of a holder of this permission must continue to keep records of employment and furnish The Minister for Justice and Equality with any requested details of employment within 10 days (if requested).

This permission is an original document and belongs to The Minister for Justice and Equality. You must not alter or deface it in any way. This permission may be used only by you. This permission should always be presented together with your Temporary Residence Certificate (TRC) if 18 years of age or above. This permission is not an identity document.

Applicant Address Line 1

Applicant Address Line 2

Applicant Address Line 3

Dear Applicant name,

Further to your application, you are hereby granted permission to access the labour market in accordance with The European Communities (Reception Conditions) Regulations 2018. This permission is printed double-sided on water-marked paper with your photograph and validity period included and must be presented in this format to your employer along with your valid TRC card (if 18 years of age or above) or to any relevant bodies should you engage in employment or self-employment.

You should also note:

1. This permission is valid for the validity period stated **unless**:
 - a. You receive a final decision on your application for international protection.
 - b. Your permission is withdrawn under The European Communities (Reception Conditions) Regulations 2018.
2. This permission enables you to access the labour market in the following ways:
 - a. **Self-Employment** — Declaration form enclosed and available on our website www.inis.gov.ie, to be returned by **you** within 21 days of engaging in self-employment.
 - b. **Employment** — Declaration form enclosed and available on our website www.inis.gov.ie, to be returned by your **employer** within 21 days of you taking up employment.
3. The Minister for Justice and Equality accepts that, as of the date of this permission, you meet the conditions to qualify for permission to access the labour market, you must ensure you continue to engage fully with the International Protection process. This does not mean that it is accepted that you have fulfilled those conditions for the purposes of your international protection application or for any other purpose. Your fulfilment of those conditions may be re-examined by the Minister.

4. This permission is renewable once you continue to satisfy the eligibility requirements as set out in The European Communities (Reception Conditions) Regulations 2018. An application to renew this permission should be made one month before its expiry date. Details on the renewal process can be found on our website www.inis.gov.ie.

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

An applicant who contravenes Regulation 11 (1)(a) of The European Communities (Reception Conditions) Regulations 2018 is guilty of an offense and shall be liable to a class D fine or imprisonment for a term not exceeding 1 month or both.

Yours sincerely,

Officers Name
Labour Market Access Unit,
XX XXXX 20XX

Application for Renewal of Labour Market Access Permission**Who is this form for?**

You should use this application form if:

- You wish to apply for Renewal of Labour Market Access Permission

How to complete this form:

- Please complete this form in English in BLOCK CAPITAL letters and place a tick in the relevant boxes
- You must complete all sections of this form fully
- You must submit photocopies of supporting documents requested
- Your Personal ID number and original permission number must be entered on this renewal form
- Incomplete or unsigned applications cannot be processed and will be returned

Where to send your completed application form

- You must send your completed renewal application form and supporting documents to the address below:

Labour Market Access Unit (LMAU)

**PO Box 12931,
Freepost FDN5264,
Dublin 2**

- If submitting your renewal form by email, you must print a copy of the completed form, sign it, scan it, and email to:

lmauapplications@justice.ie

- Please note that any permission will be posted to the most up to date address you have provided to the International Protection Office

Data protection statement

1. The data you provide in this form is collected by the Irish Naturalisation and Immigration Service (INIS), a part of the Department of Justice and Equality. The data controller for the information you provide is the Department of Justice and Equality. The data controller's contact details are: Labour Market Access Unit (LMAU), PO Box 12931, Freepost FDN5264, Dublin 2.
2. You can contact the Data Protection Officer for the Department of Justice by writing to: The Data Protection Officer, the Department of Justice and Equality, 51 St. Stephen's Green, Dublin 2, D02 HK52. Or by email – dataprotectioncompliance@justice.ie
3. We will use the personal data you provide in this form for the following purposes:
 1. Assessing your application for renewal of permission to access the labour market
 2. Verifying your identity
 3. Verifying details of your employment with your employer
4. We collect and process this data in order to comply with our legal obligations or to perform tasks in the public interest. The specific basis for collecting and processing this data is as follows:
 1. The European Communities (Reception Conditions) Regulations 2018
5. The personal data provided here will be stored securely in INIS's databases. It may be shared, if necessary, with the following people:
 1. Other Government Departments
 2. An Garda Síochána
 3. Any state agencies which provide labour market services
6. This data may be retained until INIS can be sure that you will have no further contact with the immigration services. This is an indeterminate period as your immigration history in the State may span a full lifetime.
7. The personal data you provide in this form is necessary for us to determine if you meet the criteria for this permission. If you do not provide this data, your application for this permission cannot be processed.
8. You have the right to request access to, and a copy of, your personal data that we process. You can do this by filling in a Subject Access Request form, available at www.justice.ie, and sending it to dataprotectioncompliance@justice.ie. You may be required to verify your identity

before we send this information to you.

9. You have the right to request us to rectify any errors in your data or to erase your data, as well as to seek a restriction of the processing of your data or to object to the processing of your data in certain circumstances. To do this you should write to Labour Market Access Unit (LMAU), PO Box 12931, Freepost FDN5264, Dublin 2 explaining what errors need to be rectified or erased or your reasons for seeking the restriction of, or objecting to, the processing.

10. You have a right to lodge a complaint with the Data Protection Commission if you believe your personal data is being processed by us unlawfully. Information about how to make a complaint can be found on www.dataprotection.ie.

I acknowledge that I have read and understood the information outlined above, which relates to my data protection rights.

Name _____

Signature _____ Date _____

Name of Parent/Guardian of applicant aged under 18 years _____

Signature of Parent/Guardian _____ Date _____

Section 3 Compliance with Application Conditions for Renewal of Permission

You must answer all questions within this section. (✓)

3.1 Declaration that the conditions of application have been met

	Yes	No
I am still waiting on a final decision on my International Protection application		
I will register with the Revenue Commissioners when I start a job or any self-employment activity (see www.revenue.ie for more information)		
I have cooperated fully with the International Protection process		
I have attached a copy of my valid (in date) TRC		

Please do not send your original TRC or any original documents with this application for renewal.

Section 4 For office use only

Please do not complete this section	Yes	No
Completed		
Renewal of Permission sent		
Permission Number		

Date of Decision:

D	D	/	M	M	/	Y	Y	Y	Y
---	---	---	---	---	---	---	---	---	---

SCHEDULE 6

Bodies specified for purposes of regulation 11(9)(a)

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

SCHEDULE 7

European Communities (Reception Conditions) Regulations 2018

International Protection Appeals Tribunal

NOTICE OF APPEAL

against a decision to refuse to grant, to withdraw or to reduce certain reception conditions

Part 1: Type of Appeal

1.1 Please tick as appropriate:

- Appeal of a decision under Regulation 11 to refuse to grant or to renew a labour market access permission.
- Appeal of a decision under Regulation 12 to withdraw a labour market access permission.
- Appeal of a decision that you are not entitled under Regulation 4(1) to receive relevant reception conditions.
- Appeal of a decision that you are not entitled under Regulation 4(1) to the daily expenses allowance.
- Appeal of decision under Regulation 5(1) to reduce the amount of the daily expenses allowance.
- Appeal of a decision under Regulation 5(2) that you must contribute to the cost of providing relevant reception conditions.
- Appeal of a decision under Regulation 5(3) to seek a refund of all or part of the cost of providing relevant reception conditions.
- Appeal against a decision under Regulation 5(6) to require a refund of or raise an overpayment for all or part of the daily expenses allowance.
- Appeal of a decision under Regulation 6(1) to reduce or withdraw relevant reception conditions.
- Appeal of a decision under Regulation 6(2) to reduce or withdraw the daily expenses allowance.

Note: You may only make an appeal to the International Protection Appeals Tribunal when you have exhausted all other first level reviews available.

Part 2: Applicant’s Details

2.1 Personal ID Number

2.2 Full Name:

2.3 Any other names used:

2.4 Date of Birth:

2.5 Address:

.....

.....

2.6 Telephone Number (if any):

2.7 Nationality:

2.8 Details of any dependents

Name	Date of Birth	Male or Female	Relationship to Applicant	Personal ID Number

Part 3. Legal Representation:

3.1 Do you have legal representation? YES / NO (*delete as appropriate*)

3.2 Name of your legal representative:

3.3 His or her address:

.....

.....

3.4 His or her telephone number:

3.5 His or her email address:

Note: If you instruct a legal representative at a later stage of your appeal, you should inform the Tribunal of this immediately and provide the Tribunal with the relevant details.

Part 4. Grounds of Appeal:

4.1 I have exhausted all first level reviews or appeals available YES/NO (delete as appropriate)

4.2 Please state clearly and concisely the grounds of your appeal. You may use additional pages, if necessary.

Ground 1

.....

.....

Ground 2

.....

.....

Ground 3

.....

.....

Part 5: Documentation

5.1 Please list below all documents submitted by you in relation your fist level review.

Document 1:

Document 2:

Document 3:

5.2 Additional documentation to be considered in your appeal

Document 1:

Document 2:

Document 3:

Note: (1) If you require more space, documentation should be listed on a separate sheet(s).
(2) The documents listed above must accompany this form. Please also include a copy of the decision of the first level review(s).

Part 6: Communications to the Tribunal:

6.1 All communications to the Tribunal should be sent by registered post, or faxed to 01-4748410 (and confirmed by a successful transmission report), or delivered to International Protection Appeals Tribunal, 6/7 Hanover Street East, Dublin 2. The Tribunal will issue you with a receipt, which you should retain as proof of such delivery.

Part 7: Authorisation and Confirmation of Applicant

7.1 I confirm that the answers set out in this form are true and correct.

7.2 I authorise my legal representative, where applicable, to act on my behalf in respect of all matters with the Tribunal and to receive all correspondence and documents relating to my appeal

Signed: **Applicant**

Date: /..... /.....

SCHEDULE 8

European Communities (Reception Conditions) Regulations 2018

International Protection Appeals Tribunal

Request for Permission to make a late appeal against certain decisions to refuse to grant, to withdraw or to reduce reception conditions

Part 1: Applicants Details:

1.1 Personal ID Number

1.2 Full Name:

1.3 Any other names used:

1.4 Date of Birth:

1.5 Address:

.....

.....

1.6 Telephone Number (if any):

1.7 Nationality:

Part 2. Legal Representation

2.1 Do you have legal representation- YES / NO (*delete as appropriate*)

2.2 Name of your legal representative:

2.3 His or her address:

.....

.....

2.4 His or her telephone number:

2.5 His or her email address:

Part 3. Request for Permission to make a late appeal:

3.1 I, request the permission of the International Protection Appeals Tribunal to make a late appeal against a decision to refuse to grant, to withdraw or to reduce reception conditions under the European Communities (Reception Conditions) Regulations 2018

3.2 Please set out clearly the reasons why you were unable to bring the appeal within the period set out in Regulation 21(1) of the European Communities (Reception Conditions) Regulations 2018.

.....
.....
.....
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.....
.....

Part 4. Communications to the Tribunal:

4.1 All communications to the Tribunal should be sent by registered post, or faxed to 01-4748410 (and confirmed by a successful transmission report), or delivered to the International Protection Appeals Tribunal, 6/7 Hanover Street East, Dublin 2. The Tribunal will issue you with a receipt which you should retain as proof of such delivery.

Signed: **Applicant**

Date: /..... /.....



GIVEN under my Official Seal,
29 June 2018.

CHARLES FLANAGAN,
Minister for Justice and Equality.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations give effect in Irish law to 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) (“The Reception Conditions Directive”).

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€11.43

