

Applying for permission to work while claiming asylum

September 2008

Who can apply

The European Directive 2003/9/EC states that the main asylum applicant can apply for permission to work if:

you waited more than 12 months for an initial decision by the Home Office on your asylum claim
the delay in the Home Office's decision was not your fault
your claim for asylum is ongoing, even if it is now at the appeal stage

The Directive (and the Immigration Rules) state that permission to work can be denied if the delay in dealing with the asylum claim can be attributed to the applicant. There is no right of appeal if your application for permission to work is refused. However, you are able to apply again.

Fresh Claims for asylum

The period of time you wait to hear whether your further representations are to be considered as a fresh asylum claim does not entitle you to apply for work permission. The qualifying period is a wait of twelve months without an initial decision from the day UKBA confirm that the further representations are to be considered as a fresh claim for asylum.

How do I apply

If you have a named caseowner then you should apply directly to them.

If you do not have a named caseowner then you should apply to the Case Resolution Directorate at the following address:

Lunar House, 40 Wellesley Road, Croydon, Surrey, CR9 2BY

In the letter you must state:

your Home Office reference number
that you are requesting permission to work on the basis that your application for asylum is or was outstanding for over 12 months without a decision

The Immigration Enquiry Bureau can confirm if you have a named caseworker and can be contacted on 0870 606 7766

What documents do I need to show entitlement to work.

If successful, you should receive details of where to go for a new Application Registration Card (ARC). Your ARC will need to be changed so as to show that employment is permitted. Your new ARC will state 'Allowed to Work'. Previously, cards were issued with 'Employment Permitted' and these are still valid.

Along with taking a copy of your ARC, an employer should also check with the Employers' Helpline to confirm that you have permission to work.

National Insurance Numbers

If you have permission to work but do not have a National Insurance Number (NINO), then you should call **0845 6000643** to a contact centre. They will check your basic conditions and make an appointment to attend a Jobcentre for an evidence of identity interview. Following this you will receive your NINO. If it is difficult for you to travel to the Jobcentre, then they should consider offices closer to where you live. If you are in work and your employer has issued you with a temporary NINO, then you should call the above number as well.

Asylum seekers permitted to work under the Directive retain this right until a final decision is made on their claim and this includes time spent awaiting an appeal. A person applying for permission to work prior to getting a negative initial decision should still be given permission to work (if the reason for the delay is not attributable to them).

UKBA instructions on handling applications to take employment state that once a decision has been made on an asylum seeker's entitlement to work, this should be followed by a decision on the asylum claim itself.