

Nasc strongly recommends Ireland opt in to the EU Receptions Directive (Directive 2013/33/EU). Article 15 of the Directive requires Member States to provide a right to work.

To paraphrase the Directive, it requires that Member States give access to the labour market to applicants no later than 9 months after the application was lodged, if a first instance decision has not been made and the delay is not the fault of the applicant. This access to the labour market cannot be withdrawn during any appeals process, until a final, negative decision has been made. The Directive also states that a Member State may restrict that access in accordance with their national law, to give priority to EEA citizens and legally resident third country nationals with work permits.

While we believe even this access to the labour market is overly restrictive, we are conscious that due to the current political and economic climate, a recommendation on the right to work must have some restrictions. The introduction of Article 15 of the Receptions Directive would serve as a bare minimum for access to the labour market that will not infringe on the access of EEA nationals and work permit holders.

For those applicants who have been in the system a long time, Nasc recommends that following the introduction of the Single Procedure and a proposed scheme to deal with 'legacy issues' (to be decided in Theme 3), any of the pre-Single Procedure cohort remaining in the system should immediately be given a right to work based on the guidelines of the EU Directive, i.e. if they have been in the system longer than 9 months and the delay is not the fault of the applicant.