

Information sheet on the employment of asylum seekers

January 19, 2011

Work permits:

As of the publication of this document, asylum seekers in Israel are permitted to work at any employment, at any location in Israel, and there is no need for licenses in order to employ them. Asylum seekers in Israel hold three types of residence permits:

- 1. A/5 temporary residence permits** (temporary resident identification card). Anyone holding this kind of permit can work any job, and their legal standing, with regards to their rights and obligations, is the same as that of any Israeli employee.
- 2. B/1 unlimited work and residence permits**
Whoever holds this kind of permit can work at any job, with no limits.
- 3. Residence permits in accordance with article 2(A)(5) of the 1952 Entry Into Israel Law** (printed on the back of the “conditional release” document issued by the Ministry of Interior). Employers can employ asylum seekers holding this permit, in any job, and no legal action will be taken against the employers as a result of the employment. This is the most common permit, given to anyone residing in Israel who doesn't hold any other kind of permit, and who is not in detention. Most asylum seekers in Israel hold this kind of permit. In HJC 6312/10 from 19.1.2011, the Supreme Court ruled that until the implementation of the government decision from 18.11.2010 regarding the opening of a “residence center for infiltrators” on the Egyptian border, no enforcement will take place against employers of these asylum seekers, regardless of their country of citizenship.

As such, in accordance with the High Court decision, an employer who employs someone holding a permit in accordance with article 2(A)(5) will not be fined, and legal proceedings against him will not be launched, including in cases where the employee's permit includes the phrase, "This temporary permit does not constitute a work permit."

General instructions regarding the employment of asylum seekers:

Labor laws in Israel are applicable to all workers in Israel, even those residing in Israel without a permit. Therefore, it is obligatory to pay workers at least minimum wage and to respect their rights in accordance with protection laws (travel allowance, social rights, etc.)

- 1. Employment contract:** Employers must give the employee a signed copy of the employment contract, including employment details, in a language that the employee understands.
- 2. Pay stubs:** It is obligatory to issue pay stubs to asylum seekers. Since most asylum seekers do not hold I.D. cards, you can enter the passport number of the employee in the slot of the pay stub software. If the employee does not have a passport, you can enter the permit number or file number of the asylum seeker (in the pay stub software, use the "foreign resident" category).
- 3. Income tax:** An employee with a work permit is entitled to 2.25 credit points.
- 4. Medical insurance:** It is obligatory to medically insure the employee. The employer is eligible to deduct from the employee's salary up to one-third of the amount that was paid as long as it does not exceed NIS 110.80. It is recommended to insure the employee with the same company that insured him in the past, in order to preserve the continuity of his rights. It is obligatory for the employer to give the employee a policy card. In cases of bureaucratic difficulties, the insurance company should be instructed to use the permit number or file number of the asylum seeker in order to register him.
- 5. National insurance:** It is obligatory to ensure the asylum seeker with national insurance (insurance for a foreign national). In the absence of a passport, use the permit number or the file number of the asylum seeker. The asylum seeker should be given a copy of the national insurance payment receipt, which he is to use in cases of hospitalization. The employer is entitled to deduct 0.04% of the employee's salary.
- 6. Salary payments:** In the absence of documents, most asylum seekers cannot open bank accounts. As a result, asylum seekers should not be paid with checks limited "To the payee only" (*lamutav bilvad*, in Hebrew), or on which two diagonal lines have been drawn.

- 7. Responsibility of the service provider:** Should the employment have been facilitated by a secondary contractor, the service provider, who is not the direct employer, has the responsibility to ensure that the worker's rights are being met and salary his salary received through supervision, oversight or any other means ensuring rights' preservation.

For additional information on workers' rights:

Ministry of Industry, Trade and Labor: www.moit.gov.il

Kav LaOved: www.kavlaoved.org.il

The non-profit organization Kav LaOved holds office hours for refugees and asylum seekers on Tuesday at 16:00, at:

75 Nahalat Binyamin St., 4th floor, Tel Aviv. Telephone: 03-6883766