



Employment Permits Arrangements

Guide To Work Permits

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an roinn fiontar, trádála agus fostaíochta
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Guide to Work Permits

Introduction

The Employment Permits Acts 2003 and 2006 allow for the issuing of a Work Permit for those occupations with a the salary of €30,000 or more where Green Card Permits are not available and, in very limited circumstances, in the salary range below €30,000.

What is a Work Permit?

A Work Permit is an employment permit issued to the employee, which permits his or her employment in the State by the employer in the occupation specified on the permit. It will be issued for an initial period of two years and can then be renewed for a further three years. After five years, the work permit can be renewed indefinitely.

Who can apply for a Work Permit?

Either the employee or the employer can apply for a Work Permit.

What criteria do I have to fill to be eligible for a Work Permit?

Occupations

There are two categories of application based on salary level.

- (i) Firstly, where the annual salary (excluding bonuses) on offer is €30,000 or more the Work Permit can be considered for occupations other than those which are contrary to the public interest.
- (ii) Secondly, Work Permits will only be considered for a very limited number of occupations below an annual salary of €30,000.

Notwithstanding the above, work permits **will not** be considered for any of the job categories specified on the ineligible list for work permits at Appendix A.

Labour Market Needs Test

A vacancy, in respect of which an application for a work permit is being made, must be advertised with the FÁS/EURES employment network and additionally in local and national newspapers, for three days, to ensure that, in the first instance a national of the EEA or Switzerland, or in the second instance a national of Bulgaria or Romania, cannot be found to fill the vacancy. Evidence that this has been done must be included with the application.

Qualifications

The foreign-national concerned must possess the relevant qualifications, skills or experience that are required for the employment.

What are the processing fees for a Work Permit?

The processing fees for a Work Permit, which must be paid by the applicant, are as follows:

New	-	€500	-	Period up to 6 months
New	-	€1,000	-	Period from 6 months to 2 years
Renewal	-	€1,500	-	Period up to 3 years
Unlimited (after 5 years)	-	No Fee	-	Renewed indefinitely

I am a foreign national who fulfills all of the above criteria, but am already working in the State on foot of an existing work permit. How will I be affected by the new legislation?

You will continue to work under your existing permit. At renewal stage, the new arrangements will apply.

Am I free to move employer?

If this is your first work permit in the State then (apart from in exceptional circumstances) you are normally expected to stay with your initial employer for a period of 12 months, but then you may move employer provided that a new application for a work permit is made for the same employment sector or to another eligible employment sector. A Labour Market Needs test does **not** need to be undertaken.

Can my Spouse and Dependants work?

Yes once they **are legally resident in the State** on the basis of being your Spouse or Dependant they are free to seek employment and to apply for a Spousal/Dependant work permit.

A Work Permit issues to me - what then?

If a Work Permit issues to a foreign national they should, where necessary, obtain an entry visa from their local Irish Embassy/Consulate. Contact details for the Irish Embassies/consulates abroad can be obtained from the Department of Foreign Affairs website at www.dfa.ie .

On arrival in the State the employee should register with the National Garda Registration Office (Immigration Registration Office, Garda National Immigration Bureau, Burgh Quay, Dublin 2, for persons intending to reside in the Dublin area, or the Garda Superintendent's office in the relevant Garda District for persons intending to reside elsewhere in the State) to obtain the appropriate permission to remain in the State as an employee. This must be done in order to have the correct immigration status for permission to remain in the State.

Will employment permits be granted for applications proposing to pay wages below Registered Employment Agreement/Employment Registered Order rates?

No.

Guide for Employers

What can an employer do to ascertain whether an application may be made under this scheme?

To ascertain whether or not an application may be made under this scheme, an employer should satisfy him/herself that the following are all in order:

- Is your company registered and trading in Ireland - Applications will only be accepted from companies or employers that are registered with the Office of the Revenue Commissioners and with the Companies Registration Office and which are currently trading in Ireland.
- Employer/employee relationship – the foreign national concerned must be employed, salaried and paid directly by you. Applications from recruitment agencies, agents, intermediaries or companies who intend to outsource or subcontract the employee to work in another company will not be accepted under this scheme.
- Ratio of EEA/non-EEA nationals – An employment permit cannot issue where a consequence of granting the permit would be that more than 50% of employees in a firm would be non-EEA nationals.
- Occupations – Applications will be considered, where the salary is over €30,000 for all occupations other than those which are contrary to public interest and for a very limited number of occupations for salaries below €30,000. Applications **will not** be considered for the job categories specified in Appendix A.

- Labour market needs test - evidence must be provided that a labour market needs test has been undertaken for the vacancy.
- If you are a foreign national and wish to operate a business in the State, you are required to obtain business permission from Department of Justice, Equality and Law Reform. Copies of documentary evidence clearly demonstrating your status within the State and your entitlement to operate a business must accompany your application.

What can an employer do to ascertain whether or not a proposed employee is eligible under this scheme?

- Does the foreign national concerned possess the relevant qualifications, skills and experience that are required for the employment?
- If the foreign national is resident in the State - have they valid permission to remain in the State granted by the immigration authorities as evidenced by a stamp in their passport?
- If the foreign national is resident in the State and is a visa required national - have they the appropriate visa to enable them to enter full-time employment?.

Application Process for Employers and Employees

New application

An application for a Work Permit can be made by, either, the employer or the employee. The following documentation must be supplied.

- A fully completed new employment permit application form specifying that it is a Work Permit application and including all relevant documentation. The form must be signed by both the employer and the employee.

Note: The passport of the foreign national must be in date and valid for at least 3 months after the proposed expiry date of the Work Permit.

- Documentary evidence that a labour market needs test has been undertaken for the vacancy. This is not required in respect of new applications for foreign nationals who are already the holders of a valid work permit and who wish to change employers.
- Documentary evidence of the employee's certified qualifications.
- The appropriate processing fee paid for by the applicant.
- In the case of medical professionals, a copy of the registration with the appropriate medical body or validation of qualifications from the Department of Health and Children should also be attached (List of registration and validation bodies for medical professionals attached at Appendix B).

Renewal application

An application for a renewal of a Work Permit can be made by either the employer or the employee. The following documentation must be supplied.

- A fully completed renewal employment permit application form specifying that it is a Work Permit application and including all relevant documentation. A labour market needs test is not required for a renewal application. The form must be signed by both the employer and the employee.

Note: The passport of the foreign national must be in date and valid for at least 3 months after the proposed expiry date of the Work Permit.

- A copy of the P60s of the employee concerned, for each year of employment in respect of which a Work Permit has previously been granted and copies of 3 recent payslips dated within the last 3 months.
- The appropriate processing fee paid for by the applicant.

Unlimited application (after 5 years)

An application for an unlimited Work Permit can be made by either the employer or the employee. The following documentation must be supplied.

- A fully completed renewal employment permit application form including all relevant documentation. A labour market needs test is not required for a renewal application. The form must be signed by both the employer and the employee.

Note: The passport of the foreign national must be in date and valid for at least 12 months.

- A copy of the P60s of the employee concerned, for each year of employment in respect of which a Work Permit has previously been granted and copies of three recent payslips dated within the last three months.
- No processing fee required.

Disclaimer

The information contained in this guide does not constitute legal advice and is provided for information purposes only.

Appendix A

Ineligible Job Categories

All Clerical and Administrative Positions
All General Operatives/Labourers
All Operator and Production Staff
In the category 'Sales Staff' All retail sales vacancies, sales representatives, Supervisory/ Specialist Sales
In the category 'Transport Staff': All drivers (excluding HGV)
In the category Childcare Workers: Nursery/ Crèche Workers, Child Minder/ Nanny
In the category 'Hotel Tourism and Catering': All staff except chefs
In the category 'Craft Workers and Apprentice\Trainee Craft Workers': Bookbinder, Bricklayer, Cabinet Maker, Carpenter / Joiner, Carton Maker, Fitter - Construction Plant, Electrician, Instrumentation Craftsperson, Fitter, Tiler - Floor / Wall, Mechanic - Heavy Vehicles, Instrumentation Craftsperson, Metal Fabricator, Mechanic - Motor, Originator, Painter And Decorator, Plumber, Printer, Engineer - Refrigeration, Sheet Metal Worker, Tool Maker, Vehicle Body Repairer, Machinist – Wood, Plasterers and Welders

Appendix B

List of registration bodies for medical professionals

Profession	The designated authority responsible for the validation of qualifications
Medical Practitioner	Medical Council of Ireland
Dentist	The Dental Council
Nurse	An Bord Altranais
Diagnostic or Therapeutic Radiographer	Minister for Health & Children
Dietician	Minister for Health & Children
Occupational Therapist	Minister for Health & Children
Orthoptist	Minister for Health & Children
Medical Physicist	Minister for Health & Children
Psychologist	Minister for Health & Children
Speech and Language Therapist	Minister for Health & Children
Biochemist	Minister for Health & Children
Audiologist	Minister for Health & Children
Social Worker	National Social Work Qualification Board
Medical Scientist	Academy of Medical Laboratory Sciences
Physiotherapist	Irish Society of Chartered Physiotherapists
Pharmacist	Pharmaceutical Society of Ireland
Chiropractor	Chiropractic Association of Ireland
ECG Technician	N/A –employer’s letter will suffice
Neurophysiological Measurement Technician	N/A –employer’s letter will suffice
Cardiac Catheterisation Technician	N/A –employer’s letter will suffice