

Summary: The Department of Enterprise, Trade and Innovation run a number of schemes under which applicants can apply for permission to work in the State. The various categories include green card, work permit and intra-company transfer. Business permission is dealt with by the Department of Justice and Equality. There are clear set criteria for permission to work in the State that must be satisfied as part of the application.

Permission will be granted for a limited period and may be renewed. It is important to note that permission to work does not equate to permission to reside and it is necessary for anyone who has been granted permission to work to attend their local immigration officer to obtain an endorsement for permission to reside, which will be in the form of a Stamp 1.

A number of Employment Permit schemes exist whereby a non-EEA national can apply for permission to work in the State, including Green Cards, Work Permits, Business Permission, Intra-Company Transfers and Business Permission. Please note that Business Permission is dealt with in a separate section below.

All these Employment Permit schemes (with the exception of applications for Business Permission) are operated by the Department of Enterprise, Trade and Innovation:

www.djei.ie/labour/workpermits/guidelines

With all permissions to work, it is important to note that the applicant may be successful in obtaining work permission while outside the State but may still require a visa to enter the State if they are a visa required national.

The eligibility criteria for each of the Employment Permits differ, and we refer you to our detailed notes below.

All processing times for the work permission schemes are available on the DETI website and while they are changeable, applications are generally determined with an approximate two month period. Bulgarian and Romanian nationals are subject to slightly different provisions, also available on the DETI website.

On a practical note, those who are residing in the State with permission to reside on Stamp 2 or a Stamp 3 basis are ineligible to apply for these schemes (with the exception of “timed out” students as detailed above and those on the Third Level Graduate Scheme:

www.deti.ie/labour/workpermits/graduatescheme

Applicants with Stamp 2 or Stamp 3 may leave the State (for example, travel to the UK) and make the application from outside the State.

For all work permission applications, the employer cannot have more than half of his employees as non-EEA nationals.

WORK PERMITS

To qualify for a work permit, the following criteria must be satisfied:

A job offer with an annual salary (excluding bonuses) of €30,000 or more in an occupation that is not excluded by the ineligibility list;

In exceptional cases a job offer below €30,000 will be considered but very specific arguments and supporting evidence would be needed to support the application highlighting for example

specific language requirements, or a skills set very specific to the applicant and the job offered ;

The job must not fall into the ineligibility occupation list which at present includes: clerical and administrative positions, general operatives/labourers, operator and production staff, domestic workers (including carers and childminders), work riders, sales staff, transport staff, childcare workers, hotel tourism and catering staff (except chefs), construction and crafts workers in a range of areas listed in Appendix A of the guidelines;

A Labour Market Means Test must be satisfied which means that the job offer must be advertised with the FAS/EURES employment network for at least 8 weeks and also in local and national newspapers for six days and evidence provided that this was done and no EEA national was available to fill the vacancy;

The applicant must have suitable qualifications and skills for the job offered, which are in turn properly evidenced.

The following documents must be provided in support of the application:

Application form;

Current passport of the employee which must be valid for at least three months after the proposed expiry date of the Work Permit;

Certified copies of the employees qualifications;

Documentary evidence that the labour market means test has been undertaken;

The relevant fee: €500 for six months or less, €1,000 for up to 24 months (note that renewal fees differ slightly, see guidelines).

The employer or employee can make the application for a Work Permit.

A work permit holder can apply to have their spouse and dependents to come and join them and the guidelines set out the relevant requirements for such applications.

It is worth noting that once a Work Permit has been held for five consecutive years, no further work permit is required and an unlimited work permit is issued at renewal stage. This applies even if the employee has been made redundant provided the five year period has been met.

The policy/guidelines for work permit applications are currently available at:
www.deti.ie/publications/labour/2010/guidelines-workpermits-may2010.pdf

INTRA-COMPANY TRANSFER

This Intra- Company Transfer scheme is designed to facilitate the transfer of 'key' or 'crucial' staff from an overseas branch of a multinational company to its Irish branch.

The following criteria must be met:

The employee must be earning a minimum salary of €40,000 and the employee/transferee must have been working for a minimum period of 12 months with the overseas company prior to transfer;

The employee must be 'crucial to the running of the company' and must fall into one of the defined categories including: senior management, key personnel, personnel participating in a training programme;

The host organisation in Ireland must be a bona-fide business that is registered and trading in Ireland and is fully compliant with all filing regulations;

The host organisation must be engaged in substantive business operations in the State and a simple 'representative presence' in Ireland will not be sufficient.

In terms of making the application, the following must be provided:

Completed application form;
Copy of passport of employee;
Two passport photos of the employee;
The relevant fee: €500 for up to six months, €1,000 for any period from six to 24 months, or €1,500 for up to 36 months;
Evidence of the employee's qualifications and skills;
Evidence of the post to be filled and the nature of the work being undertaken; Evidence that the host organisation is trading in Ireland (company registration number, filed accounts etc).
It is worth noting that no Labour Market Means Test applies for applications for intra company transfers.

If successful, permission to work will be initially issued for a maximum period of two years, with the option for renewal for up to five years (note that trainees will only be granted twelve months maximum). There are provisions within the policy for spouses and dependents to join the transferee.

The current policy/guidelines can be found at:
www.deti.ie/publications/labour/2010/guidelines-ict-may2010.pdf

GREEN CARDS

The Green Card Scheme exists to fill high-level strategic skills shortages in the State.

In order to qualify, the applicant must fulfil one of two categories of occupation:

If the salary is €60,000 (excluding bonuses) or more, any occupation can apply other than those which are 'contrary to the public interest';

If the salary range is, €30,000 – €59,999 (excluding bonuses) occupations in a specified list may apply and this includes specialists and technicians in set areas, including for example Information Technology, healthcare (including nurses and doctors), and finance. A detailed list of relevant occupations is included in Appendix A of the guidelines.

The applicant must also be taking up a job offer made in the previous 60 days, which is of at least two years in duration. Green Cards will not be issued where the job offer is for a shorter period than two years. The Green Card will be issued for two years and can be renewed.

In terms of making the application, the following must be provided:

Application form;
Evidence of the applicant's relevant qualifications and skills;
Evidence of the job offer including details of start date, salary, description of employment;
Applicant's passport in date and valid for three months after proposed expiry date of the Green Card;
Relevant fee of €1000.

A few things that are of note when making a Green Card application are:

No Labour Market Test applies;

A work permit holder or anyone with valid permission to reside in the State is permitted to apply for a Green Card provided they satisfy the criteria;

If it is the first employment on a Green Card, the employee is expected to stay with their initial employer for a period of 12 months and then may move employer but will be required to make a new application for permission to work at that stage;

After two years on a Green Card, the employee can apply for a Stamp 4 for two years by presenting at GNIB with a list of documents set out in the policy;

If the holder is made redundant during the period of their Green Card, they will have six

months from the date of the redundancy to seek alternative employment and then they will be required to fulfil the Green Card criteria.

The current policy/guidelines can be found at:

www.deti.ie/publications/labour/2010/Guidelines-GreenCards-Aug2010.pdf