

Information on new Employment Permits (Amendment) Act 2014

On the 1st of October 2014, nine new employment permit schemes came into force. The Employment Permit (Amendment) Act 2014, along with the new supporting regulations, has meant that applications for employment permits submitted to the Employment Permit Sector with old application and renewal forms can no longer be processed.

On employment permit issues, Migrant Rights Centre Ireland:

- Provides information and assistance at the Drop-In Centre, over the phone and via email.
- Provides assistance to migrants wishing to apply for employment permits
- Campaigns for the rights of migrants living in Ireland.

IMPORTANT TIPS:

Either the employee OR the employer can apply for the employment permit.

You can work only for the employer named on the permit.

You have the right to appeal an employment permit refusal.

You cannot work without the appropriate employment permits.

If you have queries, you can contact the Employment Permits Section on 01 4175333 or employmentpermits@djei.ie

The Employment Permits (Amendment) Bill 2014 also addresses deficiencies identified in the Muhammad Younis case by providing some protections to employees who do not hold work permits and by allowing cases to be taken through the civil courts.

Anyone applying for or renewing Green Cards, Work Permits, Intra-Company Transfer Employment Permit and the Spousal or Dependent Employment Permits must now use the nine new categories of employment permit forms as listed below. A brief outline of each new employment permit that is most relevant to migrants in Ireland is outlined below also.

1. Critical Skills Employment Permit (replaces the Green Card)
2. The Dependent/Partner/Spouse Employment Permit (replaces Spousal/Dependent)
3. The Intra-Company Transfer Employment Permit (unchanged)
4. The General Employment Permit (replaces the work permit)
5. The Contract for Services Employment Permit (formerly work permit)
6. The Reactivation Employment Permit (formerly work permit)
7. The Internship Employment Permit (formerly work permit)
8. The Sport and Cultural Employment Permit (formerly work permit)
9. The Exchange Agreement Employment Permit (formerly work permit)

With regard to renewal applications, the type of employment permit listed above corresponds with the renewal form you will have to submit.

This act is also supported by a set of **regulations** that apply:

- Name/fees for each permit
- Eligible/ineligible categories for each type of permit
- Minimum remuneration requirements for each permit
- Supporting documentation requirements
- Labour Market Needs Test

Redundancy

- Notification must be given within 28 days of redundancy
- Prescribed form
- 6-month grace period will be given from redundancy date to seek alternative employment
- Can apply for new Critical Skills or General Employment Permit for the same employment even though that employment may be within the ineligible category
- Labour Market Needs Test waived for the General Employment Permit

Labour Market Needs Test (applies to all new applicants)

Certain grounds waived:

- Where employment is listed as one of the specialised shortage occupations
- Where annual salary is €60k plus
- In cases of former work permit holders made redundant
- Where the General Employment Permit application is within the job category of a Carer, with a history of caring for that sick person

50:50 Rule (applies to both new and renewal applicants)

Certain exceptions made:

- For start-ups with enterprise agency support for a 2-year period
- Employer with sole employee (carer in private home)
- Renewals of permits issued before this Act

Refunds/Payment

- Payments will be requested upon the application being correctly completed
- 90% of fees refunded in cases of refused/withdrawn applications

Critical Skills Employment Permit

- Replaces the Green Card and targeted at people within the highly skilled occupation list
- Job offer can be for 2 years' duration
- Annual remuneration of €30k+ on the basis of a 39 hour week, anything less than €30k will not be considered
- ALL jobs with an annual remuneration of €60k and over will be considered
- Applicants must hold a degree qualification required for a salary between €30k-€59.999k, a third level qualification or relevant experience that will allow them to earn up €60k
- No Labour Market Needs Test
- 50:50 Rule still applies, but waived for start ups
- Dependents, spouses and partners of critical skills employment permit holders are eligible to apply for the Dependant/Partner/Spouse Employment Permit
- Once the duration of the permit is up the permit holder can then apply to Irish Naturalisation and Immigration for permission to reside and work in Ireland without the need for an Employment Permit
- Can apply for family reunification on this permit

General Employment Permit

- €30k annual salary applies but consideration for €27k will be made in exceptional cases for:
 1. A non-EEA student who has graduated from Irish third level institution/overseas third level institution, and has been offered a graduate position from the Highly Skilled Occupation List (renewal €30k applies).
 2. Special roles in Specialist, Technical or Sales Supports
- 50:50 Rule applies
- Labour Market Needs Test required (waivered can be applied for redundancy and carers in the private home)
- General Employment Permits granted for 2 year period and can be renewed for a further 3 years

Dependant/ Partner/Spouse Employment Permit

- This permit allows dependants, recognised partners, civil partners and spouses of the Critical Skills Employment Permit holders and Researchers to apply.
- No Labour Market Needs Test required
- Salary can be less than €30k, but must be receiving the National Minimum Wage of €8.65 per hour
- Duration of the permit corresponds with the duration of the primary permit holder (Critical Skills Employment Permit)
- If granted this type of permit they must remain in that employment for 1 year and exceptions only made in certain circumstances.
- After 1 year the permit holder may change employer but they must submit a new Employment Permit application

Reactivation Employment Permit

- This permit allows anyone that previously held valid work permit in the state and through no fault of their own fell out of the work permit system (as result of exploitation), to work again.
- The applicant must hold a temporary stamp 1 and must have a letter issued by the Department stating 'Reactivation Employment Permit'.
- This permit applies to all occupations except in the domestic setting
- The applicant must be receiving the National Minimum Wage rate€ 8.65 per hour
- 50:50 Rule still applies at the initial application and renewal stage
- Labour Market Needs Test is not required
- This type of permit can be initially be applied for 2 year period and then renewed for a further 3 years

For more information and the relevant forms please visit

<http://www.djei.ie/labour/workpermits/>

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