



EMPLOYMENT RIGHTS EXPLAINED

Factsheet 6: Employment permits

IN THIS SERIES

Terms and conditions of employment • Pay and wages • Holidays and leave from work • Leave for parents • Part-time workers • **Employment permits** • Leaving or losing your job • Redundancy

This factsheet outlines the rules governing employment permits in Ireland. Foreign nationals who are legally employed in Ireland have exactly the same rights under employment legislation as Irish workers and can enforce these rights in the same way. You can find more information about your employment rights in the booklet *Employment rights explained* (available from your local Citizens Information Centre), from the National Employment Rights Authority (NERA) at www.employmentrights.ie or from the Citizens Information website at www.citizensinformation.ie

Who needs permission to work in Ireland?

Nationals from the European Economic Area (EEA) and Switzerland do not need permission to work in Ireland. The EEA consists of the European Union (EU) states plus Iceland, Liechtenstein and Norway. Nationals of Bulgaria and Romania may need permits to work in Ireland.

Nationals from countries other than EEA countries and Switzerland generally require permission to work in Ireland. There are some exceptions to the general need for non-EEA nationals to obtain permission to work. Examples of people who do not need this permission are people granted refugee status or leave to remain in Ireland.

What kinds of employment permits are there?

The type of permission required varies according to the type of work involved. These permissions are collectively called employment permits. There are two main types of permit – Green Card permits and work permits. There are also special arrangements for the spouses and dependants of employment permit holders and for the intra-company transfer of staff.

GREEN CARD PERMITS

Green Card permits are granted to people whose skills are highly in demand in Ireland.

The main features of the Green Card permit scheme are:

- It is available for occupations with annual salaries of €60,000 or more
- Holders of a Green Card permit can have their spouses and families join them immediately
- It is also available for occupations with annual salaries of €30,000 to €59,999 in certain employment sectors – currently, information and communications technology, healthcare, industry, financial services and research. (This list of occupations is liable to change)
- There is no requirement for a labour market needs test (see below)

Green Card permits are issued to the employee and are issued for two years. After the two years, they are generally renewed indefinitely.

WORK PERMITS

Work permits are issued for occupations with an annual salary of €30,000 or more that are not eligible for Green Card permits. Work permits are considered for a very limited number of occupations with salaries below €30,000. The Department of Enterprise, Trade and Employment reviews the list of occupational sectors that are not eligible for work permits on a regular basis. You should check the list on the Department's website as the sectors are liable to change.

A labour market needs test (see below) is required for all work permit applications. Although the permit is issued to the employee, either the employer or the employee can apply for the work permit.

SPOUSAL/DEPENDANT PERMITS

A spousal/dependant work permit is a work permit specifically for spouses or dependants of employment permit holders. The spouse or dependant must be legally resident in the State on the basis of being a dependant of the primary employment permit holder. The employment permit holder must hold a valid employment permit and be working within the terms of their employment permit.

Spousal/dependant work permits differ from other work permits in that all occupations are eligible, no labour market test is required and there is no fee. However, a spousal permit expires on the same date as the primary employment permit held by the spouse. Spousal/dependant permits can be renewed provided the original employment permit holder retains their permission to work in the State.

The scheme applies to dependants who have reached the age of 18 and who arrived in the State while still minors. These applications are dealt with on a case-by-case basis. The scheme does not apply to dependants over 18 who come to Ireland to join family members who hold employment permits.

INTRA-COMPANY TRANSFER PERMITS

The intra-company transfer permit scheme is designed to allow the transfer of senior management, key personnel or trainees who are foreign nationals from an overseas branch of a multinational corporation to its Irish branch. The employees must have a minimum annual salary of €40,000 and must have been working for at least 12 months with the overseas company. Holders of intra-company transfer permits cannot work for other employers.

Permits are granted for up to 24 months and can be renewed for a further three years up to a maximum stay of five years in total.

What is a labour market needs test?

New applications for a work permit must be accompanied by documentary evidence that a labour market needs test has been carried out. The test requires that the vacancy has been advertised with the FÁS/EURES employment network and in local and national newspapers for three days. This is to ensure that an EEA or Swiss national, in the first instance, or a Bulgarian or Romanian national, in the second instance, cannot be found to fill the vacancy. Applicants for spousal/dependant work permits are exempt from the labour market needs test. The Green Card permit does not require a labour market needs test.

How much do employment permits cost?

The fee for a Green Card permit is €1,000 and the fee for indefinite renewal after two years is €1,500.

The fee for new applications and renewals of work permits is €500 for a permit for up to six months, €1,000 for a permit of between six months and two years and €1,500 for a permit of between two and three years. After five years, there is no fee for an indefinite work permit. There is no fee for a spousal/dependant permit.

Where do I apply for an employment permit?

Applications for employment permits must be made to the Employment Permits section of the Department of Enterprise, Trade and Employment.

All holders of employment permits must have the correct immigration status. For example, you must hold a visa if it is required.

You must also be registered with the local immigration registration office:

- In Dublin, this is the Garda National Immigration Bureau, 13/14 Burgh Quay, Dublin 2
- Outside Dublin, this is the Garda Superintendent's office in the local Garda District headquarters (addresses are available on www.citizensinformation.ie)

After two years on a Green Card permit, you can apply for long-term residence. Irish Naturalisation and Immigration Service (INIS) deals with applications for residence.

Does Irish employment law apply to migrant workers?

Yes. Irish employment law, including the national minimum wage provisions, applies equally to all employees including migrant workers. All employees must meet any particular conditions attaching to the legislation, such as length of service. So, the rights described in these factsheets apply to migrant workers legally employed in Ireland in the same way as they apply to non-migrant workers.

Migrant workers cannot be denied rights in relation to such matters as holidays, maternity leave or employment due to the fact that they have come from outside the country to work or are working under an employment permit.

All employment permits contain a statement of your rights and entitlements. This statement includes information about when and how you can change job. It also includes details about your pay, your rights to the national minimum wage and any deductions from your pay (for accommodation, for example).

Do migrant workers pay tax and PRSI?

Yes, migrant workers generally pay PAYE and PRSI in the same way as other employees in Ireland.

Can I change jobs when working on an employment permit?

If you are working on your first employment permit in Ireland, you are expected to stay with your new employer for 12 months (unless there are exceptional circumstances). After that, you may move to a new employer provided that a new application for an employment permit has been made and a labour market needs test has been carried out (in the case of a work permit).

The Green Card permit is issued for two years and normally it will then be renewed indefinitely. A work permit is issued for two years and can then be renewed for three years. After five years you can make an application for an indefinite work permit.

What rights does a migrant worker have if made redundant?

Entitlements under the redundancy legislation apply (see **Factsheet 8: Redundancy**). In addition, a migrant worker with a work permit has the right to remain and seek new employment as long as the original permit remains valid. In such a redundancy situation, there are few restrictions on the type of employment the migrant worker may seek. The new employer is not required carry out a labour market needs test and the application will be fast tracked.

Where a Green Card permit is involved, the migrant worker may seek new employment within the sector for which the permit was granted.

What rights do posted workers have?

A posted worker is an employee who, for a limited period, is working in an EU member state other than the state in which the employee normally works. A worker posted to Ireland from another EU member state has the protection of all Irish employment legislation in the same way as other employees in Ireland.

Are people coming to Ireland to study allowed to work?

Students from within the EEA may take up employment on the same basis as Irish students.

Students from outside the EEA may not take up employment unless they are attending a full-time course of at least one year's duration for a qualification recognised by the Department of Education and Science. A register of such courses is available on the Department's website at www.education.ie

If permitted to take up employment, it must be casual employment for up to 20 hours a week (full-time during normal vacation periods). The Department of Enterprise, Trade and Employment has proposed a scheme where students from outside the EEA will require a work permit to take up employment but it is not yet in operation.

Third-level students from outside the EEA may apply to remain in Ireland for six months after they have received their examination results. This gives them time to look for employment and, if they are successful, to apply for the appropriate employment permit. During the six-month period, they may work for up to 40 hours a week. The six-month period starts from the date on which the student receives their exam results. This scheme is called the Third Level Graduate Scheme. Application for permission to remain under the Third Level Graduate Scheme must be made at the applicant's local immigration registration office.

ENFORCING YOUR RIGHTS

The National Employment Rights Authority was set up to ensure better compliance with employment rights and better enforcement of rights for all workers including migrant workers. Labour inspectors investigate complaints from workers about breaches of employment legislation. You can contact the Authority to request an inspection of your workplace.

People newly arrived in Ireland may not always be aware of their rights. The Immigrant Council and the Migrant Rights Centre both offer information and support services.

Immigrant Council of Ireland

2 St Andrew Street, Dublin 2, Ireland

Information service: (01) 674 0200

Administration: (01) 674 0202

Email: info@immigrantcouncil.ie

Website: www.immigrantcouncil.ie

Migrant Rights Centre

55 Parnell Square West, Dublin 1

Tel: (01) 889 7570

Fax: (01) 889 7579

Email: info@mrci.ie

Website: www.mrci.ie

The Citizens Information Board is the statutory body which supports the provision of information, advice and advocacy on the broad range of social and civil services to the public. It provides the Citizens Information website and supports the voluntary network of Citizens Information Services and the Citizens Information Phone Service.

USEFUL ADDRESSES

Citizens Information Board Head Office

George's Quay House
43 Townsend Street, Dublin 2

Tel: (01) 605 9012

Website:

www.citizensinformationboard.ie

Email: info@ciboard.ie

National Employment Rights Authority

O'Brien Road, Carlow

Tel: (059) 917 8800

Lo-call: 1890 220 100

Email: info@employmentrights.ie

Website: www.employmentrights.ie

Garda National Immigration Bureau

13/14 Burgh Quay, Dublin 2

Email: gnib@iol.ie

Website: www.garda.ie/gnib.html

Department of Enterprise, Trade and Employment

Davitt House,
65a Adelaide Road, Dublin 2

Lo-call: 1890 201 616

Tel: (01) 417 5333

Email: employmentpermits@entemp.ie

Website: www.entemp.ie

Citizens **Information** 

LOG ON

www.citizensinformation.ie

LO-CALL

1890 777 121 Open Mon to Fri, 9am to 9pm

DROP IN

For your local centre see Golden Pages listing