



Ireland – Immigration Update*

New Regime for Employment Permits

24th January 2007

Summary of new employment permits guidelines effective for 2007

Guidelines were published today in advance of the launch of the new employment permits regime which will come into operation on 1 February 2007. The new arrangements indicate a shift away from traditional work permits in favour of more targeted schemes which focus on high value jobs and skills shortages.

Introduction

The new schemes announced today include “green cards” for highly skilled workers and an intra-company transfer (ICT) option for secondees from connected companies. The traditional work permit will remain, but with a more limited application than before.

Green Card Scheme

A “green card” has been introduced to replace the more limited Working Visa/Work Authorisation Scheme which ended on 31 December 2006. “Green cards” apply to high earning individuals (base salary in excess of €60,000) and to a range of occupations where the base salary is between €30,000 and €60,000.

For the purposes of these limits, base salary excludes bonuses.

In the salary range €30,000 to €60,000, occupations will be limited to specific sectors including:

- Information Technology;
- Healthcare;
- Financial (Business and Financial Professionals and Associate Professionals);
- Industry (Professional Engineers and Technologists, Construction Professionals).

Key features and qualifying conditions for “green cards” include:

- the “green card” is specific to both the job and the employer;
- evidence must be provided of a recent job offer of at least 2 years’ duration from an Irish employer;
- the employer is required to be registered with the relevant authorities, including the Revenue Commissioners;
- the ratio of EEA nationals employed must remain at a minimum of 50% of the total employee population at all times;
- a waiver of the usual advertising requirement.

Intra-Company Transfer (ICT) Scheme

The original ICT scheme, which enabled multi-national companies to assign employees to Ireland temporarily, was suspended in 2002. It continued to operate on a limited basis under the Pre-Clearance Approval scheme.

The new ICT scheme, effective from 1 February 2007, is restricted to senior management, key personnel or those undergoing a training programme. The main features and conditions of the scheme are as follows:

- there must be a direct link between the Irish company and the overseas company;
- a minimum salary level of €40,000;
- the employee must have worked in the overseas company for a minimum period of 12 months prior to the transfer;
- when the ICT expires the employee must return to the overseas company;
- the number of ICT employees should not exceed 5% of the total Irish workforce (although exceptions will apply for start ups).

Work Permits

Employers seeking work permits for non-EEA nationals will have to:

- meet additional advertising requirements in relation to the job vacancy to show attempts to recruit EEA nationals;
- ensure that the composition of the workforce includes a minimum of 50% EEA nationals;
- obtain an Irish tax registration number (ERN) and, where relevant, an Irish company registration number (CRO);
- ensure the annual base salary (excluding bonuses) on offer is at least €30,000.

Spousal and Dependants Scheme

The spousal scheme, which was previously limited in application, has now been extended to spouses and dependants of all employment permit holders where the permit is valid for a minimum period of 12 months.

The scheme provides for a relaxation to the employment permit rules in the case of eligible spouses/dependants, so that:

- the spouse/dependant can apply for any job, including those normally considered ineligible;
- the employer is not required to advertise the position;
- the Government processing fee is waived.

Graduate Scheme

Third level graduates of Irish educational institutions may now apply to the Irish Naturalisation and Immigration Services (INIS) to remain in Ireland for six months following receipt of their examination

results. This is to allow them time to seek employment and, if successful, to apply for a “green card” or work permit, as appropriate.

Duration

All categories of employment permits may be granted initially for a period of up to 2 years but the rules on extensions vary as follows:

- after 2 years, a “green card” may be renewed indefinitely;
- intra-company transfers and work permits may both be extended for a further 3 years.

Administration

All applications must be made to the Department of Enterprise, Trade and Employment.

While in general, employers will continue to manage the processing of employment permits in order to meet their recruitment needs, there is an option for the employee to apply for certain categories of employment permit.

All employment permits will now be issued directly to the employee with a copy issued to the employer.

Government Processing Fees

Category	Up to 6 months	Up to 24 months	Renewals
Work Permit and ICT	€500	€1,000	€1,500
Green Cards	n/a	€1,000	€1,500

Compliance

Companies are legally required to ensure that non-EEA workers providing services on their premises, whether directly or indirectly, are in possession of a valid employment permit.

Failure to comply with the new guidelines could result in fines of up to €50,000 or a potential prison term of up to 5 years.

Residence Permits

Residence permits will be issued in accordance with the duration of the employment permit granted.

As before, spouses and dependants of permit holders are required to obtain a residence permit.

Family Reunification (Visa Required Nationals)

Visa required family members of employment permit holders may experience delays in obtaining permission to come to Ireland.

The "green card" scheme, however, allows the employee to apply for immediate family reunification.

Citizens from Bulgaria and Romania

Since 1 January 2007, Romanian and Bulgarian nationals no longer require entry visas to travel to Ireland.

Contrary to the arrangements for the 10 member states that joined the EU in 2004, transitional rules are currently in place for Romanian and Bulgarian nationals, who will continue to require employment permits. However, following an uninterrupted period of 12 months

residence in the State on a valid employment permit this requirement will cease to apply.

Spouses or dependants of Bulgarian or Romanian nationals will continue to require a work permit under the transitional arrangements, except where certain conditions are met.

Finally, in certain circumstances, the requirement to obtain a residence permit is relaxed in the case of Romanian and Bulgarian nationals.

Summary

The changes announced today reflect a further shift towards attracting highly skilled workers to Ireland in order to meet resource shortages. These changes will be welcomed by Irish employers struggling to source key talent in a tight labour market. However, the new regime places an increased onus on employers to ensure compliance with immigration legislation.

In addition, the changes highlight the importance for employers to ensure that other factors such as employment tax, social security, pensions and labour law are not compromised when deciding the appropriate employment permit route.

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