



Irish Employment Law
General Employment Permits



Introduction

The Irish Government's policy on the employment of employees from outside of the European Economic Area (EEA) is that employment opportunities which arise in Ireland should, in the first instance, be offered to suitably skilled Irish and other EEA employees, and should only be offered to non-EEA employees, where no suitable candidate emerges from within the EEA to fill the vacancy.

A special category of employment permit, known as a 'General Employment Permit', is available to attract certain non-EEA employees to Ireland, for highly skilled occupations or professions that are experiencing a labour or skills shortage.

All occupations are eligible for a General Employment Permit, unless specifically excluded under the list of Ineligible Categories of Employment for Employment Permits, which typically applies to lower skilled employees.

General Employment Permits are issued by the Department of Jobs, Enterprise and Innovation. Either the employer or the employee can apply for a permit which must be based on an offer of employment. Permits are issued to the employee and include a statement of the employee's rights and entitlements. An employee with an employment permit has all the employment rights of Irish or EEA employees for the duration of the employment permit.

Employer Criteria

The Department of Jobs, Enterprise and Innovation examines several criteria when assessing employers, to ensure that the employer is a genuine and legal employer, including:

- at the time of application, at least 50% of the employees in a firm are EEA nationals (can be waived in certain circumstances);
- that a direct employer – employee relationship will be established; and
- that the employer is registered with the Revenue Commissioners and with the Companies Registration Office or Registry of Friendly Societies, as applicable.

To ensure that job opportunities are made available to Irish and EEA nationals, employers must satisfy a Labour Market Needs Test before a General Employment Permit can be issued to a non-EEA national. In general, all applications for General Employment Permits require a Labour Market Needs Test to be conducted in advance of an application, unless: the role is an occupation included on the Highly Skilled Eligible Occupations List; where the job offer is in respect of an eligible employment with a minimum annual remuneration of €60,000; or where a recommendation from Enterprise Ireland or the IDA has been made in relation to the job offer.



The employer must advertise the vacancy:

- in a national newspaper for at least three days;
- with the Department of Social Protection Employment Services for at least two weeks; and
- in either a local newspaper or jobs website (separate to Department of Social Protection/EURES websites) for three days.

The vacancy must include the following information:

- description of the employment;
- hours of work;
- location/s of employment;
- minimum annual remuneration; and
- name of the employer.

Employee Criteria

A General Employment Permit will not be necessary in the following circumstances:

- an employee has permission to remain as the spouse, civil partner or dependant of an Irish or EEA national;
- an employee is a Swiss national;
- an employee has been granted permission to remain as the parent of an Irish citizen;
- an individual is a registered student;
- an individual has permission to establish a business in Ireland; or
- an individual has been granted refugee status - whether through the normal process or as a programme refugee or been granted temporary permission to remain on humanitarian grounds.

The main criteria applicable to an employer, for a General Employment Permit, includes:

- that the employee will be paid a minimum annual remuneration of above €30,000 (can be waived in certain circumstances);
- that the employment named is not in an excluded job category under the Ineligible Categories of Employment for Employment Permits; and
- that the prospective employee must possess the relevant qualifications, skills or experience that are required for the employment.



Spouses, dependants or partners of General Employment Permit holders are not eligible for a Dependant/Partner/Spouse Employment Permit and must apply for a separate employment permit in their own right. However, an employee may be able to bring his/her family to live in Ireland after they have been legally working under a General Employment Permit for one year.

Duration and Renewal

A General Employment Permit is issued for two years in the first instance, and then may be renewed for a further three years. If an employee has worked for five consecutive years on a work permit in Ireland, he/she may no longer need a permit to work in Ireland, and an employee may make an application for long-term residence to the Irish Naturalisation and Immigration Service (**INIS**).

Application Process

New applications for General Employment Permits can be made by the prospective employer or employee to the Employment Permits Section of the Department of Jobs, Enterprise and Innovation. Please contact Aperture Partners for further information.

This document is for general guidance only and should not be regarded as a substitute for professional advice.



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Aperture Partners is an international provider of search and advisory services to a diverse client base.

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About the Author



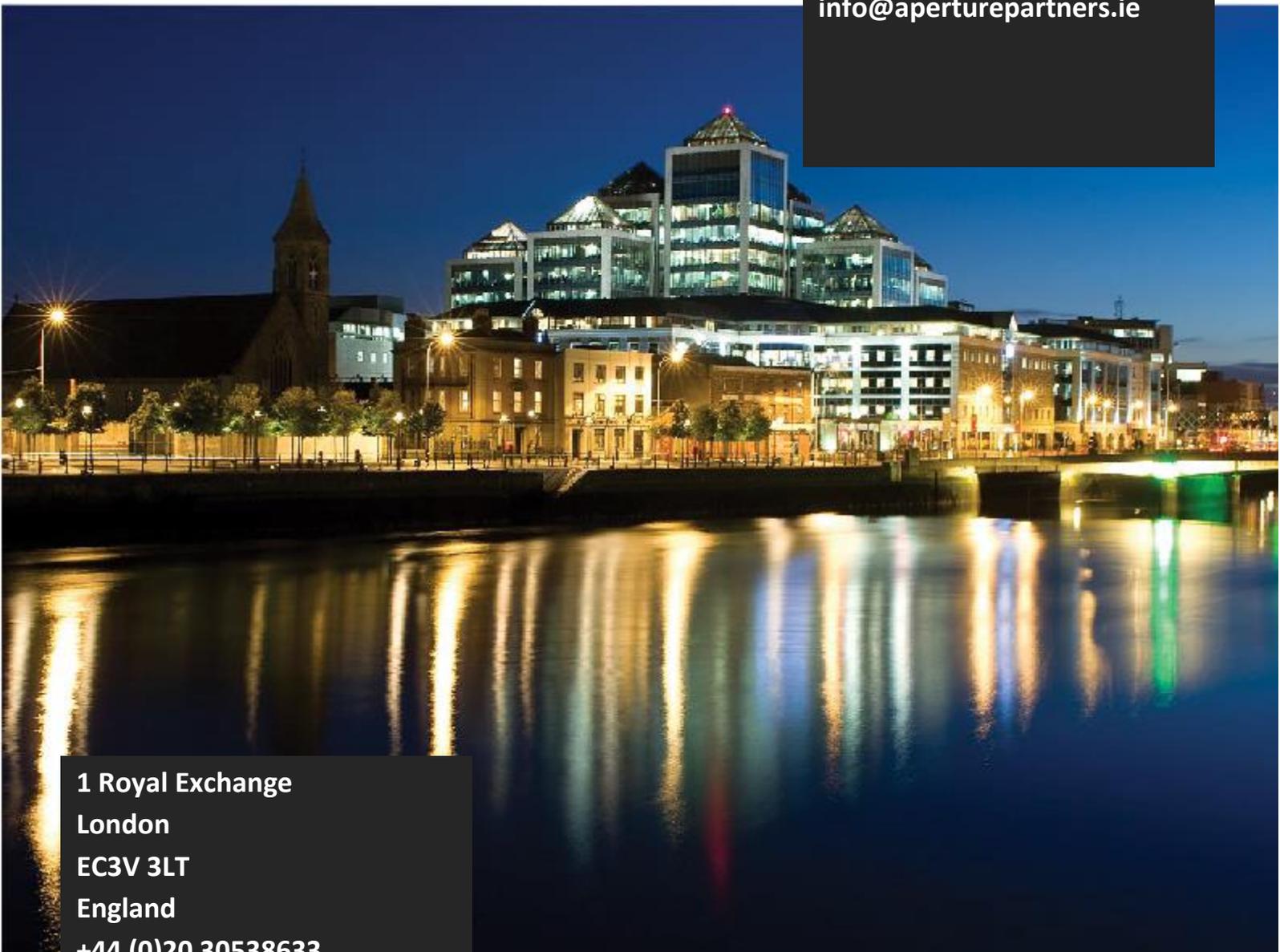
Barry leads the legal and regulatory practice of Aperture Partners. He is a solicitor member of the Law Society of Ireland, the Dublin Solicitors Bar Association and the Employment Law Association of Ireland.

A highly networked lawyer, with deep sectoral knowledge, Barry primarily focuses his search function on the domestic and international placement of Irish qualified candidates. Barry continues to maintain his legal practice, advising on a wide range of commercial, employment, recruitment and industrial relations issues. Barry advises on best practice procedures concerning the engagement, employment, organisation and management of employees.

Barry was educated at the National University of Ireland, Galway, the University of London, Trinity College Dublin, the Law Society of Ireland, the Honorable Society of Kings Inns and University College Dublin.



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