

LEMAN SOLICITORS WORK PERMITS CHECKLIST - IMMIGRATION



Person	Permit required	Comments / Rules
EEA Nationals/Swiss Nationals	No permit required	
UK National	No permit required	<ul style="list-style-type: none"> Under the Common Travel Arrangement (CTA) and the recent Memorandum of Understanding (MOU) entered into between the Irish and British Government on 8 May 2019, it is confirmed that even in the event of a no deal Brexit any person holding a British passport will continue to be able to travel and work in Ireland.
Non-EEA Nationals under Van Der Elst Exemption	No permit required	<ul style="list-style-type: none"> The Van Der Elst exemption applies to non-EEA national who are legally employed in an EU Member State and who are temporarily sent to another Member State in order to perform services under a contract. In such instance an employment permit is not required. Must still register with immigration authorities and provide evidence of the contract under which the services are being performed Maximum stay in Ireland is 1 year Must be on the payroll of the employer in the sending EU Member State Family members may not accompany or join the employee (unless as visitors or having applied for and have been granted immigration permission).
When an Employment Permit / Visa / Permission is required		
Non-EEA Nationals who are transferring within the group company to Ireland	Intra Company Transfer Permit (ICT)	<ul style="list-style-type: none"> This is a temporary transfer / secondment arrangement The employee must have at least 6 months service with the foreign employer Remuneration must be above €40,000 (€30,000 for trainees) Must be a legal relationship between the 2 companies Can be granted between 6 months to 2 years and can be extended up to 5 years in total. Applies to senior management, key personnel and those undertaking training Employee must remain on the payroll of the foreign employer At least 50% of the workforce in either the host or foreign employer must be EEA nationals (unless an exemption applies).
Non-EEA Nationals who are highly skilled where there is a labour shortage in ROI	Critical Skills Employment Permit (CSEP)	<ul style="list-style-type: none"> Applies to salaries over €60,000 (will be increased to €64,000 from January 2020) for all occupations other than those that are listed on the Ineligible List of Occupations (ILO) provided by the DBE1 or between €30,000 (to be increased to €32,000 from January 2020) and €59,999 where the occupation is on the Highly Skilled Occupations List (HSOL) published by the DBE1. Relevant degree and experience necessary if person is being paid below €60,000/€64,000 The job offer must be for a last 2 years' duration At least 50% of the workforce must be EEA nationals (unless an exemption applies). Can apply for stamp 4 status after 2 years, rather than apply for a new employment permit

Non EEA Nationals	General Employment Permit	<ul style="list-style-type: none"> • Remuneration must be above €30,000 (limited exceptions) • Job cannot be on the ILO <p>Labour market test must be carried out (limited exceptions to this):</p> <ul style="list-style-type: none"> - advertise with Social Protection Employment Services/EURES Network for at least 2 weeks; and - advertise in local/national newspaper for 3 days <ul style="list-style-type: none"> • Granted between 6 months to 2 years initially, and thereafter any renewals will be capped at a cumulative 5 years.
Non-EEA National Dependent, Spouse or De Facto Partner of holders of Critical Skills Employment Permits or specific researcher permits issued	No permit required	<ul style="list-style-type: none"> • Any dependent, spouse or de facto partner of a person holding a CSEP or specific researcher permit no longer needs to apply for an employment permit to work. • INIS will grant a stamp 1G / 1 upon proof of their relationship allowing him/her to work immediately in Ireland. • De facto partners must apply under a pre-clearance procedure before entering the State.
Non EEA national working in Ireland between 14 – 90 days	A typical working visa	<ul style="list-style-type: none"> • Must be coming to work in Ireland for between 14 – 90 days. • At least 50% of the workforce must be EEA nationals • Job must not be on the ILO • Person must not hold an employment permit.

If you need advice in line with this checklist please contact Bláthnaid Evans, Head of Employment at Lemman Solicitors (bevans@leman.ie).

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Leman Solicitors

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