

FRAGOMEN



IRISH IMMIGRATION OVERVIEW

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WITH YOU TODAY



Deirdre Murray

Director
Fragomen Ireland
dmurray@fragomen.com



Samantha Arnold

Senior Manager
Fragomen Ireland
sarnold@fragomen.com

- **RIGHT TO WORK BY NATIONALITY**

- ▶ **Irish, UK, EEA* and Swiss citizens:** full right to enter, reside and work

- ▶ **Any other nationalities:**

 - Will require and immigration permission to:

 - Enter
 - Reside
 - Work

 - From this group, there are:

 - Visa required nationals (e.g. India, China)
 - Non visa required nationals** (e.g. US, Japan, Brazil)



RIGHT TO WORK NON EEA/UK/SWISS NATIONALS: WHAT IS NEEDED?



- ▶ **An employment Permit sponsored by Employer**
 - “Sponsored employees”

OR



- ▶ **An immigration permission (typically evidenced by an IRP card) that allows the holder to work without an Employment Permit**
 - “Non-sponsored employees”
 - Example: IRP card Stamp 4



Common 'Existing' Immigration Permissions

Where someone may not need sponsorship to work

- **Stamp 2 Permission –**

 - Student- can work 20 hours a week in term time, 40 hours in holidays

- **Stamp 1G Permission- Spouse of Permit Holder**

 - Can work without sponsorship so long as their spouse holds a permit / Stamp 4

- **Stamp 1G Permission- Recent University Graduate**

 - Can work full time for 1 year (sometimes 2) without sponsorship – will need sponsorship by expiry of this permission

- **Stamp 4 Permission**

 - Generally can work without sponsorship, or be self-employed*

Where someone will likely need sponsorship to work

- **Stamp 1 Permission-**

 - Most likely tied to another employer and will need to be sponsored by you

- **Stamp 3 Permission**

 - No right to work – just a right to reside

- **Stamp 0 Perm**

 - No right to work – just a right to reside

WHO DOES WHAT?

A LOOK AT GOVERNMENT BODIES



Department of Enterprise, Trade and Employment –

Issues the Employment Permit
Application made and filed via online portal
Processing time: 2-4 weeks from filing



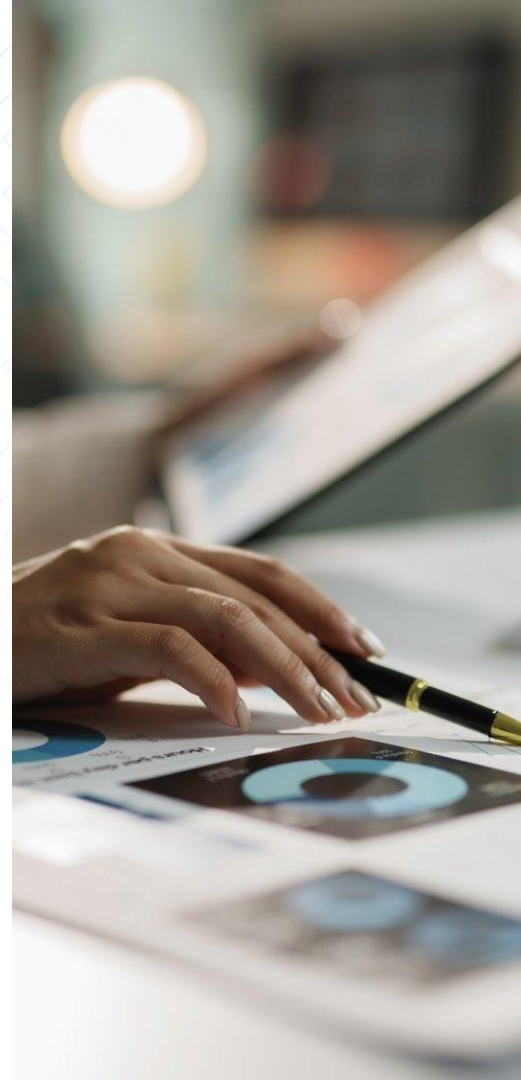
Irish Embassy or Consulate

Processes the entry visa application for visa required nationals
Processing time: 2-10 weeks depending on country



Burgh Quay Immigration Office – Immigration Service Delivery, Department of Justice

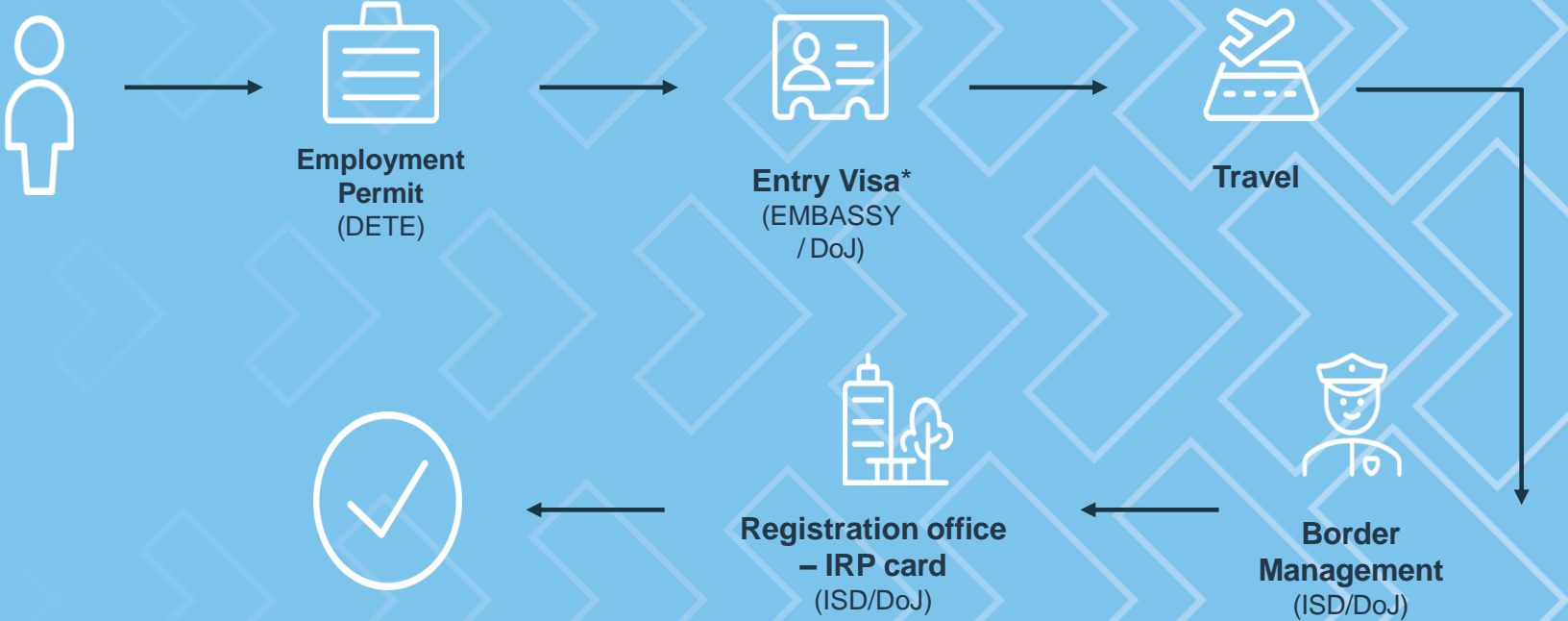
Issues residence permits (IRP Cards) to non-EEA nationals
*Processing time: Card issued about 2 weeks after
appointment*



I want to sponsor someone in Ireland: Initial Considerations

- ▶ Role can't be on the ineligible occupations list for permit
- ▶ Must meet the minimum salary thresholds for sponsorship (starting at €34,000 per annum**)
- ▶ 50:50 Rule: At least 50% of workforce must be EEA nationals
- ▶ Recent redundancies will be reviewed
- ▶ Community Preference: Occupations Lists
 - ▶ - Ineligible list (not applicable to ICT Permits)
 - ▶ - Highly skilled/critical skills list

THE RELOCATION PROCESS



'Local Hire' Permit Types

	General EP	Critical Skills EP (min <u>2 year</u> contract) €38,000 – €63,999	Critical Skills EP (min <u>2 year</u> contract) €64,000+
Education	Not required (unless client has its own requirement)	Relevant third-level degree required	Not required (unless client has its own requirement)
Minimum Pay (based on 39-hour week)	€34,000 (exceptions for meat and healthcare industries)	€38,000	€64,000
Occupation in Critical Skills List?	Not required	Required	Not required
<u>Labour Market Needs Test</u>	Required – but exceptions tend to apply to corporate employers	Not required	Not required
Dependent Family (spouse and children)	Must wait 12 months to come to Ireland. Right to work	Immediate reunification, and right to work	Immediate reunification, and right to work
Duration	Up to 5 years, then residency or citizenship	2 years, then Stamp 4, then long term residency or citizenship	2 years, then Stamp 4, then long term residency or citizenship

PR Roles and Employment Permit Applications

Are roles in this sector eligible for permits?

- **Consideration 1:** If salary over €64,000 and the contract is 2 years or more, generally will qualify for a Critical Skills Employment Permit, so long as role not ineligible.
- **Consideration 2:** If it is a fixed term contract of less than 2 years, only option will be a General Employment Permit
- **Consideration 3:** If the salary is less than €64,000, contract less than 2 years and the role is not on the Critical Occupations List, you will likely need a Labour Market Needs Test

Example of Roles on Critical Occupations List:

- Sales Executives with non-EEA Language Skills
- International Marketing Experts with SaaS/ ITB2B technical product knowledge

Roles not on Critical Occupations Lists:

- Communications and Media Officers
- Senior Press Officer
- Communication Campaigns and Projects Manager

Immigration Compliance

Why is compliance important?



Fines (up to EUR 250,000)



Imprisonment up to 10 years



Negative publicity / reputational damage



Increased audits / scrutiny



Loss of Trusted Partner Status



Denial of future permits



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Q&A



THANK YOU

