

Immigration Group

# Employment Permits (Amendment) Act 2014

## Employment Permits (Amendment) Act 2014

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Recent legislation now provides a robust Employment Permits regime which gives greater clarity and certainty to potential investors and employers. As of 1 October 2014, both indigenous and multi-national employers can better enable their business planning and HR decision making.

The Employment Permits (Amendment) Act 2014 introduces nine 'new' categories of Employment Permits, five of which are previously established schemes but with new names. For example, the previous Green Card Permit scheme will now be known as the *Critical Skills Employment Permit Scheme* and the previous Work Permit scheme will now be known as the *General Employment Permit Scheme*.

The remaining four categories are genuinely new and innovative schemes:

- The *Reactivation Employment Permit Scheme* is designed to enable a foreign national who entered the State on a valid employment permit but who fell out of the system, through no fault of their own or who has been badly treated or exploited in the workplace, to work again.
- The *Internship Employment Permit Scheme* is designed to facilitate the employment in the State of foreign nationals who are full time students (including post graduate students) enrolled in a third level institution outside the State and pursuing a degree course or higher.
- The *Sporting Cultural Employment Permit Scheme* is designed to facilitate the employment in the State of foreign nationals for the development, operation and capacity of sporting and cultural activities.
- The *Exchange Agreement Employment Permit Scheme* replaces the old Exchange Agreement class of Employment Permit and will cater for Employment Permits for international reciprocal agreements.

Other significant changes under the new legislation include:-

### The Labour Market Needs Test

The new legislation retains and extends the requirement for a labour market needs test to all new applications, regardless of applicant (i.e. it will apply to both applications submitted by the employer and employee), for general and 'Contract for Services' employment permits, with certain grounds for waiver.

### The 50/50 Rule

This rule requires that employers who wish to hire non-EEA nationals on an Employment Permit must have 50% of its employees from the EEA. The new legislation retains and extends this rule to all applications, both new and renewal, regardless of applicant, with certain grounds for waiver.

### Scanned Signatures

With immediate effect, the Department of Jobs Enterprise and Innovation ("DJEI") will, in most circumstances, accept scanned signatures with the original Employment Permit application form. It

should be noted, however, that the DJEI reserves the right to request original signatures in certain circumstances.

### **The Trusted Partner Pilot Programme**

In December 2014, Ireland will begin piloting the Trusted Partner scheme, an accreditation programme for sponsoring employers. To participate in the programme, employers will be required to obtain the approval of either IDA Ireland or Enterprise Ireland.

Participants in the programme are expected to benefit from the following:

- Shorter processing times for Trusted Partner applications
- Reduced paperwork for every Employment Permit application applied for under the scheme
- A waiver of labour market testing requirements

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