

Immigration

New Work Permit Pilot Programmes

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New Work permit Pilot Programmes; 'Highly Skilled Job Interview Authorisation' and 'Atypical Working Scheme' will increase employers' flexibility in obtaining key personnel

Two new work permit pilot programmes, introduced by the Department of Jobs, Enterprise and Innovation ("the DJEI"), in conjunction with the Department of Justice and Equality, seek to introduce greater flexibility with respect to employers' obtaining key personnel from abroad.

1. Highly Skilled Job Interview Authorisation

The Highly Skilled Job Interview Authorisation scheme enables non-EEA nationals, who have been invited by an employer based in Ireland to attend a job interview, to potentially secure an Employment Permit without leaving the jurisdiction.

Upon receipt of a job offer, non-EEA nationals are for the first time entitled to apply for an Employment Permit from the DJEI and remain in Ireland to await the outcome of the application (for up to a maximum of 90 days from date of arrival). This is a significant departure from the norm as usually applicants for Employment Permits must reside outside of the State until such time as their Employment Permit has been granted.

Certain restrictions apply as only those non-EEA nationals applying for roles identified by the DJEI on the 'Highly Skilled Occupations list', for example, certain ICT Professionals or Health Professionals are eligible under this program. Further, such applicants will be subject to normal immigration requirements and procedures at the port of entry, i.e. entry visa requirements. Family members of the applicants are not permitted to accompany the interviewee initially and must await the successful outcome of the employment permit application process before addressing their own immigration status.

Having secured a job offer, the non-EEA nationals must immediately make a formal application to the DJEI to obtain an Employment Permit, which will be subject to a number of qualifying criteria. Successful interviewees should apply for the Employment Permit as soon as possible and applicants should expect an application processing time of 3 weeks. Where an application for an Employment Permit is successful, the persons concerned must then register with the Garda National Immigration Bureau on receipt of the Employment Permit.

Where non-EEA nationals wish to avail of this pilot scheme, the Department of Justice advise that they must hold the following documentation, which should be made available for inspection by an Immigration Officer at the port of entry, i.e. Dublin Airport:

- Passport which must be valid for at least 6 months after date of arrival in the State.
- Persons requiring an entry visa must ensure that they are in possession of a valid visa, which must be obtained in advance of travel. The invitation to attend interview must be included as a supporting document when applying for a visa.
- Original letter/notification of invitation to attend interview from the prospective employer based in the State. This letter should provide a detailed job description and contact details including the contact name and telephone number of the prospective employer for verification purposes.

- Evidence of sufficient funding for the duration of the stay.
- Medical insurance.

The final determination regarding entry to the State remains at the discretion of the immigration officer.

2. Atypical Working Scheme

The Atypical Working Scheme aims to address short-term employment scenarios of less than 90 consecutive days which are atypical and are not catered for under the relevant legislation or departmental guidelines.

The Scheme, due to be launched on 2 September 2013 by the Department of Justice and Equality in agreement with the DJEI, applies to non-EEA nationals who, in certain circumstances, are required by a company or organisation based in the State to undertake short term contract work (provided same is not listed on the ineligible categories of employment as set out by the DJEI) –

1. Where a skill shortage has been identified;
2. To provide a specialised or high skill to an industry, business or academic institution;
3. To facilitate trial employment in respect of an occupation on the Highly Skilled Occupations List;
4. To facilitate paid internships in respect of non-EEA full time students studying outside the State (excluding medical internships).

The DJEI advise that in circumstances where a Contract Service Provider Employment Permit or Intra-Company Transfer Employment Permit would ordinarily be required but the proposed transfer is for a period of between 15 and 90 consecutive days, this Scheme would apply. Further, the DJEI have stated that it may also be applicable where a foreign national, on a period of trial employment for up to 90 days, wishes to apply for an Employment Permit and await the outcome of the application within that timeframe, provided the trial is for a role which is listed on the Highly Skilled Eligible Occupations List.

Applications will be made to the Irish Naturalisation and Immigration Service (“INIS”) of the Department of Justice in the first instance. In some cases, the INIS may consult with the Employment Permits Section of the DJEI for an assessment of possible impact on the labour market.

It is important to note that this scheme does not apply to persons who gain employment through the Highly Skilled Job Interview Authorisation as detailed above, nor will it apply to persons who wish to enter the State for business purposes of less than 14 days duration. Further, only one application in any 12 month period will be permitted and accordingly, careful planning will be required by employers to ensure that their employment requirements can be catered for within the various schemes or employment permits available.

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