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Ireland: Immigration system adapts to declining jobs' market

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There are clear signals from the Irish Government that rising unemployment is influencing the evolution of immigration policy, with the recent announcement of further restrictions on eligibility for employment permits. However, a framework remains in place to attract highly skilled workers to Ireland from outside the European Economic Area (EEA), where these skills are not available locally.

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Green Cards – Curtailment of Eligible Occupations

The "green card" scheme is currently limited to jobs where the basic salary is at least €30,000 & the employment contract is for a minimum period of 2 years. In addition, where the salary is less than €60,000, only certain occupations are deemed eligible.

Following the introduction of the scheme in early 2007, the list of eligible occupations has been scaled back on a number of occasions, in response to changes in skills shortages.

Most recently (April 2009), certain roles within the Financial Services Sector (including fund accountants, statisticians, fund & investment management specialists etc.), as well as a range of occupations in the Healthcare Sector (e.g. physiotherapists, midwives, psychologists etc.) & all marketing roles have been designated ineligible for green cards, as a result of a deemed over-supply of labour from within the EU.

It is expected that the "green card" scheme will remain in place for certain industry sectors & occupations, in order to continue attracting highly skilled workers to Ireland where resource shortages exist.

Extension of Transitional Arrangements for Romanian & Bulgarian Nationals

Since 1 January 2007, Romanian and Bulgarian nationals have been required to obtain employment permits to work in Ireland for an initial period of 12 months, under transitional rules introduced following the accession of both countries as members of the EU. These transitional measures have been extended until the end of 2011, when the position will again be reviewed.

Stricter Conditions for Granting of Work Permits from 1 June 2009

More stringent eligibility conditions will be implemented from 1 June 2009, which will make it more difficult for a first time applicant to obtain a work permit. The main features of the revised measures are as follows:

- An increase in the categories of jobs for which new work permit applications will not be accepted.
- The implementation of a tougher “labour market needs” test for all work permit applications, including renewals, such that a job vacancy must be advertised for 8 weeks (currently 4 weeks) on the EURES/FAS employment network and in local and national newspapers for 6 days (currently 3 days).
- Curtailment of the Spousal/Dependant Work Permits Scheme, except for spouses/dependants of “green card” holders (see below).

The above conditions do not apply where an individual already holds a valid work permit prior to 1 June 2009 and seeks to renew the work permit after 1 June 2009.

Curtailment of Spousal/Dependant Work Permit Scheme

This scheme currently provides for a relaxation of the normal work permit rules in the case of spouses/dependants of all employment permit holders (i.e. “green card” holders, intra-company transfers & work permit holders), so that he/she can apply for any job, including those normally considered ineligible. In addition, the employer is not required to advertise the position & the normal Government processing fee is waived.

However, this scheme will be curtailed from 1 June 2009, except in the case of spouses & dependants of “green card” holders. Under the new arrangements, the spouse/dependant will have to meet the new work permit criteria in his/her own right.

Increase in Government Processing Fees for Renewals from 1 June 2009

The government processing fees for new employment permits have not changed. However, increased fees will apply to renewal work permit applications where the first work permit is issued after 1 June 2009.

Status of Non-Marital (De Facto) Relationships

The Department of Enterprise, Trade & Employment now recognises non-EEA partners of “green card” holders who have obtained permission from the Department of Justice, Equality & Law Reform to reside in Ireland on the basis of a *de facto* relationship.

As a result these individuals are now eligible to apply for Spousal/Dependant work permits.

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This document is for general guidance only. Action should not be taken without obtaining specific advice.