

Global Immigration alert

September 2024

Ireland

Ireland's new Employment Permits Act 2024 goes into effect

Executive summary

Ireland's new Employment Permits Act 2024 (i.e., "the Act") went into effect on 2 September 2024. The Act applies to non-EEA nationals who seek to work and reside in Ireland.

Background

Ireland [introduced](#) the Employment Permits Bill in October 2022 to enable Irish employers to attract and retain international talent more easily, fill key skills shortages in the Irish labor market and encourage further foreign direct investment in Ireland. Minister for Enterprise, Trade and Employment Peter Burke (i.e., "the Minister") and Minister of State for Business, Employment and Retail Emer Higgins confirmed that the authorities signed the implementing regulations of the Act on 28 August 2024.

Changes to employment permit processes

The Act introduces the following changes:

- ▶ **Labor market test:** Employers can now advertise vacancies on "one or more online platforms" and are no longer restricted to print media. They are still required to publish vacancies with the Jobs Ireland and EURES websites operated by the Department of Social Protection.
- ▶ **Change of employer based on the same permit:** Qualifying holders of General Employment Permits (GEPs) and Critical Skills Employment Permits (CSEPs) can submit a request to change their employer after nine months of holding their current permit, without obtaining a new permit. The following conditions apply:

- ▶ GEP holders can change employers only within sectors covered by their permit's four-digit SOC code, and CSEP holders can change employers within a broader category of sectors, as covered by their permit's three-digit SOC code.
- ▶ The permit must be valid for at least two months at the time of submitting the request to change employers.
- ▶ Holders can change employers a maximum of three times while using the same permit.
- ▶ Holders must present an employment contract signed with their new employer when submitting the request and begin working for the new employer within one month of their request being approved.
- ▶ Employers will not be required to conduct a labor market test in these cases.
- ▶ **Progression or internal transfer of employment permit holders:** Employment permit holders are not required to apply for a new permit if they move to a new role or are promoted by their current employer, provided they continue to use the same skills.
- ▶ **Change of employment permit:**
 - ▶ Employment permit holders can apply for a new permit after completing nine months of employment with their current employer (12 months previously).
 - ▶ The Minister will cancel all previous permits of individuals who are issued new employment permits.

- ▶ *Contractual arrangements*: Employment permits are now available to individuals who undertake work for Irish companies through contractual arrangements with Irish employment agencies. These individuals' salary may be paid by the relevant agency.
- ▶ *Minimum salary threshold*: The minimum salary threshold for employment permit applicants will be indexed against the average weekly earnings in Ireland based on data provided by the Central Statistics Office (CSO) and updated periodically in line with this data.
- ▶ *Dependent Employment Permit*: Dependents other than spouses and partners of CSEP holders and Researchers who are in Ireland pursuant to EU Council Directive 2005/71/EC are now eligible to apply for Dependent Employment Permits. Spouses and partners of CSEP holders and Researchers can apply to the Immigration Service Delivery Unit or Garda National Immigration Bureau to obtain the right to work.
- ▶ *Ministerial/official powers*:
 - ▶ In certain cases, the Minister may accept amendments to submitted employment permit applications that are yet to be processed, without requiring the applicant to resubmit a separate application.
 - ▶ The Minister can reject incomplete applications without conducting a full review. In these cases, applicants may be able to nominate another individual to receive a refund of the application fees on their behalf.
 - ▶ The Act introduces a new discretionary ground for rejection of applications if the applicant or their employer do not fulfil all applicable conditions, or if their circumstances have changed since they filed the application.

New Seasonal Employment Permit

Ireland will introduce a new Seasonal Employment Permit (SEP) for non-EEA nationals who seek to undertake seasonally recurring work in the country for up to seven months in a calendar year. This permit is designed to support certain economic sectors such as agriculture and horticulture. SEP holders will be able to apply to renew their permits and receive accommodation and health insurance in Ireland. Holders will be eligible to undertake seasonal work for another employer using their current SEP after notifying the authorities. Employers that seek to sponsor SEP holders must apply for approval annually to become registered pre-approved seasonal employers.

The authorities expect to introduce this permit on a limited pilot basis later in 2024, with plans to formally launch the scheme in early 2025.

Impact on employers

The Act is expected to modernize Ireland's Employment Permits System, reducing the administrative burden for employers and allowing them to respond quickly to changes in the labor market and business needs.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

Michael Rooney
Partner - People Advisory Services
Tel: +353 1 221 2857
Email: michael.rooney@ie.ey.com

Rachel Dillon
Partner - People Advisory Services
Tel: +353 1 221 2554
Email: rachel.dillon@ie.ey.com

Sarah Connellan
Partner - People Advisory Services
Tel: +353 1 221 1514
Email: sarah.connellan@ie.ey.com

Marie Caulfield
Partner - People Advisory Services
Tel: +353 1 221 1416
Email: marie.caulfield@ie.ey.com

Sinead Langan
Director - Head of Immigration
Tel: +353 1 221 2443
Email: sinead.langan@ie.ey.com

Aislinn Stanton
Senior Manager - Immigration
Tel: +353 1 221 1602
Email: aislinn.stanton@ie.ey.com

Ben Willis
Partner - People Advisory Services, EMEA Immigration Leader
Tel: +44 20 7951 9589
Email: ben.willis@uk.ey.com

Seema Farazi
Partner - People Advisory Services, EMEA Immigration Leader
Tel: +44 20 7951 7122
Email: seema.farazi@uk.ey.com

EY | Building a better working world

EY exists to build a better working world, helping create long-term value for clients, people and society and build trust in the capital markets.

Enabled by data and technology, diverse EY teams in over 150 countries provide trust through assurance and help clients grow, transform and operate.

Working across assurance, consulting, law, strategy, tax and transactions, EY teams ask better questions to find new answers for the complex issues facing our world today.

EY refers to the global organization, and may refer to one or more, of the member firms of Ernst & Young Global Limited, each of which is a separate legal entity. Ernst & Young Global Limited, a UK company limited by guarantee, does not provide services to clients. Information about how EY collects and uses personal data and a description of the rights individuals have under data protection legislation are available via ey.com/privacy. EY member firms do not practice law where prohibited by local laws. For more information about our organization, please visit ey.com.

Ernst & Young LLP is a client-serving member firm of Ernst & Young Global Limited operating in the US.

© 2024 Ernst & Young LLP.
All Rights Reserved.

EYG no. 007518-24Gbl

2101-3682263
ED None

ey.com