

- **Employment Permit**
The right to work

Visa.
The right to enter

Common Categories of Permission to Work in Ireland

✓
Critical Skills

✓
General

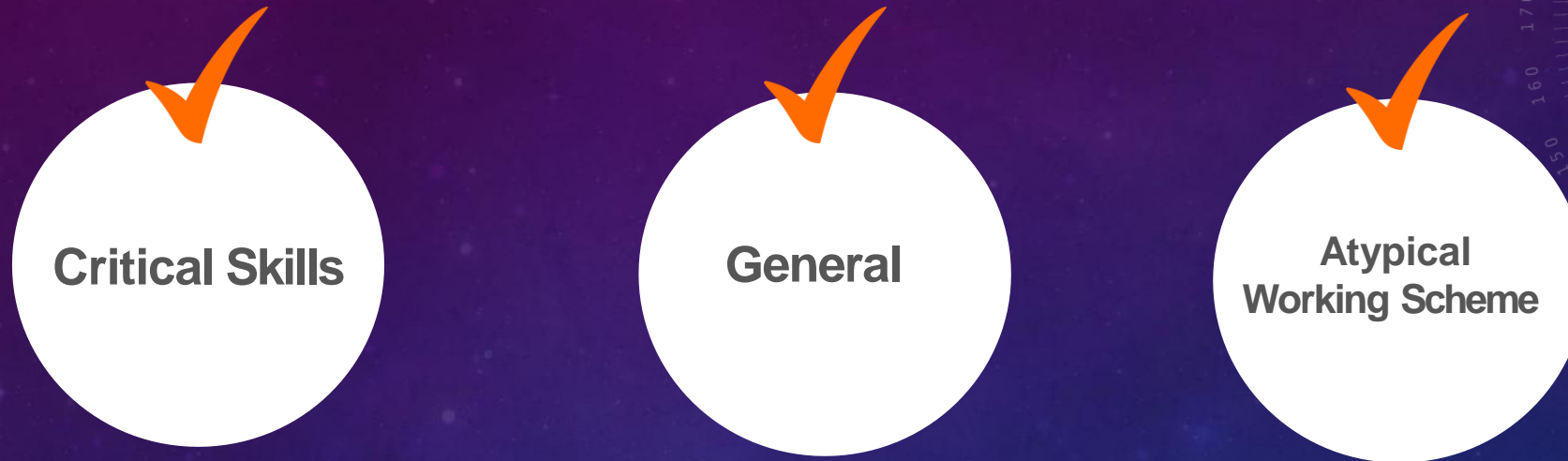
✓
**Atypical
Working Scheme**

✓
**Working Holiday
Authorisation**

✓
**Students and
Graduates**

✓
**Labour
Market
Access
Letter**

Common Categories of Permission to Work in Ireland



Designed for	Highly skill (Tech, Finance, Pharmaceutical, etc.)	Other roles unless excluded under ineligible roles	Short-term employment
Minimum Salary Threshold	From €38,000 for certain roles, or €64,000	€34,000 (most roles) or lower for certain categories (Carers, healthcare assistants)	National minimum salary threshold
Spouse/Partner Allowed	Yes	Yes	No
Dependants Allowed	Yes	Yes (after 1 year of employment)	No
Duration	2 years	Up to 2 years	Up to 90 days
Stamp 4 Eligibility	Yes (after 21 months)	Yes (after 5 years)	No
Advertisement Required	No	Yes Except in certain cases	No
Residence Permit Card	Required	Required	No (if less than 90 days)

The Labour Market Needs Test

• Why?

Do all applications need this?

Not required when

- The role is on the Critical Skills list
- Base annual salary is €64,000 or over
- There is of support from Enterprise Ireland or IDA Ireland for the application (for clients of EI and IDA Ireland only)
- It's a job offer for a Carer of a person with exceptional medical needs and the non-EEA has been providing care before the application was made
- The employee has a letter from DETE, the Workplace Relations Commission or INIS confirming the Labour Market test requirement can be waived due to redundancy or another exceptional circumstances

• How does the position need to be advertised

Advertise:

- with the Department of Social Protection Employment Services/EURES employment network: **28 days**
- Jobs website (separate to Department of Employment Affairs and Social Protection/EURES websites): **28 days**

LABOUR MARKET ACCESS PERMISSION FOR EMPLOYERS

What is Labour Market Access Permission?

Introduced in July 2018 for eligible international protection applicants

Issued by Immigration Services Delivery (ISD) on behalf of Minister for Justice

Valid for 12 months and renewable while protection application is active

ELIGIBILITY REQUIREMENTS

- Applicant must be in the international protection process in Ireland
 - Must have been waiting at least 5 months for first instance recommendation
 - Must be cooperating with the international protection process
 - Permission only becomes valid 6 months after applying for international protection
-
- **Permission Format & Verification**
 - Printed double-sided on watermarked paper with photo and validity period
 - During COVID-19: issued by email with permission number and PDF attachment
 - Only valid when presented with a valid Temporary Residence Certificate (TRC)
 - Employers can verify validity by emailing LMAUqueries@justice.ie

EMPLOYMENT RESTRICTIONS

- • Most businesses can employ LMAP holders but exceptions apply including:
 - Civil Service (Government and State)
 - Local authorities
 - Government-established entities and subsidiaries
 - Higher education institutions with public funding
 - Defence Forces and An Garda Síochána
- 50% employment rule: At least 50% of employees must be nationals of:
 - EU/EEA member states
 - Swiss Confederation
 - Or a combination of these

EMPLOYER RESPONSIBILITIES

01

Verify employee has valid permission and TRC card

02

Submit form LMA5 within 21 days of employment to report income/employment

03

Notify Minister within 21 days if employment ceases

04

Maintain detailed records for 3 years after employment ends:

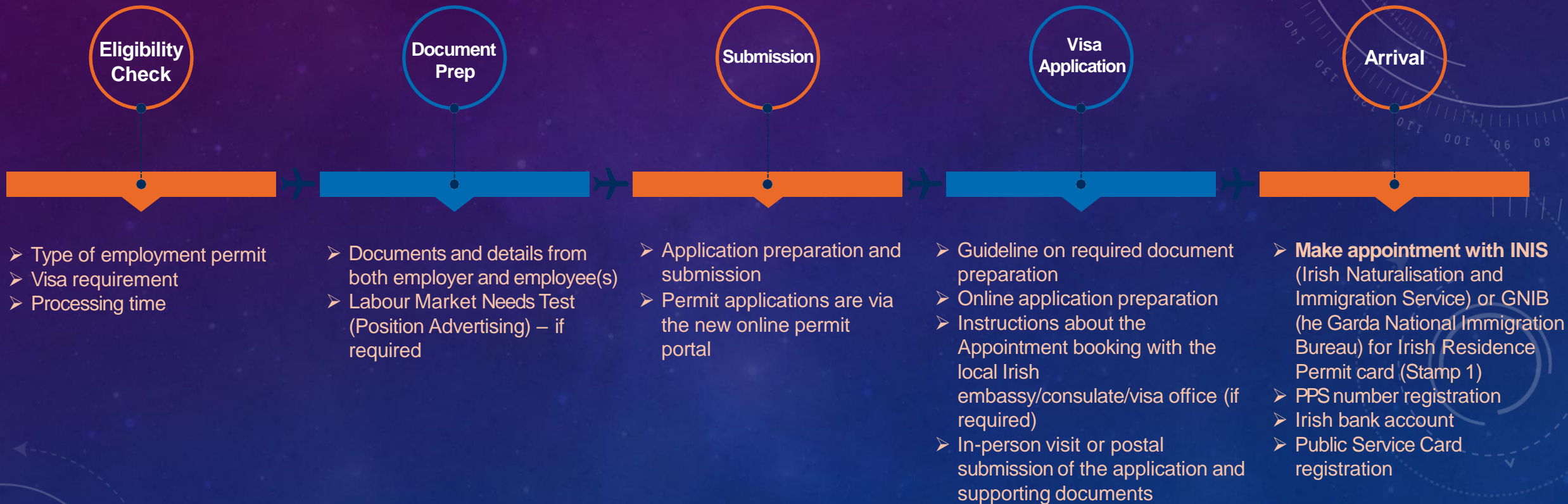
- Employment details and duration
- Permission particulars
- Remuneration details

PENALTIES FOR NON-COMPLIANCE

Employers
contravening
regulations: Class A
fine and/or up to 12
months imprisonment

Applicants working
without valid
permission: Class D fine
and/or up to 1 month
imprisonment

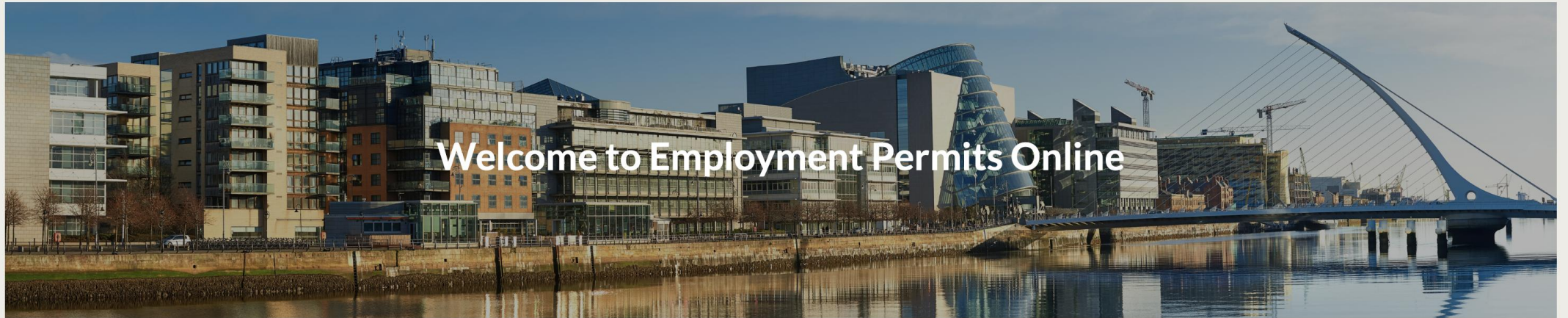
NAVIGATING THE PERMIT AND VISA PROCESS (Candidates from abroad)



Employment Permits



An Roinn Fiontar,
Turasóireachta agus Fostaíochta
Department of Enterprise,
Tourism and Employment



Welcome to Employment Permits Online

[Submitting an Application Guide](#)

Create an account for a seamless work permit application process. Once registered, you can apply for permits, track your application status, update personal details, and get assistance—all in one place.

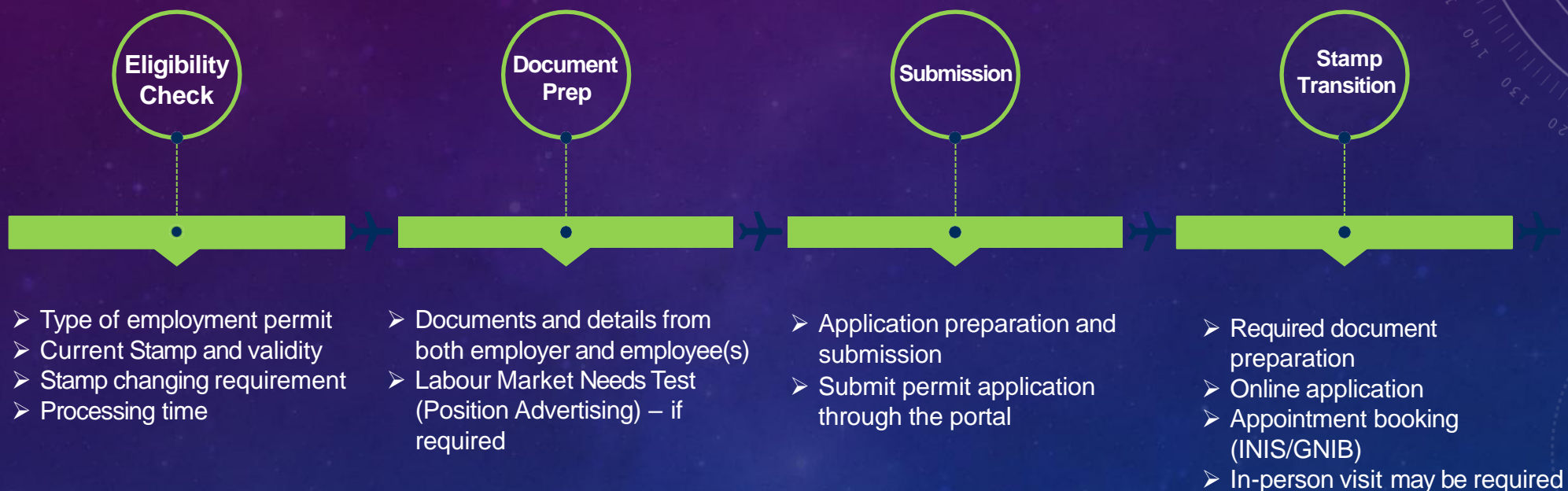
[Employment Permit Checklists](#)

[FAQs](#)

[Check out Latest News](#)

[Register or Login here to apply for an Employment Permit](#)

CANDIDATES FROM IRELAND



HIRING INTERNATIONAL TALENT ALREADY IN IRELAND

Who's the target?

Stamp 1

Employment permits holders

Stamp 1G

- Graduates
- Spouse/de facto partner of Critical Skills permit holders, researchers in the State under Hosting Agreement


Stamp 4

- Spouse/De Facto partners of Irish and EU nationals
- Non-EEA parents of children with Irish citizenship
- Former holders of employment permits (after the completion of the required period of employment)
- Investors and Entrepreneurs
- Other cases of long-term residence

Stamp 3

- Spouse/civil partner/ family member of non-EEA nationals with employment permits and certain volunteers and ministers of religion


BEST PRACTICE



**Be proactive and informed
about visa and permits
requirements**



**Clear communication with
the candidates regarding
visa and permit
requirements from the
initial stages of
recruitment process**



**Engaging with global
mobility team or
immigration specialist**

INSIGHTS INTO ACCESSING DATA

Where to find valuable information, including eligible and ineligible roles, visa requirements by nationality, stamp changes.

General Info and Updates

- **DETE website**
<https://enterprise.gov.ie/en/>
- **Visa First's articles:**
<https://www.visafirst.com/blog/>
- **Processing Time:**
<https://enterprise.gov.ie/en/what-we-do/workplace-and-skills/employment-permits/current-application-processing-dates/>

Critical Skills List

- **DETE : Critical Skill Occupation List**
<https://enterprise.gov.ie/en/what-we-do/workplace-and-skills/employment-permits/employment-permit-eligibility/highly-skilled-eligible-occupations-list/>

Ineligible Roles

- **DETE: Ineligible List of Occupations for employment permits**
<https://enterprise.gov.ie/en/what-we-do/workplace-and-skills/employment-permits/employment-permit-eligibility/ineligible-categories-of-employment/>

Visa-Required Nationalities (and non-required)

- **Irish Immigration: List of Visa-Required Nationalities, and Non-Visa Required Nationalities**
<https://www.irishimmigration.ie/wp-content/uploads/2021/07/Immigration-Service-Delivery-Visa-and-Non-Visa-Required-Countries.pdf>

Changing Immigration Status

- **Irish Immigration: Changing your Immigration Permission**
<https://www.irishimmigration.ie/registering-your-immigration-permission/changing-your-immigration-permission/>

COMPLIANCE

- Employment Permits Acts 2003-2006 provide for granting permits to non-nationals
- Employment Permits (Amendment) Act 2014 updated the legislation to reflect:
 - Changes in immigration policy from 2009
 - Economic developments since 2007
- Key prohibitions:
 - Employment of non-nationals without permits is prohibited
 - Foreign nationals cannot work in the State without valid permits

COMPLIANCE

- Definition: Foreign national = non-national under immigration legislation
- Scope includes:
 - Direct employment within the State
 - Agency arrangements (employed outside State to perform duties within State)
- Third-party service agreements:
 - When contracting services where third parties may perform the work
 - Contracting person must take reasonable steps to ensure foreign nationals have work permits

OFFENCES AND LEGALITY

- Breach of obligations is an offence with two levels of penalties: Summary conviction: Fine up to €3000 or imprisonment up to 12 months or both
- Conviction on indictment: Imprisonment up to 10 years and/or fine up to €250,000
- Defence available: Employer/person took all reasonable steps to ensure compliance
Warrants can be issued to search places suspected of having workers without permits
An Garda Síochána authorized to enter premises, search persons, and seize evidence
- Additional offences: Obstructing/hindering a member of An Garda Síochána acting on a warrant
- Failing/refusing to comply with requirements
- Providing false/misleading names or addresses
- Penalties for these offences: Fine up to €3000 and/or imprisonment up to 12 months
- Arrest without warrant possible for reasonable suspicion
- Corporate liability: Companies employing persons in breach of provisions commit an offence
- Directors, managers, and officers who consent, connive, or are negligent are independently guilty



HR BRIEF

Peace of Mind, Prosperity in Business

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