

# GMS Flash Alert

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## Ireland – Consolidation and Important Changes for Employment Permits Regulations

There have been several recent developments concerning Ireland's immigration rules, including as follows:

- The Employment Permits Regulations 2017 have commenced consolidating and revoking all previous employment permit regulations from 2014 to date;
- Changes have been made to the Highly Skilled Eligible Occupations List and Ineligible Categories of Employment List;
- New employment permit application requirements for engineering roles have been introduced.

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### WHY THIS MATTERS

Global mobility professionals charged with the immigration affairs of their international assignees and immigration counsel need to be aware of the changes to Ireland's employment permit regulations. The new 2017 Regulations set down the different classes of employment permit that may be granted – there are changes to the Highly Skilled Eligible Occupations List and the Ineligible Categories of Employment List – as well as the qualifying criteria, process, and fees, among other things. Employers will find that their employment options have widened and the consolidation of Ireland's employment regulations (which is discussed below) brings greater clarity to this area of the law.

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# Employment Permits Regulations 2017 (S.I. 95 of 2017)

## Amendments and Consolidation

The Irish regulations governing employment permits have undergone a series of amendments since their date of commencement in October 2014. In particular, the Employment Permit Regulations (S.I. 432 of 2014) have been amended four times, while the Trusted Partner Regulations (S.I. No 172 of 2015) have also been amended. The pace at which these regulations have been amended since 2014 demonstrates a dynamic employment permit regime that is responding to an ever-evolving labour market. Given the increasing difficulties in navigating such legislation, all employment permit regulations from 2014 to date have now been consolidated into a single set of regulations known as the Employment Permits Regulations 2017 (S.I. 95 of 2017, hereinafter “the 2017 Regulations”).

The 2017 Regulations consolidate and revoke the six previous employment permit regulations.<sup>1</sup> The 2017 Regulations set down the different classes of employment permit that may be granted by the Minister for Jobs, Enterprise and Innovation, as well as the qualifying criteria, application process, fees, review process and other matters in respect of such classes.

## Some of the Changes – More Details

The 2017 Regulations have brought about some changes to the current employment permit requirements as noted below.

- **Changes to the Highly Skilled Eligible Occupations List (HSEOL) and Ineligible Categories of Employment List (ICEL)**

The lists of employment which identify critical skills in high demand in the economy (HSEOL) and skills for which there is ample capacity already resident in the labour market (ICEL) are reviewed twice yearly by the Department of Jobs, Enterprise and Innovation. Following a review of these lists, which included a public consultation, the following changes have been approved by the Minister for Jobs, Enterprise and Innovation:

- NFQ Level 10 (PhD) academics in a given discipline have been added to the HSEOL. The academic must have been awarded his or her qualification no less than two calendar years prior to the date of application for an employment permit. The academic must also have a minimum of one academic year of relevant teaching experience and the employment concerned must be in an Irish university or institute of technology;
- HGV drivers are removed from the ICEL on a temporary basis and subject to a maximum quota of 120 General Employment Permits; and
- Meat deboners remain off the ICEL subject to a further maximum quota of 160 General Employment Permits.

- **Registration Requirements for Engineers**

The 2017 Regulations introduce new registration requirements for non-European Economic Area (EEA) engineers working in Ireland. Employment permit applications made in respect of a Chartered Engineer, an Associate Engineer, or an Engineering Technician must be accompanied by a copy of the non-EEA national's registration with the Institute of Engineers of Ireland.

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## KPMG NOTE

The expansion of the HSEOL and the changes to the ICEL widens employment options for employers in Ireland.

Irish employers seeking to employ Chartered Engineers, Associate Engineers, or Engineering Technicians who are non-EEA nationals should make sure that their proposed employees are registered with the Institute of Engineers in Ireland prior to proceeding with an employment permit application.

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## FOOTNOTE:

1 Employment Permits Regulations 2014 (S.I. No. 432 of 2014); Employment Permits (Trusted Partner) Regulations 2015 (S.I. No. 172 of 2015); Employment Permits (Amendment) Regulations 2015 (S.I. No. 349 of 2015); Employment Permits (Amendment) (No.2) Regulations 2015 (S.I. 602 of 2015); Employment Permits (Amendment) (No.2) Regulations 2016 (S.I. No 363 of 2016); and Employment Permits (Trusted Partner) (Amendment) Regulations 2016 (S.I. No 403 of 2016).

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### **We Invite You to Listen to the KPMG LLP (U.K.) Brexit Webcast Play-Back**

To help businesses prepare for what comes next in these unprecedented times, KPMG LLP (U.K.) brought together a team of Brexit experts for an hour-long [Webcast](#) on 21 March 2017.

So the clock is now ticking. With the recent announcement that British Prime Minister Theresa May officially notified the European Union on Wednesday 29 March that the U.K. is leaving, businesses have two years to prepare for the U.K.'s exit. Whether it's workforce planning, navigating regulatory issues, or understanding the economic and operational impacts on production and supply chains, how do you evaluate both the risks and opportunities of operating in a post-Brexit world? When do you really need to act?

Led and facilitated by Karen Briggs, U.K. Head of Brexit, our panel includes special guests Dorothy Livingston from law firm Herbert Smith Freehills, Charles Lichfield from geo-political consultancy Eurasia Group, and KPMG's top Brexit experts covering economics, tax, relocation, people, trade, customs, supply chain, governance, and compliance.

[Listen to the recording](#)

## Contact us

For additional information or assistance, please contact your local GMS or People Services professional\* or one of the following professionals with the KPMG International member firm in Ireland:



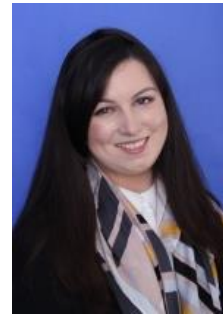
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*\* Please note that KPMG LLP (U.S.) does not offer immigration services or labour law services.*

**The information contained in this newsletter was submitted by the KPMG International member firm in Ireland.**

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