



GMS Flash Alert

Immigration Edition

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Ireland – New Changes to Employment Permits Regime

Ireland's Employment Permits (Amendment) (No.2) Regulations 2019 (the "Regulations")¹ are due to bring into effect some key changes to the current employment permits regime from 1 January 2020, including:

- an increase to the minimum remuneration levels for Critical Skills Employment Permit applications; and
- changes to the Labour Market Needs Test (LMNT) process for General Employment Permit or Contract for Services Employment Permit applications.¹

(For related coverage, see [GMS *Flash Alert* 2019-076](#) (12 April 2019).)

WHY THIS MATTERS

Immigration counsel, global mobility advisers charged with cross-border employment, and mobile employees, need to be aware of these changes to the new employment permit application requirements so that they may plan accordingly for any future hiring opportunities involving non-European Economic Area (EEA) national employee hires. Any individuals who will be required to apply for a Critical Skills Employment Permit or General Employment Permit after 1 January 2020, must meet the new application requirements – and this means the imposition, potentially, of stricter criteria for eligibility and may take more time to complete the process. Failure to meet the new requirements could attract unwanted scrutiny by the authorities and potentially result in failed applications and fines.

Highlights of New Employment Permit (Amendment) (No. 2) Regulations 2019

The following changes will come into effect from 1 January 2020:

1. Changes to minimum requirements for Critical Skills Employment Permit application

The minimum remuneration threshold for a Critical Skills Employment Permit application will increase by 6.7 percent.

Under the current employment permits regime, the criteria for eligibility for a Critical Skills Employment Permit application are as follows:

- A minimum annual remuneration of between €30,000 - €60,000 where the employee's role is listed on the Critical Skills Occupation List and he holds a relevant degree qualification or higher. The proposed role must also not be listed on the Ineligible List of Occupations for Employment Permits
- A minimum annual remuneration of €60,000 for all other occupations and the role is not listed on the Ineligible List of Occupations for Employment Permits.

In accordance with the new Regulations, the criteria for eligibility for a Critical Skills Employment Permit with effect from 1 January 2020, will apply as follows:

- A minimum annual remuneration of between €32,000 - €64,000 where the employee's role is listed on the Critical Skills Occupation List and he holds a relevant degree qualification or higher. The proposed role must also not be listed on the Ineligible List of Occupations for Employment Permits.
- A minimum annual remuneration of €64,000 for all other occupations and the role is not listed on the Ineligible List of Occupations for Employment Permits.

2. Changes to Labour Market Needs Test for General Employment Permit or Contract for Services Employment Permit applications

To foster the availability of job opportunities for Irish and EEA nationals, employers are required to satisfy a Labour Market Needs Test (LMNT) before a General Employment Permit or a Contract for Services Employment Permit application is made, save for certain exceptions.

Under the current employment permits system, an employer must advertise the vacancy with the Department of Employment Affairs and Social Protection Employment Services/EURES employment network for at least two weeks as part of the LMNT process. In accordance with the new Regulations, this advertising requirement will increase from two weeks to four weeks.

KPMG NOTE

Clients should be aware of these changes so they can make sure they are meeting the correct remuneration requirements for future Critical Skills Employment Permit applications. In addition, employers, if required to carry out a LMNT, will need to allow additional time to complete this test as the required duration will be four weeks instead of two weeks.

KPMG NOTE (cont'd)

Please contact your qualified immigration counsel or KPMG's Corporate Immigration and Employment Law Team in Ireland should you have any questions or concerns.

FOOTNOTE:

1 The Employment Permits (Amendment) (No.2) Regulations 2019 (SI No. 333/2019).

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Contact us

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