

GMS Flash Alert



Immigration Edition

2019-178 | December 2, 2019

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).

* * * *

Contact us

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



Aoife Newton

Tel. + 353 1 700 4258
Aoife.newton@kpmg.ie

Nicola Booth

Tel. + 353 1 700 4880
nicola.booth@kpmg.ie

* Please note that KPMG LLP (U.S.) does not offer immigration services or labour law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.

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

© 2019 KPMG, an Irish partnership and a member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative ("KPMG International"), a Swiss entity. All rights reserved.

www.kpmg.com

kpmg.com/socialmedia



© 2019 KPMG LLP, a Delaware limited liability partnership and the U.S. member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative ("KPMG International"), a Swiss entity. All rights reserved. Printed in the U.S.A. NDPPS 530159

The KPMG name and logo are registered trademarks or trademarks of KPMG International.

The KPMG logo and name are trademarks of KPMG International. KPMG International is a Swiss cooperative that serves as a coordinating entity for a network of independent member firms. KPMG International provides no audit or other client services. Such services are provided solely by member firms in their respective geographic areas. KPMG International and its member firms are legally distinct and separate entities. They are not and nothing contained herein shall be construed to place these entities in the relationship of parents, subsidiaries, agents, partners, or joint venturers. No member firm has any authority (actual, apparent, implied or otherwise) to obligate or bind KPMG International or any member firm in any manner whatsoever. The information contained in herein is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavor to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act on such information without appropriate professional advice after a thorough examination of the particular situation.

Flash Alert is a GMS publication of KPMG LLP's Washington National Tax practice. To view this publication or recent prior issues online, please click [here](#). To learn more about our GMS practice, please visit us on the Internet: click [here](#) or go to <http://www.kpmg.com>.