

# GMS Flash Alert

## Immigration Edition

2023-007 | January 13, 2023



# Ireland - Changes to Atypical Working Scheme

Ireland's Department of Justice has announced a number of amendments to the Atypical Working Scheme (AWS), a short-term immigration permission which allows an individual to enter Ireland and work for a maximum of 90 days.<sup>1</sup>

The AWS allows non-European Economic Area (EEA) nationals to do certain short-term contract work that is not eligible for an employment permit. One can only apply for the AWS from outside of Ireland.

The AWS is administered by the Department of Justice and longer-term permissions to work are administered by the Employment Permits Section of the Department of Enterprise, Trade and Employment.

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## WHY THIS MATTERS

The AWS was created to facilitate specialised, highly-skilled employment of a short-term nature that does not fall within the remit of any other immigration permission in Ireland. In most cases, work permission under the AWS is granted for a maximum of 90 days.

The proposed changes will allow greater flexibility for employers and employees seeking to avail of a short-term permission to work in Ireland for general categories of employment by significantly reducing the waiting time for further subsequent short-term applications and removing the requirement for the 90 days of work permission to be used in one single block.

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## Planned Changes to AWS

- **Salary Threshold Increased:** The salary threshold has been revised from the current National Minimum Wage (€11.30 per hour as of 1 January 2023) to align instead with the current salary requirement for a General Employment Permit (€30,000 gross per annum). This change is intended to reduce the potential for any distorting effect of the AWS on the national labour market.

- **90 days over six months:** The permission to work for 90 days can now be spread over a period of six months and can support intermittent travel into and out of Ireland over this six-month period.
  - **Cooling-Off Period Shortened:** The waiting time to apply for a new AWS is reduced to one month. Previously, only one AWS could be availed of in any 12-month period.
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## KPMG INSIGHTS

Under these new rules, the cooling-off period of one month will apply from the end of the six-month period before any new entry to Ireland under a subsequent AWS permission can occur. A new application can be made during this one-month period, but the permission granted cannot be used until the month has passed.

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## Considerations for Employers

- Employers should note the changes to the AWS relate to general categories of employment, for example the bio-tech, pharma, entertainment, and technology industries.
  - The granting of any further AWS permissions will be dependent on proof of compliance with the terms and conditions of any previously issued AWS permissions. Evidence such as landing stamps and passport stamps from other jurisdictions may be required at the time of application.
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## KPMG INSIGHTS

There are certain situations that would make a non-EEA national ineligible for AWS; for example if that person is :

- already living legally in Ireland;
- entering Ireland for employment purposes for up to two weeks;
- entering Ireland for business purposes for up to 90 days, for example, to attend a conference or seminar;
- already hold an employment permit.

If individuals have questions regarding their eligibility, the conditions for making an application, and what kinds of supporting documentation are required to support the application, they should contact their qualified immigration counsel or a member of the Employment Law team with KPMG Law in Ireland (see the below Contact Us section).

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## FOOTNOTE:

1 Department of Justice, "[Changes to the Atypical Working Scheme effective from 1 January 2023.](#)"

## Contact us

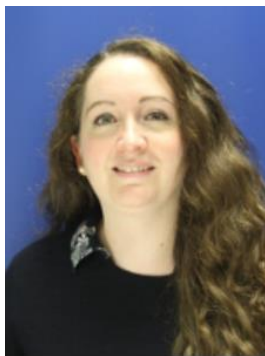
For additional information or assistance, please contact your local GMS or People Services professional\* or one of the following professionals with the KPMG International member firm in Ireland:



**Aoife Newton**

Tel. +353 1 700 4285

[aoife.newton@kpmglaw.ie](mailto:aoife.newton@kpmglaw.ie)



**Elaine Norton**

Tel. +353 1 700 4037

[elaine.norton@kpmglaw.ie](mailto:elaine.norton@kpmglaw.ie)



**Amy Coleman**

Tel. +353 (0) 87 050 4628

[amy.coleman@kpmglaw.ie](mailto:amy.coleman@kpmglaw.ie)

*\* Please note the KPMG International member firm in the United States does not provide immigration 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.**

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