

GMS Flash Alert

Immigration Edition

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Ireland - Revisions to Employment Permit System in New Bill

On 12 October 2022, Ireland’s Minister for Business, Employment and Retail introduced a new bill (“the Bill”) concerning the Employment Permit system in Ireland.¹ While still in draft stage, the Bill proposes several key changes, including the introduction of a new Seasonal Employment Permit, modernising of Labour Market Test Requirements, and the movement of several key timing criteria to Regulations.

WHY THIS MATTERS

The Bill if passed will modernise the Employment Permit system by consolidating all existing Employment Permit acts into one single source piece of legislation. It will introduce a novel Seasonal Employment Permit in Ireland and will make key changes to the Labour Market Test system currently in operation. It will also introduce new requirements for some Irish employers, in some instances making the grant of an employment permit conditional on the Irish employer undertaking to up-skill its existing workforce.

The Bill aims to create a more flexible Employment Permit system, and to allow Irish employers to fill labour market gaps with seasonal workers. It may also reduce processing times for employment permits.

Key Changes Proposed

- **Seasonal Employment Permit:** The Bill seeks to create a new Seasonal Employment Permit. This would allow third-country nationals to work seasonally in Ireland on a short-term basis. The types of employment and approved employers would be specified by the minister.
- **Labour Market Tests:** The Bill seeks to simplify the existing Labour Market Test by removing the requirement to test the market through newspaper advertisements, and instead proposes a modernised online advertising process with the minimum advertising period moved to Regulations (see below).

- **Employer Obligations:** In the case of some Employment Permits, the Bill seeks to make the grant of a permit conditional on the Irish employer introducing measures to increase the skills, knowledge, and experience of its existing Irish/European Economic Area workforce in addition to index linking of salary thresholds.
- **Moving of Timing Criteria to Regulations:** The Bill moves almost every quantifiable part of the Employment Permit process to Regulations, allowing the minister to regulate critical timing elements through a more flexible process. As one example, it is proposed the minister will be able to specify a prescribed period of time during which a foreign national must commence work following the grant of an Employment Permit.

KPMG NOTE

KPMG in Ireland is closely monitoring all developments in this area and will provide more guidance upon the publication of the legislation. If you require further advice on this situation, please contact your usual qualified immigration counsel or a member of the Corporate Immigration and Employment Law Team with KPMG in Ireland (see the Contact Us section below).

FOOTNOTE:

1 Department of Enterprise, Trade and Employment press release (last update 18 October 2022), "[Minister English introduces legislation to modernise Employment Permits System.](#)"

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Contact us

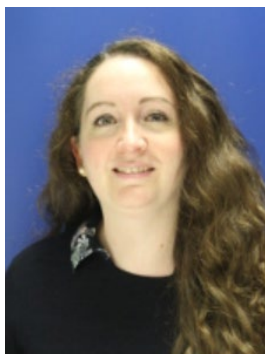
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