

Relocating Employees to Ireland – A Reference Guide for Employers

The COVID-19 travel restrictions are changing in Ireland. We have summarised the current position in relation to securing employment permits for businesses looking to set up or relocate non-EEA national employees to Ireland.

The Basics – Short-Term Assignments

For short-term employment, non-EEA nationals' current passport will need to remain valid for the duration of their stay.

Short Stay Business Visa or "C" Visa

This permits travel to Ireland for up to 90 days for business purposes or for work that lasts 14 days or less. This visa covers activities including:

- Attending meetings;
- Negotiating or signing agreements and contracts; or
- Working for 14 days or less.

An individual will only be eligible for a short business visa if their work in Ireland will start and end within a single 14-day period (two calendar weeks). The cost of a single entry visa is €60.

With effect from 13 September 2021, the temporary restrictions which had been placed on these types of applications due to the ongoing COVID-19 conditions will be lifted and short stay visa processing will recommence.

Atypical Working Scheme

A person who is planning to work in Ireland for between 15 and 90 days can apply for a permit under the Atypical Working Scheme ("AWS"). The AWS gives highly skilled workers permission

to work in Ireland for a limited time when a skill shortage has been identified. The scheme allows such individuals to:

- Provide specialised skills to an industry or academic institution for a short period;
- Facilitate a paid internship; or
- Work as a locum doctor.

An AWS is not available if the proposed employment is included on the list of Ineligible Categories of Employment for employment permits.

The AWS is not transferable to any other role. Generally, only one AWS can be granted in a 12-month period. 12 months must expire from the date of leaving Ireland and the date of a second AWS application.

The Basics – Longer Term Assignments

Individuals working in Ireland for 90 days or more must obtain an employment permit before commencing work.

Critical Skills Permit

The Critical Skills Permit ("CSP") is suitable for those with skills included on the Eligible Occupations List. This permit is designed to attract highly skilled people to the labour market and encourage them to take up permanent residence in Ireland. Job offers must be for a duration of two years.

Occupations include information communication technology professionals, scientists, engineers and business administration and research

professionals including, for example, tax consultants and accountants. The Eligible Occupations List is revised twice a year, and has recently been revised to include dieticians. A number of occupations have been removed from the Ineligible List including social workers, occupational therapists, physiotherapists, speech and language therapists and healthcare assistants.

Eligibility for a CSP is determined both by the type of occupation and level of proposed remuneration. Where an individual has a related degree qualification, a minimum annual remuneration of €32,000 is generally necessary. In the alternative, an individual may still be eligible for a CSP even where they do not have a related degree qualification if they have relevant experience in the field of the proposed employment and their minimum annual remuneration is above €64,000.

Intra-Company Transfer Permit

A non-EEA national may come to Ireland if their employer is a non-Irish incorporated company and the employee is seconded to a connected Irish incorporated company.

Key personnel and senior management must be working for the overseas company for a minimum of six months prior to the transfer and must receive a minimum remuneration of €40,000 annually in order to be eligible. Those involved in training programmes must be working for the overseas company for at least one month prior to the transfer and be earning a minimum remuneration of €30,000.

The Basics – Entrepreneur Schemes

The Start-Up Entrepreneur Programme ("STEP") was introduced to allow start-ups with an innovative business idea and a minimum funding of €50,000 to set up a business in Ireland. It is a straightforward way for non-EEA entrepreneurs and start-up founders to move to Ireland in order to establish their business.

The objective of this programme is to support start-ups who have high potential to introduce

innovative products or services to international markets, and who have the capability of creating at least ten jobs in Ireland. Applicants must also provide:

- A business proposal;
- Evidence they have no criminal convictions in any jurisdiction; and
- Documentation illustrating that they are a person of good character.

COVID-19 Restrictions

Check the current public health advice before travelling to Ireland. At present, all individuals must fill out a Passenger Locator Form before departure for Ireland and must present valid proof of vaccination or recovery or evidence of a negative PCR test taken within 72 hours prior to arrival into the country.

Visa for Entry is Required

In addition to obtaining one of above permits, non-EEA nationals from visa required countries will be required to obtain a visa for entry before travelling to Ireland. Non-EEA nationals working in Ireland for more than 90 days must also register with the registration office in Dublin or their local Garda station and obtain an Irish Residence Permit ("IRP").

In respect of UK citizens, it is worth noting that the Common Travel Area ("CTA") continues to apply post-Brexit. The CTA permits UK and Irish citizens to move freely and reside in either jurisdiction and enjoy associated rights and entitlements including access to employment.

How the Maples Group Can Help

We can assist employers looking to relocate non-EEA national employees to Ireland with employment permit applications, immigration queries and advice in respect of obtaining an Irish Residence Permit. Similarly, we can support entrepreneurs looking to live and establish a business in Ireland.

For further information, please reach out to your usual Maples Group contact or any of the persons listed below.

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