

A GUIDE FOR EMPLOYERS AND STUDENTS

RECRUITING
INTERNATIONAL
STUDENTS
AND
GRADUATES
FOR EMPLOYMENT
WITHIN
IRELAND

RECRUITING INTERNATIONAL STUDENTS AND GRADUATES FOR EMPLOYMENT WITHIN IRELAND — A GUIDE FOR EMPLOYERS AND STUDENTS

EMPLOYMENT PERMITS

There are no restrictions on the right to work of students and graduates from the European Economic Area (EEA) and Switzerland. The EEA includes all the countries of the EU plus the states of Norway, Iceland and Liechtenstein. Nationals from the EU member states of Bulgaria and Romania are subject to different rules see www.entemp.ie for further details.

Graduates of Irish Higher Education Institutions (HEI's) from outside of the EEA require one of three different types of permission or employment permit to work in Ireland depending on their circumstances. These are the Third Level Graduate Scheme, Green Cards or Work Permits as set out in the Employment Permits Act 2006 which came into effect on 1st February 2007.

The Work Permit section of the Department of Enterprise, Trade and Employment (DETE) is responsible for the processing of all applications for Green Cards and Work Permits, while the Garda National Immigration Bureau (GNIB) deals with applications for the Third Level Graduate Scheme.

THESE SCHEMES UNDER WHICH NON-EEA GRADUATES OF IRISH HEIS CAN BE EMPLOYED IN IRELAND ARE OUTLINED BELOW:

1. THIRD LEVEL GRADUATE SCHEME

To become eligible for the Third Level Graduate Scheme, a person must hold a primary, masters, or doctorate degree from an Irish third level educational institution and have graduated on or after 1st January 2007. The applicant must also hold a current Certificate of Registration issued by the Garda National Immigration Bureau. Persons qualifying under the scheme will receive a one-time, non-renewable, extension to their current student permission for a six-month period beginning from the date the applicant receives their exam results.

The new graduate may work for up to 40 hours per week in any sector without an employment permit. The only restriction is that s/he may not engage in self-employment or operate a business within Ireland.

Once the six-month extension to stay under the scheme has expired, the person is no longer legally resident in Ireland, unless they switch over to another immigration scheme. The possibilities include obtaining a Green Card or Work Permit, or obtaining permission to remain by pursuing further studies.

2. GREEN CARD SCHEME

A Green Card Permit is an employment permit issued to an employee allowing his/her employment in the State by a named employer in the occupation specified on the permit. It is issued for an initial period of two years and is normally renewed indefinitely thereafter. This permit allows an employee to apply for immediate family re-unification and usually facilitates a pathway to permanent residency after two years. No labour market needs test, i.e. newspaper and FÁS/EURES advertising, is required prior to making an application. A Green Card is applied for by either the Employee or by the Employer at a cost of €1000 which can be paid for by either party but if the Employer pays the €1000 application cost they must not seek to recoup the application cost from the employee, as per Section 23 of the Employment Permits Act 2006*.

THE MAIN FEATURES OF THE GREEN CARD PERMIT SCHEME ARE:

The Green Card permit is available for occupations with annual salaries of €60,000 or more. It is also available for a restricted list of occupations with annual salaries of €30,000 to €59,999 in the following sectors of employment: information and communications technology, healthcare, industry, financial services and research.

The Green Card list is reviewed periodically to ensure that it remains relevant to the needs of the Irish labour market. The Green Card eligibility list where the salary payable for the job is in the range of €30,000 – €59,999 per annum can be downloaded from the following website:

WWW.ENTEMP.IE/PUBLICATIONS/LABOUR/2009/GUIDELINES-GREENCARDS-MAY09.PDF

Once an employee is in possession of their first Green Card for 12 months they can move employer, at such time a new Green Card (indicating the new employer's name) must be applied and paid for at a cost of €1000 before the employee can begin working for the new employer.

★ SECTION 23 OF THE EMPLOYMENT PERMITS ACT 2006 WHERE IT STATES:

23. (1) The employer shall not make any deductions from the remuneration of, or seek to recover from, the holder of the employment permit concerned any charge, fee or expense arising out of or concerning one or more of the following:

- (A) the application for the employment permit or a renewal of the permit under section 20 or any matter relating to or concerning such an application or the grant or renewal of the permit;
- (B) the recruitment of the holder for the employment in respect of which the application was made; or
- (C) any amount previously paid to the holder in respect of travelling expenses incurred by the holder in connection with taking up the employment in the State.

3. WORK PERMIT SCHEME

A Work Permit is a permit issued to an employee, which permits his/her employment in the State by an employer in the occupation specified on the permit. It covers occupations not included in the Green Card Scheme and in the salary range €30,000 — €60,000. Application is subject to a labour market test, whereby the vacancy must be advertised with FAS and EURES (European job mobility portal) and in national newspaper(s) to prove that no EEA candidate is available. The Work Permit is issued for an initial period of up to 2 years, can be renewed for a further three years, and after five years, can be renewed indefinitely. Some occupations with a salary less than €30,000 will be considered. However, there is also a list of **ineligible** job categories which are listed below:

INELIGIBLE JOB CATEGORIES FOR EMPLOYMENT PERMITS

All Clerical and Administrative Positions

All General Operatives/Labourers

All Operator and Production Staff

In the category 'Sales Staff': All retail Sales Vacancies, Sales Representatives, Supervisory/Specialist Sales

In the category 'Transport Staff': All Drivers (Excluding HGV)

In the category Childcare Workers: Nursery/Crèche Workers, Child Minder/Nanny

In the category 'Hotel Tourism and Catering': All staff Except Chefs

In the category 'Craft Workers and Apprentice/Trainee Craft Workers': Bookbinder, Bricklayer, Cabinet Maker, Carpenter/Joiner, Carton Maker, Fitter — Construction Plant, Electrician, Instrumentation Craftsperson, Fitter, Tiler; Floor/Wall, Mechanic — Heavy Vehicles, Instrumentation Craftsperson, Metal Fabricator, Mechanic — Motor, Originator, Painter and Decorator, Plumber, Printer, Engineer — Refrigeration, Sheet Metal Worker, Tool Maker, Vehicle Body Repairer, Machinist — Wood, Plasterers and Welders.

STAMP 1A

Recruiting a graduate on an accountancy training programme — Stamp 1A and Training Contract.

All recognised professional accountancy courses qualify for Stamp 1A i.e. ACA, ACCA, CPA, CIMA, AITI.

Only accountancy trainees can apply for Stamp 1A. The student makes application at the respective registration office and needs:

- Letter from current employer which must confirm that the holder is employed as part of a recognised training programme and setting out the terms and conditions of employment. (If an employer issues a letter “subject to the granting of permission to remain from the immigration authorities” the person concerned will be registered for six months only).
- College letter which must confirm that the person is currently attending the appropriate course.
- Confirmation letter from the accounting body.
- Private Medical insurance.

Stamp 2 Graduate Scheme to be issued on effectuation of full registration (all exams and practical training completed) with the relevant accountancy body to allow the issue of a work permit by Department of Enterprise Trade & Employment.

GNIB STAMPS — WHAT DO THEY MEAN?

Please note that this document is for information purposes only and does not purport to be a legal interpretation of Irish law employment in the State by a named employer in the occupation specified on the permit.

MAIN IMMIGRATION STAMPS

STAMP 1

This person is permitted to remain in Ireland on conditions that the holder does not enter employment unless the employer has obtained a permit, does not engage in any business or profession without the permission of the Minister for Justice, Equality and Law Reform and does not remain later than a specified date.

STAMP 1A

This person is permitted to remain in Ireland for the purpose of full time training with a named body until a specified date. Other employment is not allowed.

MAIN CATEGORIES OF PERSONS PERMITTED TO BE IN THE STATE

- Non-EEA national issued with a work permit
- Non-EEA national issued a Green Card permit
- Non-EEA national who have been granted permission to operate a business in the State
- Working Holiday Authorisation holder

- Non-EEA national studying on a recognised professional accountancy course

MAIN IMMIGRATION STAMPS

STAMP NUMBER 2

This person is permitted to remain in Ireland to pursue a course of studies on condition that the holder does not engage in any business or profession other than casual employment (defined as 20 hours per week during school term and up to 40 hours per week during school holidays) and does not remain later than a specified date. Also the person has no recourse to public funds unless otherwise provided

STAMP NUMBER 2A

This person is permitted to remain in Ireland to pursue a course of studies on condition that the holder does not enter employment, does not engage in any business or profession, has no recourse to public funds and does not remain later than a specified date.

STAMP NUMBER 3

This person is permitted to remain in Ireland on conditions that the holder does not enter employment, does not engage in any business or profession and does not remain later than a specified date.

STAMP NUMBER 4

This person is permitted to remain in Ireland until a specified date.

NOTE: This is an outline of the main immigration stamps as currently used by the immigration authorities. The immigration stamps, in conjunction with the Certificate of Registration issued by GNIB, are evidence of permission to be in the State. They are not an indicator of, nor an interpretation of, legal entitlements other than those explicitly set out in the stamps. The immigration authorities have the right to assign or refuse immigration stamps to the various categories of persons as appropriate. Please note that the stamps are kept under on-going review and may be updated from time to time

MAIN CATEGORIES OF PERSONS PERMITTED TO BE IN THE STATE

- Non-EEA national attending a full time course of study recognised by the Department of Education and Science
- Non-EEA national attending course of study not recognised by the Department of Education and Science
- Non-EEA visitor
- Non-EEA retired person of independent means
- Non-EEA minister of religion and member of religious order
- Non-EEA spouse/dependant of employment permit holder
- Non-EEA family member of EEA citizen
- Non-EEA spouse of Irish citizen
- Refugee
- Non-EEA person granted family reunification under the Refugee Act 1996
- Programme refugee
- Non-EEA parent of Irish citizen child where parent was granted permission to remain in the State
- Non-EEA family member of EU citizen where family member qualifies under the European Communities (Free Movement of Persons) (No. 2) Regulations 2006 (S.I 656 of 2006).

NOTE: Below is an indicative list of categories of persons who may be granted permission to remain in the State. This table does not give any assurance that a person in one of the categories will obtain the immigration stamp indicated. The immigration authorities have the right to grant or refuse permission to remain on a case by case basis.

Source: The Irish Naturalisation and Immigration Service (INIS)

FREQUENTLY ASKED QUESTIONS

HOW MANY HOURS CAN A STUDENT WORK DURING TERM TIME?

Students can work for a maximum of 20 hours during term time.

HOW MANY HOURS CAN A STUDENT WORK DURING A WORK PLACEMENT?

Students can work full time if the work placement is an integral part of the course and if the placement is approved by the HEI.

Regarding internships, the GNIB has informed ICOS that currently and until such time as new regulations are in place, students with a Stamp 2 who are already enrolled on courses with mandatory internship components will be entitled to take up paid full-time work in companies approved by their HEI. The GNIB, however, could not say if this position will remain the same following the comprehensive review of the position of non-EEA students which is currently being carried out by the Department of Justice, Equality and Law Reform. (From ICOS site, July 2008)

Students who are required to do a work placement as part of their studies will have to make contact with the Work Placement Officer to clarify their own situation.

WHAT HAPPENS ONCE THE STUDENT GRADUATES?

Students can apply for the Third Level Graduate Scheme Permit as soon as they receive their examination results. They can also apply for a Green Card or Work Permit if they have a relevant job offer.

WHAT IF YOUR JOB IS NOT ON THE GREEN CARD LIST?

If you or your prospective employer are in doubt about whether your job qualifies you to apply for a Green Card, you should seek clarification from the Department of Enterprise, Trade and Employment (DETE). The contact details are available on the DETE website: www.entemp.ie/labour/workpermits/contact.htm

WHO APPLIES FOR THE GREEN CARD PERMIT?

Either the employee or employer can apply for the green card.

WHAT JOBS QUALIFY FOR A GREEN CARD PERMIT?

- All jobs that earn over €60,000 per year.
- Certain jobs on the list earn between €30,000 and €60,000 per year.

WHERE CAN I FIND THE LIST OF JOBS THAT QUALIFY FOR GREEN CARD APPLICATION?

The list of jobs is available on the following website: www.irishlinks.co.uk/occupations-green-card.htm

WHAT IS THE MINIMUM LENGTH OF CONTRACT ALLOWED?

The job offer must be for at least 2 years.

WHAT MUST THE COMPANY DO TO QUALIFY TO OFFER A GREEN CARD?

The company must be registered with the CRO and not have more than 50% non EU-citizen employees.
The job offer must not be older than 60 days.
The job offer must be on company headed notepaper.
The job offer must be for a position of length, at least 2 years.

WHAT MUST THE JOB OFFER CONTAIN TO QUALIFY?

Details of start date;
Annual salary excluding bonuses;
A full job description;
Information in respect of the qualifications, skills or experience that is required for the employment.

HOW MUCH DOES A GREEN CARD COST?

A new green card costs €1,000 and is valid for 2 years.

CAN I GET A GREEN CARD FOR LESS THAN 2 YEARS?

No, the minimum length is 2 years.

LIST OF EEA COUNTRIES

The following countries are in the European Economic Area:

Austria
Belgium
Bulgaria
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Republic of Ireland
Italy
Latvia
Liechtenstein
Lithuania
Luxembourg
Malta
The Netherlands
Norway
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden
UK

N.B. While Switzerland is not in the EEA, Swiss Nationals has the same rights as EEA nationals.

USEFUL LINKS

Department of Enterprise Trade and Employment
www.entemp.ie/labour/workpermits/

DETE Employment Permits Arrangements – Third Level Graduate Scheme
www.entemp.ie/labour/workpermits/graduatescheme.htm

Department of Foreign Affairs
www.foreignaffairs.gov.ie

Eirjobs
www.eirjobs.com/news/irish-green-card-faq/

Citizens Information Board
www.citizensinformation.ie/categories/moving-country/moving-to-ireland/rights-of-residence-in-ireland/registration-of-non-eea-nationals-in-ireland

The Irish Naturalisation and Immigration Service (INIS)
www.inis.gov.ie/en/INIS/Pages/Stamps
www.inis.gov.ie/en/INIS/Pages/WP07000027

DISCLAIMER

This information was correct at time of publication. Graduate Careers Ireland accepts no responsibility for decisions made by individuals based on the above advice.

GRADUATE CAREERS IRELAND MEMBER COLLEGES

For contact details visit: www.graduatecareersireland.com

All Hallows College
Athlone Institute of Technology
Cork Institute of Technology
Dublin City University
Dublin Institute of Technology
Dundalk Institute of Technology
Galway Mayo Institute of Technology
Institute of Art Design & Technology Dun Laoghaire
Institute of Technology Carlow
Institute of Technology Sligo
Institute of Technology Tallaght
Institute of Technology Tralee
Letterkenny Institute of Technology
Limerick Institute of Technology
National College of Art & Design
National College of Ireland
National University of Ireland, Galway
National University of Ireland, Maynooth
Open University
Queen's University, Belfast
St Patrick's College, Drumcondra, Dublin
Trinity College Dublin
University College Cork
University College Dublin
University of Limerick
University of Ulster
Waterford Institute of Technology