

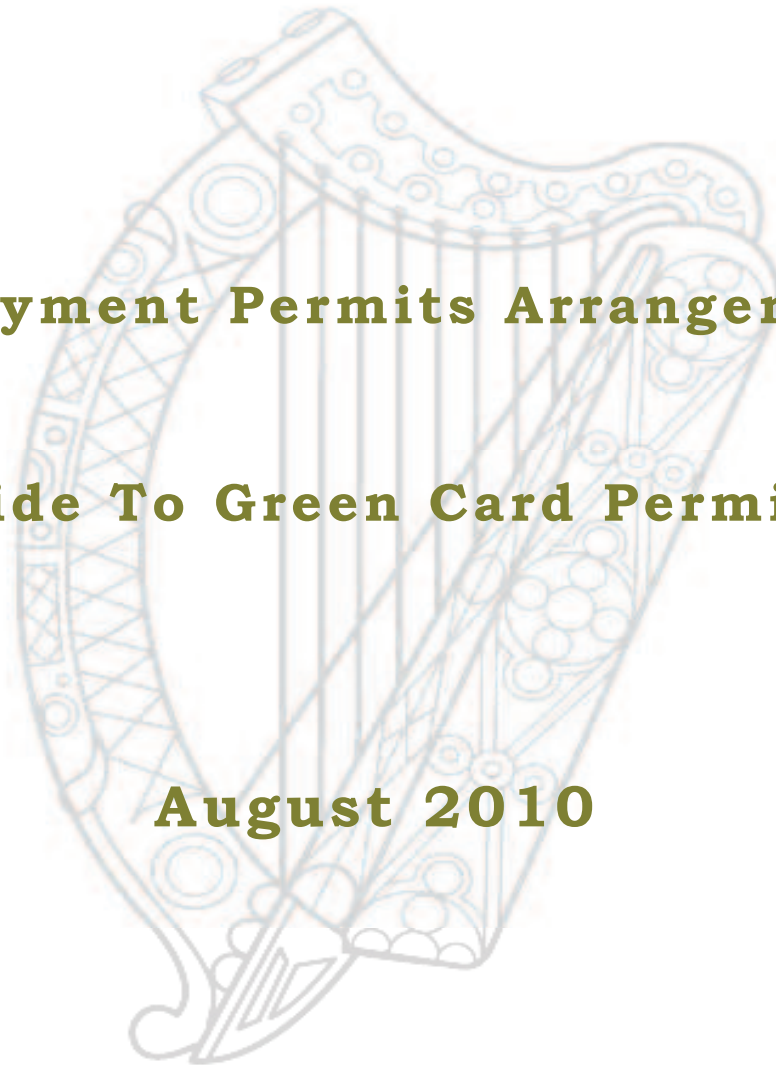


An Roinn Fiontar, Trádála agus Nuálaíochta
Department of Enterprise, Trade and Innovation

Employment Permits Arrangements

Guide To Green Card Permits

August 2010



Guide to Green Card Permits

Introduction

The Employment Permits Acts 2003 and 2006 allow for the establishment, for the first time in Ireland, of a Green Card Scheme for occupations where high level strategic skills shortages exist. This new Green Card Scheme replaces the Work Visa/Work Authorisation Scheme, which has been discontinued.

What is a Green Card Permit?

The Green Card Permit is an employment permit issued to the employee and allows his or her employment in the State by the named employer in the occupation specified on the permit. It will be issued for an initial period of two years.

The new arrangements allow the employee to apply for immediate family re-unification and will normally allow a pathway to long-term residence after two years.

No labour market needs test (e.g. newspaper and FAS/EURES advertising) is required prior to making an application.

Who can apply for a Green Card Permit?

Either the employee or the employer can apply for a Green Card Permit.

For what occupations can a Green Card Permit be applied for?

Applications may be made in respect of two categories of occupation, based on salary level:

- (i) Firstly, where the annual salary (excluding bonuses) on offer is €60,000 or more, the Green Card Permit is available for all occupations, other than those, which are contrary to the public interest.
- (ii) Secondly, Green Card Permits are available in the annual salary range €30,000 - €59,999 (excluding bonuses) for a restricted number of strategically important occupations as specified in Appendix A.

What qualifications must the employee have?

The foreign-national concerned must possess the relevant qualifications, skills or experience that are required for the employment. If the original documentation is not in English, a certified translation must be submitted with the application.

What form must the Job Offer take?

The issue of a Green Card Permit is contingent on a job offer from a bona-fide employer registered with the Companies Registration Office and the Revenue Commissioners and trading in Ireland. The Job Offer must be on company headed paper, dated within the previous 60 days, must be of 2 years or more duration and must specify the following:

- (i) A full description of the proposed employment,
- (ii) Starting date,
- (iii) Annual salary excluding bonuses, and

- (iv) Information in respect of the qualifications, skills or experience that are required for the employment.

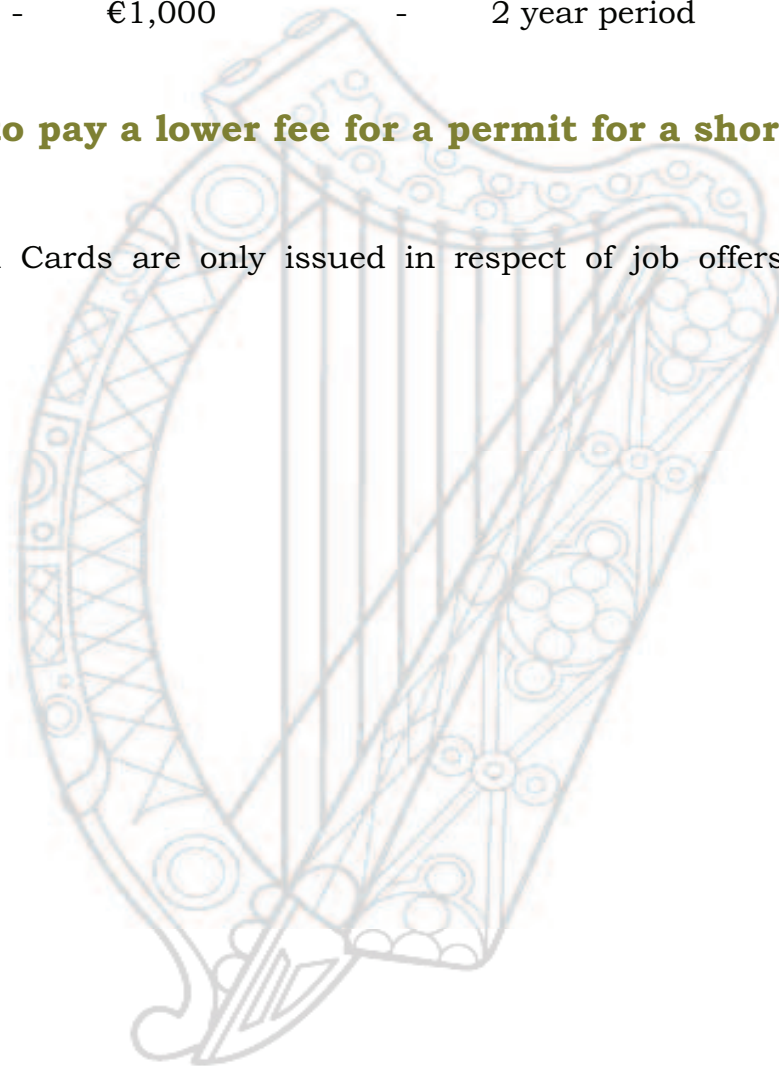
What are the processing fees for a Green Card Permit?

The processing fees for a Green Card Permit, which must be paid by the applicant, are as follows:

New - €1,000 - 2 year period

Is it possible to pay a lower fee for a permit for a shorter period than 2 years?

No. Green Cards are only issued in respect of job offers of 2 years duration.



FREQUENTLY ASKED QUESTIONS

I am a foreign national who fulfils all of the above criteria, but am already working in the State on foot of a work permit. Will I be eligible to apply for a Green Card Permit?

Yes you are free to make a new application for a Green Card Permit. However, if you have a current valid work permit this must be returned with your application.

As an employee, am I free to move employer after I get a Green Card Permit?

If this is your first employment permit in the State then (other than in exceptional circumstances) you are expected to stay with your initial employer for a period of 12 months but then you may move employer provided that a new application for a Green Card Permit is made.

Can my Spouse and Dependants work?

Yes once they **are legally resident in the State** on the basis of being your Spouse or Dependant, they are free to seek employment and apply for a Spousal/Dependant work permit.

A Green Card Permit issues to me - what then?

If a Green Card Permit issues to a foreign national they should, where necessary, obtain an entry visa from their local Irish Embassy/Consulate. Contact details for the Irish Embassies/consulates abroad can be obtained from the Department of Foreign Affairs website at www.dfa.ie.

On arrival in the State the employee should register with the National Garda Registration Office (Immigration Registration Office, Garda National Immigration Bureau, Burgh Quay, Dublin 2, for persons intending to reside in the Dublin area, or the Garda Superintendent's

office in the relevant Garda District for persons intending to reside elsewhere in the State) to obtain the appropriate permission and correct immigration status for permission to remain in the State as an employee. You must register with the appropriate authorities as soon as possible after your arrival in the State. A delay in registration could affect your application for long-term residency.

To whom do I apply for family reunification?

The Immigration and Citizenship Bureau of the Department of Justice, Equality and Law Reform.

After 2 years on a Green Card Permit to whom do I apply for permanent residence?

The Immigration and Citizenship Bureau of the Department of Justice, Equality and Law Reform.

To whom do I apply for a Green Card Permit? Can I apply to an Irish Embassy?

Embassies will not process applications for Green Cards. Applications must be made to the Employment Permits Section of the Department of Enterprise, Trade and Innovation.

To whom is a Green Card Permit granted? To whom can it be sent?

It is granted to the employee and a copy is sent to the employer.

Will employment permits be granted for applications proposing to pay wages below Registered Employment Agreement/ Employment Registered Order rates?

No.

Can I download the application forms from a website?

Yes, www.deti.ie

What happens if I am made redundant while I am a Green Card holder?

You should notify the Employment Permits Section of the Department when you are informed of your redundancy. You will have up to six months from the date of your redundancy to seek alternative employment. New Green Cards will be issued in accordance with the Green Card scheme salary requirement and for jobs where there is strategic skills shortage.

Where a Green Card holder has been made redundant in a job title that is now ineligible for a Green Card permit, should they obtain a subsequent 2 year job offer with same job title then a Green Card application may be considered.

What happens if I cannot get another job within six months of being made redundant?

If you cannot get another job within six months of being made redundant you should contact the immigration authorities to establish your immigration status beyond that period. Should you opt to leave the country, and are later successful in getting another job offer in Ireland, you are free to apply for a new employment permit.

Guide for Employers

What can an employer do to ascertain whether an application may be made under this scheme?

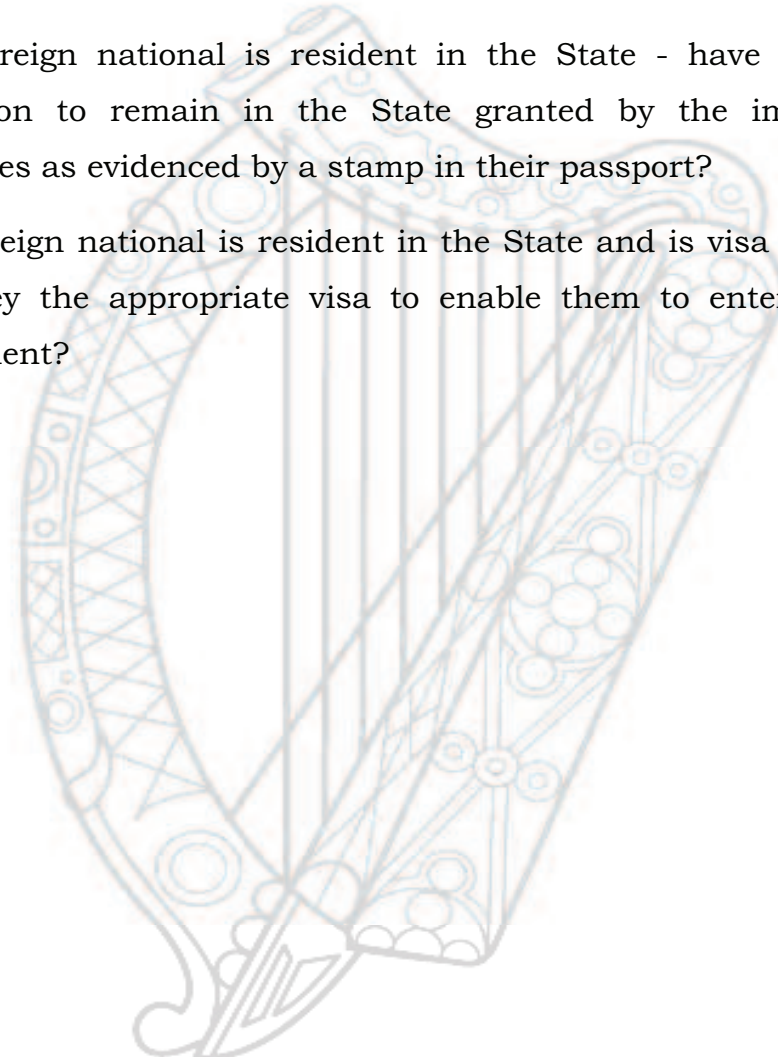
To ascertain whether or not an application may be made under this scheme, an employer should satisfy him/herself that the following are all in order:

- Is your company registered and trading in Ireland – Applications will only be accepted from companies or employers that are registered with the Office of the Revenue Commissioners and with the Companies Registration Office and which are currently trading in Ireland.
- Employer/employee relationship – the foreign national concerned must be employed, salaried and paid directly by you. Applications from recruitment agencies, agents, intermediaries or companies who intend to outsource or subcontract the employee to work in another company will not be accepted under this scheme.
- Ratio of EEA/non-EEA nationals – an employment permit will not be granted to companies where a consequence of granting the permit would be that more than 50% of employees in the firm would be non-EEA nationals.
- Occupations and Salary – Applications will only be accepted for the salary ranges and occupations specified in Appendix A.
- If you are a foreign national and wish to operate a business in the State, you are required to obtain business permission from Department of Justice, Equality and Law Reform. Copies of documentary evidence clearly demonstrating your status within the State and your entitlement to operate a business must accompany your application.

Note: a labour market needs test (e.g. advertisement of the vacancy with FÁS/EURES and in newspapers) is not required for a Green Card application.

What can an employer do to ascertain whether or not an employee is eligible under this scheme?

- Does the foreign national possess the relevant qualifications, skills or experience that are required for the employment?
- If the foreign national is resident in the State - have they valid permission to remain in the State granted by the immigration authorities as evidenced by a stamp in their passport?
- If the foreign national is resident in the State and is visa required – have they the appropriate visa to enable them to enter full-time employment?



Application Process for Employers and Employees

New application

An application for a Green Card Permit can be made by either the employer or the employee. The following documentation must be supplied:

- A fully completed new employment permit application form specifying that it is a Green Card application, including all relevant documentation. The form must be signed by both the employer and the employee.

Note: The passport of the foreign national must be in date and valid for 3 months after the proposed expiry date of the Green Card.

- An original Job Offer, of 2 years or more duration, on company headed paper and dated within the previous 60 days and specifying
 - i. A full description of the proposed employment,
 - ii. Starting Date,
 - iii. Annual Salary excluding bonuses, and
 - iv. Information in respect of the qualifications, skills or experience that are required for the employment.
- Documentary evidence of the employee's certified qualifications. If the original documentation is not in English, a certified translation is also required.
- A processing fee of €1,000 paid for by the applicant.

- In the case of medical professionals, a copy of the registration with the appropriate medical body or a validation of qualifications from the Department of Health and Children (List of registration and validation bodies for medical professionals attached at Appendix B).

Renewal application (after 2 years)

It is intended that Green Card Employment Permit holders whose permit and immigration registration card (GNIB card) are due to expire will not be required to apply for a renewal permit through the Department of Enterprise, Trade and Innovation.

- Green Card Permit holders should present themselves for registration renewal at the Garda National Immigration Bureau (GNIB) with their existing Green Card Permit, passport, GNIB card and their most recent pay slip. Subject to their having complied with their previous immigration and employment permit conditions and being of good character, a Stamp 4 permission of two year's duration will be issued by the GNIB officer (once satisfied with the documentation presented), which will entitle the current Green Card Permit holder to work without an employment permit during that time.
- Subject to parliamentary approval of the Immigration Residence and Protection Bill 2010, further details will be published in due course advising Green Card Permit holders or those who have re-registered per 1 above of how to apply under the new Act for long-term residency. It should be noted that the grant of Stamp 4 is an interim status that simply exempts the person from the requirement to hold a Green Card Permit. It is not a long term residence status and does not confer the full benefits of that status. The Green Card Permit holder will still need to make an application for Long Term Residence when the necessary legislation and application process is in place.

Disclaimer

The information contained in this guide does not constitute legal advice and is provided for information purposes only.



Occupations in respect of which Green Card Permit applications may be made

Salary between €30,000 - €59,999

Economic Sector	Occupation	Job Titles
Information Technology	ICT Professional	Computer Systems Managers, Computer Analysts, Computer Programmers and Computer Testers
Healthcare	Health Professionals	Medical Practitioners, Pharmacists/Pharmacologists and related occupations, Registered Nurses, Specialist Nurses and Dental Practitioners
	Health associate professionals	Medical Radiographers, Audiologists, Dieticians, Medical Scientists, Orthoptists, ECG Technicians, Neuropsychological Measurement Technicians, Biochemists, Vascular Technicians, Respiratory Technicians, Cardiac Catheterisation Technicians and GI Function Technicians
Industry	Professional Engineers and Technologists	Electrical, Software, Chemical, Design and Development, Planning and Quality Control, Network, Validation, Product Development, Process and Equality

Education/Healthcare/Industry

Researchers and Natural Scientists

Researchers, Chemists, Natural Scientists, Biological Scientists, Physicists and Material Scientists

Financial

Business and Financial Professionals and associate professionals

Chartered and Certified Accountants, Actuaries, Management Consultants, Business Analysts, Risk Professionals, Compliance Specialists, Risk Specialists, Tax Experts and Legal Experts



List of registration bodies for medical professionals

Profession	The designated authority responsible for the validation of qualifications
Medical Practitioner	Medical Council of Ireland
Dentist	The Dental Council
Nurse	An Bord Altranais
Diagnostic or Therapeutic Radiographer	Minister for Health & Children
Dietician	Minister for Health & Children
Occupational Therapist	Minister for Health & Children
Orthoptist	Minister for Health & Children
Medical Physicist	Minister for Health & Children
Psychologist	Minister for Health & Children
Speech and Language Therapist	Minister for Health & Children
Biochemist	Minister for Health & Children
Audiologist	Minister for Health & Children
Social Worker	National Social Work Qualification Board
Medical Scientist	Academy of Medical Laboratory Sciences
Physiotherapist	Irish Society of Chartered Physiotherapists
ECG Technician	N/A –employer’s letter will suffice
Neurophysiological Measurement Technician	N/A –employer’s letter will suffice
Cardiac Catheterisation Technician	N/A –employer’s letter will suffice