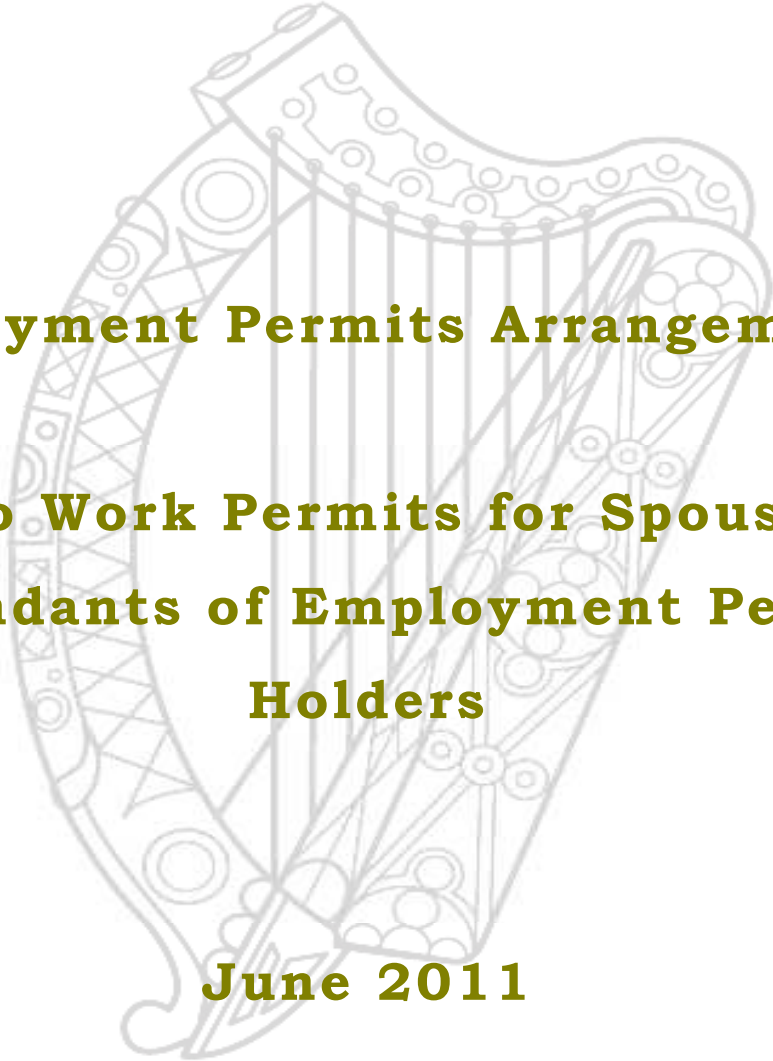




An Roinn Post, Fiontar agus Nuálaíochta
Department of Jobs, Enterprise and Innovation

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Employment Permits Arrangements
Guide to Work Permits for Spouses and
Dependants of Employment Permit
 Holders

June 2011

Guide to Work Permits for Spouses and Dependants of Employment Permit Holders

Introduction

This scheme allows the spouses and dependants of certain categories of employment permit holder to apply for an employment permit to work in the State.

Spouses and eligible dependent unmarried children, who have been admitted to the State as family members of the certain categories of employment permit holder as outlined on page two of these guidelines, may apply under this scheme.

Spouses and dependants eligible under this scheme will have greater ease of access to employment in the State by:

- Being permitted to apply for an employment permit in respect of most occupations
- Not requiring the employer in question to undertake a labour market test (by advertising the job with FÁS/EURES and with newspapers in advance of making an employment permit application) and
- Exempting the application from a fee

Spouses and dependants should note that it is illegal to work in Ireland without a valid Employment Permit.

What criteria have to be met?

The spouse or dependant must be legally resident in the State on the basis of being a dependant of the employment permit holder,

The employment permit holder must have **one** of the following:

- A valid Green Card Permit,

or

- A valid Work Permit of 12 months or more duration where the first Work Permit application was received by the Employment Permits Section before 1 June 2009,

or

- A valid Employment Permit or Hosting Agreement in respect of a Researcher position,

or

- A valid Working Visa issued before the 31st December, 2006,

or

- A valid Work Authorisation issued before the 31st December, 2006,

or

- A valid Intra-Company Transfer Permit of 12 months or more duration where the application was received by the Employment Permits Section before 1 June 2009,

and

The employment permit holder must still be working within the terms of their employment permit.

Who can apply for a Spousal/Dependant permit?

Either the employee or the employer can apply for a Spousal/Dependant work permit.

If a work permit is granted to an eligible spouse or dependant, what does it entitle them to?

Any work permit granted will be issued to the employee and will allow their employment in the State by the employer and in the occupation specified on the permit. Permits can be renewed after the initial period granted.

What is the duration of a Spousal or Dependant Work Permit?

A work permit under this Scheme will normally be issued up to the expiry date of the GNIB Card (Garda National Immigration Bureau) of the existing employment permit holder.

A Spousal/Dependant permit issues to me - what then?

On receipt of the permit the spouse or dependant should check with the National Garda Registration Office (Immigration Registration Office, Garda National Immigration Bureau, Burgh Quay, Dublin 2, for persons residing 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 ascertain if their current permission to remain in the State needs to be updated. This must be done in order to have the correct immigration status for permission to remain in the State.

Am I free to move employer?

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 spousal/dependant permit is made.

I am resident in the State as a spouse or dependant of a foreign national, who has been the holder of an employment permit, but has now received long-term residency – am I eligible to apply under this Scheme?

Yes.

I am over 18 years of age and am a dependant of an Employment Permit Holder and have residence in the State on that basis – I have now finished my studies, am I entitled to avail of this Scheme?

Yes. This Scheme is available, on an exceptional basis, to dependants who have reached the age of 18. These applications will be dealt with strictly on a case-by-case basis and can only be considered for dependants who arrived in the State while still minors and whose immigration status in the State is in order.

I am over 18 years of age and a dependant of an Employment Permit Holder and have recently arrived in Ireland to join a family member who is an Employment Permit Holder – can I avail of this Scheme?

No. This particular Scheme will only apply in respect of persons who arrived in Ireland while still minors (i.e. under 18 years of age), and who have now completed their education and wish to take up full time employment.

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 cannot issue where a consequence of granting the permit would be that more than 50% of employees in a firm would be non-EEA nationals.
- 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 and Equality. Copies of documentary evidence clearly demonstrating your status within the State and your entitlement to operate a business must accompany your application.

What can an employer do to ascertain whether or not someone is an eligible spouse or dependant?

To ascertain whether or not a person presenting for employment is a spouse or dependant who is eligible to avail of the new arrangements, an employer should satisfy him/herself that the following are all in order:

- The person must be the spouse or dependant of an existing employment permit holder and must be resident in the State on this basis.
- And the existing employment permit holder must hold one of the following:
 - **A valid green card permit:** This should be of a 2 year duration,
OR
 - **A valid employment permit or hosting agreement in respect of a researcher position.**
OR
 - **a valid work permit:** The work permit should be of 12 months or more duration and the first Work Permit application must have been received by the Employment Permits Section before 1 June 2009.
Note: If the existing Work Permit holder applied for their first Work Permit on or after 1 June 2009, their Spouse or Dependand will be required to apply for a Work Permit in their own right according to standard work permit eligibility criteria, including a labour market needs test, restriction to vacancies in eligible job categories and payment of the standard application fee.
OR
 - **a valid working visa:** This should be attached to their passport and will clearly say “working visa” and the initial visa must have issued before the 31st December 2006. If the dates have expired on the initial visa, a renewal will be indicated by a stamp in the passport valid from the end of the initial visa for a further two-year period,
OR

- **a valid work authorisation:** This should be attached to their passport and will clearly say “work authorisation” and the initial visa must have issued before the 31st December 2006. If the dates have expired on the initial visa, a renewal will be indicated by a stamp in the passport valid from the end of the initial visa for a further two-year period,

OR

- **an intra-company transfer permit** granted since 31 October 2002 for more than one year where the application was received before 1 June 2009. This will either be a letter issued from the Department of Jobs, Enterprise and Innovation to the employer, which will clearly outline the dates of the concession or an Employment Permit.
- The existing employment permit holder must still be working within the terms of their permit. Working visa/work authorisation holders must be working in the field for which the employment permit was granted, and intra-company transferees, green card and work permit holders cannot have changed employer without a new employment permit being issued.
- All persons must have valid permission to remain in the State, granted by the immigration authorities as evidenced by a Stamp 3 in their passport and must hold a current Garda Registration Card.

Can an application be made for a permit for an eligible spouse who is living outside the State?

No, the new arrangements were designed to facilitate access to the labour market for foreign nationals who are legally resident in the State. To be deemed an eligible spouse or dependant for the purposes of this scheme, the foreign national in question must be legally resident in the State with their spouse. There is no restriction on an application being made for an employment permit for a spouse or dependant residing outside the State,

but such an application will be subject to the normal employment permit procedures.



Application Process for Employers and Employees

New application

An application for a Spousal/Dependant 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 Spousal/Dependant application, including all relevant documentation. A labour market needs test is not required to be undertaken. 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 Spousal/Dependant permit.

- A covering letter confirming that this is a spousal or dependant application, providing details of the names and occupations of both spouses and/or dependants.
- A copy of the relevant passport pages of the existing employment permit holder. This should clearly show:
 - the most recent immigration stamp,
 - the employment permit (in the case of working visa/work authorisation holders), and
 - the most recent visa (where appropriate).
- A copy of the employment permit of the existing employment permit holder (details of such permits are outlined on Page 2).

- A copy of the registration card, issued by the Garda National Immigration Bureau, of the existing employment permit holder
- In the case of medical professionals on work visas/work authorisations issued before the 31st December 2006, a copy of the registration with the appropriate medical body should also be attached (List of registration bodies for medical professionals attached at Annex A).
- A letter, dated in the last 3 months, from the employer of the existing employment permit holder, confirming how long they are in employment with them, their job title and salary.
- A marriage certificate in respect of an application for a spouse or a birth certificate in respect of an application for a dependant.
- Work permits in respect of dependants under the age of 18 will only be considered on the understanding that the employer in question will abide by the terms and conditions of the Protection of Young Persons (Employment) Act, 1996 and a letter to that effect should be enclosed with all dependant applications.

What happens if an application is refused?

If a Spousal/Dependant permit application is refused on the basis that one of the criteria outlined above is not fulfilled, then a new application may be made for a work permit for the spouse or dependant in question and normal procedures with regard to work permits would apply.

Disclaimer

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

Annex A

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
Pharmacist	Pharmaceutical Society of Ireland
<i>Chiropractor</i>	<i>Chiropractic Association of Ireland</i>
ECG Technician	<i>N/A –employer’s letter will suffice</i>
Neurophysiological Measurement Technician	<i>N/A –employer’s letter will suffice</i>
Cardiac Catheterisation Technician	<i>N/A –employer’s letter will suffice</i>