



# The Irish Employment Permits Act 2024

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The Irish Employment Permits Act 2024 came into force on 2 September 2024, representing the biggest overhaul of employment permits legislation since 2006.

The Employment Permits Act 2024 Act (the Act) intends to modernise the framework for employing non-EEA nationals in Ireland, offering greater flexibility and protection for workers and employers. Amending the Employment Permits Acts of 2003 and 2006, as well as the Employment Permit Regulations of 2017, the Act introduces significant changes to employment permits in Ireland. In this briefing, our employment experts explain these key changes.

## Changes made by the 2024 Act

### The Labour Market Needs Test (LMNT)

The LMNT governs employment opportunities which arise in Ireland. It dictates that a job opportunity must be offered to an Irish citizen and other EEA nationals first and this offer must be advertised for 28 days before offering the same role to a non-EEA national. The Act also removes the requirement for job advertisements in newspapers, shifting the focus to online platforms. It permits adverts to be posted on two online platforms for 28 days (previously, it was required to be advertised in two national newspapers), including EURES (JobsIreland.ie). Upcoming regulations will specify the content of those adverts. This modernisation will prove more efficient in advertising roles to a larger audience.

### Changes to the 50:50 rule

The 50:50 rule previously stated that an employment permit will not be issued to a non-EEA national unless, at the time of application, at least 50% of the employees in the business are EEA nationals. In order to support the future expansion of businesses, the waiver to the 50:50 criteria for employers who have no employees at time of application has been revised and no longer restricts the employer to the one employee permit holder. This change provides more flexibility for small businesses or startups.

## The permit process

New permits will now automatically cancel old ones. Permits can now be amended in certain cases instead of reapplying for a new one. Furthermore, there is no need for a new permit application for promotions or internal transfers if the same skills are used by the employee. For example, the holder of a General Employment Permit (GEP) can now apply to change to an employer within the type of employment for which they have been granted a permit. For example - a meat processing operative can move to another meat processing role. The holder of a Critical Skills Employment Permit (CSEP) can change to an employer across a broader category of employments, for example, different engineering roles. Permit holders can also now switch employers after nine months, down from 12. While this might not be favoured by employers wishing to retain their staff for longer periods, it offers permit holders more flexibility. All of these changes will assist in eliminating bureaucracy of applications. Employers must note that permits must be used within six months of it being granted to avoid delays in filling jobs.

## Annual wage review

In respect of CSEPs, a non-EEA national can apply for job that either pays at least €38,000 per year (to go up to €44,000 next year) and is on the critical skills occupation list, or a job that pays €64,000 per year and is not on the list of ineligible occupations. The Act will now bring in an annual review of wage thresholds for permits to align with average wage growth. This will aim to achieve equilibrium between salaries for both EEA and non-EEA nationals.

## Dependant employment permit

Spouses and partners of those non-EEA nationals who have a CSEP, or researchers under Directive 2005/71/EC, may apply to the Department of Enterprise, Trade and Employment for immigration permission giving them access to the labour market without the need to hold an employment permit. Previously, a spouse or partner of a non-EEA national would have to have an existing employment permit before having access to the labour market. This change will benefit spouses and partners who have travelled to Ireland with their significant other and fast track their ability to obtain work.

## Doctors and healthcare

An amendment to allow the Minister for Enterprise, Trade and Employment Peter Burke and Minister of State for Business, Employment and Retail, Emer Higgins to provide a two-year multi-site GEP to suitably qualified foreign nationals who take six-month employment contracts as non-consultant hospital doctors (NCHD) in health facilities in different locations. The introduction of the new multi-site GEP eliminates the need for multiple applications for each employer hospital and ensures a smooth transition from one employment to the next, up to two years. This is a significant and welcome change for the health sector.

## Agencies and subcontractors arrangements

Employment agencies may now be the employer of a permit holder when the permit holder is carrying out work for a client of that agency. Similarly, contractors may now be employers of permit holders who are carrying out subcontracting work on their behalf.

## Seasonal employment permits

A new scheme for seasonal employment permits will start targeting non-EEA nationals for short-term roles, particularly benefiting sectors like horticulture and food production. There will be a prescribed minimum number of employees, turnover, and balance sheet total for the previous year for prospective seasonal employers. Seasonal employers will also need to provide accommodation and appropriate health insurance for their seasonal employees. It is intended to fill short-term shortages of necessary skills in Ireland. The pilot scheme will launch in 2025. Employers will be required to apply annually to become registered pre-approved seasonal employers. Eligible employers will be granted approved status for a period of 12 months and issued with a certificate of approval as an approved seasonal employer. A register of those approved shall be published. Seasonal employment permit holders will have the option to transfer their permit to another approved seasonal employer under the scheme through a simplified notification procedure.

## Looking ahead

In summary, the Employment Permits Act 2024 represents a significant step forward in modernising the employment of foreign nationals in Ireland, Further announcements and checklists will be made available on the Department of Enterprise, Trade and Employment website over the coming period to keep employment permit users informed on the revised legislation.

Should you have any questions in relation to the new permit rules please contact our team in Ireland via their contact details below.

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