

ARTHUR COX

New employment permits legislation to come into force on 2 September 2024

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The [Employment Permits Act 2024](#) which was signed into law by the President on 25 June 2024 will commence on 2 September 2024. The Department of Enterprise, Trade and Employment has published a helpful information note on the key changes contained in the Act [here](#) and states that further announcements and checklists will be made available over the coming period to keep employment permit users informed on the revised legislation.

The following is a reminder of some of the main provisions of the 2024 Act:

Labour Market Needs Test

The requirement on employers to place the adverts for vacancies in print media has been removed. The 2024 Act now provides for the publication of these adverts to be placed 'on one or more online platforms'. Online platforms can be an electronic system for the online publication of information that are easily accessible by Irish/EEA citizens including websites, software or any other electronic technology that provides for the online publication of information. Online platforms can include the newspapers websites or dedicated employment websites. The requirement for vacancies to be published with the Jobs Ireland and EURES websites remains.

Change of Employer

The 2024 Act introduces a new provision allowing certain employment permit holders to change their permit employer to another employer after a period of nine months has passed since commencing their first employment permit in the State. The Change of Employer applies to the General Employment Permit (GEP) and the Critical Skills Employment Permit (CSEP).

The holder of a GEP can 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 CSEP can change to an employer across a broader category of employments, for example, different engineering roles.

Changing Employment and Employment Permit

The 2024 Act upholds the option for employment permit holders to seek employment in another eligible role and apply for a new employment permit, whether with their current employer or a new employer. The time restriction – where the permit holder is expected to remain with their first employer on the first employment in the State for a certain period – remains but is reduced from 12 months to a period of at least nine months before a new application can be made.

Progression within the Role

The 2024 Act contains a provision which allows for promotion and internal transfer in the same company where a permit holder would use the same skills and the employment remains eligible. This removes the requirement for the permit holder to undergo a new employment permit application process where they remain with the current employer but have been granted a promotion or uplift. At renewal, this situation will now be assessed on the basis of what would previously have been considered a change of employment permit.

Cancel Previous Permit on Grant of New Employment Permit

Upon the grant of an employment permit, the Minister will cancel any other permit which is in force for that foreign national, ensuring only one permit per foreign national can be in place at one time. The Minister will notify the foreign national and the employer identified on that employment permit in writing that the permit is cancelled with effect from a date specified. A new provision also requires that the foreign national must commence employment within a period of six months from when the permit is granted or comes into force.

Dependant Employment Permit

The Dependant/Partner/Spouse Employment Permit has been revised to cater for the dependants of Critical Skills Employment Permit holders and Researchers under Directive 2005/71/EC.

Seasonal Employment Permits

The new Seasonal Employment Permit (SEP) is a short-term employment permit for a non-EEA national to work for a maximum of 7 months per calendar year in a seasonally recurrent employment. The Department states that the permit will be first introduced under a limited pilot scheme later in 2024 with the intention that it commence in early 2025.

Employers wishing to apply for the new SEP will be required to apply annually to become registered pre-approved seasonal employers in order to access the scheme. Applications will be considered based on relevant criteria including the need for the employment to be in a seasonally recurrent employment and the size of the employer. 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. Seasonal employment permit holders will have the option to transfer their SEP to another Approved Seasonal Employer under the scheme through a simplified notification procedure.

For more information and advice on these changes, please contact any member of the Employment Law Group.
