

Guide to work permits for spouses of employment permit holders

4th May 2004

What is an employment permit?

An employment permit is not simply a work permit. An employment permit is **any** permission given by the Minister for Enterprise, Trade and Employment to a non-EEA national to work in the State, including:

- work permit
- working visa
- work authorisation
- intra-company transfer concession etc.

Who do the new arrangements cover?

The new arrangements cover the spouses of:

- (1) persons working here on working visas/work authorisations,
- (2) certain intra-company transferees
- (3) certain academics and researchers on work permits [*annex A*] and
- (4) certain registered medical professionals on work permits [*annex B*]
- (5) **NB: THEY DO NOT GENERALLY COVER SPOUSES OF PERSONS WORKING IN THE STATE ON FOOT OF WORK PERMITS**

What do the new arrangements change?

The new arrangements do not remove the requirement for a work permit for eligible spouses.

Rather, they will give greater ease of access to employment for such spouses by:

- Not requiring the employer in question to advertise the job with FAS in advance of making a work permit application
- Accepting applications for jobs in categories that would otherwise be ineligible for work permits
- Exempting the application from the work permit fee

What criteria do I have to fill to fall into the above category?

- The existing employee and eligible spouse must be married, and have a legally recognised marriage certificate.
- The existing employee must have A valid Working Visa

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

Any work permit granted will entitle the employer to whom it is issued to employ the non-EEA national in question for the duration of the permit. Permits can be renewed after the initial period granted. If the employee wishes to change employer, their proposed new employer will have to apply for a new work permit for them, following the same procedures as for the original permit.

A permit issues to my employer -what then?

If a work permit is granted to an employer in respect of an eligible spouse, the spouse needs to re-register with local Garda Registration Office (Immigration Registration Office, Garda National Immigration Bureau, Burgh Quay. for persons residing in the Dublin area, or the Garda Superintendent's office in the relevant Garda

District for persons residing elsewhere in the State) to obtain the appropriate permission to remain in the State as an employee. This is important and necessary in order to have the correct immigration status. They will receive permission to remain for the length of the permit.

Guide for employers

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

To ascertain whether or not a person presenting for employment is an eligible spouse 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 married to an existing employee (*as defined under "who do the new arrangements cover?" listed above.*)

In the case of a nurse – for example - a *valid working visa* should be attached to their passport and will clearly say "working visa". 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,

The professions covered are

- | | |
|---------------------------------|---|
| - Medical Practitioner | - Audiologist |
| - Registered nurse | - Diagnostic or Therapeutic Radiographer |
| - Dentist | - Social Worker |
| - Dietician | - Medical Scientist |
| - Occupational Therapist | - Physiotherapist |
| - Orthoptist | - Hospital Pharmacist |
| - Medical Physicist | - ECG Technician |
| - Psychologist | - Neurophysiological Measurement Technician |
| - Speech and Language Therapist | - Cardiac Catheterisation Technician |
| - Biochemist | |

The existing employee must be registered with the appropriate medical body in Ireland. **Unregistered persons working in the medical field (eg: nurses aides) are not included in this category.**

NB: NB: Applications in respect of spouses of persons employed under work permits, with the exception of those outlined above, will not be accepted under this facility.

What does an employer need to send to the Department of Enterprise, Trade and Employment along with a work permit application?

The employer should send the work permit application with the normal attachments (including

a passport copy and registration card for the person in respect of whom the application is being made), minus the FAS documentation and the fee, but must also attach the following:

- (1) A cover letter confirming that this is a spousal application, providing details of the names and occupations of both spouses.
- (2) A copy of the relevant passport pages of the existing employee. This should clearly show:
- (3) the most recent immigration stamp,
- (4) the employment permit (where working visa/work authorisation)
- (5) the most recent visa (where appropriate).
- (6) A copy of the employment permit of the existing employee.
- (7) A copy of the registration card, issued by the Garda National Immigration Bureau, of the existing employee
- (8) A letter from the employer of the existing employee, confirming how long they are in employment with them and their job title.
- (9) A marriage certificate

Applications should be addressed to Ms. Aedin Doyle of the work permit section, and should be clearly marked "spousal application".

(In the case of medical professionals on work permits, a copy of the registration with the appropriate medical body should also be attached.)

Can I apply for a permit for an eligible spouse who is living outside the State?

The new arrangements were designed to facilitate access to the labour market for non-EEA nationals who are legally resident in the State. To be deemed an eligible spouse for the purposes of this scheme, the non-EEA national in question must be legally resident in the State with their spouse. There is no restriction on an employer applying for a work permit for a spouse residing outside the State, but such an application will be subject to the normal work permit procedures.

Both persons must have valid permission to remain in the State, granted by the immigration authorities as evidenced by a stamp in their passport.

*NB: where making a work permit application for an eligible spouse, *the wording of the stamp that is in their passport is irrelevant. Some stamps may outline that the passport holder cannot work, but this can be ignored in the case of eligible spouses.*

A permit application may be made as long as there is any stamp in their passport that has not yet expired.

What happens if an application is refused?

If a work permit application is refused on the basis that one of the criteria outlined above is not fulfilled, the employer may make a new work permit application for the spouse in question in the normal manner, providing the job does not fall into one of the ineligible categories. Such applications will be considered on the same basis as any normal application received. It is important to note that, after EU Enlargement on 1st May 2004, permit

applications will be returned where the Department of Enterprise, Trade and Employment considers that the vacancy in question could be filled from within the enlarged EU.

Annex C –list of registration bodies for medical professionals

| Profession | The designated authority responsible for the validation of qualifications |
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| 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

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

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