

# ATTRACTING HIGHLY QUALIFIED AND QUALIFIED THIRD-COUNTRY NATIONALS: IRELAND

## EMN Focussed Study

Emma Quinn  
Egle Gusciute

*September 2013*

# EMN

European Migration Network



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Study completed by the Irish National Contact Point of the European Migration Network (EMN) which is financially supported by the European Union and the Irish Department of Justice and Equality. The EMN has been established via Council Decision 2008/381/EC.

Available to download from [www.emn.ie](http://www.emn.ie)

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Whitaker Square, Sir John Rogerson's Quay, Dublin 2

ISBN 978-0-7070-0357-3

## The European Migration Network

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The Irish National Contact Point of the European Migration Network, EMN Ireland, is located at the Economic and Social Research Institute (ESRI).

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## The Authors

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## Acknowledgements

In compiling this study valuable assistance was received from officials of the: Department of Jobs, Enterprise and Innovation; the Irish Naturalisation and Immigration Service (INIS) within the Department of Justice and Equality; the Central Statistics Office; and the Health Service Executive Social Inclusion Unit. Thanks are also due to our colleagues Alan Barrett, Elaine Byrne and Corona Joyce.

## About this Report

This study, compiled according to commonly agreed specifications, provides an overview of the key issues and challenges that are apparent in relation to attracting highly qualified and qualified third-country nationals to Ireland. National policies and measures are discussed and, where possible, evaluated. Both EU-level and national-level data are provided on qualified and highly qualified workers. Challenges and barriers to attracting third-country nationals are identified.

The report consists of information provided primarily for the purpose of completing an overview Synthesis Report for the above-titled EMN Focussed Study. All reports are available at [www.emn.europa.eu](http://www.emn.europa.eu).

The opinions presented in this report are those of the authors and do not represent the position of the Economic and Social Research Institute, the Irish Department of Justice and Equality or the European Commission, Directorate-General Home Affairs.

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## Abbreviations and Irish Terms

An Garda Síochána	Police
CSO	Central Statistics Office
CTA	Common Travel Area
Dáil Éireann	Principal chamber of the Irish parliament
DJE	Department of Justice and Equality
DJEI	Department of Jobs, Enterprise and Innovation
FÁS	Training and Employment Authority
EEA	European Economic Area
EFTA	European Free Trade Association
EURES	European Employment Services
EQF	European Qualifications Framework
HRC	Habitual Residence Condition
HSE	Health Services Executive
INIS	Irish Naturalisation and Immigration Service
ISCED	International Standard Classification of Education
ISCO	International Standard Classification of Occupations
NCHDs	Non-consultant hospital doctors
NFQ	National Framework of Qualifications
OECD	Organisation for Economic Cooperation and Development
PPSN	Personal Public Service Numbers
QNHS	Quarterly National Household Survey
QQI	Quality and Qualifications Ireland
TCN	Third-Country National
T.D.	Teachta Dála, a member of the Irish Parliament



# Top-line 'Factsheet'

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Since the early 2000s, Ireland has aimed to meet both labour and skills needs from within the EEA as far as possible, while limiting the issuing of employment permits to highly qualified and hard to find non-EEA workers. The employer-led employment permit system in Ireland comprises: Green Cards, work permits, Spousal/Dependent Employment Permit and Intra-company Transfers. National administrative data show that in recent years most employment permits issued were in respect of highly qualified and qualified workers. Separate permit types are available to self-employed third-country nationals and scientific researchers.

At the outset of this study an important distinction needs to be drawn between skills shortages (where there is an insufficient number of trained/qualified individuals to meet demand) and labour shortages (where there is an insufficient number of individuals to take up employment in a particular occupation). Annual *National Skills Bulletins* indicate that while no labour shortages have been detected in Ireland in recent years, skills shortages exist in information technology, engineering, healthcare and financial services. Foreign language skills to native-proficiency level are also in short supply. It has been found that the demand for specific skills in these sectors cannot be met within the EEA labour market; ICT professionals in particular are hard to source due to limited supply and high global demand.

The stated objective of the Department of Jobs, Enterprise and Innovation is to support economic growth by helping to fill skills shortages, while having regard to: current labour market conditions; government initiatives designed to develop a skilled domestic labour pool; availability of skills within the EEA; sectoral preferences; and employment rights.<sup>1</sup> In recent years the Government has introduced a number of measures in order to attract highly qualified workers, which are summarised below.

## *Recent Policy Measures*

Irish policymakers have shown an increasing awareness of the need to *attract* highly qualified and qualified workers from outside the EEA to fill skills shortages. Recent policy measures include:

- Introduction of the 'Green Card' employment permit in 2007.
- Introduction of 'Immigrant Investor' and 'Start-Up Entrepreneur' Programmes to attract non-EEA investors and entrepreneurs in 2012, and refinements introduced in July 2013 to make the programme more attractive to potential investors.

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<sup>1</sup> Communication with Department of Jobs, Enterprise and Innovation official.

- Introduction in 2013 of a range of changes to the employment permits regime, which are designed to attract highly qualified workers, particularly ICT professionals, as well as to improve the processing of applications:
  - Lowering of minimum remuneration threshold applied to certain qualified workers in order to fill skills shortages, especially for technical and sales jobs with non-EEA language requirements;
  - Introduction in July 2013 of a special permission to facilitate the attendance of third-country nationals at job interviews in Ireland, provided the vacancy in question is for an occupation listed on the Highly Skilled Occupations list;
  - Measures to increase the pool of potential applicants. For example since April 2013, migrants including students already in Ireland may apply for an employment permit rather than leave and apply from outside the country.
- Introduction of the revised ‘Special Assignee Relief Programme’ in 2012 in order to assist multinational companies to attract key talent to Ireland.
- Since 2010 certain categories of medical workers may work in the public health system without an employment permit provided they meet certain requirements. These measures aim to alleviate skills shortages in the healthcare sector.
- Targeted recruitment of healthcare professionals from third-countries including India and Pakistan.
- Introduction of an ‘International scholarship programme’ in order to attract top students from priority and emerging markets to study in Ireland;
- The extension in the scope of the Third Level Graduate Scheme, first introduced in 2007.

In addition the Government has begun a review of existing employment permits legislation with a view to introducing a new Bill.

### *Evaluation and Effectiveness*

At a national level the policy of limiting non-EEA economic migration to highly skilled workers is evident in the growing proportion of permits being issued in the higher salary bands: 12.1 per cent of first time permits issued in 2008 were to workers earning €60,000 and over, rising to 24.6 per cent in 2012 (see Table 2.5).

EU comparative data indicate that the policies to prioritise higher-skilled third-country labour migration have been effective:

- In 2012 the proportion of third-country nationals in employment in Ireland, who were employed in high-skilled occupations<sup>2</sup> was 46 per cent (29,442 persons out of a total 64,308 third-country nationals in employment). Among the 20 EU Member States for which data are available, only the UK and Luxembourg showed higher proportions.
- The proportion of employed third-country nationals with high educational attainment (ISCED 5-6) was also high in Ireland in the same period, although

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<sup>2</sup> ISCO groups 1-3.

small sample size means that these findings should be treated with some caution.

The evidence base summarised in the current study shows that certain highly qualified/qualified workers have been in demand, in the same sectors, for at least five years.

Challenges also remain in attracting/facilitating self-employed third-country nationals. EU data indicate that the proportion of self-employed third-country nationals in Ireland was low in 2012 and fell below the EU average: 6,120 third-country nationals were self-employed in 2012, representing 10 per cent of third-country nationals in employment.

### *Challenges*

Possible challenges and barriers which affect the attractiveness of Ireland for (highly) qualified third-country nationals include the following:

- The economic recession and resulting fall in employment has been shown to have impacted severely on immigrants in Ireland.
- The absence of statutory family reunification and long-term residence schemes have been identified as possible barriers to attracting third-country nationals to Ireland.
- Evidence shows that immigrants were affected more severely by economic recession while Irish attitudes towards immigrants have become more negative since the economic downturn. This could have implications for integration.

# Section 1

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## National Policies<sup>3</sup> and Measures

### 1.1 NATIONAL POLICIES AND MEASURES FOR THE ATTRACTION OF HIGHLY QUALIFIED AND QUALIFIED THIRD-COUNTRY NATIONALS

#### 1.1.1 *National Definition of Highly Qualified and Qualified Third-Country Nationals*

In the Irish labour migration policy context, annual remuneration is used as an indicator of level of skill.<sup>4</sup> For the purposes of this study the terms (highly) qualified and (highly) skilled will be treated as broadly equivalent.

The closest equivalent to a ‘highly qualified’ migrant in the Irish policy context is a Green Card holder, or a work permit holder with high annual remuneration (over €60,000 per year). (Note that this is an approximation: the reality is that some highly qualified workers, such as nurses, hold work permits and earn less than €60,000.)

In an Irish policy context ‘qualified’ workers may be interpreted to be employment permit holders, other than Green Card holders, who work in jobs attracting an annual salary of €30,000 - €60,000.

The ‘Ineligible Occupations list’ details occupations for which employment permits may not be issued (see Annex 1)<sup>5</sup> while the ‘Highly Skilled Occupations’ list, details occupations deemed to be of strategic importance to economic growth (see Annex 2).<sup>6</sup> The list is mainly determined through analyses of labour market requirements by the Experts Group on Future Skills Needs.<sup>7</sup>

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<sup>3</sup> A national policy is understood as a definite course of action selected from among alternatives and in light of given conditions to guide and, usually, to determine present and future decisions. Policy is thus a framework that guides a small or even large number of specific actions. A policy mostly consists of two essential elements: the policy objectives (what the policy is intended to achieve) and the policy instruments (methods by which these objectives are achieved). (EMN study specifications, adapted from Webster’s dictionary).

<sup>4</sup> This is common in employer-led economic migration systems and often deemed to be a better predictor of long-term labour market success than a qualification that employers (other than the one recruiting initially) may not recognise. See Chaloff, J. and Lemaître, G. (2009).

<sup>5</sup> See <http://www.djei.ie/labour/workpermits/ineligiblecategoriesforemploymentpermits.htm>.

<sup>6</sup> See <http://www.djei.ie/labour/workpermits/highlyskilledoccupationslist.htm>.

<sup>7</sup> The Expert Group was established in 1997 to advise the Government on skills needs and labour market matters that impact employment and enterprise. It has published a number of reports which have led to policy change in Ireland. See <http://www.skillsireland.ie/>.

### **1.1.2 Distinction Between Highly Qualified and Qualified Third-Country Nationals in National Policies**

The main policies for attracting non-EEA migrant workers to Ireland are targeted at highly qualified workers rather than qualified workers, by way of the Green Card. The Green Card carries with it certain advantages, discussed in Section 1.1.4, that are not available to work permit holders. The majority of 'qualified' non-EEA workers moving to Ireland for the first time hold work permits. Intra-Company Transfers are a means by which Ireland facilitates the temporary transfer of senior management, key personnel or trainees from an overseas branch of a multinational corporation to its Irish branch.

### **1.1.3 Rationale and Objective of National Policies**

Since the early 2000s, Ireland has sought to meet labour and skills needs from within the enlarged EEA as far as possible, while limiting non-EEA labour migration to that of the most highly skilled and hard to find workers.<sup>8</sup> The Irish employment permits system comprises Green Cards, Work Permits, Spousal/Dependent Permits, and Intra-Company Transfers. See Section 1.1.4 for more information.

#### *Green Card*

The Green Card employment permit is issued to highly-qualified workers and it is specifically intended to encourage such third-country nationals to take up permanent residence in the State. It was originally planned that Green Card holders would proceed directly to long-term residence, but delays in enacting the *Immigration, Residence and Protection Bill 2010* have meant that long-term residence is not yet a statutory status. In the interim an administrative status is offered to Green Card and work permit holders, although the latter must reside in Ireland for a longer period before becoming eligible. See Section 1.2.1.1.

#### *Work Permit*

Work permits are issued mainly to qualified workers, for an initial period of two years and can then be renewed for up to a further three years. After five years, the applicant may apply to Irish Naturalisation and Immigration Service for long-term residency. These are therefore temporary permits but do not include a return dimension.<sup>9</sup>

#### *Spousal/Dependant Employment Permits*

Spousal/Dependant Employment Permits are issued mainly to the spouses/partners/dependants of Green Card holders and Scientific Researchers. The

<sup>8</sup> A skills shortage refers to a situation where there is an insufficient number of trained/qualified individuals in the domestic market to meet the demand for an occupation. A labour shortage occurs where there is an insufficient number of individuals willing to take up employment opportunities in a particular occupation. In the context of the severe economic recession and high unemployment, labour shortages do not currently exist in Ireland while only limited skills shortages can be detected.

<sup>9</sup> See <http://www.djei.ie/labour/workpermits/workpermitemploymentpermit.htm>.

permits are primarily designed to support the attractiveness of Ireland as a location of employment for highly-qualified third-country national workers.<sup>10</sup>

### *Intra-Company Transfers*

Intra-Company transfer permits are temporary permits which are designed to support the initial establishment of a foreign direct investment company and cannot be used to permanently substitute the filling of a vacancy which otherwise would have resulted in a job opportunity for the labour market. They can be issued for all skill/qualification levels, but most are issued in respect of senior personnel.<sup>11</sup>

#### **1.1.4 Main Features of the Policies**

The Irish employment permits system is employer-led and an employment permit is only issued where a job exists. Of the four types of employment permits mentioned above, the Green Card is the most relevant as it is specifically designed to *attract* highly qualified workers. All employment permits are issued to the prospective employee and a certified copy is issued to the employer. The permit allows the holder to be employed in the State by the named employer and in the occupation and location specified on the permit.

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<sup>10</sup> See <http://www.djei.ie/labour/workpermits/spousaldependantemploymentpermit.htm>.

<sup>11</sup> See <http://www.djei.ie/labour/workpermits/icemploymentpermit.htm>.

**Table 1.1 Overview of Employment Permits System in Ireland (2013)**

	Objective	Eligible occupations and conditions, including minimum remuneration	Features
Green Cards <sup>12</sup>	To attract highly skilled people into the labour market with the aim of encouraging them to take up permanent residence in the State.	Annual remuneration €30,000 and over: <u>Highly Skilled Occupations list</u> only. Degree qualification or higher is required in this salary range Annual remuneration €60,000 and over: All occupations open except those on the <u>Ineligible Occupations List</u> or not in the public interest Job offered must be of at least two years duration.	<ul style="list-style-type: none"> <li>• Labour Market Needs Test not required</li> <li>• Issued for an initial period of two years after which holder may apply to reside without requirement to hold an employment permit</li> <li>• After five years, holder may apply for long-term residency</li> <li>• Immediate family reunification</li> <li>• Resident spouses/ dependants may apply for a Spousal/ Dependant Employment Permit, currently issued free of charge</li> <li>• Holders may apply to reside and work without an employment permit after completion of Green Card duration.</li> </ul>
Work permit <sup>13</sup>	Primary vehicle to attract third-country nationals to meet labour/skills shortage.	Annual remuneration €30,000 and over: All occupations open except those on the <u>Ineligible Occupations List</u> or not in the public interest. Annual remuneration less than €30,000 in respect of: <ul style="list-style-type: none"> <li>• Non-EEA recent graduate, from an Irish third-level institution, with job offer on Highly Skilled Occupations list</li> <li>• Non-EEA recent graduate, from overseas third-level institution, with job offer as an ICT professional on Highly Skilled Occupations list</li> <li>• Specialist language support and technical/sales support with a fluency in a non-EEA language for companies with formal support from the State enterprise development agencies.</li> </ul>	<ul style="list-style-type: none"> <li>• Labour Market Needs Test required in most cases (vacancy must be advertised with a DSP employment services / EURES employment network for at least 2 weeks and in a national newspaper for at least 3 days and also in either a local newspaper or jobs website for 3 days)</li> <li>• Issued for an initial period of two years and can then be renewed for up to a further three years</li> <li>• After five years, holder may apply for long-term residency</li> <li>• Spousal/ Dependant Employment Permit, not available to new spouses of new WP holders (since 2009).</li> </ul>
Spousal/ Dependant Employment Permits <sup>14</sup>	To support the attractiveness of Ireland as a location for Green Card Employment Permit holders and Researchers.	All occupations open except those not in the public interest.	<ul style="list-style-type: none"> <li>• Labour Market Needs Test not required</li> <li>• Issued for a period that does not exceed the expiry of the primary permit subject to a max of two years. Renewal up for three years.</li> </ul>
Intra-Company transfers <sup>15</sup>	To facilitate the transfer of senior management, key personnel or trainees who are foreign nationals from an overseas branch of a multinational corporation to Irish branch.	Senior management/ key personnel minimum annual remuneration: €40,000 Personnel undergoing a training programme minimum annual remuneration: €30,000.	<ul style="list-style-type: none"> <li>• Labour Market Needs Test not applicable</li> <li>• Granted for duration of transfer and to a max of two years (1 year in the case of trainee) and may be extended to a total max stay of 5 years.</li> </ul>

Table 1.1 summarises the main conditions and features of the Irish employment permits system. Green Card permits carry the following key advantages over work permits:

<sup>12</sup> See <http://www.djei.ie/labour/workpermits/greencardemploymentpermit.htm>.

<sup>13</sup> <http://www.djei.ie/labour/workpermits/workpermittedemploymentpermit.htm>.

<sup>14</sup> <http://www.djei.ie/labour/workpermits/spousaldependantemploymentpermit.htm>.

<sup>15</sup> <http://www.djei.ie/labour/workpermits/ictemploymentpermit.htm>.

- Due to the fact that they are issued to workers with skills which have been identified as being in short supply, a Labour Market Needs Test is not required.
- Holders can apply for immediate family reunification. Their spouses/dependants are eligible to seek any employment in Ireland under a Spousal/Dependant employment permit, which is currently issued free of charge.
- Permit holders may apply for permission to reside and work without the requirement for an employment permit upon completion of the original Green Card period.

As Table 2.5 shows, in 2012, 71 per cent of new Green Cards issued were in the €30-60,000 category while 29 per cent fell into the €60,000+ remuneration category.

Work permits may be issued in respect of labour or skills shortage across a broader range of occupations than Green Cards. All occupations are eligible unless excluded under the list of Ineligible Categories of Employment for Employment Permits (see Annex 1). Table 2.5 shows that in 2012, 67 per cent of new work permits issued fell into the €30-60,000 remuneration band.

Intra-Company Transfers are a means by which Ireland facilitates the transfer of senior management, key personnel or trainees from an overseas branch of a multinational corporation to its Irish branch. The permit facilitates the temporary migration of corporate or HQ personnel and provides for such employees to stay on the foreign payroll. This may be desirable for the employee who may retain certain benefits (e.g. foreign pension contributions). As Table 2.5 shows, in recent years the majority of Intra-Company Transfer permits are issued to workers earning €60,000+ per year (56 per cent in 2012).

#### ***1.1.5 Other Groups of Third-Country Nationals Included in National Policies on Attracting (Highly) Qualified Third-Country Nationals (e.g. Investors, Entrepreneurs, International Graduates, Transferred Workers etc.)***

##### *Students*

Certain policy measures have been introduced to retain third-level graduates in Ireland. The Third Level Graduate scheme is discussed in Section 1.2.1 (See also Finn and O'Connell (2012) for more information).

##### *Immigrant Entrepreneurs and Investors*

New targeted policies were introduced in January 2012 aimed at attracting non-EEA migrant entrepreneurs and investors to Ireland. The Immigrant Investor Programme and the Start-Up Entrepreneur Programme became operational in mid-April 2012. The measures are discussed in detail in Section 1.2.1.



### *Scientific Researchers*

Ireland participates in *Council Directive 2005/71/EC* of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research. The Directive provides for the admission of third-country researchers into Ireland, for periods over three months, by way of a 'Hosting Agreement'. Measures in place relating to Scientific Researchers are outlined in Section 2.3.1.

#### **1.1.6 Links Between Specific Occupations and National Policies**

Information and Communications Technology (ICT), healthcare and financial services are sectors which were identified as having skills shortages as early as 2000. The introduction of Ireland's first highly skilled labour migration permit, the work visa/authorisation,<sup>16</sup> specifically targeted these sectors (Quinn, 2010). These remain key areas of demand, while migrants with specific skills mixes, such as foreign languages and business skills, have also been targeted in recent years. The following reports and findings have informed Ireland's current policy approach by identifying which skills and occupations are particularly in demand.

#### *Expert Group on Future Skills Needs (EGFSN) Reports*

The Expert Group on Future Skills Needs (EGFSN) advises the Irish Government on current and future skills needs of the economy and on other labour market issues that impact on Ireland's employment growth. The Expert Group on Future Skills Needs (2005) anticipated future skills shortages in ICT, biotechnology, engineering, financial, internationally traded service, healthcare and research and development. It was observed that highly skilled positions were unlikely to be filled from within the EEA. Expert Group on Future Skills Needs (2007) identified the skills required to develop an innovation-driven and knowledge based economy by 2020. The results indicated that ICT, technology<sup>17</sup> and engineering sector would continue to grow and the demand for higher qualifications will continue to increase, especially for managerial and professional occupations. The Expert Group highlighted the importance of foreign language skills, especially in enterprise development. In 2008 the Expert Group published a report on future demand for high level ICT skills. It was observed that the shift in the ICT sector from low skilled jobs to highly skilled jobs increased the demand for highly skilled workers (Expert Group on Future Skills Needs, 2008).

#### *National Skills Bulletins*<sup>18</sup>

*National Skills Bulletins* issued between 2009 and 2012 identified skills shortages in IT, engineering, finance and healthcare, confined mainly to highly skilled workers. The *National Skills Bulletins* also contain information on the number and

<sup>16</sup> In 2000 a work visa and work authorisation programme was introduced to facilitate the recruitment of highly-skilled non-EU nationals in the areas of information and computing technologies, construction professionals, and a broad range of medical, health and social care professions. The scheme was discontinued in 2006. See Quinn (2010) for more information.

<sup>17</sup> Including but not limited to medical devices, pharmaceuticals/biotechnology, food and drink sectors.

<sup>18</sup> The National Skills Bulletin is an annual report published by EGFSN. It provides an overview of employment trends and demand for skills in Ireland.

type of employment permits issued to non-EEA workers. The main shift that occurred in the period was the decline in Green Cards issued to healthcare professionals and the increase of Green Cards issued to ICT professionals. The fact that, since 2010, certain healthcare workers do not need to hold an employment permit when coming to Ireland to work in the public health system probably accounts for much of this decline, see Section 1.2.1. The Bulletins have also increasingly highlighted the demand for foreign language skills and specific skill mixes, for example business and language skills. The most recent report indicates that the largest number of new employment permits and Green Cards issued in 2011 was in the ICT sector, followed by healthcare (Expert Group on Future Skills Needs, July 2012).

During 2012 the Expert Group identified recruitment difficulties within both the ICT sector and from other sectors which require high level of IT skills (Expert Group on Future Skills Needs, January 2012). While the importance of boosting domestic supply is highlighted in the report, it also noted that inward migration will be valuable in the medium to long term due to the fact that many multinational companies view their labour market in the wider European and global context. Currently, it is argued, emerging skills demands including those in cloud computing, service design, database management, social networks and media, development of e-commerce applications and internet marketing, cannot be sourced from the EEA. The EGFSN *Statement of Activity 2012* indicated that employment contracted between 2011 and 2012 for all occupations except for managers, professionals and associate professionals. It was also observed that job opportunities continue to be present in ICT, health, financial service, high-tech manufacturing and sectors with language skills (Expert Group on Future Skills Needs, 2013).

#### *ICT Action Plan: Meeting the High-Level Skills Needs of Enterprise in Ireland*

Building on the work discussed above an *ICT Action Plan* was compiled in 2012 by the Government, ICT Ireland,<sup>19</sup> the Irish Software Association,<sup>20</sup> the American Chamber of Commerce Ireland,<sup>21</sup> the Higher Education Authority<sup>22</sup> and the EGFSN. The Plan aimed to investigate and address current skills shortages in the ICT sector. While the focus of the report was on ensuring that Ireland has a highly skilled domestic supply of workers in this sector, migration of highly skilled workers was considered vital for meeting the demand for high-level IT skills and for native-level foreign language fluency (Department of Education and Skills, 2012).

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<sup>19</sup> A representative body for the technology sector in Ireland. See <http://www.ictireland.ie/Sectors/ICT/ICT.nsf/vPages/Home?OpenDocument>.

<sup>20</sup> <http://www.software.ie/Sectors/ISA/ISA.nsf/vPages/Home?OpenDocument>.

<sup>21</sup> <https://www.amcham.ie/>.

<sup>22</sup> <http://www.heai.ie/>.

### *A Review of the Information Communication Technology (ICT) Skills Demand in Ireland*

In 2011, the Joint Committee on Jobs, Social Protection and Education identified skills shortage in the ICT sector as a priority issue for the Government. Following on from these discussions a report was produced in 2012 analysing the level and the nature of ICT skills demand in Ireland. The review identified that the domestic labour force is not sufficient to meet the demand especially for more experienced roles. At the time, 75 per cent of ICT companies were seeking to recruit and there were approximately 4,500 vacancies in the sector (Joint Committee on Jobs, Enterprise and Innovation, 2012).

#### *Action Plan for Jobs 2013*

The Government assesses key actions to be undertaken in order to support businesses and job creation through the *Action Plan for Jobs 2012* and *Action Plan for Jobs 2013* (Department of Jobs, Enterprise and Innovation)<sup>23</sup>. The Government noted that currently approximately 55 per cent of total ICT skills demand is met from outside Ireland, of which a significant proportion is from outside the EEA. Therefore even with the successful implementation of actions proposed in the short-term, which will assist in increasing the domestic supply of ICT skills, companies will need to rely on inward migration for sourcing ICT personnel, especially those with over eight years of experience, and personnel with multilingual skills. In order to help attract key talent, the following initiatives were proposed:

- Introduction of a unified employment application e-form.
- Delivering an interim review of employment permit schemes across the categories with a particular emphasis on ICT specifically.
- Developing a communications campaign in order to present clear options as to the available entry channels to the State, for example the difference between an employment permit and visa.

The Government intends that such measures will result in at least 700 additional permits issued in the ICT sector by the end of March 2014, or a 50 per cent increase on the previous year. Entrepreneurship was recognised as a vital source of job creation and Ireland hopes to become the 'go to' place for businesses through encouraging international companies to invest in Ireland.

#### *Healthcare Workers*

Ongoing skills shortages in the public and private healthcare sectors in Ireland have led to significant inflows of non-EEA nationals, especially for occupations such as nurses and non-consultant hospital doctors (NCHDs), also known as Junior Doctors. In 2011 the Health Service Executive (HSE) actively recruited NCHDs from India and Pakistan, filling 230 public posts in Ireland (Bidwell et al. 2013).

Due to the fact that certain third-country national healthcare workers no longer need to hold an employment permit to enter the State (see Section 1.2.1), overview data are problematic. Table 2.6 (see Section 2.1.2) shows that the number of employment permits issued in the healthcare and nursing sector fell from 2,185 in 2008 to 370 in 2012. This fall could reflect that fact that many workers do not need to hold an employment permit, reduced opportunities due to the economic recession or problems attracting workers.

Bidwell et al. (2013) cite registration data obtained from the Medical Council of Ireland (MCI), which indicate the country of qualification of doctors, but not their nationality. The authors show that the number of foreign-trained doctors from outside the EU rose from 972 in 2000 (7.4 per cent of all registered doctors) to 4,740 in 2010 (25.3 per cent of all registered doctors).<sup>24</sup> In 2010 the main source countries of non-EEA graduate doctors were Pakistan, India, Egypt, Sudan, South Africa and Nigeria. Brughra (2012) notes that, in 2008, the proportion of foreign-trained doctors registered in Ireland was the second highest in the OECD. Ireland also has a shortage of nurses that has not been met within the EU: non-EU migrant nurses accounted for 35 per cent of newly registered nurses between 2000 and 2010 with 11,481 non-EU migrant nurses issued with working visas from 2000 to 2009.

### ***1.1.7 Favourable Legislation/Measures/Conditions Arising from the Transposition of EU Directives Created for these Specific Groups (i.e. EU Blue Card Directive and Researchers Directive)***

Ireland participates in *Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research*. The Directive was implemented in 2007 in Ireland via the Hosting Agreement Scheme. EURAXESS Ireland, which is jointly funded by the Irish Universities Association (IUA) and the Department of Jobs, Enterprise and Innovation (DJEI), operates a fast tracking system under the Hosting Agreement and provides free advice and guidance for non-EEA researchers. The scheme is discussed further in Section 1.2.1.

### ***1.1.8 National Policies Addressing the Aspect of Brain Drain in the Countries of Origin***

No specific national policy measures were evident which address the issue of brain drain in countries of origin. As a member of the World Health Organisation (WHO), Ireland should have regard to the *WHO Global Code of Practice on the International Recruitment of Health Personnel (2007-2010)*. The Health Service Executive has indicated that it is acutely aware of the consequences of large scale recruitment on the country of origin.<sup>25</sup>

<sup>24</sup> Doctors wishing to work in Ireland must first register with the Medical Council of Ireland. These data comprise registrations on all registers held by the MCI.

<sup>25</sup> Communication with Health Service Executive, National Recruitment Services.

### 1.1.9 National Policies Addressing the Aspect of Brain Circulation with the Countries of Origin

No policy measures were evident which specifically addressed the issue of brain circulation in the countries of origin.

#### 1.1.10 Public Debate on National Policies

As discussed above, the overarching policy of the Irish government is to satisfy labour and skills demand by employing from within the EEA as far as possible, and to limit labour migration of third-country nationals (TCN) to niche occupations with skills shortages. This policy approach has been subject to public debate, mainly in the form of parliamentary debates (Dáil Éireann) and national media coverage.

#### *Numbers of Employment Permits Issued*

In the context of deteriorating economic conditions and rising unemployment, the number of permits issued to non-EEA nationals has been a subject of debate in recent years.<sup>26</sup> In 2009 access to work permits (mainly for skilled and low skilled workers) was restricted, partly in response to rising unemployment levels. Changes included extending the Labour Market Needs Test (from four weeks to eight weeks) and the removal of certain occupations from the list of occupations eligible for a work permit. NGOs including the Migrant Rights Centre Ireland (MRCI) and the Immigrant Council of Ireland criticised the changes, the former stating that they were ‘entirely unnecessary’ and would ‘create confusion and jeopardise workers’ rights’.<sup>27</sup>

However, during parliamentary debates also in 2009, further restrictions were demanded which would impact on highly qualified workers. For example the introduction of a labour market test<sup>28</sup> for Green Cards was called for by an opposition Teachta Dála<sup>29</sup>(T.D.).<sup>30</sup> A newspaper report cited a political party spokesperson on immigration and integration suggesting stricter criteria for Green Card applicants and the introduction of a labour market test for future applications.<sup>31</sup>

#### *Up-Skilling Versus Immigration*

The recent economic downturn and resulting rise in unemployment have led to public debates in relation to up-skilling and using domestic labour, versus employing non-EEA nationals. During parliamentary debates concerns were expressed by various T.D.s over skills shortages in the technology sector being met with workers from abroad,<sup>32</sup> the possible negative effects of this policy on

<sup>26</sup> See for example Dáil Debate *Written Answer Nr. 128* (21 February 2013).

<sup>27</sup> *The Irish Times* (16 April 2009). ‘Migrants to find it more difficult to get permits’. Available at [www.irishtimes.com](http://www.irishtimes.com).

<sup>28</sup> This proposal was not implemented.

<sup>29</sup> A member of the Irish Parliament

<sup>30</sup> Dáil Debate *Vol. 675 No. 4* (24 February 2009).

<sup>31</sup> *The Irish Times* (18 March 2009). ‘FG urges stricter criteria for green card applications’. Available at [www.irishtimes.com](http://www.irishtimes.com).

<sup>32</sup> Dáil Debate *Written Answer 9* (21 February 2013).

the development of indigenous technology start-ups<sup>33</sup> and the lack of Irish graduates in sectors with skills shortages.<sup>34</sup> The Government has stated that while there are initiatives to fill the shortages using the domestic labour force the demand for high skills in ICT exceeds the supply<sup>35</sup> and non-EEA nationals must be recruited. Ireland is aiming to do both: compete for highly skilled foreign workers while fostering the domestic sector.<sup>36</sup>

Skills shortages in relation to language skills have also attracted debate. During a recent parliamentary debate<sup>37</sup> it was noted that vacancies requiring non-EEA language skills to the proficiency of a native speaker are difficult to fill, while the head of PayPal in Ireland observed that Ireland must accept that non-Irish nationals must be recruited as ‘language skills are a big challenge.’<sup>38</sup>

### *Migration of Healthcare Workers*

The working conditions of healthcare professionals have attracted media discussion in Ireland. In 2013 the Irish Medical Organisation (IMO), called on the Health Service Executive (HSE) to improve the treatment of Indian and Pakistani non-consultant hospital doctors (NCHD), claiming that approximately 80 per cent plan to leave Ireland as a result of poor working conditions and unfair treatment such as inappropriate tasks and excessive working hours.<sup>39</sup> Another newspaper article<sup>40</sup> reported non-EEA doctors’ plans to take legal action against the HSE due to ‘discrimination and unlawful treatment’<sup>41</sup>. In 2011 non-Irish junior doctors’ arguments with the HSE over salaries were published in the media.<sup>42</sup>

Regarding skills shortages in the health sector, relatively strict family reunification requirements<sup>43</sup> for work permit holders were discussed in a Dáil Committee in relation to non-EEA nurses leaving the State due to lack of family reunification.<sup>44</sup>

Concerns about ‘brain drain’ in the countries of origin have been debated. For example the Irish Medical Organisation (IMO), a representative organisation for doctors, has criticised the HSE practice of employing doctors from South Africa, due to severe staff shortages there.<sup>45</sup>

<sup>33</sup> Dáil Debate Vol. 783 No. 4 (22 November 2012).

<sup>34</sup> Dáil debate Vol. 687 No. 3 (7 July 2009) and Dáil Debate Vol. 659 No. 1 (8 July 2008).

<sup>35</sup> Dáil Debate (21 February 2013).

<sup>36</sup> Dáil Debate (22 November 2012).

<sup>37</sup> Dáil Debate (21 February 2013).

<sup>38</sup> *The Irish Times* (26 October 2012). ‘Country needs to ‘get past’ hiring overseas staff, warns PayPal chief’. Available at [www.irishtimes.com](http://www.irishtimes.com).

<sup>39</sup> See for example *The Irish Examiner* (27 April 2013). ‘HSE treatment of foreign doctors ‘deplorable’. Available at [www.irishexaminer.com](http://www.irishexaminer.com).

<sup>40</sup> *The Irish Examiner* (15 April 2013). ‘‘Unfairly treated’ Asian doctors to sue’. Available at [www.irishexaminer.com](http://www.irishexaminer.com).

<sup>41</sup> Too short a timeframe to sit Pre-Registration Evaluation Scheme (an exam that allows to be placed on a general register of doctors), delays in processing paperwork.

<sup>42</sup> *The Irish Times* (3 September 2011). ‘Overseas junior doctors in contracts row with HSE’. Available at [www.irishtimes.com](http://www.irishtimes.com).

<sup>43</sup> A work permit holder must be legally in the State for one year with income above a certain threshold before he or she may be entitled to family reunification.

<sup>44</sup> Select Committee on Justice, Equality, Defence and Women’s Rights Debate (15 May 2008). *Immigration, Residence and Protection Bill 2008*. Committee Stage (Resumed).

<sup>45</sup> Irish Medical Organisation (2013). ‘IMO Statement on the Overseas Recruitment of Doctors to Ireland’. *Press Release*. Available at <http://www.imo.ie/news-media/press-releases/2013/imo-statement-on-the-over/>.

### *Availability of Visas/Permits*

The availability of permits for entrepreneurs and investors has attracted much media attention in the recent years. Newspaper articles report frustration on the part of entrepreneurs who claim that visa-related barriers are preventing Ireland becoming a place of start-ups and entrepreneurship.<sup>46</sup>

In 2009 attention was drawn to long delays in business permit approvals, with approximately one-third of applicants abandoning their applications due to the delays.<sup>47</sup> During recent parliamentary debates the economic benefit of immigrant investor and entrepreneur programmes were discussed.<sup>48</sup> Groups such as the 'Open Ireland Initiative',<sup>49</sup> an advocacy and campaigning group which aims to promote Ireland as 'The Silicon Valley of Europe', advocate for the introduction of a 'tech talent' work visa to reduce barriers to entry for ICT professionals.<sup>50</sup>

During parliamentary debates in 2012 and 2013, the introduction of special visas or 'technology visas' was demanded.<sup>51</sup>

### *Special Assignee Relief Programme*

Tax experts<sup>52</sup> and the American Chamber of Commerce,<sup>53</sup> which represents the American multinational sector in Ireland, have argued that the conditions attached to the Special Assignee Relief Programme (SARP) are not sufficient to attract key talent to Ireland. See Section 1.2.1 for more information on the Special Assignee Relief Programme.

#### **1.1.11 Possible Impacts of the Debate on the National Policies**

Negative media<sup>54</sup> attention regarding the constraints placed on business by the immigration regime may have informed recent policy measures such as the Immigrant Investor and Entrepreneur Programmes; the commitment to reduced employment permit processing times; and the 'interview permission' (see Section 1.2.1). However policy measures designed to attract migrant workers are controversial in the context of high unemployment rates. It is possible that this area of policy development has not been prioritised during the ongoing economic recession, perhaps partly due to such sensitivities.

<sup>46</sup> *The Irish Times* (23 July 2012). 'Work visas not working for tech sector'. Available at [www.irishtimes.com](http://www.irishtimes.com).

<sup>47</sup> Dáil Debate (7 July 2009).

<sup>48</sup> Dáil Debate Written Answer Nr. 6 (2 May 2013).

<sup>49</sup> <http://www.openireland.com/>.

<sup>50</sup> *The Irish Times* (23 January 2013). 'Strict immigration policy stifling tech innovation, summit told' Available at [www.irishtimes.com](http://www.irishtimes.com).

<sup>51</sup> Dáil Debate (21 February 2013); Dáil Debate Vol. 774 No. 1 (6 November 2012); Dáil Debate Vol. 773 No. 12 (9 October 2012); Dáil Debate Vol. 771 No. 1 (3 July 2012).

<sup>52</sup> *The Irish Independent* (3 July 2011). 'Income tax relief: A honey trap for talent'. Available at [www.independent.ie](http://www.independent.ie).

<sup>53</sup> *The Irish Times* (28 January 2013). 'US chamber backs low rate of executive tax'. Available at [www.irishtimes.com](http://www.irishtimes.com).

<sup>54</sup> For example see: *The Irish Times* (23 July 2012). 'Work visas not working for tech sector'; *The Irish Independent* (3 July 2011). 'Income tax relief: A honey trap for talent' and *The Irish Times* (23 January 2013). 'Strict immigration policy stifling tech innovation, summit told'.

## 1.2 MEASURES

### *Recent Changes to the Legal Framework on Labour Migration*

New employment permits legislation is anticipated in the near future, to substantially amend the Employment Permits Acts, 2003 and 2006. It is intended that the new legislation will facilitate a managed economic migration policy that will support the Government's economic development and jobs agenda. The Regulatory Impact Assessment on the proposed new Bill stresses that the new legislation should provide for flexibility and targeted instruments, in order to allow the Government to respond to emerging policy concerns and operational priorities (DJEI, 2013).

#### *1.2.1 Concrete Measures used by Ireland to Attract Highly Qualified and Qualified Third-Country Nationals*

##### *Facilitating Access to Employment Permits for Highly Qualified Workers*

The Department of Jobs, Enterprise and Innovation has recently introduced changes to the employment permits system, which are designed to help Ireland to attract highly qualified workers, especially in the ICT sector. The new reforms include:

- A target increase in the number of employment permits granted in the ICT sector by 50 per cent (to approximately 2,000 by end March 2014).
- A broadened highly-skilled eligible occupations list which correlates with known areas of key skills shortages (now known as the 'Highly Skilled Occupations list').
- A planned reduction of 33 per cent in the processing time for employment permit applications.
- Improved customer service, communications and appeals processes.

The Department of Jobs, Enterprise and Innovation has also introduced new measures specific to work permit holders earning €30,000 - 60,000 per year. A reduced minimum remuneration threshold now applies in respect of employment permits issued to IT graduates of foreign colleges and workers in technical or sales support roles with non-EEA language requirements, from €30,000 to €27,000 per year (Department of Jobs, Enterprise and Innovation, April 2013).

Immigration initiatives have been developed with the Department of Justice and Equality, in order to increase the potential pool of employment permit applicants in the State. In April 2013, the Department of Justice and Equality removed restrictions to certain groups, such as students and holders of working holiday authorisations, applying for employment permits from within Ireland. Prospective employees with a valid immigration status applying for a job in an occupation listed on the Highly Skilled Occupations list, no longer had to leave the State to apply for a permit. As of July 2013, the requirement for the vacancy in question to be listed on the Highly Skilled Occupations list was removed and the Department of Jobs, Enterprise and Innovation may now consider applications made by such



migrants already within the State, provided the job for which they are applying is not on the Ineligible Occupations List.<sup>55</sup>

On a pilot basis from July 2013, a special temporary permission to enter may be issued to certain third-country nationals who are invited to attend a job interview in Ireland. Subject to normal immigration requirements permission to enter the State on a temporary basis (up to 90 days) will be granted to allow third-country nationals to attend an interview for employment in an occupation on the Highly Skilled Occupations list. (Visa required nationals must still be in possession of a valid entry visa.) Successful interviewees may then remain in the State for up to 90 days while applying to the Department of Jobs, Enterprise and Innovation for an employment permit.<sup>56</sup> The Department of Justice and Equality will also pilot an Atypical Working Scheme in September for third-country nationals who are required by a company/organisation based in the State to undertake short term contract work.<sup>57</sup>

The Department of Jobs, Enterprise and Innovation have stated that recent changes aim to increase Ireland's attractiveness as a location for internationally mobile talent to create a world-class ICT sector in the State which in return will benefit the economy and create jobs for Irish workers, making Ireland 'the internet capital of Europe' (Department of Jobs, Enterprise and Innovation, April 2013).

### *Immigrant Investor and the Start-up Entrepreneur Programmes*

Until 2012, a third-country national wishing to migrate to Ireland to establish a business was required to apply for a business permission permit. Under this scheme a minimum capital transfer of €300,000 is required and the business permission holder must employ at least two EEA nationals.

The Immigrant Investor Programme and the Start-Up Entrepreneur Programme were introduced in January 2012 to attract non-EEA migrant investors and entrepreneurs to Ireland. The programmes<sup>58</sup> enable approved participants and immediate family members to enter Ireland on multi-entry visas and to remain for an initial period of two years, which can be renewed for a further three years. After five years of residence participants will be eligible for long-term residence in the State (see Section 1.2.1.1).

The Start-Up Entrepreneur Programme provides for residency for business development purposes. A third-country national may apply for residence in Ireland to pursue a 'high-potential start-up' provided he or she has €75,000 in financial backing and meets a number of additional requirements. Significantly, there are no initial job creation targets and no requirement to employ Irish/EEA nationals.

<sup>55</sup> Department of Jobs, Enterprise and Innovation website: 'Employment Permits – What's New'. See <http://www.djei.ie/labour/workpermits/whatsnew19072013.htm>.

<sup>56</sup> See [http://www.inis.gov.ie/en/INIS/Pages/NEW%20INITIATIVES%20BETWEEN%20THE%20DEPARTMENT%20OF%20JUSTICE%20AND%20EQUALITY%20\(INIS\)%20AND%20THE%20DEPARTMENT%20OF%20JOBS,%20ENTERPRISE%20AND%20INNOVATION](http://www.inis.gov.ie/en/INIS/Pages/NEW%20INITIATIVES%20BETWEEN%20THE%20DEPARTMENT%20OF%20JUSTICE%20AND%20EQUALITY%20(INIS)%20AND%20THE%20DEPARTMENT%20OF%20JOBS,%20ENTERPRISE%20AND%20INNOVATION).

<sup>57</sup> See <http://www.inis.gov.ie/en/INIS/Pages/Atypical%20Working%20Scheme%20Guidelines>.

<sup>58</sup> Guidelines for the programmes available at <http://www.inis.gov.ie/>.

An Immigrant Investor Scheme offers similar residence terms for third-country nationals who make an individual investment of at least €500,000 (€400,000 if part of a consortium) in Ireland. A number of adjustments were made to the Immigrant Investor Programme in July 2013, to make the programme more attractive to potential investors (Department of Justice and Equality, July 2013).

The financial commitment made by an Immigrant Investor may take the form of:

- A once-off endowment of a minimum of €500,000 to a project with a 'clear public benefit' such as in the arts, education or sport. Since July 2013 a minimum endowment of €400,000 applies if five or more individuals form a consortium.
- A minimum €1 million investment, to be held for five years, in a designated Irish Government Immigrant Investor Bond.
- A minimum €500,000 venture capital funding, for a minimum of three years, into an Irish business.
- A mixed investment consisting of a minimum of €450,000 in property and €500,000 in immigrant investor bonds.
- A minimum of €500,000 investment in managed fund which would invest in Irish businesses and projects.

Family reunification of a spouse/partner and children is provided for as long as they can be supported by the entrepreneur, investor or by other private means, and no social benefits will be provided. Since July 2013, a proportion of tuition fees paid to Irish educational institutions for the children of investors will be considered as part of the investment.

Applications made under either scheme are considered by an inter-departmental Evaluation Committee including representatives of IDA Ireland,<sup>59</sup> Enterprise Ireland,<sup>60</sup> and Departments of Finance; Jobs, Enterprise and Innovation; Justice and Equality; Foreign Affairs and Trade; and Health. The Business Permission Scheme remains in place for more traditional start-up businesses in areas such as retail or hospitality. The programmes are marketed abroad via Ireland's embassy network and the State agencies involved in the promotion of trade investment and enterprise (Department of Justice and Equality, July 2013).

Between April 2012 and May 2013, 14 applications were approved under the Start-up Entrepreneur Programme.<sup>61</sup> Under the Immigrant Investor Programme nine applications were approved between April 2012 and July 2013 (Department of Justice and Equality, 2013).

These initiatives are supported by the introduction in 2011 of a short-stay Visa Waiver Programme. Under this programme, third-country nationals from certain countries, who have entered the UK with a 'C' visa (often tourists and business persons), and have been granted leave to remain in the UK for up to 180 days,

<sup>59</sup> Ireland's inward investment promotion agency responsible for the attraction and development of foreign investment in Ireland. See <http://www.idaireland.com/>.

<sup>60</sup> A government organisation responsible for the development and growth of Irish enterprises in world markets. See <http://www.enterprise-ireland.com/en/>.

<sup>61</sup> Dáil Debate *Written Answer Nr. 25* (2 May 2013).

may travel to Ireland without an Irish visa, and stay up to a maximum of 90 days or the time left on their UK leave to remain, whichever is the shorter.<sup>62</sup>

### *Special Assignee Relief Programme (SARP)*

The Government introduced a revised<sup>63</sup> Special Assignee Relief Programme (SARP) in the Finance Act 2012, in order to assist multinational companies to attract key talent to Ireland. The goals of this measure are to increase Ireland's competitiveness on an international scale by attracting key skills to the State,<sup>64</sup> which in return will support and encourage inward investment and promote job creation.<sup>65</sup> The relief allows for a 30 per cent exception from income tax of an employee's income,<sup>66</sup> which must range between €75,000 and €500,000 per year. In order to avail of this relief the person employed must:

- Arrive in the State in any of the tax years 2012, 2013 or 2014 at the request of his or her employer (who is located in a treaty country<sup>67</sup> or a country with which the state has a tax information exchange agreement<sup>68</sup>).
- Have worked outside the State for the employer for a minimum period of 12 months immediately before being assigned to the State.
- Not have been tax resident in Ireland in the five tax years prior to the year of arrival.
- Be assigned to work in the state for a minimum of 12 consecutive months,
- Be tax resident in the State for all years the tax relief is claimed.
- Earn a basic salary of €75,000 per year excluding all bonuses, benefits or share based remuneration.
- Work in the State for the company that assigned him or her, or for an associated company.<sup>69</sup>

Individuals who qualify for this relief are also entitled to recover the cost of one return trip for their family to their home country from their employer, tax free. Such workers may also have school fees paid by the employer tax-free up to €5,000 per child. The relief must be claimed by the employee but the employer must certify that qualifying conditions have been satisfied.<sup>70</sup>

KPMG<sup>71</sup> have indicated that due to the complex nature of the relief, it is difficult to explain to multinational companies, especially when it is compared to the regimes that apply in other EU countries (KPMG, 2012). Media reports indicate that the relief has attracted criticism from tax experts and representatives of

<sup>62</sup> See <http://www.inis.gov.ie/en/INIS/Pages/Visa%20Waiver%20Programme> for more information.

<sup>63</sup> The previous SARP applied only to non-Irish domiciled individuals with earnings in excess of €100,000 per year and will continue to apply until 31 December 2015 where individuals are entitled to a relief in 2009, 2010 or 2011. See [http://www.bdo.ie/files/attachments/taxbites/sarp\\_a5\\_flyer\\_jun12.pdf?utm\\_source=Circulator&utm\\_medium=Email&utm\\_campaign=Tax%20Bites%20-%20June%202012](http://www.bdo.ie/files/attachments/taxbites/sarp_a5_flyer_jun12.pdf?utm_source=Circulator&utm_medium=Email&utm_campaign=Tax%20Bites%20-%20June%202012).

<sup>64</sup> BDO Ireland (2012). *Tax Bites: Special Assignee Relief Programme Ireland 2012*. Available at <http://www.bdo.ie/>.

<sup>65</sup> The Revenue Commissioners (2012). *Supporting Job Creation and other Enterprise Supports - Tax reliefs, deductions and exemptions: A Revenue Guide*. Available <http://www.revenue.ie/en/index.html>.

<sup>66</sup> The relief does not extend to the Universal Social Charge (USC) or Pay Related Social Insurance (PRSI).

<sup>67</sup> The relevant employer must have been a company incorporated and tax resident in a country with which Ireland has a double tax treaty.

<sup>68</sup> A country with which Ireland has a tax information exchange agreement.

<sup>69</sup> Department of Finance (2012). *Finance Bill 2012 - List of Measures*. Available at <http://www.finance.gov.ie/>.

<sup>70</sup> KPMG (2012). *Taxing Times: Finance Act 2012 & Current Tax Developments*. Available at <http://www.kpmg.ie/financeact2012/analysis/TaxingTimesFinanceAct2012.pdf>.

<sup>71</sup> Professional Audit, Tax and Advisory Services <http://www.kpmg.com/ie/en/Pages/default.aspx>.

multinational companies in Ireland. A leading accountancy firm has noted that the relief is not enough to allow Ireland compete with other countries in attracting Foreign Direct Investment<sup>72</sup> while the American Chamber of Commerce<sup>73</sup> has proposed<sup>74</sup> that the present €500,000 cap on the relief should be lifted in order to attract key talent to Ireland describing the current regime as restrictive, complex and lacking competitiveness.

### *Measures to Recruit Healthcare Professionals*

In Ireland, healthcare occupations such as non-consultant doctors, radiologists and nurses are among those with the most severe skills shortages. The Health Service Executive has indicated that while it is obliged to limit recruitment to within the EU, exceptions have been made where posts cannot be filled from within EU.<sup>75</sup>

Bidwell et al. (2012) show that the increase in the numbers of foreign-trained doctors 2000 - 2010 has been largely the result of passive recruitment rather than as a result of active international recruitment campaigns. However some active recruitment does take place: in July 2011, for example, Ireland conducted an active international campaign in India and Pakistan in order to attract doctors.

Ireland has also recruited nurses from abroad since 2000 in order to fill shortages in the health sector. Humphries, Brugha and McGee (2012) note that in the past decade nearly as many nurses were recruited internationally as trained locally: 14,546 non-Irish nurses were recruited while 17,264 were Irish nationals trained locally. The study shows that between 2000 and 2010, 35 per cent of new recruits into the health system were non-EU migrant nurses.

Since 2010, in an effort to attract healthcare workers by streamlining the immigration system, certain medical workers have been granted the right to work in the State without the requirement to hold an employment permit. Currently such workers include non-EEA non-consultant hospital doctors, who are registered on the Medical Council of Ireland's<sup>76</sup> General Division, and who have a job offer for the post of Senior House Officer or registrar in the public health service; and non-EEA non-consultant hospital doctors who are registered on the Medical Council of Ireland's Trainee Specialist Division, excluding interns.

### *Measures to Attract Researchers*

In 2007 Ireland implemented *Directive 2005/71/EC* and introduced a Hosting Agreement Scheme under which researchers may travel to Ireland, for more than three months, for the purposes of carrying out research on the basis of a 'Hosting Agreement'. This agreement is drawn up between an accredited research organisation (public or private sector) and the researcher may avail of immediate family reunification. Family members are also allowed to seek employment under

<sup>72</sup> *The Irish Independent* (3 July 2011). 'Income tax relief: A honey trap for talent'. Available at [www.independent.ie](http://www.independent.ie).

<sup>73</sup> A representative of interests of American multinational companies in Ireland. <https://www.amcham.ie/>.

<sup>74</sup> *The Irish Times* (28 January 2013). 'US Chamber backs low rate of executive tax'. Available at [www.irishtimes.com](http://www.irishtimes.com).

<sup>75</sup> Communication with Health Service Executive National Recruitment Services.

<sup>76</sup> A doctor wishing to practise medicine in Ireland must register with the appropriate division within the Medical Council.

the Spousal/Dependent Employment Permit scheme. The researcher may also apply for Stamp 4 immigration permission<sup>77</sup> after two years of working under the Hosting Agreement and may remain in the State to look for employment without having to leave the State upon the expiry of their contract.

EURAXESS Ireland (2013),<sup>78</sup> shows that between 2007 and the first quarter of 2013, approximately 1,750 researchers have arrived to Ireland under this scheme, with the majority coming from India, China and the United States. More than 60 per cent of researchers were PhD students in Ireland before their employment under the Hosting Agreement and most work in ICT, engineering and science (including life science) sectors. In May 2013 a new web portal targeted at business was launched by EURAXESS Ireland. The portal brings together a number of important resources for business allowing companies to: advertise vacancies; search an online database of researcher CVs; access the fast track research visas system; and search for funding support opportunities (Department of Jobs, Enterprise and Innovation, May 2013).

#### *Measures to Retain Highly Skilled Students*

The 'Third Level Graduate Scheme' was introduced in April 2007. Under this scheme non-EEA students who have, on or after 1 January, 2007, acquired a primary, masters or doctorate degree from an Irish third-level educational institution are allowed to apply to remain in Ireland for the purpose of seeking employment and applying for a Green Card or work permit. Persons who qualify under this scheme are granted one non-renewable extension to their student permission starting on the date upon which the person receives their exam results. Under the scheme graduates with a level 7 qualification on the National Framework of Qualifications may get a six-month extension to their residence permission. Graduates with qualifications at levels 8-10 may get a 12-month extension to their permission.<sup>79</sup> During the period of permission to remain in the State a student may work full-time.

In 2013 the 'Government of Ireland International Scholarship Programme' was launched by the Department of Education and Skills in order to attract top students from priority and emerging markets to study in Ireland. Recipients of the scholarship may have all fees and registration charges waived and may receive €10,000 to cover living expenses for one year of study in Ireland. Some 20 students, in their final year of undergraduate studies or at post-graduate level, from China, Brazil and India have received scholarships already and it is expected that 22 more scholarships will be awarded for the 2013/2014 academic year (Department of Education and Skills, April 2013).

Recent policy measures have been introduced to retain international students who are resident in the state and have been offered employment in an

<sup>77</sup> This immigration status offers researchers more flexibility in moving between sectors and employers without the need to hold a work permit.

<sup>78</sup> EURAXESS Ireland, which is based in the Irish Universities Association (IUA), and supported by the Department of Jobs, Enterprise and Innovation and the European Commission, is the Researchers Mobility Office and provides free advice and guidance for non-EEA researchers, such as on the fast track visa procedure.

<sup>79</sup> See <http://www.inis.gov.ie/en/INIS/GraduateScheme.pdf/Files/GraduateScheme.pdf>.

occupation listed on the Highly Skilled Occupations list (see Annex 2). As mentioned above, with effect from April 2013, non-EEA students who are already lawfully resident in the State may apply for an employment permit from within the State. Previously, applications for employment permits made by students inside the State could not be considered by the Department of Jobs, Enterprise and Innovation.<sup>80</sup>

In September 2010, the Irish Government launched its first international education strategy, entitled *Investing in Global Relationships: Ireland's International Education Strategy 2010-15* (Department of Education and Skills, 2010).<sup>81</sup> In 2011 the Government introduced new immigration rules for non-EEA students which aim to improve Ireland's ability to promote international education more effectively overseas, as well as to strengthen the immigration system in response to suspected abuse.<sup>82</sup> See Finn and O'Connell, 2012 for a detailed analysis of these recent policy developments.

### **1.2.1.1 Measures aimed at facilitating the integration of (highly) qualified third-country nationals**

Limited measures facilitating the integration of (highly) qualified third-country nationals exist. The Green Card, as introduced in January 2007, was intended to lead directly to long-term residence after two years (Quinn 2010). However delays in enacting the necessary legislation mean that this intention cannot yet be fulfilled. As an interim measure Green Card holders who reach the end of their initial two-year residence may have their residence permission renewed for an additional two years (increased in 2010 from one year). An application for long-term residence status is currently processed through an administrative scheme i.e. there is no statutory provision as yet. Persons who have been legally resident in the State for over five years (i.e. 60 months) on the basis of employment permits may apply for a five-year residency extension.

### **1.2.2 Public Policies that Specifically Aim at Positively Influencing the Immigration Decision of (Highly) Qualified Third-Country Nationals**

Public policies have been specifically developed to positively influence the location of international business in Ireland. Certain public policies that aim at positively influencing the immigration decision of (highly) qualified third-country nationals have also emerged on foot of such efforts and these are discussed below.

Ireland aims to position itself globally as an open economy which is attractive to international businesses. The guidelines accompanying the application form for

<sup>80</sup> See [http://www.inis.gov.ie/en/INIS/Pages/NEW%20INITIATIVES%20BETWEEN%20THE%20DEPARTMENT%20OF%20JUSTICE%20AND%20EQUALITY%20\(INIS\)%20AND%20THE%20DEPARTMENT%20OF%20JOBS,%20ENTERPRISE%20AND%20INNOVATION](http://www.inis.gov.ie/en/INIS/Pages/NEW%20INITIATIVES%20BETWEEN%20THE%20DEPARTMENT%20OF%20JUSTICE%20AND%20EQUALITY%20(INIS)%20AND%20THE%20DEPARTMENT%20OF%20JOBS,%20ENTERPRISE%20AND%20INNOVATION).

<sup>81</sup> Available at <http://www.merriestreet.ie/wp-content/uploads/2010/09/GLOBAL-REPORT-Sept-20101.pdf>.

<sup>82</sup> See <http://www.inis.gov.ie/en/INIS/Pages/Student%20Guidelines%20-%20New%20Immigration%20Regime%20for%20Full%20Time%20non-EEA%20Students>.

the Immigrant Investor Programme draws the attention of prospective investors to the following advantages inherent in Ireland's tax regime including: a low corporate tax rate; research and development Tax Credit; an Intellectual Property (IP) regime which provides a tax write-off for broadly defined IP acquisitions; and an attractive holding company regime, including participation exemption from capital gains tax on disposals of shares in subsidiaries.<sup>83</sup>

The Special Assignee Relief Programme (SARP), discussed in Section 1.2.1 aims to assist multinational companies to attract key talent to Ireland. This Programme allows for a 30 per cent exemption from income tax of an employee's income, which must range between €75,000 and €500,000 per year.

### 1.3 RELATIONS WITH THIRD-COUNTRIES AND LABOUR MIGRATION AGREEMENTS

#### 1.3.1 Policy-Focus on Specific Third-Countries

Ireland has few labour migration-related policies that involve a focus on specific third-countries. The Health Service Executive has focussed certain active recruitment campaigns on specific countries including India and Pakistan. Ireland has also developed a specific focus on certain countries in relation to attracting international students. Enterprise Ireland has 32 overseas offices around the world, with one office in New York dedicated to Education in Ireland, and education consultants in regional markets such as China, Malaysia and India. These consultants facilitate Enterprise Ireland in accessing these markets by building relationships with universities, schools and agents.<sup>84</sup> Ireland also has bilateral/multilateral agreements with certain third-countries in relation to attracting students. See Finn and O'Connell (2012) for more information.

Finn and O'Connell (2012) show that Ireland has bilateral/multilateral agreements with: Brazil, Canada, China, Malaysia, Oman, Saudi Arabia and Vietnam in relation to international students. Students from Brazil mainly focus on Science and technology areas of study while Canadian students study electrical engineering, business, hospitality, internet applications and web development. See Finn and O'Connell (2012) for more information.

Ireland has not entered into labour migration agreements relating to attracting qualified third-country nationals or adopted legislation which facilitates labour migration from specific third-countries.

<sup>83</sup> Irish Naturalisation and Immigration Service. Immigrant Investor Programme Guidelines. Available at <http://www.inis.gov.ie/en/INIS/Pages/New%20Programmes%20for%20Investors%20and%20Entrepreneurs>.

<sup>84</sup> Finn, M., and O'Connell, P.J. (2012). *Immigration of International Students to the EU: Ireland*. European Migration Network. ESRI: Dublin.

# Section 2

## Evolution and Effectiveness Measures

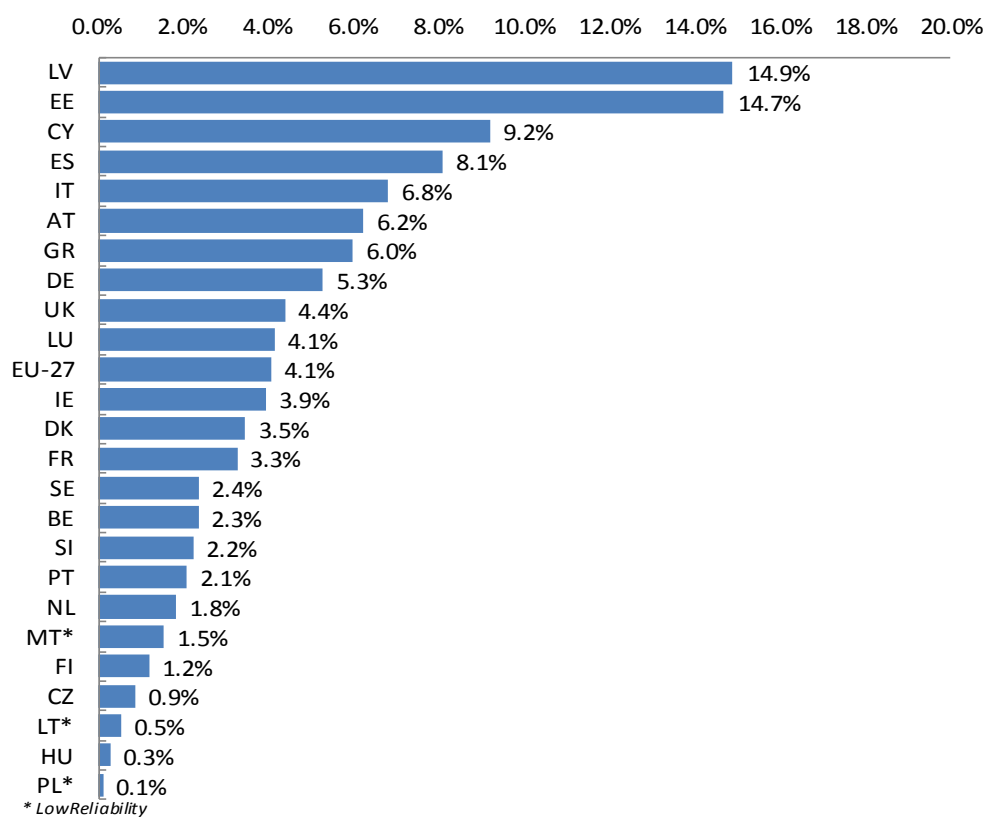
This section reflects on the effectiveness of national measures as described in Section 1 and the methods used for evaluation.

### 2.1 EVIDENCE OF EFFECTIVENESS BASED ON STATISTICS

#### 2.1.1 Eurostat Data

Available 2012 data from the Labour Force Survey indicate that 64,308 third-country nationals were in employment in Ireland. In an EU context, the proportion of third-country nationals in employment in Ireland in 2012 was low at 3.9 per cent of all employed: see Figure 2.1.

**Figure 2.1: Proportion of Third-Country Nationals Among the Employed by Member of State (2012)**



**Source:** *Attracting Highly Qualified and Qualified third-country nationals: EMN Synthesis Report.*  
Data derived from Labour Force Survey (Eurostat). Includes self-employed.



Of those third-country nationals in employment in Ireland, approximately 29,442, or 46 per cent, fell into in Occupational Groups 1-3.<sup>85</sup> This proportion is high in an EU context: among the 20 other EU Member States for which data are available, only the UK and Luxembourg show higher proportions of employed third-country nationals in highly skilled occupations: see Figure 2.2.

The overall number of third-country nationals in high-skilled occupations in Ireland has remained fairly stable in the period 2008-2012, with a drop to 27,600 in 2009 (Table 2.1).

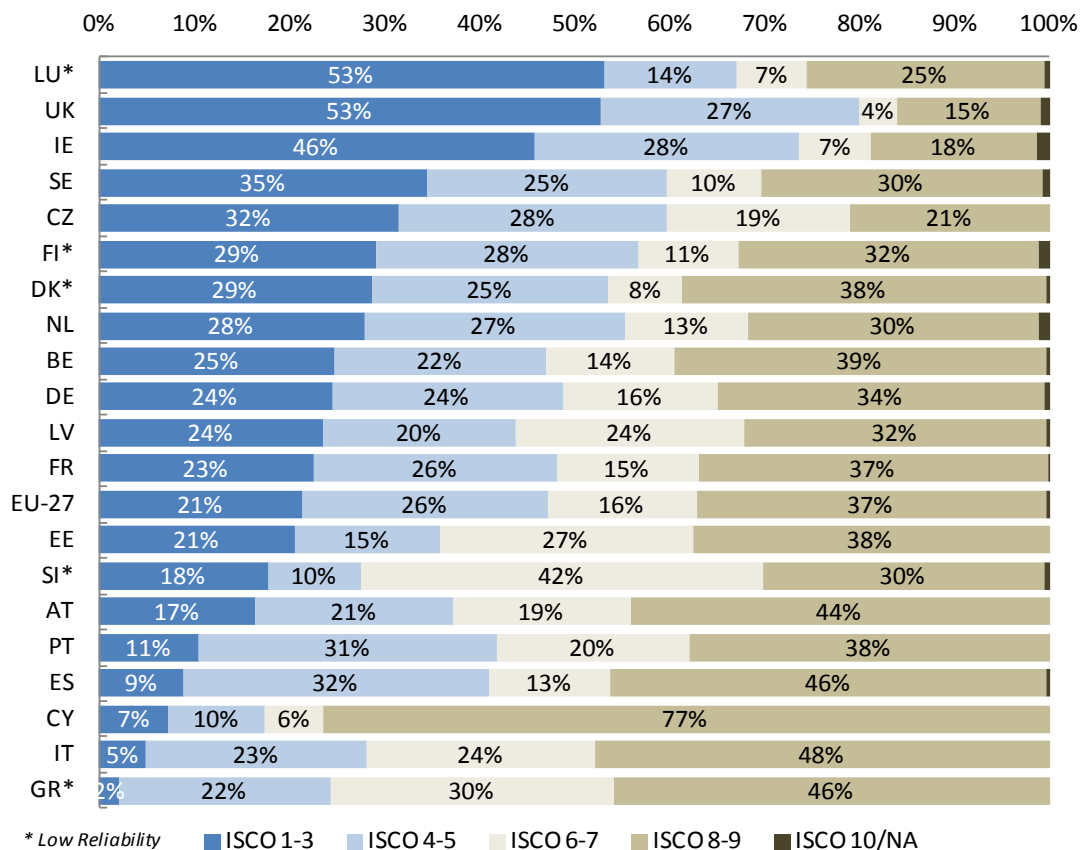
**Table 2.1 Employment of Third-Country Nationals in High-Skilled Occupations (000s)**

	2008	2009	2010	2011	2012
Group 1: Legislators, Senior Officials and Managers	6.5	6.1	6.2	3.6 (u)	3.5 (u)
Group 2: Professionals	20.0	18.2	18.7	21.3	20.0
Group 3: Technicians and associate professionals	3.8(u)	3.3(u)	3.9(u)	5.4	6.0
Groups 1-3	30.3	27.6	28.9	30.4	29.4

(u) – unreliable<sup>86</sup>

Source: Eurostat. Includes self-employed.

**Figure 2.2 Percentage Breakdown of Employed Third-Country Nationals by Professional Status (ISCO: 1-3, 4-5, 6-7, 8-9) (2012)**



\* Low Reliability ■ ISCO 1-3 ■ ISCO 4-5 ■ ISCO 6-7 ■ ISCO 8-9 ■ ISCO 10/NA

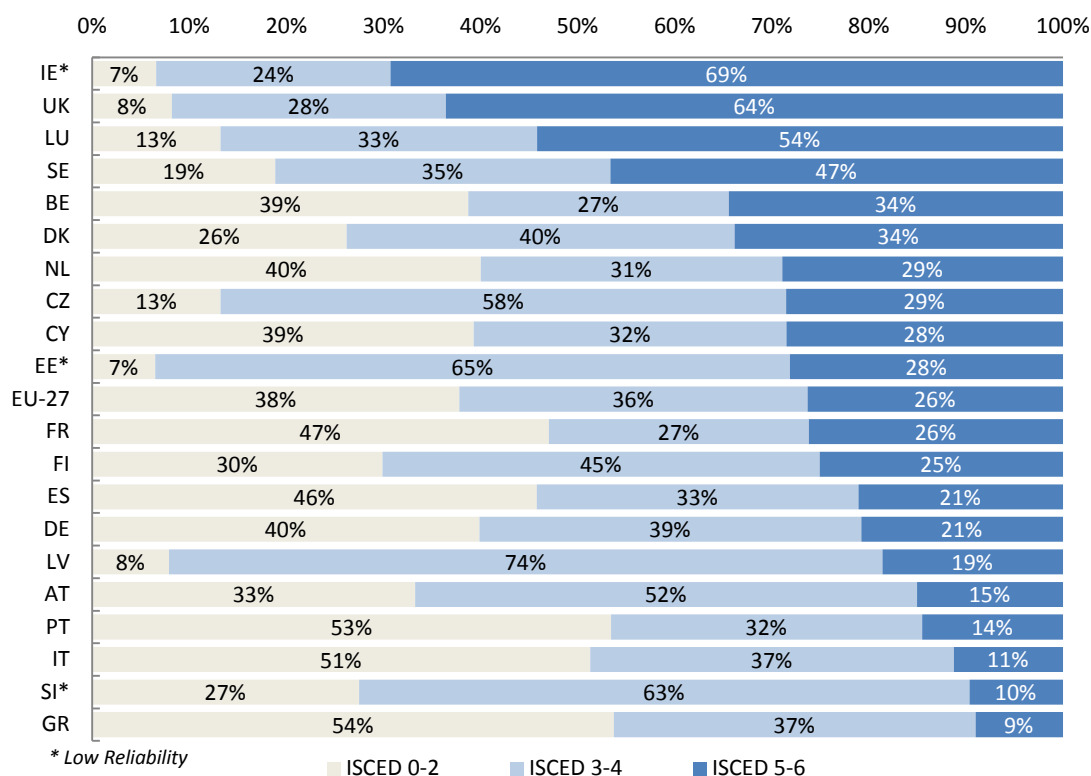
Source: Attracting Highly Qualified and Qualified third-country nationals: EMN Synthesis Report. Data derived from Labour Force Survey (Eurostat). Includes self-employed.

<sup>85</sup> According to the International Standard Classification of Occupations (ISCO) group 1 consists of managers, group 2 consists of professionals and group 3 consists of technicians and associate professionals. Each group has subdivisions.

<sup>86</sup> Unreliable due to small cell size.

The proportion of employed third-country nationals with high educational attainment (ISCED 5-6), in 2012, was also high in Ireland and well above the EU27 average, although a small sample size<sup>87</sup> should be noted here. (See Figure 2.3.) Of those third-country nationals in employment (excluding non-responses), 69 per cent (41,500 of 59,000) were educated to ISCED level 5-6, i.e. first or second stage tertiary education. The majority of this group (96 per cent) held first stage tertiary education. Table A.3 provides similar data for the years 2008-2012.

**Figure 2.3 Percentage Breakdown of Employed Third-Country Nationals by Highest Educational Attainment (ISCED) (2012)**



**Source:** *Attracting Highly Qualified and Qualified third-country nationals: EMN Synthesis Report. Data derived from Labour Force Survey (Eurostat). Includes self-employed.*

The gender breakdown of third-country nationals employed in Ireland in high-skilled occupations has shifted steadily in the period 2008-2012 from an over-representation of females to an under-representation of females: 46 per cent of workers were female in 2012, or 13,600 of 29,400. Figure 2.4 indicates that in 2012 Ireland had a more balanced gender breakdown within this group of workers than the EU average.

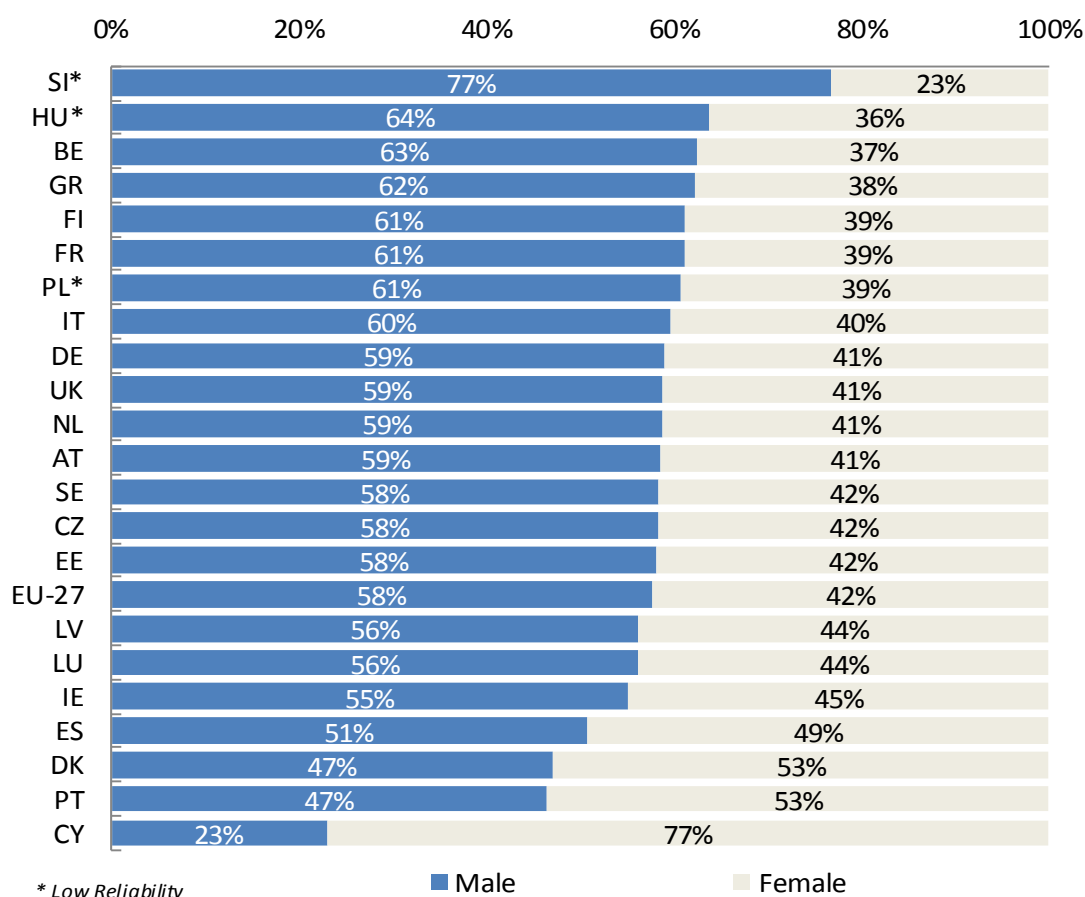
**Table 2.2 Employment of Third-Country Nationals in High-Skilled Occupations by Sex (%)**

	2008	2009	2010	2011	2012
Male (%)	44.9	47.8	49.8	51.3	53.7
Female (%)	55.1	52.2	50.2	48.7	46.3
Total (000s)	30.3	27.6	28.9	30.4	29.4

(u) – unreliable.

**Source:** Eurostat (Whole numbers provided in Table A.1).

<sup>87</sup> Persons who did not answer this question were omitted from the calculation.

**Figure 2.4 Percentage Breakdown of Employed Third-Country Nationals by Sex (2012)**


**Source:** *Attracting Highly Qualified and Qualified third-country nationals: EMN Synthesis Report. Data derived from Labour Force Survey (Eurostat). Includes self-employed.*

The majority of third-country nationals employed in high skilled occupations in Ireland are aged under 45 years. As Table 2.3 shows, the dominance of the 25-34 age group has lessened somewhat in the period 2008-2012, falling from 54 to 42 per cent.

**Table 2.3 Employment of Third-Country Nationals in High-Skilled Occupations by Age**

	2008 %	2009 %	2010 %	2011 %	2012 %
25-34	53.5	51.4	43.3	39.1	42.2
35-44	36.0	33.3	36.7	43.4	41.2
45-64	10.6	15.2	20.1	17.4	16.7
Total (000s)	30.3	27.6	28.9	30.4	29.4

**Source:** *Eurostat. Includes self-employed. (Whole numbers provided in Table A.2).*

The number of self-employed third-country nationals in Ireland is low and hasn't changed much in recent years, as shown in Table 2.4. (Note that due to small cell sizes this table has a wide margin of error attached).

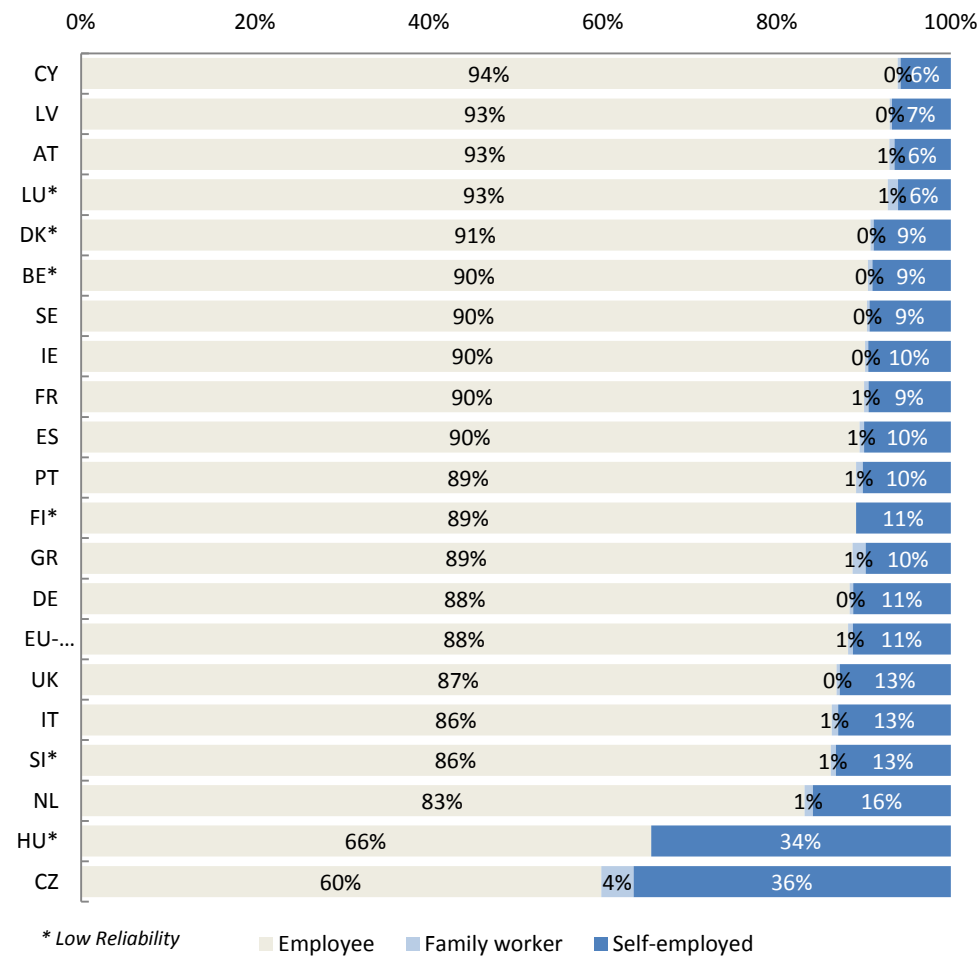
In 2012 the proportion was below the EU average: see Figure 2.5.

**Table 2.4 Self-Employment of Third-Country Nationals in High-Skilled Professions (000s)**

	2008	2009	2010	2011	2012
Third-country nationals self-employed	:	2.8(u)	3.5(u)	2.9 (u)	2.7 (u)

(u) – unreliable.

Source: Eurostat.

**Figure 2.5 Percentage Breakdown of Employed Third-Country Nationals by Employment Status (2012)**

Source: Attracting Highly Qualified and Qualified third-country nationals: EMN Synthesis Report. Data derived from Labour Force Survey (Eurostat).

### 2.1.2 National Administrative Data

Table 2.5 shows the number and type of employment permits issued for the first time (i.e. excluding renewals and 'repeat new permits') while Table 2.6 shows data on new employment permits issued by sector between 2008 and 2012 .

**Table 2.5 New First Time Permits Issued by Permit Type and Salary Bands (2008-2012)**

	<30,000 %	30-60,000 %	>60,000 %	Total
<b>2012</b>				
Work Permit	22.2	67.3	10.5	676
Green Cards	0.0	71.0	29.0	840
ICT*	0.0	44.5	55.5	328
Spousal	81.9	16.1	2.1	193
Training	0.0	80.0	20.0	20
Total	15.0	60.5	24.6	2,057
<b>2011</b>				
Work Permit	43.1	52.1	4.8	815
Green Cards	0.0	72.6	27.4	683
ICT	0.0	41.3	58.7	225
Spousal	87.0	11.0	2.0	300
Training	0.0	100.0	0.0	8
Total	30.1	51.9	17.9	2,031
<b>2010</b>				
Work Permit	66.2	30.0	3.8	1,436
Green Cards	0.0	68.9	31.1	425
ICT	0.0	51.2	48.8	244
Spousal	91.6	8.4	0.0	486
Training	0.0	100.0	0.0	4
Total	53.8	34.5	11.8	2,595
<b>2009</b>				
Work Permit	26.8	65.1	8.0	1,047
Green Cards	0.0	68.2	31.8	538
ICT	2.5	48.8	48.8	283
Spousal	91.8	7.8	0.4	514
Training	0.0	91.7	8.3	12
Total	31.7	51.7	16.5	2,394
<b>2008</b>				
Work Permit	34.4	58.5	7.1	2,054
Green Cards	0.0	79.5	20.5	1,795
ICT	1.2	49.8	49.0	414
Spousal	85.6	14.0	0.4	1,660
Training	21.3	69.0	9.7	155
Total	35.6	52.2	12.1	6,078

**Source:** Department of Jobs, Enterprise and Innovation.

**Note:** excludes 'repeat new permits' i.e. permits issued to third-country national who is already in the State, having held a permit previously which lapsed.

\* Intra-Company Transfer

**Table 2.6 New Employment Permits Issued by Sector (2008- 2012)**

	2008	2009	2010	2011	2012	2013*
Agriculture and Fisheries	308	111	120	85	40	11
Catering	1,059	476	618	263	171	42
Domestic	117	61	33	26	18	4
Education	212	76	74	60	45	12
Entertainment	43	29	26	21	18	6
Exchange Agreements	11	4	2	20	11	0
Industry	984	473	467	476	583	183
Medical & Nursing	2,185	1,152	797	695	370	101
Service Industry	3,536	1,429	1,611	1,496	1,627	512
Sport	131	54	50	42	36	7
Total	8,586	3,865	3,798	3,184	2,919	878

**Source:** Department of Jobs, Enterprise and Innovation.

Available at <http://www.djei.ie/labour/workpermits/statistics.htm>.

**Note:** includes 'repeat new permits' i.e. permits issued to third-country national who is already in the State, having held a permit previously which lapsed.

\*January-April.

### 2.1.3 Evidence of a Link Between the Measures and the Available Data on the Immigration of (Highly) Qualified Third-Country Nationals

The EU-wide labour force data provided in Figure 2.2 show that in 2012 the proportion of third-country nationals in employment in Ireland, who were employed in high-skilled occupations, was 46 per cent. Among the 20 other EU Member States for which data are available, only the UK and Luxembourg show higher proportions. The proportion of employed third-country nationals with high educational attainment (ISCED 5-6) is also high in Ireland and well above the EU27 average, although small sample size should be noted here. These data indicate that the Irish national policies to focus third-country labour migration on highly skilled workers have been effective.

However the number of self-employed third-country nationals in Ireland in 2012 is low and below the EU average, hence the introduction of new policy measures on immigrant investors and entrepreneurs.

National data provided in Table 2.5 show that the number and type of employment permits issued for the first time has changed significantly since 2008. Overall, the number of first time permits issued has fallen by 66 per cent from 6,078 to 2,057. The policy of limiting non-EEA economic migration to highly skilled workers is evident in the growing proportion of permits being issued in the higher salary bands: 12.1 per cent of first time permits issued in 2008 were to workers earning €60,000 and over, rising to 24.6 per cent in 2012. The share of first time permits issued to workers in the <€30,000 salary band has declined from 35.6 per cent in 2008 to 15.0 per cent in 2012.

The availability of Spousal/Dependent Permits supports the attractiveness of Ireland as a location of employment for Green Card permit holders and researchers. As Table 2.5 shows, the majority of spousal permits are issued for lower-paid jobs. Restrictions were introduced in 2009 on the issuing of such

permits, for example the spouses/dependants of first time new work permit applications received on or after 1 June 2009 may no longer apply for a Spousal/Dependant Permit.<sup>88</sup>

## 2.2 NATIONAL METHODS OF EVALUATION

### 2.2.1 *Primary Research Evaluating the National Policies and Related Practical Measures Implemented To Attract Highly Qualified and Qualified Third-Country Nationals*

The Expert Group on Future Skills Needs is the main group with responsibility for evaluating skills and labour market needs in Ireland. The EGFSN reports to the Minister for Jobs, Enterprise and Innovation and the Minister for Education and Skills. The EGFSN conducts sectoral research as deemed necessary and, based on data gathered by the Skills and Labour Market Research Unit (SLMRU), the EGFSN publishes an annual *National Skills Bulletin*<sup>89</sup> to assist policy formulation by providing an overview of the Irish labour market at occupational level and by identifying occupations where shortages exist.

The SLMRU maintains a National Skills Database containing quantitative information on skills and labour in Ireland which the EGFSN may draw upon for its work. The National Skills Database is constantly amended as new sources emerge but the following key data are collected: employment data mainly from the Quarterly National Household Survey; data on education provision, participation and output); Employment permit data (provided by the Department of Jobs, Enterprise and Innovation); job vacancies data; data on the level of difficulty in filling vacancies reported in the six-monthly survey(s) of recruitment agencies conducted by the SLMRU.<sup>90</sup>

#### 2.2.1.2 Outcome regarding the effectiveness of measures

As discussed in Section 1.1.6, the National Skills Bulletins 2009-2012 indicated that shortages persist in IT, engineering, finance and healthcare and are confined to vacancies in respect of highly skilled workers. Demand for foreign language skills and specific skill mixes for example business and language skills are also recurrent themes. Focussed, sectoral studies by the EGFSN<sup>91</sup> indicate that skills shortages continue in ICT and healthcare in particular. However it is important to note that skills shortages could have been even greater in the sectors mentioned above without migration from third-countries.

<sup>88</sup> Quinn, E. (2010) *Satisfying Labour Demand through Migration: Ireland*.

<sup>89</sup> For the purpose of this report National Skills Bulletins from 2009 to 2012 were examined.

<sup>90</sup> See Quinn, E. (2010) *Satisfying Labour Demand through Migration: Ireland* for more information.

<sup>91</sup> See National Skills Bulletins (2009-2012) for more information.

## 2.3 POLICY MAKERS' OR OTHER STAKEHOLDERS' (I.E. ACADEMICS, NON-GOVERNMENTAL OR PRIVATE SECTOR REPRESENTATIVES) EXPERIENCE

### 2.3.1 *Additional Evidence Regarding the (Perceived) Effectiveness of Measures*

#### *EURAXESS Ireland*

A recent report evaluating the Hosting Agreement system for scientific researchers shows that the existence of a fast track visa system significantly influenced the decision to relocate to Ireland for at least 53 per cent of researchers, while 23 per cent would not have relocated if the system did not exist. Immediate family reunification, access to the labour market and the fast track visa system were the most important factors for researchers in choosing where to work.<sup>92</sup> EURAXESS assistance was rated as highly satisfactory, efficient and useful by researchers, hiring institutions and the Irish immigration authorities<sup>93</sup> thus highlighting the importance of support mechanisms for non-EU workers.

#### *The Integration Centre*

In 2012 the NGO the Integration Centre<sup>94</sup> published a report which made the following evaluations and recommendations in relation to national policies relevant to (highly) qualified workers:

- Ireland was judged to be a good country for entrepreneurship (stable government, a low tax policy, a pro-business culture, and regulatory impediments that are lower than the OECD average) but recommendations were made to remove barriers to ethnic entrepreneurship by creating a correct entrepreneurial environment and offering support. The report commended the introduction of the Immigrant Investor Programme. Research revealed that immigrants have little awareness of enterprise support services. It was argued that this due to a lack of targeted effort on behalf of agencies to reach out to migrant communities.
- The Third Level Graduate Scheme (see Section 1.2.1) was commended while attention was drawn to the lack of provisions and support for graduates in setting up a business. The report also called for a clarification on graduate eligibility to apply for the Start-up Entrepreneur Programme without having to leave Ireland.
- Research conducted for the report showed that employers are facing problems in recruiting highly skilled staff domestically and internationally. The report authors stressed that to continue to attract inward investment into Ireland, it will be essential to have an adequate employment system for Non-EEA nationals in order to offer a skilled and diversified talent pool to multinational companies (Power and Szlovak, 2012).

<sup>92</sup> EURAXESS Ireland (2013).

<sup>93</sup> EURAXESS maintains a highly secure database containing all the Hosting Agreement holders and their family members' details. It can be accessed by Irish immigration authorities worldwide and many noted the usefulness and efficiency of it for verification purposes.

<sup>94</sup> A non-profit organisation focused on immigrant integration in Ireland. <http://www.integrationcentre.ie/>.



*Other*

- The American Chamber of Commerce Workforce Activation Survey (2012) found that: 2,513 open vacancies existed in US companies in Ireland, mainly in ICT, pharmaceuticals, international services and medical technology. Of those surveyed, 40 per cent said they were advertising more vacant positions in 2012 than in 2011.<sup>95</sup>

# Section 3

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## Challenges and Barriers

### 3.1 POSSIBLE CHALLENGES AND BARRIERS

#### 3.1.1 *Challenges and Barriers Which Affect the Attractiveness of Ireland for (Highly) Qualified Third-Country Nationals*

##### *Economic Recession and Fall in Employment*

Barrett and Kelly (2012) and McGinnity et al. (2013) showed that, overall, immigrants have been harder hit by the current recession when compared to natives and that the unemployment rate for non-Irish nationals is higher than for Irish nationals. McGinnity et al. showed that Africans have the highest rate of unemployment, followed closely by UK nationals, and then 'Rest of the World', including non-EU Europeans.

##### *Family Reunification*

Ireland does not have a statutory family reunification scheme available generally to third-country nationals. Becker et al. (2013) highlighted the challenges facing migrants applying for family reunification including a lack of information and long processing times. The Minister for Justice and Equality recently indicated that he intends to publish a detailed policy document, including guidelines, on family reunification.<sup>96</sup> Along with the UK and Denmark, Ireland has opted out of the Family Reunification Directive.<sup>97</sup> Permission to remain in Ireland may be granted under administrative schemes to dependants of employment permit holders. In the case of work permit holders the sponsor must be working in Ireland for at least 12 months before applying to be joined by family members and have an income above a certain threshold. In the case of Green Card holders an immediate application for family unity may be made. Alternatively, family members may accompany the sponsor on admission into the State, or join later, subject to normal immigration rules.

##### *Long-Term Residence*

Ireland has not opted in to *Directive 2003/109/EC* concerning the status of third-country nationals who are long-term residents, and in the absence of a statutory scheme, an administrative long-term residence is open to employment permit holders and their dependent spouses and scientific researchers only. The

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<sup>96</sup> Minister for Justice and Equality, Alan Shatter, Answer to Parliamentary Question (Wednesday, 6 February 2013).

<sup>97</sup> Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.

Immigrant Council of Ireland (2010) has criticised the existing Irish administrative scheme as discretionary and poorly defined in terms of rights and entitlements: the impact of temporary departure from the State for example is not clear (Immigrant Council of Ireland, 2010).

Research cited by Power and Szlovak (2012) showed that out of 339 recruited non-EU nurses, only one fifth intended to remain in Ireland. Citizenship and immigration procedures were key factors influencing their decision, 60 per cent stating that they would remain if they were granted citizenship or long-term residency: 42 per cent of respondents had been in Ireland for 7-9 years but only 7 per cent had secured citizenship. Note that access to citizenship through naturalisation has improved significantly in recent years.<sup>98</sup>

### *Problems Retaining Medical Staff*

Bidwell et al. (2013) shows that many non-EEA doctors are working in posts of limited training value and as a result many intend to leave Ireland due to lack of career advancement.<sup>99</sup> Decreased salaries, changes in Non-Consultant Hospital Doctors' contracts and new registration procedures mean that Ireland has also become a less attractive destination for potential recruits. While Ireland has actively recruited nurses from abroad Humphries et al. (2012) argue that no retention policies have been put in place to keep them in the Irish health system. The same study also noted the limited data available in relation to healthcare labour migration.

### *Recognition of Qualifications and Under-Employment*

In a recent analysis of Labour Force Survey data, Kingston et al. (2012) found that all national-ethnic groups, apart from White UK and White EU13 individuals, reported substantially higher rates of discrimination in the workplace than White Irish.<sup>100</sup> The authors suggest that part of the problem may be with the employer having difficulty in recognising educational qualifications earned outside Ireland. A substantial body of research exists which shows that immigrants in Ireland are employed at occupational levels below their level of qualification (see for example Barrett et al. 2006). Barrett and Duffy (2008) surmise that non-recognition of qualifications may be one contributory factor to such under-employment.

### *Attitudes*

McGinnity et al. (2013) showed that Irish attitudes have changed towards immigrants between 2002 and 2010. The research indicated that economic conditions influence people's views as during the economic boom (2002-2006), Irish people felt more positive about immigrants while in the period post 2006 to 2010 attitudes became increasingly negative.

<sup>98</sup> See McGinnity et al (2013) *Annual Monitoring Report on Integration 2012* for more information.

<sup>99</sup> Difficulty accessing consultant posts cited as the main obstacle in career progression.

<sup>100</sup> Self-reported discrimination based on responses to the question "In the past two years, have you personally felt discriminated against in the workplace".

### *Lack of Pre-Entry Clearance System*

Ireland does not have a pre-entry clearance system beyond the requirement to apply for a visa. This means that for nationals of visa-exempt states there is no way of checking that they meet the requirement to enter the State.<sup>101</sup> An Irish visa is a form of pre-entry clearance to travel to a point of entry to the State only. Whether or not it carries a legitimate expectation of entering the State has been debated in the Courts.<sup>102</sup> All non-EEA migrants must seek permission to enter the state from an immigration officer at the border and permission may be refused under grounds set out in Section 4 of the *Immigration Act 2004*.

### *Social Security*

Access to all non-insurance based social security payments in Ireland is dependent on meeting a Habitual Residence Condition (HRC). All applicants must show they are both resident in, and have a proven close link to Ireland. When the HRC condition was first introduced there was a requirement for a minimum two year residence in Ireland but this has been replaced with a more fluid assessment of a number of different factors, including: the length and continuity of the applicant's residence in Ireland and the applicant's 'main centre of interest'. The evidence used to assess the HRC depends on the facts of the individual case and the final decision reached is, to some extent, subjective. NGOs Crosscare, Doras Luimní and Nasc (2012) have drawn attention to the challenges faced by migrants wishing to access social security in Ireland.

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<sup>101</sup> Observation made by official from Irish Immigration and Naturalisation Service, reported in Quinn (2013).

<sup>102</sup> *VI v Minister for Justice, Equality and Law Reform [2007] 4 I.R. 42.*; *Ezenwaka & Anor v The Minister For Justice, Equality And Law Reform*, Unreported, High Court, Hogan J, 21 July, 2011 [2011] IEHC 328.

# Section 4

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## Conclusions

In Ireland the demand for specific, niche skills exceeds available supply within the EEA labour market. As a result Ireland has aimed to attract key talent from non-EEA countries to fill skills shortages in specific sectors such as IT, engineering, finance and healthcare. Skills shortages in these sectors have persisted since the early 2000s. Vacancies are mainly confined to highly qualified workers and the importance of foreign language skills is becoming increasingly evident. A range of relevant policy-measures have been developed in recent years including the introduction of the Green Card for highly skilled workers, Immigrant Investor/Entrepreneur Programmes, and various measures to retain international students.

The current study shows that the Irish national policies have been effective in weighting the balance of third-country labour migration towards skilled and highly skilled workers. In 2012 the proportion of third-country nationals in employment in Ireland, who were employed in high-skilled occupations, was 46 per cent, third highest among 20 EU countries for which data are available. The proportion of employed third-country nationals with high educational attainment was also high in Ireland in the same period.

However it may be argued that the development of policies to attract the migrant workers required has not been sufficiently proactive to fully address skills shortages. As discussed above, the development of policy measures to attract non-EEA workers is controversial, particularly in the context of economic recession and high unemployment. The employment permit regime must also not undermine efforts in the education and training sectors to boost the domestic supply of labour and skills. However, such concerns need to be balanced with the need for proactive labour migration policy development, in order to compete internationally for the skills required and to promote economic growth.

Despite the severe recession and high unemployment, policy initiatives on immigration have still been possible. The Minister for Jobs, Enterprise and Innovation recently confirmed that Ireland will not restrict access to its labour market to the nationals of Croatia following its accession to the European Union.<sup>103</sup> Although the impact of this decision will undoubtedly be

small<sup>104</sup> the fact that it was taken by Irish policymakers without extensive public debate is notable.

Challenges exist to attracting qualified and highly qualified workers. Research shows<sup>105</sup> that Ireland's participation in the Directive on a specific procedure for admitting third-country nationals for the purposes of scientific research, has improved the recruitment of highly qualified researchers. However Ireland has not exercised its opt-in to several other EU Directives which could help attract third-country nationals (notably the Long-term Residence and Family Reunification Directives). The necessary domestic legislation to allow long-term residency in Ireland, even for Green Card holders, has not yet been enacted. Sector-specific challenges exist, particularly in healthcare. While the Government has granted certain medical workers the right to work in the State without the requirement to hold an employment permit since June 2010, accompanying retention measures or policies have not been put in place within the public system. Ireland's current economic recession is also likely to deter highly qualified workers: research shows that the recession affected immigrants more severely, while there is also some evidence of attitudes towards foreign workers hardening in recent years.

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<sup>104</sup> An assessment which included a review conducted by Forfás, was carried out in order to determine the possible impact of allowing Croatian nationals to access the Irish labour market concluding that it is unlikely to have a negative impact. It was considered highly unlikely that a significant number of Croatian nationals wish to migrate to Ireland due to Ireland's current economic conditions and a low number of Croatians living in Ireland. The number of Croatians with firm intentions to migrate is very low and Ireland is not a target country as only 12 work permits were issued in 2012 in relation to Croatian nationals. Very few sectors are currently experiencing skills shortages and additional migrants to such sectors would be welcome.

<sup>105</sup> See EURAXESS Ireland (2013).

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## Annex I Ineligible Categories of Employment for Employment Permits List<sup>106</sup>

Ineligible Categories of Employment for Employment Permits List
All Clerical and Administrative Positions
All General Operatives / Labourers
All Operator and Production Staff
All Domestic Workers (including Carers in the Home and Childminders)*
All Work Riders (Horse Racing)
In the category 'Sales Staff': All retail sales vacancies, sales representatives, Supervisory/ Specialist Sales with certain exclusions **
In the category 'Transport Staff': All drivers including HGV
In the category Childcare Workers: Nursery / Crèche Workers, Child Minder/ Nanny
In the category 'Hotel Tourism and Catering': All staff except chefs
In the category 'Craft Workers and Apprentice / Trainee Craft Workers': Bookbinder, Bricklayer, Cabinet Maker, Carpenter / Joiner, Carton Maker, Fitter - Construction Plant, Electrician, Instrumentation Craftsperson, Fitter, Tiler - Floor / Wall, Mechanic - Heavy Vehicles, Instrumentation Craftsperson, Metal Fabricator, Mechanic - Motor, Originator, Painter And Decorator, Plumber, Printer, Engineer - Refrigeration, Sheet Metal Worker, Tool Maker, Vehicle Body Repairer, Machinist – Wood, Plasterers and Welders

**Source:** Department of Jobs, Enterprise and Innovation 20 May 2013.

- \* The Department of Jobs, Enterprise and Innovation may in exceptional circumstances and on a case by case basis consider granting an Employment Permit where it is demonstrated that the Carer is a qualified medical professional and is caring for someone with a severe medical condition, or the Carer has a long history of caring for a person with special care needs and the relationship between Carer and person concerned is a significant aspect of the quality of care and where there are no alternative care options. Employers of such carers will be required to complete additional undertakings in respect of the employment and provide supporting information in support of the above.
- \*\* Specialist Language Support & Technical or Sales Support with fluency in a non-EEA language in respect of those companies that have formal support from the State's Enterprise Development Agencies in a role that commands an annual remuneration of at least €27k per year may apply for a Work Permit.

## Annex II Highly Skilled Occupations List

Occupations in respect of which Green Card Employment Permit applications may be made for jobs with remuneration between €30,000 and €59,999. All occupations (unless not in the public interest or listed on the Ineligible Categories of Employment for Employment Permits) are eligible in all sectors with remuneration of €60,000 or higher.

Economic Sector	Occupation	Job Titles
All Sectors	ICT Professional	IT/Computer Systems Managers; IT/Computer Analysts; Database Administrators/Architects; Business Process Specialists; Messaging & Communications Specialists; IT Architects; IT Security Specialists; IT Project Managers; IT Product Managers; Data Analysts; Web Developers including Social Media Specialists; IT Network Specialists; Computer Programmers; Software Engineers and Software Developers (all languages including JAVA); Application and Computer Testers; Application Developers; Computer Gaming Developers and Designers; Cloud Computing Specialists; IT Legal Specialists including IT Contract Specialists; Localisation Specialists; IT Intellectual Property Specialists; IT-Enabled Education Specialists; IT Foreign Markets Specialists and UI/UX Engineers.
All Sectors	Health Professionals	Medical Practitioners; Pharmacists/Pharmacologists and related occupations; Registered Nurses; Specialist Nurses; Dental Practitioners; Clinical Nursing Managers and Advanced Nursing 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.
All Sectors	Professional Engineers and Technologists	Electrical Engineers; Chemical and Formulation Engineers/Analysts (including with Active Pharmaceutical Ingredients background); Design and Development; Network; Validation; Product Development; Planning; Process and Quality Control; Regulation Engineers; Industrial Hygiene Engineers; Telecommunications Validation Engineers; Manufacturing Instrumentation and Control Technicians; Electronics Engineering/Applied Physicists.
All Sectors	Researchers and Natural Scientists	Researchers; Chemists, Natural Scientists; Biological and Microbiologists; Physicists and Material Scientists and Bio-Pharmaceutical R & D Project Managers.
All Sectors	Business and Financial Professionals and Associate Professionals	Chartered and Certified Accountants; Actuaries; Management Consultants; Business Analysts; Compliance Specialists; Risk Analysts/Specialists; Tax Experts; Legal Experts and Credit Specialists.

**Source:** Department of Jobs, Enterprise and Innovation 20 May 2013.

## Annex III Additional Statistical Data

**Table A.1 Employment of Third-Country Nationals in High-Skilled Occupations by Sex**

	2008	2009	2010	2011	2012
Male	13.6	13.2	14.4	15.6	15.8
Female	16.7	14.4	14.5	14.8	13.6
Total	30.3	27.6	28.9	30.4	29.4

(u) – unreliable.

Source: Eurostat.

**Table A.2 Employment of Third-Country Nationals in High-Skilled Occupations by Age**

	2008	2009	2010	2011	2012
25-34	16.2	14.2	12.5	11.9	12.4
35-44	10.9	9.2	10.6	13.2	12.1
45-54	2.7 (u)	3.5 (u)	4.7	4.1(u)	3.9(u)
55-64	:	:	:	:	:
Total	30.3	27.6	28.9	30.4	29.4

(u) – unreliable.

Source: Eurostat.

**Table A.3 Employment of Third-Country Nationals with ISCED Levels 5 and 6 as Highest Level Of Education Attained**

	2008	2009	2010	2011	2012
First Stage of tertiary education (ISCED level 5)	39	37.2	38.4	41.5	39.9
Second Stage of tertiary education (ISCED level 6)	:	:	:	:	:
Total	40.1	38.1	39.8	43	41.5

(u) – unreliable.

Source: Eurostat.

**Table A.4 Employment of Highly Educated Third-Country Nationals by Sex**

	2008	2009	2010	2011	2012
Male	20.3	18.9	19.9	22.3	20.9
Female	19.8	19.2	19.9	20.7	20.6
Total	40.1	38.1	39.8	43	41.5

(u) – unreliable.

Source: Eurostat.

**Table A.5 Employment of Highly Educated Third-Country Nationals by Age**

	2008	2009	2010	2011	2012
25 -34	23	21.2	17.7	18	18.5
35-44	13.2	12.3	15.5	17.4	16
45 -54	3.3(u)	3.9(u)	5.6	6.2	5.6
55 -64	:	:	:	:	:
Total	40.1	38.1	39.8	43	41.5

(u) – unreliable.

Source: Eurostat.

**Table A.6 Self-Employment of Highly Educated Third-Country Nationals (000s)**

	2008	2009	2010	2011	2012
Third-country nationals self-employed	:	:	3.6(u)	3.5 (u)	3.2 (u)

(u) – unreliable.

Source: Eurostat.



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ISBN 978-0-7070-0357-3



EMN Ireland is financially supported by the European Union and the Irish Department of Justice and Equality. The EMN was established via Council Decision 2008/381/E