



Submission on Employment Permits for Dependents/Spouses/Partners of Critical Skills Employment Permit Holders

October 2018

Introduction

Dublin Chamber is the representative body for businesses in the Greater Dublin Area, with a multi-sectoral membership base of 1,300 firms spanning the spectrum from small start-ups to major multinationals. The Chamber makes this submission to the Department of Business Enterprise & Innovation in order to highlight a concern raised by our members in relation to accessing critical skills. It follows a previous representation to the Department of Justice & Equality on the matter.

The Chamber's concern relates to the employment permit system for the dependents, spouses, or partners of Critical Skills Employment Holders, and is not resolved by the recommendations contained in the Inter-Departmental Review of Economic Migration Policy published last month. Dublin Chamber thanks the Department for its ongoing regard for business concerns and requests that our recommendations be given positive consideration.

Labour Market Context

Access to skilled labour is a rapidly growing challenge facing businesses in the Greater Dublin Area. Whereas almost half (47%) of Dublin Chamber members were affected by skills shortages in Q4 2016, this proportion has risen substantially in the intervening year.¹ Almost two thirds of Dublin Chamber members now report that they are searching for employees with a particular skillset, but struggling to find them,² with the range of affected sectors and business functions including ICT, financial services, engineering, construction, hospitality, international trading, sales and marketing, and general business development.

This challenge of access to skilled labour will continue to mount in the context of a buoyant labour market. As Ireland approaches full employment, the tightening supply of labour threatens to place upward pressure on wages. The OECD has recently warned high Irish labour costs threaten to slow business growth and undermine economic competitiveness through inflation.³ In this context, well-managed inward migration will be vital, especially in relation to skilled workers.

¹ Dublin Chamber Quarterly Business Trends Survey Q4 2016

² Dublin Chamber Business Risk Outlook Q2 2018

³ OECD, Ireland Economic Forecast Summary, May 2018,

<https://www.oecd.org/eco/outlook/economic-forecast-summary-ireland-oecd-economic-outlook.pdf>

Critical Skills Employment Permits & Dependent/Spouse/Partner Employment Permits

Critical Skills Employment Permits are designed to attract highly skilled people into the labour market with the aim of encouraging them to take up permanent residence in the State.⁴ They play help to ensure that firms in Ireland have access to the skills required for high business performance, and are beneficial to indigenous industry as well as FDI.

Permit holders can apply for immediate family reunification, and their dependents, partners, or spouses may apply for a Dependent/Partner/Spouse Employment Permit.⁵ This policy aims to improve access to the Irish labour market for the dependents of the Critical Skills Employment Permit holders, thereby making Ireland a more attractive location for them. Very often, the dependents/partners/spouses of Critical Skills Permit holders also possess marketable skills that are in high demand in Dublin and Ireland's economy at present. With unemployment in the State down to at c. 5.6%, Ireland is rapidly approaching full employment.⁶ There is now potential to add to the labour force by utilising the skill sets of dependents of Critical Skills Permit holders who are resident in Ireland.

Implications of the Current System

However, growing business feedback suggests that certain regulations governing the Dependent Employment Permit system are proving problematic and may be reducing the attractiveness of Dublin for prospective skilled workers with dependents/partners/spouses and making it difficult to retain key staff members with family obligations, thus undermining the effectiveness of the Critical Skills Employment Permit regime.

Spouses of Critical Skills Employment Permit holders enter the country with Stamp 3 immigration status, which disallows employment of any kind until a Dependent Employment Permit has been granted to them.⁷ The Dependent Employment Permit cannot be applied for by a Stamp 3 holder until an offer of employment has been made. In practice, this restriction makes it difficult to secure an employment offer in the first instance. Moreover, an application for the Dependent Employment Permit must be submitted at least 12 weeks before the proposed employment start date. Recruitment firms are generally unlikely to put forward candidates on a Stamp 3 visa for consideration by employers, aware that preference will be given to candidates who are more immediately available and do not require a visa application process without a definite timeline.

Inter-Departmental Review of Economic Migration Policy

Dublin Chamber notes the publication in September 2018 of the report following the Inter-Departmental Review of Economic Migration Policy. The report acknowledges demand among stakeholders for a simpler system in which immediate access to the labour market is

⁴ Qualifying occupations are determined by the Department of Business Enterprise & Innovation in its Highly Skilled Eligible Occupations List: <https://dbei.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/Employment-Permit-Eligibility/Highly-Skilled-Eligible-Occupations-List/>

⁵ Department of Business Enterprise & Innovation guide to Dependent/Partner/Spouse Employment Permits: <https://dbei.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/Permit-Types/Dependant-Partner-Spouse-Employment-Permit/>

⁶ CSO Monthly Unemployment Rate August 2018
<https://www.cso.ie/en/releasesandpublications/er/mue/monthlyunemploymentaugust2018/>

⁷ Department of Justice & Equality, Permissions, stamps & conditions,
<http://www.inis.gov.ie/en/INIS/Pages/registration-stamps>

granted to dependents and spouses of Critical Skills Permit holders.⁸ Dublin Chamber shares this view. However, the report does not recommend simplifying the system in this way but rather suggests measures to reduce confusion about how the existing system works.

Recommendations 5.15 and 5.16 of the report suggest 'pro-active marketing of the opportunities for eligible family members to work in the State... for example in correspondence with the CSEP, updating the employment permits FAQ document, and through enterprise development agencies' and also greater clarity in DBEI and INIS communications relating to Stamp 3 visas. While such moves are welcome, business feedback indicates that the principal problem lies in the actual conditions attached to Stamp 3 status for spouses and dependents, not merely in a lack of understanding.

Dublin Chamber contends that it would be simpler, more administratively convenient, cost-effective, and beneficial to the exchequer to simply grant immediate access to the labour market in such cases. This would reduce the burden on the State, obviating the need to for pro-active marketing and communications measures to explain and increase awareness of the existing system. It would also reduce the burden on prospective employees and employers.

Dublin Chamber Recommendation

The present Dependent/Spouse/Partner Employment Permit system is not an attractive proposition for many spouses of Critical Skills Employees. It must be noted that the decision by a team leader about where to live can have a knock-on effect on other staff members and on the overall commitment of a multinational company to its location. This should be carefully considered ahead of Brexit early next year.

In order to strengthen Ireland's attractiveness as a location for foreign direct investment and help to ameliorate the growing skills shortage in the Irish economy, Dublin Chamber recommends that the dependents, partners, or spouses of Critical Skills Employment Permit holders should automatically qualify for full access to the labour market upon relocation to Ireland.

⁸ DBEI, Review of Economic Migration Policy, Report of the Inter-Departmental Group, p. 45, <https://dbei.gov.ie/en/Publications/Publication-files/Review-of-Economic-Migration-Policy.pdf#page=55>