

Irish Department of Business, Enterprise and Innovation
empu@dbei.gov.ie

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Ireland: Public Consultation for Economic Migration Policies

On behalf of Permits Foundation, I am pleased to submit our response to the Public Consultation for Economic Migration Policies, in particular the aspects related to the Dependant/Partner/Spouse Employment Permit. We hope it reaches you well and will contribute to the successful development and implementation of a revised international economic migration policy for Ireland.

Introducing Permits Foundation

[Permits Foundation](#) is an independent, not-for-profit organisation campaigning globally to improve work permit regulations to make it easier for partners of expatriate staff to gain employment during an international assignment. The foundation is supported by more than [forty international companies and organisations](#).

Concern about partner employment is one of the main reasons why employees turn down an international assignment. Our global [surveys](#) show that countries that allow family members to work are more attractive to the global highly-skilled talent pool that goes hand-in-hand with international investment and development, and helps the economy to grow. See annex 1 for key findings and more information on our surveys.

In line with these concerns, we wish to propose the following steps that would support Ireland's emerging labour market needs:

1. Attaching work authorisation to the dependant's pass rather than via a separate work permit application (for critical skills, researchers and Intra Company Transferees (ICTs)).

Pending this change, in case it requires amendment to primary legislation, we believe that there are two immediate steps that may be feasible within the existing framework or a statutory instrument.

2. Including the family members of ICTs in the current Dependant/Spouse/Partner Employment Permit.
3. Clarifying whether self-employment is currently allowed on a dependant's pass.

Current situation in Ireland

In Ireland, spouses, civil partners and dependant unmarried children under 18 of Critical Skills Employment Permit holders and Researchers are permitted to apply for a Dependant/Spouse/Partner Employment Permit that allows them to work for a named employer. This Permit represents only a relatively small proportion of the total permits granted, as stated in your consultation document (p10).

1. *Employment authorisation for family members of all highly skilled/qualified permit holders*

Permits Foundation recommends that Ireland adopts the best international practice where the family members are authorised to work for any employer or be self-employed on the dependant's permit. This should apply to the recognised family members of permit holders for Critical Skills, Researchers and Intra-Corporate Transfer. It largely impacts on the spouse or partner.

Access to employment for partners has a positive impact on highly skilled employees' willingness to accept, complete and extend an international relocation, as well as on health, wellbeing and integration of the family members into the host country. Working partners/spouses make a positive net contribution to the economy both fiscally and with a greater spending ability.

Moreover, it limits the administrative burden as there is no longer the need for a separate application procedure.

2. *Including family members of Intra Company Transferees*

For international companies, ICTs are an essential part of global mobility policies designed to support international business, trade and investment. Typically, their numbers represent around 1-2 per cent of total employees. They are highly educated, with commensurate skills and experience of overseas markets. They represent constant refreshment and upgrading of human capital in the Irish labour market, and a positive fiscal contribution, without placing any long-term burden on government services.

The partners of ICTs are also generally highly educated. At present, they are not encouraged to work in Ireland and yet they are also not allowed access to State resources. If they would be allowed to work, they would also make a positive contribution to the economy through their fiscal contribution and improved family spending pattern. Pending the adoption of our proposal for full employment authorisation, we see no valid reason to exclude them from the current Partner/Dependant work permit that is available for the family members of Critical Skills and Researchers permit holders.

3. *Partner/spouse self-employment*

Permits Foundation would like to seek clarification whether self-employment is currently permitted as it is not mentioned in the description of the dependants' pass. The primary legislation (Section 2.1 of the Employment Permits Act, revised 2017) says that a foreign national shall not enter the service of an employer or be employed in the State without a work permit. Moreover, remuneration is defined as salary. We support the inclusion of self-employed activities as part of our recommendation in line with global best practice.

Negligible effect on local labour market

Permits Foundation country experience shows that granting employment authorisation to family members linked to all categories of highly skilled or qualified employees has a negligible effect on the internal labour market of the host country. The number of ICT partners who look for work is relatively small, usually around 50% across all age groups. Granting dependants an open work permit does not guarantee them a job. They still have to compete in the employment market. Unlike ICTs who transfer straight to a job in their own company, the partners face many challenges, for example, understanding the local job market, applying and interviewing in a different culture and possibly foreign language. They

need to be highly motivated as well as skilled. If they succeed, they are best person for the job and that will add most to the Irish economy. Given these challenges, it is little wonder that countries which reduce employment uncertainty are those which are more likely to attract highly skilled workers and their families.

Comparative information on regulations on dependants in other countries and regions

Granting direct access to employment and self-employment for family members of the highly skilled, including ICTS, is now a recognised aspect of immigration policy as countries look to compete globally and attract and retain talent. For example, the EU ICT Directive currently being implemented in Member States across the EU includes a clause to this effect.

[More than 30 other countries](#), including most EU Countries, Australia, New Zealand, Canada, United States and Brazil, now allow accompanying family members to work freely without the need to request for a separate Work or Employment Permit, as part of a modern approach to managing migration. Irish families abroad also benefit from these regulations.

Conclusions and recommendations

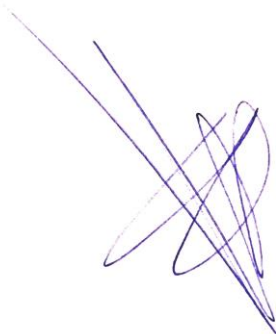
Permits Foundation proposes that Ireland adopts the best practice of allowing family members of Critical Skills, Researchers and ICT's direct access to employment and self-employment for the duration of the assignment.

Facilitating global migration of highly skilled employees goes hand in hand with international trade and investment, improving local employment prospects and economic growth longer term and helping to meet the skills shortages cited by the Irish Government. And it limits the administrative burden for the Irish authorities as a separate application for a work permit is no longer needed.

This will create a 'triple win' that is good for families, good for employers and good for Ireland.

We have no objection to any of our materials being made public. If you have any further enquiries, please do not hesitate to contact us.

Yours faithfully,



Michiel van Campen
Executive Director, Permits Foundation

Permits Foundation, PO Box 162, Carel van Bylandtlaan 16, 2501 AN The Hague, The Netherlands
Contact: Michiel van Campen Tel +31-6-15298584, Helen Frew, Tel +31-6-50645582
www.PermitsFoundation.com

Annex 1: Permits Foundation Research

Our research shows that assured family access to employment is a key factor in attracting and retaining talent. For example, in our survey of over 3300 expatriate partners accompanying employees in 200 companies, almost 60% said they would be unlikely to relocate to a country where there would be difficulties getting a work permit.

Further evidence from our international surveys:

- 96% of highly skilled families say that countries that enable partners to work are more attractive destinations.
- 70% of partners said that their own employment was important in the decision to relocate.
- 51% of employers reported that employees have turned down international assignments due to partner employment concerns.
- 21% of employers reported that assignees returned home early for the same reasons.
- 80-90% of partners of highly qualified employee are graduates, including around half with a master's degree or higher.
- Partners who are working are more likely to report a positive impact of working on integration, health or well-being and family relationships than partners who are not working.

Our individual surveys

[The Impact of Removing the Unrestricted Right of Dependants to Work in the UK \(2015\)](#) - This survey of 1063 expatriate employees was created in response to a review of the UK's Tier 2 visa route by the independent Migration Advisory Committee (MAC) as part of a UK Government drive to reduce immigration levels. The government decided against making a change.

[International Mobility & Dual Career Survey 2012](#) – Permits Foundation surveyed over 177 leading global organisations (employing almost 7.5 million between them) to look at the challenge of dual careers and its potential impact on business success, with some very compelling findings.

[International Survey of Expatriate Spouses & Partners 2008, Summary Report](#) – this survey examines the views of 3,300 expatriate spouses and partners in 117 host countries including the EU, and provides evidence that a lack of employment opportunities adversely affects global mobility of international employees.