



STATUTORY INSTRUMENTS.

S.I. No. 403 of 2016



EMPLOYMENT PERMITS (TRUSTED PARTNER) (AMENDMENT)
REGULATIONS 2016

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I, MARY MITCHELL O'CONNOR, Minister for Jobs, Enterprise and Innovation, in exercise of the powers conferred on me by sections 29 and 30 (as amended by sections 29 and 30 of the Employment Permits (Amendment) Act 2014 (No. 26 of 2014)) of the Employment Permits Act 2006 (No. 16 of 2006), hereby make the following regulations:

Citation

1. (1) These Regulations may be cited as the Employment Permits (Trusted Partner) (Amendment) Regulations 2016.

(2) The Employment Permits Regulations 2014 (S.I. No. 432 of 2014), the Principal Regulations, the Employment Permits (Amendment) Regulations 2015 (S.I. No. 349 of 2015), the Employment Permits (Amendment) (No. 2) Regulations 2016 (S.I. No. 363 of 2016) and these Regulations may be cited together as the Employment Permits Regulations 2014 to 2016 and shall be construed together as one.

Commencement

2. These Regulations come into operation on 3 August 2016.

Definitions

3. In these Regulations “Principal Regulations” means the Employment Permits (Trusted Partner) Regulations 2015 (S.I. No. 172 of 2015).

Amendment of Regulation 4

4. Regulation 4 of the Principal Regulations is amended—

(a) by substituting for paragraph (1) the following paragraphs:

“4. (1) Applications for Trusted Partner Registration, whether made online or in paper form, shall be in the relevant form for the time being provided for that purpose by the Minister and made available online at www.djei.ie.

(1A) Where application by electronic means is made available by the Minister and an application for Trusted Partner Registration is made by such means, the printed and signed application form shall also be submitted to the Minister.”, and

(b) in paragraph (2)(b) by substituting for clauses (I) and (II) the following:

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- “(I) a P30 returned to the Revenue Commissioners within the 3 month period preceding the application, or a receipt for such return, whether issued through ROS (Revenue Online Service) or otherwise, or
- (II) evidence of P30 SEPA monthly direct debit payments made within the 3 month period preceding the application.”.

Amendment of Regulation 6

5. Regulation 6 of the Principal Regulations is amended—

(a) by substituting for paragraph (1) the following paragraphs:

“6. (1) Applications for renewal of a Trusted Partner Registration, whether online or in paper form, shall be in the relevant form for the time being provided for that purpose by the Minister and made available online at www.djei.ie.

(1A) Where application by electronic means is made available by the Minister and an application for renewal of a Trusted Partner Registration is made by such means, the printed and signed application form shall also be submitted to the Minister.”, and

(b) by substituting for paragraph (2)(a) the following:

“(a) in respect of the person who will make the offer of employment, the employer, the connected person or the EEA contractor, a copy of—

(I) a P30 returned to the Revenue Commissioners within the 3 month period preceding the application, or a receipt for such return, whether issued through ROS (Revenue Online Service) or otherwise, or

(II) evidence of P30 SEPA monthly direct debit payments made within the 3 month period preceding the application.”.

Amendment of Regulation 8

6. Regulation 8 of the Principal Regulations is amended—

(a) by substituting for paragraph (1) the following:

“8. (1) Notwithstanding Regulation 5(1) of the Principal Regulations, applications by a Trusted Partner for the grant of employment permits, whether by electronic means or in paper form, shall be in the relevant form for the time being provided for that purpose by the Minister and made available online at www.djei.ie.”, and

(b) in paragraph (2)—

- (i) in subparagraph (b) by substituting “copies” for “photocopies”,
- (ii) in subparagraph (c) by substituting “copy” for “photocopy”,
- (iii) in subparagraph (e) by inserting “or Part C” after “Part B”,
- (iv) by substituting for subparagraph (g)(II) the following:

“(II) in the case of an application for a Critical Skills Employment Permit, General Employment Permit, Sport and Cultural Employment Permit or Intra-Company Transfer Employment Permit, in respect of an employment as—

- (A) an executive chef,
- (B) a head chef,
- (C) a sous chef, or
- (D) a specialist chef,

specialising in cuisine originating from a state that is not a Member State of the EEA, a statement from the person who makes the offer of employment, or the connected person, confirming that foreign national in respect of whom the application is made shall be employed in an establishment other than a fast food outlet, and”, and

- (v) by inserting after subparagraph (g) the following:

“(h) where applicable, a copy of the holder’s registration with the American Institute of Certified Public Accountants (AICPA), the Philippine Institute of Certified Public Accountants (PICPA) or the Institute of Chartered Accountants of Pakistan (ICAP).”

Amendment of Regulation 9

7. Regulation 9 of the Principal Regulations is amended—

- (a) by substituting for paragraph (1) the following:

“9. (1) Notwithstanding Regulation 6(1) of the Principal Regulations, applications by a Trusted Partner for the renewal of employment permits, whether by electronic means or in paper form, shall be in the relevant form for the time being provided for that purpose by the Minister and made available online at www.djei.ie.”, and

- (b) in paragraph (2)—

- (i) in subparagraph (b) by substituting “copies” for “photocopies”,

- (ii) in subparagraph (c) by substituting “copy” for “photocopy”,
- (iii) in subparagraph (g) by inserting “or Part C” after “Part B”,
- (iv) in subparagraph (h) by substituting “connected person, and” for “connected person.”, and
- (v) by inserting after subparagraph (h) the following:

“(i) where applicable, a copy of the holder’s registration with the American Institute of Certified Public Accountants (AICPA), the Philippine Institute of Certified Public Accountants (PICPA) or the Institute of Chartered Accountants of Pakistan (ICAP).”

Amendment of Regulation 10 of Principal Regulations

8. The Principal Regulations are amended by substituting for Regulation 10 the following:

“10. The Minister may, subject to a right of verification in all cases, consider any requirement specified in the Principal Act or these Regulations to be satisfied by a declaration made by the relevant parties in such form as may be provided or required for that purpose by the Minister and made available online at www.djei.ie.”

Revocation of Schedules 1 and 2 to Principal Regulations

9. Schedules 1 and 2 to the Principal Regulations are revoked.



GIVEN under my Official Seal,
21 July 2016.

MARY MITCHELL O’CONNOR,
Minister for Jobs, Enterprise and Innovation.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Employment Permits (Trusted Partner) Regulations 2015 to provide for the following:

- Introduction of a new online employment permit application system.
- P30 information submitted by employers who use the SEPA Direct Debit online facility to make monthly returns to Revenue Commissioners.
- Substitution of provisions regarding the form in which applications for Trusted Partner Registration and applications by Trusted Partners for the grant and renewal of employment permits shall be made, with provisions providing for relevant forms for the time being provided for those purposes by the Minister and made available at www.djei.ie. Consequently, Schedules 1 and 2 are revoked.
- In the case of employment in a profession listed in Part C of Schedule 2 of the Principal Regulations, a copy of the holder's registration with, or recognition of qualifications by, an appropriate regulatory body or Minister listed in that Schedule, is required to be provided with an application for grant or renewal of an employment permit.
- Where applicable, a copy of the foreign national's registration with the American Institute of Certified Public Accountants (AICPA), Philippine Institute of Certified Public Accountants (PICPA) or the Institute of Chartered Accountants of Pakistan (ICAP) is required to be provided with an application for grant or renewal of an employment permit.
- Clarification provided that an executive chef, head chef, sous chef or specialist chef each must specialise in non-EEA cuisine in order to be eligible for an employment permit.

These Regulations may be cited as the Employment Permits (Trusted Partner) (Amendment) Regulations 2016.

These Regulations come into operation on 3 August 2016.

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