

Business Migration to Ireland

Egle Gusciute, Emma Quinn and Alan Barrett

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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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About this Report

This European Migration Network Study, compiled according to commonly agreed specifications, maps measures and policies that are in place to facilitate and encourage business migration from non-EEA countries to Ireland and examines to what extent the immigration system is 'business friendly'. The report consists of information gathered primarily for an overview, EU-level synthesis report on *Admitting third-country nationals for business purposes*. All reports will be made available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/.

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, the Department of Jobs, Enterprise and Innovation or the European Commission, Directorate-General Migration and Home Affairs.

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Abbreviations and Irish Terms

Amcham	American Chamber of Commerce Ireland
An Garda Síochána	Police
BIVS	British-Irish Visa Scheme
BRIC	Brazil, Russia, India and China
CLIP	Cities for Local Integration Policy
CTA	Common Travel Area
DFAT	Department of Foreign Affairs and Trade
DJE	Department of Justice and Equality
DJEI	Department of Jobs, Enterprise and Innovation
EEA	European Economic Area
EI	Enterprise Ireland
EP	Employment Permit
FDI	Foreign Direct Investment
IBEC	Irish Business and Employers' Confederation
ICI	Immigrant Council of Ireland
ICT	Information and Communications Technology
Intra CT	Intra-Company Transfer
INIS	Irish Naturalisation and Immigration Service
GEM	Global Entrepreneurship Monitor
GNIB	Garda National Immigration Bureau
HPSU	High Potential Start-ups
HSEOL	Highly Skilled Eligible Occupations List
IIP	Immigrant Investor Programme
INIS	Irish Naturalisation and Immigration Service
IOM	International Organization for Migration
LEO	Local Enterprise Office
NRA	National Risk Assessment
OECD	Organisation for Economic Co-operation and Development
OQC	Online Query Status

Q	Quarter
REIT	Real Estate Investment Trusts
SEAI	Sustainable Energy Authority of Ireland
SFI	Science Foundation Ireland
STEM	Science, Technology, Engineering, Mathematics
STEP	Start-up Entrepreneur Programme
TCN	Third-Country National

Executive Summary

BACKGROUND AND STUDY OBJECTIVES

In the context of a severe economic recession, recent years have seen Irish policymakers seek to leverage economic benefits from the immigration system. Several new migration initiatives and measures have been introduced which are aimed at attracting and facilitating the entry of migrant business people to the State. The *Action Plan for Jobs 2015* contains a commitment to attract and retain highly skilled workers through the employment permit system and through targeted initiatives. Legislation introduced in 2014 now allows the State to more easily adapt the employment permits system as deemed necessary. There are also signs that policy responses have become somewhat more co-ordinated across the relevant departments in recent years.

This study aims to map the measures and policies that are in place to facilitate and encourage business migration from non-EEA¹ countries to Ireland, and to examine to what extent the immigration system is 'business friendly'. Both short-term business travel and longer-term business-related immigration are examined. We focus on: immigrant investors, immigrant entrepreneurs, intra-company transferees, graduate trainees and any other relevant schemes which facilitate business travel. The study is concerned with business rather than labour migration, meaning that while certain categories of non-EEA nationals who require an employment permit are discussed, they are not the focus of the study.

The report is based on the Irish contribution to an EU-wide, European Migration Network study on *Admitting third-country nationals for business purposes*. A similar study has been undertaken by each European Migration Network (EMN) National Contact Point (NCP) and a synthesis report has been produced.²

DATA OVERVIEW

Overview data on business migration are limited. Visa-related data indicate that just over 15,400 visas were issued for business-related reasons in 2014. Business-related visas accounted for 17 per cent of the total 90,382 short-term and long-

¹ European Economic Area.

² See European Migration Network (2015).

term visas issued that year. Business-related visas represented the second largest category of visas granted, after ‘visit-related’³ travel (which accounted for 44 per cent of the total). The vast majority of business-related visas issued are short-term visas. Some 15,388 short-term, business-related visas were issued in 2014, accounting for nearly 20 per cent of all short-term visas issued. However just 26 long-term visas were issued for business reasons in 2014, accounting for less than 1 per cent of all long-term visas issued. Available administrative data on visas issued for business-related reasons by citizenship in 2014 indicate that India accounted for the majority of visas granted (4,610 out of 15,414 or 30 per cent), followed by China (2,698 or 18 per cent) and Russia (1,975 or 13 per cent).

Note that visa data offer a partial picture: passport holders of 87 identified states do not need a visa to travel to Ireland, for example US nationals. Available data related to the various schemes and measures are supplied below.

TARGETED MEASURES

Policymaking in the area of business migration straddles the Department of Justice and Equality (DJE) and the Department of Jobs, Enterprise and Innovation (DJEI). Traditionally the immigration and employment permit systems operated in parallel. Evidence now exists of increased co-operation between the Departments, particularly on business-related migration.

There are three schemes in operation which facilitate the admission of third-country nationals for business purposes:

1. The *Business Permission scheme* facilitates non-EEA nationals coming to Ireland in order to establish business in sectors such as retail, personal services or catering. Successful applicants who have been granted business permission⁴ may remain in the State for a period of 12 months under Stamp 1 conditions, renewable for a further 12 months. The number of business permissions granted is low and has declined steadily in recent years to just ten new permissions plus 16 renewals issued in 2014. The scheme is currently under review with a view to facilitating more entrepreneurship through this route. Until 2012, this was the only scheme which facilitated business migration from non-EEA countries.

³ ‘Visit-related’ visas are generally issued for family/friend or tourist related visits. Correspondence with Visa Section, INIS, June 2015.

⁴ Third-country nationals wishing to migrate to Ireland to establish a business are required to apply for a ‘non-EEA business permission’ from the Department of Justice and Equality.

2. The *Immigrant Investor Programme* (IIP) was introduced by the Department of Justice and Equality in January 2012 to attract high-worth investments. The investment must qualify under one of six investment options and the minimum financial amount to invest depends on the type of investment and varies between €500,000 and €2 million. A total of 57 applications were received up to April 2015, with 55 approved at time of writing. Successful candidates are granted continuous residence in Ireland for two years, which may be extended for a further three years. After this initial five-year period, the investor may apply for residence in five-year tranches.
3. The *Start-Up Entrepreneur Programme* (STEP) was introduced by the Department of Justice and Equality in January 2012 to attract non-EEA migrant entrepreneurs to Ireland. The STEP targets High Potential Start-ups (HPSU) in the innovation economy, which is defined inter alia as a venture that is introducing a new or innovative product or service to international markets. The required minimum investment for the STEP is €50,000. A total of 30 applications have been approved under the Start-Up Entrepreneur Programme since its inception. Successful candidates are granted continuous residence in Ireland for two years, which may be extended for a further three years. After this initial five-year period, the entrepreneur may apply for residence in five-year tranches.

The introduction in Ireland of the two schemes (IIP and STEP) may be a direct policy response to the need to attract non-EEA business persons as well as to encourage the development of High Potential Start-Ups amongst this group.

The Department of Jobs, Enterprise and Innovation administers the employment permit system and has made efforts in recent years to make the system respond to the needs of business. Of particular interest is the Intra-Company Transfer Employment Permit Scheme which facilitates the transfer of non-EEA nationals who are senior management, key personnel or trainees from an overseas branch of a multinational corporation to its Irish branch. Available data on Intra-Company Transfer (Intra CT) employment permits show a significant increase in the number of new permits issued between 2012 and 2014 from 378 new Intra CT permits issued in 2012, to 617 in 2014 (an increase of approximately 63 per cent). New Intra CT permits plus renewals totalled to 726 in 2014, compared to 484 in 2012 (approximately 50 per cent).

A new Atypical Working Scheme, administered by the Department of Justice and Equality, facilitates the movement of non-EEA nationals who are required by a company/organisation based in Ireland to undertake work in the State. The

purpose of the Scheme is to provide a flexible mechanism to deal with atypical, short-term employment or certain other employment situations which are not governed by the Employment Permits Acts or by current administrative procedures under the Acts. Initial data show significant uptake of the scheme with over 1,300 such permissions being issued in 2014. Nationals of Japan, US and India have made particular use of this scheme. The scheme is viewed by IDA Ireland and Enterprise Ireland as a successful initiative facilitated through increased co-operation between the DJE and the DJEI.

New flexibility for start-ups supported by IDA/Enterprise Ireland now exists. Since the enactment of the *Employment Permits (Amendment) Act 2014*, the 50:50 rule, a requirement that no more than 50 per cent of employees can be non-EEA nationals, may be waived during the start-up period for companies who have a letter of support from Enterprise Ireland or IDA Ireland.⁵ In addition, the Labour Market Needs Test may be waived for companies supported by Enterprise Ireland or IDA. The Trusted Partner Initiative was introduced in May 2015 to reduce administrative burdens on applicants and to streamline the application process. The British-Irish Visa Scheme (BIVS) between Ireland and the UK allows Chinese and Indian tourists and business persons, to travel to and within the Common Travel Area (CTA) on a single visa.

Officials from the Irish Naturalisation and Immigration Service confirmed that no specific geographical areas are targeted for the immigrant investor, entrepreneur and business permission schemes.

CHALLENGES AND BARRIERS TO BUSINESS MIGRATION

Traditionally low take-up of the business permission scheme has been attributed to high capital and employment requirements (Power and Szlovak, 2012). The requirement to show evidence of two million euro net worth is likely to limit the number of applicants eligible for the Immigrant Investor Programme (Brophy Solicitors, October 2014). A lack of awareness of the available schemes has also been highlighted.⁶

INIS stressed the need to balance high uptake of business migration schemes against the need for robust checks against possible misuse of immigration channels. (Data on business-related visa applications indicate that a small and

⁵ Correspondence with a representative from IDA Ireland, June 2015.

⁶ Correspondence with the Immigrant Council of Ireland, June 2015.

decreasing proportion of visa applications refused are business-related). While the majority of policymakers and key stakeholders consulted for this study noted the positive changes made in relation to facilitating the admission of business persons to Ireland, some challenges to attracting non-EEA business persons were also highlighted. Country-specific challenges identified as barriers to attracting business persons to Ireland included high living costs and a lack of privately rented accommodation.⁷ A representative from IBEC noted that administrative barriers, for example difficulties in fast-tracking or obtaining spousal visas, may also deter business persons.⁸ However the Department of Jobs, Enterprise and Innovation noted that processing times have improved and that under the recently launched Trusted Partner Initiative, employers granted Trusted Partner status have access to fast-tracking of employment permit applications.

The study found little evidence of formal structures in place to co-ordinate interaction between the various stakeholders including the business community, however informal communication between the various departments and business interests does take place. The American Chamber of Commerce, interviewed for the purpose of this study, indicated that overall the Irish immigration system may be considered as 'business friendly' and that Ireland compares well to other EU Member States.

⁷ Interview with IBEC, November 2014; Interview with American Chamber of Commerce Ireland, March 2015. See also Department of the Taoiseach (2015).

⁸ Interview with a representative from IBEC, November 2014.

Section 1

Introduction

Section 1 provides an introduction to the study and its scope and objectives. Relevant immigration-related terminology is introduced. The methodology used to compile the study is discussed.

1.1 OBJECTIVES AND BACKGROUND TO THE STUDY

This study aims to map measures and policies that are in place to facilitate business migration from non-EEA countries to Ireland and to examine to what extent the immigration system is 'business friendly'. Ireland's recent efforts to attract non-EEA immigrant investors and entrepreneurs will be discussed, along with State initiatives designed to facilitate the temporary movement of third-country national business persons to Ireland. The experience of the business community in Ireland of the immigration system will be examined. Comparison with other EU countries, where relevant, will be provided.

Section 1 provides an introduction to the study, its objectives, methodology and key terminology. The institutional framework, key actors and institutions, and national legislation are described in Section 2. Section 3 provides national policies and measures in place to facilitate the admission of non-EEA business persons; main features and conditions of various schemes, key economic and geographical areas are also discussed. Information of effectiveness of these measures, national data and barriers to business migration are also explored in this section. Key findings from the study are summarised in Section 4. Additional data and information are provided in Annexes 1-4.

1.1.2 EU Policy Context

The importance of migrant entrepreneurship has been highlighted in a number of EU-level documents and various research studies. The European Commission published the *Entrepreneurship 2020 Action Plan* in 2013, which identified entrepreneurship as a key driver of economic growth. The plan also highlighted the need for the EU to attract migrant entrepreneurs (European Commission, 2013).

In the past decade the number of countries with immigrant investor programmes has increased significantly, with at least half of EU Member States now operating dedicated immigrant investor schemes (Sumption and Hooper, 2014), perhaps reflecting the view that migrant entrepreneurs' contribution to job creation and economic growth comes at little cost to the host country (Desiderio, 2014). Sumption and Hooper (2014) argue that not all immigrant investor programmes can be classed as 'immigration' as some do not require successful applicants to spend any time in the destination country, while others require visits of just a few days a year.

1.1.3 Irish Context

Research on the resident migrant population indicates that while the migrant population is more likely to be self-employed in comparison to the native population in most EU States, the trend is reversed in the case of Ireland (Cooney and Flynn, 2008; OECD, 2010; OECD and the European Commission, 2013). Data from the 2013 Labour Force Survey indicate that the proportion of non-EEA nationals in self-employment was lower than the native population (8.5 and 13.4 per cent respectively). In the context of a severe economic recession in Ireland, recent years have seen policymakers seek to leverage economic benefits from the immigration system. The importance of entrepreneurship to job creation is underlined by research from the Central Bank of Ireland which finds that younger firms are the largest contributors to job creation: Lawless (2013) notes that 67 per cent of new jobs in Ireland originated from younger firms, usually within their first five years.⁹ Foreign-owned businesses represent a relatively small share of all enterprises operating in Ireland (2 per cent). However these enterprises are generally large in terms of employment and in terms of higher value export activity (Department of Finance, October 2014).

Several new migration initiatives and measures have been introduced which are aimed at attracting and facilitating the entry of migrant business people, including investors and entrepreneurs, to the State. New legislation has been introduced which allows the State to more easily adapt the employment permits system as deemed necessary. Policy responses are more co-ordinated across the relevant departments and input is also received from the business community.

⁹ Datasets used from the annual Employment Survey carried out by Forfás from 1972 to 2010. See Lawless (2013).

1.1.3.1 *Action Plan for Jobs*

The Government assesses key actions to be undertaken in order to support business and job creation through its *Action Plan for Jobs*.¹⁰ The progress of the set actions and targets is reviewed by the Monitoring Committee¹¹ and the results are published in the quarterly *Progress Reports*.¹²

One of the actions in the *Action Plan for Jobs 2014* was to investigate the potential for introducing a unified employment permit and visa applications system. The action was to be carried out by the DJEI and DJE (Department of Jobs, Enterprise and Innovation 2014a). However, the working group established to examine options for a unified system proposed an alternative solution, in light of limited resources. A new mechanism is to be introduced that allows the Visa Officer overseas to start to process the visa application at the same time as the applicant submits an application for an employment permit. Such a process would be supporting improved customer service in the employment permits area. A new Online Query Status (OQS) facility,¹³ to be introduced by the Employment Permits Section in 2015, can then be used by the Visa Officer to check the status of an application and to issue the visa as soon as the permit has been issued. The Employment Permits Section estimates that the new measures could lead to a shortening of the total waiting time for a permit and visa by approximately two weeks.¹⁴

The following actions set in the *Action Plan for Jobs 2015* (Department of Jobs, Enterprise and Innovation, 2015a) relate to business migration:

- Continue implementation of the British-Irish Visa Scheme allowing for travel to and around the CTA between Ireland and the UK, for tourism and business purposes, on a single visa;
- Continue to ensure employers are able to secure Employment Permits for the critical skills they need, including ICT skills;
- Initiate a Trusted Partner Registration Scheme for Employment Permits open to all eligible employers;
- Implement 2015 Research Professorship Programme to attract leading research talent to Ireland in key areas of opportunity;

¹⁰ *Action Plan for Jobs* is published once a year and sets out actions and targets required in order to stimulate job creation. See www.djei.ie/enterprise/apj.htm.

¹¹ The committee is made up of representatives from the Department of the Taoiseach, the Office of the Tánaiste, the Department of Jobs, Enterprise and Innovation, and the Department of Public Expenditure and Reform.

¹² See www.djei.ie/enterprise/apj.htm.

¹³ This system enables anyone with access to the relevant data relating to an application to check its status online without the need to contact the Section directly.

¹⁴ Correspondence with Department of Jobs, Enterprise and Innovation, June 2014.

- Continue to promote the STEP and the IIP;
- Promote Ireland as a start-up location and attract 15 new overseas start-ups.

Table A.4 in Annex 4 provides a brief overview of the progress of the actions mentioned above.

1.2 DATA ON BUSINESS MIGRATION

National data on business migration in Ireland are limited. Visa data reveal some of the patterns involved, however it is important to note that these data only relate to the movements of people from visa-required states. Passport holders of 87 identified states¹⁵ do not need a visa to travel to Ireland.

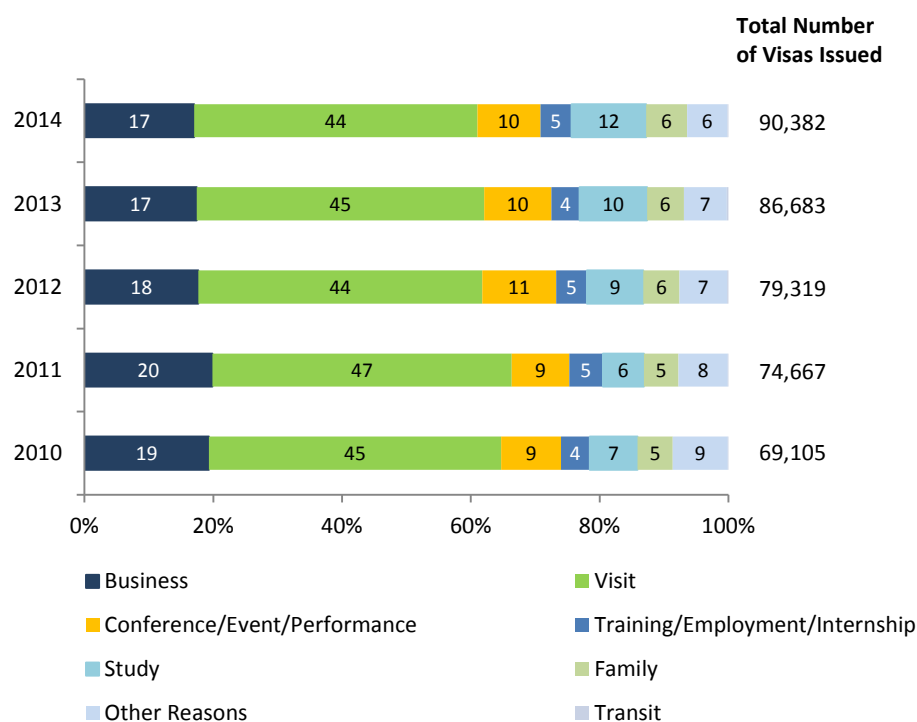
Visa-related data indicate that just over 15,400 visas were issued for business-related reasons in 2014, accounting for 17 per cent of the total of 90,382 short-term and long-term visas issued that year. Business-related visas represented the second largest category of visas granted, after undefined 'visit-related' travel (which accounted for 44 per cent of the total) (see Figure 1.1 and additional data in Annex 1).¹⁶ The proportion of business-related visas issued has fallen slightly since 2010, although the number of business-related visas issued has increased. There has been an increasing share of visas granted in the 'study' group, which grew from 7 per cent of visas granted in 2010 to 12 per cent of visas issued in 2014 (or a 56 per cent increase).

The vast majority of business-related visas issued are short-term visas. Some 15,388 short-term business-related visas were issued in 2014, accounting for nearly 20 per cent of short-term visas issued. However data related to long-term visas show that just 26 long-term visas were issued for business reasons in 2014, accounting for less than 1 per cent of long-term visas issued. The majority of long-term visas issued are for study and family-related reasons.

¹⁵ Identified in the *Immigration Act 2004 (Visas) Order 2014 (S.I. No. 473 of 2014)* as amended by *Immigration Act 2004 (Visas) (Amendment) Order 2015 (S.I. No. 175 of 2015)*.

¹⁶ Note that the decision on which category a visa falls into is made by the Visa Officer concerned or the individual on online application. The applicant can select the category from a dropdown list when completing his or her online application; the Visa Officer processing the application may amend this for record purposes. Reason for granting the visa may be identical to the visa sticker issued at the border, but this is not necessary (correspondence with Visa Section, INIS, June 2015). There may therefore be some leakage between categories, for example a visa issued to attend a business meeting may be categorised under 'visit' etc.

FIGURE 1.1 Percentage Breakdown of Short-Term (C) and Long-Term (D) Visa Applications Granted, 2010-2014



Source: Visa Section, Irish Naturalisation and Immigration Service (January 2015).

Notes: * In each year over 99 per cent of visas issued for business-reasons were short-term visas.

** The final decision on which category a visa falls into is made by the Visa Officer concerned therefore there may be some leakage between categories, See footnote 16.

*** Some data were aggregated for the purpose of this chart (Training visas aggregated with Employment/Internship visas; Other reasons visas aggregated with other reasons (unspecified) visas).

1.3 METHODOLOGY AND SCOPE OF STUDY

The scope of the study is limited to legal, business-related migration of non-EEA nationals, also termed third-country nationals (TCNs). The study aims to examine both short-term business travel, and longer-term business-related immigration. A broad range of categories of business persons are included in the study but information is mainly available on immigrant investors, immigrant entrepreneurs and business owners. Other business persons examined in the study include: intra-company transferees, graduate trainees and any other relevant schemes which facilitate business travel. The study is concerned with business rather than labour migration, i.e. while certain categories of non-EEA nationals who require an employment permit are discussed, they are not the focus of the study.

Extensive desk research was undertaken at the outset of this study, including a review of existing academic literature on the issue. A wide number of international studies were available regarding business migration but literature

from an Irish context was limited. Research was also more widely available on entrepreneurship among immigrant populations in situ, rather than on newly arriving migrants. Previous EMN studies on economic migration and Government publications regarding economic policy, investment and entrepreneurship were also key sources of information.

In order to address outstanding information gaps, a Roundtable meeting was convened with key actors and institutions in this area. A Roundtable format was chosen in order to gain a full understanding of the interplay and interactions between various stakeholders. Prior to the Roundtable, a brief overview of the study was sent to participants and key questions and areas to be discussed were highlighted. Roundtable attendees comprised representatives from the Irish Naturalisation and Immigration Service, the Department of Justice and Equality, Enterprise Ireland and IDA Ireland. At the Roundtable, the study was briefly presented and discussion was invited.

A telephone interview was conducted with a representative from the Department of Jobs, Enterprise and Innovation. Representatives from the Department of Jobs, Enterprise and Innovation (Economic Migration Policy Unit and the Inward Investment and North South Unit) also provided extensive comments on a draft of the study.

In order to reflect the perspective of the business community in Ireland, individual interviews were conducted with the American Chamber of Commerce Ireland and the Irish Business and Employers Confederation (IBEC).

A draft of the study was subsequently circulated to all Roundtable participants and all others interviewed for the study. Further information and comments were incorporated as relevant. The study was also reviewed by a representative from the Immigrant Council of Ireland. Comments were sought from the Department of Foreign Affairs and Trade but none were received.

National data on business migration to Ireland are quite limited. Visa-related data were supplied by the Visa Section of the Irish Naturalisation and Immigration Service and are referenced in several places in the report (see Annex 1 for complete tables). Data on specific schemes, namely the Immigrant Investor Programme, the Start-up Entrepreneur Programme, the Business Permission Scheme and the Atypical Working Scheme were supplied by the Immigration and Citizenship Policy Division of the Irish Naturalisation and Immigration Service.

1.3.1 Key Terminology

Key definitions are derived from the *European Migration Network Asylum and Migration Glossary* (European Migration Network, 2014), unless specified otherwise. Where possible agreed definitions are used in order to facilitate comparison across the EU Member States but some included terms are specific to the Irish context.

Immigrant investor: Third-country national meeting the criteria set by a Member State and admitted on a long-stay visa to a Member State for the purpose of making a (substantial) financial investment either in financial products or in a business, but without involvement in the day-to-day operations or in the management of business.

Immigrant business owner: Third-country national meeting the criteria set by a Member State and admitted on a long-stay visa to the Member State to i) set up a business and be involved in its management; ii) take over the running of a business or businesses and be involved in its management; iii) or for self-employment.

Intra-corporate transfer: Temporary secondment for occupational or training purposes of a third-country national who, at the time of application for an intra-corporate transferee permit, resides outside the territory of the Member States, from an undertaking established outside the territory of a Member State, and to which the third-country national is bound by a work contract prior to and during the transfer, to an entity belonging to the undertaking or to the same group of undertakings which is established in that Member State, and, where applicable, the mobility between host entities established in one or several second Member States. This is referred to as intra-company transfer employment permit in the Irish context.

Long-stay visa (or National D-Type visa): ‘Long-stay visa’ means the authorisation or decision of a Member State is required for entry for an intended stay in that Member State of more than three months.

Other business persons: All categories of third-country nationals admitted to a Member State on a short-stay visa or a long-stay visa for the purpose of doing business but are not classed as immigrant investors or immigrant business owners.

Short-stay visa (or National C-Type visa): The authorisation or decision of a Member State is required for entry for an intended stay in that State or in several Member States for a period whose total duration does not exceed 90 days in any 180-day period. In the case of Ireland short-stay C-type visas are issued for a maximum of 90 days.¹⁷

Third-country national: Any person who is not a citizen of the European Union and who is not a person enjoying the European Union right to free movement. In this study the terms third-country national and non-EEA national are used interchangeably.

¹⁷ See www.inis.gov.ie/en/INIS/Pages/Irish%20Visa%20Information.

Section 2

National Framework for Business-Related Migration

Section 2 provides an overview of the Irish immigration system in relation to non-EEA nationals coming to Ireland for business purposes. The institutional framework, key actors and institutions, and national legislation are described. In order to set the context for targeted measures discussed in Section 3, an overview of the system for the admission of third-country nationals to the State is provided. The nature of the residence permit issued to third-country nationals is also outlined.

2.1 INSTITUTIONAL FRAMEWORK

Two government departments have responsibility for policymaking and scheme administration related to business migration: the Department of Justice and Equality (DJE) is responsible for immigrant investment and entrepreneurship-related migration, while the Department of Jobs, Enterprise and Innovation (DJEI) is responsible for formulating policy and issuing employment permits to intra-company transferees (Intra CT), contractual services suppliers and graduate trainees (under the Internship EP).

In recent years the Department of Justice and Equality in collaboration with the Department of Jobs, Enterprise and Innovation has introduced a number of additional schemes mainly to cater for other types of business persons who generally do not 'fit' the more traditional programmes currently in place. The schemes that will be discussed in this study include the Atypical Working Scheme, and visa schemes which facilitate business travel.

All of the programmes and schemes mentioned here are discussed in detail in Section 3.

2.1.1 Key Actors and Institutions

Department of Justice and Equality (DJE)

The Irish Naturalisation and Immigration Service (INIS)¹⁸ within the Department of Justice and Equality, is the responsible body for administering the statutory and administrative functions of the Minister for Justice and Equality in relation to asylum, immigration, citizenship and visa matters. Policies to attract immigrant investors, entrepreneurs and business owners are developed by the Department of Justice and Equality in conjunction with other relevant departments, in particular the Department of Jobs, Enterprise and Innovation.

Until 2012, all third-country nationals wishing to migrate to Ireland to establish a business were required to apply for a ‘non-EEA business permission’. Since April 2012 two additional schemes, namely the Start-Up Entrepreneur Programme (STEP) and the Immigrant Investor Programme (IIP), have been in operation. Applications to these three programmes are governed by the administrative procedures of the Department of Justice and Equality.¹⁹

Department of Jobs, Enterprise and Innovation (DJEI)

The Employment Permits Section within the Department of Jobs, Enterprise and Innovation administers schemes which require an employment permit.²⁰ Employment permits for intra-company transferees, contractual services suppliers and graduate trainees fall under the remit of Department of Jobs, Enterprise and Innovation.²¹ The Department also collaborates with the Department of Justice and Equality in relation to recently introduced schemes, e.g. the Atypical Working Scheme.

Department of Foreign Affairs and Trade (DFAT)

The Department of Foreign Affairs and Trade²² manages all aspects of Irish foreign policy. One of the responsibilities of the Department is to raise Ireland’s profile as an attractive location for business investment. The DFAT Embassy network plays a key role in this regard. The Irish Naturalisation and Immigration Service is primarily responsible for dealing with immigration and visa matters. However DFAT also has a role in approving short-stay visa applications, including business visas, under delegated sanction.

¹⁸ www.inis.gov.ie/en/INIS/Pages/Home.

¹⁹ www.justice.ie.

²⁰ www.djei.ie/labour/workpermits.

²¹ www.djei.ie/index.htm.

²² www.dfa.ie.

IDA Ireland

IDA Ireland²³ is a state-sponsored agency, reporting to the Minister for Jobs, Enterprise and Innovation. The Agency is responsible for promoting and developing Foreign Direct Investment (FDI) in Ireland. The IDA provides support and services to foreign companies in order to establish and develop their operations in Ireland by providing information (e.g. on tax, investment opportunities, operating costs) about setting up a business in Ireland and facilitating network connections (e.g. with peer companies, industry groups, third-level institutions etc.). The Agency may also provide grants to companies wishing to expand their operations in Ireland or to companies wishing to locate to Ireland. Out of 3,300 foreign-owned firms based in Ireland nearly 35 per cent were supported by the IDA (Department of Jobs, Enterprise and Innovation, July 2014).

Enterprise Ireland

Enterprise Ireland (EI)²⁴ is a government agency responsible for development and growth of Irish enterprises in international markets. Enterprise Ireland promotes entrepreneurship in Ireland and engages with entrepreneurs and business people from early-stage entrepreneurship to established business owners. The agency does not work with locally traded service companies or sole traders; supports to these companies and individuals are offered by Local Enterprise Offices (LEOs).

Irish Business and Employers' Confederation

Irish Business and Employers' Confederation (IBEC) represents the interests of businesses in Ireland and provides a wide range of services and supports to its member companies.²⁵

American Chamber of Commerce Ireland

American Chamber of Commerce Ireland is the representative body for US companies based in Ireland at both Government and industry level.²⁶

²³ www.idaireland.com.

²⁴ www.enterprise-ireland.com/en.

²⁵ www.ibec.ie.

²⁶ www.amcham.ie.

2.2 NATIONAL LEGISLATION AND FRAMEWORK

In order to set the context for targeted measures discussed in the Section 3, an overview of the system for the admission of third-country nationals to the State is provided. The nature of the residence permit issued to third-country nationals is also outlined.

All non-EEA nationals require a permission to remain in the State and are subject to immigration legislation. The principal legislative acts regulating the entry and residence of non-EEA nationals in Ireland are the *Immigration Acts, 1999, 2003 and 2004*.

Section 4 (1) of the *Immigration Act, 2004* (thereafter Act of 2004) grants permission for a non-EEA national to be present in the State while Section 4(6) of the Act of 2004 sets out conditions as to duration of the stay and the type of activity that the person may engage in during his/her stay in the State.

Terms ‘immigrant investor’ and ‘immigrant business owner’ are not defined in national legislation in Ireland. The Business Permission Scheme, the IIP and the STEP are governed by the administrative procedures of the Department of Justice and Equality (Becker, 2011).

Non-EEA nationals such as intra-company transferees, contractual service suppliers and graduate trainees are required by the *Employment Permits Acts 2003 and 2006* as amended by the *Employment Permits (Amendment) Act 2014* to hold an appropriate employment permit.

Ireland does not have a pre-entry clearance system beyond the requirement to apply for a visa. An Irish visa is a form of pre-entry clearance to travel to point of entry to the State only. All non-EEA nationals 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* (Quinn, 2011). However in practice the application for an Irish visa is one way for a non-EEA national to check that entry requirements are broadly met; this ‘check’ is not available to nationals of visa-exempt states (Quinn, 2013) (see Annex 3 for visa-exempt countries).

A visa-required national must hold the entry visa in his or her passport prior to travelling, otherwise carrier liability could apply. A visa sticker is normally issued

by the Embassy, Consulate or Visa Office where the visa application was lodged. In the case of applications lodged directly to INIS in Dublin, the sticker is posted to the country of application or issued to an authorised contact or courier in Ireland.

On entry to the Irish State non-EEA nationals generally receive a landing ‘Stamp’ in their passport. If the intended stay is over three months the person concerned is instructed to register with the Garda National Immigration Bureau (GNIB) or An Garda Síochána (police).²⁷ At registration stage, non-EEA nationals are allocated several documents which together comprise a residence permit:

1. One of several Stamps is placed on the passport. The Stamp denotes the general conditions of the holder’s permission to remain in Ireland. The main categories of Stamps are summarised in Annex 2. The endorsement of conditions on a residence permit is an immigration Stamp;
2. A Certificate of Registration in the form of a GNIB Registration Card is issued with an expiry date. The Registration Card contains the holder’s name, GNIB registration number, photograph and Stamp type;
3. If the residence permission has been granted by INIS, a letter containing more detailed conditions attached to the holder's permission to remain in Ireland, and the date on which the permission commenced, is issued to the applicant prior to their registration with GNIB/An Garda Síochána.

2.2.1 Employment Permits (Amendment) Act 2014

The latest Employment Permits legislation amends the *Employment Permits Act 2006* to make further provision in respect of the employment permit system. The amendments provide for inter alia different types of permits for different purposes, and additional criteria and rules for determining whether or not to grant applications for permits. Specific provisions also take account of the needs of start-up companies, offering waivers to some of the rules normally applying to permit applicants.

The Department of Jobs, Enterprise and Innovation noted that the legislation offers clarity to potential investors and employers, both indigenous and multinational, which enables their business planning and global HR decision-making.²⁸ The Department argues that the new legislation provides the necessary flexibility for key sectors of economic growth and makes provision for the role

²⁷ Non-EEA Nationals aged under 16 years are required to register with the GNIB/An Garda Síochána.

²⁸ Communication with the Department of Jobs, Enterprise and Innovation, April 2015.

that IDA Ireland and Enterprise Ireland play in enterprise start-ups and job creation in that regard.²⁹ Such measures are discussed in more detail in Section 3.3.3.

²⁹ Communication with the Department of Jobs, Enterprise and Innovation, April 2015.

Section 3

National Policies and Measures

A number of policies and measures have been introduced in Ireland in order to facilitate the admission of non-EEA business persons as well as to attract them. Some of these measures target individual entrepreneurs and investors, while others facilitate short-term business visits or assist the admission of key personnel in order to attract multinational companies to Ireland. This section examines the main schemes in place to facilitate the admission of non-EEA business persons. The main features of the schemes and programmes are discussed along with any conditions attached. Measures aimed at promoting existing schemes and key economic and geographical areas targeted by such schemes, are also considered in this section. Available national data are provided in this section. Finally available information on the effectiveness of measures and challenges to business migration to Ireland will be discussed.

3.1 NON-EEA MIGRANT INVESTORS, ENTREPRENEURS AND BUSINESS OWNERS

Policies to attract immigrant investors, entrepreneurs and business owners are developed by the Department of Justice and Equality in conjunction with other relevant departments, in particular the Department of Jobs, Enterprise and Innovation. The three programmes of particular relevance to this study are the Immigrant Investor Programme, the Start-Up Entrepreneur Programme and Business Permission Scheme. Table 3.1 summarises the main conditions and features of the three schemes.

Immigrants who are visa-required³⁰ must apply for a visa before presenting at the Irish border. Visa-required nationals, who are legally resident in Ireland, must also hold an Irish re-entry visa in order to temporarily leave the State during their stay. Successful IIP and STEP applicants are given a multiple-entry visa for the

³⁰ The *Immigration Act 2004 (Visas) Order 2014 (S.I. (No. 473 of 2014. 2) Order 2011 (S.I. No. 345 of 2011)* as amended by *Immigration Act 2004 (Visas) (Amendment) Order) 2015 (S.I. No. 175 of 2015)* sets out the groups that are visa-exempt when travelling to Ireland

period of two years to facilitate business travel (Irish Naturalisation and Immigration Service, 2014b;d).

TABLE 3.1 Main Features of IIP, STEP and Business Permission

Conditions Associated	Type of Scheme		
	IIP	STEP	Business Permission
Type of Investment/ Business	6 investment options	High Potential Start-up in innovation economy	All businesses, but traditionally has focused on retail, personal services, catering or other business of similar nature
Minimum Investment	€500,000-€2 million depending on the type of investment	€50,000	€300,000
Minimum Job Creation	No specific target but the aim of the scheme is to create jobs	No initial job creation target but the HPSU must be capable of creating ten jobs in the future	Must create employment for at least two Irish/EEA/Swiss nationals or maintain employment in an existing business
Minimum Educational/ Professional Skills	None	None	None
Residence Permission	Stamp 4 issued for two years and may be extended for a further three years	Stamp 4 issued for two years and may be extended for a further three years	Stamp 1 issued for 12 months and may be extended for a further 12 months
Family Reunification	Yes Also issued with Stamp 4	Yes Also issued with Stamp 4	Yes
Tax ³¹	No special provisions	No special provisions	No special provisions
Access to citizenship	No special provisions	No special provisions	No special provisions
Social Security	Must not access social security	Must not access social security	Must not access social security
Healthcare Insurance	Must have medical insurance	Must have medical insurance	Must have medical insurance
Other	May avail of a discount on their investment for higher level educational expenses. The maximum discount allowable is €50,000.	N/A	N/A
Renewal	Yes	Yes	Yes
Application Fee	€750	€350	N/A

Source: Authors' own research.

Note: This table is a brief overview of different schemes available. Additional conditions may apply.

An Evaluation Committee is convened by the Department of Justice and Equality to assess all complete applications under the IIP and the STEP. The Committee

³¹ A Special Assignee Relief Programme, which allows for a 30 per cent exception from income tax of an employee's income, is not included here because it primarily targets employees of multinational companies. See Quinn and Gusciute, 2013 for more information.

then makes recommendations to the Minister for Justice and Equality on applications that should be accepted under the programmes (Irish Naturalisation and Immigration Service, 2014b). The committee is chaired by the Department of Justice and Equality with membership drawn from the Departments of Finance, Jobs Enterprise and Innovation, Foreign Affairs and Trade, the IDA and Enterprise Ireland (Department of Justice and Equality, January 2012). The Committee convenes four times per year (February, May, September and December) to access applications. The timeframe for applications to be processed on average is three to four months (Irish Naturalisation and Immigration Service, 2014b).

3.1.1 Immigrant Investor Programme

The Immigrant Investor Programme (IIP) was introduced in January 2012 to attract non-EEA migrant investors to Ireland. A representative from INIS noted that the programme was introduced in order to address a gap in the immigration system; the existing business permission scheme was not designed to deal with high worth investments in to an Irish enterprise, philanthropic projects or into the broader economy.³² According to the programme guidelines the main objectives of this scheme are job creation and further facilitation of Irish economic development (Irish Naturalisation and Immigration Service, 2014b).³³ A number of adjustments were made to the programme in July 2013 to make the programme more attractive to potential investors (Department of Justice and Equality, July 2013):

- A 50 per cent reduction in the investment threshold for the Immigrant Investor Bond option (€2 million to €1 million);
- A 50 per cent reduction in the Enterprise Investment option (€1 million to €500,000);
- Creation of a new category of investment in a managed fund which would invest in Irish businesses and projects;
- Some adjustments in respect of Mixed Investment and Endowment options.

As Table 3.2 shows a total of 57 applications for the Immigrant Investor Programme have been received up to April 2015, with 55 approved.

³² INIS, Roundtable meeting, Economic and Social Research Institute, March 2015

³³ Where investment is made in an enterprise this has generally been into an existing enterprise. Correspondence with INIS, June 2015.

TABLE 3.2 Data on the Immigrant Investor Programme: January 2012-April 2015

Scheme	No. of Applications Submitted	No. of Applications Approved	No. of Applications Withdrawn
IIP	57	55	2

Source: Immigration and Citizenship Division, Irish Naturalisation and Immigration Service (April 2015).

3.1.1.1 Immigrant Investor Programme Criteria

According to the IIP guidelines³⁴ (Irish Naturalisation and Immigration Service, 2014b) the following conditions must be met in order to qualify for the programme:

- The investment must qualify under one of six investment options (see Table 3.3) and an investment proposal must be submitted at the application stage. The minimum financial amount to invest depends on the type of investment and varies between €500,000 and €2 million as outlined in Table 3.3.
- There are no minimum educational or professional skills required. However according to the IIP Guidelines the scheme is aimed at ‘dynamic business professionals with a proven record of success’ and the applicant’s current occupation and business activities must be stated in the application form (See Irish Naturalisation and Immigration Service, 2014a).
- Potential investors must be of good character and have not been convicted of criminal offences in any jurisdiction. Applicant as well as their eligible nominated family members over the age of 16 must submit a statement of character from the police authorities of each country in which they have resided for more than six months during the ten-year period prior to making an application for the IIP. Successful applicants are required to submit an affidavit³⁵ attesting to their good character and affirming they have no criminal convictions. A similar affidavit will be required from all eligible adult family members wishing to reside in Ireland.
- Successful applicants are required to supply evidence that they have private medical insurance to cover medical expenses in Ireland.
- Applicants for the IIP must demonstrate that they have legally acquired a minimum net worth of €2 million. In addition applicants who wish to supply due diligence reports from reputable international risk management and security screening organisations are advised to do so.

³⁴ The IIP guidelines and application form are available from the INIS website. See www.inis.gov.ie.

³⁵ Affidavit must be produced by a legal practitioner who is registered to practice law in Ireland.

An application fee of €750 must be submitted with each application. The fee covers the principal applicant and all eligible nominated family members and is not refundable in the event of unsuccessful applications (Irish Naturalisation and Immigration Service, 2014b). Original documents providing evidence of funds available for investment, evidence of source of funds for investment and evidence that funds may be transferred are required. For some investments a business plan, latest audited accounts and details of property investment are also required. Detailed list of documents required for different types of investment is provided on the Immigrant Investor Programme 2014 Application Form (Irish Naturalisation and Immigration Service, 2014a).

The Evaluation Committee assesses all complete applications under the IIP. Applicants who have been approved by the Minister and have fulfilled all the necessary requirements are contacted by the Irish Naturalisation and Immigration Service in order to arrange for a residence permission to be issued in Ireland (Irish Naturalisation and Immigration Service, 2014b). Table 3.3 sets out various investment options available under the IIP.

TABLE 3.3 Investment Options under the Immigrant Investor Programme

Investment Type	Minimum Investment	Terms of Investment	Suitable for investors
Immigrant Investor Bond	€1 million	<ul style="list-style-type: none"> Five-year bond at 0 per cent interest rate This is a Government guaranteed investment 	<ul style="list-style-type: none"> Who require an easy and risk-neutral investment option
Enterprise Investment	€500,000 in an Irish Enterprise	<ul style="list-style-type: none"> Must be invested in an Irish enterprise for a minimum of three years Enterprise may be a start-up enterprise established by the investor or an existing business registered in Ireland Enterprise must be registered and headquartered in Ireland Investment must support the creation or maintenance of employment³⁶ and must be made in the name of the individual seeking residence under the IIP Investment in commercial/residential property for the purpose of leasing/renting or purchase of publicly traded securities are not considered as eligible investments under this Programme 	<ul style="list-style-type: none"> Who wish to create a new enterprise or invest in an existing business in Ireland

Contd.

³⁶ A speculative investment aimed at increasing profits through reduction in staff or moving jobs offshore is not be accepted under this Programme.

TABLE 3.3 *Contd.*

Investment Type	Minimum Investment	Terms of Investment	Suitable for investors
Investment Fund	€500,000 in an approved investment fund	<ul style="list-style-type: none"> Must be invested for a minimum of three years Funds and fund managers will be regulated by the Central Bank³⁷ 	<ul style="list-style-type: none"> Who want to avail of the services of approved professional investment intermediaries to invest in Ireland's Enterprise sector
Real Estate Investment Trusts (REIT)	€2 million in any Irish REIT that is listed on the Irish Stock Exchange	<ul style="list-style-type: none"> The full REIT investment must be held for three years from the date of purchase After three years no more than 50 per cent of shares can be divested Limits may be imposed by the Evaluation Committee at its absolute discretion on the number of REIT investments qualifying under the IIP 	<ul style="list-style-type: none"> Who want to invest in lower-risk property investment model in which the investment is diversified into a pool of properties The debts limits reduce exposure to negative equity risk and there is a regular income stream for investors
Mixed Investment	€500,000 investment in the Immigrant Investor Bond and a purchase of residential property in Ireland with a minimum value of €450,000	<ul style="list-style-type: none"> The property must be a residential property which the applicant and their family intend to use as their residence in Ireland. 'Buy-to-let' investments are not eligible The property and the bond must be held for five years. The Immigration Permission will be withdrawn if the property is leased to tenants during the five-year period 	<ul style="list-style-type: none"> Who want to relocate to Ireland for business or education purposes
Endowment	€500,000 in a project of public benefit in the arts, sports, health, cultural or educational field.	<ul style="list-style-type: none"> The contribution must have a clear public benefit Investors will not receive any financial return or recoupment of the principal If five or more investors wish to contribute their philanthropic endowments a minimum investment of €400,000 per investor applies 	<ul style="list-style-type: none"> Who wish to actively engage in philanthropy and support projects that benefit the wider community

Source: The Immigrant Investor Programme Guidelines 2014 (Irish Naturalisation and Immigration Service, 2014b).

Note: This table is a brief summary of different investment options available under the IIP. Additional conditions may apply.

3.1.1.2 Conditions/Incentives Offered to Successful Applicants

Residency: Successful candidates are granted continuous residence in Ireland under Stamp 4 conditions (see Annex 2 for explanation of different stamp categories). The initial immigration permission is issued for two years and may be extended for a further three years following an interim review and subject to fulfilling the following conditions:

³⁷ Currently limited information is available about this investment option. The Irish Naturalisation and Immigration Service has stated that more information will be available on their website (See www.inis.gov.ie/en/INIS/Pages/WP07000002) in due course.

- Designated investment must remain in place;
- The person concerned has not become a financial burden on the State;³⁸
- The person concerned has not been investigated, indicted or convicted in relation to any criminal offence in any jurisdiction.

After this initial five-year period, the investor may apply for residence in five-year tranches. The investor is not required to reside in Ireland in order to maintain his or her immigration permission, but he or she must visit Ireland once a year. According to the IIP Guidelines, investment performance is not a condition for residence permission; as long as the funds are in place for the required period, the residence permit will be extended. There is no limit to the duration of a successful candidate's residence provided all conditions are met (Irish Naturalisation and Immigration Service, 2014b).

Family Reunification: Under the IIP, investors may bring their spouses/partners and minor children. In certain cases children between the ages of 18 and 24 may also be granted residency status. Family members are also issued with 'Stamp 4' (see Annex 2), hence they are able to work, study or to start their own business.

Taxation and Social Security: The Immigrant Investor Programme contains no special provisions regarding taxation. However investors and their family members may avail of a discount on their investment for higher level educational expenses such as tuition. The maximum discount allowable is €50,000.

The IIP Guidelines state that Immigrant Investor may not access social welfare. However INIS has noted that

... immigration authorities do not determine eligibility for State funded services and in many cases, particularly as regards social welfare payments, the eligibility conditions are the same for Irish citizens as for migrants... At the same time, when a person is granted immigration permission and it is made conditional on not being a burden on the State, failure to abide by this condition may lead to termination of permission, notwithstanding any eligibility rules that may be in place by State sector providers of services as regards access to those services. This represents what might be referred to as an 'Immigration Contract'. (Irish Naturalisation and Immigration Service, December 2013).

³⁸ 'A burden on the State' is not defined in legislation nor is there a clear definition of what constitutes 'a burden on the State'. See Quinn et al., 2014.

Citizenship: The Immigrant Investor Programme does not grant or provide for preferential access to naturalisation. Investors and/or their family members may apply for naturalisation in the same manner as other non-Irish nationals under the provisions of the *Irish Nationality and Citizenship Act 1957-2004* if they wish to become Irish citizens.

3.1.2 Start-Up Entrepreneur Programme

The Start-Up Entrepreneur Programme (STEP) was introduced in January 2012 to attract non-EEA migrant entrepreneurs to Ireland.³⁹

According to the Start-up Entrepreneur Programme Guidelines, the main objective of the scheme is to ‘stimulate productive investment in Ireland’ by attracting high potential start-ups (HPSU).⁴⁰ A number of changes were introduced in March 2014 to the programme in order to ‘improve its appeal to potential migrant entrepreneurs’ (Department of Justice and Equality, March 2014):

- Required minimum investment reduced from (€75,000 to €50,000);
- A 12-month immigration permission granted for migrant entrepreneurs attending incubators or innovation ‘boot-camps’ in Ireland. The 12-month permission is aimed at allowing entrepreneurs to prepare an application for the STEP;
- A 12-month immigration permission is also available for non-EEA students graduating with advanced STEM (Science, Technology, Engineering, and Mathematics) degrees in Ireland and who wish to prepare an application for the STEP.

As Table 3.4 shows 30 applications have been approved under the Start-Up Entrepreneur Programme since its inception. INIS advised that two applicants withdrew from the process, 18 were deemed not to meet the criteria for acceptance to the programme and two remain under consideration.

³⁹ The scheme developed over the years since 2010 between the Department of Justice and Equality and Enterprise Ireland, with Committee evaluation, in response to the overseas programme launched by the Minister for Jobs, Enterprise and Innovation. Correspondence with a representative from Enterprise Ireland, June 2015.

⁴⁰ The STEP guidelines and application form are available from the INIS website. See www.inis.gov.ie/en/INIS/Pages/New%20Programmes%20for%20Investors%20and%20Entrepreneurs.

TABLE 3.4 Data on the Start-Up Entrepreneur Programme: January 2012-April 2015

Scheme	No. of Applications Submitted	No. of Applications Approved	No. of Applications Rejected	No. of Applications Withdrawn
STEP	52	30	18	2

Source: Immigration and Citizenship Division, Irish Naturalisation and Immigration Service (April 2015).

Note: Two applications were under consideration at time of writing.

3.1.2.1 Start-up Entrepreneur Programme Criteria

According to the STEP guidelines (Irish Naturalisation and Immigration Service, 2015b) the following conditions must be met in order to qualify for the programme:

- Proposal for the programme should be for a High Potential Start-up (HPSU) in the innovation economy; which is defined as a venture that is:
 - Introducing a new or innovative product or service to international markets;
 - Capable of creating ten jobs in Ireland and realising €1 million in sales within three to four years of starting up;⁴¹
 - Led by an experienced management team;
 - Headquartered and controlled in Ireland;
 - Less than six years old.
- The required minimum investment for the STEP is €50,000⁴² (Department of Justice and Equality, March 2014).
- There is no specific minimum level of educational achievement or professional skills required for the STEP however information on previous/ current employment/ business activities and educational attainment is requested on the application form.
- Applicants to the STEP must provide evidence of funding and evidence that money can be transferred. All applicants must submit a statement of character from the police authorities of each country in which he/she has resided for more than six months during the ten-year period prior to making an application. Successful applicants are required to submit an affidavit attesting to their good character and affirming that they have no criminal convictions.
- Applicants must have private medical insurance for the duration of residence under the scheme.

⁴¹ Note that the STEP guidelines state that no initial job creation targets are in place, but the proposed must be capable of creating ten jobs in Ireland (Department of Justice and Equality, March 2014).

⁴² Where more than one principal is involved in establishing a business, the minimum investment for second and subsequent entrepreneur is €30,000 per principal. See Department of Justice and Equality, March 2014.

A non-refundable fee of €350 must be submitted with all applications. Original documents providing evidence of funds, evidence of source of funds for investment and evidence that funds may be transferred are required. A detailed list of documents required is provided on the STEP application form (Irish Naturalisation and Immigration Service, 2015a).

Applicants who have been approved by the Evaluation Committee and have fulfilled all the necessary requirements will be contacted by the Irish Naturalisation and Immigration Service (INIS) in order to arrange for a residence permission to be issued in Ireland.

3.1.2.2 Conditions/Incentives Offered to Successful Applicants

Residency: Successful candidates are granted continuous residence in Ireland under Stamp 4 conditions.⁴³ The initial immigration permission is issued for two years and may be extended for a further three years subject to review and the fulfilment of certain conditions.

After this initial five-year period, the entrepreneur may apply for residence in five-year tranches. Residency permission issued under the STEP can be renewed provided the following requirements are met:

- The Start-up has remained in place for the designated period.
- Assessment by the Evaluation Committee has been carried out. In order for residency permission granted under the STEP to be renewed, an assessment is carried out by the Evaluation Committee on the success/viability of the investment. The guidelines for STEP state that it is *recognised that Start-up ventures have a high rate of failure. In the event of the venture failing the immigration status of the participant will be reviewed and they may need to make application to remain in Ireland on another basis. This could include a further application under the entrepreneur programme or an application for an employment permit or green card.*⁴⁴
- The applicant has maintained good character, private medical insurance and has not accessed publicly funded welfare programmes.

⁴³ See Annex 2 for explanation of different stamp categories.

⁴⁴ Now known as the Critical Skills Employment Permit.

On renewal, residency permission will be granted for a further three years, and in five-year instalments thereafter.

Family Reunification: According to the STEP guidelines, successful applicants may be accompanied by family members. Family members (spouse/partner and children) are also issued with 'Stamp 4' (see Annex 2), hence they are able to work, study or start a business.

Business Supports: Enterprise Ireland assists High Potential Start-Up enterprises located in Ireland by helping them 'start, grow, innovate and win export sales on global markets'. A 12-month immigration permission can be made available to non-EEA entrepreneurs attending incubators or innovation 'boot-camps' in Ireland. The 12-month permission is aimed at allowing entrepreneurs to prepare an application to the STEP (Department of Justice and Equality, March 2014).

Non-EEA students who graduate with advanced STEM (Science, Technology, Engineering, Mathematics) degrees in Ireland and who wish to apply to STEP are also be given a 12-month period to prepare an application to the scheme (Department of Justice and Equality, March 2014).

Revenue and Social Security: The STEP guidelines highlight that this scheme contains no special provisions regarding taxation.

Provisions governing the STEP indicate that successful applicants may not access social welfare and must have enough resources to support themselves and any dependants. However as noted above in Section 3.1.1.2 immigration authorities do not determine eligibility for State funded services and in many cases, particularly as regards social welfare payments, the eligibility conditions are the same for Irish citizens as for migrants (Irish Naturalisation and Immigration Service, December 2013).

Citizenship: Entrepreneurs and/or their family members may apply for naturalisation in the same manner as other non-Irish nationals under the provisions of the *Irish Nationality and Citizenship Act 1957-2004* if they wish to become naturalised Irish citizens.

3.1.3 Business Permission Scheme

The Business Permission Scheme facilitates non-EEA nationals coming to Ireland in order to establish business which has traditionally focussed on retail, personal services, catering or other business of this nature (Irish Naturalisation and Immigration Service, 2015b). Unsuccessful applicants for the STEP will also be referred to this scheme for assessment (Department of Justice and Equality, March 2014). A non-EEA national who intends to pursue a business activity⁴⁵ requires a ‘business permission’, which is issued by the Minister for Justice and Equality (Irish Naturalisation and Immigration Service, April 2014).

Certain categories of non-EEA nationals are exempt from the requirement to obtain a Business Permission prior to establishing a business in Ireland, including: persons granted refugee status; dependent relatives of EEA nationals exercising a valid right to reside in Ireland; and persons who have been granted (temporary) permission to remain in the State.⁴⁶

The Department of Justice and Equality has stated that the Business Permission Scheme is currently under review with a view to facilitating more entrepreneurship through this scheme (Department of Justice and Equality, March 2014). In the period 2008 to April 2011, 411 applications for Business Permission were received by INIS; out of these 218 applications were approved (McGinnity et al., 2012). In recent years, as Table 3.5 shows, the number of business permissions granted is low and has declined steadily.

TABLE 3.5 Data on Business Permissions Granted: 2012-2014

Year	New	Renewed	Total
2014	10	16	26
2013	20	21	41
2012	38	24	62
Total	68	61	129

Source: Immigration and Citizenship Division, Irish Naturalisation and Immigration Service (April 2015).

⁴⁵ In a capacity other than as an employed person with an employment permit.

⁴⁶ As the spouse of an Irish national, the parent of an Irish-born child (an Irish citizen) or on humanitarian grounds, having been in the asylum process. See INIS webpage section ‘Business Permission’ www.inis.gov.ie/en/INIS/Pages/WP09000012.

3.1.3.1 Business Permission Scheme Criteria

Persons applying for a Business Permission must submit all relevant documentation to the Business Permission Unit, Residence Division of the Irish Naturalisation and Immigration Service. The following conditions apply:

- The minimum investment for the Business Permission Scheme is set at €300,000.
- Writers, Artists and Crafts persons may also apply under the Business Permission Scheme. Such applicants do not need to meet financial or employment requirements; however they must demonstrate that they are internationally renowned in their chosen field and are in a position to fully support themselves from their chosen craft without recourse to alternative employment and/or social assistance.
- In order to qualify for a Business Permission the proposed business must create employment for at least two EEA nationals for a new project or, at the very least, maintain employment in an existing business. The proposed business must add to the commercial activity and competitiveness of the State.
- The proposed business must provide the applicant with sufficient income to maintain themselves and any dependants without resorting to social security or paid employment which would require an employment permit.
- Persons wishing to apply for a Business Permission need to provide a statement of character from the police authorities of each country in which he/she has resided for more than six months during the ten-year period prior to making an application and references from former employers.
- Persons applying for a Business Permission must provide detailed proof of their entrepreneurial skills. No specific minimum level of educational achievement/professional skills are required for a Business Permission, but applicants must provide proof of their own skill level in establishing a business including, where applicable, academic and professional qualifications.

Successful applicants will be issued with a letter granting them permission to engage in business activity for a period of 12 months.⁴⁷

⁴⁷ See INIS webpage section 'Business Permission' www.inis.gov.ie/en/INIS/Pages/WP09000012.

3.1.3.2 Conditions/Incentives Offered to Successful Applicants

Residency: According to the 'Business Permission' section of the INIS website, persons who have been granted business permission will be issued with an immigration permission for a period of 12 months under Stamp 1 conditions. This permission can be renewed for a further 12 months provided the following documents are submitted:

- Audited accounts and evidence of compliance with taxation requirements;
- All employee P60s for the business's operational time period;
- Bank statement from the last six months relating to the business;
- Valid work permits for employees;
- Tax clearance certificate.

Permission is renewed if the business satisfies all relevant criteria for Business Permission. If criteria are not met the permission will cease to exist without exception.⁴⁸

Family Reunification: Non-EEA nationals issued with business permission may also be accompanied by family members provided that they have sufficient income to support them. Provisions governing the Business Permission Scheme indicate that successful applicants may not access social welfare and must have enough resources to support themselves and any dependants.

Citizenship: Business Permission Scheme does not grant access to Irish citizenship. Business owners and/or their family members may apply for naturalisation in the same manner as other non-Irish nationals under the provisions of the *Irish Nationality and Citizenship Act 1957-2004* if they wish to become naturalised Irish citizens. However due to the short period of residence involved, it may be harder to accrue the minimum residence required for long-term residence and/or citizenship than it would be under the IIP or the STEP.

3.2 OTHER BUSINESS PERSONS

The scope of this study includes other business persons that do not fall under the categories of immigrant investors, entrepreneurs and business owners. This section examines the conditions for the admission of other business persons. These categories include the temporary admission of third-country nationals

⁴⁸ See INIS webpage section 'Business Permission' www.inis.gov.ie/en/INIS/Pages/WP09000012.

under international trade agreements (i.e. the pre-defined six 'Mode 4' categories)⁴⁹ and include the following:

- Intra-corporate transferees;
- Graduate trainees;
- Contractual service providers;
- Independent professionals;
- Business visitors;
- Business sellers.

The 'Mode 4' categories are not in common use in Ireland but equivalent employment permits are in place for certain categories mentioned above. For the purpose of this study the most relevant categories of 'other business persons' include intra-corporate transferees (in the Irish context referred to as intra-company transferees), contractual services suppliers and graduate trainees. Both of these categories of non-EEA nationals require an employment permit and hence are governed by the Department of Jobs, Enterprise and Innovation. Business visitors and schemes which facilitate short-term business visits are discussed in Section 3.3.

For the purpose of this study the most relevant categories of 'other business persons' include intra-corporate transferees (in the Irish context referred to as intra-company transferees)

3.2.1 Intra-Company Transfer Employment Permit Scheme

The Intra-Company Transfer Employment Permit Scheme is administered by the Department of Jobs, Enterprise and Innovation to facilitate the transfer of non-EEA nationals who are senior management, key personnel or trainees from an overseas branch of a multinational corporation to its Irish branch in accordance with the *Employment Permits Act 2006* (as amended).⁵⁰

⁴⁹ Non-EEA nationals may travel to Member States of the EU for business reasons under rules established by the EU Free Trade Agreements. The temporary movement of natural persons is one of the four modes of international service supply, under the General Agreement on Trade in Services, otherwise known as 'Mode 4'. Six Mode 4 categories of 'natural persons' are explicitly identified; business visitors for establishment purposes, intra-corporate transferees, graduate trainees, business sellers, contractual service suppliers and independent professionals. See European Migration Network (2015).

⁵⁰ www.djei.ie/labour/workpermits/intracompanytransferep.htm.

The Intra CTs are seen as important to the establishment of a foreign direct investment company and the main attraction of this permit is considered to be the temporary transfer of corporate or HQ personnel while allowing these employees to remain on foreign payroll.⁵¹ However these employment permits cannot be used to permanently substitute the filling of a vacancy which otherwise would have resulted in a job opportunity for the labour market or for positions which are listed on the Ineligible Categories of Employment for Employment Permits List.⁵²

Available data on intra-company transfer employment permits show a significant increase in the number of new permits issued between 2012 and 2014 from 378 new Intra CT permits issued in 2012, to 615 in 2014 (an increase of approximately 63 per cent). The number of employment permits refused for this category remains low (see Table 3.6). New Intra CT permits plus renewals totalled 724 in 2014, compared to 483 in 2012.

TABLE 3.6 Data on Intra-Company Transfer Employment Permits

Year	New	Renewal	Withdrawn	Refused	Total Issued
2015*	364	59	4	10	423
2014**	617	109	15	17	726
2013	436	130	9	14	566
2012	378	106	5	7	484

Source: Department of Jobs, Enterprise and Innovation (June 2015).

Notes: *2015 = Jan-May.

** 2014 includes the previous intra-company transfer permit (Jan-Sept) and the new intra-company transfer employment permit (Oct-Dec).

Intra-company transfer employment permits are available to senior management, key personnel and trainees only. Employment permits are generally issued for employees who are employed, salaried and paid under an Irish employment contract; therefore in the case of the Intra CTs strict criteria are applied as employees remain employed on foreign-based contracts.⁵³ See Table 3.7. for an overview of main conditions under this employment permit; detailed requirements are provided on the prescribed application form.⁵⁴

⁵¹ www.djei.ie/labour/workpermits/intracompanytransferep.htm.

⁵² See www.djei.ie/labour/workpermits/ineligiblecategoriesforemploymentpermits.htm.

⁵³ www.djei.ie/labour/workpermits/intracompanytransferep.htm.

⁵⁴ See www.djei.ie/publications/labour/2014/renewalintracompanytransferepform001-14.pdf.

TABLE 3.7 Intra-Company Transfers Employment Criteria and Main Features

Condition/Feature	Senior and key personnel	Trainees
Minimum Annual Remuneration	<ul style="list-style-type: none"> • €40,000 • Other components may be considered as part of the remuneration in order to bring it up to the set minimum amount (basic salary of at least national minimum wage and a payment for accommodation and or medical insurance etc.) 	<ul style="list-style-type: none"> • €30,000 • Other components may be considered as part of the remuneration in order to bring it up to the set minimum amount (basic salary of at least national minimum wage and a payment for accommodation and or medical insurance etc.)
Residency Permit	<ul style="list-style-type: none"> • Employment permit granted for a maximum of 24 months • May be extended upon application to a maximum stay of five years. 	<ul style="list-style-type: none"> • Employment permit granted for a maximum of 12 months • Not renewable
Family Reunification	None	None
Change Employer	N/A - the basis on which an Intra CT was granted would change therefore the permit would be null and void.	May apply for a Critical Skills Employment Permit or a General Employment Permit during the 12 month period
Application Fee	€500 (6 months); €1,000 (6-24 months)	€500 (6 months); €1,000 (6-12 months)

Source: Department of Jobs, Enterprise and Innovation (October 2014)⁵⁵ and correspondence June, 2015.

Note: This table is a brief summary of main features; additional conditions may apply.

3.2.2 Graduate Trainees and Contractual Service Providers

In the Irish context the closest equivalent to a graduate trainee is the Internship Employment Permit which facilitates the admission of full-time non-EEA students for the purpose of gaining work experience. The person concerned must be enrolled in a third-level course of education outside of Ireland and employed in an occupation listed on the Highly Skills Occupations List (Shanagher and Flood, 2014).

Contractual Service Providers are catered for under the Contract for Services Employment Permit which facilitates contractors outside of Ireland, who have won a contract to provide services to an Irish entity, to transfer non-EEA employees to work on the Irish contract in Ireland.⁵⁶ Table 3.8 provides available data on Contractual Service Providers.

⁵⁵ See www.djei.ie/labour/workpermits/intracompanytransferep.htm.

⁵⁶ See www.djei.ie/labour/workpermits/contractforservicesep.htm.

TABLE 3.8 Data on Contract for Services Employment Permits

Year	New	Renewal	Withdrawn	Refused	Total Issued
2015*	51	27	2	2	
2014	155	18	N/A	8	173
2013	101	26	N/A	4	127
2012	201	21	N/A	5	222

Source: Department of Jobs, Enterprise and Innovation (June 2015).

Notes: *2015 = Jan-May.

** This category of employment permit fell under the general employment permit prior to the commencement of the *Employment Permits (Amendment) Act 2014*.

Available data for graduate trainees indicate that this type of employment permit is not used frequently. From October to December 2014 one employment permit was issued for graduate trainees (internship employment permit).⁵⁷ Data from the first five months in 2015 (Jan-May) show that only one employment permit was issued for graduate trainees. Note that disaggregation or comparison for previous years is not available as this category of employment permits fell under the general employment permit prior to the commencement of the *Employment Permits (Amendment) Act 2014*.

Table 3.9 provides a brief overview of these two employment permits.

⁵⁷ Correspondence with Department of Jobs, Enterprise and Innovation (March 2015).

TABLE 3.9 Overview of Main Criteria and Features

Condition/Feature	Contractual Service Provider	Graduate Trainees
Name of the scheme	Contract for Service Employment Permit	Internship Employment Permit
Minimum Annual Remuneration	<ul style="list-style-type: none"> • €40,000 • Other components may be considered as part of the remuneration in order to bring it up to the set minimum amount (basic salary of at least national minimum wage and a payment for accommodation and or medical insurance etc.) 	National Minimum Wage
Residency Permit	<ul style="list-style-type: none"> • Employment permit granted for a maximum of 24 months • May be extended upon application to a maximum stay of five years. 	<ul style="list-style-type: none"> • Employment permit granted for a maximum of 12 months • Not renewable
Family Reunification	None	None
Change employer	N/A - changing employer in this instance would make the EP granted null and void.	May apply for a Critical Skills Employment Permit or a general employment permit during stay
Application Fee	€500 (6 months); €1,000 (6-24 months)	€500 (6 months); €1,000 (6-12 months)

Source: Department of Jobs, Enterprise and Innovation (October 2014)⁵⁸ and correspondence June, 2015.

Note: This table is a brief summary of main features; additional conditions may apply.

3.3 OTHER RELEVANT SCHEMES

A number of schemes have been recently updated or introduced in order to facilitate short-term business visits and travel. The most relevant schemes for this study are the Atypical Working Scheme and the British-Irish Visa scheme (BIVS). These schemes seem to be successful in attracting key personnel, short-term business visitors and highly-skilled professionals. Policymakers consulted for the purpose of this study noted that these schemes attract non-EEA nationals for a specific employment or short-term visit but has the potential to lead to an investment or a start-up in the future.⁵⁹ *The Employment Permits (Amendment) Act 2014* also contains new measures that allow some flexibility in employment permit rules as applied to start-up companies supported by IDA Ireland or Enterprise Ireland.

⁵⁸ See www.djei.ie/labour/workpermits/contractforservicesep.htm and www.djei.ie/labour/workpermits/internshipep.htm.

⁵⁹ Roundtable, Economic and Social Research Institute, March 2015.

3.3.1 Atypical Working Scheme

The Atypical Working Scheme facilitates non-EEA nationals who, in certain circumstances, are required by a company/organisation based in Ireland to undertake work in the State. The purpose of the Scheme is to provide a streamlined mechanism to deal with atypical, short-term employment or certain other employment situations which are not governed by the Employment Permits Acts or by current administrative procedures under the Acts.⁶⁰ For example, the Department of Jobs, Enterprise and Innovation noted that the scheme often caters for non-EEA nationals who would normally require a Contract for Services EP or an Intra CT EP but the contract or transfer (respectively) is between 15 and 90 calendar days (inclusively/consecutively) and therefore the Atypical Working Scheme is better suited for such short periods.⁶¹

The scheme was announced as a pilot scheme in July 2013 and effective from September 2013. INIS reported that it is constantly evolving in order to allow flexibility for business, and to respond to practical barriers in the immigration system as they emerge. A person may be issued with a maximum of one 15-90 day permission in a 12-month period and cannot leave or return to the State within the 90 days under the same 15-90 day permission.⁶² Most recently the scheme has been used by locum doctors.⁶³

The scheme applies to non-EEA nationals, who are required by a company or organisation based in Ireland to undertake work:

- where a skill shortage has been identified;
- to provide a specialised or high skill to an industry, business or academic institution;
- to facilitate waged/funded short-term employment/internship;⁶⁴
- as a locum doctor;
- as a nurse on Clinical Adaptation Placement.

The following categories of non-EEA nationals are not eligible for the scheme:

- persons already resident in Ireland;⁶⁵

⁶⁰ See www.inis.gov.ie/en/INIS/Pages/Atypical%20Working%20Scheme%20Guidelines.

⁶¹ Correspondence with Department of Jobs, Enterprise and Innovation, June 2015.

⁶² Note that a person has to be outside the State while the application is being processed. Correspondence with Department of Jobs, Enterprise and Innovation, June 2015.

⁶³ INIS, Roundtable, Economic and Social Research Institute, March 2015.

⁶⁴ Medical and unwaged internships are excluded.

⁶⁵ Excepting locum doctors.

- persons entering the State for employment purposes of up to 14 calendar days (inclusive/consecutive);
- persons entering the State for business purposes of up to 90 calendar days (inclusive/consecutive) e.g. attending meetings/seminars etc.;
- persons who may avail of permission under the *Van Der Elst* Judgment;
- persons who avail of the Highly Skilled Job Interview Authorisation initiative;
- persons in possession of an Employment Permit issued by the Department of Jobs, Enterprise and Innovation.⁶⁶

Participants at the Roundtable noted that the scheme is seen as a successful initiative facilitated through co-operation between the DJE and the DJEI. The persons who usually avail of this scheme are highly skilled and may be interested in investing in an enterprise or setting up a start-up.⁶⁷ A representative from IDA Ireland noted that the scheme provides the option to enter the State to work for a period of up to 90 days, which is not available through the traditional employment permit route.⁶⁸ Table 3.10 shows significant uptake of the scheme with over 1,300 such permissions being issued in 2014, the only full year of data available. Nationals of Japan, US and India have made particular use of this scheme.

TABLE 3.10 Total Atypical Working Scheme Permissions Granted by Top Three Nationality Groups, 2013-2015

	2013*		2014		2015**
Japanese	116	Japanese	355	Japanese	243
US	42	US	267	US	153
Indian	16	Indian	259	Indian	70
Other Nationalities	32	Other Nationalities	435	Other Nationalities	162
Total	206	Total	1,316	Total	628

Source: Immigration and Citizenship Division, Irish Naturalisation and Immigration Service (April 2015).

Notes: *From July 2013

**Up to April 2015.

⁶⁶ More detailed conditions, criteria and information are available from the INIS website. See www.inis.gov.ie/en/INIS/Pages/Atypical%20Working%20Scheme%20Guidelines.

⁶⁷ Roundtable, Economic and Social Research Institute, March 2015.

⁶⁸ IDA Ireland, Roundtable, Economic and Social Research Institute, March 2015.

3.3.2 Visa Schemes

Several visa-related initiatives have been introduced to support business travel. In July, 2011, the Government launched an Irish Short-Stay Visa Waiver Programme. Under the Programme, tourists or business people who lawfully enter the UK, on a valid UK visa, are able to travel on to Ireland without the requirement to obtain an Irish visa. The Programme covers 18 countries,⁶⁹ including ‘...major emerging tourism and business markets such as China and India’.⁷⁰ The Minister for Justice and Equality noted that the programme has proven successful leading to an increase in visits from the countries concerned. This visa-waiver is not reciprocal, meaning that holders of Irish visas may not travel to the UK under this programme.

In June, 2014 the Minister for Justice and Equality announced the introduction of the reciprocal British-Irish Visa Scheme (BIVS) between Ireland and the UK, which is intended to eventually supersede the Visa Waiver Programme. At present the schemes run concurrently. The BIVS allows Chinese and Indian tourists and business persons to travel to, and within, the Common Travel Area (CTA) on a single visa. A person returning to Ireland following a visit to the UK will not need a re-entry visa.⁷¹ The Minister stated that this co-operation

will enable both countries’ immigration systems to work in tandem to promote and facilitate legitimate tourism and business travel to Ireland and the UK while also strengthening the external borders of the Common Travel Area. (Irish Naturalisation and Immigration Service, June 2014).

Representatives from EI and IDA noted this initiative as a positive development allowing non-EEA nationals to travel freely between the two jurisdictions. Previously the agencies found there was some confusion among business travellers and visitors who presumed they would be able to travel between the two countries without a separate visa.

The Minister has also noted that a ‘liberal’ multi-entry visa regime, for certain business travellers and other regular visitors, has been implemented in the Irish Visa Offices in Beijing, Moscow, Abu Dhabi and New Delhi over recent years. This

⁶⁹ Bahrain, Belarus, Bosnia and Herzegovina, India, Kazakhstan, Kuwait, Montenegro, Oman, People’s Republic of China, Qatar, Russian Federation, Saudi Arabia, Serbia, Thailand, Turkey, Ukraine, United Arab Emirates and Uzbekistan. See www.inis.gov.ie/en/INIS/Pages/Irish%20Short%20Stay%20Visa%20Waiver%20Programme.

⁷⁰ Minister for Justice and Equality, 12 May 2015. Answer to Parliamentary Question no. 18515 of 2015.

⁷¹ See www.inis.gov.ie/en/INIS/Pages/British%20Irish%20Visa%20Scheme.

regime allows for multi-entry visas for up to five years' duration to be issued to applicants with a good previous visa history.⁷²

The Entrepreneurship Forum has recommended an introduction of a visa programme with China facilitating 30-day visa-free travel by Chinese nationals with the aim of creating a reciprocal arrangement (Entrepreneurship Forum, January 2014).

TABLE 3.11 Business-Related Visas Issued to Indian, Chinese and Russian Nationals, 2010-2014

	2010	2014	% Change
India	3,868*	4,610	19.2
China	2,693*	2,698	0.2
Russia	1,716*	1,975	15.1
Total business-related visas issued	13,365	15,414	15.3
Total visas issued	69,105	90,382	30.8

Sources: Visa Division, Irish Naturalisation and Immigration Service (January 2015); *Quinn, 2011.

Notes: Multi-entry visas will appear as one visa issued. More than one visa may be issued to an individual traveller in any one year. Visas issued by the UK under the BIVS Scheme do not appear in these data.

Table 3.11 indicates that visas issued for business-related reasons to Indian and Russian nationals increased between 2010 and 2014, by 19 per cent and 15 per cent respectively, while the number issued to Chinese nationals remained stable. The issuance of multi-entry visas and visas issued by the UK under the BIVS, make it more difficult to interpret trends in the data.

3.3.3 Flexibility for Start-Ups Supported by IDA/Enterprise Ireland

An employment permit will typically not be issued unless, at the time of application, at least 50 per cent of the employees in a firm are EEA nationals. Since the commencement of the *Employment Permits (Amendment) Act 2014* this requirement may be waived for start-up companies who have a letter of support from Enterprise Ireland or IDA Ireland. A Labour Market Needs Test may also be waived where the Department receives a recommendation from Enterprise Ireland or IDA Ireland in relation to the job offer.⁷³

⁷² Minister for Justice and Equality, 12 May 2015. Answer to Parliamentary Question no. 18515 of 2015.

⁷³ See www.djei.ie/labour/workpermits/generalep.htm.

3.3.3.1 Trusted Partner Initiative

The *Action Plan for Jobs 2015* set to introduce measures to reduce administrative burdens on applicants and to streamline the application process (Department of Jobs, Enterprise and Innovation, 2015); to this effect the Trusted Partner Initiative was introduced in May 2015.

The scheme is open to all eligible employers (companies in expansion mode, start-up companies and regular users of the employment permits regime) who make an offer of employment to non-EEA nationals who meet the required conditions of the employment permit in question. The benefits of the scheme are as follows:

- Fast turnaround of registration applications; within two working days for complete applications;
- Status is valid for two years;
- No fee;
- Reduced paperwork for every permit applied under this scheme;
- Shortened employment permit application form;
- Faster turnaround of Trusted Partner employment permits applications.⁷⁴

3.4 PROMOTION OF PROGRAMMES AND MARKETING INITIATIVES/ MEASURES AIMED AT PROMOTING BUSINESS SCHEMES

The Government assesses key actions to be undertaken in order to support businesses and job creation through its *Action Plan for Jobs* strategy. The *Action Plan for Jobs 2014* identified the enhancement of marketing and promotion of the Immigrant Investor and Start-up Entrepreneur Programmes as one of the actions in 2014 to be carried out by the Department of Justice and Equality, Department of Foreign Affairs and Trade, Department of Education and Skills, Department of Jobs, Enterprise and Innovation and other relevant Departments and agencies (Department of Jobs, Enterprise and Innovation, February 2014).

Immigrant Investor Programme

The Immigrant Investor Programme is marketed abroad through Ireland's Embassy network and the State agencies involved in the promotion of trade investment and enterprise (Department of Justice and Equality, July 2013). IDA Ireland promotes and develops foreign direct investment (FDI) in Ireland. IDA Ireland considers the following factors as Ireland's strengths in attracting

⁷⁴ See 'Trusted Partner Initiative' www.djei.ie/labour/workpermits/trustedpartner.htm. See also Flood (2015).

investors: track record in attracting FDI, broad talent pool, tax regime and business-friendly environment (IDA, 2010).

Start-up Entrepreneur Programme

As mentioned in Section 2.1.1, Enterprise Ireland promotes entrepreneurship in Ireland and assists the HPSU businesses with financial support. The *Action Plan for Jobs 2015* has tasked Enterprise Ireland with increasing the number of overseas entrepreneurs establishing business in Ireland (Department of Jobs, Enterprise and Innovation, 2015, see also Annex 4). The Minister for Justice and Equality has also stated that more emphasis will be placed on the marketing and promotion of the STEP scheme (Department of Justice and Equality, March 2014). The guidelines accompanying the application for the Start-up Entrepreneur Programme draws the attention of prospective entrepreneurs to the following advantages in starting up a business in Ireland: pro-business environment, favourable tax regime and highly educated and young workforce (Irish Naturalisation and Immigration Service, 2015b).

A representative from the Irish Business and Employers' Confederation (IBEC) noted that the low uptake of the STEP and IIP could be linked to a low level of information dissemination.⁷⁵ A representative from the Immigrant Council of Ireland (ICI) also noted that the STEP was not promoted sufficiently in Ireland and noted that increased efforts could be made to target non-EEA students.⁷⁶ The Irish Government has highlighted the enhancement of marketing and promotion of the Immigrant Investor and Start-up Entrepreneur Programmes as one of key actions to be undertaken in order to support businesses and job creation through its Action Plan for Jobs strategy (Department of Jobs, Enterprise and Innovation, February 2014). The Department of Justice and Equality has also indicated that there will be more emphasis on aligning the STEP within the national strategy to promote Ireland as a business location worldwide. (Department of Justice and Equality, March 2014).

3.5 NATIONAL PRIORITY ECONOMIC SECTORS AND GEOGRAPHICAL AREAS

The Government's strategy and action plan for Irish trade, tourism and investment proposed a two-fold action. Firstly to continue to build existing trading and investment links with North America, the EU, Australia and Japan,

⁷⁵ Interview with a representative from IBEC, November 2014.

⁷⁶ Correspondence with the Immigrant Council of Ireland, June 2015.

and secondly to diversify markets and exports into high-growth and emerging markets with particular focus on China, India, Russia, Brazil, the Middle East, the Republic of Korea and Turkey (Department of Enterprise, Trade and Innovation, 2010).⁷⁷ Officials from the Irish Naturalisation and Immigration Service confirmed that no specific geographical areas were targeted for the immigrant investor, entrepreneur and business schemes.⁷⁸

3.5.1 Foreign Direct Investment and Priority Economic Sectors

One of the initiatives under the IDA *Horizon 2020 Strategy* is to attract investors from ‘New High-Growth Markets’, including Brazil, Russia, India and China (BRIC) countries (IDA, 2010). A representative from IDA Ireland noted that, in addition to the historic focus on countries like the US, the BRIC (Brazil, Russia, India and China) countries are of particular importance in relation to FDI.⁷⁹ Currently most of the Foreign Direct Investment is generated from Europe and the US.⁸⁰ In 2013, the US companies accounted for more than half of the total companies supported by IDA Ireland (52.6 per cent). European companies accounted for 33.6 per cent of companies supported by IDA and Rest of the World accounted for 13.8 per cent (IDA Ireland, 2014).⁸¹

In 2013 Ireland was the primary location worldwide for US FDI flows; during the year US investment to Ireland increased by approximately 70 per cent when compared to the previous year while US FDI to the European Union declined 9.5 per cent (Quinlan, 2015). On a sectoral level, Ireland is the primary location for US FDI in the chemical sector, which includes pharmaceuticals, and second for the information sector.⁸² The IDA *Horizon 2020 Strategy* highlighted a need to focus on attracting new investments in the following sectors: life sciences; information and communications technology (ICT); financial services; content industry, consumer and business services; diversified industries and engineering; and clean technologies (IDA, 2010). A representative from the EI noted that Enterprise Ireland targets highly-skilled economic sectors such as ICT, medical devices and manufacturing.⁸³

⁷⁷ Note with the change of government in March 2011 the Department’s name changed from the Department of Enterprise, Trade and Innovation to the Department of Jobs, Enterprise and Innovation.

⁷⁸ INIS, Roundtable meeting, Economic and Social Research Institute, March 2015.

⁷⁹ IDA, Roundtable meeting, Economic and Social Research Institute, March 2015.

⁸⁰ Ibid.

⁸¹ IDA Ireland deals mostly with multinational companies and persons setting up a branch in Ireland. During the Roundtable, a representative from the IDA noted that while some clients would be holders of the business permissions or the IIP, usually they deal with persons coming on Critical Skills Employment Permits, general employment permits or intra-company transfers. Roundtable meeting, Economic and Social Research Institute, March 2015.

⁸² See www.amcham.ie/download/AmCham%20Fact%20File.pdf.

⁸³ Enterprise, Roundtable meeting, Economic and Social Research Institute, March 2015.

3.5.2 National Data on Business Visas

Available administrative data on visas issued for business-related reasons by citizenship in 2014 indicate that India accounted for the majority of visas granted (4,610 out of 15,414 or 30 per cent), followed by China (2,698 out of 15,414 or 18 per cent) and Russia (1,975 out of 15,414 or 13 per cent). However non-EEA nationals from countries such as the United States may be travelling to Ireland for short-term business trips; as they do not require a visa these nationals would not show up in the data.

Table 3.12 shows top ten nationalities that were granted visas for business-related reasons in 2014 (see also Tables A3-A5 in Annex 1).

TABLE 3.12 Irish Business-Related Visas Issued by Top Countries of Citizenship 2014

Citizenship	Business	As a Percentage of All Visas Granted by Same Nationality
India	4,610	29.3
People's Republic of China	2,698	26.7
Russian Federation	1,975	14.3
Turkey	1,052	22.6
Ukraine	454	17.7
Egypt	361	25.1
Serbia	275	25.0
Philippines	270	8.8
Pakistan	241	7.6
Lebanon	225	27.6
Other nationalities	3,253	9.6
Total Business Visas Granted	15,414	17.1

Source: Visa Section, Irish Naturalisation and Immigration Service (January 2015).

Note: Data include short-term (C type) and long-term (D type) visas.

3.6 EFFECTIVENESS OF MEASURES

National data on business migration are limited. Comparative data analysis with other EU Member States is not possible as statistics on business migration are not collected systematically. Often available data cover broad groups of non-EEA nationals not specifically limited to business persons (European Migration Network, 2015). On the EU-level, available statistics indicate that migrant investors, business owners and other business persons represent very low shares of overall immigrant populations (European Migration Network, 2015).

The introduction in Ireland of the two schemes (IIP and STEP) may be a direct policy response to the need to attract non-EEA business persons as well as to encourage the development of High Potential Start-Ups amongst this group. No quotas are in place under either programme. The Department of Justice and Equality has stated that the IIP is a new policy area for Ireland and the scheme was introduced to test the market, hence no predictions were made as to the level of uptake expected (Department of Justice and Equality, July 2013).

Immigrant Investor Programme

Sumption and Hooper (2014) class the Immigrant Investor Programme in Ireland as a low-interest government bond or cash transfer from investors to government and argue that while this form of investment is seen as a cheaper option for the investor compared to cash payment investments, the shortcoming of the programme is that the money is tied up for several years reducing the ability to invest it in more productive economic activities. In addition the requirement to show evidence of two million euro net worth is likely to limit the number of applicants eligible for this scheme; with the STEP proving to be a more attractive alternative (Brophy Solicitors, October 2014). The Minister for Justice and Equality has stated that the scheme is evolving over time and future changes are anticipated.⁸⁴

Business Owners and the Start-up Entrepreneur Programme

The Business Permission Scheme has been criticised for its onerous employment and capital requirements: holders are required to create at least two jobs for Irish/EEA nationals and invest €300,000 (Power and Szlovak, 2012).

The recent policy developments in relation to the STEP appear to respond to a recommendation from the Entrepreneurship Forum⁸⁵ report (January 2014), which stated that

... foreign entrepreneurs accepted into competitive accelerator programmes in Ireland should be given a one-year visa to attend the accelerator programme in Ireland as well as to begin developing the traction of their business in Ireland. At the end of this period, they should be eligible to extend their visa via the Start-up Entrepreneur Programme.

⁸⁴ Dáil Éireann Debate (Unrevised) Written Answer No. 147 'Immigrant Investor Programme Data' (5 March 2015). An Internal evaluation of the scheme was carried out.

⁸⁵ The Entrepreneurship Forum was established by the Minister for Jobs, Enterprise and Innovation in 2013 in order to advise the Minister on policy in the area of entrepreneurship and to draft recommendations which will support business start-ups, sustainable growth and long-term job creation. See Entrepreneurship Forum, January 2014.

The Entrepreneurship Forum has welcomed changes to the STEP and recommended improved marketing to increase uptake of the scheme. In addition, it suggested that Local Enterprise Offices should engage directly with migrant organisations, social groups and places of worship to promote services and supports available to persons wishing to establish a business. This would enable immigrant entrepreneurs to immerse their business in the Irish market (Entrepreneurship Forum, January 2014).

Positive media coverage of ‘success stories of start-ups’ and fostering of entrepreneurship in education have been highlighted as important measures in attracting non-EEA entrepreneurs (Fitzsimons and O’Gorman, 2014).

3.7 STAKEHOLDER EXPERIENCE

The American Chamber of Commerce, interviewed for the purpose of this study, indicated that overall the Irish immigration system may be considered as ‘business friendly’ and that Ireland compares well to other EU Member States.⁸⁶ Participants at the Roundtable noted that the introduction of Irish-British Visa facilitates short-term business visits and was recognised as a positive development that supports business.⁸⁷ In addition, collaboration between INIS, DJEI and IDA Ireland was reported in relation to the Atypical Working Scheme.⁸⁸ The new scheme was considered successful to date in attracting more non-EEA business persons to Ireland (see Section 3.3.1).

This study found little evidence of formal structures in place to co-ordinate interaction between the various stakeholders including the business community, however informal communication between the various departments and business interest does take place. The DJEI hosts an ICT Clearing House to facilitate meetings between the Department, ICT Ireland⁸⁹ and other agencies and Government Departments to discuss the needs and issues of the information and communications technology (ICT) sector in Ireland.⁹⁰ A representative from the American Chamber of Commerce Ireland (Amcham) noted that they engage with the Department of Jobs, Enterprise and Innovation (DJEI) in a proactive manner on various issues, for example on Critical Skills Employment Permits. While no formal structures are in place Amcham reported a good working

⁸⁶ Interview with American Chamber of Commerce Ireland, March 2015.

⁸⁷ Roundtable meeting, Economic and Social Research Institute, March 2015.

⁸⁸ INIS, IDA Ireland, Roundtable meeting, Economic and Social Research Institute, March 2015.

⁸⁹ ICT Ireland is the representative body for the technology sector in Ireland and is part of Ibec. See www.ictireland.ie.

⁹⁰ Interview with Ibec, November 2014 and Correspondence with Department of Jobs, Enterprise and Innovation, June 2015. See also www.ictireland.ie/Sectors/ICT/ICT.nsf/vPages/Policy_Groups~dejiclearing-house?OpenDocument.

relationship with the DJEI.⁹¹ The American Chambers of Commerce and IBEC also engage with other agencies at European level. A representative from Amcham reported a good relationship with Amcham EU⁹² while IBEC noted⁹³ Ireland's participation at various EU level platforms such as the EU e-skills week,⁹⁴ Digital Europe⁹⁵ and Business Europe.⁹⁶

3.8 CHALLENGES AND BARRIERS TO BUSINESS MIGRATION

While the majority of policymakers and key stakeholders consulted for this study noted the positive changes made in relation to facilitating the admission of business persons to Ireland, some country-specific challenges in attracting non-EEA business persons were also highlighted. The National Risk Assessment (NRA)⁹⁷ underlined that 'lack of housing and associated high prices and rental costs could affect Ireland's attractiveness for inward investments and skilled immigrants' (Department of the Taoiseach, 2015). High living costs and a lack of privately rented accommodation were also identified as challenges in attracting non-EEA business persons by representatives from the Irish Business and Employers' Confederation (IBEC) and the American Chamber of Commerce Ireland.⁹⁸ A representative from IBEC also noted that senior management personnel and CEOs may view future career moves as potentially limited, due to Ireland's small size.⁹⁹

Administrative barriers, for example difficulties in fast-tracking or obtaining spousal visas, may also be restraining business migration to Ireland.¹⁰⁰ However the Department of Jobs, Enterprise and Innovation noted that processing times have improved and that under the recently launched Trusted Partner Initiative, employers granted Trusted Partner status will benefit from fast-tracking of employment permit applications.¹⁰¹ A representative from the American Chamber of Commerce noted that the existence of many administrative procedures and different departments may also cause difficulties for persons not

⁹¹ Interview with American Chamber of Commerce Ireland, March 2015.

⁹² Ibid.

⁹³ Interview with Ibec, November 2014.

⁹⁴ E-skills is a cross sector, multi-stakeholder campaign from the European Commission. See <http://eskills-week.ec.europa.eu>.

⁹⁵ www.digitaleurope.org.

⁹⁶ Ibid.

⁹⁷ The NRA is published annually with the objective of identifying strategic risks that may arise due to potential changes in the economic, financial, geo-political and social environments. See Department of the Taoiseach, 2015.

⁹⁸ Interview with IBEC, November 2014; Interview with American Chamber of Commerce Ireland, March 2015. See also Department of the Taoiseach (2015).

⁹⁹ Interview with IBEC, November 2014.

¹⁰⁰ Interview with a representative from IBEC, November 2014.

¹⁰¹ Correspondence with Department of Jobs, Enterprise and Innovation, June 2015.

familiar with the Irish immigration system.¹⁰² The fact that Ireland is not part of the Schengen Common Travel Area was also highlighted as a possible barrier. However the introduction of the British-Irish visa scheme is seen as a positive development in this regard.¹⁰³

Sumption and Hooper (2014) argue that Ireland lowered the minimum capital required for investment as a result of low uptake. INIS stressed that it is supportive of the further development of business migration schemes whilst ensuring that that robust checks are in place to ensure that such schemes are not misused.¹⁰⁴ Research indicates that other countries, such as the UK and the US, also have selective immigration policies regarding immigrant investor programmes (Sumption and Hooper, 2014).

3.8.1 Challenges for Migrant Entrepreneurship

International commentary suggests that ethnic minority entrepreneurs¹⁰⁵ may experience negative stereotyping and discriminatory attitudes in their country of residence; this may result in the establishment of a small-size business with an ethnic-market focus. In addition complex business regulations may act as barriers to migrant entrepreneurs (OECD and the European Commission, 2013). Research indicates that migrants are more likely to set up businesses than the native population, however factors such as limited country-specific knowledge and difficulty in accessing finances may prevent migrant entrepreneurs from realising their full potential (Desiderio, 2014).

Research carried out¹⁰⁶ by Cooney and Flynn (2008) and Cooney et al. (2011) on ethnic entrepreneurship in Ireland, found that the profile of ethnic business in Ireland is small in scale, concentrated in locally traded services and operating at the margins of the mainstream economic environment.

Pinkowski (2009) argues that the Business Permission scheme is not attractive to non-EEA nationals due to a high investment requirement and a short-term permission granted. Eurofound (2012) CLIP study found that high start-up financial requirements are likely to be perceived as challenges by migrant

¹⁰² Interview with American Chamber of Commerce Ireland, March 2015.

¹⁰³ Ibid.

¹⁰⁴ INIS, Roundtable meeting, Economic and Social Research Institute, March 2015.

¹⁰⁵ Defined as persons born in their country of residence, but who retain strong links to their ethnic culture. See OECD and the European Commission, 2013.

¹⁰⁶ A nationwide survey of 1,108 foreign nationals residing in Ireland. 12.6 per cent claimed ownership or part ownership of a business. See Cooney and Flynn, 2008.

entrepreneurs. Standards for non-EEA nationals wishing to enter Ireland for the purposes of establishing a business are high and may be prohibitive as regards to attracting non-EEA nationals with definite business plans (Eurofound, 2012).

3.8.2 Challenges for Migrant Investors

A law firm in Ireland has highlighted that the requirement to show evidence of two million euro net worth is likely to limit the number of applicants eligible for the IIP. Furthermore STEP may prove to be a more attractive alternative (Brophy Solicitors, October 2014).

3.8.3 Misuse of Business Migration Channels

The Irish Naturalisation and Immigration Service and the Department of Jobs, Enterprise and Innovation indicated that misuse of the Irish immigration system through business migration channels is not currently a major challenge in Ireland. Data on business-related visa applications indicate that a small and decreasing proportion of visa applications refused are business-related (see Table A1.3). In relation to the IIP and STEP INIS stressed that the rigorous assessment process of applications ensures that misuse is unlikely.¹⁰⁷ Any issues arising are discussed during the Evaluation Committee meetings and background checks are carried out.¹⁰⁸ The Irish Naturalisation and Immigration Service also carry out their own background checks on applicants.¹⁰⁹ A representative from Enterprise Ireland noted that if any issues do come up the agency would not support the applicant at the assessment stage.¹¹⁰

Very little research exists in relation to abuse of immigration channels related to business migration. A Eurofound study (2012) suggests that the tendency for ethnic entrepreneurs in Ireland to recruit from their own communities which may lead to issues relating to the legal status of their employees, including their right to work in Ireland. The study also noted that economic recession could encourage economic activity in the 'grey and black economy' in order to minimise tax exposure and allow for 'cash in hand' payments (Eurofound, 2012).

According to STEP and IIP guidelines, residency status is withdrawn if the acquisition of the status is shown to be fraudulent or if the holder fails to disclose material information available to him or her at the time of the application (Irish Naturalisation and Immigration Service, 2014b;d).

¹⁰⁷ INIS, Roundtable meeting, Economic and Social Research Institute, March 2015.

¹⁰⁸ Ibid.

¹⁰⁹ Correspondence with INIS, June 2015.

¹¹⁰ Enterprise Ireland, Roundtable meeting, Economic and Social Research Institute, March 2015.

Section 4

Conclusions

In the context of the emerging economic recovery, there is evidence that responsible Departments have made the Irish immigration system more 'business friendly' in recent years, by responding to business needs and by facilitating international competition for investment. New legislation has been introduced which allows the State to more easily adapt the employment permits system as deemed necessary. Several new migration initiatives and measures have been introduced which are aimed at attracting and facilitating the entry of migrant business people to the State.

Until 2012, all third-country nationals wishing to migrate to Ireland to establish a business were required to apply for a 'non-EEA business permission' from the Department of Justice and Equality. Low and declining take-up of this scheme has been attributed to high capital and employment requirements (Power and Szlovak, 2012). In addition the particular residence permission granted to successful applicants is of short duration with limited flexibility attached.

There are now more options available to non-EEA nationals interested in investing in Ireland. The Immigrant Investor Programme (IIP) and the Start-Up Entrepreneur Programme (STEP) were introduced by the Department of Justice and Equality in January 2012, to attract high worth investments and High Potential Start-ups (HPSU) in the innovation economy, respectively. The programmes 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.

The significant uptake of the Atypical Working Scheme, which facilitates the movement of non-EEA nationals required by a company/organisation based in Ireland to undertake 'atypical' or short-term work in the State, proves that a need existed for a more flexible business migration route to supplement the employment permits scheme. Over 1,300 such permissions were issued in 2014 with nationals of Japan, US and India making particular use of this scheme.

While traditionally the remits of the Department of Justice and Equality and the Department of Jobs, Enterprise and Innovation have been quite separate,

increasing co-operation now exists on an as-needed basis (for example the Atypical Working Scheme).¹¹¹ Both Departments indicated that co-ordination also takes place with IDA Ireland and Enterprise Ireland in relation to the various schemes that are now in place.¹¹² Enterprise Ireland and IDA Ireland confirmed the importance of a more flexible approach in their efforts to attract business to Ireland. Ad hoc communication takes place between the business community and the relevant departments. The American Chamber of Commerce, interviewed for the purpose of this study, indicated that overall the Irish immigration system may be considered as ‘business friendly’ and that Ireland compares well to other EU Member States.

Foreign-owned businesses represent a relatively small share of all enterprises operating in Ireland (2 per cent). However these enterprises are generally large in terms of employment and in terms of higher value export activity (Department of Finance, October 2014). The data underline the importance of proactively encouraging migrant investment and entrepreneurship to Ireland, including by the introduction of policy measures such as the IIP and STEP, and by raising awareness of such schemes. The numbers of IIP and STEP permissions issued to date are low (55 and 30 respectively). INIS has stressed that due to the high (potential) worth of the investment or business concerned, low take-up is not a priority concern.¹¹³ However INIS has stated that the intention is to grow both programmes through high quality applications and project proposals.¹¹⁴ International comparison is difficult regarding the IIP as most governments do not release regular data on immigrant investor programmes (Sumption and Hooper, 2014).

Lack of housing and associated high housing prices and rental costs may affect Ireland’s attractiveness for inward investment (Department of the Taoiseach, 2015). Representatives from Ibec and the American Chamber of Commerce also highlighted high living costs and a lack of privately rented accommodation as barriers to attracting business persons to Ireland.¹¹⁵ Administrative barriers, for example difficulties in fast-tracking or obtaining spousal visas, may also deter also business migration.¹¹⁶ However the Department of Jobs, Enterprise and Innovation noted that processing times have improved and that under the recently launched Trusted Partner Initiative, employers granted Trusted Partner status will benefit from fast-tracking of employment permit applications.

¹¹¹ INIS, Roundtable meeting, Economic and Social Research Institute, March 2015.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Correspondence with INIS, June 2015.

¹¹⁵ Interview with IBEC, November 2014; Interview with American Chamber of Commerce Ireland, March 2015.

¹¹⁶ Interview with a representative from IBEC, November 2014.

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Annex 1 National Data

TABLE A1.1 Irish Online Visa Applications by Length of Stay (C,D, Transit) and Purpose, 2010-2014

Visa Application Purpose	2010			2011			2012			2013			2014		
	C	D	Total	C	D	Total	C	D	Total	C	D	Total	C	D	Total
Business	13,867	41	13,908	15,244	30	15,274	14,354	42	14,396	15,516	64	15,580	15,808	40	15,848
Visit	36,651	183	36,834	39,862	199	40,061	39,942	189	40,131	42,883	304	43,187	44,769	294	45,063
Conference/ Event/ Performance	6,624	27	6,651	7,022	18	7,040	9,756	10	9,766	9,569	4	9,573	9,662	25	9,687
Training	2,243	104	2,347	2,418	200	2,618	2,496	101	2,597	1,994	239	2,233	2,050	149	2,199
Employment/ Internship	71	762	833	109	1,346	1,455	106	1,276	1,382	129	1,581	1,710	229	2,134	2,363
Study	1,891	3,990	5,881	1,036	4,421	5,457	2,449	5,738	8,187	3,007	8,040	11,047	4,815	7,720	12,535
Family	367	4,280	4,647	225	4,689	4,914	262	4,893	5,155	550	5,320	5,870	1,949	5,393	7,342
Other Reasons	787	81	868	700	141	841	741	193	934	727	180	907	870	249	1,119
Other (Unspecified)	5,016	857	5,873	4,691	994	5,685	4,938	662	5,600	4,901	677	5,578	4,582	695	5,277
Transit	98	0	98	92	0	92	197	0	197	252	0	252	148	1	149
Total	67,615	10,325	77,940	71,399	12,038	83,437	75,241	13,104	88,345	79,528	16,409	95,937	84,882	16,700	101,582

Source: Visa Section, Irish Naturalisation and Immigration Service (January 2015).

Notes: Data include short-term (C type) and long-term (D type) visas Business = business + business permission Employment/ internship = Employment + Temporary registered doctor + internship.

TABLE A1.2 Irish Visas Issued by Length of Stay (C,D, Transit) and Purpose, 2010-2014

Visa application purpose	2010			2011			2012			2013			2014		
	C	D	Total	C	D	Total	C	D	Total	C	D	Total	C	D	Total
Business	13,334	31	13,365	14,810	19	14,829	14,000	37	14,037	15,063	56	15,119	15,388	26	15,414
Visit	31,230	125	31,355	34,585	138	34,723	34,842	118	34,960	38,440	244	38,684	39,499	227	39,726
Conference/ Event/ Performance	6,402	28	6,430	6,628	28	6,656	9,079	15	9,094	9,064	3	9,067	8,843	16	8,859
Training	2,168	96	2,264	2,344	190	2,534	2,417	64	2,481	1,908	220	2,128	1,947	125	2,072
Employment/ Internship	61	755	816	92	1,291	1,383	92	1,244	1,336	94	1,539	1,633	231	2,086	2,317
Study	1,830	3,293	5,123	934	3,807	4,741	2,263	4,676	6,939	2,800	6,299	9,099	4,578	5,884	1,0462
Family	198	3,578	3,776	135	3,891	4,026	143	4,311	4,454	444	4,507	4,951	1,526	4,192	5,718
Other Reasons	751	78	829	638	128	766	695	196	891	665	170	835	806	235	1,041
Other (Unspecified)	4,351	716	5,067	4,217	710	4,927	4,394	561	4,955	4,453	519	4,972	4,082	557	4,639
Transit	80	0	80	82	0	82	172	0	172	195	0	195	134	0	135
Grand Total	60,405	8,700	69,105	64,465	10,202	74,667	68,097	11,222	79,319	73,126	13,557	86,683	77,034	13,348	90,382

Source: Visa Section, Irish Naturalisation and Immigration Service (January 2015).

Notes: Data include short-term (C type) and long-term (D type) visas Business = business + business permission Employment/ internship = Employment + Temporary registered doctor + internship.

TABLE A1.3 Business-Related Visa Applications Refused, 2010-2014

	2010	2011	2012	2013	2014
Short-term C-type business-related visas refused	403	368	257	247	256
Short-term C-type total visas refused	6,556	6,298	6,212	5,703	6,328
% of refused that were business-related	6.1	5.8	4.1	4.3	4.0
Long-term D-type business-related visas refused	5	9	2	2	7
Long-term D-type total visas refused	1,402	1,422	1,500	2,597	2,619
% of refused that were business-related	0.4	0.6	0.1	0.1	0.3

Source: Visa Section, Irish Naturalisation and Immigration Service (January 2015).

TABLE A1.4 Irish Business Visa Applications by Top Countries of Citizenship 2014

Citizenship	Business Visa	All Applications by Same Nationality
India	4,747	16,873
People's Republic of China	2,737	10,789
Russian Federation	1,977	13,990
Turkey	1,067	4883
Ukraine	468	2,951
Egypt	380	1,657
Pakistan	304	4,751
Serbia	275	1,119
Philippines	264	3,637
Lebanon	229	882
% of total applications	78.5	60.6
Other nationalities	3,400	40,050
Total	15,848	101,582

Source: Visa Section, Irish Naturalisation and Immigration Service (January 2015).

Note: Data include short-term (C type) and long-term (D type) visas.

TABLE A1.5 Irish Business Visas Issued by Top Countries of Citizenship 2014

Citizenship	Business	All Applications by Same Nationality
India	4,610	15,729
People's Republic of China	2,698	10,118
Russian Federation	1,975	13,846
Turkey	1,052	4,651
Ukraine	454	2,572
Egypt	361	1,438
Serbia	275	1,100
Philippines	270	3,060
Pakistan	241	3,166
Lebanon	225	815
% of total applications	78.9	62.5
Other nationalities	3,253	33,887
Total	15,414	90,382

Source: Visa Section, Irish Naturalisation and Immigration Service (January 2015).

Note: Data include short-term (C type) and long-term (D type) visas.

TABLE A1.6 Irish Business Visa Applications Refused by Top Countries of Citizenship 2014

Citizenship	Business	All Applications by Same Nationality
India	67	954
Pakistan	45	1,153
People's Republic of China	25	477
Nigeria	23	1,913
Turkey	14	191
Iraq	13	301
Bangladesh	10	163
Egypt	10	196
Libya	6	405
Lebanon	5	62
% of total applications refused	82.9	65.0
Other nationalities	45	3,132
Total	263	8,947

Source: Visa Section, Irish Naturalisation and Immigration Service (January 2015).

Note: Data include short-term (C type) and long-term (D type) visas.

Annex 2 Stamp Categories

TABLE A2.1

Immigration Stamp	Categories of Persons permitted to be in the State	Conditions
0	<ul style="list-style-type: none"> • A service provider sent to the State by an overseas company to carry out a particular task for a limited time • An extended visit in exceptional humanitarian circumstances • Visiting academics. 	<p>Temporary and Limited Permission</p> <p>The holder is permitted to remain in the State on condition that the he or she does not receive State benefits and has private medical insurance. The holder must be fully supported by a sponsor in the State and/or is of independent means. The holder is not entitled to work or engage in a trade, business or profession unless specified in INIS letter.</p>
1	<ul style="list-style-type: none"> • Non-EEA national issued with an employment permit • Non-EEA national issued with a business permission • Working Holiday Authorisation holder. 	<p>The holder is permitted to remain in the State on condition that the he or she does not enter employment unless the employer has obtained a permit, does not engage in any business or profession without the permission of the Minister for Justice and Equality and does not remain later than a specified date.</p>
1A	<ul style="list-style-type: none"> • Non-EEA national studying accountancy. 	<p>The holder is permitted to remain in the State for the purpose of full-time training with a named body until a specified date. Other employment is not permitted.</p>
2	<ul style="list-style-type: none"> • Non-EEA national attending a full time course of study. 	<p>The holder is permitted to remain in the State to pursue a course of studies on condition that the he or she does not engage in any business or profession other than casual employment (defined as 20 hours per week during school term and up to 40 hours per week during school holidays) and does not remain later than a specified date. The holder has no recourse to public funds unless otherwise provided.</p>
2A	<ul style="list-style-type: none"> • Non-EEA national attending course of study not recognised by the Department of Education and Science. 	<p>The holder is permitted to remain in the State to pursue a course of studies on condition that the he or she does not enter employment, does not engage in any business or profession, has no recourse to public funds and does not remain later than a specified date.</p>
3	<ul style="list-style-type: none"> • Non-EEA visitor • Non-EEA retired person of independent means • Non-EEA Minister of Religion and Member of Religious Order • Non-EEA spouse/dependant of employment permit holder. 	<p>The holder is permitted to remain in the State on conditions that the he or she does not enter employment, does not engage in any business or profession and does not remain later than a specified date.</p>

Contd.

TABLE A2.1 *Contd.*

Immigration Stamp	Categories of Persons permitted to be in the State	Conditions
4	<ul style="list-style-type: none"> • Non-EEA family member of EEA citizen • Non-EEA spouse of Irish citizen • Refugee • Non-EEA person granted family reunification under the <i>Refugee Act 1996</i> • Programme refugee • Non-EEA parent of Irish citizen child where parent was granted permission to remain in the State • Non-EEA family member of EU citizen where family member qualifies under the <i>European Communities (Free Movement of Persons) (No. 2) Regulations 2006 (S.I. 656 of 2006)</i>. 	The holder is permitted to remain in the State until a specified date.
4 EU FAM	<ul style="list-style-type: none"> • Non-EEA family members of EU citizens who have exercised their right to move to and reside in Ireland under the <i>European Communities (Free Movement of Persons) (No. 2) Regulations 2006 (S.I. 656 of 2006)</i>. 	The holder is permitted to remain in the State until a specified date. The holder is permitted to engage in employment without an employment permit or business permission.
5	<ul style="list-style-type: none"> • Non-EEA nationals who have resided in the State for at least eight years and who have been permitted by the Minister of Justice and Equality to remain in the State without condition as to time. 	The holder is permitted to remain in the State without condition as to time. The holder does not need an employment permit or a business permission in order to engage in employment.
6	<ul style="list-style-type: none"> • Irish Nationals who have dual citizenship and wish to have their entitlement to remain in the State endorsed on their non-Irish passport. 	

Source: Department of Justice and Equality.

Annex 3 Visa-Exempt Countries

TABLE A3.1 Visa-Exempt Countries

Andorra	Grenada	Paraguay
Antigua and Barbuda	Guatemala	Poland
Argentina	Guyana	Portugal
Australia	Honduras	Romania
Austria	Hong Kong (Special Administrative Region)	Saint Kitts and Nevis
Bahamas	Hungary	Saint Lucia
Barbados	Iceland	Saint Vincent and the Grenadines
Belgium	Israel	Samoa
Belize	Italy	San Marino
Bolivia	Japan	Seychelles
Botswana	Kiribati	Singapore
Brazil	Latvia	Slovak Republic
Brunei	Lesotho	Slovenia
Bulgaria	Liechtenstein	Solomon Islands
Canada	Lithuania	South Africa
Chile	Luxembourg	South Korea
Costa Rica	Macau (Special Administrative Region)	Spain
Croatia	Malawi	Swaziland
Cyprus	Malaysia	Sweden
Czech Republic	Maldives	Switzerland
Denmark	Malta	Taiwan
Dominica	Mexico	Tonga
El Salvador	Monaco	Trinidad and Tobago
Estonia	Nauru	Tuvalu
Fiji	Netherlands	United Kingdom, British Overseas Territories and Crown Dependencies
Finland	New Zealand	United States of America
France	Nicaragua	Uruguay
Germany	Norway	Vanuatu
Greece	Panama	Vatican City

Source: Schedule 1, Article 3 (a) *Immigration Act 2004 (Visas) Order 2014 (S.I. No. 473 of 2014)*.

Annex 4 Additional Information

TABLE A4.1 *Action Plan for Jobs 2015 - Actions and Progress*

Action	Steps	Responsible Body	Measure	Time-line	Progress
Continue implementation of the British-Irish Visa Scheme allowing for travel to and around the CTA between Ireland and the UK, for tourism and business purposes, on a single visa (No. 25).	<ul style="list-style-type: none"> Carry out a formal review of Phase I in conjunction with the UK Agree with the UK to rollout schedule to extend the scheme to other countries (Phase II) and commence the rollout Continue rollout of Phase II 	INIS, DJE	Carry out a formal review of the scheme (phase 1), in conjunction with the UK.	Q1	<p>Delayed</p> <ul style="list-style-type: none"> Evaluation was delayed due to a delay in rolling out the scheme to India due to technical issues with the deployment to China The evaluation will be carried out in tandem with developing further deployment of the scheme
Continue to ensure employers are able to secure Employment Permits for the critical skills they need, including ICT skills (No. 26).	<ul style="list-style-type: none"> Facilitate Employer demand for ICT permits, which is expected to reach 2,000 in 2015 Review progress on quarterly basis 	DJEI	Review the Highly Skilled Eligible Occupations List bi-annually to ensure it is aligned with the Irish labour market and review employment permit data on a quarterly basis.	Q1-Q4	<p>Completed/Ongoing</p> <ul style="list-style-type: none"> Critical Skills lists are reviewed and updated as scheduled The number of employment permits issued increased from 1,104 in Quarter 1 2014 to 1,323 in Quarter 1 2015; in all, more than half of the employment permits issued in Q1 2015 were for ICT professionals
Initiate a Trusted Partner Registration Scheme for Employment Permits open to all eligible employers (No. 27).	<ul style="list-style-type: none"> Roll out and complete pilot phase of Trusted Partner Registration Scheme with Enterprise Agency clients Open scheme to all eligible employers 	DJEI		Q3-Q4	<p>Review hasn't taken place yet</p> <ul style="list-style-type: none"> The scheme was launched 12 May 2015
Implement 2015 Research Professorship Programme to attract leading research talent to Ireland in key areas of opportunity (No. 28)	<ul style="list-style-type: none"> Review process for the Research Professorship complete and funding decisions made 	SFI		Q4	<p>Review hasn't taken place yet</p>
Continue to promote the Immigrant Investor Programme (IIP) and Start-up Entrepreneur Programme (STEP) to leverage the potential of migrant entrepreneurs and investors (No. 197)	<ul style="list-style-type: none"> Engage in promotional activities for STEP in connection with third-level sector Evaluate take-up of IIP and revise promotional strategy as required 	DJE and others	Engage in promotional activities for STEP in connection with third-level sector	Q1-Q2	<p>Completed/Ongoing</p> <ul style="list-style-type: none"> The seminar with the first group of targeted students was carried out on target, and further events will take place during 2015

Contd.

TABLE A4.1 *Contd.*

Action	Steps	Respon- -sible Body	Measure	Time- line	Progress
Promote Ireland internationally as a start-up location and attract 15 new overseas start-ups to establish their business here (No.201)	<ul style="list-style-type: none"> • Same as action 	EI		Q4	Review hasn't taken place yet
Encourage potential high growth start-ups and mobile entrepreneurs to come to Ireland during the five days for the events that are aligned with their industry sector (No. 218)	<ul style="list-style-type: none"> • Same as action 	Startup Ireland and other Departments/ Agencies e.g. EI, IDA and DFAT		Ongoing	Review hasn't taken place yet

Source: Department of Jobs, Enterprise and Innovation (2015a; 2015b; 2015c).



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