

# **BUSINESS PERMISSION**

If you are a non-EEA\* National who intends to come to Ireland in order to establish a business you will require the permission of the Minister for Justice, Equality and Law Reform to do so ('Business Permission').

The purpose of this information leaflet is to set out the requirements relating to Business Permission in a question and answer format.

\* The EEA (European Economic Area) is comprised of the Member States of the European Union plus Iceland, Liechtenstein, Norway and Switzerland.

**WHAT IS BUSINESS PERMISSION?**

Business Permission is the permission of the Minister for Justice, Equality & Law Reform expressed in writing to allow a particular person or group of persons to become established and engage in business in the State for a particular period of time. Residency in the State is granted to a person who obtains such permission for the term of its validity, following which it must be renewed.

**WHO NEEDS BUSINESS PERMISSION?**

Non-EEA Nationals who wish to pursue a business activity (in a capacity other than as an employed person for whom an employer would have to obtain a work permit) must first obtain Business Permission.

**DO ALL NON-EEA NATIONALS REQUIRE BUSINESS PERMISSION?**

A number of categories of non-EEA nationals are exempt from the requirement to obtain Business Permission. The categories are as follows:-

- (a) persons who have been granted refugee status by the Minister for Justice, Equality and Law Reform.
- (b) dependant relatives of EEA nationals exercising a valid right to reside in Ireland.
- (c) persons who have been granted permission to remain in the State on one of the following grounds:-
  - (i) persons with permission to remain as the spouse of an Irish national.

- (ii) persons with permission to remain in Ireland on the basis that they are the parent of an Irish born child ( an Irish citizen).
- (iii) persons who have been granted temporary leave to remain in the State on humanitarian grounds, having been in the asylum process.

### **HOW DO I QUALIFY FOR BUSINESS PERMISSION?**

In order to obtain Business Permission the following criteria must be met :

- (a) the proposed business must result in the transfer to the State of capital in the minimum sum of €300,000;
- (b) 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;
- (c) the proposed business must add to the commercial activity and competitiveness of the State;
- (d) the proposed business must be a viable trading concern and provide the applicant with sufficient income to maintain and accommodate themselves and any dependants without resorting to social assistance or paid employment for which a work permit would be required;
- (e) The applicant must be in possession of a valid passport or national identity document and be of good character.

Exceptions to the criteria at (a) and (b) above may apply in the following circumstances:

- (i) where the applicant has been legally resident in this State for at least five years in an employed capacity and has not been in breach of the Immigration Laws during this time.
- (ii) where the Minister is satisfied that the application is justified within the terms of the European Council Resolution relating to the limitations on the admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons (1994). In particular, permission may be granted where the person's proposed business will add value or contribute significantly to economic activity in Ireland including through the provision of highly specialised services which are in short supply.
- (iii) where the applicant is seeking to exercise a right of establishment under one of the Association Agreements between the European Union and the countries of Turkey, Bulgaria and Romania.
- (iv) Writers, Artists and Crafts persons who should contact the Department of Justice, Equality & Law Reform separately.

### **HOW DO I APPLY?**

You need to submit the following:-

- (i) your valid passport or national identity document;
- (ii) your registration certificate if you are already residing in the State;
- (iii) a statement of character from the police authorities of each country in which you have resided for more than six months during the 10 year period prior to your making an application;

- (iv) a business plan which addresses points (a) to (e) above. It is preferable if this business plan is endorsed by a firm of accountants or a financial institution involved in venture capital.

These documents must be submitted to:-

**Immigration Division**  
**Department of Justice, Equality & Law Reform**  
**Business Permission Unit,**  
**13-14 Burgh Quay,**  
**Dublin 2.**

**Immigration Information Help line 01- 6167700**

**WHAT IF I AM REFUSED - CAN I APPEAL?**

If your application is refused you will be informed of the reason in writing. You will be entitled to appeal this decision. An appeal must be made within one month of the date of refusal.

**WHAT IF I AM APPROVED - WHAT THEN ?**

If your application is successful you will be issued with a letter granting you Business Permission. Business Permission is usually granted for 12 months initially. This letter can be presented to an Immigration Officer upon arrival in the State in order to obtain leave to enter. If you are a visa required national you should include the letter with your visa application. Following your arrival in the State you must register with your local Garda Registration Office ( Garda National Immigration Bureau, 13/14 Burgh Quay, Dublin 2 or, for persons residing outside of the Dublin area, their local Garda Superintendent's office). You will be given permission to reside in the State for the term of your Business Permission's validity.

If your application is successful and you are already residing legally in the State you may commence your business but you must first register or renew your existing registration with the Garda Síochána. Visa required nationals residing in the State on foot of a student or visit visa will generally not be permitted to change that status from within the State.

**HOW DO I RENEW MY BUSINESS PERMISSION?**

If you wish to renew your Business Permission you should apply to do so one month before the expiry of its term of validity. This application should be made to the Immigration Division of the Department of Justice, Equality and Law Reform. You will need to show that your business continues to meet the criteria for Business Permission. You should also submit audited accounts and evidence of compliance with taxation requirements. If your application is satisfactory your Business Permission will be extended, usually for a further twelve months. Subsequent renewals may be for up to five years.

Immigration Division

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