

BUSINESS PERMISSION

NOTE. Applications from persons who seek business permission where it is deemed that they are seeking such permission to simply gain entry to the State or where they seek such permission simply to continue their length of stay in the State for whatever reason, such applications will be refused.

Please note that any individual who seeks business permission as a direct result of the revised arrangements/changes and policies governing the green card scheme, work permit arrangements and employment permits announced by the Department of Enterprise Trade & Employment in April 2009 (see that Department's website at <http://www.entemp.ie>) should not seek such permission unless they can meet the criteria as set out below. This is a very specific scheme and there are no exemptions to the €300,000 minimum investment requirement.

A non-EEA National who intends to come to Ireland in order to establish a business will require the permission of the Minister for Justice, Equality and Law Reform to do so ('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.

Non-EEA nationals applying for business permission must create employment (other than their own) and show personal investment of €300,000 or more.

PLEASE NOTE: THERE ARE NO EXEMPTIONS TO THE €300,000 MINIMUM INVESTMENT REQUIREMENT.

EXEMPTIONS

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.

Before submitting an application you should ensure that you can meet the following criteria;-

- (a) You must have not less than €300,000 of your own money available to make an investment into business in Ireland. You will have to supply documentary evidence from your financial institution confirming that the funds are available to you.
If the funds are held in Ireland, the financial institution used by you must be regulated by the Financial Services Authority of Ireland (CBFSAI). The Financial Services Authority of Ireland is the official financial regulatory body in Ireland.
- (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.

You must also submit –

- (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) business plan which addresses points (a) to (e) above. This business plan must be endorsed by a firm of accountants or a financial institution involved in venture capital.
- (v) You must provide detailed proof of your own skills levels to undertake such a business including, where applicable, academic qualifications in the particular field, details of apprenticeships, evidence of previous business experience, all qualifications relevant to the proposed business and general experience.
- (vi) References from former employers.
- (vii) Original documentation showing the funds available to invest in the business venture must be on the financial institution's headed paper and have been issued within two months immediately preceding the application. In addition, each letter should confirm that the institution is regulated by the appropriate body, your name and the date of the document
- (viii) Details of where the business will operate from, including layout specification and lease/rental plans.

Failure to meet any of the points set out above will result in the application being refused.

SPECIFIC CRAFTS

Writers, Artists and Crafts persons – while not subject to the capital or employment requirements must demonstrate clearly that they are well known/internationally renowned in their chosen field and are in a position to fully support themselves from income from their chosen craft without recourse to alternative employment and/or social assistance. Failure to clearly demonstrate this will result in refusal of the application.

All documents must be submitted to:- **Business Permission Unit, Immigration Services Section,
Irish Naturalisation & Immigration Service
Department of Justice, Equality & Law Reform
First Floor
13-14 Burgh Quay,
Dublin 2.**

How can I contact the Irish Naturalisation and Immigration Service regarding the status of my application?

Queries can be made by email or post. Contact details are listed below.

- Email queries may be addressed to INISbperm@justice.ie. Please ensure that all queries include your name, reference number and contact details.
- By post – alternatively, queries can be posted to the address listed above

What if I am approved?

If your application is approved you will be issued with a letter granting you permission to engage in business for an initial period of 12 months.

If you are residing outside the State, this letter should be presented to an Immigration Officer upon arrival in the State in order to obtain permission to enter. Following your arrival in the State you must register with your local 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).

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 your local registration office.

What if I am refused?

If your application is refused you will be informed of the reason(s) in writing. You will be entitled to appeal this decision.

Please note an appeal must be made within one month of the date of refusal. Any correspondence received after this period will not, under any circumstances, be considered.

How do I renew my Business Permission?

Business Permission renewal applications must be made to the Business Permission unit (address above), one month prior to the expiry of the existing period.

The following documentation must be submitted with all applications for renewal:

1. Audited accounts and evidence of compliance with taxation requirements.
2. All employees P60's for the business's operational time period.
3. Bank Statements from the last 6 months relating to the business.
4. Valid work permits (where applicable) for your employees.
5. Tax clearance certificate

If it is established that the business in question satisfies the criteria for Business Permission, renewal of Business Permission shall be issued for a further 12 month period.

If however the criteria are not fully met the business permission will cease to exist and all conditions pertaining to such permission will cease with immediate effect without exception.

**Business Permission Unit
Immigration Services Section
Irish Naturalisation and Immigration Service
Department of Justice, Equality and Law Reform
May 2009**