



EMPLOYMENT, PENSIONS AND EMPLOYEE BENEFITS

COVID-19: Immigration Issues

by **Jennifer O'Neill, Aoife Bradley**

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20th April 2020 | by Jennifer O'Neill, Aoife Bradley

The Department of Business, Enterprise and Innovation (DBEI) has published a COVID-19 Employment Permits Contingency Plan to provide guidance and flexibility in the present COVID-19 global public health emergency.

The Irish Naturalisation and Immigration Services (INIS) of the Department of Justice and Equality also have a section on their website dedicated to notices and announcements arising from COVID-19.

Visas

INIS has temporarily ceased accepting new visa applications with effect from close of business on 20 March 2020. Certain priority cases will continue to be processed such as visas for healthcare professionals and immediate family members of Irish citizens returning to their ordinary place of residence.

As visas are required for certain nationalities to enter the State, the DBEI is contacting those applicants for employment permits from visa required countries to establish whether they wish to proceed with their applications. The DBEI is offering to hold such applications until such time as visas are being processed again. Alternatively, they will agree to an amendment of the proposed start date on the permit application or return the application and refund the fee.

Immigration Permissions Due to Expire

INIS has also announced that immigration permissions due to expire between 20 March and 20 May 2020 shall automatically be renewed for 2 months on their current terms.

DBEI Contingency Plan

- **Issue of electronic copy permits**

DBEI staff are working remotely and the processing of employment permits will continue with electronic copies of permits being issued. Once operations return to normal, original and certified copy permits will be issued. In the meantime, the electronic version of the permit and the accompanying letter from the DBEI should both be presented to immigration on entry into the State.

Applications for stamp 4 letters of support, renewals of employment permits, appeals and transfer of undertaking forms can all be submitted online now, and the department will revert by email.

As the department is operating on a remote basis all contact should be by email to employmentpermits@dbei.gov.ie and not by post.

- **Prioritising permit applications for medical personnel**

The DBEI has announced that it is currently prioritising the processing of employment permit applications for medical personnel in light of the current health crisis. This is likely to lead to further delays for other applicants.

- **Pausing, amending or cancelling an application**

The DBEI recognises that disruption to business as a result of COVID-19 may lead to the suspension or alteration of plans. It is, therefore, allowing parties to place any permit application which has not yet been processed on hold, to amend the contract of employment start date or cancel the application and claim a 100% refund.

- **Continuation of existing permission**

The DBEI has clarified that if there are delays in processing employment permit renewals or stamp 4 letters of support, affected employment permit holders may continue to live and work under the same terms and conditions of their existing permission.

- **Surrendering an existing employment permit**

In recognition of the practical difficulties in trying to return the original or certified copies of an employment permit within four weeks of the end of employment as is usually the case – in the current climate, the DBEI instead expects the return of such permits as soon as the DBEI's employment permit operations have returned to normal.

- **Employment permit holder working from home**

An employer must notify the DBEI in circumstances where any of its employees with an employment permit are now working from home. The name of the employee is not required – simply the employer's name.

- **Changes to remuneration or other terms of an employment permit holder**

Significant changes to an employee's core terms would normally require a new permit. The DBEI must be informed of changes in an employee's remuneration or core terms, however, it has stated that it will aim to be as flexible as possible in the current crisis, assessing each on a case by case basis.

- **Lay off or reduced hours of an employment permit holder**

The DBEI should be notified in advance, where possible if an employee with an employment permit is to be laid off or be placed on reduced hours. The DBEI will be mindful of the crisis and its impact when assessing (upon renewal) whether the conditions of the permit have been fulfilled.

- **Applicability of government COVID-19 schemes**

The temporary COVID-19 wage subsidy scheme and the COVID-19 pandemic unemployment payment are applicable to eligible employees, including those on employment permits.

If you require assistance with an existing or proposed employment permit application or have queries on any aspect of the above, please contact [Jennifer O'Neill](#) or [Aoife Bradley](#) or

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