On Friday 27 March, the Irish Government announced a Stay At Home Order for the containment of the Covid-19 pandemic shutting down all non-essential businesses and restricting travel to essential travel only. The Department of Business, Enterprise and Innovation (DBEI) and the Immigration Service Delivery Unit (ISD, formally INIS) within the Department of Justice and Equality (DJE) have issued updates which will impact on Irish immigration and employment permits. The Irish authorities have extended residence permissions due to expire between 20 March and 20 May 2020 by two months. The authorities will take a pragmatic approach in so far as is possible but those able to should still engage with the immigration system. EY’s guidance in this alert is to update you on the temporary measures that have been introduced for Irish immigration during this current pandemic that may be of concern to you and your non-EEA population in the current challenging environment.

Medical personnel will continue to be prioritised by the Irish immigration authorities.

What is the impact for Irish Employment Permits or working in Ireland?

From 30 March, staff at the DBEI are working from home which necessitates the implementation of a contingency plan to ensure that the Employment Permit system will continue to operate.

- DBEI will issue an electronic version (PDF) of an Employment Permit, Stamp 4 Letter of Recommendation or Trusted Partner approval by email to the employer/employee/agents. This PDF employment permit will be accompanied by a letter from the Department. Both the permit and the letter of recommendation will need to be presented to immigration officials at the port of entry/Embassy/Consulate, for verification purposes. This information will enable immigration officials to carry out a further verification process.
- Employment permit holders that wish to renew their permit can continue to do so through the EPOS system up to four months in advance of the current employment permit expiry date.
The Department of Business, Enterprise and Innovation (DBEI) has provided guidance on changes to employment permits and immigration as a result of Covid-19. Here are the key points:

- **Automatic Extension**: Employment permit holders whose permission to remain in Ireland expires between 20 March and 20 May 2020 are automatically considered to be renewed for 2 months.
- **Salary and Working Hours**: At renewal stage, the salary and working hours as per the conditions of the permit granted may not have been met due to the Covid-19 pandemic.
- **Start Dates**: DBEI will allow change to start dates on the permit application where the application has not yet been processed and at any stage up until the date of processing.
- **Unused Time**: If an employee has returned to their home country as a result of the Covid-19 pandemic, they may have to provide documentary evidence that their former employer’s business ceased trading due to the Covid-19 outbreak.
- **Redundancy Notification**: The Department should be informed in advance of the temporary layoff/reduced working hours of employment permit holders so that it can be recorded on the permit file.
- **Registering in Ireland**: If an individual loses their job due to Covid-19, they can commence employment with another employer and should address any queries they may have to the DBEI. They will need to provide documentary evidence that their former employer’s business ceased trading due to the Covid-19 outbreak.

**Other Relevant Information**

- **Home Country Return**: If a permit holder has returned to their home country during the global pandemic and remain employed by the Irish entity, the DBEI will not consider these grounds for revocation of the permit. However, an employer should keep in mind that the permit holder must ensure they work at least 183 days in a full calendar year in the State to be considered employed in the State.
- **Remuneration Changes**: Changes to remuneration or other contract conditions would under normal circumstances require a new employment permit. However, considering the current Covid-19 situation, the Department will seek to be as flexible as possible and will consider these situations on a case by case basis when brought to the Department’s attention.
- **Working Hours**: At renewal stage, the salary and working hours as per the conditions of the permit granted may not have been met due to the Covid-19 pandemic, this will be taken into account when considering renewal applications.

**Redundancy and Job Losses due to Covid-19**

The Department should be informed in advance of the temporary layoff/reduced working hours of employment permit holders so that it can be recorded on the permit file. The Department should also be informed of the redundancy of any permit holder within four weeks of the redundancy date, via the relevant Redundancy Notification Form (available on the DBEI website). This form should be submitted to the DBEI. The employment permit holder may seek employment in any eligible occupation and apply for a permit within six months of the date. A list of eligible occupations is available on DBEI website.

If an individual loses their job due to Covid-19, they can commence employment with another employer and should address any queries they may have to the DBEI. They will need to provide documentary evidence that their former employer’s business ceased trading due to the Covid-19 outbreak.

**What is the impact for residence permission or those temporarily in Ireland?**

**Irish Residence Permit (IRP) registration/expiry:**

IRP registration at the offices in Burgh Quay and local immigration offices is now closed. Those with Irish immigration permission due to expire between 20 March and 20 May 2020 are automatically considered to be renewed for 2 months by the Minister for Justice. An individual will not receive a notification at this time but should consider themselves to be renewed automatically.

The 2-month extension period only applies to existing permissions (including qualifying dependents) and not to applicants seeking to register for the first time. However, as the registration offices are currently closed, the requirement for first time registrants to register will not arise until Burgh Quay (and local registration offices) re-open or alternative arrangements are put in place.

**IRP card expiry for those outside of Ireland:**

If an employee has returned to their home country as a result of the Covid-19 pandemic and the IRP card has expired during the period of time which they are working remotely in their home country.

- **Non-visa required nationals**: Should be able to return to Ireland with the expired IRP card and evidence of their continued employment in Ireland i.e. valid employment permit.
- **Visa required nationals**: Will not be able to return to Ireland with an expired IRP card, they will most likely need to apply for a new entry visa from the Irish Embassy/Consulate closest to where they are residing to return to Ireland (this is subject to change).

EY would recommend that employers complete a review of any employees who returned to their home country since the end of February and whose permission will expire during the period 20 March to 20 May to identify what actions may be required for them to return to Ireland.
**Business visitors/short-term assignees:**

 Those with valid short-term temporary permission such as Atypical Permission, Tourist Permission or Business Visitor Permission due to expire between 20 March and 20 May and who cannot leave Ireland at this time, are considered to have their permission extended automatically for a further 2 months from the expiry date subject to the same conditions as those that applied upon arrival in the State.

**EU Treaty Rights:**

 EU Stamp4 residence cards due to expire from 20 March to 20 May 2020, will be automatically extended for two months from the expiry date.

 If an individual is coming to the end of their initial 5 years holding EU treaty residency rights, an application for a permanent residence card (EU3) should continue to be submitted (if applicable) to the EU Treaty Rights section at the Department of Justice. No further extensions will be granted if an individual does not apply for this permission from the EU Treaty Rights section between now and 20 May 2020.

 If an individual had an appointment with the GNIB office to renew their IRP card and this has been cancelled, the Registration Office will be in contact with them in relation to the residence card. In the meantime, they should ensure that the letter issued to them by EU Treaty Rights Division is safely retained.

 The EU Treaty Rights Division will continue to accept new Residence Card applications, issue Temporary Permission Letters, process applications for Residence Cards and requests for review. During the current emergency, no application in progress will be closed or refused due to lack of documentation (for example, if it is not possible to obtain evidence of address, certified documents etc.) unless ample opportunity has been given to an applicant prior to the current crisis.

 If the EU citizen family member has temporarily lost their job due to the pandemic, it will not impact the non-EEA family member’s current residence status as long as they are otherwise compliant with the Directive.

 What is the impact on Irish visa applications?

 The Immigration Service Delivery Unit (ISD) have temporarily ceased accepting new visa applications and may return unprocessed applications (for re-submission at a later date). It is still possible to complete the Irish visa application online, however applicants will not be able to submit the original application by post or in person to the Irish Embassy/Consulate at present. Please note that any application made online will remain valid until restrictions are lifted.

 **Conclusion**

 EY is continuing to monitor guidance and announcements by the Irish immigration authorities. We will continue to issue updated Alerts outlining any further changes.

 If you have any questions or concerns please reach out to your EY contact or one of the contact names listed on this Alert.
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