



Rialtas na hÉireann
Government of Ireland

COVID-19 Employment Permits System Contingency Arrangements

Produced by Employment Permits Section,
Department of Business, Enterprise and Innovation.

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1.Introduction

The Department of Business, Enterprise and Innovation has implemented a contingency plan to ensure that the Employment Permit system will continue to operate in all scenarios. With effect from Monday 30th March, the Department has implemented remote working arrangements for staff and has adjusted operations to provide for the acceptance of electronic/scanned documents for Reviews, Stamp 4 letters of support and Trusted Partner applications and will issue the outcomes of these via e-mail rather than through the post. The Department has also agreed with Immigration Service Delivery, Department of Justice and Equality, as a temporary measure, soft copy arrangements for issuing employment permits (further details below).

Over the past few weeks, the Department has been prioritising the processing of employment permit applications for medical personnel and these applications will continue to be prioritised. At this point, all applications for medical personnel in the processing queue have been actioned and employment permit staff have recommenced processing all other applications.

The Department will be flexible in dealing with employment permit issues that arise for both employers and employees as a result of the pandemic. The Department is cognisant that the measures introduced to tackle the COVID 19 crisis and the challenges of travelling to the State may impact on the ability of new employees to take up employment. In these circumstances changes to applications will be facilitated, for example applicants may wish to change the employment contract start date, to continue to hold the application in the processing queue for processing at a later date or withdraw the application.

In tandem with Immigration Service Delivery, Department of Justice and Equality whereby they have extended immigration permissions due to expire between 20/03/20 and 20/05/20 by two months, if there are delays in processing employment permit renewal applications and Stamp 4 letters of support, employment permit holders may continue to live and work under the same terms and conditions of their existing permission.

2. Contingency Arrangements

2.1. New arrangements for issuing employment permits

The Department of Business, Enterprise and Innovation have agreed with Immigration Service Delivery, Department of Justice and Equality, temporary arrangements which will allow for an electronic version (PDF) of an employment permit to issue by email to the employer/employee/agents as proof of an employment permit having granted for the named employee. The electronic version of the employment permit will be accompanied by a letter from the Department both of which should be presented to immigration officials, for verification purposes. This information will enable immigration officials to carry out a further verification process.

In time, when employment permit operations returns to normal, the original and certified copies of the employment permit will be distributed by the Department to both employee and employer as per normal arrangements.

2.2. New online procedures for applying for “Stamp 4 letters of support”

New procedures for processing applications for Stamp 4 Letters of Support electronically have been put in place. Applications for Stamp 4 letters of support may now be submitted by filling out the required form and e-mailing it to EPStamp4@dbei.gov.ie. Any decision on an application, including the grant letter, will be communicated to the applicant by way of e-mail. Applications that have been made by post in the last few days, can be resubmitted through the online process.

Applications can be submitted after 20 months of continuous employment whilst holding a Critical Skills Employment Permit, but the application will not be processed until the 21-month mark.

Please note: In light of the uncertainties caused by the Coronavirus pandemic, COVID-19, immigration permissions due to expire between 20 March and 20 May 2020, will be automatically extended for two months. The renewal of permission is on the same basis as the existing permission and the same conditions attach.

In the event that there are delays in processing Stamp 4 letters of support from the Department or processing Stamp 4 permissions from the Department of Justice and Equality, employment permit holders whose immigration permissions are due to expire between 20 March and 20 May 2020 may continue to live and work under the same terms and conditions as their existing permission for a further two months.

For further information and updates please see the employment permits section of the DBEI website www.dbei.gov.ie or the Immigration Service Delivery website www.inis.gov.ie

2.3. New procedures for applications for Reviews of Employment Permit decisions

New electronic procedures for applications for reviews of employment permit decisions have been put in place. Applications for reviews may now be submitted by filling out the required form and e-mailing it to EPReviews@dbei.gov.ie. Decisions will be communicated to applicants by way of e-mail correspondence.

2.4. Employment permit holders that wish to renew their permit

The current arrangements, whereby an application to renew an employment permit can be submitted up to four months in advance of the employment permit expiry date and up to one month after the employment permit has expired, will continue.

In general, the immigration permission of an employment permit holder is linked to their employment permit permission with the immigration permission expiring upon the expiration of an employment permit. The Department advises that an employment permit holder may continue to work whilst their renewal application permit is being processed and in such instances no person will be asked to cease work or to leave the country, where the employment permit has expired. When an employment permit has issued the permit holder may apply to the Department of Justice and Equality to update their immigration permission.

2.5. New procedures for Trusted Partner registration process for new and renewal applications

As part of the COVID -19 contingency, the Department will now accept online submissions for new and renewal applications for the Trusted Partner scheme without the requirement to provide a hard copy of the application form within 10 days.

2.6. Requirement to surrender existing employment permits

As a result of the COVID-19 measures, the Department recognises that many individuals and companies may not be able to return the original or certified copy of the Employment Permit normally required within four weeks of the cessation of an employment. As an interim measure, the Department will not require the return of these permits at this time but will expect them to be returned upon the resumption of normal employment permit operations.

2.7. Information for applicants that have already submitted an employment permit

The Department, given the uncertainty that addressing the COVID 19 pandemic has presented for employers, recognises that this may impact on the ability of new employees to take up employment and therefore will facilitate changes to employment permit applications already submitted. The Department can hold applications in our processing queue until the situation becomes clearer, allow changes to start dates where a permit application has not yet been processed and at any stage up until the processing of an application has taken place, an applicant may request that their application be cancelled in which case a 100% refund will issue if the withdrawal is as a result of the crisis.

2.8. New procedure for Statement of Loss

A scanned version of the Statement of Loss form may now be submitted by e-mail instead of posting it into the Department. To request a Statement of Loss form please e-mail employmentpermits@dbei.gov.ie with Statement of Loss request in the subject line and we will issue the required form to you. Please complete the form, sign it, and return a scanned copy to the above email address.

2.9. New procedure for Transfer of Undertakings

The application form for a Transfer of Undertaking may now be submitted by e-mail instead of submitting the form by post. The required form for notification of change of name of employer under the Employment Permits Act 2006 (as amended) is available at the following link - dbei.gov.ie/en/Publications/Publication-files/Transfer-of-Undertaking-Employer-Form.pdf

Please complete form, ensure it is signed and return a scanned copy to employmentpermits@dbei.gov.ie with Transfer of Undertaking request in subject line.

2.10. Employment Permit applications for people from Visa required countries

On 21st March 2020, Immigration Service Delivery, Department of Justice and Equality announced that, as part of the combined efforts to tackle COVID-19, it was temporarily ceasing the processing of new visa applications.

The Department of Justice will continue to process certain priority/emergency cases including:

- Emergency visa (e.g. Healthcare professionals, health researchers, and elderly care professionals);
- Immediate family members of Irish citizens;
- Persons legally resident in the State;
- Persons entitled to avail of the provision of the EU Free Movement Directive;
- Transport personnel engaged in haulage of goods and other transport staff to the extent necessary; and
- Diplomats, staff of international organisations, military personnel and humanitarian aid workers in the exercise of their functions.

Further information is available from www.inis.gov.ie

Please note that in respect of employment permit applications from a visa required country, the employer and prospective employee will be contacted to establish if they wish to proceed with the applications. The Department can continue to hold the application in the processing queue, change the employment start date or facilitate a

withdrawal of the application with a full refund of the application fee. Please note that there will be a delay on refunds for the foreseeable future.

2.11 Contact Employment Permit Section by email rather than post

As the Employment Permit Section is operating remotely, please contact the office via email as post will not be dealt with until office reopens. The main email address is employmentpermits@dbei.gov.ie

3. Other relevant Information

3.1. Temporary procedures for employers with employees including employment permit holders who are working from home as a result of the COVID-19 Crisis

3.1.1. Working remotely from home within the State

For the duration of this national emergency, employees who are employment permit holders can work remotely from home in Ireland once the employer notifies the Department. Please note that we do not require the names of the employees, only the names of the employer.

The Department expects that when these temporary measures have been lifted that these employees will once again work from the locations cited on their employment permits.

3.1.2. Working from home outside the State

Frequent absences or an extended absence which constitute part of an employment permitholder's employment are not considered grounds for revocation of the permit, an employment permit holder must however work at least 183 days in a full calendar year in the State to be considered employed in the State (this is in line with the Revenue Commissioner's requirements for tax residence).

It should be noted that the employment permit regime does not apply to employees who are not resident in the State.

3.2. Notifications of changes to terms and conditions (including pay) for employment permit holders

The Employment Permit Acts sets out the terms and conditions for granting an employment permit including employee/employer details, location of employment, job role and remuneration. Currently the Department does not require employers and employees to apply for a new employment permit if minor changes are made to these terms and conditions over the lifetime of a permit, such as a change of occupation title with the duties remaining largely the same or a change of work location, such changes,

however, must be notified to the Department. Other more significant changes to the terms and conditions of employment such as changes to remuneration, contract conditions would be regarded as material changes and as such a new employment permit would normally be required. However, in light of 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.

3.3. The employment permit position of employers and employment permit holders in the event of a temporary layoff, reduced working hours or redundancy as a result of the COVID-19 pandemic

3.3.1. If an employment permit holder has been temporarily laid off or is working reduced hours during the period of the permit the following would arise:

- The Department should ideally be informed in advance of the temporary layoff/ reduced working hours so that it can be noted on the permit file
- At renewal stage, the salary and working hours as per the conditions of the permit granted may not have been achieved, however the Department will be cognisant that this is likely to be related to the measures introduced to deal with COVID-19 and will take this into account when considering applications for renewal.

3.3.2. Redundancy:

As a result of the enactment of the Emergency Measures in the Public Interest (Covid-19) Bill 2020, which was signed into law by President Higgins on Friday 27 March 2020, the right to redundancy payment under S.12 of the 1967 Act has been suspended from 13 March 2020 until 31 May 2020, with the possibility of an extension. During this period Government has announced emergency measures and supports for employees and business, including:

- The COVID-19 Pandemic Unemployment Payment (see 3.5 below).
- The COVID-19 Wage Subsidy Scheme (see 3.6 below).

3.4. Immigration permissions to reside in the State that are due to expire between 20th March 2020 and 20th May 2020

The Department of Justice and Equality advise that, in light of the uncertainties caused by the Coronavirus pandemic, COVID-19, all such immigration permissions that are due to expire from 20th March 2020 to 20th May 2020 are automatically renewed by the

Minister for Justice and Equality for a period of 2 months. The renewal of permission is on the same basis as the existing permission and the same conditions attach. In relation to persons with existing permission under Directive 2004/38/EC (Free Movement Directive), the automatic renewal is subject to the requirement that the person is complying with the requirements of the Directive.

Further information on this announcement is available at www.inis.gov.ie and the Department of Justice and Equality has produced a [Frequently Asked Questions document](#)

3.5. COVID-19 Pandemic Unemployment Payment

The COVID-19 Pandemic Unemployment Payment is a scheme administered by the Department of Employment Affairs and Social Protection (DEASP). It is available to employees and the self-employed who have lost their job on (or after) March 13 due to the COVID-19 (Coronavirus) pandemic. The payment also applies to Non-EEA workers who have lost employment due to the COVID -19 pandemic.

Further information on this payment and how to apply for it is available from the DEASP here - www.gov.ie/en/service/be74d3-covid-19-pandemic-unemployment-payment/

3.6. Temporary COVID-19 Wage Subsidy Scheme

The Temporary COVID-19 Wage Subsidy Scheme is administered by the Revenue Commissioners. The scheme enables employees whose employers are affected by the pandemic to receive significant supports directly from their employer. It is available to employers who keep employees, including employees who are employment permit holders, on the payroll throughout the COVID-19 pandemic, meaning employers can retain links with employees for when business picks up after the crisis.

Further information on this scheme and how to apply for it is available from the Revenue Commissioners here - revenue.ie/en/news/articles/guidance-on-the-temporary-covid-19-wage-subsidy-scheme.aspx

3.7 Note for employers: HSE advice for people arriving in Ireland from another country

Employers should note that the Health Service Executive (HSE) advise that people arriving to Ireland from another country are required to restrict their movements for 14 days, further information is available here -

www2.hse.ie/conditions/coronavirus/coronavirus.html#travel

Please see HSE website for up-to-date and accurate information www.hse.ie

Employment Permits Section

30 March 2020.