

Summary: This policy sets out the position for those who have been in the State on a work permit or permission for five years or more, and also sets out the position for those who have been made redundant while holding a work permit. For those with five years permission to remain, they may qualify for an exemption from renewing their work permit. For those who have been made redundant, certain grace periods allow work permit holders to seek new employment and reapply for a work permit, without having to satisfy the labour market needs test.

This policy applies to the following categories of applicant:

Persons who have worked for 5 consecutive years or more with work permits (which can now include spousal/dependant permits) and who currently hold a valid work (or spousal/dependant) permit, or

Persons who have worked for 5 consecutive years or more and currently hold a Work Authorisation/Working Visa issued under the Work Authorisation/ Working Visa Scheme.

These categories of persons will be exempted from the requirement to hold a work permit at their next renewal of their immigration registration. Instead, they will be issued a stamp 4 permission to remain directly by the Immigration Officer.

It is noteworthy that a person who was made redundant before completing their 5 years employment does not qualify for this particular concession but may qualify for an extended “grace period” as detailed below. It is also worth noting that for the purposes of this concession, a work permit that expired in the previous 3 months will be accepted as “current”. In addition, the concession also applies to those persons who held a combination of work permits and spousal/dependant work permits. The permits must cover a continuous 5 year period in total and the person must have Stamp 1 endorsements in their passport covering that period of work.

The applicant must provide the following evidence if making such an application:

The Applicant’s current passport endorsed with Stamp 1 and their current GNIB card;

The Applicant’s P60 for the previous tax year

The Applicant must not have a criminal record and must have a “clean” immigration record.

Short gaps in residence permission are acceptable provided they do not exceed six months.

Successful applicants will be issued with a Stamp 4 for a period of one year and such

permission can be renewed annually. The applicant must not become an undue burden on the State and the applicant is free to seek employment in any employment with any employer. The applicant can also establish a business or become self-employed.

A specific policy also applies to non-EEA nationals who have permission to work in the State but who have been made redundant. If they have been made redundant, there is a concession that they will qualify for a six-month grace period on Stamp 1 conditions, during which time they can seek another employer. No labour market needs test will apply to those who have been made redundant but those who voluntarily quit their employment will not qualify. At the end of the grace period, the non-EEA national will be required to leave the State unless they have secured a work permit in the meantime or they have secured permission to remain on another basis.

To qualify for the grace period, the applicant must provide the following evidence:

Redundancy notice or P45

Most recent payslip

Most recent work permit

Passport and GNIB Card

Note that the policies are discretionary and subject to change and conditions. Full details of the current policy as it applies to non-EEA nationals can be found here: www.inis.gov.ie