

EURAXESS Ireland COVID - 19 Fast Track Work Permit (Hosting Agreement Scheme) for non EEA Researchers Contingency Arrangements



Introduction

EURAXESS Ireland would like to ensure a smooth procedure for processing hosting agreements for accredited HEA institutions and enterprises under COVID-19 crisis. This document adapts and consolidates information published in the 'COVID-19 Employment Permits System Contingency Arrangements' guidelines by Employment Permit Section, Department of Business Enterprise and Innovation on 30th March 2020, with procedures related strictly to hosting agreement holders and institutions employing researchers on hosting agreements in Ireland in line with the Council Directive 2005/EC/71 (Third Country Researchers Directive).

Although EURAXESS Ireland is operating remotely due to COVID-19 crisis we promise to deliver a high quality service, professional and prompt response to all your questions and queries.

1. New Arrangements for approving Hosting Agreements

As EURAXESS Ireland is operating remotely due to COVID 19 crisis, please contact the office via email as post will not be dealt with until office reopens.

Electronic versions of a Hosting Agreement accompanied by an employment contract should be e-mailed to EURAXESS Ireland: Magda@iua.ie or Emma.Veale@iua.ie for processing/uploading on the dedicated database. Each individual file send by e-mail in relation to hosing agreements should be clearly titled displaying hosting agreement reference number and a document name.

2. New online procedure for applying for Sstamp 4 Letters of Support' for researchers who worked on a combination of a Hosting Agreement and Critical Skills Work Permit Arrangement

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.

Please note that the time spent on the Hosting Agreement Scheme along with time on a CSEP will be included to calculate an employee's time for a Stamp 4 Support Letter.

The following documents will be required to accompany Stamp 4 Letters of Support: a letter form the employer stating the date the employee started working on CSEP, a P60 for the last two years along with three payslips from the previous four months, a letter from the Research Organisation (employer) stating the date that the researcher actually started working in the organisation, P60's for the time served on Hosting Agreements.

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: that stamp 4 eligible researchers who have worked on Hosting Agreements only for the past two years are not required to present any Stamp 4 support letter while registering under Stamp 4 at GNIB. The following documents are required for stamp 4 GNIB registration: original copies of researcher's Hosting Agreements for the last two years and recent payslips.

In light of the uncertainties caused by the Coronavirus pandemic, COVID-19, immigration permissions due to expire from 20th May 2020 to 20th July 2020 are automatically renewed by the Minister for a period of 2 months. The renewal of permission is on the same basis as the existing permission and the same conditions attach. Any permission which was renewed by the notice of 20th March 2020 and which therefore has a new expiry date between 20th May 2020

and 20th July 2020 is automatically renewed for a further 2 months by the new notice of 14th May 2020.

In the event that there are delays in processing Stamp 4 letters of support from the Department of Business, Enterprise and Innovation or processing Stamp 4 permissions from the Department of Justice and Equality, employment permit holders whose immigration permissions are due to expire between 20th March and 20th July 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 Department of Business, Enterprise and Innovation's website:

<https://dbei.gov.ie/en/What-We-Do/Workplace-and-Skills/Employment-Permits/>

OR

The Immigration Service Delivery website: <http://www.inis.gov.ie/>

3. Requirement to surrender existing hosting agreements

As a result of the COVID-19 measures, the EURAXESS Ireland recognises that many individual and companies may not be able to return the original researchers' copy of hosting agreements to EURAXESS normally required immediately after the cessation of an employment on a hosting agreement. As an interim measure, EURAXESS Ireland will not require the return of these agreements at this time, but will expect the institutions to collect and destroy researcher's original copies of agreements until further notice.

4. Hosting Agreements for researchers 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 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 hosting agreement from a visa required country, the employer and prospective employee might be contacted to establish if they wish to proceed with the applications. EURAXESS Ireland together with the employer can change the employment start and end date in line with the new/updated employment contract for the research to be undertaken in an accredited institution. Please contact EURAXESS Ireland with queries related to updates of dates of the existing hosting agreements, including new dependants from visa required countries on hosting agreement forms.

5. Temporary procedures for employers with employees including hosting agreement holders who are working from home as a result of the COVID-19 crisis

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- **Working remotely from home within the State**

For the duration of this national emergency, employees who are working on hosting agreements can work remotely from home in Ireland without any additional restrictions.

- **Working from home outside the State**

Frequent absences or an extended absence which constitute part of a hosting agreement holder employment are not considered grounds for revocation of the agreement 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 hosting agreement regime does not apply to employees who are not resident in the State.

6. Notifications of changes to terms and conditions for hosting agreement holders

The Council Directive 2005/EC/71 (Third Country Researchers Directive) sets out the terms and conditions under which a hosting agreement can be issued to an eligible researcher/ highly qualified experts employed at the accredited institution in Ireland. The terms and conditions include employee/employer details, job role, remuneration, and contract duration. Currently EURAXESS Ireland continues to require employers to forward copies of hosting agreements issued by accredited institutions this includes: new hosting agreements/extended or updated hosting agreements if important changes are made to the terms and conditions over the lifetime

of an agreement, such as a change of research project or change of contract duration, cessation of an employment contract.

However, in light of the current COVID-19 situation, EURAXESS Ireland will seek to be as flexible as possible and will consider this situation on case by case basis when brought to the Office attention.

6.1. Hosting agreement holders in the event of a temporary layoff, reduced working hours or redundancy as a result of the COVID-19 pandemic

- **If a hosting agreement holder has been temporarily laid off during the period of the agreement the following would arise:** EURAXESS Ireland should ideally be informed in advance of the temporary layoff so that it can be noted on the files.

- **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 27th 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 6.3. below).

The COVID-19 Wage Subsidy Scheme (see 6.4 below)

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

The Department of Justice and Equality advise that In light of the uncertainties caused by the Coronavirus pandemic, COVID-19, immigration permissions due to expire from 20th May 2020 to 20th July 2020 are automatically renewed by the Minister for a period of 2 months. The renewal of permission is on the same basis as the existing permission and the same conditions attach. Any permission which was renewed by the notice of 20th March 2020 and which therefore has a new expiry date between 20th May 2020 and 20th July 2020 is automatically renewed for a further 2 months by the new notice of 14th May 2020. 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.

6.3. 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 under this link: www.gov.ie/en/service/be74d3-covid-19-pandemic-unemployment-payment/

6.4. 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 accredited enterprises who keep employees, including employees who are hosting agreement 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: <https://www.revenue.ie/en/corporate/communications/covid19/temporary-covid-19-wage-subsidy-scheme.aspx>

6.5. 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: <https://www2.hse.ie/conditions/coronavirus/coronavirus.html#travel>

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

7. New Arrangements for applying for Accreditation for the Hosting Agreement Scheme

The Department of Business, Enterprise and Innovation manages the accreditation of research organisations as part of the Hosting Agreement scheme. Officials of the Department are currently unable to process applications for hosting accreditation received by post. Any institution seeking to apply for hosting accreditation should contact the Department of Business Enterprise and Innovation's dedicated mailbox: researcherhostingaccreditation@dbei.gov.ie.

EURAXESS Ireland 14th May 2020