



# GMS Flash Alert

Immigration Edition

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## Ireland - Working Made Easier for Foreign Spouses of Certain Permit Holders

Ireland's Department of Business, Enterprise and Innovation and the Department of Justice and Equality have announced that the spouses and partners of Critical Skills Employment Permit ("CSEP") holders will be able to access the Irish labour market without the need to obtain an employment permit.<sup>1</sup>

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### WHY THIS MATTERS

This change opens up the labour market to foreign spouses and partners of certain current employment permit holders.

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### New Rules, New Processes and Their Impact

Spouses and de facto partners of persons who are currently resident in Ireland on Stamp 3 conditions are now able to go to their local immigration office with their spouse/de-facto partner (who is the holder of a CSEP) to obtain a permission to reside on Stamp 1 conditions without the need for an employment permit. They must provide a copy of the CSEP. The local immigration officer will issue eligible persons with a new Irish Residence Permit ("IRP") on Stamp 1 conditions without the need for a Dependant/Partner/Spouse Employment Permit ("DPSEP"). For any individuals currently in Ireland on Stamp 3 conditions, there will be no attached fee to update their permission to a Stamp 1.

In addition to this change, on 1 April 2019, a new pre-clearance policy will be introduced for the non-European Economic Area (EEA) de-facto partners of CSEP holders.

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## KPMG NOTE

This will apply to both visa and non-visa required nationals. Moreover, it should provide certainty to applicants in this category prior to their arrival in the State (Ireland) and make the immigration process as straightforward as possible both on arrival at the port of entry and on registration of their immigration permission. Further details in relation to eligibility and the application process will be published on the Irish Naturalisation and Immigration (“INIS”) website.

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### Conditions and Rights under Stamp 1

If an individual is granted a Stamp 1 permission without the need for a DPSEP, he or she will:

- have an immigration permission to live in the State for a specified period (his or her permission to be in the State is still tied to the permission of the CSEP holder);
- have the right to work on a full- or part-time basis without the need for an Employment Permit from the Department of Business Enterprise and Employment;
- have the periods of residence considered as “reckonable residence” in the State if choosing to make an application for naturalisation;
- have the periods of residence considered as “reckonable residence” in the State if choosing to make an application for Long Term Residence.

A Stamp 1 does not entitle an individual to:

- access any public services or public funding – the individual must hold private medical insurance;
  - operate a business on the basis of being self-employed.
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## KPMG NOTE

Global employers should be aware of these updates and how they may impact their employees whose dependants were previously restricted in their ability to access Ireland’s labour market.

Consultation with immigration counsel is recommended.

KPMG’s Corporate Immigration and Employment Law Team can help should you have any questions or concerns.

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## FOOTNOTE:

1 For more information, see “[Important Notice: Update to the INIS Non-EEA Family Reunification Policy Document](#)” on the Department of Justice and Equality website.

## Contact us

For additional information or assistance, please contact your local Legal, GMS, or People Services professional\* or one of the following professionals with the KPMG International member firm in Ireland:



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*\* Please note that KPMG LLP (U.S.) does not offer immigration services or labour law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

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