

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Ireland	2021	[2021] IEHC 152 Hossain v Minister for Business, Enterprise and Innovation	https://www.courts.ie/view/judgments/#2a4e33c-038a-41a3-abd3-0442605c3c72/37ebbbfc-2aaf-4f1b-9f83-4a47e10cd612/2021_IEHC_152.pdf#pdf	Racial or ethnic origin	High Court	The applicant, a national of Bangladesh, was initially in Ireland as the spouse of an EU citizen. He held a Stamp 4 on this basis. The marriage subsequently broke down. Prior to the expiry of the applicant's Stamp 4 permission, he applied for an employment permit. This application was refused on the grounds that at the time of application, he already had a valid Stamp 4 permission.	There is nothing in the relevant legislation that explicitly prohibits the Minister from issuing an employment permit to a foreign national who already has a right to work by virtue of their immigration permission.	Central to the case was s. 2 of the Employment Permits Act 2003, as amended, which provides that a foreign national shall not enter the service of an employer except in accordance with an employment permit granted by the Minister under section 8 of the Employment Permits Act 2006. s. 2(10)(d) provides that the section does not apply to a foreign national who is permitted to remain in the State by the Minister for Justice and who is in employment in the State pursuant to a condition of that permission. It was held that the interpretation of s. 2(10)(d) by the Minister was incorrect.	A person who holds a valid immigration permission is not precluded from applying for an employment permit.	"the Minister is not precluded from considering the applicant's application for an employment permit due solely to the fact that he is the holder of a Stamp 4 permission. The court is satisfied that the Minister was in error in concluding that the provisions of s.2(10)(d) of the Act precluded a consideration of the applicant's application. Accordingly, the court will grant certiorari of the review decision dated 20th April, 2020."

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