

National responses to date during the COVID-19 crisis in the areas of migration and asylum

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“Presentation of key findings of national responses to COVID-19 to date based on EMN Ad-hoc Queries”

Overview

1. EMN's response to the COVID-19 crisis
2. Key findings:
 - Contingency plans to deal with infectious diseases in detention centres
 - On-site staff safety and security
 - Legal migration
 - Seasonal workers
 - Unemployment of third-country national workers due to measures introduced to combat COVID-19
 - Acquisition of citizenship

1. EMN's response to the COVID-19 crisis

- COVID-19 is an infectious disease which was unknown before the outbreak in Wuhan, China in December 2019
- Member States began organising their responses to tackle the virus in February 2020
 - Requests for information through different fora (i.e. OECD, EU agencies and EMN)
 - Requests for information through the EMN AHQ Tool:
 - AHQ on Novel coronavirus (2019-nCoV) and visa/entry permit to Chinese citizens and/or other TCNS launched by EMN Cyprus on 3 February 2020
 - AHQ on contingency plan to deal with infectious virus and diseases in detention centres launched by EMN Luxembourg on 12 March 2020
 - AHQ on security measures in on-site customer service offices launched by EMN Latvia on 19 March 2020
 - Due to the urgent need for responses, deadlines were shortened to 7 days.

2. Key findings: Contingency plans to deal with infectious diseases in detention centres

- 14 reporting Member States had specific **contingency plans** in place which either directly targeted or were applicable to migration detention centres. Others relied on wider policies.
- 15 reporting Member States adopted or planned to adopt some kind of **confinement or social distancing strategy concerning detainees**. However, the specific strategies were different in each country.
- **Transferring infected detainees to appropriate healthcare facilities** was generally the preferred option for the responding Member States in cases of infection of detainees, although several others reported **flexible mechanisms** that allowed for making decisions according to the specific situation and the advice of medical professionals.
- Administrative and security staff were provided with **protective gear** in ten Member States. However, material shortages were reported by two Member States.

Key findings: staff security measures in migration service offices

- Several aspects concerning the work at on-site customer service offices for migrants were affected by the crisis, including **opening hours**, the **prioritisation of remote procedures**, the **implementation of protective measures** and the **number of procedures** offered, both overall and on-site.
- Changes concerning the **management of appointments** were also introduced to manage the crisis and reduce the risk of infection.
- 14 Member States introduced **exceptional measures** with legal effect aimed at supporting individuals whose situation became irregular during the crisis or whose administrative procedures were affected by the crisis. Such measures included the extension of the validity of permits and deadlines.
- The crisis has **increased the importance of remote procedures**, including online services and communications over the phone or email.

Key findings: Legal migration 1

- Four additional ad-hoc queries were launched exploring aspects of **legal migration**:
 - AHQ on measures taken in the field of legal migration as a result of the COVID-19 crisis, launched on 8 April 2020
 - AHQ on measures taken in the field of acquisition of citizenship as a result of the COVID-19 crisis, launched on 8 April 2020
 - AHQ on seasonal workers during the COVID-19 pandemic crisis, launched on 23 April 2020
 - AHQ on COVID-19 pandemic crisis and unemployment of TCNs, launched on 23 April 2020
- AHQs were launched by COM and EMN Luxembourg with a response deadline of 7 days
- Due to the fast-moving situation, Member States provide **weekly** updates on their evolving national positions in order to maintain up-to-date information. This procedure will be kept until 15 June 2020.

Key findings: Legal migration 2

- Visa applications were **suspended** in several Member States (BE, CZ, EE, FI, HR, IE) except in exceptional cases
- MS **closed their immigration offices** and new applications had to be filed electronically or by mail (BE, ES, FI, HR, LV, LU, PL, SI, NO). However, in several cases their treatment and/or execution was (de facto/de jure) put on hold (BE, EE, FI, NO).
- Use of **video-conferences** were stepped up in order to conduct interviews (CY) and dedicated phone lines used to inform TCNs
- **Residence permits** were extended until the end of the crisis (BG, DE, ES, FR, HR, HU, IE, IT, PT, SK) or a simplified procedure was put in place (CZ, FI, LV, MT). However, the time of the extension varied across MS.
- Some MS applied **temporary suspensions of administrative and judicial deadlines** (BE, CY, EL, ES, FR, IT, LT, LU, MT, PL, SI, NO). However, in many cases, hearings were still being conducted (i.e. BE, FR, IT, LU)
- Simplification of process for **changing of residence status** introduced (FI)
- Overstayers due to the crisis will **not be considered as irregular** migrants.
- 13 Member States took a more flexible approach in the application of the normal rules of withdrawal of residence permits for **reduction in or loss of income**.

Key findings: Seasonal Workers

- 14 responding MS **reported problems** relating to agricultural harvests due to the closure of external borders which had obstructed access of TCN Seasonal Workers to their territory
- Of these responding MS, 13 have **implemented contingency plans** or measures in order to resolve labour shortages for agricultural harvesting. These included:
 - Allowing asylum seekers (BE, DE, ES, FR) and students (BE, DE, ES) to work in seasonal activities
 - Relaxing standard measures for seasonal work in order for workers to work for longer periods of time
 - Facilitating the entry of seasonal workers in the territory (BE, EL, FI, SE)
 - Extending the residence permit of seasonal workers already in the territory (EL, ES, FR, IT, PL, SI, NO)
 - Facilitating temporary changes of employer and field of employment for TCNs residing in the country (EE, FI, FR, IT, PL)
 - Allowing unemployed TCN and/or EU citizens to do seasonal work (EE, FR, DE, EL, ES, PL, SI)
 - Introducing websites to match employers with EU citizens and nationals who can become seasonal workers (BE, FR, IT)
 - Allowing the entry of TCN seasonal workers under strict conditions only by air (DE) or by certain border crossings (HU)
 - Introducing special quarantine rules for seasonal workers (HU, PL, SI)

Key findings: Unemployment of third-country national workers

- Salaried worker residence permits are directly linked to the employment of their holders. The loss of employment directly terminates the reason of the issuance of the residence permit and opens the procedure for a withdrawal of the permit. During the COVID-19 crisis:
 - 12 Member States and Norway did not immediately start procedures to withdraw the residence permit. Most of them allowed the residence permit to continue until expiration or during certain fixed period in order to allow the third-country national to find new employment.
 - However, in five Member States the procedure for withdrawing the permit did start at the moment the third-country national loses his/her employment.
 - In 15 Member States and Norway third country nationals who had lost their jobs were entitled to unemployment benefits in the same way as EU citizens, if the applicants fulfilled the criteria.
 - However, the duration of the benefits depended generally on the age and the contribution to the unemployment insurance scheme and varied from 90 days (HU) up to an indefinitely period but with progressive reduction of rights (BE).
 - 14 of the reporting Member States did not amend the duration of the unemployment benefits or access to benefits due to the Covid-19 crisis
 - Only seven Member States have introduced measures in order to render more flexible the normal rules due to the COVID-19 crisis in regard to unemployment benefits.

Key findings: Acquisition of citizenship

- Some MS closed their offices and no applications could be submitted during the lockdown (i.e. BG, FR, LU) except in emergency cases
- In other MS which closed their offices, applications could be submitted in electronic form (AT, LV) or by post (PL, SI)
- In MS which closed their administrations and did not accept new applications online, the processing of old applications continued but no decisions were taken during the closure (CY, LT, SI, NO)
- Those MS which kept their offices open applied safety measures (i.e. social distancing (BE, CY, CZ), amending infrastructure, appointment only (HU)), or worked with reduced teams in place (i.e. splitting teams (HR)). Delays resulted in the treatment of applications in some MS (DE)
- Some MS provided more time for applicants to send additional information if needed
- Some MS suspended the deadlines for the treatment of the applications (IT) and the validity of documents already presented (IT – 90 days after the cessation of the state of emergency)
- Language (CZ) and integration exams were suspended (i.e. NL until 14/06/20)
- Naturalisation ceremonies were suspended in some MS (NL)
- In MS which proceeded with a 'lockdown', oral hearings in appeal procedures concerning nationality were suspended except in urgent cases. In the other MS no particular measure was taken.
- Several MS (EE, ES, MT, PT, SE) did not suspend the processing of nationality applications during the crisis, as the treatment of application is made online in those countries.

Thank you for your attention!

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