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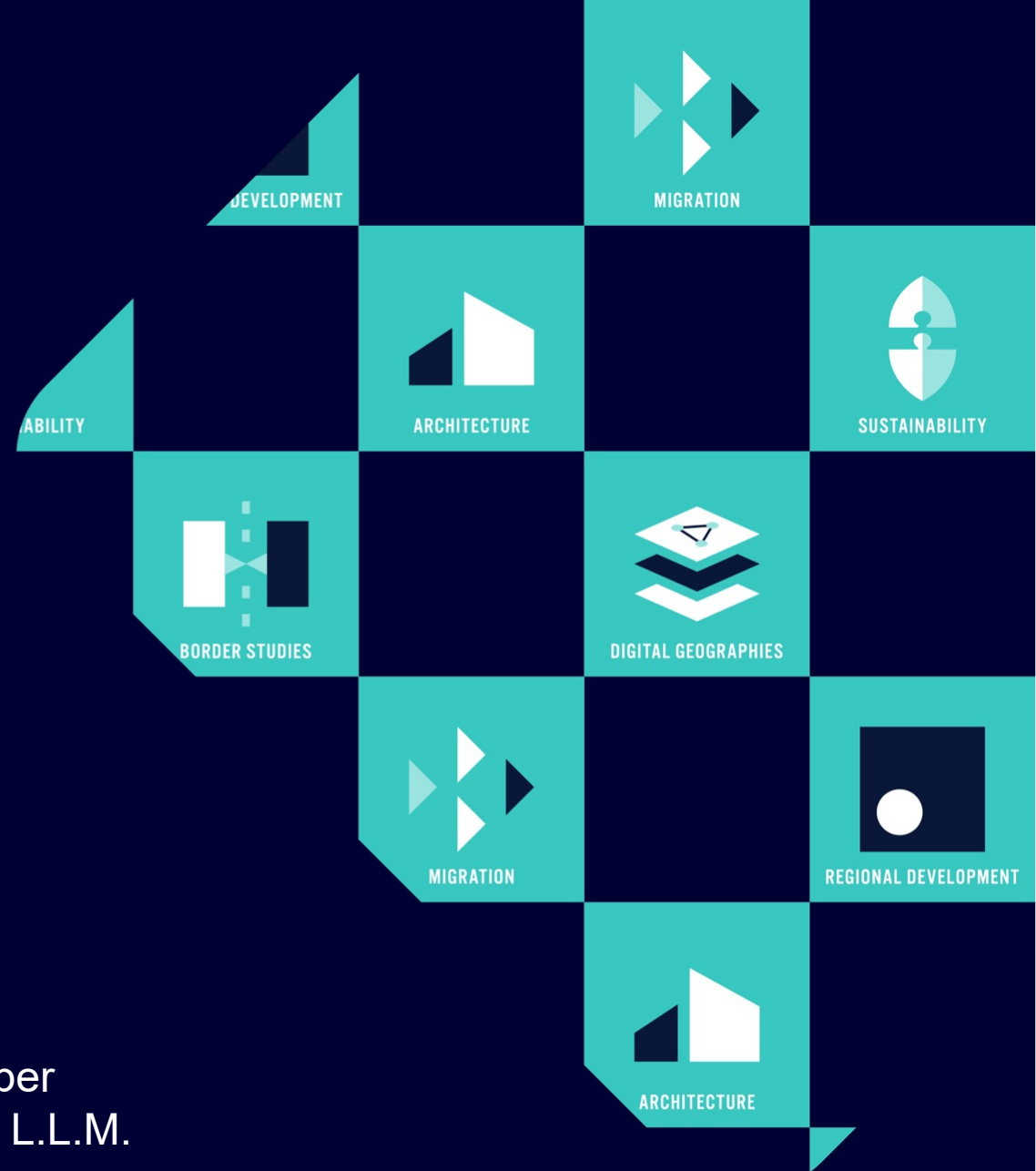
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## Third-country National Labour Workers' Mobility to and inside Europe during the COVID-19 Pandemic



FACULTY OF HUMANITIES,  
EDUCATION AND  
SOCIAL SCIENCES

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# Scope of the presentation

- Changes to rules and services undertaken by national authorities in response to the pandemic regarding residence permits and visas
- Arrangements for temporary stay when a residence permit or long- and/or short-term visa expires and a third-country national cannot leave the country due to the closure of borders
- Unemployment of third-country nationals due to the crisis and if any modifications to access unemployment benefits or other financial supports has been taken for them
- Information outreach to TCNs in the EU and Norway regarding public health and changes to immigration entitlements as a result of the pandemic
- Access to COVID-19 related healthcare for irregular migrants

# EU MS: External and Internal Border Closures (1/2)

- EU decided to close the external borders of the Schengen area on 17/03/2020
  - However, some MS decided to temporary reintroduce of border control at internal borders (art. 25 and 28 of the Schengen Borders Code)
  - There were 123 notifications between 11 March and 30 December 2020
  - This create a significant disruption of free movement of persons in the Schengen area
    - It demonstrates that Schengen remains a complex and incomplete issue
    - MS use their sovereignty to respond to internal political needs
    - This situation stranded TCNs with expired residence permits or travellers whose visas/right to stay expired (overstayers)

# EU MS: External and Internal Border Closures (1/2)

Member State	Mar-20				Apr-20				May-20				Jun-20				Jul-20				Aug-20				Sep-20				Oct-20				Nov-20				Dec-20				Jan-21				Feb-21				Mar-21				Apr-21				May-21				Notifications																																																																																																
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# Methodology

- Based on information collected by the European Migration Network through ad-hoc-queries:
  - AHQ 2020.23 launched on 8 April 2020 “Responses to Covid-19 in the legal migration area”, answered by: (AT), BE, BG, CY, DE, ES, CZ, EE, FI, FR, DE, EL, HR, HU, IE, IT, LV, LT, LU, MT, NL, PL, PT, SE, SI, SK, ES and NO;
  - AHQ 2020.27 “Responses to COVID-19 in the unemployment area” Launched on 27 April 2020 and answered by: (AT), BE, BG, CY, CZ DE, EE, EL, ES, FI, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK and NO. [CZ added in accordance with amendment to footnote 61 of Working Document)
  - AHQ 2020.42 “Mitigating impacts on migrants and their family members residing in the EU and Norway” launched on 12 June 2020. Answered by according to IES: (AT), BE, BG, CY, CZ, EE, ES, FI, FR, DE, EL, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK, and NO.

The information collected covers the period between 13 March 2020 to 31<sup>st</sup> December 2020.

# **EU MS and Norway: Residence Permits and COVID-19 – measures in the field of legal migration (1/3)**

## **Restrictions on public office opening hours**

Most MS & NO reported restrictions on direct contact with customers in public offices (partial or full office closures)

Several Member States (CY, HR, FR, IT, LT, SK, SI, PL & NO) reported a gradual resumption in direct contact customer services as the public health situation improved, re-opening offices/police stations, and issuing appointments (FR, LU) since mid-May (CZ, LU)

Use of online platforms and electronic means to continue operations.

## **Restrictions on consular services**

MS reported introducing restrictions on processing visas and residence permits at missions abroad (BE, CZ, EE, FI, FR, HR, IE, LT, LV, SI, SK). ES did not formally suspend visa processing but noted practical limitations on issuing visas.

There has been a gradual resumption of consular services (i.e. CZ, IE, SK).

# Residence Permits and COVID-19 – measures in the field of legal migration (2/3)

## Restrictions on processing of long stay visas, authorisation of stay and residence permits

Approaches varied between MS: some MS continued processing (i.e. BE, FI, EL, HR, IE, NL, PL), others limited to certain categories (ES, FR, LV, LU, MT, SK, SI) and other suspended the processing of **new** applications **at the missions abroad** (CZ).

Some provided for periods of **automatic extension** of residence permits (i.e. BG, CZ, DE, EL, ES, FR, EL, HR, HU, IE, IT, LU, MT, PL, PT, SK)

## Practical measures to continue services or processing of applications

Use of online portals (EE) instead of physical visits.

Acceptance of applications by email or scanned documentation on a temporary basis. However, the originals must be provided in due course.

Use of appointments in emergency circumstances (BE, CY, CZ, FI, HR, LU, NL, PL, PT, SK), for example to collect a biometric residence permit.

# Residence Permits and COVID-19 – measures in the field of legal migration (3/3)

## Legal or administrative safeguards

Extension of residence permits (BG, DE, EL, ES, FR, HR, HU, IE, IT, LU, MT, PL, PT, SK) until the end of the state of crisis/emergency.

Flexibility in relation to extension or suspension of procedural deadlines or other obligations set out in legislation (ES, FR, HR, LU, SK, PL).

Temporary tolerated stay to prevent TCNs from falling into an irregular situation - extending authorisation to stay or delay to leave the country (BE, CZ, CY, EE, FI, FR, HR, NL, LT, LU, LV, PL, SE, SI, SK).

Non-visa required persons with a stay exceeding 90 days are also regularised for the duration of the crisis.

Applicability of mainstream COVID-19 related financial supports to employees (incl. TCN) and businesses (i.e. BE, CY, CZ, EE, ES, FR, HR, IE, IT, LT, LV, MT, PT, SI, SK, NO).

## Residence permits to address labour market needs

Some MS (CZ, EE, FI, EL, IT, PL, SI, ES, SE and NO) reported special measures which were introduced to specifically address the shortage of seasonal workers particularly in the agricultural sector.



# EU MS and Norway: Unemployment of third-country nationals due to COVID-19 (1/3)

## Consequences for the residence permit

- There have not been amendments to the national laws regulating the withdrawal of residence permits due to drop in income or loss of employment
- 16 Member States and Norway did not immediately start procedures to withdraw the residence permit.
- In 5 Member States (BG, HR, HU, LT and MT) the procedure for withdrawing the permit did start at the moment the TCN lost their job.
  - in practice, flexibility can be shown if the TCN finds another job during the withdrawal procedure (HR) or circumstances related to the pandemic can be considered (LT).
  - MT, established a special service within the employment service to find alternative employment for TCNs.

# **Unemployment of third-country nationals due to COVID-19 (2/3)**

## **Access to unemployment benefits**

In 17 Member States and Norway TCNs who had lost their jobs were entitled to unemployment benefits in the same way as EU citizens and nationals, if the applicants fulfilled the criteria.

## **Renewal of residence permit in case of drop in income or loss of employment**

Some Member States do not allow the renewal of the residence permit if the TCN has lost his/her employment (BG, HR, EE, HU, LV, LT, MT, SK)

Some Member States allow TCNs to renew the residence permit (i.e. BE, CY, CZ, EL, FR, IT, LU, ES and SE).

## Unemployment of third-country nationals due to Covid-19 (3/3)

### Drop/loss of income ('sufficient means of subsistence')

- Restrictive application of the law (BG, FI, NL, SI and SE)
- Flexible approach taking all the circumstances into account (BE, CY, HR, CZ, EE, FR, DE, IE, IT, LV, LU, MT, PT, SK and ES).

### Financial support measures

- Several MS and **Norway** referred to financial support measures either for employers or employees or both (CY, NL, EE, IE, LV, LT, MT and SI).

# EU MS and Norway: Information provision to third-country nationals during COVID-19 crisis

- Members States addressed general public health information to the general population.
- Several Member States undertook targeted actions to ensure this information reached TCNs.
- Information related to Immigration entitlements was transmitted through similar channels as the ones mentioned before, including competent authorities' websites.
- Both public health information and immigration-related information was translated into a range of languages (i.e. IE translated the public health information in 26 languages)

# Access to medical care by irregular migrants during the COVID-19 crisis

- More than half of reporting States reported that irregular migrants could access Covid-19-related healthcare (BE, CY, FI, IE, IT, LV, LT, LU, MT, PL, SE, SI, SK and NO).
- Some Member States reported providing COVID-19 related healthcare (IE, LU) and emergency healthcare (BE, PL) to irregular migrants free of charge or reimbursed by the State.
- In some Member States (CZ, HU) irregular migrants could access healthcare on the same basis as nationals but as they did not have insurance, they had to cover their own expenses
- In some Member States (BE, DE) and Norway, civil society organisations or voluntary medical staff provided healthcare for irregular migrants.

Thank you for your attention!

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