

# Working Document to support the EMN Inform: EU and OECD Member States responses to managing residence permits and migrant unemployment during the COVID-19 pandemic

2020

## FOREWORD

The COVID-19 pandemic is the most severe global health crisis in a century. This working document supports and provides supplementary information to the joint EMN / OECD Inform# 1 – EU and OECD Member States responses to managing residence permits and migrant unemployment during the COVID-19 pandemic. It provides a summary overview of the responses and measures put in place by governments in the EU and Norway to manage residence permits (Chapter One); and unemployment and/or income loss of legal migrant workers (Chapter Two) in order to mitigate the negative impacts of the pandemic. Supplementary information on these issues for each participating EMN NCP is included in Annex 1.

## CHAPTER ONE: RESIDENCE PERMITS AND COVID-19 – MEASURES IN THE FIELD OF LEGAL MIGRATION

### KEY FINDINGS CHAPTER ONE

- The WHO declared COVID-19 a global pandemic on 13 March 2020. From this date onwards, most responding EU Member States and Norway reported introducing restrictions on physical interaction with customers in public offices. Some countries have begun to gradually re-open public offices as the epidemic in their country subsides.
- In addition to the closure of public offices on the territory of the EU Member States, most countries introduced restrictions on processing residence permits and long stay visa applications at missions abroad.
- Many EU Member States and Norway have continued to process residence permit and long stay visa applications, including in principle. Some others still accept applications, but which will not be processed, while others only process applications in respect of certain categories, in particular health- and social-care professionals. This has necessitated a move towards the use of electronic communications and accepting scanned copies of documentation in support of applications. This is in most cases considered a stopgap measure, and third country nationals are required to validate the application or the new authorisation given later in the procedure or when the service returns to normal.
- While new applications for residence permits and visas could often continue to be made and processed in principle, some Member States noted that effective issuance of the permit was suspended due to travel restrictions, and border closures. Exceptions generally related to essential workers, e.g. healthcare, or for humanitarian reasons.
- In many Member States, applications from within the territory focused on meeting certain labour needs, for example in the healthcare and agricultural sectors. Third-country nationals already legally on the territory were allowed to make applications to work in these sectors and these applications were expedited.
- In some Member States, special

measures were introduced to specifically address the shortage of seasonal workers. In some Member States, the emphasis was on using the existing cohort of legally resident third country nationals. However, seasonal workers were admitted at the border in certain Member States.<sup>1</sup>

- Several Member States introduced periods of automatic extension of residence permits.
- Many Member States introduced temporary safeguards to prevent legally present migrants from falling into an irregular situation by extending authorisation to stay or by removing the obligation to leave the territory during a certain period, if it was impossible to do so due to travel restrictions. In other cases, persons in this situation were covered under general extensions to residence permissions introduced as a result of the pandemic.
- Flexibility was also introduced in relation to deadlines or obligations set out in legislation that could not be met due to the corona virus situation.
- Most responding EU Member States applied these general measures to all categories of legal migrant, i.e. labour migration (salaried workers, self-employed workers, EU Blue Card, Seasonal workers ICT, posted workers) / students / researchers / family reunification / other. In addition to exceptions related to labour market need, a few Member States applied certain other exceptions or only introduced measures for a specific category.
- With regard to appeal hearings, oral or Court hearings have resumed or are due to resume in several Member States, with the use of appropriate social distancing and technology. In some other Member States, oral hearings are not taking place, but

procedural timelines for appeals have also been suspended.

## BACKGROUND

Restrictions to working arrangements and to travel due to the impacts of measures to contain the COVID-19 pandemic have had an impact on all areas of the economy and public services, including on immigration services. With the closure of public offices, and the restrictions on travel necessitated by the pandemic, there has been a consequent impact on the processing, renewal and validity of residence permits and long stay visas of third-country nationals in the EU Member States and Norway.

This chapter deals with the overarching measures put in place by the EU Member States and Norway in response to the COVID-19 pandemic in the field of legal migration. It describes how immigration authorities adapted their rules regarding the lodging and renewal of applications for residence permits and long stay visas, as a result of the restrictions undertaken as a response to the pandemic, in relation to all categories of legal migrant (labour migrants, students/researchers, family migrants and other categories), and in relation to the holding of appeal hearings. It also examines measures which have been taken to deal with situations where a residence permit expires and cannot be renewed or the third-country national cannot return to the country of origin as a result of the pandemic. This chapter is based on the answers provided by the responding EU Member States and Norway to an ad-hoc query launched by EMN Luxembourg on 8 April 2020, which were subsequently updated to cover the situation up until the week commencing 15 June 2020.<sup>2</sup> In general, this paper covers the situation up until 15 June 2020, but developments up to the end of June 2020 have been included for some Member States where available. However, this document only illustrates practices that were developed during the entire period and it does not reflect on incremental developments in Member States' policies, nor does it include

<sup>1</sup> For example, Finland, Czech Republic (from 11 May 2020) and Spain (from 27 May 2020).

<sup>2</sup> BE, BG, CY, CZ, DE, EE, ES, FI, FR, , EL, HR, HU, IE, IT, LV, LT, LU, MT, NL, PL, PT, SE, SI, SK, SI and NO. SE provided updated Information, that had not been included in the AHQ responses, for this paper.

precise dates during which the policies were implemented.

## 1 MEASURES TAKEN IN RELATION TO THE LODGING, DECIDING AND RENEWING OF APPLICATIONS FOR RESIDENCE PERMITS AND LONG STAY VISAS

### 1.1 CHANGES IN WORKING METHODS - OFFICE CLOSURES

The WHO declared coronavirus as a global pandemic on 13 March 2020. From this date onwards, most responding Member States and Norway reported introducing restrictions on physical interaction with customers in public offices.<sup>3</sup> In **Sweden**, decisions were taken at the end of March 2020 by the Swedish Migration Agency to reduce the number of visitors in the Service Centres of the Swedish Migration Agency and to primarily maintain contacts via phone or E-mail in order to apply the rules of the Public Health Agency.

In some Member States, appointments were available on an emergency basis.<sup>4</sup> This could include, for example, the necessity to collect a biometric residence permit by appointment.<sup>5</sup> In **Belgium**, a temporary residence permit is issued which does not allow the holder to travel. If travel is essential, an appointment is needed with the municipality to issue the residence permit. In the **Czech Republic** and **Estonia**, the offices on the territory were mostly open.<sup>6</sup> In the **Czech Republic** and **Lithuania**, it was necessary or recommended (CZ) to make an appointment to access the services or to use postal service (CZ), while in **Estonia**, the preference was to use the online self-service portal and to only go to the Police and Border Guard Board service points in urgent cases. **Croatia**, **Cyprus**,<sup>7</sup> **France**,<sup>8</sup> **Lithuania**,<sup>9</sup> **Slovak Republic**,<sup>10</sup> **Slovenia**,

**Spain**, **Poland**<sup>11</sup> and **Norway**<sup>12</sup> have begun to gradually re-open public offices, police stations, or have begun to issue appointments as the epidemic in their country subsides. In **Italy**, starting from 18 May 2020, the Immigration Offices of the Police Headquarters resumed front-office activity, receiving the public according to a specific schedule, only for the delivery of residence permits and for the submission of requests.

In addition to the closure of public offices on the territory of the Member States, several Member States reported introducing restrictions on lodging and processing residence permits and visa applications at missions abroad.<sup>13</sup> **Spain** did not formally suspend visa processing, but noted the practical limitations on issuing visas. Several Member States noted exemptions to the suspension of issuance of entry visas, or the general principle of the availability of emergency consular services<sup>14</sup>. The exemptions included family members of own nationals; persons travelling for urgent personal reasons<sup>15</sup>; persons in transit, with proof of entry to the country of destination<sup>16</sup>; healthcare professionals, healthcare researchers, experts in care for the elderly; diplomats, members of international organisations, police officers, civil protection teams, humanitarian workers in the exercise of their functions; goods carriers and other transport personnel to the extent necessary; and relatives of EU citizens/persons entitled to avail of the provisions of the EU Free Movement Directive (2004/38/EC). In the beginning, the measures taken by the **Czech Republic** did not allow the lodging and processing of new applications at the

<sup>3</sup> BE, CY, CZ, ES, FI, FR, EL, HR, IE, LT (prior online registration required), LU, LV, MT, NL, PL, PT, SI, SK and NO.

<sup>4</sup> BE, CY, CZ, FI, HR, LU, NL, PL, PT, SK.

<sup>5</sup> HR, NL, PL.

<sup>6</sup> CZ during reduced hours.

<sup>7</sup> From 4 May 2020, public offices in Cyprus re-opened subject to social distancing of 1 person per 8 square metres.

<sup>8</sup> Prefectures in France started issuing appointments from mid-May 2020.

<sup>9</sup> Courts in Lithuania were re-opened in mid-May; Migration service returned to normal working from 17 June 2020.

<sup>10</sup> Foreign Police Departments' Offices have resumed normal functioning in the Slovak Republic from 1 June 2020.

<sup>11</sup> Poland resumed direct customer service with hygienic regime from 25 May 2020.

<sup>12</sup> From 20 April 2020, police stations in Norway began slowly reopening to the public.

<sup>13</sup> BE, CZ, EE, FI, FR, HR, IE, LV, LT, SI, SK. Croatia does not issue long stay visas.

<sup>14</sup> BE, EE, ES, FR, HR, IE, LT, SK. From 12 March 2020 all Slovak consular offices abroad (incl. visa centres) stopped accepting applications for Schengen visas, national visas and residence permits. However, consular offices have always been at disposal for reasons worth special consideration.

<sup>15</sup> HR.

<sup>16</sup> HR.

Embassies. However, from 11 May, the **Czech Republic** has started to re-open its Embassies and allows to lodge and process certain applications (e.g. highly-qualified workers, seasonal workers, students, researchers etc.)<sup>17</sup>. Since 8 June 2020, taking into consideration the de-escalation of the COVID-19 pandemic, consular offices of the **Slovak Republic** have been gradually resuming consular services for foreigners.<sup>18</sup>

For further information on the effective issuance of long stay visas see section 1.4.

## 1.2 PROCESSING OF APPLICATIONS FOR RESIDENCE PERMITS AND LONG STAY VISAS

Most reporting Member States and **Norway** continued to process residence permit and long stay visa applications, including in some cases where the residence permit cannot actually be issued.<sup>19</sup> In **Belgium**, long-stay visas and offshore residence permits continue to be processed, but long-stay visas will only be issued immediately if the applicant has an essential function or an essential need. Positive residence permit applications will be held over until the situation improves. For residence permits lodged on the territory, the issuance of the permit is generally postponed. In **Spain**, although all administrative deadlines were suspended until 1 June 2020, applications presented before 14 March 2020 with a successful outcome were concluded as well as new applications issued after 14 March 2020 as long as they were completed. In addition, specific measures were introduced for third country national workers in the healthcare<sup>20</sup> and agricultural sectors. **Norway** noted that, while the Directorate of Immigration is processing residence permit

applications, foreign nationals who have been granted a residence permit cannot travel to Norway from 20 April 2020 until further notice. There are some exceptions to this rule (see section 1.8).

From 17 March 2020, **Cyprus** continued to process pending applications, but no applications for issuance of residence permits were dealt with, except in cases of extreme urgency.

Others have only accepted applications for certain categories.<sup>21</sup> For example, in **Malta**, residence and work permit applications are only accepted from highly skilled applicants, workers in the healthcare sector or social care for elderly and disabled people or who already have a work permit in Malta and are applying for a change in employment. Similarly, in **Luxembourg**, applications are only accepted from healthcare and elder care professionals. In **Slovakia**, applications had only been processed in case of a renewal of a temporary residence permit or granting of a permanent residence permit for an unlimited period. From 1 June 2020, all applications are being processed again.

Some other countries still accept applications, but which will not be processed.<sup>22</sup> In **Ireland** entry visa applications continue to be accepted, but a visa will not be issued until travel restrictions are lifted, unless for the exempt categories listed under section 1.1. Limited processing of long stay visa applications has resumed from 22 June 2020. For those locations where resumption of service is not possible due to ongoing restrictions, the intention is to accept visa applications as soon as possible. However, applications for legal migration schemes and employment permit applications and renewals continue to be processed during office closures. Similarly, the Police and Border Guard Board (PBGB) service points in **Estonia** continued to accept but did not process applications, except for short-term employment applications. From 19 March 2020, the PBGB continued to process long stay visas and short-term employment applications for those foreigners who were already in

<sup>17</sup> The release of adopted measures depends on the epidemiological situation in the Czech Republic and in the respective State.

<sup>18</sup> Foreigners who have already been granted residence permit in Slovakia, are now entitled to submit their National D visa applications at most of the consular offices abroad (except of those where COVID-19 disease is still severe). The decision on the full resumption of the visa agenda will be taken by each consular post according to the local epidemiological situation, border regime, lifting the border crossing and travel restrictions and, last but not least, as a result of harmonised approach in the frame of local Schengen cooperation

<sup>19</sup> BE, CY, FI, EL, HR, HU, IE, IT, LT, LV, NL, PL, and NO.

<sup>20</sup> The special protocol for the healthcare sector in Spain ended on 14 May 2020.

<sup>21</sup> FR (for most urgent cases), LU, LV – long stay visa applications for employment or studies, MT, SK, SI.

<sup>22</sup> EE (except for short-term employment applications); IE (entry visa applications only).

Estonia when the emergency situation was declared. Since 18 May 2020 when the emergency situation ended, the PBGB has continued with residence permit, long stay visa procedures and extensions as usual for those third-country nationals who were in the country.

The continued processing of applications has necessitated a move towards the use of electronic communications and the acceptance of scanned copies of documentation in support of applications. This is generally considered a stopgap measure, and third country nationals are required to validate the application or the new authorisation given later in the procedure or when the service returns to normal.<sup>23</sup> In **Ireland**, third country nationals will be required to register their registration permission (first time or renewal) once the registration office re-opens, and present all original documents as required<sup>24</sup> In addition, where submission of scanned documentation is temporarily permitted for certain immigration schemes, the applicant will be required to register the new permission when the office re-opens<sup>25</sup> or submit the original application in due course.<sup>26</sup> Regarding employment permits, from 30 March 2020, staff are working remotely and email is used for the acceptance of electronic or scanned documents for employment permit reviews, applications for Trusted Partner status and Stamp 4 Letter of Support applications.<sup>27</sup> On 1 May 2020, the need for the hard copy of the application form for the Trusted Partner scheme to be submitted was eliminated as part of the new Regulations for Ireland's employment permit system.<sup>28</sup> Outcomes are also issued electronically. On a temporary basis, a PDF of an employment

permit will be issued which, accompanied by a letter from the Department of Business, Enterprise and Innovation, can be accepted at border control for verification purposes. In **Finland**, the period to confirm identity in relation to residence permit applications has been extended beyond the usual three months from the positive decision until 31 October 2020.

### 1.3 EXTENSION OF RESIDENCE PERMITS

Some Member States provided for periods of automatic extension of residence permits.<sup>29</sup> At the same time, this did not necessarily exclude the processing of new applications. In **France**, a 180-day extension was granted for all residence permits which expired between 16 March and 15 June 2020. In **Ireland**, registrations of current valid permissions with renewal falling between 20 March 2020 and 20 July 2020 were automatically renewed for a period of two months – this was linked to the need to close the Registration Office and suspend registration appointments. Any permission renewed is on the basis of the permission held and with the same conditions applying. However, applications for immigration schemes are still being processed. In **Croatia**, in a similar effort to reduce social contacts between administrative officials and customers, third country nationals were allowed use-expired residence permits during and for 30 days after the epidemic. Third-country nationals are still required to apply for the renewal of the relevant migration status/title but they will not be fined if they do not do so in due time. In **Greece** an exceptional fast track procedure was introduced for third country nationals for their exclusive employment in agriculture (see also section 1.5). Similarly, **Malta** continues to process applications for essential categories and also has extended the residence permits of third country nationals in the health- and social-care sectors for three months. **Spain** introduced specific extension measures for some categories, e.g. seasonal workers whose permits had expired. In **Poland**, the validity of all documents enabling residence and work in Poland have been extended for the period of the COVID-19 emergency and for 30 days beyond it. In **Luxembourg**, for residence permits which expired after 1 March 2020,

<sup>23</sup> FI, IE.

<sup>24</sup> In Ireland, an online registration system for renewal of residence permission of all third country national students was announced on 22 June 2020.

<sup>25</sup> Change of status applications; Third Level Graduate Scheme.

<sup>26</sup> Application for residence by third-country national family members of EU nationals.

<sup>27</sup> Stamp 4 immigration status allows for access to the labour market without an employment permit. Third country nationals who have held Critical Skills Employment Permits (CSEP) for two years and have been employed in the State may benefit from Stamp 4 status. Applications for Stamp 4 letters of support may be made by TCNs who have held a CSEP for 21 months.

<sup>28</sup> Employment Permits (Amendment) Regulations 2020 (S.I. No. 156 of 2020).

<sup>29</sup> BG, DE, EL, ES, FR, HR, HU, IE, IT, LU, MT, PL, PT, SK.

their validity was extended for the duration of the state of the crisis.<sup>30</sup> These residence permits were later extended until 31 August 2020.<sup>31</sup>

#### 1.4 ISSUANCE OF RESIDENCE PERMITS AND LONG STAY VISAS

While new applications for residence permits and long stay visas could continue to be made in principle, several Member States noted that effective issuance of the permit or visa was suspended due to travel restrictions, and border closures. Exceptions in relation to essential workers, e.g. healthcare, or for humanitarian reasons were noted (see also section 1.8).<sup>32</sup> As already reported, **Spain** introduced specific measures relating to the healthcare and agricultural sectors. The special protocol regarding healthcare workers ended on 14 May 2020.

**Finland** dated all residence permits from 14 May 2020, the date after the expiration of restrictions. From 7 May 2020, **Finland** reverted to the normal practice of dating residence permits from the date of the positive decision.<sup>33</sup>

**Luxembourg** reported that procedural deadlines in relation to applications for authorisations of stay had been suspended. However, third-country nationals could not enter the territory of Luxembourg from 18 March for one month, which was extendable, except for certain categories. This meant in effect that no decisions on authorisations to stay can be taken for the time being.

#### 1.5 APPLICATIONS WITHIN THE TERRITORY MEETING LABOUR NEEDS

In many Member States, applications from within the territory focused on meeting certain labour market needs, for example in the healthcare and agricultural sectors including as seasonal workers. Third-country nationals already legally on the territory were allowed

make applications to work in these sectors<sup>34</sup> and these applications were expedited in some cases. In other cases, as already noted, applications for residence permits were confined to essential categories.<sup>35</sup> In the **Czech Republic**, a simplified procedure was introduced to enable faster employment of the persons who lost their job in case they applied for a position that was part of the COVID-19 crisis infrastructure (e.g. production of face masks). In **Ireland**, the possibility was introduced for legally resident third-country nationals without access to the labour market to respond to the national call for healthcare workers and apply for change of status to work as healthcare staff. In **France**, a specific and simplified procedure was implemented for third country doctors with a non-EU diploma who assisted in the fight to address the health emergency (under specific conditions). In addition, an extension of the authorised stay from 6 to 9 months was granted for seasonal workers who were legally residing in France as from 16 March 2020.

In the **Czech Republic, Estonia, Finland, Greece, Italy, Poland, Slovenia, Spain** and **Norway**<sup>36</sup>, special measures were introduced to specifically address the shortage of seasonal workers, particularly in the agricultural sector. In some Member States the emphasis was on using the existing cohort of legally residing third country nationals.

In **Italy**, residence permits for seasonal work expiring between 23 February 2020 and 31 May 2020 are extended to 31 December 2020. Third-country nationals who are already in **Estonia** and who are, or begin,<sup>37</sup> working in the agricultural sector for a short term, are entitled to continue working in Estonia until 31

<sup>30</sup> Article 13 paragraph 1 of the amended grand ducal regulation of 18 March 2020 introducing a series of measures in the context of fighting COVID-19.

<sup>31</sup> Article 1 (2) of the Law of 20 June 2020 introducing certain temporary measures regarding the implementation of the amended law of 29 August 2008 on free movement of persons and immigration.

<sup>32</sup> BE, CZ (from 11 May), EE, ES, IE, HR, LU, SK

<sup>33</sup> This restriction did not apply if the work was central to “security of supply and the functioning of the labour market.”

<sup>34</sup> CZ, EE, EL, FI, FR, IT, MT and ES.

<sup>35</sup> CZ, LU, MT.

<sup>36</sup> Though normally a seasonal worker cannot work in Norway for 12 months in a row, in 2020, seasonal workers in Norway can renew their residence permit for more than six months. If a seasonal worker is already in Norway and has or has recently had a residence permit as a seasonal worker, they can renew their residence permit even if this means that they will have a permit as a seasonal worker for more than six months in total. A new temporary regulation was introduced in March 2020, which is valid until 31 December 2020.

<sup>37</sup> Legally resident short-term workers who change sector to work in the agricultural sector.

July 2020.<sup>38</sup> In **Greece**, special arrangements were put in place from 13 April 2020 to address urgent seasonal worker shortage through the labour force already resident in Greece – work permits already granted on an exceptional basis to third-country nationals without a residence permit for their exclusive employment in agriculture were extended for six months; and an exceptional fast track procedure for hiring third country nationals without a residence permit for their exclusive employment in agriculture was established until 30 June 2020. **Poland** provides for an exception from the mandatory 14-day home quarantine for third-country nationals crossing the Polish border to work on farms located on both sides of the Polish border.<sup>39</sup> From 16 May 2020, Poland also announced measures which allow for the possibility for third-country nationals who held valid work permits or authorisations at the start of the State of Emergency on 13 March 2020, and who had become unemployed or had reduced working hours, to work in seasonal work without the need for a new work permit. In **Spain** migrant workers will have their work permits extended until 30 September 2020 (provided they live near the workplace) and young people between 18 and 21 years and in a regular situation will be automatically entitled to work until 30 September 2020 without any previous procedure in the agricultural sector. After 30 September 2020, and in recognition of their contribution during the COVID 19 crisis, a specific residence permit (with entitlement to work) will be issued to these young people if they have been working continuously. This residence permit shall be valid for two years, renewable for two years and shall be valid throughout the national territory, without any limitation in relation to occupation or sector of

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<sup>38</sup> The employer's field of activity must be crop and animal production, hunting and related service activities. The foreign workers currently staying in Estonia whose short-term employment period (9 months within a period of 12 months or 12 months within a period of 15 months) has expired or will soon expire are allowed to stay in Estonia under the following conditions:

- An employer working in the agricultural sector submits a short-term employment application to the Police and Border Guard Board to employ the foreign worker legally staying in Estonia until 31 July 2020
- Following 31 July 2020, the worker has until 31 August 2020 to arrange their outbound travel from Estonia

<sup>39</sup> Regulation of the Council of Ministers of 19 April 2020

activity. In **Norway**, a new temporary regulation was introduced in March 2020, which is valid until 31 December 2020. This provision allows anyone who was in Norway during the Corona outbreak in March 2020 with a valid seasonal work permit and who wanted to work with seasonal work beyond 6 months, to apply for a renewed seasonal work permit.

In **Slovenia**, a newly adopted Act<sup>40</sup> which entered into force on 31 May 2020, increased the duration of seasonal work permits issued in accordance with the Employment, Self-Employment and Work of Foreigners Act from a maximum of 90 days to up to 150 days. If the period of seasonal work is to last longer than 150 days, it is necessary to obtain a single permit for seasonal work in accordance with the Foreigners Act. This measure will be in place until the end of 2020.

The **Slovak Republic** noted that the shortage of seasonal workers especially in the agricultural sector has been mainly addressed through incentives for employers (covering social contributions) in order to employ registered job seekers. However, there have been no measures to facilitate the employment of third-country national seasonal workers in connection with the crisis. In general terms, however, work permits which expired during the state of emergency have been extended until two months after its end.

Some Member States also admitted seasonal workers to their territory. In **Finland**, 1 500 seasonal workers were admitted in the first phase. In addition to these, further decisions on seasonal workers were taken on 14 May 2020 (admitting a further 3 000 workers) and 29 May 2020 (admitting a further 4 500 workers), bringing the total to be admitted to 9 000 workers. Finland also introduced considerable flexibility around residence permits for work deemed “central to security of supply and the functioning of the labour market.”<sup>41</sup> For example, the restriction of a

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<sup>40</sup> Act on Intervention Measures for Mitigation and Elimination of the Consequences of the COVID-19 Epidemic (ZIUOOPE), Official Gazette of the Republic of Slovenia, No. 80/2020.

<sup>41</sup> Duties that are central to the security of supply and the functioning of the labour market are defined on a list on the website of the Ministry of Economic Affairs and Employment.

start date of 14 May 2020 for residence permits did not apply to this category. For a temporary change of employer or field of employment, if the work relates to this category, a new permit is not required and there is no need to notify the Finnish Immigration Service of the change in these cases. From 11 May 2020, in the context of the positive assessment of the epidemiological situation and to address labour market needs, the **Czech Republic** allowed seasonal workers with a valid visa for the purpose of seasonal work to enter the country under certain conditions, and it was also possible to lodge an application for a visa for the purpose of seasonal work at the embassies from this date. This was also possible for highly qualified workers and workers in health and social care. **Spain** also allowed seasonal workers to enter via air, land and sea borders from 27 May 2020. On 7 May 2020, **Norway** opened its borders for entry by seasonal agricultural workers. The Government decided to allow seasonal agricultural workers from all other countries not already in Norway to enter Norway – with a 10-day quarantine requirement.

In general, **Sweden** does not grant long stay visas. However, **Sweden** reported that decisions were taken to address the needs of the healthcare and agricultural sectors. Third-country nationals who are going to work within the production of food items or with other forms of food supply in the agricultural industry, can under certain circumstances be covered under the exemption for essential functions and be allowed to enter Sweden if they can present proper documentation supporting this.

## 1.6 TEMPORARY TOLERATED STAYS

Many Member States introduced safeguards to prevent legally present migrants from falling into an irregular situation by extending authorisation to stay or removing the obligation to leave the territory during a certain period, if it was impossible to do so due to travel restrictions.<sup>42</sup> In other Member States, the extensions granted to residence permits as a result of the COVID-19 situation also apply to these circumstances;<sup>43</sup> the

<sup>42</sup> BE, CZ, CY, EE, FI, FR, HR, NL, LV, LT, LU, PL, SE, SI, SK.

<sup>43</sup> EL, ES, FR, HU, IE, IT, PL, PT.

extensions granted could however be quite short.

In **Estonia**, a third-country national, whose legal basis expired following the declaration of the state of emergency had a right to legal temporary stay for a period of 10 days following the termination of the state of emergency (on 17 May 2020) in order to organise departure from the country.<sup>44</sup> According to amended legislation from 7 May 2020, it may be possible to authorise a legal basis for stay in exceptional circumstances, where return to the country of origin is impeded.<sup>45</sup>

In **Sweden**, a decision was taken by the Swedish Migration Agency on 30 March 2020 to extend residence permits or visas about to expire. An extension is granted for 90 days if the person who is on a temporary visit in Sweden cannot leave the country due to COVID-19. To be granted an extension, an application needs to be submitted before the previous residence permit/visa expires.

In **France**, due to the state of health emergency, the authorities have taken measures to automatically extend certain residence documents (for stays of more than three months) to secure the situation of legally resident foreign nationals by granting an automatic six-months extension of the validity period of the documents which expired between 16 March and 15 June 2020. For holders of short-term visas or those benefiting from the visa exemption regime who were stranded in France during the lockdown and whose visa expired, the Prefecture will determine on a case by case basis whether an extension of the short term visa or a temporary stay authorisation (both for 90 days maximum) can be issued.

In **Slovakia**, third country nationals who entered Slovakia legally but did not have a residence permit are authorised to stay in Slovakia until one month after the revocation of the crisis situation. If a granted residence permit expires during or one month after the

<sup>44</sup> If the person was staying legally in Estonia on 12 March 2020 and the person is unable to return to their country of residence due to its classification as a high-risk area by the Health Board or due to limited or restricted state border crossing.

<sup>45</sup> Amendments to the Aliens Act which entered into force on 7 May 2020.

state of emergency, it can be extended for two months after its end. This also applies to work permits (see section 1.5). In **Slovenia**, the stay of third-country nationals is allowed only until COVID-19 containment measures objectively preventing third-country nationals from leaving the territory of the Republic of Slovenia are lifted or until the third-country nationals have obtained another relevant legal title for a lawful stay. In **Belgium**, the permitted extension is two months. In **Latvia**, third-country nationals whose legal residence has expired during the period of emergency are entitled to continue to reside on the territory until two months after the expiry of the emergency situation, without the receipt of a new residence permit or visa, while retaining their existing right to employment, if applicable.

**Spain** will extend all residence permits by six months after the state of alarm is lifted, and long-term visas by three months. Specific measures to allow third country nationals holding a residence permit issued by Spain to re-enter the country after travel limitations are lifted have been approved, including those with expired residence permits.

In the **Netherlands** persons in this situation will be treated leniently and their overstay will not have consequences for future visa applications. Similarly, no action will be taken against such persons in **Cyprus** and in **Norway**, however in Norway they should notify the police of their situation as soon as possible. Third-country nationals in this situation are not subject to return decisions or liable for illegal stay in **Lithuania**. From 17 June 2020, administrative liability for illegal stay will not apply for two months. With regard to return decisions, if the period of voluntary departure expired during the quarantine period, it will be extended to provide that the individual subject to the return decision must depart Lithuania by 17 August 2020.

The **Czech Republic** will allow all legally staying third-country nationals whose residence permit expired during the state of emergency (which ended on 17 May 2020) to stay in the Czech Republic for a maximum of 60 days until 17 July 2020. Also, holders of expired non-extendable Schengen and national work visas were allowed to stay and work until 16 September 2020. The 60 days period is not meant as a prolongation of their stay but to

be used to organise their departure from the country. In **Finland**, if there are genuine difficulties with returning, a temporary residence permit can be considered. These short-term visas, if granted, are valid until 31 October 2020. In **Malta**, the person is required to leave Malta by the first means possible, and the stay is legal up to that point. In **Croatia**, persons may stay on the territory until conditions are met to make it possible to leave – the third-country national will not be penalised but must notify the relevant police administration of their situation. In **Ireland**, apart from the general provisions on renewal of registration described in section 1.3,<sup>46</sup> English language students who have completed the maximum 2 years allowed for this category, and cannot return home, may remain until the end of 2020, provided they enrol in an online course of study.

### 1.7 PROCEDURAL FLEXIBILITY

Flexibility was also introduced in relation to deadlines or obligations set out in legislation that could not be met due to the COVID-19 situation.<sup>47</sup> In **France**, legal deadlines for filing of the residence permit applications or of an appeal against a negative decision were extended from the end of the lockdown period. **Slovakia** introduced extensive provisions regarding extension of procedural deadlines and revocation of certain obligations on third-country nationals until the crisis resolves. In **Poland**, certain legal deadlines were suspended in offices where direct customer service was suspended, e.g. in situations where attendance in person was required (e.g. fingerprinting). In **Spain**, despite the suspension of administrative deadlines, applications for residence permits continued to be processed electronically (unless the applicant could not complete the application), even though the physical issuance of the permit was suspended.

### 1.8 OTHER EXCEPTIONS FOR CERTAIN CATEGORIES

Most responding EU Member States applied the measures described in sections 1.1 – 1.7

<sup>46</sup> All current valid immigration permissions due to expire between 20 March 2020 and 20 July 2020 will be automatically extended for 2 months on the same basis and conditions as the permission currently held

<sup>47</sup> ES, FR, HR, LU, SK, PL.

to all categories of legal migrant, i.e. labour migrants (salaried workers, self-employed workers, Blue Card, Seasonal workers, ICTs, posted workers); students; researchers; family members under family reunification; other.<sup>48</sup> General exceptions to the closure of embassies and consular services (e.g. diplomatic, transport and healthcare personnel) are described in section 1.1 and exceptions regarding labour market needs are described in section 1.5. Apart from this, **Estonia, Ireland, Lithuania** and **Norway** applied certain exceptions, or only introduced measures for a specific category. In **Estonia**, the exceptions included persons involved in the maintenance, repair, warranty or information and communication technology of equipment of an enterprise operating in Estonia, where this is necessary to ensure the operation of the enterprise.

In **Lithuania**, special measures have been provided in relation to the issue and renewal of temporary residence permits for third-country nationals who work in Lithuanian companies engaged in international commercial/freight transport of goods by all types of vehicles and hold a document certifying their right to stay or reside in Lithuania.<sup>49</sup> A third-country national who is renewing a temporary residence permit does not need to appear in person at the Migration Department, provided biometrics and other required documentation have been submitted. In this case, the Migration Department uses the biometric data submitted when issuing the first temporary residence permit. The third-country national's temporary residence permit can be collected by the employer. While the overarching measures introduced applied to all categories of legal migrant in both **Ireland** and **Norway**, certain additional measures or exceptions apply to certain categories. In **Ireland**, as the duration of office closures and remote working progressed, the option of submitting applications electronically was extended to certain categories of application, including domestic residence applications, applications for residence of third-country

national family members of EU citizens, applicants to the Third Level Graduate Programme, and applications for change of status. In **Norway**, entry permits can be granted for those who are granted a residence permit in some cases, including, if an applicant is under 18 and will be without necessary care if they are not allowed to travel to Norway and, if an applicant is a spouse or cohabitant of a Norwegian citizen, they have children together and the family has lived together in an established family life abroad. It will be stated in the decision letter for the residence permit whether an applicant can travel to Norway right away or if they have to wait. In the **Slovak Republic**, certain categories of persons can be exceptionally granted entry if they meet the criteria according to the measures adopted by the Public Health Authority and certain exceptions can also be granted by the Public Health Authority upon a request of the competent ministry. See also section 1.7 regarding **Spain**.

### 1.9 RENEWAL OF RESIDENCE APPLICATIONS AND LONG-STAY VISAS

A few Member States reported additional measures in relation to applications for renewal of residence permits and/or long stay visas, over those taken for lodging and deciding on new applications. In most Member States the same working methods, in terms of office openings, and lodging and processing of applications applied. Some extra information was supplied by some Member States. In the **Czech Republic**, applications for extension of residence permits, change of status etc. are being processed and can be submitted by mail or databoxes from the territory of the Czech Republic. In **Hungary**, a booked appointment is possible for extension of a permanent residence or immigration permit documents. In **Luxembourg**, from 18 March 2020, the stays of third country nationals holding short and long stay visas residence cards and residence permits are extended for the duration of the crisis. This measure was extended until the 31 August 2020 for the residence permits and until 31 July 2020 for the short-stay visas. Likewise, non-visa required persons with a stay exceeding 90 days are regularised for the duration of the crisis.

In the **Netherlands**, third-country nationals can renew their residence document online or by post – this will not be possible in all

<sup>48</sup> BE, BG, CY, CZ, EL, ES, FI, FR, HR, HU, IE, IT, LV, LU, MT, NL, PL, PT, SI, SK and NO.

<sup>49</sup>The procedure for issuing temporary residence permits to foreigners during the period of quarantine in the territory of the Republic of Lithuania entered into force on 19 April 2020.

categories where a sticker in the passport will be needed.

In **Spain**, although applications for renewals can be processed electronically, temporary authorisations of residence and/or work will be automatically extended from the date of the end of the permit until six months after the end of the state of emergency. The validity of long-term visas under the Youth Mobility Scheme and visas of up to 180 days for the purpose of study will be extended for three months after the end of the state of emergency, where the holder has not returned to the country of origin due to travel restrictions.

### 1.10 APPEAL HEARINGS

With regard to appeals, oral or Court hearings have resumed or are due to resume in several Member States, with the use of appropriate social distancing and technology. In some other Member States, oral hearings are not taking place, but procedural timelines for appeals have also been suspended.

Several Member States reported that no measures had yet been taken regarding holding oral hearings, or no information was available.<sup>50</sup> The question was not applicable to administrative appeals in **Ireland**<sup>51</sup> which are decided on the papers, and in **Latvia** appeal procedures are in writing.

In some Member States<sup>52</sup> oral hearings have resumed using appropriate safety precautions involving the use of technology as far as possible. In **Italy**, court hearings have been postponed until 11 May. In **Norway**, hearings at the Immigration Appeals Board were initially suspended until the end of April. In **Spain** appeal procedures were also suspended until 1 June 2020.

In the **Netherlands**, in relation to court appeals, the Council of State has held that it is possible to hold a hearing without hearing from an alien, if practical measures, such as telephone, are not possible. In addition, hearings are now possible behind closed doors

<sup>50</sup> BG, HR, EE, FI, DE, PT and SK.

<sup>51</sup> All administrative decisions are subject to judicial review by the Superior Courts (High Court, Court of Appeal, Supreme Court).

<sup>52</sup> BE, CY, LT.

due to social distancing. Efforts to mitigate this are made through publication of decisions. In other Member States, hearings have been cancelled, except in urgent situations, or postponed. The administrative court in **Sweden** decided as a temporary measure to limit the possibility of oral hearings. In **Slovenia**, oral hearings with direct contact between participants cannot take place except in urgent cases. All evidentiary proceedings with direct contacts between parties and other persons have been cancelled in **Poland**, however, the time limits for appealing a decision do not run. Similarly, in **Spain**, all deadlines and time limits were suspended until 1 June and in **Luxembourg** deadlines in court procedures are suspended. In **France** and **Greece**, all hearings are suspended due to the closure of the relevant entities, and in **Malta** the Immigration Appeals Board is not holding sittings. In **France**, a hearing is possible in certain cases, if there is no other option.

## 2 CONTINGENCY MEASURES TAKEN IN THE EVENT OF LOSS OF EARNINGS TO TEMPORARILY PROTECT AGAINST WITHDRAWAL OF THE RESIDENCE PERMIT OR PROVIDE INCOME SUPPORT

The responses by Member States given here can be divided into two categories: measures taken in relation to possible withdrawal of the residence permit; and income support measures for unemployed people.

### 2.1 MEASURES TAKEN TO TEMPORARILY PROTECT AGAINST POSSIBLE WITHDRAWAL OF RESIDENCE PERMIT DUE TO LOSS OF INCOME AS A RESULT OF THE COVID-19 CRISIS

**Bulgaria, Estonia,<sup>53</sup> Finland, France, Hungary, Sweden,<sup>54</sup> and Poland<sup>55</sup>** reported that there were no such measures. In **Luxembourg** the authorities have not dealt with this issue as the offices are closed. In **Slovenia**, no amendment to the Foreigners Act was made in relation to this matter. In **Belgium**, the income

<sup>53</sup> In Estonia, as a general rule (not applicable to the EU-Blue card holder), if a third-country national become unemployed, they will lose the residence permit, but there is a protective measure stipulated in the Aliens Act (see chapter 2 for further detail).

<sup>54</sup> No measures 'as yet' in both cases.

<sup>55</sup> The solutions so far introduced focus on the consolidation of already issued permits and visas under the law itself.

requirements are still applicable, however third-country nationals can benefit from income supports. For further information on rules regarding withdrawal of employment permits in cases of unemployment, see Chapter 2, Section 1.

## 2.2 INCOME SUPPORT

Several Member States and **Norway** reported on financial supports put in place to support employees and businesses in the COVID-19 crisis. These were general schemes open to own nationals, EU nationals and third-country nationals.<sup>56</sup> For example, in **Ireland**, third-country nationals and students working on a work concession, who become unemployed can claim the generally available COVID-19 Pandemic Unemployment Payment without breaching immigration conditions.

The **Netherlands** reported that, owing to the crisis, individual entrepreneurs residing in the Netherlands with either a Start-Up visa or self-employed residence permit are now allowed to apply for a support<sup>57</sup> that can include income support and/or a loan for business capital.

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<sup>56</sup> BE, CY, CZ, EE, ES, FR, HR, IE, IT, LT, LV, MT, PT, SI, SK and NO.

<sup>57</sup> Temporary Bridging Measure for self-employed Professionals (TOZO)

## CHAPTER TWO: UNEMPLOYMENT OF THIRD-COUNTRY NATIONALS DUE TO COVID-19

### KEY FINDINGS CHAPTER TWO

- Salaried worker residence permits are directly linked to the employment of their holders. The loss of the employment directly terminates the reason for the granting of the residence permit and leads to procedures towards a withdrawal of the permit.
- 16 Member States and Norway do not immediately start procedures to withdraw the residence permit. Most of them allow the residence permit to continue until expiration or for a certain fixed period in order to allow the third-country national to find new employment and to access unemployment benefits if they are legally eligible. However, in five Member States the procedure for withdrawing the permit starts from the moment the third-country national loses their employment.
- In 17 Member States and Norway third-country nationals who have lost their jobs are entitled to unemployment benefits on the same basis as EU citizens if they fulfil the criteria.
- However, the duration of the benefits depends generally on age and the contributions made to the unemployment insurance scheme. It varies from 90 days (HU) up to indefinitely (BE<sup>58</sup>).
- 14 of the reporting Member States have not amended the duration of unemployment benefits or the access to benefits as a result of the COVID-19 crisis.
- Only six Member States and Norway have introduced measures to make the normal rules regarding unemployment benefits more flexible as a response to the COVID-19 crisis.
- Some MS introduced alternative mainstream financial support measures for businesses and the unemployed, which could also benefit third country nationals who experienced a drop or loss in income.

- 15 Member States have a more flexible approach in their application of the normal rules for withdrawal of residence permits in cases of drop or loss of income.

### INTRODUCTION

The European Union has launched actions to support the economies of the Member States, such as the EUR 750 billion Pandemic Emergency Purchase Programme (PEPP) by the European Central Bank (launched 18 March 2020) and the EIB Group pan-European guarantee fund or the SURE, which is a temporary loan-based instrument for financial assistance to Member States (worth EUR 100 billion). However, EU economies are still contracting, as businesses have had to temporarily suspend or substantially reduce their activities and the working hours of their staff or resort to redundancies. As well as EU citizens, workers from third countries are suffering from the economic consequences of the pandemic as they may have lost their jobs, but are additionally confronted with the possibility of being obliged to return to their country of origin.

This chapter deals with the impact on the residence permits of third-country national workers who have lost their jobs due to the economic consequences of the pandemic. This inform is based on the answers provided by the responding Member States<sup>59</sup> and Norway to an ad-hoc query launched by EMN Luxembourg on 23 April 2020. It describes how Member States and Norway are dealing with this type of situation and what the direct consequences are for these workers whose residence permit is directly linked to their employment.

### 1 CONSEQUENCES OF THE TERMINATION OF THE WORK CONTRACT DURING THE COVID-19 PANDEMIC ON THE RESIDENCE PERMIT

In most Member States there have not been amendments to the normal laws regulating the withdrawal of residence permits due to loss of employment during the pandemic crisis. However, some of the Member States

<sup>58</sup> This applies with a progressive reduction of benefits.

<sup>59</sup> BE, BG, CY, CZ, HR, EE, FI, FR, DE, EL, HU, IE, IT, LV, LT, LU, MT, NL, PL, PT, SK, SI, ES and SE.

have been more flexible in applying these general rules.

In 16 Member States<sup>60</sup> and **Norway** a (temporary) job loss by a third-country national worker in the context of COVID-19 does not lead to the immediate withdrawal of their residence permit. In **France, Luxembourg, and Portugal** third-country nationals who have a residence permit which gives them access to unemployment benefits can have their residence permit renewed for up to one-year (**Luxembourg and Portugal**), two years (**Spain**) or for the validity period of unemployment allowances (**France and Slovenia**). In **Greece**, the residence permit renewal is subject to the holder having in place valid national care insurance.

In **Latvia**, when examining the application of a third-country national for the issuance or registration of a residence permit or the question regarding the revocation of a residence permit to a third-country national, the requirement of the Immigration Law regarding the existence of sufficient financial means for the person to reside in the Republic of Latvia shall not be applicable, as well as the requirement to perform an active economic activity in 2020 (including payment of the amount of taxes).

In **Finland and Slovenia**, during the COVID-19 crisis the residence permit of a third-country national laid-off remains valid. In **Cyprus**, even though the third-country national must usually find new employment within three months of the job loss, this period has been extended to six months due to the crisis, after which, the third-country national has to leave the country. Similarly, **Slovakia** does not in general withdraw the residence permit for 60 days after the termination of employment which allows the third-country national time to look for other employment; however, this period has been extended for the duration of the pandemic. In **Italy**, a third-country national who is laid off, must present themselves at the Employment Centre within 40 days from the date of the termination of the employment, and make a declaration

<sup>60</sup> BE, CY, CZ, FI, FR, EL, IT, LT, LU, LV, PL, PT, SK, SI, ES, SE. Lithuania applies this for Blue card holders and citizens of Australia, Japan, the United States, Canada, New Zealand or South Korea who come for the purpose of employment.

certifying the work previously carried out and their immediate willingness to work. The individual will stay registered for the remaining validity of the residence permit and in any case for a total duration of not less than one year during which they must look for a new job.

In **Poland**, the deadline for notifying the authority that granted temporary residence permit, which as a rule is 15 working days, that the reason for granting the permit has ceased to exist are currently considered as suspended as well as the admissible period of temporary unemployment which normally is 30 days in case of the temporary residence and work permit. In **Slovenia** the law does not revoke the residence permit if the individual is laid-off due to the crisis<sup>61</sup> and is receiving unemployment benefits.<sup>62</sup> In **Spain**, even though a third-country national's loss of employment can be considered grounds for withdrawing the residence permit, the law<sup>63</sup> provides the possibility to renew the residence permit if the third-country national has worked for the minimum time required to allow entitlement to unemployment benefits. They may remain in the territory until the expiration of the residence permit and can look for other employment during this time. Residence permits for social integration were more flexible too, especially relating to the work contract and/or social integration accreditations (deadlines extended for 45 days). In **Sweden**, the general rule is that if third-country nationals lose their employment, the residence permit will not be revoked for a period of three months to find a new employment.

In **Lithuania**, EU Blue Card holders and citizens of Australia, Japan, the United States, Canada, New Zealand or South Korea who came for the purpose of employment, can stay up to three consecutive months, after the termination of the work contract. In the **Netherlands**,<sup>64</sup> if the

<sup>61</sup> Article 56(3) of the Foreigners Act.

<sup>62</sup> Act governing the labour market (Official Gazette RS, No. 80/10, 40/12 - ZUJF, 21/13 , 63/13 , 100/13 , 32/14 - ZPDZC-1, 47/15 - ZZSDT, 55 / 17 , 75/19 and 11/20

<sup>63</sup> Article 71 of Royal Decree 557/2011.

<sup>64</sup> In many cases, the employment contract cannot simply be broken. In addition, the employer can make use of the temporary Emergency Measure, called '*tijdelijke Noodmaatregel Overbrugging voor Werkbehoud* (NOW), which means that wages can still be paid and the employment contract doesn't have to be terminated. If it

third-country national is laid off and the conditions of the residence permit are no longer met, the Immigration authorities (IND) will notify the individual concerned that the residence permit is going to be withdrawn. The individual is subsequently provided the opportunity to find a new employer within three months of the termination of the previous work contract. In **Norway**, skilled workers can stay in Norway as long as their residence permit remains valid, even if they are laid off. The difference between skilled workers and others is that there is a special provision which regulates how Norway handles situations when a skilled worker is laid off.<sup>65</sup> Seasonal workers in Norway are allowed to continue working past the usual 6 months stay after the Corona outbreak if they could find continued work; but that is considered exceptional.

In **Ireland** the authorities have extended the duration of residence permits, including those of third-country nationals who have lost employment as a result of the crisis. All residence permits<sup>66</sup> which were due to expire between 20 March and 20 May 2020 were automatically renewed for two months on the same basis and conditions as the permission currently held, this was subsequently extended to cover the period from 20 May to 20 July 2020. If an employment permit holder is temporarily laid off or working reduced hours during the period as a direct result of COVID-19, the Department of Business, Enterprise and Innovation should ideally be informed in advance, and the change noted on the permit file, so that at renewal stage, even if the salary and working hours do not match the conditions of the permit granted, it can be taken into consideration that this was the result of measures introduced to deal with COVID-19.

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is not possible to work, but wages continue to be paid and the employment contract continues, the permit will not be withdrawn if the COVID-19 crisis is the reason why someone cannot work.

<sup>65</sup> A skilled worker can eventually get a permanent residence permit, while foreign nationals with other work permits cannot.

<sup>66</sup> In Ireland, residence permits and employment permits are separate. A third-country national may hold a residence permission on grounds of holding an employment permit, or they may hold a residence permission which allows access to the labour market without the need to hold an employment permit.

However, other Member States have taken a different approach to the termination of a work contract of a third-country national.

**Five Member States**<sup>67</sup> as a general rule, begin the procedure of withdrawing the residence permit if the third-country national loses their job. In **Estonia**, the Aliens Act provides as a protective measure that a temporary residence permit granted to a third-country national is not annulled within 90 days of the date of becoming unemployed if the employer cancels the employment contract extraordinarily for economic reasons.

In **Croatia**, the general rule is that the procedure of withdrawing the temporary residence and work permit starts immediately; however, in practice if a third-country national finds another employment during the permit withdrawal procedure, a new application for temporary residence and work permit with another employer can be made, fulfilling all the requirements of the Aliens Act. The Aliens Act also provides, as a general rule, that a third country national whose employment contract was terminated without fault of his own, can remain on the territory until the end of the validity of the residence permit. In **Lithuania** and **Estonia** even though the general rules continue to apply, each case is treated independently and all the circumstances including those related to COVID-19 are considered. In **Malta** since 9 March 2020, third-country nationals laid-off due to the crisis have been able to benefit from a special service within the employment service 'Jobsplus', in order to find alternative employment.

## 1.1 THE COVID-19 CRISIS AND THE RENEWAL OF PERMITS

The approach varies between Member States with regard to the renewal of residence permits third country national workers who have been laid off due to the COVID-19 crisis, and can be grouped into three categories in accordance with the general rules that apply:

A first category includes seven of the reporting **Member States**<sup>68</sup> that do not allow the renewal of the residence permit if the third-country national has lost their employment.

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<sup>67</sup> BG, HR, HU, LT and MT.

<sup>68</sup> BG, HR, EE, HU, LV, LT, MT,

However, eight Member States<sup>69</sup> **Bulgaria, Croatia, Estonia, Hungary, Lithuania, Malta, the Netherlands** and the **Slovak Republic** provide the possibility for third-country nationals to change their residence permit if the individuals find a new employment. In **Lithuania**, a third-country national may change an employer subject to the Migration department's approval and does not need to obtain a new residence permit immediately if the latter is still valid. A second category groups **nine Member States**<sup>70</sup> that do allow third-country nationals to renew their residence permit if they have lost their employment. In **Sweden** the employee has three months to find a new employment after the previous employment has ended. If the employee gets a new job it is important that he/she apply for a new work permit within that time. If he/she does not get a new job the residence permit will not be renewed.

**Cyprus** does not allow the renewal of a residence permit, unless the third-country national finds a new job within a period of three months, which was extended to six months due to the crisis.

Finally two Member States, **Finland and Portugal** only allow the renewal of the residence permit if the person has had secure means of support during the validity of the previous residence permit.

Five of the responding Member States<sup>71</sup> reported on direct consequences of COVID-19 on the renewal of the residence permit.

In the case of **Belgium**, third-country nationals can still apply for renewal of their permit. Also, upon request the Immigration Office will extend the stay of third-country nationals who cannot leave the country for reasons of "*force majeure*", including short-term and long-term employed workers. These persons are granted a short-term authorisation to stay by the Immigration Office valid for 90 days, on the basis of which they can apply for a short-term work permit at regional level, provided the period is also covered by an employment contract.

<sup>69</sup> BG, HR, EE, HU, LT, MT, NL, SK.

<sup>70</sup> BE, CY, CZ, EL (only if the holder has a valid national care insurance), FR, IT, LU, ES and SE.

<sup>71</sup> BE, DE, ES, FI and FR.

In **France**, the emergency law of 23 March 2020 and its implementing decrees to tackle the COVID-19 pandemic, provides for a 180-day extension of the validity of long-term visas, residence permits, temporary stay authorisations, and receipts of residence permit which expired between 16 March and 15 June 2020. Since the end of the lockdown on 11 May 2020, most Prefectures have gradually resumed their activities and proposed new appointments for filing (renewal) applications. Similarly, **Ireland** has renewed automatically for two months all residence permits that expired between 20 March and 20 July 2020.

In **Poland**, a new law<sup>72</sup> provides for an extension of the periods of validity of temporary residence permits as well as the residence cards expiring during the period of state of epidemic emergency (since 14 March 2020) – up to the 30th day following the date of cancellation of the state of emergency. This regulation does not deal with new applications or issuing new residence cards. The new changes introduced will allow foreigners to work under conditions other than those specified in the residence permits (i.e. different employer,) without having to apply for a new residence permit, change the current one or enter new declarations in the register.<sup>73</sup>

**Spain** reported that an automatic extension of the validity of residence permits (and other authorisations) has been approved. In addition, a range of measures have been approved with the aim of including more flexibility in the renewal of residence permits. Thus it will be accepted that the employment relationship

<sup>72</sup> Law of 2 March 2020 on special solutions related to preventing, counteracting and combating COVID-19, other infectious diseases and emergencies caused by them.

<sup>73</sup> These dispositions which entered into force on 16 May 2020 apply to the following documents: a) temporary residence and work permit; b) temporary residence permit for the purpose of highly qualified employment; c) work permits; d) seasonal work permits; e) declaration on entrusting work to a foreigner, which have been entered in the register of declarations; f) temporary residence permits for the purpose of performing work under the intra-corporate transfer (ICT); g) temporary residence permits for the long-term mobility of a managerial staff member, specialist or trainee under the intra-corporate transfer (mobile-ICT); h) documents attached to notices about the intention of foreigners to use the short-term mobility of a managerial staff member, specialist or trainee as part of the intra-corporate transfer.

that gave rise to the authorisation was interrupted by causes beyond the person's control and that he/she has actively sought employment, when the termination occurred two weeks before the declaration of the alarm status, during its validity, and up to 30 June 2020. Likewise, the employment relationship is maintained when there is a suspension of the employment relationship or a reduction, in whole or in part, of the working day, including for household employees. This flexibility also applies to renewals of temporary residence permits for self-employed and highly qualified professionals.

On the other hand, in **Finland**, the Finnish Immigration Service or the Public Employment and business services (TE Office) will assess whether the person applying for an extended permit has sufficient means of support. If they consider that it seems likely that the third-country national cannot obtain new employment owing to the COVID-19 crisis it is unlikely that the applicant will be granted a renewal of his/her residence permit.

In **Germany**, the Federal government advises the authorities of the Länder to use their margin of discretion with regard to not reduce the length of validity of a residence permit if the foreigner loses his/her job due to the crisis.

## 1.2 FLEXIBILITY WHEN DEALING WITH THIRD-COUNTRY NATIONALS HAVING A DROP OR LOSS OF INCOME DUE TO THE COVID-19 CRISIS

The requirement for a “sufficient means of subsistence” remains the condition *sine-qua-non*, in order to grant or renew any kind of residence permit to avoid a third-country national becoming a burden to the social security system. In this regard, there are two approaches followed by Member States when dealing with third-country nationals experiencing a drop or loss of income due to the COVID-19 crisis:

- a) The application of the text of the law without flexibility. This approach is implemented by **Bulgaria, Finland, Netherlands<sup>74</sup>, Slovenia<sup>75</sup> and Sweden**.

<sup>74</sup> Flexibility in the Netherlands is structured in another way: in the Netherlands, because of the temporary Emergency Measure provided by the government,

- b) A flexible and more lenient approach, taking the circumstances into consideration. In this group we have **Belgium, Cyprus, Croatia, Czech Republic, Estonia, France, Germany, Ireland, Italy, Latvia, Luxembourg, Malta, Portugal, the Slovak Republic and Spain**. These approaches are discussed below:

In **Belgium**, if the third-country national has become temporarily unemployed due to COVID-19, the days of unemployment will be assimilated to working days.

In **Cyprus**, two special schemes for complete or partial suspension of business have been implemented. According to the schemes, the employees of companies that have completely or partially suspended their operations and meet specific criteria, are entitled to a special unemployment benefit. Moreover, access to the national health system, for those already eligible, will continue to be available till 30 September 2020, regardless of whether their residence permit expires within that period.

In **Croatia** withdrawal of residence permit procedures are not initiated against third-country nationals who have a drop or loss of income due to COVID-19. In the **Czech Republic**, the Government introduced measures allowing holders of single permits to change their jobs (or get new part-time jobs) without certain restrictions which are normally applicable when there is no state of emergency.<sup>76</sup>

In **Estonia**, the government established the Temporary subsidy programme for those employees whose employers were significantly impacted by the current COVID-19 crisis. The subsidy will grant an income for the employees and help the employers to surpass temporary difficulties without having to lay off their staff or file for bankruptcy. In **Latvia** there is a similar measure in place.

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employers can get financial support to continue to pay their employees as to prevent employment contracts from being terminated.

<sup>75</sup> In Slovenia, sufficient means include unemployment benefit, not only salary, salary compensation, reimbursement of work-related expenses, bonuses and holiday pay.

<sup>76</sup> For example, to change a job within the first 6 months, the obligation exists to report the change of job to the Ministry of the Interior at least 30 days in advance.

**Lithuania** adopted a similar approach by supporting employers significantly impacted by COVID-19 and providing subsidies for employees.

In **Slovenia**, temporary measures were provided for in the Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy, which has been in force since 11 April 2020, include the right of employers to have salaries subsidised: for employees who are temporarily laid off, and for employees ) who are unable to perform work due to force majeure (childcare obligations, stopping public transport or closing borders). Third-country national employees are included. The amount of salary compensation is 80% of average monthly earnings in the last three months (as provided for in the Employment Relationships Act). Under the Act on the Interim Measure of Partial Reimbursement of Wage Compensation the employer also has the right to a salary compensation for employees who, due to the quarantine caused by an epidemic, cannot perform work and are subject to quarantine ordered by the Slovenian minister responsible for health. Similar measures went into effect in **Norway** once lockdown was announced on 12 March. In **France, Latvia, Germany and Spain**, the authorities have issued instructions and recommendations (to the *Länder* in the case of Germany) to prevent any refusal or withdrawal of residence permit due to economic difficulties as a result of COVID-19 without a case by case analysis.

**Ireland** allows third-country nationals who are unemployed due to COVID-19 to apply for the COVID-19 Pandemic Unemployment Payment<sup>77</sup> without breaching immigration conditions which are normally on the basis of no recourse to public funds. In a similar manner, **Italy** has envisaged a wide set of measures in order to address the economic impact of the crisis which benefits third-country nationals who have a drop or loss in income.<sup>78</sup> In **Luxembourg and Portugal**,

<sup>77</sup> The Covid-19 Pandemic Unemployment Payment is a universal Exceptional Needs Payment, rather than unemployment benefit.

<sup>78</sup> Decree-Law n. 18 of 17 March 2020 introduced a bonus of €600 in support of workers for the month of March 2020. On May 19, 2020, the Government adopted a new Decree (i.e. Decree-Law n. 34), which renewed and

residence permits are extended until 30 October 2020 (Portugal) or until the state of emergency is over (Luxembourg).

In **Poland**, residence permits, national visas, short-term residence titles (including Schengen visas and visa-free travel), work permits, seasonal work permits and declarations of entrustment of work to a foreigner were extended until the end of the 30th day following the date of cancellation of the last state of epidemic emergency.

In the **Slovak Republic**, the authorities allow that the residence permit for the purpose of employment can be extended for the period of the duration of the crisis situation. Persons with a temporary residence permit for the purpose of business who will be submitting their renewal applications next year (2021) will **not be obliged to meet the requirement of minimum income/profit** for 2020 if they submit an affidavit stating that their business activities have been affected by the crisis situation.

**Malta** provides employees including third-country nationals who are engaged in activities that have had a drop-in income to benefit from the COVID Wage Supplement. The applications are made by the employers who have the discretion on the employees for which they request a supplement. The supplement does not supersede any parameters establish in the Maltese Employment laws.

## 2 UNEMPLOYMENT BENEFITS

### 2.1 ACCESS TO UNEMPLOYMENT BENEFITS

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included compensation for workers affected by the COVID-19 Emergency. The most significant measures introduced are: an indemnity of €600 covering the month of April 2020 for freelancers, self-employed workers and seasonal tourism workers; an allowance of €500 for the month of April 2020 for agricultural workers; an allowance of €1 000 for the month of May 2020 for self-employed workers who have suffered a reduction of at least 33% of their income in the second two months of 2020 compared to the same period of 2019; an allowance of €1 000 for the month of May 2020 for seasonal employees in the tourism sector who have involuntarily terminated their employment between 1 January 2019 and 17 March 2020; an allowance of €500 per month, for the months of April and May 2020, for domestic workers. Moreover, article 82 of the Decree introduces the Emergency Income (i.e. REM), a support measure for households consisting of two instalments of €400 to €800 each.

Member States regulate access to unemployment benefits in different ways. In this regard Member States can be divided into two categories in accordance with their general rules:

In a first category of 17 Member States<sup>79</sup> and **Norway**, third-country nationals who have lost their jobs are entitled to unemployment benefits in the same way as EU/EEA citizens if the applicant fulfils certain criteria<sup>80</sup>. In **Germany** the applicant has to be allowed to take up employment in Germany in order to collect unemployment benefits. If this is legally possible, they can receive unemployment benefits under the same conditions as German nationals; this is also the case in **Norway**. In **Hungary and Poland**, the third-country national is entitled to unemployment benefits after being employed for at least 6 months within the framework of a regular employment relationship in Hungary and Poland.

In the case of **Estonia**, the third country national will be entitled to receive unemployment benefits under the same conditions as Estonian nationals if they meet the insurance criteria in order to receive the benefits. In addition, from 1 June 2020, it is possible for short-term third country national workers who are currently unemployed, but have the right to continue working in Estonia, to receive job mediation (a temporary salary subsidy support) from the Unemployment Insurance Fund if they find a job.

**Slovenia** introduced a temporary cash benefit to provide supports for those affected by the

<sup>79</sup> BE, HR, FI, FR, DE, EE, EL, HU, IT, LT, LU, NL, PT, SK, SI, ES, SE. In the case of France, the applicant must have worked at least 4 months. Since 1 November 2019, all beneficiaries need to prove working at least 130 days out of the last 24 months in order to receive unemployment allowances. The amount and duration of the allowances depend on the duration and on the payment of the contributions to the general scheme. In Sweden, unemployment benefit is a voluntary insurance-based benefit administered by the unions and built on personal payments.

<sup>80</sup> The applicants must comply with the immigration law, have their habitual place of residence in the territory and prove that they have work for a certain period of time as an employee and meet the general eligibility requirements (i.e. capacity to work, absence of a salary, no replacement income and no exercise of other remunerated activities). Regarding France there is a limited list of residence permits allowing its holder to register to the unemployment regime.

epidemic. Under the Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy, a temporary cash benefit was introduced for the period from 13 March to 31 May 2020 to provide support for financial difficulties experienced owing to loss of employment during the coronavirus epidemic, for those who are not entitled to unemployment benefit under the Labour Market Regulation Act. Temporary salary compensation was granted in the monthly amount of EUR 513.64 (gross), from the first day of unemployment during the period of the temporary measures, up to no later than 31 May 2020. For this period, compulsory social insurance was also included, and this was also the case for recipients of unemployment benefits.

In **Finland**, a person must live in Finland in order to be eligible for unemployment benefits, and to be eligible, must register as a jobseeker with the public employment services. Foreign citizens are registered as jobseekers if they are entitled to engage in gainful employment under a residence permit, and it does not contain restrictions regarding the employer. However, those engaged in gainful employment under a temporary residence permit are not eligible for labour market support measures; this is also the case in **France** (as well as for independent workers).

A second category applies a more restrictive approach:

In **Latvia**, third-country nationals are entitled to receive unemployment benefits either: 1) if they have received a permanent residence permit (this is also the case in the Czech Republic) ; or 2) they have received a temporary residence permit and their spouse is a citizen of Latvia, or of persons who have received a permanent residence permit.

In **Lithuania**, only certain categories of foreign workers can receive unemployment benefits (only those who had worked for minimum number of months and have the right to stay legally in the country after their work contract has been terminated).

**Bulgaria and Cyprus** do not grant access to unemployment benefits to third-country nationals.

All respondent Member States indicate that seasonal workers and posted workers<sup>81</sup> are excluded from unemployment benefits.

## 2.2 DURATION OF WORK OR INSURANCE AS A CONDITION TO THE ENTITLEMENT OF UNEMPLOYMENT BENEFITS AND THE DURATION OF UNEMPLOYMENT BENEFITS

Duration of employment as a condition of access to unemployment benefits for third country nationals, and the duration for which unemployment benefits are granted vary between Member States. Some Member States subject third-country nationals to a minimum number of days or months of work in order to access the right (i.e. **Belgium, Hungary, Italy, Lithuania, Poland**<sup>82</sup>, **Spain** and **Sweden**<sup>83</sup>) and **Norway**<sup>84</sup>, while in others, the amount of time the individual has been working (i.e. **Estonia** and **Slovenia**) will define the amount of time for which the third-country national will be receiving the benefits. In **Slovenia** under the Labour Market Regulation

Act all employed persons are on the same scale of the amount of working time in correlation to the number of months of receiving the unemployment benefit.

In the first group the minimum duration of work required in order to access unemployment benefits varies between Member States and **Norway**. For example, the minimum working time to access the right in **Italy** is 30 working days during the last 12 months preceding the unemployment, six months in **Hungary, Poland and Sweden**<sup>85</sup>, 12 months in **Lithuania**, and four months in **Norway**. In **Spain** it is 360 working days during the last six years. However, due to the COVID crisis these requirements have been suspended. In **Latvia**, third-country nationals will be entitled to receive unemployment benefits if they fulfil the criteria mentioned above (section 2.1) and if the mandatory unemployment social insurance contributions have been made for at least 12 months during the last 16 months prior to becoming unemployed.

Nevertheless, the duration of the benefits in this group varies substantially from 90 days in **Hungary**<sup>86</sup>, 180 days in **Poland** (however, it can be extended in some cases to 365 days<sup>87</sup>), eight months in **Latvia**, nine months in **Lithuania**, and a maximum duration of 12 months in **Luxembourg**<sup>88</sup> (however, it can be extended under certain exceptions), between 6

<sup>81</sup> In Belgium, in practice they would not have access to unemployment benefits as they would not have worked for a sufficient number of days preceding the unemployment.

<sup>82</sup> In Poland, granting the status of an unemployed is possible for third-country national who i.e. holds a temporary residence and work permit or a visa issued to work in Poland and, directly before the registration as an unemployed, were employed continuously in the territory of Poland for at least 6 months. The allowance collection period shall amount to 180 days or in some cases to 365 days.

<sup>83</sup> In Sweden the individual can get unemployment benefits if they have worked half-time for the last 6 months. In this case, the individual will get a basic benefit that amounts to 8 000 skr per month. (approximately €720). If the individual has been a member of the unemployment benefit insurance fund for at least one year s/he will get 80% of his/her income with a maximum of 20 000 skr per month. (approximately 1 800 euro).

<sup>84</sup> In Norway, a foreign national would be required to have worked the equivalent of full time for at least 16 weeks in any EEA country during the previous calendar year, or at least 32 weeks during the last 3 calendar years. It is also a fundamental requirement that the foreign national must be a genuine job-seeker, i.e. willing and able to take any work, anywhere in Norway. Unemployment benefit amounts to 62.4% of an employee's previous income. Certain social security benefits that directly replace salary are included in the figure used for this calculation, e.g. sickness benefit, parental benefit and unemployment benefit. The benefit is available for a period of 1- 2 years depending on previous level of earnings.

<sup>85</sup> At least having worked 50%.

<sup>86</sup> The duration of benefit payments shall be calculated based on the length of employment in the previous 3 years, whereby 10 days of employment shall constitute one day of eligibility for job-seekers' benefits.

<sup>87</sup> This applies to the 1) unemployed TCN who is domiciled within the allowance collection period in the territory of a district if the unemployment rate within this area on 30 June of the year preceding the day when the right to allowance was granted exceeded 150% of the average national unemployment rate, or 2) who are aged over 50 years of age and has the allowance eligibility period of at least 20 years, or 3) who is responsible of at least one child aged up to 15 years of age, and the spouse of the unemployed person is unemployed as well and lost the right to allowance due to expiration of the period for its collection after the day when the right to allowance was granted to the unemployed person, or 4) who single-handedly maintain at least one child aged up to 15 years of age.

<sup>88</sup> The duration of the entitlement of the payment of unemployment benefits is equal to the duration of work, in whole months, during the period taken as reference for the calculation.

months and up to 24 months<sup>89</sup> in **Germany** and **Norway**, 300 days in **Sweden** or an unlimited period in **Belgium** but with benefits being progressively reduced.

In the second category, the benefit will be granted in relation to the amount of time that the applicant has contributed to unemployment insurance: in **Estonia**, if the individual has contributed an insurance period shorter than 5 years, they have the right to receive unemployment insurance benefit for up to 180 days, while an insurance period of 5-10 years gives the right to receive benefit for a duration of 270 days, and an insurance period of 10 years and longer gives the right to receive benefit for 360 days.

In the **Czech Republic**, migrant workers from third countries become eligible for unemployment benefits under the conditions that (1) they become registered in the Register of Jobseekers and (2) they have been working for at least 12 months within the period of 2 years preceding their registration. Only migrants with permanent residence can be registered in the Register of Jobseekers.

In the **Slovak Republic** there are two basic conditions for being eligible for the payment of unemployment benefit: firstly, to be insured for the risk of unemployment and secondly, to be registered in the Jobseekers Register. Only third-country nationals who have been granted long-term residence in the Slovak Republic (which is one of the three forms of permanent residence) can be registered in the Jobseekers Register, provided they meet these criteria:

- they were insured for the risk of unemployment for at least two years in the last three years prior to being registered in the Jobseekers Register;
- or they had a fixed-term contract and were insured within this contract for the last four years or were voluntarily insured for at least two years.

Also, persons who have been granted international protection can be registered in the Jobseekers Register. The applicant has the right to unemployment benefit for a period of 6 months.

In **Slovenia** the duration of the entitlement depends on the insurance contribution:

- two months, for those younger than 30 years and who have been insured for at least six months in the past 24 months before unemployment,
- three months for those who have been insured from nine months to five years,
- six months for those who have been insured from five to 15 years,
- nine months for those who have been insured from 15 to 25 years,
- 12 months for those who have been insured over 25 years,
- 19 months for those who are older than 53 years and have been insured over 25 years,
- 25 months for those who are older than 58 years and have been insured over 28 years.

In Slovenia, on the basis of bilateral agreements citizens of Bosnia and Herzegovina are entitled to cash benefits if they have been insured for unemployment for at least nine months in the last 18 months, citizens of Serbia are entitled to cash benefits if they meet the conditions for exercising the right to unemployment in accordance with the legal regulations on employment and citizens of Northern Macedonia are entitled to cash benefits if they have been insured for unemployment for at least nine months in the previous 12 months.

**France** and **Portugal** have a mixed system. **France** requires at least that the applicant has been working for four months but the amount and duration of the allowances depend on the duration and on the payment of the contributions to the general scheme. In **Portugal** the entitlement will depend on the number of monthly contributions to the social security system and the worker's age, so the duration of the benefits will range from 150 to 540 days. In **Spain** it is calculated taking into account the working time contributing to the social security system during the previous six years and can vary between 120 and 720 days. However, as stated above, due to the COVID-19 crisis, these requirements have been suspended.

<sup>89</sup> This will depend on the applicant's age and duration of employment over the last five years.

### 2.3. Modification of access to and duration of unemployment benefits due to COVID-19

The COVID-19 crisis forced almost all Member States to go on lockdown, closing until further notice or reducing significant services of public administrations. The lockdown produced a significant unemployment (either temporary or definitive) of the local workforce which did not discriminate between EU citizens and third-country nationals. This situation has forced several Member States to modify access to and duration of unemployment benefits.

14 of the reporting Member States have not amended the duration of or access to benefits.<sup>90</sup> Six Member States and **Norway** reported modifications in access to or duration of unemployment benefits:

In **Belgium** temporary unemployment related to the COVID-19 situation is considered to be “temporary unemployment due to *force majeure*”. In this regime, employed workers do not have to meet the admissibility requirements and thus do not need to prove that they have worked a sufficient number of days as an employed worker. However, they do have to meet the general eligibility requirements (for instance no exercise of other remunerated activities).

**France** modified the regime of the partial unemployment benefit which could apply for employees of companies that had to reduce or stop their activity because of the lockdown.

**Germany** has extended the duration of the entitlement to unemployment benefits in certain cases for three additional months.

The **Slovak Republic** extended the duration of the entitlement for unemployment benefits for a three-month period during the crisis situation.

In **Spain** all the measures that the government has implemented to protect Spanish and EU citizens from the COVID-19 crisis also benefit third-country nationals. Also, due to the COVID-19 crisis, the requirements to access unemployment benefits have been suspended.

In **Sweden**, from the end of March and until the end of the year 2020 the requirements to be eligible for unemployment benefit have been changed by the Government. The amount

of working time required in order to be entitled to unemployment benefit has been reduced. The time requirement regarding membership of the unemployment benefit insurance fund has also been reduced to a minimum of three months (instead of a year). The maximum unemployment benefit has been increased to 26 400 skr/month (approx. €2 370) for the first one hundred days of unemployment. The maximum basic benefit has been increased to 11 220 skr/month (approx. €1 000).

In **Norway**, employees who are laid off or lose their jobs will receive more compensation under new rules during the Corona crisis based on temporary amendments to the rules on unemployment benefit. Percent of compensation has been increased and the period of time for coverage has been extended for employees.<sup>91</sup>

Four Member States<sup>92</sup> and **Norway** reported other measures supporting employees as well as employers (see section 1.2). In **Cyprus**, there is no entitlement to unemployment benefits for third-country nationals. However, Cyprus has implemented a special unemployment scheme for employees of companies that have fully or partially suspended their operations due to COVID-19. If the employer meets the criteria of this special unemployment scheme, then all third-country national employees are eligible, in the same way as employees who are Cyprus, EU and EEA nationals.

**Ireland** allows all persons who lost their job on or after 13 March 2020 due to the COVID-19 crisis (including third-country nationals) to apply for the COVID-19 Pandemic Unemployment Payment.<sup>93</sup>

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<sup>91</sup> Employees will retain 100 % of their pay up to a certain level from day 3 to day 20 of the layoff period: after this period unemployment benefits were reduced to 80% (though the norm is 62%). Other flexible measures were put into place for employees.

Normally an employee who is laid off is entitled to unemployment benefits for up to 26 weeks during an 18-month period. Regulations authorising extensions to the period during which laid-off employees are entitled to unemployment benefits during the COVID-19 crisis have been put into effect.

<sup>92</sup> EE, LV, LT and SI.

<sup>93</sup> The COVID-19 Pandemic Unemployment Payment is a universal exceptional needs payment, rather than unemployment benefit.

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<sup>90</sup> EL, EE, FI, FR, HR, HU, IT, LV, LT, LU, PL, PT, SI, SE.

In the **Netherlands**, because of the temporary Emergency Measure provided by the government, employers can get financial support to continue to pay their employees so as to prevent employment contracts from being terminated.

In **Norway**, the government provided supportive measures to employers in hopes of enabling more employers to maintain a viable business during the worst part of the crisis, all with the goal of laying a good foundation for restarting their businesses in some months' time. One example is the employer-financed period (the period during which the employer must pay laid-off workers their full pay) has been reduced from 15 to two days. After this, the state will take over responsibility for income security for employees who are laid off.

The rest of the reporting Member States have not amended the duration or access to benefits.<sup>94</sup>

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<sup>94</sup> EL, EE, FI, FR, HR, HU, IT, LV, LT, LU, PL, PT, SI, SE.

## ANNEX I- OVERARCHING MEASURES TAKEN IN RELATION TO LODGING, PROCESSING AND RENEWAL OF RESIDENCE PERMIT AND LONG STAY VISAS AS A RESULT OF COVID-19

Country	Summary of measures
<b>Belgium</b>	<p>Visa applications: Visa application centres closed on 17 March 2020; visa issuance is suspended until further notice. Acceptance of new applications for long-stay visa is suspended until further notice.</p> <p>Pending applications for long-stay visa are processed but, in case of a positive decision, the effective issuance of the visa is suspended until further notice, providing that the applicant still fulfils the issuing conditions. The visa will only be issued immediately if the applicant has an essential function or an essential need. If the visa is not issued before the expiry of a period of 6 months after the issuing decision, a new application will have to be lodged; in case of refusing decision, the applicant is notified.</p> <p>For the time being and until further notice, Belgian embassies and consulates no longer accept any visa applications and no longer issue visas, except in exceptional cases (essential travel).</p> <p>Residence Permits (Onshore): New residence permits are still issued in principle. Possibility to apply and issuance of physical permit depends on the municipality. Applications can still be submitted electronically. The issuance of the permit is postponed. Applicant gets a temporary residence permit, called the annex 15 or annex 49, covering the stay while waiting for the issuance of the residence permit. It is not possible to travel with the annex 15 or annex 49. If travel is essential, needs to make an appointment with the municipality for issuance of the residence permit. Appointments for non-urgent matters were suspended until 3 May – this was extendable. Offshore residence permits: Not issued. Decisions are made on already pending applications, negative decisions will be notified, in the case of positive decisions, the actual residence permit will not be issued until the situation improves.</p>
<b>Bulgaria</b>	<p>Long term and permanent residence permits which expire from 13 March to 31 December 2020 will be extended for 6 months. TCNs whose 'prolonged residence permit'<sup>95</sup> expires within the State of Emergency may apply for residence extension within 14 days after the end of the state of emergency. When the TCN applies for a long term or permanent residence permit, the period of the state of emergency will not be considered an interruption of residence. This category of TCNs may enter the Republic of Bulgaria without a visa for the period of 14 days from the cancellation of the state of emergency. From 22 May 2020, a TCN whose 'prolonged residence permit' expires up to three months from the repeal of the state of emergency may apply for a residence extension within three months of the repeal of the state of emergency.</p> <p>This period will also not be considered as an interruption when applying for long term or permanent residence. A foreigner with a permitted prolonged residence in the Republic of Bulgaria, where the period of residence expires up to three months after the lifting of the state of emergency, may enter the territory of the Republic of Bulgaria without a visa within 3 months after the lifting of the state of emergency.</p>
<b>Cyprus</b>	<p>No applications for issuance of residence permits, except in cases of extreme urgency from 17 March 2020.<sup>96</sup> Examination of pending cases continued. Offices of the Civil Registry and Migration Department were still open for emergency cases, subject to social distancing of 1 person per 8 square metres. Dedicated phone</p>

<sup>95</sup> Residence permit for one year.

<sup>96</sup> Decision of Council of Ministers, dated 15.03.2020

Country	Summary of measures
	lines were available for persons who needed information. From 4 May 2020 normal service resumed <sup>97</sup> , subject to social distancing of 1 person per 8 square metres in all public offices.
<b>Croatia</b>	<p>From 20 March 2020, third-country nationals, as well as EEA nationals and their family members could not come in person to police administrations/stations and use e-mail or telephone for more information.</p> <p>Applications for temporary and permanent residence permits continued to be processed. Holders of approved temporary permits received a certificate including personal data, passport number, purpose of permit and duration of stay issued by post or e-mail. Employers were to continue to submit applications for residence and work permits in accordance with the Aliens Act only by email.</p> <p>EEA nationals and their family members could also register their temporary residence and submit applications for residence card as family members via email.</p> <p>All persons were to be informed about their applications via email or telephone, and written decisions/certificates were delivered by post or email.</p> <p>Biometric residence permits/cards/registration certificates which had been issued, but not yet delivered to the third country national could be collected only by previous appointment.</p> <p>However, from 30 April 2020, in a bid to reduce social contacts, an amendment to the Aliens Act allowed TCNs to continue to use expired biometric permits during the pandemic and up to 30 days after. In order to do so, TCNs are obliged to apply for new migration title/status but will not be fined for late applications.</p> <p>As regards the amendments to the Act on Nationals of the Member States of the European Economic Area and their families, they would also be allowed to use issued temporary residence certificates and residence cards for the duration of their stay in Croatia during the disease outbreak and 30 days after the end of epidemic. EEA nationals and their family members are still obliged to register their temporary residence, as well as their family members and will not be subject to any fines because they omitted to do so in due time.</p> <p>From 11 May 2020, all work regarding legal residence of aliens and issuance of documents is to be performed in full, in accordance with epidemiological situation and possibly using appointments.</p> <p>New visa applications/issuance of visas were suspended from 16 March 2020 until further notice, except for holders of diplomatic and official passports, as well as family members of Croatian nationals (spouse and children).</p> <p>From 27 April 2020 until further notice, the lodging of a visa application at the Croatian Embassies/Consulates is temporarily suspended.</p> <p>This does not apply to the following categories:</p> <ul style="list-style-type: none"> <li>■ family members of Croatian nationals (spouse and child);</li> <li>■ healthcare professionals, healthcare researchers and collaborators, experts in care for the elderly and persons requiring urgent medical treatment;</li> <li>■ goods carriers and other transport personnel, to the extent necessary;</li> <li>■ diplomats, police officers in the performance of their duties, civil protection services and teams, international organizations staff and international military</li> </ul>

<sup>97</sup> Decision of Council of Ministers, dated 29 April 2020

Country	Summary of measures
	<p>personnel in carrying out their functions;</p> <ul style="list-style-type: none"> <li>■ passengers in transit, provided that they prove the possibility to enter the country of destination;</li> <li>■ persons whose entry into the Republic of Croatia is of national interest.</li> </ul> <p>From 28 May 2020 the new regime on issuing short-terms visas included the following (Croatia does not issue long-stay visa):</p> <ul style="list-style-type: none"> <li>■ Until further notice, the lodging of a visa application at the Croatian Embassies/Consulates is temporarily suspended.</li> <li>■ Suspension of receipt of the visa application does not apply to the following categories of persons: <ul style="list-style-type: none"> <li>- family members of Croatian nationals (<i>spouse and child</i>);</li> <li>- persons who have been granted temporary residence for the purposes referred to in Article 47 of the Aliens Act (Official Gazette, Nos. 130/11, 74/13, 69/17 and 46/2018), or have been issued a residence and work permit in the Republic of Croatia;</li> <li>- healthcare professionals, healthcare researchers and collaborators, experts in care for the elderly and persons requiring urgent medical treatment,</li> <li>- goods carriers and other transport personnel, to the extent necessary;</li> <li>- diplomats, police officers in the performance of their duties, civil protection services and teams, international organizations staff and international military personnel in carrying out their functions;</li> <li>- passengers in transit, provided that they prove the possibility to enter the country of destination; this category of persons also includes seafarers in transit, and seafarers who come to Croatia for embarkation/disembarkation</li> </ul> </li> <li>■ Persons traveling for urgent personal reasons, such as: <ul style="list-style-type: none"> <li>- death of a family member - attendance to funeral</li> <li>- serious and urgent health reasons provided that medical documentation and a hospital invitation is presented</li> </ul> </li> <li>■ ownership of a real estate;</li> <li>■ ownership of a vessel including lease.</li> </ul> <p>Third-country nationals who are in Croatia on a short-term stay/third country nationals whose residence permit has expired, and who are unable to leave (cancelled flights, etc) may remain in Croatia until conditions are met to leave Croatia. They will not be penalised, but have to report to competent Police Administration/Police Station (namely via phone or e-mail) in order to notify their situation.</p> <p>This category of third-country national can, if they so wish, apply for temporary residence for other purposes via e-mail to competent police station/administration. The conditions under the Aliens Act have to be met (valid passport, proof of health insurance and proof of means of support).</p>
Czech	<p>In response to the COVID-19 pandemic outbreak in 2020, the Czech Republic declared a state of emergency lasting from 12 March 2020 to 17 May 2020. In order to curb the impact of the pandemic, the Czech government introduced a partial lockdown and travel restrictions, reintroduced border controls on the land border</p>

## EMN Inform – Residence Permits and Unemployment of third-country nationals during the COVID-19 crisis

Country	Summary of measures
<b>Republic</b>	<p>with Austria and Germany and at the air border and suspended the intake and processing of applications for visas and residence permits at the Embassies. From 11 May 2020, it became possible to a larger extent to lodge several types of applications that were defined by the Protective Measure of the Ministry of Health at some Embassies (this was enabled by the improving epidemiological situation). The Czech Republic started to issue residence permits for key personnel, workers in healthcare and social care and family members applying for reunification, seasonal workers, etc. In general, newly arriving foreign nationals were being allowed to enter the Czech territory under the condition they present a medical certificate on COVID-19 negative testing results and they have a valid residence permit.</p> <p>Applications for extension of residence permits, change of status, etc. are being processed and can be submitted by mail or databoxes but only from the territory of the Czech Republic. All foreign nationals were allowed to stay in the Czech Republic for an additional 60 days after the end of the state of emergency (until 17 July 2020). This period was not considered as a prolongation of their visa, permit or visa-free stay but as a time to organise their departure from the Czech Republic. By the resolution of the Government, migrant workers holding expired non-extendable Schengen or national visas were allowed to stay and work until 16 September 2020.</p>
<b>Estonia</b>	<p>From 17 March 2020 border controls were temporarily reintroduced.<sup>98</sup> As of 17 March 2020, the Foreign Ministry temporarily suspended Estonian long-term visa applications in Estonian representations as well as in visa centres. During the emergency situation, previously issued and valid visas could not be used to enter Estonia. In exceptional circumstances and on humanitarian grounds it is possible to apply for a visa and to enter Estonia with an issued visa.<sup>99</sup> All migration proceedings were temporarily suspended from 16 March 2020. Applications for visas, extension of stay, rights for stay and residence permits were accepted in Police and Border Guard Board (PBGB) service points in Estonia, but the applications were not processed. From 19 March 2020, the PBGB continued to process short-term employment applications for those third-country nationals who were already in Estonia when the emergency situation was declared. The PBGB processed applications as usual, within 10 working days of the termination of the emergency situation on 17 May 2020.</p> <p>Legislative amendments came into force on 7 May 2020 which allow third-country nationals who had been granted a legal basis to stay in Estonia in a general emergency or due to an emergency situation related to COVID 19, to apply for a long-stay visa at the Police and Border Guard Board when the emergency ends on the basis of the Aliens Act. Additionally, from 7 May 2020 a new provision in the Aliens Act provides that as of 7 May 2020 Aliens Act, the minister responsible for the area or the Director General of the Police and Border Guard Board authorised by the minister, may, in exceptional circumstances, grant a legal basis for stay to a third country national whose return to the country of origin is impeded. Also, third-country nationals who were staying in Estonia legally as of 17 March 2020 and whose short-term employment period (nine months within a period of 12 months or 12 months within a period of 15 months) has expired or is soon to expire are allowed to stay in Estonia under the following conditions:</p> <ul style="list-style-type: none"> <li>■ An employer working in the agricultural sector submits an application to the Police and Border Guard Board to employ the foreign worker legally staying in Estonia until 31 July 2020;</li> <li>■ Following 31 July 2020, the foreign worker has time until 31 August 2020 to arrange their outbound travel from Estonia.</li> </ul>
<b>Finland</b>	<p>From 19 March 2020, the processing of ordinary visas and residence applications in the missions was suspended. Within Finland, service at a service point is only possible with an appointment until further notice. If a permit is due to expire, an application can be made via the online service 'Enter Finland'. Normally a visit to a</p>

<sup>98</sup> Government order "Temporary restriction on crossing the state border due to the spread of the coronavirus causing the COVID-19 disease"

<sup>99</sup> Exceptions are also being done according to the European Commission's Guidance on the implementation of the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on the effects on visa policy

Country	Summary of measures
	<p>service point is required within three months of having first submitted the application. The deadline to prove identity at a service point or a mission abroad was initially extended to 31 August 2020 and was subsequently extended until 31 October 2020. From 17 April 2020, Finland granted residence permits with a start date of 14 May 2020, due to entry restrictions due to coronavirus which were valid until 13 May 2020. This restriction did not apply if the work was central to “security of supply and the functioning of the labour market.” From 7 May 2020, this practice was changed back to dating the permit from the date of the positive decision. A temporary change of employer or field of employment was allowed for persons already residing in Finland on a residence permit granted before 9 April 2020 without applying for an extended permit. If the new work is related to “duties that are central to the security of supply and the functioning of the labour market”, the person does not need to apply for a new permit, and there is no need to notify the Finnish Immigration Service of the change in these cases. Duties that are central to the security of supply and the functioning of the labour market are defined on a list on the website of the Ministry of Economic Affairs and Employment. The person can work in these areas without applying for an extended permit until 31 October 2020. The temporary change in legislation applies from 9 April 2020 until 31 October 2020.</p> <p>The entry of 3 000 seasonal workers from outside the EU will be permitted to fulfil labour needs in Finland in the spring and early summer, in addition to the 1 500 seasonal workers decided on previously. This decision came into effect on 14 May 2020. On the 29 May 2020 the number of seasonal workers was increased by a further 4 500 bringing the total to 9 000 seasonal workers. The existing procedures concerning transport and two-week quarantines remain in effect. In addition, the Government proposes temporary amendments to the Aliens Act with regard to workers employed in agriculture, forestry, horticulture and the fisheries industry.</p> <p>The waiting period concerning the start of employment would be eliminated for applicants for international protection who, at the time the legislation enters into force, have a pending application for international protection being processed by the Finnish Immigration Service or an Administrative Court. The duration of the right to employment would be extended in such a way that the right to work would continue, in spite of an enforceable return decision, for as long as the foreign national is provided with reception services. The Act entered into force on 29 June 2020 and remains in force until 31 October 2020.</p>
<b>France</b>	<p>The emergency law of 23 March 2020 extended validity by 90 days of long stay visas, temporary stay authorisations, residence permits and receipts of residence permits which expired between 16 March and 15 May 2020. Legal deadlines for filing of residence permit applications and for lodging appeals against negative decisions were also extended from the end of the lockdown period. All prefectures and related migration and visa offices closed and reopened progressively as from mid-May 2020 (mid-June 2020 for visas). A decree dated 22 April 2020, provided for a further 90 days extension, making a six-month extension to those permits which expired between 16 March and 15 June 2020. Since mid-May, the Prefecture has started to issue new appointments. A new law dated 17 June 2020 confirmed the extension of the validity period of residence permits, which expired between 16 May and 15 June 2020 to 180 days as well as additional measures in favour of seasonal workers already present in France during the lockdown and for the maximum period of work authorized for international students legally residing in France.</p>
<b>Germany</b>	<p>For migrants already residing lawfully on German territory: if they already have a residence permit or a long stay visa, and apply for a new residence title before current residence title expires, the former title remains valid until a decision is made by the foreigners’ authority. If applying for a first residence title, applicants are deemed permitted to reside until a decision is made.</p>

<b>Greece</b>	Immigration services were closed to the public from 12 March 2020 to 15 May 2020; the validity of residence permits which expired after 1 December 2019 and shall expire up until 30 June 2020, is extended until 31 December 2020. This is also the case for certificates of application for residence permit due to expire up until 30 June 2020. <sup>100</sup> Special arrangements were put in place from 13 April 2020 to address urgent seasonal worker shortages through the labour force already resident in Greece: work permits already granted on an exceptional basis <sup>101</sup> to third-country nationals without a residence permit for their exclusive employment in agriculture were extended for six months; and an exceptional fast track procedure until 30 June 2020 for hiring third country nationals without a residence permit for their exclusive employment in agriculture. According to latest law of 1 May 2020, employers may submit an application by 30 June 2020 to employ a third country national (who is exempt from the entry visa requirement <sup>102</sup> ) in seasonal rural work.
<b>Hungary</b>	Residence permits valid until midnight until 6 April 2020, or which expired on that day were automatically valid for 45 days after the state of emergency terminates. <sup>103</sup> The state of emergency was terminated on 18 June 2020. This refers to all expired official residence permits of citizens, permanent residence permits and immigration permits <sup>104</sup> , except for short stay visas and entry visas for receiving a residence permit. If the conditions of the residence permit change (e.g. change of employer) then it is necessary to submit an application for an extension of the residence permit or for a new type of residence permit
<b>Ireland</b>	In general applications in the legal migration area <sup>105</sup> continue to be processed by the Department of Justice and Equality taking into account COVID-19 working arrangements. Processing of applications under the atypical working scheme <sup>106</sup> for medical personnel continue to be processed.  Regarding employment permits, from 30 March 2020 staff of the Department of Business, Enterprise and Innovation are working remotely and email is used for the acceptance of electronic/scanned documents for employment permits reviews, applications for Trusted Partner status and Stamp 4 Letter of Support applications. Stamp 4 immigration status allows for access to the labour market without an employment permit. Third-country nationals who have held Critical Skills Employment Permits (CSEP) for two years and have been employed in the State may benefit from Stamp 4 status. Applications for Stamp 4 letters of support may be made by third-country nationals who have held a CSEP for 21 months. The outcomes of these will also issue electronically. As a temporary measure, employment permits are issued as a PDF by email. This soft copy accompanied by a letter from the Department of Business Enterprise and Innovation can be presented to immigration officers at border control for verification purposes. The processing of employment permit applications for medical personnel has been prioritised and this will continue. From 31 March 2020 as part of the COVID-19 contingency arrangements, the Department of Business, Enterprise and Innovation (DBEI) began accepting online submissions for new and renewed applications for the Trusted Partner scheme without the requirement to provide a hard copy of the

<sup>100</sup> Certificates granted upon submission of application for a residence permit, provided that all supporting documents are complete and certifying 1 year maximum temporary legal residence in Greece until issuance of the permit

<sup>101</sup> Article 13A of Immigration Law (L.4251/2014)

<sup>102</sup> Article 5, par 4 of Law 4251/2014 (A'80)

<sup>103</sup> Paragraph 6 Government Decree 85/2020 (5 April)

<sup>104</sup> Issued in accordance with the Act 1 of 2007 on the Admission and Residence of Persons with the Right of free movements and residence and Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals

<sup>105</sup> Registration, visas and residence permission are the responsibility of the Department of Justice and Equality. The Department of Business, Enterprise and Innovation is responsible for employment permits.

<sup>106</sup> Permissions for third-country nationals to work under the Atypical Working Scheme, which provides for short term employment contracts in the State, due to the short term nature of the contract (i.e. 90 days or less), and which are not facilitated by the employment permit process, are generally for less than 90 days, and such third-country nationals are not required to register.

	<p>application form within 10 days. On 1 May 2020, the need for the hard copy of the application form to be submitted was eliminated as part of the new Regulations for Ireland's employment permit system.<sup>107</sup></p> <p>Regarding entry visas<sup>108</sup>, It was decided to temporarily cease accepting visa applications from close of business on 20 March 2020, except in priority/emergency cases including the following:</p> <ul style="list-style-type: none"> <li>■ emergency visa (e.g. Healthcare professionals, health researchers, and elderly care professionals;)</li> <li>■ immediate family members of Irish citizens;</li> <li>■ persons legally resident in the State;</li> <li>■ persons entitled to avail of the provision of the EU Free Movement Directive</li> <li>■ transport personnel engaged in haulage of goods and other transport staff to the extent necessary;</li> <li>■ diplomats, staff of international organisations, military personnel and humanitarian aid workers in the exercise of their functions.</li> </ul> <p>Visa applications made online continue to be valid and will continue to be processed. However a visa will not be issue until travel restrictions are lifted.</p> <p>From 22 June 2020 limited processing of long stay visas, including for students, was resumed. It may not be possible to resume in all locations due to ongoing restrictions and the intention is to resume accepting applications in these locations as soon as possible.</p>
<p><b>Italy</b></p>	<p>Administrative proceedings were suspended from 23 February to 15 May 2020.<sup>109</sup> From 24 April 2020,<sup>110</sup> the validity of all certificates, attestations, permits, concession, authorisations and enabling acts, expiring between 31 January and 31 July 2020, was extended again for 90 days following the declaration of cessation of the state of emergency. Residence permits of third country nationals remain valid until 31 August 2020. The decree of 24 April also covers:</p> <ul style="list-style-type: none"> <li>■ The deadlines for the conversion of residence permits from study to employment and from seasonal to non-seasonal employment;</li> <li>■ Permits to stay (entry visas, etc.);</li> <li>■ Travel documents;</li> <li>■ The validity of permits issued for seasonal work, family reunification, work - special cases, including research, blue cards, intercompany transfers, etc.;</li> <li>■ Residence permits for subordinate work, waiting for employment, self-employment, family, internship, job search or student entrepreneurship;</li> </ul>

<sup>107</sup> Employment Permits (Amendment) Regulations 2020 (S.I. No. 156/2020).

<sup>108</sup> In Ireland, third-country nationals from visa-required countries must apply for a visa (short stay or long stay) which is valid to present at a point of entry to the State. Conditions of residence (work, study, family reunification etc.) are a separate matter. However, third-country nationals from visa-required countries may be asked to demonstrate compliance with conditions of residence (e.g. employment permit; student conditions, family reunification approval) as part of the visa application process, and may also be asked to show this evidence at the port of entry and the registration appointment. Third-country nationals from non-visa required countries will need to demonstrate compliance with these conditions at the port of entry and at the registration appointment.

<sup>109</sup> Article 103 of Decree Law n.18 of 17 March 2020 and Decree Law n.23 of 8 April 2020.

<sup>110</sup> Law converting Decree Law n.18 of 17 March 2020

	<p>■ Requests for conversion.</p> <p>Residence permits for seasonal work, expiring between 23 February and 31 May 2020 are extended to 31 December 2020.</p>
<b>Latvia</b>	<p>The emergency situation declared on 13<sup>th</sup> March 2020 ends on 10<sup>th</sup> June. <a href="#">Law on the Management of the Spread of COVID-19 Infection</a>, states that until December 31, residence permit applications can only be lodged by regular post or signed by secure electronic signature (applications for residence permits at diplomatic missions abroad shall only be accepted where the epidemiological situation permits the resumption of work on-site). Long-term visa applications are accepted in the territory of Latvia (diplomatic missions abroad accept visa applications only from essential categories of third-country nationals in exceptional cases involving national interests or on humanitarian grounds, where the epidemiological situation permits the resumption of work on-site) and only in cases where a reason of stay is related to employment or studies. Residence permits may be received on site only by pre-appointment</p>
<b>Lithuania</b>	<p>Quarantine entered into force on 16 March 2020. The Migration Department provides services to customers registered on the website <a href="http://www.migracija.lt">www.migracija.lt</a>. This service is not provided to customers not pre-registered, with the exception of Lithuanian citizens over age 60, persons with disabilities and citizens of Lithuania collecting a passport on the same day. For foreigners aged over 60 years, documents may be collected by relatives. Courts in Lithuania were re-opened in mid-May 2020. Migration services returned to normal working procedures from 17 June 2020.</p> <p>Special measures have been provided in relation to the issue and renewal of temporary residence permits for third-country nationals who work in Lithuanian companies engaged in international commercial/freight transport of goods by all types of vehicles and hold a document certifying their right to stay or reside in Lithuania.<sup>111</sup> A third-country national who is renewing a temporary residence permit does not need to appear in person at the Migration Department, provided biometrics and other required documentation have been submitted. In this case, the Migration Department uses the biometric data submitted when issuing the first temporary residence permit. The third-country national's temporary residence permit can be collected by the employer.</p>
<b>Luxembourg</b>	<p>From 19 March 2020, all reception desks at the Directorate for Immigration closed until further notice, except for appointments in case of duly justified urgent requests. The Directorate of Immigration is not issuing work and residence authorisations, including pending applications for the duration of the pandemic, with the exception of healthcare professionals and care professionals for the elderly.</p> <p>Deadlines to take decisions in relation to applications for authorisation to stay foreseen in the Immigration Law have been suspended.<sup>112</sup> However third-country nationals could not enter the territory of Luxembourg from 6 pm on 18 March for one month, which was extendable<sup>113</sup>, except for long-term residents<sup>114</sup>, healthcare professionals, health researchers, care professionals for the elderly<sup>115</sup> and applicants for international protection.<sup>116</sup> This means in effect, that as third-country nationals cannot enter the territory of Luxembourg, no decisions on authorisations to stay can be taken for the time being.</p> <p>From 18 March 2020, the stays of third country nationals holding short and long stay visas residence cards and residence permits are extended for the duration of the crisis. This measure was extended until the 31 August 2020 for the residence permits and until 31 July 2020 for the short-stay visas. Likewise, non-visa</p>

<sup>111</sup>Procedure for issuing temporary residence permits to Foreigners during the period of quarantine in the territory of the Republic of Lithuania entered into force on 19 April 2020.

<sup>112</sup> Article 1, paragraph 2 of the amended Grand Ducal regulation of 25 March 2020 on suspension of deadlines in jurisdictional matters and temporary adaptation of certain other procedural conditions

<sup>113</sup> Article 14, paragraph 1 of the amended Grand Ducal Regulation of 18 March 2020 on the introduction of a series of measures in the framework of the fight against Covid-19

<sup>114</sup> Article 14, paragraph 2, a

<sup>115</sup> Article 14, paragraph 2, b

<sup>116</sup> Article 14, paragraph 2, h

## EMN Inform – Residence Permits and Unemployment of third-country nationals during the COVID-19 crisis

	required persons with a stay exceeding 90 days are regularised for the duration of the crisis.
<b>Malta</b>	The Customer care desk of the Expatriates Unit is not meeting the public and conducting business via email. No new residence and work permit applications are being accepted unless highly skilled, work in the health sector, social care for the elderly and disabled, or are already on a work permit in Malta and apply to change employment. Residence and work permits of all third-country nationals in the health and social care sectors are being extended for 3 months, following an email application by the worker concerned. Renewal of employment-related residence permits must be carried out online, save for exceptional circumstances. For third-country nationals wishing to extend their visas or residence permits for purposes other than employment, a confirmation must be requested by e-mail. Decisions on long-stay visas (except if related to essential travel) and residence permits outside Maltese territory are suspended, and requests for long stay visas submitted in Malta are only dealt with in exceptional circumstances, for example medical reasons. Information was communicated to the public on 17 March and 7 April 2020.
<b>Netherlands</b>	<p>From 16 March 2020 certain measures were taken in relation to residence permit matters. Until at least 29 April 2020, services at desks of the Immigration and Naturalization Service (IND) will be limited to urgent matters. Clients can make an appointment to collect their first residence permit, if they have travelled to the Netherlands with a long-stay visa.<sup>117</sup> Interviews now take place via a video connection. Applications can still be made for long-stay visas. However, the Dutch Integration exam is a precondition for many long-stay visas and these will not be held at Dutch embassies abroad until after 28 April 2020. In principle, long-stay visas will not be issued until after 28 April 2020, subject to exceptions in urgent matters.</p> <p>Processing of applications for residence permits and long stay visas continues.</p> <p>It is still possible to apply digitally or by post. Applications are processed and decisions will issue digitally or by post. In practice, there are practical difficulties such as obtaining biometric material needed to make a decision or collecting the Regular Provisional Residence Permit (D-visa) in person at an IND desk.</p> <p>Clients can renew their residence document online or by post – this will not be possible in all categories where a sticker in the passport will be needed.</p>
<b>Poland</b>	<p>On 16 March 2020, all <i>vovoidship</i> offices stopped direct customer service, including to foreigners. All applications regarding legalisation of stay can be submitted by post. All proceedings which had been initiated continue to be processed. In urgent circumstances, it is possible to collect a residence card by appointment. From 31 March 2020, an Act<sup>118</sup> entered into force which allows for the extension of the legal stay of foreigners whose permits expire during the period from the announcement of the epidemic (14 March 2020) until the recall of the epidemic emergency or epidemic status, and extension of deadlines for submitting applications for legalisation of stay if this falls within the period of the epidemic emergency or epidemic status, for a period of 30 days following the last day of the current state.</p> <p>These extensions do not require the submission of applications or additional documents. An additional law<sup>119</sup> that entered into force on 18<sup>th</sup> April,<sup>120</sup> provides that all foreigners who had been legally staying in Poland on 14 March 2020 on a number of bases associated with EU law<sup>121</sup>, will be considered as legal stay from the last day of legal stay until the 30<sup>th</sup> day after the end of the epidemic emergency or epidemic status. These arrangements will also apply to third-country nationals who had a national residence card issued by the Polish authorities, which expired during the epidemic. None of these extensions of stay will require the submission of an application, or the placement of a stamp, or a new visa sticker or a new residence document. Original purpose of stay can be continued. The new changes</p>

<sup>117</sup> Provisional residence permit (mvv)

<sup>118</sup> Act of 31 March 2020 on the amendment to the Act on special solutions connected to the preventing and counteracting of COVID-19, other infectious diseases and activities related to crisis situations and other acts (Journal of Laws of 2020, item 568)

<sup>119</sup> Act on special supporting instruments in connection with the spread of SARS-CoV-2.

<sup>120</sup> Passed by Lower Chamber, 9 April 2020. To be considered by Senate on 16 April 2020.

<sup>121</sup> Schengen visa; long term visa issued by another country of the Schengen area; residence permit issued by another Schengen state; as part of visa-free travel; a long term visa issued by another European Union country that is not associated with the Schengen area; a residence permit issued by another European Union country that is not associated with the Schengen area.

	<p>introduced to the law will allow foreigners to work under conditions other than those specified in the residence permits (i.e. different employer, company etc.) without the need to obtain new permits, change them or enter new declarations in the register. The new special provision which is valid from 16 May 2020 allows foreigners to work under conditions other than those specified in:</p> <ul style="list-style-type: none"> <li>■ temporary residence and work permits;</li> <li>■ temporary residence permit for the purpose of highly qualified employment;</li> <li>■ work permits;</li> <li>■ seasonal work permits;</li> <li>■ declaration on entrusting work to a foreigner, which have been entered in the register of declarations;</li> <li>■ temporary residence permits for the purpose of performing work under the intra-corporate transfer (ICT);</li> <li>■ temporary residence permits for the long-term mobility of a managerial staff member, specialist or trainee under the intra-corporate transfer (mobile-ICT); and</li> <li>■ documents attached to notices about the intention of foreigners to use the short-term mobility of a managerial staff member, specialist or trainee as part of the intra-corporate transfer , without the need to obtain new permits, change them or enter new declarations in the register.</li> </ul> <p>Access to seasonal work was also granted to foreigners who in the period after 13 March 2020 had access to the Polish labour market (based on work permit, seasonal work permit, extension of work permit, extension of seasonal work permit or declaration of entrustment to perform work for a foreigner).</p>
<p><b>Portugal</b></p>	<p>A general law entered into force on 13 March 2020<sup>122</sup>, which provided that documents and visas related to stays in the national territory which expired from the date of entry into force of this law would be accepted until 30 June 2020. This applied to all pre-existing documents, backdated to 24 February 2020. A more specific law of 27 March 2020<sup>123</sup> provided that stays of third-country nationals with pending applications at the SEF on 18<sup>th</sup> March 2020 are considered regular stays. Since 30 March 2020, SEF has put in place a management plan of appointments and schedules that ensures that all third-country nationals with pending applications from 18 March 2020 are considered to be in a state of regular residence on national territory. On 16 May 2020, a new extension of documents and visas related to stays was granted<sup>124</sup> until 30 October 2020 to those documents expiring from 2 May 2020 onwards.</p>
<p><b>Slovak Republic</b></p>	<p>Applications of TCNs are processed at in-site offices of the Foreign Police Department only in case of a renewal of a temporary residence permit or granting of a permanent residence for unlimited period. Other applications are processed only in special cases which are considered necessary.</p> <p>From 9 April 2020<sup>125</sup>, the following measures regarding the residence permits are in place:</p> <ul style="list-style-type: none"> <li>■ Third-country nationals who had entered the Slovak Republic legally but do not have a residence permit, are authorized to stay in the Slovak Republic until one month after the revocation of the crisis situation. Persons with a residence (temporary, permanent or tolerated) which expires during the crisis situation or up</li> </ul>

<sup>122</sup> Decree Law 10-A/2020

<sup>123</sup> Order 3863-B/2020, of March 27th, jointly issued by the Offices of the Minister of State and the Presidency [of the Council of Ministers], the Minister of Home Affairs and the Ministers of Labour, Solidarity and Social Security and Health

<sup>124</sup> Decree-Law 22/2020

<sup>125</sup> Amendment of the Act on the Residence of Foreigners

to one month after it is revoked, the validity will be extended until two months after the revocation of a crisis situation;

- If the third-country national is granted a temporary residence or a permanent residence for five years and is abroad during the crisis situation, they can submit the application for the renewal of the temporary residence or application for a permanent residence for unlimited time at the Slovak diplomatic or consular mission (embassy/consulate general) abroad. In regular circumstances this is not possible;
- If the third-country national cannot submit their residence or renewal application during the crisis situation, the Foreign Police will be able to accept required documents even if older than 90 days, provided that they were not older than 90 days during the crisis situation and the foreigner did not leave Slovakia before the submission of his/her application;
- Persons with a temporary residence for the purpose of business who will be submitting their renewal applications next year will not be obliged to meet the requirement of minimum income/profit for this year if they submit an affidavit stating that their business activities have been affected by the crisis situation.

The Slovak Republic has also extended the deadlines after which the Foreign Police can normally start the process of cancelling temporary residence:

- 60 days since the termination of the employment, if the third-country national is granted a temporary residence for the purpose of employment;
- 30 days since successful completion of final exams, if the third-country national is granted a temporary residence for the purpose of studies;
- 30 days since successful completion of university studies, if the third-country national is granted a temporary residence for the purpose of studies or for the purpose of special activities (activities resulting from a government/EU programme).

Certain administrative deadlines are also suspended:

- submission of a document on health insurance (standard deadline: 30 days from receiving a temporary residence card);
- submission of a medical report confirming that the third-country national did not suffer from any disease endangering public health (standard deadline: 30 days from receiving a temporary residence card or permanent residence card for five years; or 30 days from submitting an EU Blue Card application at the Foreign Police or from submitting an application for a permanent residence for unlimited time for a child of a person with a granted permanent residence for unlimited time);
- reporting the change of name, surname, marital status, citizenship, data in passport, exchange of passport and change of address in Slovakia (standard deadline: 5 business days);
- reporting the loss, theft or damage of a passport or a residence card (standard deadline: 5 business days since the foreigner learnt about the loss, theft or damage);
- reporting that a reason for which the residence was granted ceased to exist (standard deadline: 3 business days)
- leaving Slovakia (standard deadline: last day of legal stay or 30 days from the day when a decision on declining a residence/renewal application or cancellation of a residence became enforceable);
- applying for a new residence card, in case of the change of the data in it or in case of loss, theft or damage (standard deadline: 5 business days);
- notifying changes of data in the document “Additional data on employment” (standard deadline: 5 business days);
- submission of an employment contract, if the applicant for an EU Blue Card submitted only a promise of employment when applying (standard deadline: 30

	<p>days from receiving a residence card);</p> <ul style="list-style-type: none"> <li>■ notification of a beginning and termination of a period of unemployment of an EU Blue Card holder (standard deadline: 5 business days);</li> <li>■ notification of a change of employer of an EU Blue Card holder (standard deadline: 5 business days before starting new employment).</li> </ul> <p>The period of a crisis situation is not included in the 180-day period during which a foreigner normally has to enter Slovak Republic once being granted temporary or permanent residence. The Ministry of Interior may pardon missing other deadlines if the deadline expired during the crisis situation. Certain obligations on the third-country national are not applicable until the revocation of the crisis situation. The foreigner is not obliged to:</p> <ul style="list-style-type: none"> <li>■ leave Slovak Republic within seven days if losing the reason for being allowed to remain, if the reason for remaining was a provision of institutional emergency healthcare or a quarantine measure;</li> <li>■ ensure the departure of a baby born in the Slovak Republic or an EU Member State within 90 days of being born, if the parent did not apply for a residence for the baby;</li> <li>■ leave Slovak Republic within the deadline set in the decision on administrative expulsion.</li> </ul>
<p><b>Slovenia</b></p>	<p>From 29 March 2020 until 1 July 2020 at the latest, an Act adopted on 20 March 2020<sup>126</sup>, provides that during the period of temporary measures under the Act, there is a ban on personally lodging written and oral application and giving oral statements in procedures conducted under the Foreigners Act at administrative units, the Ministry of the Interior or at the diplomatic representation or consulate of the Republic of Slovenia abroad). During this period, the only application that may be personally lodged at the competent authority is one that is examined in a summary fact-finding procedure.</p> <p>In procedures conducted under the Foreigners Act, written applications may be lodged electronically without secure electronic signature if the identity of the applicant can be established in another reliable way, or by ordinary or registered mail.</p> <p>Time limits are suspended in administrative matters under the Foreigners Act. However, the running of time limits shall not be interrupted in individual administrative cases in urgent matters.<sup>127</sup></p> <p>On 11 April 2020, new legislation, passed because of COVID-19 pandemic<sup>128</sup>, entered into force. It also addressed the issue of third-country nationals, that could not leave Slovenia even though they were legally obliged to. Article 101 of this Act provides for further stay of third-country nationals whose residence permit or visa expired from 13 March 2020 and who, for objective reasons, could not leave the territory of the Republic of Slovenia. The Article also provides for further stay of third-country nationals who did not require a visa to enter the Republic of Slovenia and who, for objective reasons, were unable to leave its territory in due time or to obtain relevant legal title for a lawful stay. Up until the passing of this law, the status of third-country nationals had been regulated by extending the validity of visas or issuing decisions under Article 67 of Foreigners Act, which was rendered impossible by the sheer volume of cases. The stay of third-country nationals is allowed only until COVID-19 containment measures objectively preventing third-country nationals from leaving the territory of the Republic of Slovenia are lifted, or</p>

<sup>126</sup> Act on Provisional Measures in Connection with Judicial, Administrative and Other Public Law Matters for the Control of the Spread of SARS-CoV-2 (COVID-19) (Official Gazette RS, No. 36/20)

<sup>127</sup> Danger to life and health of the people, to law and order, to public safety, to property of greater value, if the livelihood of the party depends on the decision in the case, if the exercise of other rights depends on the decision or if this is necessary for the effective exercise of power to achieve the purpose referred to in Article 1 of the Act

<sup>128</sup> Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate its Consequences for Citizens and the Economy (Official Gazette RS, No. 49/20)

	<p>until the third-country nationals have obtained other relevant legal title for a lawful stay.</p> <p>On 1 May 2020, a further amending Act came into force.<sup>129</sup> By that amendment oral hearings and other procedural acts where all the participants are in direct contact shall also be carried out in non-urgent matters (until 1 May 2020 only urgent matters were carried out).</p> <p>On 1 June 2020 a Decision of the Slovenian government on the cessation of the reasons for provisional measures, concerning judicial, administrative and other public matters to control the spread of contagious disease COVID-19 took effect.<sup>130</sup> With this Decision, the Slovenian government found that there are no longer grounds for implementing the provisional measures under Act on provisional measures regarding judicial, administrative and other public matters to control the spread of contagious disease COVID-19 (ZZUSUDJZ). From that date on, the administrative procedures under the Foreigners Act shall be conducted like before the enforcement of provisional measures under ZZUSUDJZ. The main consequences of the cancellation of provisional measures are:</p> <ul style="list-style-type: none"> <li>■ Temporary residence permits whose validity expired during the implementation of measures, remained in force until the expiry of eighth day after the date of the cessation of measures on Monday 1 June 2020. This means that the (temporary) residence permits expired on Tuesday 9 June 2020, unless the application for an extension was filed before the expiration of the residence permit;</li> <li>■ The applications for the extension of temporary residence permits whose validity was extended under implementation of measures and were filed with responsible administrative units measures which took effect on or before the expiry of the deadline by which the (temporary) residence permit has been renewed, are considered as filed in time;</li> <li>■ It is possible again to lodge written or oral applications and to make oral statements with the authority within the territory the Republic of Slovenia (i.e. administrative units and the Ministry of the Interior).</li> </ul> <p>Act on Intervention Measures for Mitigation and Elimination of the Consequences of the COVID-19 Epidemic (ZIU00PE) (Official Gazette of the Republic of Slovenia, No. 80/2020), which entered into force on 31 May 2020, changed the regulation of seasonal work until the end of 2020 so that seasonal work may be performed for up to 150 days on the basis of a seasonal work permit issued in accordance with the Employment, Self-Employment and Work of Foreigners Act. Until the adoption of this law, seasonal workers could perform seasonal work on the basis of a seasonal work permit only for a maximum of 90 days in a calendar year. This measure will take effect until the end of 2020.</p>
<p><b>Spain</b></p>	<p>On the basis of Royal decree 463/2020 of 14 March, administrative deadlines and limitation and expiry periods were suspended. Since 1<sup>st</sup> June, administrative deadlines have resumed. Aliens offices were closed, but work continued by electronic means. Processing of work authorisations for third-country nationals legally resident and workers in the healthcare and agricultural sectors was expedited. Since 14 May 2020 the protocol speeding up the granting of residence permits for the healthcare sector has ceased.</p> <p>Regarding the agricultural sector, the Government adopted Royal Decree Law 13/2020 of 7 April 2020 adopting urgent measures in the field of agricultural employment. Among the measures:</p> <ul style="list-style-type: none"> <li>• Migrant workers whose work permit expired between 15 March and 30 June 2020 saw their work permits automatically extended until 30 June for working in the agricultural sector (as long as they live near to the workplace). This date has been extended until 30 September 2020.</li> </ul>

<sup>129</sup> Act Amending the Act on provisional measures for judicial, administrative and other public matters to cope with the spread of infectious disease SARS-CoV-2 (COVID-19)

<sup>130</sup> Decision establishing the termination of grounds for interim measures in relation to judicial, administrative and other public law matters for the control of the spread of an infectious disease SARS-CoV-2 (COVID-19) (Official Gazette RS, No. 74/20)

	<ul style="list-style-type: none"> <li>• Young people between 18 and 21 years of age who are third-country nationals in a regular situation (e.g. students, asylum seekers) will be automatically entitled to work, until 30 June 2020, without any previous procedure. This date has been extended until 30 September 2020. Besides, in recognition of their work in an essential sector, such as agriculture, during the COVID crisis, those young people who have worked continuously will be able, from 30 September 2020, to apply for a residence and work permit. This permit shall be valid for two years, renewable for two years and shall be valid throughout the national territory, without limitation by occupation or sector of activity and without application of the national employment situation.</li> </ul> <p>Measures have also been set out to clarify how the suspension of deadlines applies to procedures which had been started prior or during the Royal Decree 463/2020 to provide legal certainty to migrants. The case will be concluded if the application was submitted before 14 March 2020 and had a positive decision. If the decision on the application was unfavourable, the procedure and appeal procedures will be suspended until the state of emergency is lifted.</p> <p>All procedures under the Order n. TSM/1277/2019 (which regulates the collective management of labour migration with countries of origin) are suspended.</p> <p>Despite the possibility to apply for a renewal by electronic means, temporary authorisations of residence and/or work will be automatically extended from the date of the end of the permit until six months after the end of the state of emergency. The validity of long-term visas under the Youth Mobility Scheme and visas of up to 180 days for the purpose of study will be extended for three months after the end of the state of emergency, once the holder has not returned to the country of origin due to travel limitations.</p> <p>Specific measures have been adopted to avoid residence permits being withdrawn due to unemployment or business difficulties associated with the COVID-19 crisis and specific measures have been adopted to temporarily protect against this situation of unemployment or business difficulties in renewal procedures. In these cases, extra flexibility has been introduced.</p> <p>This flexibility includes that it will be accepted that the employment relationship that gave rise to the authorisation was interrupted by causes beyond the person's control and that they have actively sought employment, when the termination occurred two weeks before the declaration of the alarm status, during its validity, and up to 30 June 2020. Likewise, the employment relationship is maintained when there is a suspension of the employment relationship or a reduction, in whole or in part, of the working day, including for household employees. This flexibility also applies to renewals of temporary residence permits for self-employed and highly qualified professionals.</p> <p>In addition, specific provisions have been communicated for specific cases in which a residence and work permit had been granted for integration reasons before the COVID 19 crisis but due to the economic crisis the third country national has lost the job (and registration within social security services is no longer possible). In those cases, an additional period of 45 days is established for looking for another job or to prove enough economic means in the country.</p>
<p><b>Sweden</b></p>	<p>The Swedish Migration Agency decided in March to reduce the number of visitors in the Service Centres of the Swedish Migration Agency and to primarily maintain contacts via phone or E-mail in order to apply to the rules by the Public Health Agency.</p> <p>Extensions of authorisations to stay were granted for 90 days if the person who is on a temporary visit in Sweden cannot leave the country due to Covid 19.</p> <p>There is a temporary entry ban to Sweden until 15 July. The prohibition does not apply to healthcare professionals, persons travelling for urgent personal reasons or persons having other humanitarian purposes. Third-country nationals who are going to work within the production of food items or with other forms of food supply in the agricultural industry, can under certain circumstances be covered under the exemption for essential functions and be allowed to enter Sweden if they can present proper documentation supporting this.</p> <p>The government decided on 2 July to extend the entry ban to 31 August but also to ease the restrictions. The decisions are in line with the new recommendations from the EU Council of Ministers.</p>

<p><b>Norway</b></p>	<p>Police stations<sup>131</sup> and service centres for foreign workers did not issue appointments for at least a month after the lockdown – including for issuing residence permits. Appointments booked before 14 April 2020 were cancelled. From 20 April 2020, police stations are slowly reopening their services to the public. The Norwegian Directorate of Immigration (UDI) is processing applications for residence permits for persons who are abroad, although there are delays of some weeks caused by the coronavirus situation. From 20 April 2020, foreign nationals who are granted a residence permit cannot travel to Norway until further notice. Persons from visa-required countries will not get an entry visa, and persons from non-visa required countries or with Schengen visas or EU residence permits may also be expelled at the border. For persons who were granted a residence permit before 20 April 2020, entry was possible for persons from non-visa required countries if the entry deadline was still valid. This was also the case for a person in possession of a valid entry visa. If a person has been issued an entry visa but cannot travel to Norway before the entry visa expires, they can send a letter to the UDI and request an extension. It will be stated in the feedback to the applicant and the embassy if it is possible to get an extension of the entry deadline, and whether the applicant can travel to Norway right away or if they have to wait to enter.</p>
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<sup>131</sup> In Norway, the Norwegian Directorate of Immigration (UDI) is responsible for processing immigration and residency services. But it is the Police who administer the in-person appointments required for many services