

Global Immigration

AZERBAIJAN

Details of the Labour Market Test for Oil and Gas Sector Released -

The government has released details of the labour market test which is now required for employers seeking to send foreign workers to Azerbaijan for employment in the oil and gas sector. Employers in the oil and gas sector will have to post job vacancies online at the State Oil Company of Azerbaijan Republic (SOCAR)'s new website, which will list the job title, role and description for the vacancy. The job posting will remain on the website for 30 days, after which time the post will automatically be taken off the website. During the recruitment process, if a local worker is not found, employers can interview foreign workers by applying for an Endorsement Letter and Work Permit. After the recruitment process is complete, the employer must provide documents detailing the process to SOCAR, without which SOCAR may reject the Endorsement Letter application. Affected employers should work with their immigration provider to ensure compliance with other recruitment timing rules.

BELGIUM

Single Permit Processing Times to be Reduced -

In an effort to reduce the prolonged processing times for Single Permit applications, following our memorandum to the Belgian authorities outlining the current issues, the Federal Immigration Office has added 20 additional staff members and simplified the internal procedures to process such applications in the Immigration Office. Single Permit processing times are at best expected to be one to two months. Additionally, a new online system expected to be implemented in the second quarter of 2020 may further reduce processing times by allowing document sharing across government agencies, among other improvements.

BELGIUM

Flanders Switches to Electronic Filing -

Since March 1, the Flanders immigration authorities are allowing all Work Permit and Single Permit applications to be submitted by email instead of by regular mail. Renewal applications via an electronic platform and online access to and correction of pending applications will be allowed in the next few weeks. The authorities have set strict requirements on application and email format. Applications that do not meet the requirements will be refused. The new process applies to applicants whose

primary work location is in Flanders. During a transition period until June 30, applicants will still be able to submit documents by registered mail, though mailed applications may take longer to process. Applications submitted by mail will require justifying why an online application cannot be filed. Email applications should expedite the application process by removing post and scan wait times. However, expect delays and additional document requirements during a transitional phase of several weeks. An online immigration platform including federal immigration and social security services, as well as other Belgian regions, is scheduled to launch in January 2021.

CANADA

Online Labour Market Impact Assessment Pilot Programme Expanded

The Situation

The Employment and Social Development Canada (ESDC) is expanding the launch of LMIA Online, an online pilot programme that allows employers and third parties to submit Labour Market Impact Assessments (LMIA) electronically. Previously, the online pilot project was only available to a small number of employers in the agricultural industry.

A Closer Look

Details of the online LMIA system include the following:

- **Purpose.** The online system is meant to provide employers participating in the Temporary Foreign Worker (TFW) programme with integrated online access on a single platform where they can register, manage online accounts and conduct online transactions
- **Potential Users.** Any employer with a Job Bank account may register to use LMIA Online. In addition, the ESDC has sent invitations to employers with existing Job Bank accounts to use the new system or employers who had previously used the non-electronic LMIA system. Use of the new system is voluntary at this time.
- **Process.** To use the system, employers and third parties must complete the below steps:
 - Employers and third parties must have an account with the Job Bank for employers, as the same login credentials will be used in LMIA Online
 - Once in the LMIA system, users will be able to create an LMIA application, continue current LMIA applications, upload documents and find out the

status of ongoing applications. However, pending LMIA applications which were filed under the non-electronic system will not be transferred to the new system

- Employers will be able to pay the filing fee of CAD 1,000 (approximately USD 752.89) per application online, unless they are exempt from the filing fee requirement (such as when filing Agricultural Stream LMIAs)
- Once the application has been adjudicated, the employer will receive an email notification to log into the LMIA Online system where they can access and review their decision letter from their inbox.

Impact For Employers

- **Processing times.** Employers are expected to see a decrease in LMIA processing times. For approved LMIAs, this will result in foreign nationals being able to start work more quickly
- **Streamlined system.** Employers and third parties will have access to a more user-friendly system that will allow them to save and retrieve LMIA applications and return to complete them at any time prior to submission, increasing the transparency of the process.

Background

The LMIA online pilot project began in August 2019, with a small number of employers in the Season Agricultural Workers Programme and Agriculture streams. The project was expected to expand as the system stabilised.

Looking Ahead

The TFW Programme has launched an outreach programme to promote the LMIA Online system and will continue to invite employers with a Job Bank account to apply using the system. However, employers do not require an invitation to use the online portal. Eventually, the online option is expected to become the only option for submitting LMIAs.

EUROPEAN UNION

New EU Visa Rule - Exciting Times for Short-Term Travellers

The European Union (EU) has laid out new regulations for short-term travellers effective 2 February 2020. This move has been in discussion with the European Parliament since June 2019, and it essentially encourages more travellers to visit the region, which will help to support the EU economy.

The changes apply to travellers who need visas to travel to the EU from their home countries. No visa policy changes will be applied to travellers from countries benefitting from visa-free travel to the EU, as the new rules do not apply to citizens of those countries.

The new rules cover short-stay visas for the 22 EU countries that are part of the region—Austria, Belgium, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and Sweden—as well as for four associated countries: Iceland, Liechtenstein, Norway and Switzerland. A uniform short-stay visa issued by one of these countries covers travel throughout the 26 Schengen countries for up to 90 days in a 180-day period.

Under the new rules, travellers can now enjoy a simpler and more user-friendly visa application process, where:

- Visa applications can be submitted up to six months prior to the intended date of travel (nine months for seafarers), instead of three months previously, enabling travellers to better plan their trips
- Multiple-entry visas with a long validity from one to five years are now easier to obtain, saving money and efforts of those who travel frequently
- Frequent travellers with an uneventful visa history (without incidences of overstays, fines, etc.) can be granted multiple-entry visas with a gradually increasing validity period from one year to a maximum of five years
- Applicants may only need to appear in person when fingerprints are to be collected (i.e., once every 59 months).

The rest of the requirements remain unchanged in terms of processing times, that is, it can take up to 15 working days for processing applications in regular cases and up to 45 working days for processing applications in cases of “consultation country nationals” (Schengen States require that they be consulted on visa applications submitted to other Schengen States by citizens of certain countries). All the other related documentation such as medical insurance requirements, photographs and related documentation remain unchanged. However, there is an increase in the visa fee which will vary by country, which travellers must review before submitting their applications.

Further, UK nationals can continue to travel visa-free to the EU post-Brexit, so when it comes to short-term stays in the Schengen region, the revised rules will not affect UK nationals.

INDIA

Deadline Extended for Persons of India Card Holders to Convert to Overseas Citizen of India Card -

The deadline for all Person of India (POI) cardholders (machine and non-machine-

readable) to obtain Overseas Citizen of India (OCI) cards has been further extended to September 30, 2020, from March 31, 2020. It is likely that those who fail to convert their POI cards by March 31, 2020, will be denied entry/exit while travelling to and from India. The extension of the revised deadline until September 20, 2020, is subject to the condition that the International Civil Aviation Organisation (ICAO) does not notify a new deadline in the meantime. This is in continuation of the deadline set by the ICAO for mandatory machine-readable documents for entry into India. All POI cardholders (machine and non-machine-readable) are advised to convert their POI cards to OCI cards by the deadline.

NETHERLANDS

Application Details Can No Longer be Changed After Decision -

In a change of policy, the Dutch Immigration Authority (IND) now requires a new application if application details change after a decision has been made, for all application and permit types. Relevant details include visa pickup location, preferred in-country immigration office, employment/assignment start and end dates, and cancelling a de-registration. Previously, such changes were typically allowed both during application processing and after approval. As before, changes can be notified to the IND while the application is being processed. Employers and foreign nationals are advised to plan visa pickup locations and IND office locations in advance, and scrutinise applications to minimise the need for corrections.

PERU

Delays in Adjudication of In-country Initial and Renewed Resident Worker Visa Applications -

Foreign nationals applying for an in-country initial or renewed Resident Worker Visa are currently experiencing application adjudication delays due to an increase in immigration applications received by the National Superintendence of Immigration. Processing time is currently 3.5 months for initial in-country applications (which in practice has been 1.5 months on average, though the legal standard processing time is three months), and one month for renewal applications (up from the usual seven days). Foreign nationals and employers should expect delayed work start dates during the next several months. As a reminder, foreign nationals need to obtain an Exit and Re-Entry Permit for each trip outside Peru during the processing of their in-country initial or renewed Resident Worker Visa application.

PHILIPPINES

Special Work Permit Regulations for Consultants/Specialists Clarified -

Further to last week's clarification for experts applying for a Special Work Permit (SWP),

new guidelines were released by the Bureau of Immigration for foreign nationals applying for a SWP as a consultant or specialist. Such foreign nationals must submit a certified copy of their diploma or certificate of completion attested by the appropriate company representative and a certificate of training, course completion or resume attested by the appropriate company representative. Applicants must be at least 25 years old at the time of filing of the application.

POLAND

EU Blue Card Salary Level Increased

The Situation

Effective February 11, 2020, the minimum monthly salary for EU Blue Card applicants in Poland has increased to PLN 7,378, up 7.3 percent from 2019.

The exchange rate at the time of publication of this alert is 1 PLN to 0.25 USD.

A closer look

- **Existing employees.** Employers of foreign nationals currently under an EU Blue Card need not increase foreign nationals' salaries to comply with the new rule
- **Initial and renewal applications.** Employers of foreign nationals seeking to obtain or renew an EU Blue Card on or after February 11, 2020, must increase foreign nationals' salaries to comply with the new rule. Immigration applications that do not meet the minimum salary will be refused
- **Pending applications.** Employers of foreign nationals with pending EU Blue Card applications as of February 11, 2020, must increase foreign nationals' salaries to comply with the new rule. Immigration applications that do not meet the minimum salary will be refused. Employers should submit confirmation on the salary increase (e.g., amended employment contract or contract addendum) to the authorities
- **Unaffected categories.** As before, local hires must receive a salary similar to local workers and intracompany transfers must receive 70% of the average provincial salary (new quarterly figures are not yet published).

Reminders On Other Requirements

- **Sufficient salary to support dependents.** As before, the salary must be sufficient to support the foreign national and any dependents during their stay
- **Benefits and allowances.** As before, benefits and allowances may not be included in the minimum salary calculation
- **Currency.** As before, EU Blue Card applicants must be on local payroll and paid in PLN.

Background

Poland's salary requirements are quite complex, with a mixture of national and provincial thresholds, annual and quarterly

updates. Employers are advised to maintain a safe margin above these thresholds to anticipate quarterly fluctuations. Poland is in the middle range for EU Blue Card minimum salary amounts in Europe. See the below map for a representation of EU Blue Card salary amounts in Europe:

Looking Ahead

Fragomen expects Polish authorities to develop measures to streamline immigration processing, following persistent workload issues and negative immigration audit results in 2019.

RUSSIA

Eligible Professions Expanded for Early Citizenship Qualification -

The Russian government has expanded the list of professions foreign nationals must be in to qualify for Russian citizenship sooner. Permanent residence permit holders who have worked for at least one year in a profession on this list qualify for citizenship immediately, instead of after five years of residence under a permanent residence permit, which is the standard.

RUSSIA/QATAR

Visa Waiver in Effect -

Effective February 23, 2020, Qatari nationals can enter Russia with a visa for 90 days in a 180-day period for tourism and business. Qatari nationals must apply for a work permit to conduct any work activities in Russia.

SAUDI ARABIA

Revised Employment Visa Quota Mechanism Introduced for Newly-Established Companies -

Companies that have obtained their Commercial Registration in Saudi Arabia in the last six months are now assigned an employment visa quota based on their location and business activities instead of the requirement to submit a formal quota request to the Ministry of Labour and Social Development (MLSD). The quota will be granted based on the company's commercial activities, location and overall readiness to recruit workers. Specifically, a minimum quota will be granted instantly; a medium quota will be granted after the MLSD has assessed the employer's location and business activities; and a maximum quota will be granted after the MLSD has conducted a site inspection and assessed the employer's business activities and premises. It is not yet clear how many visas will be granted at each quota level or how this number will be determined. Additionally, according to an initial announcement, these employers may be exempt from complying with certain Saudisation requirements for up to one year, but no further information has been provided on this exemption.

SWITZERLAND

Reminder: 2021 Plans for UK Nationals -

As a reminder, UK national residents in Switzerland and their family members seeking to continue to reside and work in Switzerland after December 31, 2020, should obtain an appropriate national residence and work permit before December 31, 2020. Since Switzerland is not an EU member state, EU nationals require

residence and work authorisation for stays over 90 days. As a result, obtaining residence authorisation - which UK nationals must complete as an additional step to account for Brexit in most EU countries - is standard for eligible UK residents in Switzerland. The status of UK national residents in Switzerland is regulated by a separate bilateral agreement, and no further national measures are required (or will be published) to account for the current 'deal' Brexit.

TURKEY/CROATIA/IRELAND/MALTA/NORWAY/PORTUGAL

Unilateral Visa Waiver Expanded -

Turkey has expanded a unilateral visa waiver to nationals of Croatia, Ireland, Malta, Norway and Portugal, for tourist and business trips to Turkey for up to 90 days in a 180-day period. The visa waiver took effect March 2, 2020. Previously, these nationals had to apply for an e-visa and pay the corresponding fee.

UKRAINE/NORTH MACEDONIA

Visa Waiver Extended Indefinitely -

Ukraine and North Macedonia concluded a visa waiver agreement which removes the annual expiry date from a mutual visa waiver. Previously, a mutual visa waiver expired March 15 each year and had to be extended annually. Under the new agreement, nationals of North Macedonia with biometric passports can travel to the Ukraine visa-free for tourist and business trips, among other types of trips, for up to 90 days in a 180-day period; and vice versa. No expiry date applies to the current agreement. Notably, the new agreement also exempts North Macedonian nationals from having to obtain a D visa for stays over 90 days for employment, study, family reunion or immigration in the Ukraine. For other purposes of stay, no fees apply to D visa applications.

UNITED KINGDOM

Bill Introduced to End Free Movement and Pave Way for Single Immigration System

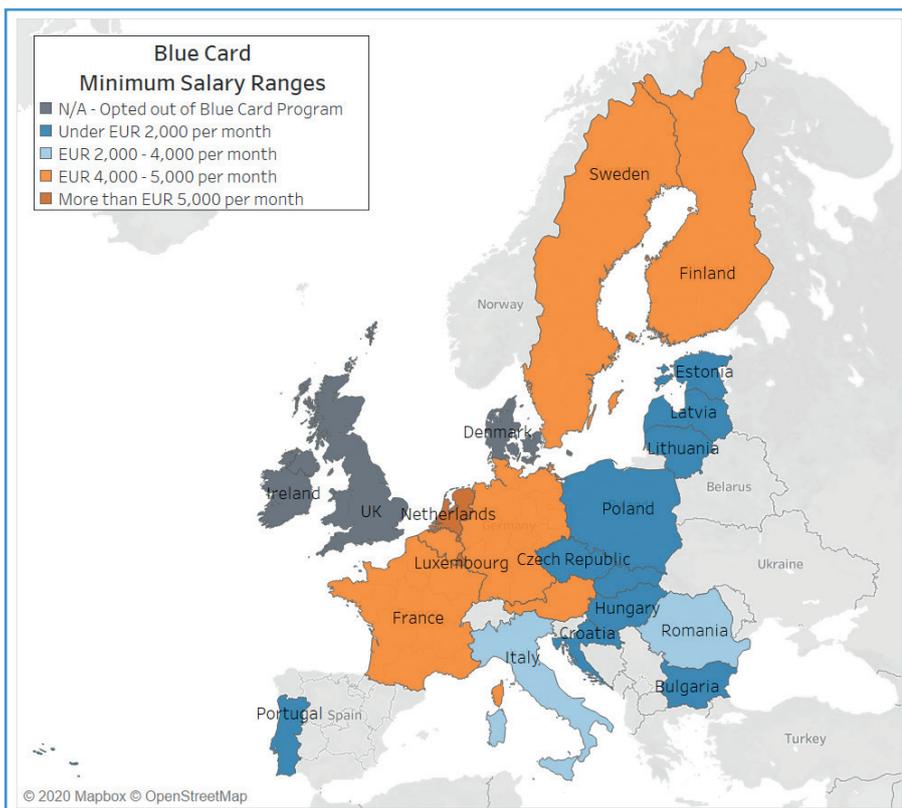
The Situation

The UK government has introduced a bill that is intended to end free movement from the European Economic Area (EEA) after 2020 and pave the way for a single immigration system applicable to EEA and non-EEA nationals starting January 1, 2021.

The legislation would clear the way for the United Kingdom to end its involvement in European free movement on January 1, 2021, after which a new immigration system would be introduced for all European and non-European nationals.

A Closer Look

The immigration bill contains powers to end the United Kingdom's involvement in European free movement. While it does not



set out in any detail how UK immigration will work from 2021, it will enable the UK government to introduce new stringent immigration controls for Europeans while loosening existing controls for non-Europeans.

Impact

The bill is an important legislative vehicle, but in practical terms will make less difference to employers than the plans published by the government in February.

UNITED STATES/YEMEN

Yemen TPS Re-Registration Period Opens

The Issue

The Department of Homeland Security (DHS) has extended Temporary Protected Status (TPS) for Yemen for 18 months, from March 4, 2020, through September 3, 2021. Starting today, current Yemen TPS beneficiaries will have 60 days, or until May 1, 2020, to request an 18-month extension of status and work authorisation while they seek another immigration status or prepare to depart the country, according to a notice published in today's Federal Register.

Re-Registering For TPS

- Who may re-register: Re-registration is limited to those who previously registered

for and were granted TPS under the designation of Yemen

- When to re-register: To obtain an 18-month extension of status, current Yemen TPS beneficiaries must submit Form I-821 with US Citizenship & Immigration Services (USCIS) by May 1, 2020. Though applicants need not pay the filing fee, a Biometrics Services fee will be required from those 14 years of age and older, unless eligible for a fee waiver
- Extending employment authorisation: Beneficiaries who wish to extend their employment authorisation for 18 months must also submit a timely Form I-765 application for an employment authorisation document (EAD) and the applicable fees (or a fee waiver application)
- Automatic EAD extensions: DHS recognises that not all re-registrants will be able to file and receive new EADs by March 3, 2020. Accordingly, DHS is providing an automatic 180-day extension, through August 30, 2020, for EADs bearing an expiration date of March 3, 2020 or September 3, 2018 (where an extension from the last re-registration period remains pending) and an A-12 or C-19 category
- Beneficiaries with pending TPS applications: Beneficiaries who have a

Form I-821 or a Form I-765 pending as of March 2, 2020, need not re-file the pending form. Approved applications will be granted validity dates through September 3, 2021.

I-9 Eligibility Verification

For Form I-9 employment eligibility verification purposes, through August 30, 2020, employers may accept a TPS-related EAD with an expiration date of March 3, 2020, or September 3, 2018, (for those who applied for a new EAD during the last re-registration period but have not yet received a new EAD), along with a copy of the March 2, 2020 Federal Register notice or a USCIS Form I-797C receipt notice indicating that the TPS-related EAD is automatically extended through August 30, 2020.

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