

# INFORM # 1 – EU AND OECD MEMBER STATES RESPONSES TO MANAGING RESIDENCE PERMITS AND MIGRANT UNEMPLOYMENT DURING THE COVID-19 PANDEMIC

SERIES OF EMN-OECD INFORMS ON THE IMPACT OF COVID-19 IN THE MIGRATION AREA

2020



## 1. KEY POINTS TO NOTE

- The global health crisis due to the COVID-19 pandemic has impacted severely on societies and economies all over the world; there are indications that **vulnerable communities including third-country nationals are being especially affected**.
- **Travel bans have been widespread** across EU and OECD countries to avoid importing new COVID-19 cases. However, most countries still allowed nationals and long-term residents to come back home as well as health professionals and other essential workers (i.e. seasonal workers).
- Several measures have been taken by EU and OECD countries to **mobilise the migrant health workforce in order to meet the needs brought about by the global health crisis**.
- To deal with **the closure to the public of migration and asylum offices** as well as consular services and provide continuity of service, many countries have facilitated online applications or email communication.
- Many Member States introduced **temporary safeguards to prevent legally staying migrants from falling into an irregular situation** by extending the authorisation to stay or removing the obligation to leave the territory during a specified time period, if travel restrictions made this impossible. In other cases, persons in this situation were covered under general extensions to residence permissions and flexibilities were also introduced.
- **In over half of the EU Member States and Norway, third-country nationals who had lost their jobs were entitled to unemployment benefits on the same basis as EU citizens, subject to the fulfilment of criteria.** Several countries made the normal rules regarding access to unemployment benefits more flexible as a response to the COVID-19 crisis and/or introduced alternative mainstream financial support measures which could also benefit third-country nationals who experienced a drop in or loss of income.
- EU Member States, Norway and the United Kingdom ensured **access to information on healthcare services and changes related to immigration entitlements** during the COVID-19 pandemic. Information was accessible in several languages through multiple information channels.
- Most EU and OECD countries offered access to **treatment for COVID-19 for all categories of migrants, including irregular staying migrants**.
- The forecasted economic recession associated with the pandemic is expected to have **potentially long-lasting negative effects on third country migrants in EU and OECD countries**; the economic downturn could bring challenges in terms of social cohesion and xenophobia.



## 2. BACKGROUND AND CONTEXT

### 2.1 AIM AND SCOPE OF INFORM

The outbreak of COVID-19 and the substantial measures taken by EU and OECD countries to stem the spread of the virus are having direct and indirect impacts on the migration field. While the long-term consequences are difficult to predict, the immediate impacts are already visible, for example, where the processing of applications for visas and residence permits has in many cases been hindered or suspended, with consequences for those migrants already in the country. In addition, the abrupt downturn in economic activity has had a significant impact across many sectors, with workers facing unemployment or reduced or lost incomes, and for third-country national workers, this could have

an impact on the renewal and/or maintenance of their work and residence permits.

This joint EMN – OECD Inform reports on **measures implemented due to the COVID-19 crisis in the fields of residence permits and unemployment** in EU and OECD countries, between March and June 2020. For EU countries, it reports on measures that were applied to third-country nationals with a regular status, already residing in the country. Irregularly staying migrants were not included in the scope of this Inform, except for the issue of access to COVID-19 related emergency healthcare services.

This Inform is based on information collected by the EMN National Contact Points<sup>1</sup> (NCPs) through a) the EMN Ad-Hoc Query (AHQ)

1 Following the United Kingdom's departure from the European Union on 31 January 2020, the EMN National Contact Point of the UK is participating in selected EMN outputs during the transition period.

tool on responses to COVID-19 in the unemployment area;<sup>2</sup> b) on responses to COVID-19 in the legal migration area;<sup>3 4</sup> c) on information provision and access to healthcare services for irregular staying migrants;<sup>5</sup> d) on information collected for OECD countries via the OECD Working Party on Migration (March to June 2020) and in the OECD policy brief on managing international migration under COVID-19<sup>6</sup> in OECD countries. This Inform also drew on information provided by the Joint Research Centre (JRC) on the vulnerabilities of migrant workers<sup>7</sup> and of key workers<sup>8</sup> in the EU during the COVID-19 pandemic, and on research undertaken by the ILO<sup>9</sup> and IOM.

This Inform is part of a series of Informs addressing further topics exploring the impact of COVID-19 in the migration area. These include other topics such as:

- impact on international students;
- maintaining key legal migration flows in times of pandemic;
- reduction or loss of remittances; and
- impact on return procedures.

## 2.2 VULNERABILITIES OF MIGRANT WORKERS IN THE COVID-19 CONTEXT

The COVID-19 crisis has impacted on almost all businesses, workers and their families. Some groups, however, are more vulnerable than others, including migrant workers from third countries, as highlighted in the 2020 JRC report<sup>10</sup> which analysed the labour conditions of migrant workers in the European Union (EU). Other international organisations, including the International Labour Organization (ILO) have also highlighted migrants' vulnerability to the socioeconomic impacts of the outbreak.<sup>11</sup>

According to the JRC analysis,<sup>12</sup> in the EU, migrants (i.e. defined in the report as both non-EU born third-country nationals and mobile EU workers) account for the 13 % of key workers that are deemed 'essential' to keep the EU economies running. In particular, the share of migrant workers is higher in essential low skilled professions, including cleaners and other domestic workers (38%) and personal care workers (19%). In such occupations, the chance of exposure to the virus and contagion, due to direct or indirect contact with individuals that are or can be infected,

is higher than in other occupations which can be carried out remotely, or respecting social distancing measures.

Although key migrant workers are less at risk of mass layoffs than non-key migrant workers, their position in the labour market is more vulnerable than non-migrant key workers. They tend to be more likely than natives to have temporary rather than permanent employment contracts, and to have lower income, even when controlling for the worker's profile and occupation.

While migrants not considered key workers face lower health risks than key workers, they are frequently employed in non-tele-workable occupations. This, coupled with temporary contracts and low income, makes them particularly vulnerable to forced shutdowns.

Beside working conditions, pandemic-specific risks disproportionately affect migrants due to living conditions; for example, the risk of exposure to the virus is higher where people live in densely populated areas or work in crowded settings. Indeed, data from the joint OECD-EU Indicators of Immigrant Integration show that across the OECD and EU areas, 17 % of immigrants (defined as foreign-born) live in overcrowded accommodation against 8 % and 11 % among the native-born in the OECD and EU countries, respectively.<sup>13</sup> Among immigrants from non-EU countries, the figure rises to 20 %. What is more, around 30 % of immigrants live in relative poverty in both the OECD and the EU countries. They are more likely to be poor than the native-born in all OECD and EU countries, with the exceptions of Poland, Bulgaria and Israel.

Preliminary data from a number of EU and OECD countries have also shown higher excess mortality among immigrants.

Before the COVID-19 pandemic, several factors had already made migrants more vulnerable to unemployment. In the OECD and the EU, the proportion of foreign-born in work but with temporary contracts is 15 % in both groups of countries, and 16 % and 12 % respectively among native workers. At 18 %, the share of temporary workers EU-wide is even higher among third-country nationals born outside the EU. This illustrates that non-EU migrants are more likely to be in temporary contracts and therefore carried more risks during the crisis. Migrants with temporary status are vulnerable not only from an economic point of view, but also from an administrative point of view, as job loss may affect their migration status. In particular, following job loss they may face the risk of non-renewal or withdrawal of their residence or work permit, and of their stay becoming irregular, or receiving orders to leave and being returned.

2 EMN Ad Hoc Query, '2020.27 -Responses to COVID-19 in the unemployment area', launched on 27 April 2020. Responses were provided by the EMN National Contact Points (NCP) from the following countries: BE, BG, CY, CZ, DE, FR, HR, EE, EL, ES, FI, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, SI, SE, SK and NO.

3 EMN Ad Hoc Query, '2020.23- Responses to COVID-19 in the legal migration area', launched on 8 April 2020. Responses were provided by the EMN National Contact Points (NCP) from the following countries: BE, BG, CY, HR, CZ, EE, FI, FR, DE, EL, HU, IE, IT, LV, LT, LU, MT, NL, PL, PT, SK, SI, SE, ES and NO.

4 A summary of the AHQ 2020.23 and 2020.27 (excluding information on the United Kingdom) can be found in the 'Residence Permits and Unemployment of third-country nationals during the COVID-19 crisis (Working Document)' available at [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/reports\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports_en), last accessed on 24 July 2020.

5 EMN Ad Hoc Query, '2020.42- Mitigating impacts on migrants and their family members residing in the EU and Norway', launched on 12 June 2020. Responses were provided by the EMN National Contact Points (NCP) from the following countries: BE, BG, CY, CZ, EE, FI, DE, ES, FR, HU, IE, IT, LV, LT, LU, MT, PL, PT, SE, SI, SK and NO.

6 OECD, 'Managing international migration under COVID-19 pandemic', 2020, Available at: <http://www.oecd.org/coronavirus/policy-responses/managing-international-migration-under-covid-19-6e914d57/>, last accessed on 24 July 2020.

7 Fasani F., Mazza J., 'A Vulnerable Workforce: Migrant Workers in the COVID-19 Pandemic', Publications Office of the European Union, Luxembourg, 2020, EUR 30225 EN, ISBN 978-92-76-18958-9, doi:10.2760/316665, JRC120730.

8 Fasani F., Mazza J. Immigrant Key Workers: Their Contribution to Europe's COVID-19 Response: 23 April 2020 [https://ec.europa.eu/knowledge4policy/sites/know4pol/files/key\\_workers\\_covid\\_0423.pdf](https://ec.europa.eu/knowledge4policy/sites/know4pol/files/key_workers_covid_0423.pdf).

9 ILO, 'A policy framework for responding to the COVID-19 crisis', ILO Policy Brief on COVID-19, 2020, available at: [https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS\\_739047/lang-en/index.htm](https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS_739047/lang-en/index.htm), last accessed on 24 July 2020. IOM, 'Migrants and the COVID-19 pandemic: An initial analysis', Migration Research Series No 60, 2020, available at: <https://publications.iom.int/system/files/pdf/mrs-60.pdf>, last accessed on 24 July 2020.

10 See footnote 7.

11 See footnote 9.

12 See footnote 7 and 8.

13 OECD/European Union, 'Settling in 2018: indicators of immigrant integration', OECD Publishing, Paris/European Union, Brussels, available at: <https://doi.org/10.1787/9789264307216-en>, last accessed on 24 July 2020.



### 3. RESPONSES TO MANAGING RESIDENCE PERMITS DURING THE COVID-19 PANDEMIC

Restrictions to working arrangements and to travel due to the COVID-19 crisis 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, there has been a consequent impact on the processing, renewal and validity of temporary authorisation of stay, residence permits and long and short stay visas of third-country nationals in the EU and Norway and immigrants elsewhere in the OECD countries.

This section focuses on how immigration authorities in the EU and OECD countries adapted their rules on the lodging and renewal of applications for residence permits and long stay visas, and to the holding of appeal hearings, in response to the necessary restrictions undertaken due to the pandemic.

#### 3.1 CONTINGENCY MEASURES RELATED TO PROCESSING RESIDENCE PERMITS AND VISAS

Most EU and OECD Member States reported that they imposed **restrictions on physical interactions with customers in public offices** as a result of the pandemic.<sup>14</sup>

In some EU Member States, appointments were only available on an emergency basis.<sup>15</sup> This included, for example, the necessity to collect a biometric residence permit.<sup>16</sup> As the pandemic subsided, several Member States began to gradually re-open public offices and police stations, or to issue appointments.<sup>17</sup>

In addition to the closure of public offices, a number of countries introduced **restrictions on lodging and processing** residence permits, temporary authorisation of stay<sup>18</sup> and long stay visa applications at **missions abroad**.<sup>19</sup> **Spain** did not formally suspend visa processing, but noted practical limitations on issuing visas.

Several EU Member States reported on the general principle of the availability of emergency consular services or on **exemptions to the suspension** of the issuance of entry visas.<sup>20</sup> These exemptions included family members of own nationals; persons travelling for urgent personal reasons,<sup>21</sup> persons in transit, on the basis of proof of entry to the country of destination;<sup>22</sup> healthcare professionals, healthcare researchers, experts in care for the elderly; diplomats<sup>23</sup>, 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 or persons entitled to avail themselves of the provisions of the EU Free Movement Directive (2004/38/EC).

However, from June 2020, following the improvements in the epidemiological situation regarding COVID-19, a few EU Member States reported that some embassies and consular services were resuming services for foreigners.<sup>24</sup>

The pandemic also had an impact on **procedures** for accepting and processing of applications for residence permits, authorisation of stay and visas in the EU Member States, at least in the initial stages.

Seven EU Member States reported that they only accepted **certain categories of applications from migrants and in urgent circumstances**.<sup>25</sup> In Ireland entry visa applications were accepted, but not processed; however, applications for legal migration schemes, employment permits and renewals continued to be processed. Estonia also accepted applications but suspended processing them until May 2020.<sup>26</sup> Luxembourg suspended accepting applications, except in emergency cases, by appointment only and where the individual could apply via e-mail. Greece only processed pending applications for residence permits submitted before immigration services closed.

The remaining EU Member States, Norway and the United Kingdom **continued to process** residence permits and long stay visa applications, however some reported that the actual permit/long stay visa would in general not be issued.<sup>27</sup>

Several EU and OECD Member States provided for periods of **automatic extension** of residence permits.<sup>28</sup> Luxembourg for example not only granted an automatic extension but also provided an extension (from 3 to 6 months) for the issuance of a residence permit.<sup>29</sup> A few EU Member States and the United Kingdom introduced specific extension measures for some essential categories in the health and/or social care sectors in the most urgent cases.<sup>30</sup>

Extensions of authorisations to stay, residence permits and short- and long-term visas or to persons who were not subject to visas were also granted in several EU Member States, Norway and the United Kingdom as a **safeguard to prevent** legally present migrants from falling into **an irregular situation** as a result of the COVID-19 pandemic or due to travel restrictions.<sup>31</sup> In some cases, EU Member States removed the obligation to leave the territory during a certain period, if travel restrictions made this impossible.<sup>32</sup>

Where the processing of applications continued, this necessitated a move **towards the use of electronic communications** and the **acceptance of scanned copies** of documentation in support of applications. This was generally considered a **stopgap measure**, with third-country nationals required to validate the

14 For the EU: BE, CY, CZ, EL, ES, FI, FR, IE, IT, HR, LT (prior registration required), LU, LV, MT, NL, PL, PT, SE, SI, SK, and NO.

15 For example, BE, CY, CZ, FI, FR, HR, LU, NL, PL, PT, SK.

16 HR, NL, PL.

17 CY, ES, CZ, HR, FR, IT, LT, LU, LV, SI, SK, PL and NO.

18 LU did not grant any temporary authorisation of stay during the first part of the confinement and residence permits were only issued in emergency situations

19 For the EU: BE, CZ, EE, FI, FR, EL, HR (Croatia does not issue long stay visas), IE, LT, LV, SI, SK.

20 BE, EE, ES, CZ, FR, HR, IE, LT, LU, SE, SK (From 12 March 2020 all Slovak consular offices abroad stopped accepting applications for Schengen visas, national visas and residence permits. However, consular offices had always been at disposal for reasons worth special consideration.)

21 HR.

22 HR.

23 HU.

24 CZ, IE (limited processing of long stay visas only), PL, SK.

25 CZ, FR, LU, LV (long stay visa applications for employment or studies), MT, SI, SK (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.)

26 Except in exceptional circumstances and also short-term employment applications were still processed.

27 BE, CY, EL, FI, HR, HU, IE, LV, LT, NL, PL and NO.

28 For the EU: BG, CZ, DE, EL, ES, FR, EL, HR (of biometric residence permits), HU, IE, IT, LU, MT, PL, PT, SK. This also applies in the UK (for those who had already had their visa extended to 31 May as part of the previous policy they received an automatic extension to 31 July).

29 Ministry of Foreign and European Affairs, Press Release 24 June 2020.

30 CZ, EE, EL (fast track procedure for agricultural workers), ES, FI, FR, IT, PL, SI.

31 BE, BG, CZ, EE, EL, ES, FR, FI, HR, HU, IE, IT, LT, LU, LV, NL, PL, PT, SE, SI, SK.

32 BE, CZ, EE, FI, HR, LT, LU, NL, PL, SI, SK. In Luxembourg, Dublin transfers were suspended and some TCN in administrative detention were freed as the transfer was not possible to execute.

application, or the new authorisation given later in the procedure or when the service returned to normal.<sup>33</sup>

While new applications for residence permits and visas were widely continued, several EU Member States and Norway noted that **effective issuance of the permit or visa was suspended**. This was partly due to travel restrictions, and border closures. Some exceptions in relation to essential workers mainly from the healthcare and agricultural sector, or for humanitarian reasons were noted.<sup>34 35</sup> Finland dated all residence permits from 14 May 2020, the date after the expiration of restrictions; however, from 7 May 2020, Finland reverted to the normal practice of dating residence permits from the date of the positive decision.<sup>36</sup>

A few countries<sup>37</sup> reported some differences in their procedures in relation to **applications for renewal** of residence permits and/or long stay visas, over those taken for lodging and deciding on new applications. For example, in the Netherlands applicants were able to renew their residence documents online or by post.<sup>38</sup> Nonetheless, in most EU and OECD Member States the same working methods, in terms of office openings and lodging and processing of applications applied also to renewals.

Most responding countries applied these general measures to all categories of legal migrants.<sup>39</sup> Estonia, Ireland and Norway applied certain exceptions, or only introduced measures for a specific category. Finally, a number of countries applied exceptions to accommodate labour market needs, as mentioned for example in the healthcare and agricultural sectors, including seasonal workers.<sup>40</sup>

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

EU and OECD Member States implemented measures to support third-country nationals that experienced a drop/loss of earnings due to the COVID-19 crisis, to temporarily protect them against the withdrawal of the residence permit or to provide income support.

With regard to **temporary/measures**, in six EU Member States **residence permits were not withdrawn** due to unemployment

of the employees or business difficulties.<sup>41</sup> In the Slovak Republic, applications for the renewal of business permits for 2021 no longer needed to meet the minimum income/profit levels required in 2020, upon submission of an affidavit that the loss was due to the pandemic. In Italy, the validity of residence permits for third-country citizens was extended until 31 August 2020. In Portugal, residence permits were rendered valid until 30 June 2020. In Spain, in addition to the automatic extension, flexibility has been introduced in renewal procedures.

Seven EU Member States reported that there were no such measures in place.<sup>42</sup> In Luxembourg the authorities did not deal with this issue as their offices were closed. In Slovenia, no amendment to the Foreigners Act was made in relation to this matter. In Belgium, the income requirements were still applicable; however, third-country nationals could benefit from income support.

With regard to **income support**, several EU Member States reported on financial support for employees and businesses.<sup>43</sup> These were general schemes open to own nationals, EU nationals and third-country nationals. Individual entrepreneurs residing in the Netherlands with either a start-up visa or self-employed residence permit could apply for support<sup>44</sup> including both income support and/or a loan for business capital. In Ireland, third-country nationals and international students (on a work concession) who were made unemployed due to COVID-19, could claim the generally available COVID-19 Pandemic Unemployment Payment without breaching immigration conditions. In Italy, the emergency law of March 2020 envisaged a wide set of measures in order to address the economic impact of COVID-19.<sup>45</sup>

### 3.4 MEASURES IN RELATION TO PROCEDURAL FLEXIBILITY INCLUDING APPEAL HEARINGS

Four EU Member States<sup>46</sup> and Norway suspended **hearings** due to the outbreak of the COVID-19 pandemic, while in a number of EU Member States and the United Kingdom,<sup>47</sup> hearings took place only in urgent situations or for certain cases. As the COVID-19 situation improved, hearings resumed, applying appropriate safety precautions and the use of technology as far as possible.<sup>48</sup>

Four EU Member States suspended **procedural timelines for appeals**.<sup>49</sup> In Malta the Immigration Appeals Board did not hold sittings.

33 IE, FI

34 EE in exceptional circumstances and on humanitarian grounds it is possible to enter Estonia with an issued visa), ES, LU.

35 The topic of addressing labour market needs and maintaining flows of legal migrant workers in essential sectors will be covered in detail in the third EMN Inform on the impact of COVID-19 in the migration area, to be published in autumn 2020.

36 This restriction did not apply if the work was central to "security of supply and the functioning of the labour market."

37 For the EU: CZ, ES, HY, LU, NL.

38 This practice is not possible in cases where a sticker on the passport is needed.

39 BE, BG, CY, CZ, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, SI, SK and NO. Categories included: Labour migration (salaried workers, self-employed workers, Blue Card, Seasonal workers ICT, posted workers) / students / researchers / family reunification / other.

40 CZ, EE, EL, ES, FI, FR, IT, MT.

41 DE, EL, ES, FR, HR, LV (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).

42 BG, EE, FI, FR, HU, PL, SE.

43 BE, CY, CZ, EE, ES, FR, HR, IE, IT, LT, MT, PT, SE, SI, SK and NO.

44 Temporary Bridging Measure for self-employed Professionals (TOZO). A similar measure applies in Luxembourg.

45 A bonus of € 600 in support of workers; a baby-sitting voucher of €600 per household with children under the age of 12; an overtime paid leave of 15 days for all workers.

46 ES (appeal procedures suspended until June 2020), EL, FR (a hearing is possible in certain cases, if there is no other option), IT and NO.

47 BE, FR, LU, NL, SE (The administrative court in SE decided as a temporary measure to limit the possibility of oral hearings), SI, and the UK.

48 BE, CY, ES, LT.

49 ES, IT, LU, PL.

Seven EU Member States reported that **no specific measures** entered into force with regard to appeal procedures due to the pandemic or that no information was available.<sup>50</sup> Ireland did not take such measures since administrative appeals are decided on the basis of documentation.<sup>51</sup> Similarly, in Latvia appeal procedures were also in writing.

### Box 1. The responses to the pandemic in the legal migration area in non-EU OECD countries

Contingency measures in the legal migration area were adopted in OECD countries outside of the EU. The closure of national borders and the enforcement of worldwide entry bans resulted in travel restrictions and curbed the re-entry of nationals and permit holders. While most countries accepted the return of legal permanent residents, as well as their spouses and immediate family members, some countries such as Colombia and Japan extended restrictions even to these categories. Canada also restricted the entry of non-family members, but temporarily enlarged its definition of immediate family to include parents and step-parents.

Most countries continued to allow all valid visa and short-term residence permit holders to enter and re-enter, such as Australia, Canada, Chile, Switzerland and the United States; and Israel still accepted business trips. However, Japan and Korea have revoked previously issued visas.

Source: OECD

With the closure of immigration services and movement restrictions -which made it hard for migrants to renew their visas, apply for status changes, or leave the country-, a number of non-EU OECD countries have offered migrants temporary concessional conditions or the possibility to remain (e.g. with varying conditions e.g. in Chile and Israel). Although Korea and New Zealand still require formal applications, the possibility to remain is commonly granted to those who cannot return to their home country. The United States granted exceptional extensions to certain types of visa holders.

In addition to exemptions from travel bans, a number of OECD countries have taken measures to mobilise the foreign-born health workforce. These included measures to temporary licence doctors with foreign medical degrees (e.g. in several regions of Canada and the United States), facilitate their recruitment (e.g. in Chile) or reduce the training requirements to be able to practise (e.g. in several States in the United States).

Some employment restrictions have been relaxed to enable migrants to face the challenges related to the pandemic. In Australia and Canada, the maximum number of hours students may work has been removed for holders of temporary visas. Australia has also loosened the rules to change employer, to reduce hours, or to work for a lower wage if the change in employment conditions is COVID-19 related. The United States introduced temporary policy changes regarding the full-time work requirement for H-1B foreign medical graduates.



## 4. RESPONSES TO MANAGE THE IMPACTS OF MIGRANT UNEMPLOYMENT DUE TO COVID-19

EU and OECD economies began contracting due to the COVID-19 pandemic, as businesses in many sectors had to temporarily suspend or substantially reduce their activities and the working hours of their staff or resort to redundancies.<sup>52</sup> Both immigrant and native-born workers are suffering from the economic consequences of the pandemic as they may have lost their jobs, but immigrant workers without permanent residence (on average around half of third country nationals residing in the EU) are additionally confronted with the possibility to be obligated to return to their country of origin which may also have been affected by the pandemic.

This section focuses on the **responses to third-country national workers who lost their jobs or experienced a loss in income** due to the economic consequences of the pandemic. It analyses how EU and OECD countries dealt with this type of situation and what the direct consequences were for these workers whose residence permit was directly linked to their employment and/or income level. Finally, it also examines whether countries experienced an increase in applications for international protection, which were triggered by loss of employment and/or withdrawal of the residence permits as a COVID-19 consequence.

### 4.1 CONSEQUENCES OF (TEMPORARY) JOB LOSS FOR THIRD-COUNTRY NATIONALS

In most EU and OECD Member States, there were no amendments to the laws regulating the withdrawal of residence permits due to loss of employment during the pandemic crisis. However, some of the Member States were more flexible in applying these general rules.

In **most EU Member States**<sup>53</sup> and Norway a (temporary) job loss by a third-country national worker in the context of COVID-19 **did not lead to the immediate withdrawal of their residence permit**. Most of these countries allowed the residence permit to continue until expiration<sup>54</sup> or during a certain fixed period<sup>55</sup> in order to allow the third-country national to find a new job.

The period within which the migrant worker can find a new job was extended due to the crisis in Cyprus (by six months) and in the Slovak Republic (to the end of the pandemic). In four EU Member States, the renewal of the residence permit was linked to entitlement to unemployment benefits<sup>56</sup> or national care insurance.<sup>57</sup> In Ireland, the residence permits of third-country nationals laid off during the crisis, which were due to expire between 20 March and 20 May 2020 and 20 May to 20 July

50 BG, CZ, DE, EE, FI, HR, PT, SK.

51 Administrative decisions are subject to judicial review in the superior courts.

52 According to this the May forecast issued by See, European Commission, European Economic forecast: Spring 2020, Institutional paper, May 2020, available at: [https://ec.europa.eu/info/sites/info/files/economy-finance/ip125\\_en.pdf](https://ec.europa.eu/info/sites/info/files/economy-finance/ip125_en.pdf) last accessed on 23 July 2020

53 BE, BG, CZ, CY, DE, EE, EL, ES, FI, FR, HU, IE, IT, LV, LT (only for certain categories of migrants), LU, MT, NL, PL, PT, SE, SI, SK and NO.

54 ES, IT, NO (skilled workers).

55 CY, NL, SE, SK.

56 ES, FR, LU, PT, SI.

57 EL.

2020 were automatically renewed for two months on the same basis and conditions as the permission that was currently held. In Italy, residence permits for prospective employment were extended until 31 August 2020. In Finland, the residence permit remained in effect for the duration of the layoff. An extended permit could be granted on condition that the employee had secure means of subsistence while the previous permit was in effect.

In five Member States the procedure for withdrawing the permit started at the moment the third-country nationals lost their employment.<sup>58</sup> This was the case in Malta, however, since 9 March 2020, third-country nationals laid-off due to the crisis were able to benefit from a special service within the employment service 'Jobsplus', in order to find alternative employment. In Croatia, in practice, if a third-country national was able to find another employment during the permit withdrawal procedure, a new application for temporary residence and work permit with the new employer could be made. In the United Kingdom the third-country national would have to leave as soon as travel was allowed.

## 4.2 RENEWAL OF PERMITS IN CASE OF LOSS OF EMPLOYMENT DUE TO THE COVID-19 CRISIS

As for the renewal of the residence permits of third country nationals who lost their employment due to the COVID-19 crisis, seven of the responding EU Member States reported on the consequences of this.<sup>59</sup>

In Belgium, days of temporary unemployment due to COVID-19 were **assimilated as working days** and the failure of third-country nationals to reach minimum salary thresholds due to the period of unemployment did not impact on their authorisation to work and stay in the territory. Third-country nationals who were unable to leave the country for reasons of "*force majeure*" were granted a short-term authorisation to stay by the Immigration Office, valid for 90 days, on the basis of which they could apply for a short-term work permit at regional level, provided that the period was also covered by an employment contract.

Five **Member States** opted to **extend the permits**.<sup>60</sup> France applied a 180-day extension of the validity of long-term visas, residence permits, temporary stay authorisations, receipts of residence permit which expired between 16 March and 15 May 2020 on the same basis and conditions. Portugal acted similarly, by considering valid, until June 2020, all documents (e.g. ID cards, driving licenses, visas, residence permits) whose validity expired from 24 February onwards. Ireland renewed automatically for two months all the residence permits that expired between 20 March and 20 July 2020 on the same basis and conditions as the permission currently held. Luxembourg extended the validity of all residence permits which expired after 1 March 2020 until the 31 August 2020. In Italy, the emergency law extended the validity of all certificates, attestations, permits, concessions, authorisations and enabling acts, expiring between 31 January and 15 April 2020, until 31 August 2020. In Poland, a new legislation provided for an extension of the periods of validity of temporary residence permits as well as the residence cards expiring during the epidemic emergency for up to the 30 days following the cancellation of the state of emergency.

In Germany, the competent authorities were able to use the margin of discretion to not reduce the length of validity of a residence permit in cases where third-country nationals lost their job due to COVID-19.

Spain reported that apart from the automatic extension of the validity of residence permits (and other authorisations), several measures were approved regarding the inclusion of more flexibility in the renewal of residence permits. In Finland, authorities assessed whether the person applying for an extended permit had sufficient **means of support**; if it seemed unlikely that a new employment contract could be obtained due to the COVID-19 crisis, the renewal of the residence permit was also improbable.

The remaining EU Member States did not adapt their permit renewal procedures due to the pandemic and can be grouped into three categories:

- **Member States that did not allow the renewal of the residence permit if the third-country national lost their employment.**<sup>61</sup> However, eight of the Member States<sup>62</sup> provided the possibility for third-country nationals to change their residence permit if they found a new job. .
- **Member States that allowed** third-country nationals to renew their residence permit if they lost their job.<sup>63</sup>
- Member States that **allowed** the renewal of the residence permit **if the person had a secure means of support** during the validity of the previous residence permit.<sup>64</sup>

Outside Europe, automatic extension of temporary labour or study permits were observed in Canada, Chile, Israel or New Zealand, while other countries such as Australia or the United States still required and processed applications.

## 4.3 THIRD-COUNTRY NATIONALS EXPERIENCING A DROP OR LOSS OF INCOME DUE TO THE COVID-19 CRISIS

In order to grant or renew a residence permit, **having sufficient means of subsistence** remains the condition *sine-qua-non* to grant or renew any kind of residence permit (to avoid the third-country national becoming a burden to the social security system).<sup>65</sup>

In this regard, two approaches followed by EU Member States were identified:

- The application of the text of the law without flexibility,<sup>66</sup> or
- A flexible and more lenient approach, taking into consideration the circumstances.<sup>67</sup> For example, in Croatia withdrawal procedures were not initiated against third-country nationals who experienced a drop or loss of income due to COVID-19. Similarly, in Spain, France, Germany and Latvia, the authorities issued instructions and recommendations to prevent any refusal or withdrawal of the residence permit due to economic difficulties.

58 BG, HR, HU, LT, MT.

59 BE, DE, ES, FI, FR, IE, PL.

60 FR, IE, IT, PL, PT.

61 BG, EE, HU, HR, LT, LV, MT, NL, SK.

62 BG, EE, HR, HU, LT, MT, NL, SK.

63 BE, CY, EL (only if the holder has a valid national care insurance), ES, FR, IT, LU, SE.

64 FI, PT.

65 Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents. Accessible via: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02003L0109-20110520&qid=1472219910415&from=EN>

66 BG, FI, NL (Flexibility in the Netherlands is structured in another way; because of the temporary Emergency Measure provided by the government, employers can get financial support to continue to pay their employees as to prevent employment contracts from being terminated.), PT (In Portugal, all measures (extension of document validity; on-site meetings rescheduling; and simplified procedures to renewals) were determined by law and the Immigration and Borders Service acted in total compliance; there was no need for discretionary flexibility, since flexibility was law induced, SI, SE.

67 BE, CY, CZ, DE, EE, ES, FR, HR, IE, IT, LU (the Immigration Law has not been modified so the renewal is possible when benefiting of unemployment benefits), LV, MT, PT, SK and the UK.

## 4.4 UNEMPLOYMENT BENEFITS: ACCESS AND DURATION

The COVID-19 crisis resulted in all EU Member States (except Sweden) applying 'lockdown', closing until further notice or reducing significantly the services of public administrations. The lockdown approach has resulted in significant unemployment (either temporary or definitive) of the domestic workforce. This situation led eight Member States to modify **access to or the duration of the unemployment benefits**.<sup>68</sup>

For example, Belgium included the COVID-19 pandemic within its "temporary unemployment due to *force majeure*" regime. 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.

France modified the regime for partial unemployment applying to employees of companies which had to reduce or stop their activities because of the lockdown.

Estonia and the Netherlands (amongst other Member States) provided financial support to employers so as not to terminate employment contracts.

Germany extended the duration of the entitlement in certain cases for three additional months.

Finally, in Spain third-country nationals benefited from all of the measures that the government implemented to protect citizens from the COVID-19 crisis. In addition, the minimum duration of work required to qualify for unemployment benefits - 360 working days during the last 6 years - was suspended.

The rest of the reporting Member States and the United Kingdom did not amend either the duration of or access to benefits.<sup>69</sup>

## 4.5 INCREASES IN APPLICATIONS FOR INTERNATIONAL PROTECTION FOLLOWING LOSS OF EMPLOYMENT AND/OR WITHDRAWAL OF RESIDENCE PERMITS

EU Member States, Norway and the United Kingdom did not report increases in applications for international protection following loss of employment and/or withdrawal of residence permits;<sup>70</sup> information was not available in three Member States<sup>71</sup> while two Member States could not provide a definitive response on whether such applications were a result of loss of employment and/or withdrawal of residence permits as a consequence of the COVID-19 pandemic.<sup>72</sup>

# 5. ACCESS TO INFORMATION FOR THIRD-COUNTRY NATIONALS

Following the COVID-19 outbreak **access to information** relating to the pandemic and the related impact on relevant public services became a priority.<sup>73</sup> This section looks at how countries ensured that public information was made specifically accessible to third-country nationals, in particular in relation to access to medical services, information on immigration entitlements and changes in how to access those entitlements owing to COVID-19 related restrictions.

## 5.1 INFORMATION ON MEDICAL SERVICES AVAILABLE DURING THE PUBLIC HEALTH CRISIS

EU and OECD Member States have used a range of information channels in order to inform the public about the pandemic and the public health measures being implemented to counteract it (see also Annex 1).<sup>74</sup> All responding Member States, Norway, and the United Kingdom reported providing public health information through national authorities' websites/online portals. Ten Member States created a dedicated website for the general public including third-country nationals.<sup>75</sup> Typical information channels used include television/radio,<sup>76</sup> press conferences,<sup>77</sup> printed flyers and posters,<sup>78</sup> social media<sup>79</sup> and targeted social media campaigns<sup>80</sup> aimed to provide information about the COVID-19 symptoms, preventive measures, health advice and overall access to medical services. A

few Member States reported setting up national COVID-19 hotlines.<sup>81</sup> Italy set up also regional hotlines.

All EU and OECD Member States also targeted information specifically to third country national through a number of actions. For example, German and Portuguese authorities involved existing networks to reach out to third-country nationals while NGOs played an important role in information provision in Cyprus, Czech Republic and Norway. More specifically, in Cyprus and the Czech Republic, NGOs supported the dissemination of information amongst third-country nationals using their own channels. In Norway, over 100 NGOs (mainly addressing migration issues) were granted funds in order to provide outreach information about the pandemic to migrants and their communities via pre-established communication channels, and to provide information on issues such as how the virus was spread, details of high-risk groups, when and how to contact a doctor, how to get medical help in the home etc. Before implementing its lockdown, Malta organised a lecture which was delivered specifically to Arabic-speaking women on COVID-19 awareness and prevention.

Finally, in some Member States, migrants were able to obtain relevant information in person (from the migration authorities), via email or phone.<sup>82</sup> In Poland, a special team was appointed in the Headquarters of the Border Guard that provided, by phone or email, information to third-country nationals relating to the epidemiological situation.

68 BE, DE, EE, ES, FR, NL, SE, SK.

69 CZ, EE, EL, FI, HR, HU, IT, LT, LU, LV, PL, PT, SI.

70 BE, CZ, CY, DE, EE, EL, ES, FI, HR, HU, , LT, LU, LV, PL, PT, SE, SI, SK and NO

71 BG, FR.

72 IT, NL.

73 See also example of community activities describe on the European Commission web page on Migrant Integration Information and good practices, available at <https://ec.europa.eu/migrant-integration/news/covid-19s-impact-on-migrant-communities>, last accessed on 23 July 2020.

74 Please also see practices reported by the European Integration network on the European Commission website, available at <https://ec.europa.eu/migrant-integration/news/ein-members-share-how-national-authorities-are-reaching-out-to-migrant-communities-about-covid-19>, last accessed on 23 July 2020.

75 BE, CZ, EE, FR, HR, LT, LU, LV, PT, SK.

76 BE, CZ, EE, ES, FR, HR, IT, LV, PT, SK and UK.

77 LU, IE

78 BE, BG, CY, CZ, EE, ES, FR, HU, IE, IT, LU, LV, PL, PT, SE.

79 BE, BG, CZ, CY, DE, EE, IE, ES, FR, IT, LU, PT, SI, SK and UK.

80 CY, ES, FR, IT, LV, MT, PT, SI and UK.

81 BE, BG, CZ, EE, FR, IT, LT, LU, SE, SK.

82 EE, HU, LT, LV, PL, PT, SE.

## 5.2 INFORMATION ON IMMIGRANT ENTITLEMENTS

Third-country nationals in all EU Member States, Norway and the United Kingdom could consult competent national authorities' websites or dedicated webpages for targeted information on their rights (e.g. regarding the extension of residence permits). In addition, the majority of EU Member States disseminated information on changes of and access to migrants' entitlements via their social media accounts,<sup>83</sup> traditional media channels (television, radio, newspaper),<sup>84</sup> through hotlines<sup>85</sup> or via other information packages or printed materials.<sup>86</sup> NGOs and partner organisations were also involved in order to reach migrants or disseminate the authorities' information in three Member States and Norway.<sup>87</sup> This was also the case in other OECD countries.

In Ireland, the Department of Business, Enterprise and Innovation in respect of the Employment Permit system published a contingency plan (regularly updated and available publicly) outlining the arrangements in place to ensure that the system continued to operate for the duration of the COVID-19 crisis. In addition, a FAQ

document on all aspects of immigration has been continuously updated and made available on the Immigration Service Delivery website of the Department of Justice and Equality. In the Slovak Republic and some NGOs, the IOM's Migration Information Centre organised a webinar to provide information on COVID-19 relevant issues and changes in the regulation of residence of foreigners in the Slovak Republic. Registered applicants in the Czech Republic were informed about possible changes in the process of their applications due to the pandemic via email. Additionally, in the Czech Republic a dedicated Infoline on entitlements was established.

## 5.3 PROVISION OF MULTILINGUAL INFORMATION

Information about access to medical services in cases of (suspected) COVID-19 and general public health information as well as about (potential) changes to and how to access their immigration entitlements has been made available in a range of languages in all EU Member States and Norway. In most cases available information was translated into English and a range of other languages.



## 6. ACCESS TO EMERGENCY HEALTHCARE, IN PARTICULAR FOR IRREGULARLY STAYING MIGRANTS

The scope of this inform covers legally staying migrants; however, this section will briefly look into the **COVID-19-related emergency healthcare services that irregularly staying migrants were able to access** during the pandemic, as well as the approaches used to ensure **information outreach**.

In more than half of the reporting EU and OECD Member States and the United Kingdom, irregular staying migrants were able to access all COVID-19 emergency health services.<sup>88</sup> Among these countries, some reported that the expenses of those services were free of charge (reimbursed or covered by the State).<sup>89</sup> In Latvia and Estonia medical consultations were also offered over the phone.

Irregularly staying migrants in the Czech Republic, Hungary and Portugal<sup>90</sup> were able to access all emergency healthcare services in the same way as citizens, but individuals without insurance had to cover their own expenses. In Germany, irregularly staying migrants whilst excluded from statutory health insurance were entitled to health care service according to the Asylum Seekers Benefits Act. In addition, in Germany and Belgium, civil society organisations also offered medical care for irregularly staying migrants and people without health insurance. Norway reported a similar approach: health centre with voluntary medical staff provided primary health care and free medication to irregularly staying migrants.

Some Member States and the United Kingdom provided **information** on access to (emergency) essential healthcare services through their national authorities' **websites** and portals, where all COVID-19 related information was available.<sup>91</sup> Such information as well as its dissemination through **social media channels** was **not targeted specifically at irregularly staying migrants**, but rather at the whole population. However, in Ireland, it was highlighted to migrants that **irregularly staying status should not be considered as a firewall** to accessing essential healthcare services related to COVID-19 in the COVID-19 FAQ booklet published on the Immigration Service Delivery website of the Department of Justice and Equality. In Luxembourg, civil society organisations played an

important role in informing third-country nationals staying irregularly in the country.

### Box 2. New measures regarding migrants' access to information, emergency health care and social protection in non-European OECD countries, Switzerland and the United Kingdom

Many OECD countries outside the European Union and Norway dedicated efforts to immigrants' access to information regarding the health crisis, but also on the access to special programs implemented during this crisis or adapted to the context. In addition to the European OECD countries, Australia, Canada, Japan, Korea, New Zealand, Switzerland and the United States have for instance provided multilingual information on COVID-19. Canada provided these multilingual official resources to understand COVID-19 on the Public Health Agency of Canada (PHAC) website.

83 CY, CZ, EE, ES, FI, IE, LU, LV, MT, PT, SE and NO.

84 BG, LV, LU, MT.

85 BG, HR, LU.

86 BE (for asylum seekers staying in the reception network), EE, LU, PT, SK.

87 CY, DE, SK and NO.

88 BE, CY, CZ, EE, ES, FI, FR, HR, IE, IT, LT, LV, LU (for COVID-19 related treatment), MT, PL, PT, SE, SI, SK.

89 BE, EE, EL, FI, LT, LU, ES, PL, SK.

90 Such services require a standard fee except for children, pregnant women and elder people. As of 22 April, the Portuguese Government exempted all COVID-19 patients from this fee.

91 CY, CZ, ES, FR, IT, LU, LV, MT, PT, SI, SE.

Virtually all OECD countries offered access to treatment for COVID-19 for all categories of migrants, but treatment could be subject to payment for some categories of migrants in a few countries.

Several countries provided access to free healthcare to irregularly staying immigrants – even for those who are not insured in the public health system – if they contracted COVID-19, and some of them cover all costs for the diagnosis and treatment of COVID-19. These included *inter alia*, Chile, Colombia, Israel, Korea, Mexico and Switzerland. Korea made testing for COVID-19 available to everyone, including irregularly staying migrants, and fees for testing and treatment are the same as for citizens. In addition, the government suspended in January 2020 the requirement for medical facilities to report irregularly staying migrants to immigration office.

In several non-European OECD countries, decisions regarding irregularly staying migrants' access to health care and its related cost are with sub-central governments.

In Australia, Victoria, New South Wales and Western Australia decided to waive out-of-pocket expenses for Medicare ineligible migrant patients for COVID-19 related diagnosis and treatment. Canadian provincial and territorial governments have put in place special provisions to ensure that all residents have access to testing and treatment for COVID-19.

Finally, as in Europe, several non-European OECD countries adopted measures to extend migrants' access to social protection. Australia adopted a new programme to respond to the pandemic, which also covered migrants, especially those with a residence permit or temporary working visa. The Federal Government provided access to welfare for temporary visa holders who were facing financial difficulties due to the COVID-19.

Some countries and local authorities have included irregularly staying migrants in their COVID-19 employment and social policy responses. In the United States, California provided cash payments specifically to migrants in an irregular situation affected by the pandemic, who had been left out from the pandemic stimulus package. Some municipalities also stepped up to widen access to social protection measures to immigrants, as in Switzerland.

Source: OECD

# ANNEX

**Table 1: How have third-country nationals and their family members been informed about (potential) changes to and changes in how to access their immigration entitlements?**

	WEBSITE OF COMPETENT AUTHORITIES OR PORTALS DEDICATED TO COVID	INFOLINE ON ENTITLEMENTS	FLYERS/POSTERS (information packages)	SOCIAL MEDIA	TV RADIO (NEWSPAPER)	NGO AND PARTNER ORGANISATIONS' ROLE IN PROVISION OF INFORMATION	IN PERSON	VIA EMAIL OR PHONE CONSULTATIONS	OTHER
BE	X		X (to asylum-seekers staying in the reception network)						
BG	X		X		X				
CY	X			X		X		X	
CZ	X	X	X	X	X	X	X	X registered people informed	
DE	X			X		X			
EE	X	X	X	X		X		X	
ES	X			X		X			
FI	X			X					
FR	X		X	X	X	X			
HR	X						X	X	
HU	X						X	X	
IE	X			X				X informed applicants	X
IT	X								
LT	X							X	
LU	X		X	X	X	X		X	
LV	X			X	X			X	
MT	X			X	X				
PL	X	X						X	
PT	X	X	X	X		X		X	
SE	X			X				X	
SI	X					X		X	
SK	X		X			X		X	X webinar
NO	X			X		X			
UK	X		X	X	X	X			

Source: EMN National Contact Points

**Table 2: How have third-country nationals and their family members been informed about access to medical services in case of (suspected) COVID-19 cases and general public health information regarding COVID-19?**

X addressed at all citizen, including TCNs

XX targeted at TCNs

	NATIONAL AUTHORITY WEBSITE (MINISTRY OF HEALTH) OR GENERAL NATIONAL WEBSITE	MIGRATION AUTHORITIES/ RECEPTION CENTRES <sup>92</sup>	COVID-19 DEDICATED WEBSITE OR PORTAL	SOCIAL MEDIA	SOCIAL MEDIA CAMPAIGN	FLYERS	POSTERS	COVID-19 HOTLINE <sup>93</sup>	TV/RADIO/ NEWSPAPERS	IN PERSON -MIGRA AUTHO or RECEPTION CENTERS	IN PERSON - VOLUNTEERS	PHONE/EMAIL	OTHER
BE	X	XX (reception centres)	X	X		XX (reception centres)	XX (reception centres)	X	X				
CY	X			X	X	XX							
CZ	X		X	X		X	X	X	X	XX	XX	X	
DE	X	XX		X									
EE	X	XX	X	X		X	X	X		XX		X	
ES	X			X	X	X	X	X	X				
FI	X									XX			
FR	X		X	X	X	X		X					X NGOs
HR	X	XX (reception centre)	X			XX (reception centre)	XX (reception centre)			XX (reception centre)	XX (NGO in reception centre)	X	
HU	X	XX					XX			XX		XX	
IE	X	XX					XX						
IT	X	XX	XX	X XX	X	XX			X				XX videos
LT	X		X										
LU	X		X	X			XX	X		X			XX social workers
LV		XX			X	XX						XX	
MT	X	XX			XX	XX							XX lecture
PL	X	XX	X	X		X	X			XX		XX	
PT		XX	XX	XX			XX						
SE	X	XX				XX	XX	XX				XX	
SI		XX		XX	XX			X					
SK	X	XX		XX					X				
NO	X												XX funds for NGOs
UK	X	XX	X	X	X	X	XX	X					

Source: EMN National Contact Points

<sup>92</sup> In BE such information has only been provided by the reception agency

<sup>93</sup> In CZ the target group of the hotline was the general public, yet it also specialized on third-country nationals.

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#### PUBLISHED

July 2020

#### SUGGESTED CITATION:

EMN/OECD (2020) EU and OECD Member States responses to managing residence permits and migrant unemployment during the COVID-19 pandemic – EMN-OECD Inform. Brussels: European Migration Network.

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