

2 Recent developments in immigration policy

This chapter provides an overview of the changes in the immigration policies in OECD countries during the period 2020-21, with a particular focus on pandemic responses. It takes an in-depth look at the most significant shifts wrought by the execution of the Brexit Withdrawal Agreement.

In Brief

Key findings

- COVID-19 occupied significant policy space throughout 2020 and into 2021, with the majority of countries maintaining travel restrictions and curtailing provision of immigration services both domestically and at overseas consulates. Many OECD countries began allowing non-essential travel in 2021, although others, notably Australia and New Zealand, have maintained tight restrictions.
- Few changes were made to regulations on international protection. The United Kingdom presented a notable exception with the implementation of its post-Brexit asylum regime. Targeted measures for British Overseas Nationals were also developed in response to changing circumstances in Hong Kong, China.
- While entries fell across the board in 2020, countries varied in their approach to target setting for 2021. Canada will increase targets for 2021, whereas Australia will keep the number steady. Finland announced an intention to set targets for certain categories of immigrants for the first time.
- Digitalisation remains an attractive tool to reduce processing times and check worker status. Several OECD countries have launched online platforms for visa applications.
- With the recent rise in telework, some countries, notably Costa Rica and Estonia, have developed novel “digital nomad” schemes.
- Some countries launched regularisation efforts to allow migrants access to the labour market. In the case of Colombia and Chile, large-scale regularisations are underway in 2021 to meet the demand created by the circumstances in Venezuela.
- Recognising the continued need for high- and medium-skilled migrant workers, some countries have implemented changes to facilitate their entry, including for the purpose of job seeking.
- Throughout 2020, the majority of OECD countries used temporary measures to mitigate the effect of COVID-19, including:
 - specific measures to facilitate the entry of health care and seasonal agricultural workers.
 - temporary measures to ensure continued legality of stay for migrants impacted by COVID-19 (e.g. automatic visa extensions, tolerated stays, and/or extension of procedural deadlines). Some countries also allowed temporary foreign workers to change employers.
 - permission for international students – who have been particularly affected by COVID-19-related restrictions – to delay studies, to begin coursework online, or to work longer hours than usually allowed under student visa schemes.
- The Withdrawal Agreement governing the terms by which the United Kingdom left the European Union entered into force on 1 February 2020. A transition period in place throughout 2020 allowed countries to introduce and streamline necessary post-Brexit immigration measures. With Brexit, the United Kingdom also announced a new point-based labour immigration policy.

Introduction

The impact of the novel coronavirus (COVID-19) pandemic on cross-border movement has been undeniable. Not only were legal channels of migration effectively closed across the OECD for the majority of 2020, but few major immigration policy overhauls were proposed. Delays bled into 2021, as many countries had not fully reopened their economies and administrative services, but resumption of policy change is likely, especially as countries grapple with their post-COVID-19 circumstances. Additionally, some of the COVID-related changes, particularly regarding protection of temporary workers, may be expected to become permanent.

Large-scale immigration policy actions were rare in 2020

While the need to develop a response to COVID-19 occupied much of the policy space throughout the OECD, halting other reform, several notable policy movements unrelated to the pandemic went ahead. This section briefly reviews the most notable changes in international protection, digitalisation, labour migration management, and regularisation programmes.

International protection and geopolitical considerations

The United States has announced several policy changes since 20 January 2021. The United States reinstated a parole option for children under the Central American Minors programme to facilitate family reunification of migrants from El Salvador, Guatemala, and Honduras. Qualifying parents must be lawfully present in the United States at the time of application. The Department of Homeland Security suspended the Migrant Protection Protocols (MPP), or the Remain in Mexico policy, for asylum seekers.

The United Kingdom introduced significant changes to its asylum law (discussed further below), and asylum-related policy shifts occurred in other countries. On 3 June 2021, the Danish legislature passed a law authorising the removal of asylum seekers to third countries to await processing of their requests, with the stated motivation of deterring asylum seekers from traveling to Denmark. In 2019, Denmark expanded its Repatriation Act to allow repatriation to Syria, and in 2020, the Ministry of Immigration and Integration established The Danish Return Agency, to assume responsibility for individuals refused asylum. In March 2020, Norway implemented a new regulation concerning assisted return support and support for forced returns. The regulation defines who may be granted assistance and which amount. The assistance is standardised, but the regulation leaves room for flexibility based on needs. Returnees with special medical needs may be provided with in-kind assistance up to EUR 18 200.

Some significant actions responded to geopolitical issues. The United Kingdom (UK), for example, announced measures to respond to the changing situation in Hong Kong, China (Box 2.1). Since September 2020, citizens of Belarus may seek a 6-month multiple-entry national visa to Lithuania under facilitated conditions. Family members of Belarusian nationals who are in possession of a national visa or a temporary residence permit may also obtain a national visa under the same facilitated conditions.

Targets and quotas set by countries

Visa and travel restrictions severely limited countries' ability to meet immigration targets. Still, they took different approaches to planning for the following year. Australia maintained the same ceiling for 2020-21 (160 000) as in 2019-20. Canada, in contrast, has chosen to increase targets for 2021. They will increase from 341 000 for 2020 to 401 000 for 2021.

Italy modified its quota decree in 2020. As in previous years, the maximum admissions quota is 30 850 places, 18 000 of which are reserved for seasonal work. Within this 18 000, 6 000 are reserved for the

agricultural workers requested by professional organisations. Among non-seasonal workers, 6 000 places are reserved for road haulage, building and tourism-sector workers from countries that have signed agreements with Italy. Korea has kept its quota stable, expanding utilisation of existing workforce rather than increasing the number of foreign workers. However, places available for Specially Designated Profession (E-7, non-professional skilled workers) were increased for 2021. In 2020, admissions under the annual quota fell short of the target of 56 000 new workers by more than 30 000, with the arrival of these workers deferred to 2021. While Israel has announced a policy of quota reduction and elimination, quotas have been increasing since 2014. In 2020, additional quotas were announced for the nursing and construction sectors, and in 2021, a quota of 9 161 was allocated to workers in private nursing homes. Utilisation rates declined in the first half of 2020, but growth resumed by the third quarter of the year.

In its mid-term review in April 2021, the Finnish Government decided to set, for the first time ever, quantitative targets for education and work-based immigration. Finland aims to triple the annual number of new international degree students to 15 000 by 2030, with the goal to retain 75% of these graduates. For labour migration, the goal is to at least double the number of persons by 2030 and then, increase the number of incoming persons annually by at least 10 000.

Box 2.1. Migration from Hong Kong, China is likely to increase in the coming years

As some destination countries loosen restrictions specifically for migrants from Hong Kong, China, a shift in outflow is expected. From February 2021, the United Kingdom plans to offer “leave to remain” to anyone aged 18 and over with a British National Overseas (BNO) passport and their dependents. After five years, they can then apply for citizenship. Successful application allows a person to work (except as a professional sportsperson or sports coach) and study. However, they are ineligible for most benefits and must show they are able to provide accommodation and financial support for themselves and any dependants for at least six months. BNOs and their family pay an international health surcharge. The British Government estimates 5.4 million Hong Kong residents are eligible for the scheme, about 72% of its 7.5 million population, but the number of eligible residents who apply may depend on exit restrictions. A government impact assessment published in 2020 estimated between 123 000 and 153 700 BNO status holders and their dependants would avail themselves of the visa in the first year and between 258 000 and 322 400 over five years. The government estimates the net benefit for the United Kingdom will be between GBP 2.4 and 2.9 billion over five years (United Kingdom Home Office, 2020^[1]).

Several other OECD countries, including Australia, Canada, and Japan, have made or are considering small-scale changes to their immigration regulations in order to allow for greater immigration from Hong Kong, China. Australia has relaxed restrictions on temporary migration. Students from Hong Kong, China in Australia will receive a five-year post-graduate extension, and temporary skilled visa holders will be able to stay for five years, allowing application for permanent residence.

Even if only a small share of those eligible take advantage of these opportunities, migration patterns may shift. Countermeasures to discourage departure are possible. Changing circumstances may also affect immigration into Hong Kong, China, although with small impact on regional flows of high-skilled labour.

Countries have picked up the pace of digitalisation

Across OECD countries, governments increasingly rely on digital platforms for visa applications. Canada implemented analytics technology to process temporary resident visitor applications from India and China, in some cases improving processing times by up to 87%. Australia, Chile, Colombia, Hungary, Korea, and Lithuania have all launched online platforms for visa applications. Spain expanded digital processing to

work visas in December 2020. Sweden opened digital applications for migrants applying within Sweden or from the Swedish Embassy in Bangkok on 16 March 2021. As of 6 April 2021, France has used an online platform for applications for work authorisation and is progressively transitioning to the use of digitalised documents for visa applications and residence permits. The United Kingdom publishes instructions for employers on how to check a migrant's right to work online via a share code, as well as how to request and verify digital documents.

Additionally, the European Commission has announced the preparation of a proposal on the digitalisation of visa procedures for applications for visas to the EU. Public consultation for the project concluded 3 June 2021. Digital procedures are expected to reduce costs for visa applicants and facilitate decision-making for countries, but these advantages must be carefully balanced with the need to protect individual data and systems security. While this may explain the relatively slow pace of digitalisation of immigration services, the trend is likely to gain speed as countries develop appropriate tools.

Emergence of digital nomads

With the recent rise in telework, some countries have seized the opportunity to build a reputation as centres for technical innovation by developing “digital nomad” visa schemes. Estonia launched a digital nomad programme in August 2020, allowing a stay of up to one year. Digital nomads become tax residents of Estonia after stays of 183 days. Greece is considering a similar scheme. In Costa Rica, a short-term visa for remote workers is in the final stages of approval. The proposed law requires that the foreign national provide stable average monthly income of at least USD 3 000 (USD 4 000 if accompanied by dependents) and hold private medical insurance. Another law, recently approved by the Costa Rican Government, relaxes the requirements for temporary residence for foreign retirees and investors.

Temporary workers have received increased attention

In 2019, Canada launched several pilot programmes to support regional employers with immigration needs, including the Atlantic Immigration Pilot for skilled foreign workers, and the Rural and Northern Immigration Pilot. The Agri-Food Pilot, launched on 15 May 2020, is designed to address persistent labour shortages, particularly in meat processing, crop production, and livestock raising. In April 2021, Canada authorised 90 000 additional spots for health care workers and international graduates, plus additional streams with no intake caps for francophone or bilingual candidates.

Germany implemented the Skilled Immigration Act in March 2020. The act is designed to open up the labour market to highly qualified workers and those with recognised vocational training without a labour-market priority test. While a job offer is essential, people with vocational training can enter Germany to seek a job for a period of six months and may work for up to ten hours per week or complete an internship with a potential employer. Implementation of the Act was slowed by COVID-19, but Germany does not anticipate a change in the need for skilled workers. From 1 March 2020 to 31 December 2020, 30 000 visas were issued, comparable to the total number in 2017, 2018, and 2019, respectively.

France lowered processing criteria for work authorisations, focusing on enforceability of the employment situation, the employer's compliance with its legal obligations, and verification of the remuneration offered. The Shortage Occupation List was updated in 2021 with some regional specificities, and interregional platforms are now used for application processing in the place of labour authorities.

Poland undertook changes to facilitate migrants' access to the Polish labour market beginning in 2019. Applicants in 289 priority professions may seek special temporary residence and work permits without a labour-market test. Poland also launched the programme “Poland. Business Harbour” to support entrepreneurs from Belarus. These visa holders may, along with humanitarian visa holders, work in Poland without seeking a work permit. Poland extended the catalogue of minimum employment conditions in host countries to be guaranteed to posted workers, covering all remuneration components under labour law. In

response to COVID-19, all foreigners who had access to the Polish labour market on 13 March 2020 gained access to seasonal work in Poland without the need for a new permit. Employers were empowered to change the conditions of work for foreigners (including working time or remuneration) without the need for new permits.

Israel has signed bilateral labour agreements (BLAs) regarding temporary workers with several countries in recent years. In 2020, Israel entered agreements with Thailand in agriculture, Ukraine in construction, and with both Georgia and Nepal for auxiliary workers for work in nursing homes and institutions. Spain signed a BLA with Honduras in May 2021. The agreement regulates the procedure for selection of workers at source, governs working conditions and social rights of workers, and provides for obligation of readmission. Specific provisions on seasonal workers are included.

Pathways to permanence for temporary workers

In general, access to permanent residence across the OECD has opened up over the last decade. Timelines and requirements (such as host-language level) vary significantly, but measures are in place to ensure such a path exists. Canada has recently taken action to increase pathways to permanent residence. The Home Child Care Provider and Home Support Worker pilots, commenced in June 2019, test a two-step process for caregivers with minimum education and language proficiency to reach permanent residency. Japan's programme for specified skilled workers, introduced in 2019, allows interns to extend their stay in Japan to work for an additional five years. As this programme is renewable, it opens up an opportunity for more migrants to reach eligibility for permanent residence. The United States has seen some increased restrictions on pathways to permanence in the last five years, though this is due more to a reduction in processing than a significant policy change. An April 2020 ban on issuance of permanent immigrant visas by consulates furthered a decline in the numbers of new US permanent residence holders, but this change is expected to be temporary.

Regularisation adapted to meet changed circumstances

Colombia worked to develop regularisation procedures for Venezuelan migrants. The Colombian president signed a decree on 1 March 2021 to create a 10-year Temporary Protection Permit for Venezuelan migrants resident in Colombia on 31 January 2021. Migrants arriving after 31 January 2021 are eligible if they enter Colombia via legal channels within the next two years. Implementation consists of an online registration phase, followed by the issuance of a regularisation and identification document. In April 2021, Chile launched a regularisation process to benefit migrants who entered Chile through authorised crossing points before 18 March 2020. Migrants who entered Chile unlawfully may leave the country to apply for a consular visa without sanctions for the unlawful entry.

Certain irregular workers present in Italy before 8 March 2020 were regularised by the government. The policy was designed to encourage employers to declare their ongoing employment relationship or to employ new workers in the sectors of domestic work, caregiving, agriculture, and fisheries. Greece and Portugal also permitted temporary regularisation of third-country nationals employed in key sectors. Several countries, including Belgium, Finland, Greece, and Sweden, introduced measures to facilitate access to the labour market for foreigners having already legally entered the country. Japan encouraged *ad hoc* residence status applications through the public employment service, especially for students and intern trainees dismissed by their employers.

The majority of changes in 2020 reflect a response to COVID-19

Due to imposed restrictions on travel, migration flows declined dramatically in 2020. However, as countries allowed various exceptions to these restrictions, they did not cease entirely. OECD countries were relatively consistent overall in their response to these changes.

Countries have been hesitant to lift COVID-related travel restrictions

Suspending migration was an understandable response to stop the spread of COVID-19. Borders closed to nearly all travellers, with most countries making exceptions for their own nationals and permanent residents in addition to some essential workers, notably in the health care sector. Even these individuals were often required to justify the need for travel, and travel options were limited. In early 2020, most countries also temporarily restricted lodging of new visa applications at missions abroad. While nearly all countries imposed some restrictions, some enforced border control more strictly than others.

Australia and New Zealand imposed strict restrictions on entry. Travel to Australia is only possible with an individual exemption. Temporary visa holders may depart Australia freely but generally may not return. Australia imposed an outbound travel ban for its citizens and permanent residents beginning 25 March 2020, with limited exemptions and has also periodically imposed state-level border closures. New Zealand created a quarantine-free travel zone for individuals coming from Australia, the Cook Islands, and Niue. Only New Zealand citizens and immediate family could travel from very high-risk countries. Exemptions were not granted, even on humanitarian grounds.

The United States and Canada halted most non-essential travel. Canada closed its borders to all countries except the United States (although the land border was briefly closed). The United States initially imposed a travel ban upon individuals arriving from China, but later extended the restrictions to 33 countries, with the latest addition (India) occurring in May 2021. Both countries also temporarily ceased processing asylum seekers. The United Kingdom developed a green/amber/red list based on circulation of the virus that governs whether non-essential travel is permitted. The majority of countries have been placed on the “amber” list, for which quarantine is required. Chile has prohibited entry from all countries with community transmission as designated by the World Health Organization.

Most, but not all, European OECD countries have been more likely to adapt their responses in an attempt to balance the changing epidemiological situation with the principle of open borders. Internal European Union (EU) movement was in flux, with countries responding to a periodic need for national lockdowns. The EU initially closed its external borders in March 2020 for 30 days. This was extended until late June 2020, when the EU approved a list of 14 countries (plus China, on the condition of reciprocity) considered safe for travel. The majority of EU/Schengen countries adopted EU recommendations on reopening. However, individual countries retained the choice to implement the recommendations, and some divergence was evident. Belgium, France, Hungary, and the Netherlands did not open borders to the countries on the list. Germany allowed entry from five low-risk countries. The EU targeted summer 2021 for resumption of international travel for vaccinated individuals. Some member states, notably Italy and Greece, reopened earlier. On 20 May 2021, the European Parliament and Council reached a provisional agreement on the EU Digital COVID-19 Certificate to facilitate internal travel.

Japan has also periodically restricted and relaxed entry from 159 countries since April 2020, based on the evolution of the pandemic. In October 2020, Japan partially reopened borders to international business travel and long-term residence seekers. In December 2020, concerns related to new variants led to a tightening of restrictions, with only citizens and residents allowed entry. As of May 2021, re-entry is refused for foreign nationals with Japanese residency who have travelled to a country with high concern of coronavirus variant Delta.

Ireland, Korea, Luxembourg, Portugal, the Slovak Republic, Slovenia, and Bulgaria have kept borders relatively open, allowing entry by third-country nationals subject to sanitary requirements and health screenings. Mexico's initial ban on non-essential travel applied only to land-border crossings.

Where travel was possible, most countries imposed an obligation for COVID-19 testing (typically a negative polymerase chain reaction (PCR) test taken 72 hours prior to arrival). The United States began requiring PCR tests in January 2021. Some also required a quarantine, although in many cases this was not mandatory. France asked travellers to make a solemn declaration to isolate. Austria mandated a 10-day quarantine, which could be shortened by a negative test on the fifth day. With few exceptions, quarantines in Australia and New Zealand were obligatory and required a managed stay for 14 days, usually at the traveller's expense.

Efforts to keep migrants from falling out of status

Throughout 2020, the majority of OECD countries used temporary measures to ensure continued legality of stay for migrants affected by restrictions on travel and immigration services. Contingency measures such as introduction of electronic or postal communication also helped mitigate the impact of reduction of in-person immigration services on migrants.

Sweden maintained in-person immigration services, albeit with reduced hours, throughout 2020. As most applications for migration were already online, processing continued as normal.

Most other European OECD countries, including Belgium, Finland, France, Germany, Greece, Hungary, Ireland, Luxembourg, Poland, Portugal, the Slovak Republic, and Spain, used automatic extension of residence permits, tolerated stays, and the suspension or extension of procedural deadlines. The majority of these policies were in force throughout 2020, although some (for example Hungary, Ireland, and Portugal) extended into 2021. Korea granted repeated three-month extensions for foreigners with expiring visas. Bulgaria provided for automatic extensions and added protections to reduce the impact of absences from the country.

Austria, the Czech Republic, Estonia, Lithuania, The Netherlands and Slovenia did not process automatic renewals but applied a policy of leniency for third country nationals unable to depart due to the pandemic, temporarily forgiving visa overstay. The Netherlands also allowed an extended period of 6-9 months to collect an approved visa in case of embassy closure. Latvia considered tolerated stays on a case-by-case basis, issuing a long stay visa or extending a Schengen 'C' visa on humanitarian grounds where applicable. Residence permit holders who experienced delay in renewing or registering a permit could pay a fee to have their documents examined in an accelerated procedure.

In the United States, since March 2020, most non-immigrants could mitigate the impact of COVID-19 by filing a timely request for extension of stay. Effects of COVID-19 were also considered as exceptional circumstances to excuse late requests for extension of stay or change of status. Regarding requests for evidence or notices of appeal dated from 1 March 2020 to 30 September 2021, deadlines for responding and/or filing were extended from 30 to 60 days.

New Zealand developed a renewable COVID-19 short-term visitor visa. Australia also created a temporarily activity visa for migrants working in critical sectors, giving individuals unable to depart the country a path to remain in Australia legally during the pandemic.

COVID-19 delays affect eligibility or likelihood to migrate...

For migrants seeking to travel under specific categories, COVID-19 caused not only delays, but in some cases, the need to rework long-term plans. Visa expiration or the impossibility to collect an approved visa can cause significant difficulty for the applicant, as it is often not an option simply to reapply.

Prior to the addition of diversity-lottery visa (DV) holders to the National Interest Exception (NIE, categories for which travel to the United States is permitted), a class-action lawsuit was filed in the United States to prevent DV-2020 visas from expiring before their beneficiaries could travel. In granting emergency relief, a court ruled that the government must treat all visas issued or renewed as having been issued as of the date of the eventual final judgement. Additionally, 9 095 visas have been reserved for DV-2020 lottery winners should the case be fully resolved in their favour.

In Israel, hotels holding permits to hire foreign workers were offered reimbursement of permit fees if they asked to cancel permits for foreign workers unable to enter Israel up to 21 March 2021.

Travel restrictions particularly affected students. Most OECD countries processed applications for study permits as consulates reopened, but distance-learning plans caused complications for eligibility. In the United States, international students may not take a full course load online. Active students enrolled in a programme brought fully online had to leave the country. F-1 visa holders could take only one online course per semester. Many countries implemented measures to mitigate delays, such as prolongation of enrolment deadlines. Others, for example the Slovak Republic, allowed students to postpone studies to the following year. Australia announced that remote courses would meet the study requirement for students seeking to enter in the future and waived the application fee for those needing to apply for a new visa. Canada allowed international students to begin studies online from abroad prior to the approval of a study permit. Studies taking place up to 31 December 2021 count toward a future post-graduate work permit. Other countries, including Estonia, France, Ireland, Luxembourg, and Portugal, declined to make such accommodations. In April 2021, the US State Department announced the expansion of the NIE to cover students and academics worldwide from 1 August 2021. Even so, students applying to study for the first time in 2021 may find international destinations less attractive, given uncertainty surrounding shifting restrictions. Aggressive recruitment in the face of any signs of declining enrolment is likely given the value of international students as a revenue source for universities in certain OECD countries.

... with temporary workers particularly affected

Temporary workers, especially those in sectors impacted by containment measures, felt the shock of the COVID-19 pandemic acutely. Most governments took action to mitigate COVID-related pressures, with many noting that these workers were more likely than other workers to lose employment in 2020 as short-term contracts declined significantly. The largest drops in migrant employment occurred in countries that did not implement job protection schemes. Some of these schemes may endure beyond the crisis, to the benefit of those migrants who often find themselves in precarious situations. In some cases, these changes had been underway even prior to and were unaffected by COVID-19, which speaks to the growing understanding that temporary workers are essential to many immigration systems.

Government approaches have varied according to type of worker and national needs

Most OECD countries identified specific occupational sectors considered as essential or “key”, thus justifying continued admission of these workers during the COVID-19 crisis. Primary sectors were health (Box 2.2), agriculture, and transport. The United States, Canada, and Israel specifically identified workers in support of critical infrastructure.

France entered into agreements with Belgium, Germany, Switzerland, Italy, and Luxembourg to allow “exceptional” COVID-19 home working for cross-border workers. Frontier workers could benefit from tolerance regarding the threshold of days of work outside their habitual work country for the purposes of taxation.

Many countries facilitated labour market access for foreigners already residing in their territory to address labour shortages. Belgium, Finland, Greece, and Sweden, facilitated entry of seasonal workers. Hungary, Poland, and Slovenia introduced special quarantine rules. Germany implemented a temporary policy

allowing asylum seekers without a work permit to work on farms from 1 April 2020 to 1 October 2020. France and Spain also relaxed work rules for asylum seekers. German farmers were permitted to organise and pay for charter flights for up to 40 000 migrant workers, provided they developed hygiene plans. At the same time, not all countries reported labour shortages. Austria, Hungary, Latvia, the Slovak Republic, Slovenia, and Bulgaria all reported the ability to meet labour needs with the existing population.

Box 2.2. Specific accommodations facilitate migration of health care workers

Recognising their importance in the fight against COVID-19, several countries took steps to facilitate entry for health care professionals, even where visa processing otherwise stalled. Belgium and Ireland continued to prioritise visa applications for medical professionals into 2021. Belgium (Wallonia) also accelerated processing times. Poland, Portugal, Slovenia, and Spain eliminated the work permit requirement for medical workers. Nearly all OECD countries exempted health care workers from restrictions on international travel. Canada exempted emergency and medical service providers, along with other individuals performing an essential service, from its mandatory 14-day quarantine period.

Italy, several provinces in Canada, and several states in the United States enabled temporary licensing for doctors with foreign medical degrees. Belgium, Germany, Ireland, and Luxembourg expedited recognition of foreign qualifications of health professionals, and France allowed foreign-trained health workers to work in non-medical occupations in the health sector.

Prioritisation of health care workers is likely to continue even as countries exit states of crisis. Health care workers continue to be prioritised in quota regimes. Of the 19 occupations on Australia's Priority Migration Skilled Occupation List, 11 are for health professionals. Austria includes health professionals in the 2021 Regulation for skilled workers in shortage occupations. Germany estimates that over 20% of doctors working in Germany were born abroad. Countries facing a shortage of medical professionals must continue to consider ways to increase their attractiveness by facilitating the immigration process.

Source: OECD (2020^[2]), "Contribution of migrant doctors and nurses to tackling COVID-19 crisis in OECD countries", <https://doi.org/10.1787/2f7bace2-en>.

In countries with a total ban on migration, labour market pressures have appeared regarding seasonal workers. Korea instituted a policy to expand the utilisation of the existing foreign workforce rather than admit additional foreign workers by allowing changes and extensions of status for manufacturing and seasonal work. Additionally, Korea reduced the mandatory three-month period of return to the home country prior to reemployment to one month. Australia used temporary activity visas to support critical sectors and created working holidaymaker initiatives to fill labour gaps in agriculture. Family members could be included on the visa application. New Zealand implemented a Supplementary Seasonal Employment Work visa to fill horticulture and viticulture roles where not enough New Zealanders were available.

Worker protections need to be strengthened further

Work permits are often restricted to a specific sector or employer. The inability to change employers represents a major barrier in times of economic stress. In light of the pandemic, some countries have taken steps to ease these restrictions. In Japan, concern that foreign workers would lose employment due to the COVID-19 pandemic led the government to allow foreign workers to change employers and maintain status. In the Czech Republic, migrant workers who lost their job could change employer as well as sector. Korean Employment Permit System (EPS) workers were allowed to change status to become seasonal workers. While the United States tightened restrictions on some types of temporary and permanent

employment visas (typically for highly skilled workers), a temporary rule was put in place on 18 December 2020 to allow agricultural workers to change employers and to start work prior to official approval of their new visa. The temporary measure should remain in place until 18 December 2023.

The COVID-19 pandemic highlighted the need for national governments to consider how best to codify and enforce labour standards for migrant workers. Laws requiring swift repatriation of workers whose permits have expired or been cancelled due to job loss may undermine the right of the migrant worker to seek fair remuneration or redress for wage-related violations or to access benefits to which they may be entitled. This need to protect workers predated the crisis, though COVID-19 underscored the urgency. Many of the measures put into place in 2020 were temporary. Finland, for example, allowed foreign workers with a valid residence permit to change employers or field until the end of October 2020. However, the vulnerability associated with an inability to change employers will remain a salient concern, and countries should consider how to make worker protections a part of their long-term labour migration structure. For instance, Canada's Open Work Permit for Vulnerable Workers, introduced in June 2019, enables workers with an employer-specific work permit to leave quickly in situations of abuse, transition to a new job, and maintain their work authorisation in Canada.

Brexit shifts the immigration landscape in Europe (and beyond)

After several years of negotiations, the Withdrawal Agreement governing the terms by which the United Kingdom left the EU entered into force on 1 February 2020. Given the complications of managing implementation of new immigration systems and negotiations of items such as a UK-EU free trade deal, the Withdrawal Agreement provided for a transition period. During this time, the United Kingdom remained bound by EU rules, including around freedom of movement. Free movement between the EU and the United Kingdom ended along with the transition period on 31 December 2020.

British and European Union citizens feel the impact of Brexit

Following Brexit, the United Kingdom and the EU reached an agreement guaranteeing the rights of EU, European Economic Area (EEA), and Swiss citizens living in the United Kingdom and of UK nationals living in those countries.

Rights of UK citizens in the EU

The Withdrawal Agreement protects the rights of UK nationals and their close family members who live in EU countries. It covers UK nationals who were living in an EU country by 31 December 2020 and who are either: 1) a worker or self-employed person in that country, or 2) a student or self-sufficient person who can show enough money to live on and have comprehensive sickness insurance. Family members living with an eligible person in an EU country by 31 December 2020 are also covered. Individuals who already have the right of permanent residence retain their status. The Withdrawal Agreement also protects frontier workers – UK citizens who live in the United Kingdom or another EU country and work in a different EU country.

In 13 EU countries, UK nationals must register or apply for a new residence status to be able to stay. Fourteen, including Greece, Cyprus, and Spain, have chosen a declaratory system where UK nationals have an option to get a new document declaring their rights under the Withdrawal Agreement. Those who have lived in an EU country for fewer than five years are able to stay as long as they meet one of the residence conditions. Residence rights are contingent on six months of physical presence per year. After living continuously in an EU country for five years, UK nationals can obtain permanent residence, after which residence can only be lost if they live outside the EU country for more than five consecutive years. In some countries, the permit duration is ten years, renewable thereafter.

Residence rights under the Withdrawal Agreement confer a right to equal treatment with nationals of the country, including the same entitlements to work, study, and access benefits and services as before the United Kingdom left the EU. Existing EU social security co-ordination rules will also apply to those with residence rights, who remain covered by reciprocal health care arrangements. Social security contributions paid in different EU countries can be used to help meet the entitlement conditions for certain benefits and state pensions.

British citizens arriving in an EU country after the Brexit transition period are not entitled to residency rights under the Withdrawal Agreement but can still apply for residency as third country nationals.

Europeans may receive EU Settled Status (EUSS)

EU, EEA, and Swiss citizens and their family members who wish to remain in the United Kingdom after the end of the transition period must have applied for the EU Settlement Scheme by 30 June 2021. Irish citizens are exempted, as their current rights to live and work in the United Kingdom will be preserved. Citizens who hold Indefinite Leave to Remain (settled status) do not need to register under the scheme.

The EUSS scheme enables EU, EEA, and Swiss citizens and their family members who have been continuously resident in the United Kingdom for five years by 31 December 2020 to receive 'settled status', enabling indefinite stay. Those who arrived before 31 December 2020 but have not been continuously resident in the United Kingdom for five years may seek 'pre-settled status', enabling them to stay until reaching the five-year threshold, when they can then apply for settled status. Individuals with settled status or pre-settled status will have the same access as they currently do to health care, pensions, and other benefits in the United Kingdom.

Close family members (defined as a spouse, civil partner, durable partner, dependent child or grandchild, and dependent parent or grandparent) living overseas are able to join the eligible resident in the United Kingdom after the end of the implementation period, where the relationship existed on 31 December 2020 and continued to exist at time of migration. Future children are also protected. Cross-border commuters (typically from Belgium or France) are not eligible for EUSS, but the United Kingdom introduced a Frontier Worker Permit Scheme for EU, EEA, and Swiss citizens who worked in the United Kingdom on or before 31 December 2020 and who will continue in their roles. Work beginning 1 January 2021 requires a visa.

Movement between Ireland and the United Kingdom

The Irish border is now the only external land border between the United Kingdom and the European Union. It is also, under the terms of the 1998 Good Friday Agreement, an invisible one, with little to no physical infrastructure or checkpoints. To avoid the creation of a hard border in potential violation of treaty, specific Brexit protocols were designed to govern the freedom of movement between Northern Ireland and the Republic of Ireland. The Common Travel Area (CTA) between the two countries predates both Irish and UK membership in the EU and will remain in force. British, Irish, and EEA citizens with settled status may move freely between the countries to live, work, and access education. They may access health care and social services in each other's country as before. However, from January 2021, UK immigration officials are required to check that non-Irish EU citizens are not moving across the border to work.

Non-EEA family members or dependents of UK nationals who were living in Ireland at the end of the transition period continue to hold the same residence permit as before, but require a new Irish Residence Permit card indicating that they benefit from the Withdrawal Agreement. They must apply for the card before 31 December 2021. Ireland also created a new pre-clearance scheme for UK nationals coming to Ireland after 31 December 2020 wishing to sponsor eligible non-EEA family members to join them.

EEA citizens living in Ireland and working in Northern Ireland must apply for a Frontier Worker Permit to continue working there from 1 July 2021. Non-EEA citizen workers, many who have lived in Ireland for

years while traveling back and forth to the United Kingdom for work, must apply for a visa to work in Northern Ireland or Britain. This could result in a significant reduction in the large number of low-skilled workers who have moved between Ireland and Britain since 2004.

With Brexit, the United Kingdom announced a new labour immigration policy

In February 2020, the UK Government published a Policy Statement on its Points-Based Immigration System (PBS), introducing a single, global immigration system for skilled workers, students, and a range of specialist work routes. Online applications for the new skilled worker visa opened on 1 December 2020, allowing work in the United Kingdom from 1 January 2021. Applicants must show they have a job offer from an approved sponsor. Points are granted for a job offer at the appropriate skill level, English knowledge, and a minimum salary, with visas awarded to those who gain enough points. Applicants must normally be self-supporting and paid at least GBP 25 600 per year (lowered from GBP 30 000) unless the market rate for the job is higher. However, they can trade points for characteristics such as their specific job offer and qualifications against a salary lower than the market rate. The visa lasts for up to five years and is extendable. Changes to the Immigration Rules in March 2021 made it easier for key foreign workers in health and care roles to enter the country. Additions to the shortage occupation list included pharmacists, laboratory technicians, senior care workers and nursing assistants, public health and domiciliary managers.

There are several other routes alongside the skilled worker visa. The Global Talent visa is for people who can show they have exceptional talent or promise in the fields of science, engineering, humanities, medicine, digital technology, or arts and culture. Innovator and Start-up visas are available for those seeking to establish a business in the United Kingdom. Employers may use an Intra-company Transfer visa to move established workers to the United Kingdom. The Student route and Child Student route opened on 5 October 2020.

There is no route for lower-skilled workers. The government noted in February 2020 that there were an estimated 170 000 recently arrived non-EU citizens in lower-skilled occupations. It assumes that this supply, which includes people such as the dependents of skilled migrants, would continue to be available under the EU Settlement Scheme, allowing employers flexibility to meet labour market demands. In response to complaints of labour shortages, the government quadrupled a pilot scheme for seasonal workers in agriculture to 1 000 places. An extension of the pilot in December 2020 created a quota of 30 000 places. In addition, youth mobility arrangements with eight countries and territories bring around 20 000 young people to the United Kingdom each year, many in lower-skilled roles.

Brexit will likely have a trickle-down impact on the entire migration framework

The United Kingdom has developed its own approach to asylum claims

The United Kingdom has left the Dublin regulation, which allows reciprocal arrangements between countries for the return of asylum claimants. The new plan relies on acceptance of returned asylum claimants by the countries from which they travelled, but the United Kingdom has made no return arrangements with EU countries to date. Attempted Channel crossings remain a significant concern for the United Kingdom. In 2020, more than 8 400 people reached the United Kingdom by boat. As of 28 April 2021, the number of crossings for the year was already more than 1 850. In March 2021, the UK Home Secretary announced planned reforms of the asylum system, designed to streamline the process and deter smuggling. For the first time, whether people enter the United Kingdom legally will have an impact on how their asylum claim progresses and on their status in the United Kingdom if that claim is successful. The Plan proposes that any asylum seeker arriving illegally, even with a successful claim, will have limited family reunion rights and limited access to benefits. Unaccompanied minors may only reunite with a parent, whereas under the Dublin regulation, they can be reunited with close family, including adult siblings, aunts

and uncles, and grandparents. Migrants who enter the United Kingdom via a legal resettlement route will receive indefinite leave to remain immediately upon arrival. The Plan involves making quicker removal decisions for failed asylum seekers and makes legal appeals procedures more difficult.

Student tuition fees and post-study work eligibility

Before Brexit, EU students undertaking study in the United Kingdom were subject to the same rules and fee structures as UK nationals. Those arriving in the United Kingdom beginning January 2021 and whose course begins after July 2021 must now be sponsored by a licensed educational institution and pay international tuition fees, visa fees and a health care surcharge (at a discounted rate). The rules on post-study work are relaxed for all international students in the United Kingdom, with a two-year period of post-study work, or three years upon completion of a PhD, during which there are no restrictions on salary or occupation. Employer sponsorship is not required. A Graduate route opens in July 2021 for international students who complete an eligible course at a UK higher education institution and have a record of compliance with immigration requirements. These students can work or look for work after their studies for two years (three years for Doctoral students).

Following withdrawal from the Erasmus+ programme, which allows students to spend time at universities in other EU countries, the UK Department for Education established the Turing scheme to provide grants to help cover travel and living costs for students to study abroad, including outside the EU. Educational institutions must make the applications. Participating universities are expected to waive student tuition fees. As of 1 January 2021, UK students who seek to complete an entire degree course in the EU may be required to pay non-EU third-country national rates.

Economic impact by sector

A survey of employers by the Migration Advisory Committee found that in 2018-19, 21% of employers had at least one EEA employee; a similar proportion had at least one non-EEA migrant employee (Migration Advisory Committee, 2020^[31]). In recent years, the proportion of employers with at least one EEA employee has grown faster than the proportion of employers with at least one non-EEA employee, indicating a growing reliance on the EEA. It is too early to know how the new immigration system will affect this trend. However, with the UK global talent scheme opened up to include EU, EEA, and Swiss citizens, potential workers must now compete with third-country nationals. The same holds true of UK nationals, who must now participate in the non-EU immigration system to live and work in Europe. The United Kingdom has been the destination country of the largest number of Irish emigrants for many years, accounting for 21% of emigrants from Ireland in 2019. However, the numbers have been trending downwards, which, though possibly tied to economic recovery in Ireland, may also be an early indication of the impact of Brexit.

What is more, changes to the immigration system will have a differential affect across the economy. Certain sectors are more dependent on EEA workers than non-EEA workers and may face larger recruitment problems. This is particularly the case in transportation and storage, construction, and agriculture. In contrast, the information and communication sector and the human health and social work activities sector employ more non-EEA migrants. The introduction of salary thresholds for EEA migrants in the future immigration system is likely to have the greatest impact on small employers, which often do not hit the salary threshold for any of their EEA employees. Although changes to the visa system will affect larger employers, their reliance on EEA workers is relatively low. Overall, employers are less impacted where salaries tend to be higher, such as in the information, financial, and insurance sectors. In the accommodation and food services sectors, a high proportion of employees fail to meet the threshold. In the human health and social work sectors, most, but not all, employees meet the general salary threshold. Further, regulations and programmes that were not previously necessary had to be developed regardless of any changes in underlying demand. This is the case notably for seasonal agriculture workers, as demand may remain even if applying for these visas now represents an increased cost and administrative burden.

Communication regarding policy changes both in country and abroad

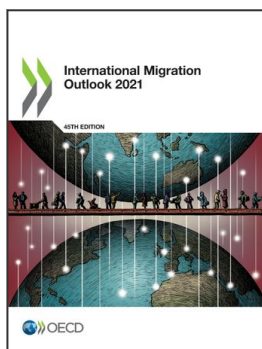
Because the United Kingdom was not a member of the Schengen free movement zone, Brexit has few direct impacts for non-European migrants. However, Brexit does provide an example to countries outside Europe of how to conduct a large-scale information campaign. In the event of a policy shift affecting large numbers of migrants, governments need to communicate complex information to a wide range of people, including vulnerable persons, about their rights and obligations in order to prevent them from falling into irregularity.

Other countries have recently tackled this communication challenge. For example, the United States has considered how best to address the questions of eligible migrants as it resumes processing of new applications for Deferred Action for Childhood Arrivals (DACA), which had been halted from September 2017 to December 2020.

On 6 March 2020, the UK Foreign and Commonwealth Office announced a GBP 3 million UK Nationals Support Fund for organisations providing practical support to UK nationals for their residency applications. In July 2020, the United Kingdom launched a tailored information campaign across 30 countries to inform UK nationals of the changes taking place after the transition period and actions needed to secure rights in their country of residence. This campaign encouraged UK nationals to visit the “Living in” guide on the Gov.uk website and to sign up for email updates. The British Embassy in many EU countries launched joint events with host country officials. For EU citizens with settled or pre-settled status (or who have applied for a visa), the Gov.uk site also provides a way to view immigration status in the United Kingdom online and to share that status with employers. The site also provides guidance to employers on how to conduct right-to-work checks and information on the new points system.

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