

The impact of COVID-19 in the migration area in EU and OECD countries

EMN OECD UMBRELLA INFORM

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INTRODUCTION AND KEY FINDINGS

KEY FINDINGS

- The COVID-19 pandemic had far-reaching effects on all areas related to asylum and migration throughout 2020. The impact was felt particularly in terms of border closures, travel restrictions and the need to introduce sanitary measures to try to bring the virus under control. EU and non-EU OECD countries adopted contingency measures in an effort to keep systems operational and to mitigate the impacts on migrants and citizens to the extent possible.

Residence permits and entry conditions.

- The pandemic impacted on entry conditions and the issuance of **residence permits** by EU Member States both at missions abroad and on the territory. On the territory, Member States and Norway began to **introduce restrictions on in-person immigration-related services**. To ensure continuity, even during office closures, **services were maintained using post, electronic means or using online systems**. In some Member States, pre-existing online systems continued to be used.

Electronic tools and online systems were also commonly used in non-EU OECD countries. Australia, for example, provided few in-person services, with all

applications available for electronic submission, and in 2020, naturalisation ceremonies were also conducted virtually.

Supports to mitigate the effects of the pandemic for migrants

- For migrants already on the territory, measures were introduced to ensure that those affected by travel restrictions or restrictions on immigration services **did not fall into an irregular situation**. In the EU Member States and Norway, these included automatic extension of residence permits, tolerated stays, removal of the obligation to leave, and/or the suspension/ extension of procedural deadlines, and in some cases, these measures were still in force as of 31 December 2020. Non-EU OECD countries also made similar efforts to ensure that migrants did not fall into an irregular situation, for example, in the US, where from March 2020, timely online requests for extension of stay were possible to mitigate the effects of COVID-19.
- For migrant workers affected by the pandemic, many Member States and Norway reported that **mainstream supports available to the unemployed and employers were also applicable to migrants** during this period. In addition, some flexibility in the minimum

income requirements for qualifying for/protection against withdrawal of the residence permit was reported. Non-EU OECD countries also provided income support to migrants.

- Most EU Member States reported that **COVID-19 related healthcare was available for all migrants**, with costs met from public health insurance or social security and/or from State public health funds. For regular migrants who experienced a drop or loss in income, underlying rules on access to general healthcare were maintained, allowing access to general healthcare in most reporting Member States.

Meeting labour market needs

- To prevent the spread of COVID-19, **most EU Member States imposed restrictions on the admission of migrants**. Continued admission was justified for essential occupational sectors, notably **health, agriculture and transport**. Non-EU OECD countries similarly identified health and, in most cases, agriculture/food security as essential sectors, as well as support of critical infrastructure in some cases.
- To address labour shortages, especially in **seasonal activities**, some EU Member States implemented measures to facilitate labour market access for third-country nationals already on the territory. Regularisation of third-country nationals employed in certain key sectors was permitted in a limited number of cases, both in EU and non-EU OECD countries.
- Regarding **contingency planning for 2021**, some EU Member States reported the relevance of the usual tools for fulfilling labour needs, e.g. quotas, or measures taken earlier in 2020, to meet the demand for seasonal workers, including an exemption from travel restrictions. Member States also reported the importance of using similar tools to meet labour needs in other key sectors, especially healthcare, with some reporting more specific measures in relation to ongoing labour needs for healthcare workers. Some non-EU OECD countries planned to increase labour migration in order to spur economic recovery in the wake of the COVID-19 pandemic.

International Protection

- The pandemic also impacted on the implementation of international protection systems in EU+ Member States. The **new tools and processes used in asylum and reception systems** in the immediate response to the health emergency no longer represent just a short-term solution for EU+ countries to mitigate COVID-19, but the emerging 'new normal' in European societies and legal systems with long-lasting effects on the implementation of the Common European Asylum System (CEAS).
- **Physical distancing and sanitary measures** pose a particular challenge for reception systems. The operationalisation of emergency shelters or isolation areas has been crucial, not only to address the spread of COVID-19 but also for the development of solid contingency plans. In addition, national authorities are adapting practices to continue to provide reception services beyond accommodation, such as educational activities, information-sharing, counselling through e-services, etc. Other stakeholders, such as civil society organisations

and public-private partnerships, also needed to adapt their services in a more permanent way.

- At the same time, **new challenges arise in guaranteeing an effective and fair asylum procedure** for both first instance applications and appeals, e.g. the quality of remote interviews, access to and skills needed to use electronic tools by applicants, the quality of processes and data protection.
- The resumption of operations by **judicial institutions has led to the review of emergency measures** in asylum and reception procedures, and in some cases, the immediate annulment of certain measures.

International students

- **International students** were generally subject to the same travel restrictions and testing/quarantine requirements as all other third-country nationals. Some EU Member States reported **substantial decreases** in the number of new international students by the end of 2020 compared to previous years. Migration authorities in EU Member States used **online procedures for issuance of visa or residence permits** (in similar ways as for other third-country nationals, see above). Some non-EU OECD countries, showed leniency or provided extended deadlines for the provision of documents needed for the application process.
- EU Member States and many non-EU OECD countries adopted national policies that **discouraged physical presence on campuses**, with a few exceptions connected to laboratory work in smaller groups, practical studies in medicine, or mid-term exams that could not be held remotely. Similar scenarios also applied in Canada and the UK.
- Most EU Member States allowed international students who were admitted to the territory prior to the pandemic to undertake their studies but subsequently returned home, **to continue their studies online from abroad**.
- **Online systems for renewal of residence permits** were available to students, often linked to similar measures for other residence permit categories.
- Some EU Member States provided state-funded social security or other support mechanisms for (financially disadvantaged) international students, for example in the form of scholarships or bursaries.
- EU and non-EU OECD countries also increased the maximum working hours applicable to international students, opening access to national funds or other financial programmes.

Return

- The Covid-19 crisis and associated travel restrictions and bans impacted on both **the number of return decisions and on the implementation of return** in EU Member States, and in non-EU OECD countries. Typically, this meant a reduction in returns in March, April and May 2020, and a relative rise in the following months. Forced return was heavily impacted, with a substantial decrease in March and April, which had not reach pre-pandemic levels by December 2020.
- Travel restrictions were lifted at various points throughout 2020, but not consistently across EU Member

States and third countries, so that **difficulties in organising return flights to third countries remained**. Some non-EU OECD countries (Japan, Korea, and New Zealand) noted that a reduction in the number of international flights and other travel restrictions made it difficult to carry out deportations in 2020. The US did not suspend deportations due to COVID-19.

- Almost half of EU Member States reported having implemented **contingency measures on pre-removal detention** in order to avoid absconding. Hygiene measures were implemented throughout 2020, especially in pre-detention testing and quarantine. Several EU Member States continued to respect the reduced detention capacity and prioritised alternatives to detention where possible.

AIM AND SCOPE

Between July 2020 and January 2021, the EMN, in collaboration with the Organisation for Economic Co-operation and Development (OECD) and the Knowledge Centre on Migration and Demography (KCMD), developed and published a series of five EMN OECD Informs on the impact of COVID-19 on migration.¹ This Umbrella Inform provides an update on these impacts as at 31 December 2020, closes earlier information gaps, summarises and analyses the key findings across the earlier Informs, and identifies the main challenges and learning points in responding to the pandemic at national level. It is a joint effort of the EMN and OECD, in cooperation with KCMD, the European Asylum Support Office (EASO) and the European Border and Coast Guard Agency (FRONTEX) and includes a section from EASO exploring the impact of COVID-19 on asylum and international protection. Remittances are not covered here, but detailed information on the consequences of pandemic remittances and the companies providing those services

METHODOLOGY

This Umbrella Inform builds on the findings from the series of EMN OECD Informs on the impact of COVID-19, published in 2020 and 2021, complemented by additional data collected by different actors:

- Information used in Chapters 2, 4 and 5 was provided by EMN NCPs, primarily from secondary sources, via ad-hoc queries (AHQs).
- Information in Chapter 3 was provided by EASO and covers EU+ countries (the EU Member States plus Norway and Switzerland). Primary facts and information are drawn from official, publicly available sources, including websites and press releases published by competent authorities, EU agencies and civil society organisations. The list of measures and references to EU+ countries are indicative rather than exhaustive. Except where stated otherwise, information is based on inputs provided by the EASO Information and Documentation System (IDS) Advisory Group through the 'EASO survey

- Over half of EU Member States **continued to provide return counselling and other pre-departure services**, with most moving to online communication formats and developing online pre-registration activities to allow individuals to access Assisted Voluntary Return and Reintegration (AVRR) procedures.
- EU Member States reported that the conditions for providing **access to the education system** for third-country national children subject to return decisions remained the same as those for nationals, both in normal circumstances and during the pandemic across EU Member States. **Emergency healthcare and essential treatment** to individuals subject to a return decision was maintained.

can be found in the EMN OECD Inform from December 2020.²

The Umbrella Inform covers the period March – December 2020. It does not reflect on incremental policy developments during this period and indicates only the general period of introduction of policy changes rather than specific dates. Rather, it provides the updated position as at 31 December 2020 across the following topics.

- Residence permits, entry conditions, unemployment and labour market needs (Chapter 2);
- International protection (Chapter 3);
- International students (Chapter 4);
- Voluntary and forced return (Chapter 5); and
- The final chapter (Chapter 6) presents a number of conclusions, and on the basis of the information collected, reflects on the future outlook.

on the impact of COVID-19 measures on asylum and reception systems', launched in October 2020.

- Analysis provided by FRONTEX has been included in the section on border closures, quarantine and testing requirements in Chapter 2.
- Information relating to non-EU OECD countries has been provided by OECD, is included across all thematic chapters to provide examples of measures and activities outside of the EU.
- Chapter 6 (Future outlook) was prepared by OECD as a forward looking exercise, drawing from the material presented in this Umbrella Inform.
- The synthesis of material was undertaken by EMN NCPs (notably IE, LV and LU), EASO, FRONTEX and the EMN Service Provider.

A list of EMN sources is provided in Annex 1 and may be consulted for further details.

1 Available at: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/informs_en

2 EMN/OECD (2020). Impact of COVID-19 on remittances in EU and OECD countries – EMN-OECD Inform. Brussels: European Migration Network. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_inform4_remittances_2020_en.pdf

With respect to the terminology used in this Inform:

- Non-EU OECD countries refers to OECD countries other than EU MS and Norway (as Norway is an EMN NCP and contributed to the data collection by the EMN) and in Chapter 5 (Return) Switzerland (as Switzerland is a

member of the EMN Return Experts Group and thus contributed to data collected by the EMN).

- The term 'migrant' is used for non-EU OECD countries rather than the term 'third-country national'³ which is used in relation to EU Member States and Norway.

BACKGROUND AND CONTEXT

The outbreak of COVID-19 and the substantial measures taken by EU and non-EU OECD countries to stem the spread of the virus have had direct and indirect impacts on migration and asylum. While the long-term consequences are difficult to predict, the immediate impacts are evident: slowing or suspension of processing of visa and residence permit applications, and workers facing unemployment or reduced/lost income as a result of the abrupt downturn in economic activity. In the EU-27, for example, by January 2021, unemployment had risen by 1 465 million compared to the beginning of 2020, amounting to a total of 15 663 million unemployed.⁴ The impact was also directly felt on asylum systems, with a 34% decrease in asylum applications in 2020 compared to 2019,⁵ resulting in more first-instance decisions issued than applications lodged, for the first time since 2017.⁶ Necessary travel restrictions curbed the ability of EU and OECD countries to carry out forced and voluntary return procedures.

For migrant workers, the impact has been felt in relation to the renewal and/or maintenance of their work and residence permits. This includes also international students, where the loss of part time jobs or reduced/lost incomes could impact their ability to continue their studies, or who could face challenges in finding a job or starting a business following their graduation. Necessary travel restrictions curbed the ability of EU and OECD countries to carry out

forced and voluntary return procedures and necessitated the implementation of contingency measures to prevent the spread of the virus in detention centres and to migrants and staff across the different stages in the return procedure.

In the EU, in order to provide guidance to Member States and to facilitate a uniform approach, the European Commission adopted various Communications, including on the temporary restriction of non-essential travel from third countries in the EU+ area, and guidelines on the implementation of EU provisions in the area of asylum and return procedures and on resettlement.⁷ Since the start of the pandemic, all of the JHA agencies have also worked to support the Member States and EU Institutions, according to their respective competences.⁸ EASO for example has closely followed the impact of the pandemic on asylum trends and procedures, issuing a number of special reports on the effects on access to asylum authorities, personal interviews and e-administration.⁹ To support European countries in the context of the current health emergency, EASO has also developed guidance on practices and recommendations that can be useful beyond the COVID-19 pandemic,¹⁰ while trainings on these topics were organised.¹¹ FRONTEX has monitored closely the functioning of borders as well as the implementation of forced and voluntary return.

3 Any person who is not a citizen of the European Union within the meaning of Art. 20(1) of TFEU and who is not a person enjoying the European Union right to free movement, as defined in Art. 2(5) of the Regulation (EU) 2016/399 (Schengen Borders Code). EMN Glossary: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/third-country-national_en

4 Eurostat (2020). Statistics explained, Unemployment Statistics, July 2020. Available at: https://ec.europa.eu/eurostat/statistics-explained/index.php/Unemployment_statistics#Unemployment_in_the_EU_and_the_euro_area

5 Eurostat (2021). *First-time asylum applicants down by a third in 2020*, 24 March 2021. <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20210324-1?redirect=%2Feurostat%2F>

6 EASO news: <https://easo.europa.eu/news-events/eu-asylum-decisions-exceed-applications-first-time-2017-due-covid-19>

7 <https://ec.europa.eu/info/sites/info/files/guidance-implementation-eu-provisions-asylum-return-procedures-resettlement.pdf>

8 https://frontex.europa.eu/assets/Publications/General/COVID_19_Response_of_JHA_agencies.pdf

9 EASO published three reports on *COVID-19 emergency measures in asylum and reception systems* (June, July, December 2020), analysing the impact on asylum and reception procedures in EU+ countries, the variations and similarities in national efforts to address the situation, and the interim solutions put in place. Two EASO *Special Reports on Asylum Trends and COVID-19* (May, June 2020) focused on data analysis.

10 See analytically Chapter 3. Available also at <https://www.easo.europa.eu/practical-tools>

11 EASO, *COVID-19 emergency measures in asylum and reception systems PUBLIC – Issue No. 2*, July 2020, p. 6



1. RESIDENCE PERMITS, ENTRY CONDITIONS, UNEMPLOYMENT AND LABOUR MARKET NEEDS

RESIDENCE PERMITS AND ENTRY CONDITIONS – ADMINISTRATIVE APPROACHES

Processing outside the territory

Several Member States reported restrictions on lodging and processing residence permits and visa applications at missions abroad during the period 13 March to June 2020.¹² Some reported exemptions to these rules for certain categories, e.g. persons in transit, goods carriers and transport personnel, healthcare workers, diplomats and humanitarian personnel, and for emergency reasons.¹³ While some Member States and Norway continued processing residence permits and visas in principle, some noted the practical difficulties in issuing visas/permits due to border closures and travel restrictions.¹⁴ Some Member States reported gradual resumption of visa processing/consular services in the period to June 2020¹⁵

- Few changes were reported in relation to consular services or visa processing as of 31 December 2020. Luxembourg noted that its external borders were closed to third-country nationals until 31 March 2021, with several exceptions. Other Member States reported continued or resumed consular services and/or visa processing, at least on a limited basis:¹⁶ Spain noted that the acceptance of applications did not cease during the pandemic, without prejudice to local laws regarding opening of embassies, although the actual visa stickers could not be issued during periods of travel restrictions. However, since June 2020, the processing and issuance of visas was expedited for students due to start in the September 2020 academic year.
- Ireland resumed limited processing of long-stay visas from 22 June 2020 and began to issue decisions in September 2020. Short-stay visas remained paused, except for emergency and priority categories. The list of exempt categories was updated in line with Council Recommendation (EU) 2020/912 of 30 June 2020.
- France resumed processing applications in consulates after the first lockdown, prioritising international students.
- From 1 September 2020, restrictions on consular work in Slovenia were abolished and public health hygienic

measures were implemented throughout the Slovenian consular network.

- Similar measures were implemented in the consulates of the Czech Republic, where only selected categories of applications were processed, in accordance with Council Recommendation (EU) 2020/912. The Czech Republic reported that residence permit and visa applications were processed within normal processing times.
- Processing of applications for long-stay visas continued in the Netherlands, prioritising certain categories, such as family members of migrants already resident in the Netherlands, essential workers and students. Some Dutch embassies were partly closed and a six-nine month extension was granted to applicants to collect their visa approval.¹⁷
- Latvia stated that new rules on electronic submission of applications did not apply to first-time applications submitted at representations abroad, which must be submitted in person.
- In Croatia, the decision to temporarily suspend the processing of the application for Croatian short-stay visas, made on 16 March 2020, was amended and supplemented several times during 2020 (including changes in July and December), expanding the categories that were exempted from the suspension, in line with changes at the EU and national levels.

Some Member States noted the impact of the epidemiological situation at their embassies abroad on visa services or the ability of visa holders to travel,¹⁸ with Sweden observing that migration interviews at the embassy in Tehran are suspended until 2021, for example. The working holiday visa programmes between Sweden and Argentina, Chile and Uruguay have been suspended.

Processing on the territory and 'in person' services

From 13 March 2020, Member States and Norway began to **introduce restrictions on in-person immigration-related services** for third-country nationals.

¹² BE, CZ, EE, FI, FR, HR, IE, LT, LV, SI, SK. HR does not issue long-stay visas.

¹³ CZ, BE, EE, ES, FR, HR, IE, LT, LV, SK.

¹⁴ CZ, EE, ES, IE, HR, LU, SK and NO.

¹⁵ CZ, HR, IE, SK.

¹⁶ CZ, EE, ES, FR, HR, IE, LV, NL, SI, SK.

¹⁷ The period of time allowed for collection was extended from three to six months, with a possible further three months allowed.

¹⁸ ES, HR, IE, SE, SK.

Some Member States did not close public offices fully between March and June 2020, or they kept offices open while encouraging other methods of contact, such as online systems or email.¹⁹ Many Member States provided the option to attend public offices on an appointment basis for specific reasons, e.g. to collect a residence permit.²⁰

Public service resumed gradually in the Member States and Norway in the period to June 2020 as the epidemiological situation improved.²¹

Table 1 summarises the availability of face-to-face service throughout 2020 in EU Member States. .

Table 1: 'Face-to-face' services/office closures in immigration offices on the territory of Member States from 13 March 2020

Member State	Situation
Austria	Settlement and Residence Authorities operated throughout, but in-person service limited or discontinued from mid-March 2020. Only possible to attend by appointment. From mid-March to May 2020, office hours at the Federal Office for Immigration and Asylum were limited to electronic/postal requests and telephone enquiries.
Belgium	Applications for residence permits in the territory were introduced at the level of the municipality. In 2020, some municipalities decided to close their offices during certain periods of the COVID-19 pandemic.
Bulgaria	Migration offices not closed.
Croatia	Migration offices not closed.
Cyprus	Public service closed 17 March-3 May 2020 (inclusive).
Czech Republic	Immigration offices were never closed, but there were limitations: <ul style="list-style-type: none"> - from March to May: reduced working hours to deal with mainly urgent cases - June to September: offices gradually reopened for all clients - October to December: a pre-booked appointment was required to visit an office.
Estonia	Service Offices of the Police and Border Guard closed between 13-18 March and reopened from 18 March for urgent cases.
Finland	Immigration office customer service points were never closed but were available by appointment only. Currently, the service points accept walk-in customers, but the number of people who can be inside at the same time is limited.
France	From mid-May 2020 (end of first lockdown), filing of residence permit applications was possible by appointment. From October 2020 (second lockdown), all public services remained open, with strict hygiene protocols.
Germany	No nationwide closure of immigration offices. From mid-March to April 2020, immigration offices and town halls could be closed to personal visits but most accepted emergencies.
Hungary	Offices remained open throughout 2020. Appointment-only basis from 17 March-18 June 2020 (first state of danger period) and from 4 November 2020 (second state of danger period).
Ireland	Immigration Registration Office Dublin closed from 20 March-20 July 2020, 18-24 August 2020, 21 October-2 December 2020, and from 23 December 2020. At all other times, it was open for first-time registrations by appointment only.
Italy	Closed from 17 March-18 May 2020. Since then, open with strict hygiene protocols.
Latvia	Migration offices were not closed. Only face-to-face contact is submission of biometric data and collection of the residence permit, by appointment.
Lithuania	Migration Offices never completely closed and some restrictions applied.
Luxembourg	Offices of the Directorate of Immigration closed from 18 March-13 May 2020. As of 31 December 2020, the information desk of Foreigners Department was closed to the public. Enrolment/issuance desk for the collection of biometric data and issuance of residence permits is open by appointment since 13 May 2020.
Malta	From 16 March 2020 Identity Malta Agency accepted appointment-only face to face interactions and encouraged the use of the online platform where possible. Certain departments closed on 16 March 2020 and reopened to the general public on 8 June 2020.
Netherlands	From 16 March 2020, all contacts within migration services were limited. Immigration and Naturalisation Service (IND) service desks were open on an emergency basis only, including collection of residence permits by appointment. From 13 August 2020, IND service desks re-opened fully.

19 BE, CZ, EE, HR, LT, MT, SE. LT used its existing Migration Information System instead of physical visits. The Swedish Migration Agency reduced visitors to its service centres and primarily maintained contact via phone or email.

20 BE, CY, CZ, EE (a booking system was already in place before the pandemic) FI, HR, LU, MT, NL, PL, PT, SK.

21 See Working Document to support the EMN Inform: EU and OECD Member States responses to managing residence permits and migrant unemployment during the Covid-19 pandemic.

Member State	Situation
Poland	Direct customer service closed from 16 March 2020. Direct service resumed in Office for Foreigners in Warsaw from 25 May 2020, in compliance with hygiene rules. Vovoidship offices also resumed direct contact services, in most cases by appointment.
Portugal	All Immigration and Borders Service (SEF) onsite attendance closed from 30 March 2020, except for emergency appointments. These services were reopened on 4 May 2020.
Slovakia	Foreign Police departments' working hours were reduced from 12 March until 20 May 2020 and the offices were closed from 8-9 April 2020, from 26 October-9 November 2020 and from 21-31 December 2020. ²²
Slovenia	Immigration offices on the territory never fully closed.
Spain	Offices reopened to the public from 25 May 2020.
Sweden	Offices were never closed but opening hours were reduced.

Source: Responses to AHQ 2020.75 Question 2.

Despite the limitations on in-person services, all Member States put in place measures to ensure that services continued. Even during periods of office closure, services were still available by post, electronic means or online services.²³

In the period March to June 2020, Member States' approaches to processing applications and renewals of residence permits varied. Some continued processing,²⁴ including in limited circumstances,²⁵ for example, in relation to certain categories (e.g. healthcare and elder care²⁶), for pending applications²⁷ or in emergency situations,²⁸ or accepted applications but did not process them.²⁹ Processing of residence permits began to resume from May/June 2020.³⁰ Practical measures such as the use of online portals³¹ or temporary acceptance of scanned documentation for certain applications³² assisted the processing of applications.

In the second half of the year, a strong theme emerged of Member States **refining their procedures to adapt to new working conditions**. One aspect was continued acceptance of applications by post and email,³³ including accepting scanned documentation³⁴ and issuing documents digitally in some cases.³⁵ In Ireland, the employment permit system for new applications and renewals operated fully remotely and online from 30 March 2020, with electronic/scanned documents and all decisions/outcomes issued via email. A type of 'e-employment permit' was introduced on a temporary basis.

In Slovenia, a decree determining temporary measures to reduce the risk of infection and prevent the spread of COVID-19 in the management of administrative procedures and decision-making in administrative matters entered into force on 11 December 2020 and is valid for a maximum of three months.³⁶ It allows applications to be submitted electronically without the mandatory qualified electronic

signature. Instead, customers can identify themselves with a unique identifier number. In addition, documents can be served via an electronic mailbox that does not meet the normal security standards, provided that the addressees agree and provide the email address.

The second aspect was the **use of electronic tools** such as electronic signatures and online systems. Some of these online systems were already in existence, while others were developed or enhanced during 2020. Estonia continued to encourage migrants to use the self-service portal of the Police and Border Guard. Since 4 November 2020, Hungary encouraged applicants to use its online application portal.³⁷ Lithuania continued to use its existing MIGRIS system, but enhanced procedures were made available from 7 September 2020 for applications for a temporary residence permit as a highly skilled migrant or a researcher and family members of those categories. Applicants in this category have the option to apply for a 'virtual visit' on MIGRIS and their application for a temporary residence permit can be accepted on the day of that virtual visit. Once the Migration Department has established that all the necessary documents were submitted, a notice is sent to the applicant stating that they must visit in person to provide biometric data (facial image and fingerprints) and original documents required for the application. After that visit, a residence permit is issued several days later. Spain reported that it minimised the negative effects of the pandemic restrictions by using the electronic means put in place for that purpose. From 25 May 2020, when the offices reopened to the public, applications could be submitted through a combination of face-to-face and electronic means.

Spain also reported ongoing development of its MERCURIO system during 2020, with four categories of migration procedure incorporated: Application for residence authorisation

22 During closure, it was possible for urgent cases to be granted exemption

23 In SE, applications for almost all kinds of permits could already be made electronically before COVID-19 and work simply continued as before.

24 BE, CY, CZ, FI, EL, ES, HR, HU, IE, LT, LU, LV, NL, PL, SE and NO

25 CY, CZ, FR, LT, LU, LV, MT, SK, SI.

26 For example, ES, LU, MT.

27 For example, CY, PL.

28 For example, FR for the most urgent cases.

29 EE.

30 CZ, EE, FR, SK.

31 EE, LT, SE.

32 IE.

33 AT, BE, CZ, EE, HR, IE, PL, SI.

34 HR, IE.

35 IE, NL, SI.

36 According to Article 9, the Decree is valid until the COVID-19 epidemic is cancelled or for a maximum period of three months. The Decree expired on 10 March 2021.

37 Available at: <https://enterhungary.gov.hu>

for family reunification (January 2020); EU Citizens' Family Residence Card (April); Residence for Exceptional Circumstances (June) and Application for Authorisation of Residence and Work by Account (December). In the Slovak Republic, appointments could only be booked for granting, renewal or registration of residence via a pre-existing online system, which was not available as of 31 December 2020, as the Foreign Police Departments were closed.

In Sweden, most applications for legal migration could already be done online and the processing of applications simply continued as normal for the whole period covered.

Other Member States introduced new online systems, using a secure electronic signature.³⁸

Latvia introduced procedures to allow applications for residence permits to be submitted electronically with a secure electronic signature up to 30 June 2021. These arrangements apply to residence permit renewals and first-time applications within the territory. First-time applications

made outside Latvia must be submitted to the consulate in person.

Migration offices in France re-opened in mid-May and implemented an online service for simple applications. In Ireland, an online application system for renewal of registration for third-country nationals living in the Dublin area was launched on 20 July 2020, the day that the Dublin Registration Office reopened for first-time registrations. An online application process for the atypical work permit scheme was launched in September 2020.

Cyprus and Italy reported no specific pandemic-related measures since offices reopened in May. Italy reopened its offices and provided all services in line with COVID-19 prevention measures.

Electronic tools and online systems were also commonly used in non-EU OECD countries. Australia, for example, provided few in-person services, with all applications available for electronic submission, and in 2020, naturalisation ceremonies were also conducted virtually.

SUPPORTS TO MITIGATE THE EFFECTS OF THE PANDEMIC FOR MIGRANTS

Measures to ensure that migrants do not fall into an irregular situation

From March to June 2020, EU Member States and Norway used automatic extension of residence permits,³⁹ tolerated stays or removal of obligation to leave,⁴⁰ and/or the suspension/extension of procedural deadlines,⁴¹ to ensure continued legality of stay for third-country nationals affected by travel restrictions or restrictions on immigration services on the territory. Several Member States reported continued or new automatic extension of residence permits and/or use of tolerated stays,⁴² suspension of administrative deadlines⁴³ in force as of 31 December 2020⁴⁴ or expiring shortly before that date,⁴⁵ or a policy of leniency in respect of the obligation to leave.⁴⁶ In some Member States, periods of tolerated stay had expired by 31 December 2020 or standard criteria were re-instated.⁴⁷

Belgium continued its policy of extending stays on the basis of *force majeure*, introduced in March 2020. In Bulgaria, a foreigner with permitted prolonged residence, where the period of residence expired during a declared emergency epidemic situation or within nine months of the lifting of the emergency epidemic situation, could apply

for extension of residence up to nine months after the lifting of the emergency epidemic situation.⁴⁸ Ireland and Portugal put automatic extensions in place that lasted into 2021. Ireland announced the sixth in a series of automatic extensions in December 2020, with valid permissions to reside that are due to expire between 21 January and 20 April 2021 automatically extended until 20 April 2021. In Portugal, third-country nationals who had requests for entry, stay or international protection pending at SEF as of 15 October 2020 are considered to be in a regular situation until 31 March 2021. This measure has been applied since March 2020. Following the declaration of the second stage of danger on 4 November 2020, Hungary reintroduced automatic extensions for residence permits that were still valid or due to expire on that date until the 30th day after the end of the state of danger.⁴⁹

In France and Spain, the extensions of permission to reside expired during December 2020. In France, an automatic extension of six months applied to residence permits that expired between 16 March and 15 June 2020,⁵⁰ while in Spain, an Order of the Ministry of Health from 18 May 2020 automatically extended residence permits, work authorisations and other permits that had expired during

38 FR, IE, LV.

39 BG, DE, EL, ES, FI, FR, HR, HU, IE, LU, MT, PL, PT, SI, SK. For HR, according to the amendments to the Aliens Act in April 2020, third-country nationals can use the expired biometric residence permit they already received during the pandemic and 30 days after the end of the pandemic. However, they are still obliged to apply for renewal of expired temporary residence titles but will not be subject to fines because they omitted to do so in due time.

40 BE, CY, CZ, EE, HR, NL, LT, LU, LV, PL, SE, SI, SK and NO.

41 ES, FR, HR, LU, SK, PL.

42 AT, BE, BG, CY, ES, HR, HU, IE, NL, LV, PT, SK.

43 HR, IT, SK.

44 BE, BG (long-term and permanent residence permits for third-country nationals and documents issued for EU citizens and their family members that expire between 13 March 2020 and 31 January 2021 extended by six months), HR, HU, IE, LV, PT.

45 ES, FR.

46 HR, NL, SK.

47 CZ, EE, LT, LU.

48 This term shall not be considered an interruption when the foreigner applies for a long-term or permanent residence. Also, a foreigner with a permitted long-term residence whose period of residence expires during a declared state of emergency or up to nine months after the lifting of the state of emergency, may enter the territory without a visa for a long-term residence within nine months of the lifting of the state of emergency.

49 Issued residence documents, permanent residence and immigration permits – except for short-term visas and entry visas to receive a residence permit.

50 This only applies for residence permits that expired until 15 June 2020.

the state of alarm, or in the 90 days prior to its declaration, until 21 December 2020.

Spain reported a relaxation of the conditions under which a third-country national may renew their residence or work authorisation. The Instruction of 8 June 2020 was issued by Directorate General for Migration, adopting measures to prevent the irregularity of third-country nationals residing in Spain for employment purposes (self-employed or employed workers, holders of an EU Blue card, among others), where their regular status is associated with the continuity of their employment relationship or the possession of sufficient resources. Instructions were given for all these cases to be treated as a priority by the Aliens Offices.

In Luxembourg, residence permits were automatically extended until 31 August 2020, and short-stay visa holders or non-visa required visitors had their period of stay regularised until 31 July 2020. Once the deadline expired, they had to renew their residence permits or leave the territory. In addition, third-country nationals who had made their arrival declaration in the municipality where they reside between 1 January 2020 and 31 July 2020 must apply for a residence permit within six months rather than three months. In the Netherlands, while residence permits do expire, a policy of leniency continued to be applied for third-country nationals who genuinely could not leave due to the pandemic and the period of overstay will not count against them.

Austria did not apply automatic renewals but processed tolerated stays during the pandemic. In Cyprus, persons already on the island with a valid residence permit/entry permit due to expire from 1 November 2020 onwards were not required to take any further action and no measures will be taken against them, nor shall their details be placed on the Stop List upon their departure, provided they renew their permits as soon as possible after the restrictions are lifted. Latvia reported that tolerated stays were considered on a case-by-case basis. This was normally done by issuing a long-stay visa or extending a Schengen 'C' visa on humanitarian grounds. Residence permit holders who resided in Latvia and who were delayed in renewing or registering a permit could legalise their status by paying a fee to have their documents examined in an accelerated procedure.

In Lithuania, the period of tolerance granted for third-country nationals unable to leave through no fault of their own or in respect of whom the period of voluntary departure related to a return decision had expired, ended on 17 August 2020.

The Czech Republic⁵¹ and Estonia reported that such pandemic-related measures were no longer in place as of 31 December 2020.

Germany, Poland, Slovenia and the Slovak Republic reported no update to the information provided for previous Informs. The Slovak Republic permitted an extension of two months to residence and work permits, which expired up to one month after the epidemic emergency situation, while in Slovenia, the stay of third-country nationals was only

permitted while COVID-19 measures objectively prevented their departure or until they obtained another basis of lawful stay. In Poland, the validity of all work and residence documents was extended for the period of the COVID-19 emergency and 30 days beyond. In Germany, the status of lawfully residing migrants was maintained while a decision was made on a residence permit or renewal.

Sweden reported no changes to its migration law due to the pandemic, with all requirements remaining the same.

Non-EU OECD countries also made similar efforts to ensure that migrants did not fall into an irregular situation. In the US, since March 2020, most non-immigrants have been able to mitigate the effects of COVID-19 by filing a timely online request for extension of stay. The effects of COVID-19 have also been considered as exceptional circumstances in late requests for extension of stay or change of status. The deadlines for responding and/or filing requests for evidence or notices of appeal dated from 1 March 2020 to 31 March 2021 have been extended from 30 to 60 days. In New Zealand and Australia, new temporary visas were created to protect workers unable to return to their home country due to the pandemic. Immigration New Zealand created a new visitor visa for visitors whose visa has expired and who are unable to return home due to pandemic-related restrictions. New Zealand also implemented visa extensions for foreigners on work and visitor visas. Australia created a temporary activity visa for migrants working in critical sectors, alongside working holiday-maker initiatives to fill labour gaps in agriculture, giving those individuals unable to return to their home country a pathway to remain in Australia during the pandemic. Family members can be included on the visa application.

In Japan, concern that foreign workers would lose their employment due to the COVID-19 pandemic led the government to introduce an option for foreign workers to change employer yet maintain status. They may obtain a 'Designated Activities (Employment Permitted)' status of residence for a maximum of one year. The Japanese government defined the justifiable reasons under which residence permits for designated activities will not be revoked even if the foreigner is unable to respect the conditions of the permit. The government simultaneously enhanced consultation and support service capacity for foreign jobseekers and employers hiring foreign workers.

51 According to the measures introduced on 14 March 2020, all third-country nationals whose non-extendable visas would expire (or whose visa-free stay would exceed 90 days) were allowed to stay on the territory of the Czech Republic until 17 July 2020 and those who prolonged/extended their employment relations with their employer were allowed to stay till 16 November 2020.

INCOME AND OTHER SUPPORTS

Income supports for migrant workers

According to information reported for the period March to June 2020, underlying rules regarding access to unemployment benefits and the link between the employment relationship and residence permit were maintained in EU Member States, although some noted COVID-19-related margins of discretion in withdrawing or renewing the residence permit,⁵² or reported the relevance of other arrangements such as automatic extensions.⁵³ Many Member States and Norway also reported that mainstream supports available to the unemployed and employers were also applicable to third-country nationals during this period.⁵⁴

As of 31 December 2020, most EU Member States reported no specific supports for migrants, but the continued application of mainstream income supports or other support measures for the unemployed, including third-country nationals. Many Member States⁵⁵ reported that crisis-related mainstream supports for the unemployed, self-employed persons, businesses or other workers⁵⁶ continued to be available to third-country nationals.

Belgium noted that third-country nationals authorised to stay on *force majeure* grounds were entitled to temporary unemployment benefits or social aid if they met the general requirements. Hungary indicated that workers with a minimum social insurance period of one year may have an entitlement to unemployment benefit, but there were no special supports. Normal unemployment benefit rules also applied in Poland and Germany. Estonia reported mainstream supports for entrepreneurs (offered by Enterprise Estonia), and Croatia, measures for job preservation, which can also benefit migrants. Sweden stated that there were no specific support but migrants can benefit from general supports in certain circumstances.

The Netherlands maintained the existing relationship between employment and the residence permit, with the permit withdrawn where the employment contract is broken. However, it reported that supports payable to employers to meet labour costs during the pandemic meant that the residence permit should not need to be withdrawn. Existing unemployment benefit rules were also maintained. Some residence permits are conditional on not having recourse to public funds, but exceptions could be made if the permit holder sought public funds due to the COVID-19 crisis.

Italy reported that the government has prohibited dismissals for economic reasons during the current emergency. The measures adopted by the government and social partners focus on income support, based on the duration of the working relationship.

Some flexibility in the minimum income requirements for qualifying for/ protection against withdrawal of the residence permit was reported by Belgium, Latvia and Slovenia.

In Belgium, third-country national workers can still apply for renewal of their single permit provided they fulfil all conditions. If they have been temporarily unemployed due to COVID-19, their days of unemployment will be assimilated to working days. In this case, the fact that they did not reach the required salary threshold during the period of unemployment has no impact on their authorisation to work and stay in the territory. In Latvia, rules on minimum income requirements or maintenance of economic activity in 2020 were temporarily suspended when examining permit applications or withdrawal cases. However, this derogation did not apply to first-time permit applications submitted after 10 June 2020. In Slovenia, due to the exceptional nature of the COVID-19 pandemic, the Ministry for the Interior instructed administrative units to apply flexibility in the usual rules for assessing sufficient means of subsistence for granting a residence permit. The period of time in which the third-country national was waiting for employment or ordered to quarantine is excluded, with only the six months when full salary was received taken into account.

Non-EU OECD countries also provided income support to migrants. In New Zealand, firms employing migrants were given access to the same wage subsidy schemes available to New Zealanders. Additionally, Immigration New Zealand provided loans to people who required financial assistance to repatriate from New Zealand. In Canada, income support was made available to all individuals residing in Canada who were not entitled to employment insurance. The benefit is not considered social assistance by the government for the purposes of determining eligibility to sponsor family members. New recovery benefits, including expanded employment insurance, are available from 27 September 2020 to 25 September 2021. Programmes include a benefit for caregivers and for individuals with children.

Income requirements for granting permits to family members of migrants

The impact of a loss or drop in income on meeting the requirements for family permits was not discussed in the first series of Informs.

Most EU Member States reported that there were no underlying changes to rules on income requirements for family reunification,⁵⁷ but the principle of discretion was applied widely.⁵⁸ Austria noted that while there was no change to the rules, the *Kurzarbeit* scheme was a factor in helping to protect individuals against a drop or loss of income. In Portugal, reduced/lost income does not result in the automatic withdrawal of the permit, due to the automatic extension in place until 31 March 2021.⁵⁹

Four Member States reported specific changes.⁶⁰ In Latvia and Slovenia, the same temporary changes applicable to

52 HR, LT, EE (withdrawal), DE, ES (flexibility or margin of discretion regarding renewal). In BE, COVID-19 circumstances could be taken into account in case of withdrawal or renewal of the residence permit. Administrations received clear guidelines on the criteria to be used when processing applications for renewal (e.g. in case of temporary unemployment),

53 FR, IE, PL, ES.

54 BE, CY, CZ (unemployment benefits are only available to third-country nationals with a permanent residence permit), EE, ES, FR, HR, IE, IT, LT, LV, MT, NL, PT, SI, SK and NO.

55 BE, CY, CZ, ES, HR, FR, IE, IT, LT, LU, NL, PT, SK.

56 For example, FI, FR, CY (COVID-19-related sick leave), LT (temporary waiver from mandatory health insurance during quarantine period for self-employed workers).

57 AT, BE, BG, CY, CZ, EE, FI, FR, DE, HR, HU, IE, IT, LT, LU, PL, PT, SK, SE.

58 AT, BE, EE, DE (wide margin of discretion in general rules), IE (pragmatic approach), LU (margin of discretion is built into rules).

59 This could be the case in other Member States who use automatic extensions, although was not directly reported in this context.

60 ES, LV, NL, SI.

residence permits outlined above also applied to family cases.

The Netherlands has taken a different approach to family residence permits compared to residence permits for work. A family residence permit is only withdrawn if a person applies for social assistance, not if they lose their job or experience a drop in salary. If the application for social assistance is caused by the COVID-19 outbreak, the permit will not be withdrawn, or renewal refused. If someone made an application for a residence permit before the COVID-19 outbreak and experiences a drop in their income or loses their income completely due to the COVID-19 crisis, the application will be treated leniently where the person met the income requirement at the time of application. This also holds for the income requirement for the referent.

In Spain, where a third-country national's employment contract was suspended due to COVID-19, or there was a reduction in whole or in part of working hours for domestic

workers, the contract is deemed to continue to exist and income from social welfare is also considered. Flexibility is also applied to the application of rules in relation to reunification of minors, taking the best interests of the child into account. Refusals of renewals of family reunification permits must be exhaustively justified in each case, and COVID-19 circumstances must be taken into account in the assessment.

Outside of the EU, the US maintained its public charge rule to determine whether an intended immigrant would be a burden on the government, but applicants were allowed to explain if circumstances related to the pandemic led to their accessing public services. Testing, treatment and preventive care related to COVID-19 are specifically exempt from the determination. As most COVID-19-related financial relief took the form of tax credits, receipt of such relief will not be taken into account for a public charge determination.

MEETING LABOUR MARKET NEEDS

Existing labour market needs

In order to tackle the spread of COVID-19, most EU⁶¹ and non-EU OECD countries imposed restrictions on the admission of migrants. However, most EU and non-EU OECD countries identified specific occupational sectors that were considered essential and justified their continued admission during the COVID-19 crisis, following the guidance of the European Commission of 16 March 2020,⁶² the Council Recommendation of 30 June 2020⁶³ (in the case of EU Member States), or national guidelines in order to meet labour market needs. Even those (few) Member States that did not establish a list of key occupational sectors took measures to facilitate the admission of third-country workers to those sectors of the economy.⁶⁴

The main sectors identified were health, agriculture and transport.⁶⁵ OECD countries outside the EU similarly identified health and, in most cases, agriculture/food security as essential sectors, as well as support of critical infrastructure in Canada, the United Kingdom and the US.⁶⁶

During the first months of the pandemic, the closure of the external borders of the EU saw some Member States implement measures to facilitate access to the labour market for EU citizens⁶⁷ and third-country nationals⁶⁸ already

residing in their territory in order to address labour shortages especially in seasonal activities. Various EU Member States facilitated entry⁶⁹ and special quarantine rules⁷⁰ for seasonal workers.

Regularisation of third-country nationals employed in certain key sectors was also permitted in a limited number of cases (e.g. Italy and Greece in the EU and Chile, Colombia and Canada in non-EU OECD countries).

The situation at the end of 2020 did not change substantially. Most Member States reported that labour market demand in key economic sectors was broadly met throughout 2020 via specific measures introduced for that purpose (e.g. regularisations, allowing legally resident third-country nationals to change sector, and providing exemptions for essential workers/seasonal workers from entry restrictions).⁷¹

In the second half of the year, the same three major essential sectors were identified in both EU Member States⁷² and other OECD⁷³ countries.⁷⁴

Member States satisfied labour demand in these sectors in different ways:

a) Member States with no shortages in third-country national workforce

61 AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, MT, LV, NL, PL, PT, SE, SI, SK and NO, UK (Following the United Kingdom's departure from the European Union on 31 January 2020, the EMN National Contact Point of the UK participated in selected EMN outputs during the transition period).

62 Guidance on the implementation of the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on the effects on visa policy, C(2020) 2050 of 30.3.2020. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20200327_c-2020-2050-report.pdf

63 Council Recommendation (EU) 2020/912 of 30 June 2020 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32020H0912&from=EN>

64 EMN-OECD (2020). INFORM #3 – Maintaining labour migration in essential sectors in times of pandemic, p. 1.

65 Ibid.

66 Ibid, pp. 6-7.

67 BE, DE, EL, ES, PL, SI allowed unemployed EU citizens (and third-country nationals) to work in seasonal activities. See EMN AHQ 2020.76, Seasonal Workers during the Covid-19 pandemic crisis launched on 24 April 2020.

68 Some Member States allowed asylum seekers (BE, DE, ES (18-21 years old)) and students (BE, DE, ES (18-21 years old)) to work in seasonal activities or to extend their authorised period of work (FR), relaxed standard measures for seasonal work, allowing seasonal workers already in the territory or legally residing in a EU Member State to continue working, and facilitating temporary changes of employer and sector of employment for third-country nationals residing in the territory (BE, IT, PL). In Spain, workers whose work and residence permits had expired were allowed to work in the agricultural sector without any additional procedure.

69 BE, EL, FI, FR, SE.

70 HU, PL, SI.

71 ES, IE.

72 EMN-OECD (2020). INFORM #3 – Maintaining labour migration in essential sectors in times of pandemic, p. 1.

73 Ibid.

74 In LT, only construction, industry and services were included in the list of professions with labour shortages for the second half of 2020.

Austria reported that it did not suffer a shortage of workers, even in sectors where workers often arrive at short notice (e.g. harvest workers and 24-hour nurse aides). The Czech Republic could satisfy its labour needs, as essential workers were allowed to enter the territory from 11 May 2020 onwards. Sweden did not report any major problems in covering its labour market needs, although shortages of seasonal workers were discussed nationally. Croatia reported that the quota for work permits in 2020 was not fully used. Different impacts were observed in different sectors. For example, more than 70% of available permits were used in construction, a sector that heavily relies on third-country nationals and was least badly affected by the pandemic. On the other hand, only one-quarter of available permits were used in tourism, whose significantly reduced needs were easily met by the domestic labour force in most cases.

b) Member States that prioritised permit applications to satisfy labour demand in key sectors

Shortages of medical workers were noted, with some Member States prioritising permit applications from the healthcare sector.⁷⁵

c) Member States that satisfied labour demand with their domestic work force

Some Member States noted that they could meet labour requirements from their own workforce.^{76,77}

d) Member States that used third-country nationals already residing in their territory

Other Member States allowed asylum seekers to work during the harvest.⁷⁸

Outside the EU, the US took a similar approach. While it imposed 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 agriculture workers to change employer and to start work prior to official approval of their new visa. The temporary measure is intended to remain in place until 18 December 2023.

e) Reduced demand for third-country labour

Some Member States reported that the demand for third-country workers was not at the pre-pandemic level, or that unemployment rates had an impact on demand for third-country labour.⁷⁹

f) Member States maintained the same rules implemented from the beginning of the confinement

Some Member States reported that they maintained the same rules implemented at the beginning of the crisis with the first confinement.⁸⁰

Contingency planning to meet labour demand for seasonal work in 2021

Most EU Member States and non-EU OECD countries reported no new specific contingency plans to meet labour demand from third-country national or migrant workers for seasonal work in 2021.⁸¹ Some reported the relevance of the usual contingency measures for planning labour demand, e.g. quotas,⁸² or measures taken earlier in 2020 to meet seasonal worker demand,⁸³ including an exemption from travel restrictions for seasonal workers.⁸⁴ Some Member States noted that there is no demand for third-country national seasonal workers at present (e.g. Luxembourg, Netherlands). Croatia reported that there was no contingency planning to meet labour demand for seasonal work, due to the rise in unemployment due to COVID-19. In Finland, the planning with relevant ministries and stakeholders was ongoing as of 31 December 2020.

France implemented a specific contingency plan for seasonal workers, with specific regional operations for employers with urgent need for specific harvests. These operations were organised with the French office for immigration and integration (OFII), the competent Prefectures and Moroccan authorities. Strict hygiene rules applied: all Moroccan workers had to have an 'RT-PCR COVID' virological test at departure and on arrival in France and after seven days. If necessary, they were isolated in designated accommodation.

The Czech Republic⁸⁵ and Poland reported ongoing engagement in policy-level discussions about labour market contingency planning and labour market reform.⁸⁶ Spain reported that the Order for the collective management of recruitment in the country of origin for 2021 was published on 28 December 2020. It introduces improvements in the management of seasonal recruitment and provides for a wide range of health protection measures in the context of COVID-19. The red fruit campaign in Huelva remains the most important in terms of recruitment from the country of origin and is covered by workers from Morocco. A quota of 14,000 workers from Morocco has been authorised for 2021.

Outside the EU, exemption measures allowing foreign seasonal workers to be admitted and/or to remain in order to meet labour demand in seasonal agriculture are still in place as of March 2021 in Australia, New Zealand and the US.

Contingency planning to meet labour demand in other key economic sectors for 2021

Member States reported the relevance of existing quota regimes⁸⁷ and exemptions from travel restrictions

75 IE, BE. In BE, the Walloon Region put measures in place to accelerate processing times. ES.

76 In LU, labour market needs are mainly satisfied with cross-border workers and not through third-country nationals.

77 BG, HU, LV, SK, SI.

78 BE, CY, ES (18-21 years old) The general rule is that asylum seekers can work from 6 months since the application for international protection was submitted, if no decision has been denied.

79 For example, EE, PL.

80 For example, FR, DE, ES, IT.

81 AT, BE, CY, EE, DE, HR, HU, IE, IT (the measures taken in 2020 with the *Decreto Rilancio* will apply for 2021), LT, LU, LV, NL, PT, SK, SI, SE. From non-OECD countries similar examples can be found in Australia, New Zealand and the United States which applied contingency measures to the end of 2020 and in some cases until March 2021 (AU).

82 AT, ES, IT.

83 FR.

84 BE, DE, FI, SE.

85 Contingency planning meetings cover both 2020 and 2021.

86 PL.

87 AT, IT.

to meet labour demand in other key sectors,⁸⁸ especially healthcare. Austria noted that the 2021 Regulation for skilled workers includes health professionals. Finland adopted a new procedure for allowing the border crossing for essential and critical foreign workers starting 27 January 2021 in view of the new border traffic lock-down.

Some Member States reported more specific measures in relation to ongoing labour needs for healthcare workers. Applications from medical professionals continued to be prioritised in Ireland and the Walloon Region in Belgium.

The Slovak Republic introduced a 'temporary professional stint' option for foreign doctors (EU citizens and third-country nationals alike) after their training (diploma) is recognised in the Slovak Republic. However, that temporary professional stint employment is exclusively linked to the duration of the COVID-19 crisis and a foreigner cannot continue to perform their activity once the crisis situation has ended.

Portugal reported that mainstream public procurement procedures were simplified but did not, in any case, target third-country nationals.

In September 2020, Spain authorised, on an exceptional and temporary basis, the hiring of healthcare professionals not recognised as specialists to carry out functions typical of a specialty. The initial contract enables them to undertake healthcare activity and may last up to 12 months which may be extended for periods of 3 months.

Two Member States removed the work permit requirement for certain categories of medical worker.⁸⁹

France implemented its plan for acknowledgment of third-country national workers on the front line during the health crisis, expediting the process for their citizenship applications. Outside the EU, exemptions to entry restrictions are still available to foreign health workers.

Some non-EU OECD countries planned to increase labour migration in order to spur economic recovery in the wake of the COVID-19 pandemic. Australia prepared measures to boost its Global Talent and Business Innovation and Investment programmes, including tripling the 2019-2020 allocation (to 15,000 places) and increasing places on its

Business Innovation and Investment visa programme. It also expanded allocations to the priority sectors of the Global Talent Initiative (including Agri-food and AgTech; Energy; Health industries; Defence, advanced manufacturing and space; Circular economy; Digitech; Infrastructure and tourism; Financial services and FinTech; and Education).

Canada plans to increase overall immigration admissions for permanent residence over the next three years (2021-2023), with 60% of admissions under its Economic Class. In order to achieve this goal, on 13 February 2021, Immigration, Refugees and Citizenship Canada invited an exceptionally high number of candidates from the Canadian Experience Class pool (those with at least one year of work experience in Canada) to apply for permanent residence. The number of invitations to that pool of skilled workers was six times as large as the previous round.

Long-term impact on labour market policies

It is generally considered too early to describe the long-term impact of the pandemic on labour market policies, as COVID-19 is ongoing. Some noted no particular plans to change their policies at this point in time.⁹⁰

However, some Member States noted some impacts on their labour market:

- a) High levels or expected high levels of unemployment⁹¹/ decrease in numbers of registered job vacancies.⁹² Not all Member States noted high levels of unemployment to date.⁹³
- b) Anticipated effect on the labour market when short-term work protections cease.⁹⁴
- c) Poland noted that the demand for foreign workers remains constant.
- d) Croatia noted the extensive mainstream supports in place to keep people in employment (e.g. wage subsidies, short-term working), also applicable to migrants with a valid residence permit, affecting its labour market.

Bulgaria did not consider a foreign labour force to have any impact on national labour migration policy.

PUBLIC HEALTH AND ACCESS TO HEALTHCARE

ACCESS to COVID-19 related healthcare

As of 31 December 2020, most EU Member States reported that COVID-19 related healthcare was available for all migrants.⁹⁵ In Austria, irregular migrants cannot receive insurance benefits, as they do not have health insurance. Nevertheless, emergency treatment is available to

anyone attending a hospital, regardless of their residence or documentation status.⁹⁶ Tolerated stay holders were covered for COVID-19 care.

Entitlement to COVID-19 care was covered under general/ COVID-19-specific emergency healthcare or linked to insurance-related healthcare entitlements. In general, the cost was met from public health insurance or social security (for regular insured migrants)⁹⁷ and/or from State public health

88 DE, FI, HR, SE.

89 PL, PT.

90 BE, EE, FI, FR, IE, LT, LU, NL.

91 AT, FR, LV, LT, SE.

92 LV, PL.

93 CZ (unemployment rate rose from 3.1 % to 4.0 % from January to December 2020); SK (increased unemployment rate was recorded, albeit not steep).

94 DE, IT.

95 AT (insurance covered only), BE, BG, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, PT, SK, SI (emergency healthcare services such as COVID-19 specific emergency, were available to all migrants), SE.

96 However, hospital operators then attempt to collect the costs of treating patients without health insurance, including filing for court enforcement of claims if necessary. Claims that cannot be collected are ultimately written off.

97 AT, BE, BG, EE, ES, FR, HR, LT, LU, NL, PL, PT.

funds.⁹⁸ In Spain, all migrants receive COVID-19 healthcare free of charge, with the cost met by social security. In Estonia, regulations were amended on 26 June 2020 to provide that COVID-19 diagnosis and treatment could be accessed by uninsured persons free-of-charge. In the Netherlands, essential healthcare (determined by the doctor providing the care) is provided to irregular migrants. In Bulgaria, short-term migrants pay for healthcare unless it is covered under a bilateral international agreement. Permanent and long-term residents share equal entitlement with Bulgarian citizens. In the Czech Republic, all foreign nationals with valid residence are obliged to have health insurance (either privately or public insurance ensured by their employer).

Foreign nationals (including irregular migrants) without insurance have to pay for healthcare services in the Czech Republic. In Portugal, irregular migrants may be asked to pay, as they are not covered by the National Health System, but care will not be withheld.

General healthcare for regular migrants with reduced/lost income

Underlying rules were maintained in respect of access to general healthcare for regular migrants who experienced a drop or loss in income, allowing access to general healthcare in most reporting Member States.⁹⁹ In some, access to general healthcare was maintained through application of existing rules which allow continued

insurance cover during periods of unemployment/drop in income,¹⁰⁰ existing supports to help persons with reduced income to maintain insurance payments,¹⁰¹ or a general entitlement to healthcare for holders of a residence permit.¹⁰²

Italy noted that its national health system is free of charge to any person and guarantees medical care regardless of the status of the beneficiaries, as such also including migrants whose permit expired or who lost their income.

Lithuania decided not to terminate the validity of compulsory health insurance during the quarantine period for insured persons who were in arrears of compulsory health insurance contributions, and who, due to the quarantine, paid (or will pay) these contributions late (or at the end of quarantine).

In other Member States, residence permit conditions can be linked to a requirement for (private) health insurance, with only general emergency healthcare guaranteed.¹⁰³

In Israel, Palestinian day labourers who remained in Israel overnight were allowed access to the employer-based health insurance programme from May 2020. The Canada Recovery Sickness Benefit (CRSB) gives income support to employed and self-employed individuals who are unable to work due to COVID-19 or who have an underlying health condition that puts them at greater risk of getting COVID-19. Between 27 September 2020 and September 2021, migrants can apply for up to two weeks of support (CAD 500/ EUR 338 per week, before tax).

LIVING AND WORKING CONDITIONS FOR SEASONAL WORKERS

Most Member States reported no specific rules beyond the general requirements for seasonal workers, general hygiene regimes, social distancing rules in the work environment, and general quarantine conditions for travellers from certain countries.¹⁰⁴ Luxembourg and the Netherlands reported that they did not admit third-country national seasonal workers during the pandemic.¹⁰⁵

Three Member States¹⁰⁶ introduced specific rules during 2020 as a direct result of the pandemic. Germany reported arrangements that facilitated separation between teams – employees working together should be living together and common areas should be used in shifts to enable separation between teams. There should be a minimum of 1.5 metre distance between workers, or at least between teams. In addition, the employer must inform the local health authority and work security authority about new arrivals and maintain employee contact details to allow contact-tracing in case of infection.

In Poland, seasonal farm workers are tested for COVID-19 on arrival at their place of work and must be placed in a mandatory 10-day home quarantine, working on the farm

and moving only within the farm's territory. The costs of these tests are covered by the State Treasury.

In August 2020, Spain introduced extensive guidelines on the prevention and control of COVID-19 on farms employing seasonal workers. The onus is on the employer at all times to ensure appropriate measures to protect against COVID-19, including undertaking an extensive risk assessment and following its recommendations. The views of the employer, workers' representatives and other interested parties are taken into account in drawing up the risk assessment. The risk assessment should also be coordinated with accommodation providers, where accommodation is not provided directly by the farm. The guidelines provide that there should be a plan to communicate public health rules in an easily understandable manner, including through cultural mediators. Work must be organised to ensure social distancing of 1.5 metres to the extent possible and to minimise contact in moving around the farm. The guidelines also include detailed provisions on accommodation and common areas, e.g. common areas such as bathrooms, dining rooms and laundries should be allocated for the use of each bedroom unit or, at a minimum, allocated in shifts. An infrastructural analysis of the accommodation

98 BE, CY, EE, FR, DE, IE, IT, LT, LU, LV, NL, PL, SE, SK.

99 AT, BE, BG, CY, DE, EE, ES, FR, HR, LU, LV, NL, PL, PT, SI, SE.

100 AT, BE, DE, EE, ES, FR, HR, LT, LU.

101 NL.

102 CY, EE, DE, PL, PT, SI, SE.

103 HU, IE (certain residence permits, e.g. student permission, require private health insurance), LV.

104 BE, BG, CY, CZ, EE, FI, FR, HR, HU, LT, LU, LV, NL, PT, SK, SI, SE. Not applicable to IE, which does not participate in the Seasonal Workers Directive and does not have a seasonal worker employment permit.

105 NL has not admitted any third-country nationals under the Seasonal Workers Directive since 2011.

106 DE, ES, PL.

and facilities should be carried out in order to assess the adaptations needed.

In France, the Ministries of Employment and Agriculture, supported by Agricultural Social Security (MSA) drafted and disseminated a guide on the applicable general hygiene

measures and organisational measures to reduce risk among employees. The recommendations include hygiene measures applicable in cloakrooms, common areas and during breaks, as well as several recommendations for housing and work conditions.

BORDER CLOSURES, QUARANTINE AND TESTING REQUIREMENTS AS AT 31 DECEMBER 2020

External and internal border closures

Efforts to control transmission of COVID-19 have had a direct impact on border management for the European Union, not only at the external borders but at the internal borders as well, with an immediate and fundamental

impact on the Schengen acquis overnight. When the first cases began to be detected in the European Union Member States began to react unilaterally to close their internal borders, beginning with Austria on 11 March 2020 and continuing until the 30 December 2020 (please see Figure 1 below).¹⁰⁷

Figure 1 Temporary re-introduction of border control at internal borders (11 March – 31 December 2020)

Member State	Mar-20				Apr-20				May-20				Jun-20				Jul-20				Aug-20				Sep-20				Oct-20				Nov-20				Dec-20							
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4				
Austria																																												
internal borders	11/03/20 - 27/04/20								08/05/20 - 15/06/20																																			
only HU & SI																																												
only CZ & SK																																												
Belgium																																												
- internal borders	20/03/20 - 14/06/20																																											
Czech Republic																																												
internal borders	14/03/20 - 13/06/20																																											
only air borders																																												
Germany																																												
internal borders	16/03/20 - 22/06/20																																											
land border AT																																												
Estonia																																												
- all borders	17/03/20 - 16/06/20																																											
Spain																																												
all borders	17/03/20 - 21/06/20																																											
land border PT																																												
Finland																																												
all borders	19/03/20 - 11/08/20																																											
only AT, CH, CZ, ES, FR, LU, PT, PL, SI, SE																																												
only AT, BE, CH, CZ, DE, DK, ES, FR, IS, LU, MT, NL, NO, PL, PT, SI, SE																																												
only AT, BE, CH, CZ, DK, EL, IT, HU, ES, FR, LU, NL, MT, PT, SI, SE																																												
only IS, NO, SE, DK, SK																																												
only LT & PL																																												
France																																												
all borders																																												
01/05/20 - 30/04/21																																												

¹⁰⁷ European Commission, Migration and Home Affairs, Temporary Reintroduction of Border Control, notifications 123 to 245, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control/docs/ms_notifications_-_reintroduction_of_border_control_en.pdf.

Member State	Mar-20				Apr-20				May-20				Jun-20				Jul-20				Aug-20				Sep-20				Oct-20				Nov-20				Dec-20											
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4								
Hungary																																																
all borders	12/03/20 - 27/02/21																																															
Lithuania																																																
all borders	14/03/20 - 14/09/20																																															
Poland																																																
all borders	15/03/20 - 12/06/20																																															
Portugal																																																
land border ES	16/03/20 - 09/02/21																																															
Slovakia																																																
all borders	08/04/20 - 26/06/20																																															
Sweden																																																
all borders	12/05/2020 - 11/05/2021																																															

Source: Member States' notifications of the temporary reintroduction of border control at internal borders pursuant to Article 25 and 28 et seq. of the Schengen Borders Code

At the same time, on 17 March 2020 the European Union decided to close the external borders of the Schengen area, for a period of one month renewable. Member States

applied these closures asymmetrically (please see Table 2 below).

Table 2 Rules at external borders by EU Member State due to COVID-19

Member State	Air	Land	Sea
Austria	Entry prohibited to TCN from all countries except those listed as safe. Landing ban for flights from GBR, ZAF and BRA.		
Belgium	Only essential travel allowed. Persons from high-risk countries (red zone) must be placed in quarantine.	Eurostar train from GBR: Only essential travel allowed. 10-days quarantine.	Only essential travel allowed.
Bulgaria	Citizens of 24 countries can enter with a PCR test. Without test, these citizens are subject to quarantine.	Citizens of 24 countries can enter with a PCR test. Without test, these citizens are subject to quarantine.	Citizens of 24 countries can enter with a PCR test. Without test, these citizens are subject to quarantine.
Cyprus	TCN from medium-risk (B) countries need to provide a PCR test. No entry allowed for TCN of high-risk countries (C).		Ports only operate for commercial transactions.
Czechia	Only essential travel allowed. TCNs not from low-risk countries are prohibited from entering.		
Germany	Entry only for TCN from 5 low-risk countries. Others can only enter for urgent and family reasons.		Ports are open, entry as for air borders.
Estonia	Entry prohibited to TCN from all countries except those listed as safe. All BCPs are open	Entry prohibited to TCN from all countries except those listed as safe. All BCPs are open	Entry prohibited to TCN from all countries except those listed as safe. All BCPs are open
Greece	Entry prohibited to TCN from all countries except those listed as safe. PCR test and quarantine required.	Entry prohibited to TCN from all countries except those listed as safe. PCR test and quarantine required.	Entry prohibited to TCN from all countries except those listed as safe. PCR test and quarantine required. Ports closed for passenger traffic.
Spain	Entry prohibited to TCN from all countries except those listed as safe. PCR test and quarantine required. No flights from GBR, ZAF and BRA, except flights with ESP nationals only.		Entry prohibited to TCN from all countries except those listed as safe. PCR test and quarantine required. Ports are open except from GBR.

Member State	Air	Land	Sea
Finland	Entry prohibited to TCN from all countries except those listed as safe.	Entry prohibited to TCN from all countries except those listed as safe.	Recreational travel from non-EU/SAC restricted.
France	Entry prohibited to TCN unless they meet one of the exceptions and in case of urgency. PCR and quarantine required.	Eurostar trains from UK operate. Entry prohibited to TCN unless they meet one of the exceptions and in case of urgency. PCR and quarantine required.	Ports are open. Entry prohibited to TCN unless they meet one of the exceptions and in case of urgency. PCR and quarantine required.
Hungary	Entry from TC is generally not allowed without a special reason.	Entry land BCPs is generally not allowed without a special reason.	
Ireland	Persons from all TC (except Northern Ireland) require a negative PCR test and are subject to quarantine.	Border with Northern Ireland is open. No quarantine for travellers from Northern Ireland.	Persons from all TC (except Northern Ireland) require a negative PCR test and are subject to quarantine.
Latvia	Only essential travel allowed, except for TCNs from low-risk countries.	Only essential travel allowed, except for TCNs from low-risk countries.	Ports are open. Only essential travel allowed, except for TCNs from low-risk countries.
Lithuania	Persons from all TC except low-risk countries require a negative PCR test and are subject to quarantine.	BCPs are open. Persons from all TC except low-risk countries require a negative PCR test and are subject to quarantine. BCPs are open.	Ports are open. Persons from all TC except low-risk countries require a negative PCR test and are subject to quarantine.
Luxembourg	All persons arriving at Luxembourg airport require a negative test result.		
Malta	Persons from all TC except low-risk countries require a negative PCR test.		Ports are open. Persons from all TC except low-risk countries require a negative PCR test.
Netherlands	Entry prohibited to TCN unless they meet one of the exceptions. PCR test and quarantine required. Flights banned from GBR, CPV, DOM, ZAF and South America.		Entry prohibited to TCN unless they meet one of the exceptions. PCR test and quarantine required. Docking ban for ferries from GBR.
Poland	Entry prohibited to TCN from all countries except those listed as safe.	BCPs are open. Entry prohibited to TCN from all countries except those listed as safe.	Ports are open. Entry prohibited to TCN from all countries except those listed as safe.
Portugal	Persons from all TC except low-risk countries require a negative PCR test.		Ports are open. Persons from all TC except low-risk countries require a negative PCR test.
Slovakia	Persons from all TC except low-risk countries require a negative PCR test.	Persons from all TC except low-risk countries require a negative PCR test.	
Slovenia	Travellers from high-risk countries require PCR test and are subject to quarantine.		Ports are open. Travellers from high-risk countries require PCR test and are subject to quarantine.
Sweden	Entry restrictions from all TC except those placed on the list of low-risk countries.		Ports are open. Restrictions for entry from all TC except those placed on the list of low-risk countries.

Source: FRONTEX, February 2021

Quarantine and testing requirements for arrivals at 31 December 2020

All EU Member States who reported this information had restrictions in place regarding quarantine and testing

requirements for arrivals from outside their territories (including both EU and third countries) as at 31 December 2020 (please see Table 3 below). In general, foreign countries were divided in accordance with epidemiological risk (e.g. categories, coloured zones, specific lists). Where a test was required in advance, it was usually required to be

undertaken not more than 72 hours in advance.¹⁰⁸ Austria, Bulgaria, Croatia, Estonia, Ireland, Lithuania and Portugal also had mandatory or optional testing on or after arrival. In Austria, Estonia, Lithuania and Ireland, a negative test taken at certain defined periods after arrival could shorten the quarantine period required or advised. Where testing was required, the requirement was generally for a PCR test. Antigen tests were used or accepted in Austria,

Bulgaria and the Slovak Republic,¹⁰⁹ while Spain introduced a resolution in December 2020 to consider other molecular RNA detection tests. Outside the EU, 72-hour PCR test requirements were common (e.g., 14 days in Australia, Israel, New Zealand, Korea; 10 days in the UK) although the location of the quarantine (for example, self-arranged or supervised hotel) and the number of post-arrival PCR tests varied.

Table 3 Quarantine and testing requirements for arrivals in Member States as at 31 December 2020

Member State	Quarantine/other requirements	Test type accepted
Austria	Regulations introduced on 19 December 2020 distinguish between EU/EEA countries, Andorra, Monaco, San Marino, Vatican, Switzerland, the United Kingdom (UK) and all other countries. A list of countries was included in Annex A. Unless travellers are from one of the EU/EEA or other countries in this category and are entering from Annex A countries where they have stayed exclusively for the previous 10 days, they must complete a 10-day quarantine, which can be shortened by a negative molecular or antigen test result conducted at the earliest on the fifth day after entry.	Molecular tests. Antigen tests.
Belgium	The specific requirements for travellers depend on the zone they are travelling from, green/orange vs red zones, according to a frequently updated list. i) As of 25 December 2020, non-residents travelling from a red zone need to have taken a negative test within the 72 hours prior to their departure. ii) Persons staying for more than 48 hours need to fill in a 'Public Health Passenger Locator Form' in the 48 hours prior to their arrival. If these persons are considered high-risk contacts, they need to quarantine and take a test on day seven of the quarantine period. Upon return from a red zone, it is mandatory to quarantine and get tested.	PCR test required prior to departure.
Bulgaria	Quarantine for 10 days on arrival in the territory. For arrivals by air, a rapid antigen test is carried out at the airport by border control authorities. If negative, 10-day quarantine is required; if positive, 14-day mandatory isolation is required. There are a number of exceptions, including in relation to official delegations, transport workers and transit passengers.	Antigen test for arrivals at the airport. Members of official/diplomatic delegations may be exempt from quarantine if they can present a negative PCR test result conducted up to 48 hours prior to arrival.
Croatia	On 30 November 2020, Croatia introduced a temporary entry ban which was valid until 15 December 2020 and then extended until 15 January 2021. There are several exemptions to this ban: <ul style="list-style-type: none"> ■ Travellers from the EU/Schengen area designated 'green' by the European Centre for Disease Control (ECDC). ■ EU/Schengen area nationals and certain holders of residence status/long-term visas coming from third countries, ■ Specific categories of third-country nationals coming from third countries.¹¹⁰ ■ Passengers coming directly from countries covered by Council Recommendation (EU) 2020/2169 of 17 December 2020 The above categories were subject to obligations to submit a negative PCR test and to self-isolate until a negative PCR result. This obligation did not apply to travellers from the EU/Schengen area designated 'green' by the European Centre for Disease Control (ECDC)-specific categories of third-country nationals coming from third countries. ¹¹¹	PCR

¹⁰⁸ 48 hours in HR, LT.

¹⁰⁹ In certain cases (e.g. cross-border commuters, or citizens of SK living in border areas of neighbouring countries).

¹¹⁰ Specific categories of third country nationals who are exempted from the obligation to have a PCR test and to self-isolate are: healthcare workers, health researchers and caregivers for the elderly; frontier workers; workers in the transport sector; diplomats, staff of international organizations and persons invited by international organizations whose physical presence is necessary for the good functioning of those organizations, military personnel and police officers, as well as humanitarian and civil protection personnel in the performance of their duties; passengers in transit; persons travelling for schooling purposes; sailors and persons traveling for urgent personal / family reasons, business reasons or other economic interest need to have PCR test or to self-isolate.

¹¹¹ Ibidem

Member State	Quarantine/other requirements	Test type accepted
Cyprus	<p>Countries divided into Categories A, B and C.</p> <p>Category B countries: requirement for a negative PCR test within the 72 hours prior to arrival and 14 days' self-isolation, if they stay more than four days in Cyprus. The self-isolation could be limited to 10 days, if they have a negative PCR test on the 10th day.</p> <p>Category C countries: only certain exempt categories are admitted. Citizens arriving from Category C countries obliged to self-isolate at their residence or at a designated place for 14 days, even if PCR test is negative. This self-isolation period can end on the 10th day if there is a negative molecular test result conducted at the person's own expense.</p> <p>Domestic and agricultural workers with permits complete the self-isolation period at a designated hotel.</p> <p>Additional arrangements applied for the UK, which was also designated a Category C country.</p>	<p>PCR test.</p> <p>Molecular tests.</p>
Czech Republic	<p>Countries were divided into three categories according to low, medium, or high risk of COVID-19 infection (green, orange and red). The list is defined by a notice of the Ministry of Health.</p> <p>Green - travellers from these countries (both foreign nationals and Czech citizens) may enter without filling in the Public Health Passenger Locator Form and without the obligation to undergo the PCR test or quarantine.</p> <p>Orange - travellers from these countries may enter without filling in the Public Health Passenger Locator Form. Those foreign nationals travelling to the Czech Republic for work or study purposes are obliged to submit a negative PCR test result to their employer or educational institution prior to entry to workplace or an educational institution. This applies only to foreign nationals.</p> <p>Red - travellers from these countries (both foreign nationals and Czech citizens) must fill in the Public Health Passenger Locator Form prior to entry and undergo PCR test or quarantine after entry.</p>	<p>PCR test.</p>
Estonia	<p>Persons arriving or transiting through COVID-19 risk countries obliged to remain in compulsory self-isolation for 10 days.</p> <p>From 1 September 2020, arrivals from COVID-19 risk countries have the opportunity to be tested and to reduce the period of compulsory self-isolation to seven days. Two tests are required, the first conducted at the airport or port of arrival, and the second after seven days. Arrivals by land could contact the public Testing Call Centre to arrange a test. Persons are obliged to remain in complete self-isolation until a negative test result. If a person receives a negative result in the first test, limited self-isolation applies. Once two negative results are received, the person can resume daily life.</p>	<p>PCR test.</p>
Finland	<p>Please consult the updated information on the following websites:</p> <p>Border Guard https://raja.fi/en/guidelines-for-border-traffic-during-pandemic Finnish Institute for Health and Welfare https://thl.fi/en/web/infectious-diseases-and-vaccinations/what-s-new/coronavirus-covid-19-latest-updates/travel-and-the-coronavirus-pandemic</p>	
France	<p>For arrivals from foreign countries (except EU Member States, Andorra, Iceland, Liechtenstein, Monaco, Norway, San Marino, Switzerland and the Vatican) aged over 11 years, requirement for a negative PCR test less than three days old to be presented to transport company prior to boarding. Passengers are required to present a declaration undertaking to self-isolate for seven days on arrival in France and to take a test at the end of the self-isolation period.</p>	<p>PCR test.</p> <p>If PCR test not available in country of origin, a negative antigen test might be accepted, in addition to the post-arrival conditions.</p>
Germany	<p>As at 31 December 2020, no test was required prior to departure. Tests on arrival are not required as a general rule but could be requested by the competent authority. No nationwide quarantine period required in Germany, but most states require a 10-day quarantine period.</p>	<p>PCR test.</p>
Hungary	<p>Upon entry, foreign citizens are obliged to enter authority home quarantine for 10 days from the date of entry. They may be exempted from such quarantine if they attest with a document containing the results of two SARS-CoV-2 tests (molecular biology examination in compliance with professional medical practice) performed in Hungary at two different times with at least 48 hours between them that the SARS-CoV-2 coronavirus was not detected in their body at the time of the tests. However, it is also acceptable if the first of the two tests is performed in one of the Schengen countries, the United States of America or Canada.</p>	<p>PCR test</p>

Member State	Quarantine/other requirements	Test type accepted
Ireland	<p>Arrivals required to complete Passenger Locator Form (with certain exemptions), which was available online from 26 August 2020. As at 31 December 2020, no prior testing requirement.</p> <p>Ireland operated the EU traffic light approach. Quarantine advised for 14 days for arrivals from non-EU/EEA countries, with possibility to shorten with a negative PCR test result from a test undertaken after five days.</p> <p>Further quarantine arrangements for arrivals from the UK and South Africa were introduced at end-December 2020.</p>	PCR test.
Italy	<p>From 10 December 2020:</p> <p>Requirement for travellers returning from 'List C' countries (EU countries and some overseas territories) to have a negative test result within the 48 hours prior to entering Italian territory. In the absence of a negative test result, travellers were subject to isolation and health surveillance.</p> <p>From 20 December 2020:</p> <p>Regardless of nationality or residence, people traveling from Italy to the countries indicated above (List C) or transiting for one or more days between 21 December 2020 and 6 January 2021, for reasons that do not fall under 'essential reasons' and returning to Italy between 21 December 2020 and 6 January 2021 or after 6 January 2021, are subjected to isolation. Those entering Italy from List C countries for non-essential reasons between 21 December 2020 and 6 January 2021 or after 6 January 2021 (having been in one or more List C countries in the 14 days before entering Italy) are subjected to isolation. 'Essential' reasons can include work, study, health or absolute urgency.</p> <p>From 20 December 2020, by ordinance, all air travel from the UK was prohibited. Entry and transit of persons who had stayed or transited in the UK in the 14 days prior to the ordinance was also prohibited.</p>	Molecular or antigen test.
Latvia	<p>No test required prior to departure. Instead, the person is required to state that they will conform with epidemiological rules on arrival in Latvia. If the person stayed in a country on a specific published list to which specific precautionary measures are applicable, within the past 14 days, they are required to self-isolate for 10 days, observe their health condition for 10 days, take their temperature twice a day, and inform a doctor if they develop signs of acute respiratory disease.</p>	
Lithuania	<p>All persons arriving from affected countries must self-isolate for 14 days and follow mandatory isolation regulations (with a possibility of shortening the isolation time by taking a COVID-19 test at their own expense on the 10th day of isolation). Persons should also provide a negative COVID-19 test taken within 48 hours before entry or register for a test within 24 hours of arrival in Lithuania. Self-isolation is mandatory, even with a negative test result.</p> <p>- Persons arriving from countries with fast-spreading virus mutations will be subject to different isolation requirements.</p> <p>Those who have already had the virus or been fully vaccinated are not required to test or self-isolate, provided they have a medical certificate or vaccination certificate confirming that they had the vaccine or virus within 90 days prior to entry.</p>	PCR test.
Luxembourg	<p>Passengers wishing to enter Luxembourg from a third country (other than Australia, China, South Korea, Japan, New Zealand, Rwanda, Singapore, Thailand, Hong Kong, Macao¹¹²) by air transport have to present a negative SARS-CoV-2 test, taken within the last 72 hours, at boarding.</p>	Not specified.
Netherlands	<p>Passengers who arrive by air or sea from a country outside the EU/Schengen area that is not on the EU 'safe countries of origin' list and who are exempt from the EU travel ban must be able to produce a negative COVID-19 test result (conducted no more than 72 hours in advance) and a signed declaration.</p> <p>All arrivals from certain countries are strongly advised to self-isolate for 10 days, even if they have a negative test result prior to arrival.</p>	PCR test.
Poland	<p>From 28 December 2020, citizens of Poland and EU/EEA countries are no longer exempt from quarantine. All arrivals were subject to quarantine.¹¹³</p> <p>No testing requirements introduced.</p>	N/A
Portugal	<p>Test prior to departure is required. If there is no such test result, a test must be conducted within 48 hours of arrival, at the person's own expense. Quarantine only required until a negative result is received.</p>	PCR test.

¹¹² List at 9 January 2021.

¹¹³ <https://www.strazgraniczna.pl/pl/cudzoziemcy/covid-epidemia-koronawi/8578,Outbreak-of-coronavirus-rules-of-entry-and-stay-on-the-territory-of-the-Republic.html>

Member State	Quarantine/other requirements	Test type accepted
Slovak Republic	<p>The most recent Decree from 20 December 2020 applied from 31 December 2020. As a general rule, persons who visited countries not listed in the Annex to the Decree in the previous 14 days were subject to isolation at home or in quarantine accommodation.</p> <p>Isolation and other requirements do not apply to persons who have visited only countries in the EU, Norway, Iceland, Switzerland and Liechtenstein in the past 14 days and who can provide a negative PCR test result conducted outside Slovakia, or a negative antigen test result conducted in Austria or the Czech Republic, within the last 72 hours. Several exemptions apply, e.g. cross-border workers, or Slovak citizens living in the border area of neighbouring countries.¹¹⁴</p>	<p>PCR test. Antigen test.¹¹⁵</p>
Slovenia	<p>From 25 December 2020, citizens from Croatia, Austria, Italy and Hungary are required to quarantine for 10 days unless they present a negative PCR test at the border.</p> <p>Requirement for quarantine for 10 days for travellers arriving from countries with an unstable epidemiological situation on the red list. There are several exceptions, where no negative test or quarantine is required upon entry.</p>	
Spain	<p>From 11 November 2020, all arrivals from countries or risk zones are required to have a negative PCR test conducted not more than 72 hours prior to arrival (except minors up to six years old). This list is updated every 15 days and will be effective seven days after publication.¹¹⁶</p>	<p>From 9 December, other molecular viral RNA detection techniques such as Transcription Median Amplification (TMA) tests are considered valid control options.</p>
Sweden	<p>From 22 December 2020, new restrictions were imposed in relation to travel from Denmark and the UK, up to 31 January 2021. Only exempt categories could enter Sweden. Travellers from the UK covered by an exempt category must also present a negative test result conducted within 72 hours prior to arrival. Swedish nationals are not subject to a testing requirement as they have an unconditional right to enter Sweden.</p>	<p>PCR test (in the case of travel from the UK).</p>

Source: Answers to Questions 5(b) and (c) AHQ 2020.76.

¹¹⁴ However, they must present a negative PCR or antigen test result from within the previous 14 days.

¹¹⁵ Only in certain cases.

¹¹⁶ <https://www.mscbs.gob.es/profesionales/saludPublica/ccayes/alertasActual/nCov/spth.htm>



2. INTERNATIONAL PROTECTION¹¹⁷

Exceptional measures during the COVID-19 pandemic affecting international protection procedures

The first wave (from March to April 2020) led to strict lockdowns in EU+ countries,¹¹⁸ affecting the functioning of international protection procedures. From mid-April 2020, EU+ countries gradually eased the extraordinary measures, setting out phase-out strategies with less stringent provisions and putting in place new standards for the continuation and/or resumption of asylum services (work in shifts, teleworking, maximum number of people present per square metre, obligatory use of masks, disinfecting).

From August 2020, the number of COVID-19 cases steadily increased (ECDC),¹¹⁹ with a marked escalation in September/October 2020 (second wave), leading to restrictive measures once again in November–December 2020.¹²⁰ EU+ countries generally implemented local and regional-level restrictions and limited curfews based on risk assessments while retaining basic services under strict protocols, with less impact on the provision of asylum and reception services.

Impact of COVID-19 measures on first-instance asylum procedures

The general measures and health protocols affected face-to-face services. Initially, the registration of applications was limited to basic information, while access to authorities and personal interviews were discontinued in at least 17 EU+ countries.¹²¹ At the same time, the introduction of flexible working arrangements (e.g. working in shifts, teleworking) allowed authorities to focus on cases for which interviews had already taken place, thus reducing existing backlogs by issuing decisions on these cases.¹²²

The gradual resumption of face-to-face activities in May 2020 was subject to strict protocols and health measures that reshaped the provision of services in the longer term.

Extensive preventive measures

General health protocols and preventive measures became routine for asylum authorities in EU+ countries. This includes the obligatory use of masks, strict hygiene conditions (frequent cleaning and disinfection), social distancing, a maximum number of people in one space, and temperature monitoring.¹²³

Interview rooms were reorganised in light of the minimum room dimensions and the maximum number of occupants. Many authorities also used plexiglass screens during meetings with visitors/applicants for international protection.

Access to authorities

During the first phase of the pandemic, many authorities suspended direct customer services,^{124,125} while others allowed access by appointment.¹²⁶ Staggered hours and appointment-only public access avoided queues and unnecessary waiting times.¹²⁷

To renew applicant cards, asylum authorities provided certificates by mail,¹²⁸ or extended the validity for a specific timeframe based on a decision issued by the authorities.¹²⁹

Registration

The registration of applications was interrupted in many EU+ countries from March to April 2020, resulting in an unprecedented 87% drop in asylum applications compared to January and February 2020.¹³⁰ The discontinuation (e.g. in [France](#)) and temporary arrangements that impeded access to the asylum procedure (e.g. in [Belgium](#)) were overturned by national courts (see section on 'Jurisprudence developments' below).

In some countries, authorities designated specific arrival centres for registration or implemented special arrangements for the submission of asylum requests. Newly arrived asylum seekers who were placed in quarantine or self-isolation were registered on termination of the restrictive measures and/or upon medical screening.¹³¹

117 The information in this section was provided by EASO. It covers EU+ countries (Member States, Norway and Switzerland). Primary facts and information are drawn from official, publicly available sources, including websites and press releases published by competent authorities, EU agencies and civil society organisations. The list of measures and references to EU+ countries are indicative rather than exhaustive. Except where stated otherwise, information is based on input provided by the EASO Information and Documentation System (IDS) Advisory Group through the 'EASO survey on the impact of COVID-19 measures on asylum and reception systems', launched in October 2020.

118 EU+ countries cover EU Member States, Norway and Switzerland.

119 ECDC (2020). Rapid Risk Assessment: Increased transmission of COVID-19 in the EU/EEA and the UK – thirteenth update, 23 October 2020. Available at: <https://www.ecdc.europa.eu/sites/default/files/documents/RRA-COVID-19-EU-EEA-UK-thirteenth-update-23-Oct-2020.pdf>

120 ECDC (2020). Rapid Risk Assessment: Risk of COVID-19 transmission related to the end-of-year festive season, 4 December 2020.

121 EASO (2020). COVID-19 emergency measures in asylum and reception system, Issue 1, June 2020.

122 EASO (2020). Special Report: Asylum Trends and COVID-19, Issue No 2, 11 June 2020, pp. 6-7.

123 EASO reports, Issues 1-3.

124 For example, AT, EL, ES, FR, NL, PL, RO.

125 EASO report, Issue 1 p.10.

126 For example, AT, BE, LV, LU, SE.

127 For example, AT, CZ, EL, FI, LT, LV, SE.

128 For example, FR, SE.

129 For example, EL, ES, FR (FR authorities also extended the validity of the financial allowance for asylum seekers).

130 EASO (2020). Special Report, Issue 2, p.5.

131 For example, BE, CZ, DE, DK, NL.

National authorities extended the deadlines to lodge an application and made electronic platforms available to lodge an application and/or submit additional documents.

To support European countries in the context of the current health emergency, EASO issued practical recommendations on conducting remote/online registration (lodging) in order to render the overall process more efficient and organised.¹³²

Personal interviews

EU+ countries explored alternative methods and modes for personal interviews. In addition to preventive measures (reorganisation of rooms, staggered starting hours, use of masks, installation of plexiglass), solutions included videoconferencing in the asylum structure and/or in reception centres.¹³³

Some countries, like Norway, implemented a mixed approach. The Norwegian Directorate of Immigration (UDI) resumed personal interviews using Skype, with applicants at the reception centre, the interpreter at another location and UDI staff in interview rooms in Oslo. Similarly, Sweden resumed interviews mid-April 2020 through videoconferencing, with the applicant and the official in different rooms at the Swedish Migration Agency.

These preventive measures may impact the scale of operations due to a lack of rooms, a limited number of people who can be present at the same time, etc. Videoconferencing also created new challenges in guaranteeing an effective and fair asylum procedure for both first-instance applications and appeals, including their legal basis, the quality of remote interviews, access and skills needed to use electronic tools by applicants, the quality of processes and data protection. In Belgium, the pilot project on videoconferencing was suspended, as the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) lacked the legal capacity to regulate personal interviews and initiate remote processes.¹³⁴

EU+ countries have worked to retain face-to-face interviews in line with health protocols in order to ease the pressure on the asylum and reception procedures while ensuring procedural guarantees. In this context, EASO issued practical recommendations on conducting the personal interview remotely based on high-quality standards in the best interest of applicants and organised dedicated webinars to address new training needs.

E-administration

Many EU+ countries launched new e-services to lodge an application and/or submit documents remotely,¹³⁵ to ensure continued communication with applicants, while limiting the physical presence of applicants in offices. From

June 2020 onwards, applicants may check the status of their application and perform relevant actions online in the [Czech Republic](#), [France](#) (for applicants residing in Brittany and New Aquitaine as from 15 July 2020) and [Greece](#).

Information on asylum procedures, the rights and obligations of asylum seekers and extensive information on COVID-19 measures was developed and shared through new communication channels, with posters, pictograms, YouTube videos, hotlines and online platforms supplementing or even replacing traditional face-to-face communication.¹³⁶

Some authorities have resorted to electronic systems for the notifications of decisions.¹³⁷

Dublin transfers

Border controls and travel restrictions imposed by Member States resulted in the *de facto* discontinuation of Dublin transfers. Bulgaria, the Czech Republic, Croatia, Estonia, Latvia, Slovenia, Spain and Norway publicly announced the temporary suspension of transfers.¹³⁸ In practice, air traffic restrictions in EU+ countries resulted in a limited number of transfers in 2020.

The suspension of the Dublin transfers had an impact on the functioning of the Common European Asylum System. The European Commission's guidance notes that restrictions resulted in a shift of responsibility in thousands of cases.¹³⁹ The interruption of the six-month time limit and the impact on Dublin transfers have been reviewed by national courts (see section on 'Jurisprudence developments' below).

Impact of COVID-19 measures on reception systems

Physical distancing and hygiene measures are a challenge among larger populations, especially in EU+ countries where some asylum and reception systems operate at high occupancy or full capacity. Extensive preventive measures, such as regular disinfection, medical screening, quarantine of newly arrived persons and the reorganisation of services, were in place since March 2020, and reception authorities continued to increase accommodation capacity in an effort to reduce the occupancy rate.¹⁴⁰

New arrivals

Targeted measures were adopted for newly arrived asylum seekers, such as self-isolation, quarantine, placement in emergency structures and health screening. Upon arrival at reception centres in some EU+ countries, all new applicants were screened (self-report COVID-19 symptoms) and underwent temperature checks or epidemiological triage. Certain countries placed all newly arrived applicants

¹³² <https://easo.europa.eu/practical-tools>

¹³³ For example, AT, DE, FI, LV, NL, PL, [SE](#), and [NO](#), CH; See EASO reports, Issues 1-3.

¹³⁴ For more information, see the [EASO Case-law Database](#).

¹³⁵ For example, [EL](#).

¹³⁶ For example, AT, BE, DE, EL, FR, IE, PL, SI and NO.

¹³⁷ See EASO reports, Issues 1-3.

¹³⁸ See EASO reports, Issues 1-3; EMN (2020). Special Annex to the 30th EMN Bulletin, EU Member States and Norway: Responses to COVID-19 in the migration and asylum area, January-March 2020.

¹³⁹ [C/2020/2516](#)

¹⁴⁰ 'The COVID-19 pandemic exacerbates the vulnerabilities of migrants and refugees living in reception and detention centres. Whilst there is no evidence to suggest that SARS-CoV-2 transmission is higher amongst migrants and refugees, environmental factors such as overcrowding in reception and detention centres may increase their exposure to the disease. Outbreaks in reception and detention centres can also spread quickly in the absence of adequate prevention measures' (ECDC, 2020. [Guidance on infection prevention and control of coronavirus disease \(COVID-19\) in migrant and refugee reception and detention centres in the EU/EEA and the United Kingdom, June 2020](#). The ECDC developed a [checklist to support EU/EEA Member States in improving preparedness at migrant hosting sites](#) where there is a potential for sudden influxes of migrants.

in quarantine or self-isolation for 14 days while the status of their health was strictly monitored.¹⁴¹

EU+ countries frequently used 'initial reception' (e.g. arrival centres, first reception centres, transit centres, etc.) as a hub for registration and identification before applicants were allocated to second-line reception facilities.

Accommodation capacity

Emergency shelters were created to increase capacity and decrease the occupancy rate,¹⁴² and/or self-isolation areas in existing structures.¹⁴³ In France, asylum seekers in reception systems and whose accommodation rights came to an end were maintained in their accommodation during the health crisis period.

The development of contingency plans for the immediate operationalisation of emergency shelters or isolation areas is crucial for controlling fluctuating COVID-19 numbers within reception centres.

Reorganisation of reception services

Activities in reception and accommodation facilities were substantially impacted by the pandemic. Depending on the size of the facility, food/cash distribution is provided periodically to avoid large gatherings of people,¹⁴⁴ prepacked for collection (e.g. Czech Republic) or directly in resident rooms,¹⁴⁵ or in common areas, with adequately distanced and regulated queues.¹⁴⁶ Specific preventive measures for face-to-face interactions are still applicable in most countries. Where possible, activities were undertaken remotely (e.g. psychological, legal and medical consultations in Lithuania). Learning activities that were initially discontinued,¹⁴⁷ are now undertaken remotely.¹⁴⁸ Extracurricular activities were carried out in strict compliance with special measures and by prior arrangement.

Vulnerable groups

Specific arrangements were in place for vulnerable applicants in various EU+ countries. In Austria, vulnerable applicants (such as the elderly and those with existing health concerns) were separated where possible and given special protection (e.g. food service, disbursement of financial allocations). Separate accommodation was prioritised. Applicants in need of special medical care were allocated or transferred to a special facility. Special housing arrangements were also available for vulnerable people in Belgium, Finland, Portugal, Slovenia and the Slovak Republic.¹⁴⁹

Impact of COVID-19 on second-instance procedures

The challenges in second-instance procedures mirrored those at first instance, with physical distancing affecting hearings and personal submissions.

In principle, access to buildings was authorised only for persons summoned to a hearing, with routine use of masks, disinfectants, temperature measurement and social distancing.¹⁵⁰ In some cases, electronic tools enabled the remote submission of appeals, delivery of documents and relevant communication.¹⁵¹

Jurisprudence developments

The resumption of operations by judicial institutions led to the review of emergency measures in asylum and reception procedures. Some courts and tribunals have ruled on the immediate annulment or confirmation of certain measures, affirming that procedures and safeguards in asylum practices must be aligned with the CEAS framework to avoid arbitrary revision of rules or any infringement on the existing legal framework, even in the case of an emergency.¹⁵²

Access to procedure: National courts quickly overturned some COVID-19 measures and ordered the immediate resumption of registration of asylum applications with full compliance with hygiene measures.¹⁵³ With regard to entry to the territory, the French Council of State highlighted that pandemic restrictions cannot justify a refusal to register asylum applications.¹⁵⁴

Dublin transfers: Legal questions on the interruption of the six-month time limit for transfers under Article 29(1) Dublin III Regulation were brought before the German Federal Administrative Court, which held that the Dublin III Regulation provides for clear time limits that do not allow Member States to extend or interrupt the transfer period for COVID-19-related reasons.¹⁵⁵ However, other German courts considered the time limit for transfers to be interrupted.¹⁵⁶ The former interpretation was confirmed in the Netherlands by the Court of the Hague.¹⁵⁷ The judgments are relevant as, according to Article 29(2) Dublin III Regulation, responsibility for processing the asylum application shifts to the requesting Member State if the transfer is not carried out within the six-month time limit.

The overall health situation in the responsible Member State, specifically the number of COVID-19 infections, was used to challenge the implementation of a Dublin transfer.

141 For example, BE, BG, CZ, CY, DK, HR, IT, FI, LV, NL, SK (especially during the first wave until the testing was made available) and NO.

142 For example, BE, DE, DK, EL, FR, IE, IT, NL and NO, CH.

143 For example, AT, CY, CZ, FR, IE, IT, LV, SK.

144 For example, AT, CZ, IT, HR, LV.

145 For example, DE, HR, LV, PL.

146 For example, AT, DK, DE, HR, LV.

147 For example, CZ, DK, DE, HR, LV, PL, SK, SI.

148 For example, BE, HR, LT, SK.

149 See EASO reports, Issues 1-3.

150 AT.

151 For example, HR, LT, LV.

152 For more information, see EASO Case-law Database at <https://caselaw.easo.europa.eu/>

153 France, Council of State (2020). *La Ligue des droits de l'Homme, l'association Action des chrétiens pour l'abolition de la torture, l'association Kali, l'association Utopia 56, and others*, 30 April 2020.

154 France, Council of State (2020). *Applicant*, 8 July 2020.

155 Germany, Federal Administrative Court, *Applicants v Federal Office for Migration and Refugees*, 18 September 2020; see also Germany, Regional Administrative Court, *Applicant (Afghanistan) v Federal Office for Migration and Refugees*, 28 August 2020.

156 Germany, Regional Administrative Court, *Applicant v Federal Office for Migration and Refugees (BAMF)*, 21 July 2020; Germany, Regional Administrative Court, *Applicant v Federal Office for Migration and Refugees (BAMF)*, 26 August 2020.

157 The Netherlands, Court of the Hague, *Applicant v State Secretary for Justice and Security*, 21 April 2020.

The Luxembourg Administrative Tribunal held that it was not proven that a transfer to Italy would entail a risk of violation of Article 3 of the European Convention on Human Rights (ECHR) or Article 4 of the EU Charter.¹⁵⁸

Personal interview: In Belgium, the Council of State suspended a decision to carry out personal interviews by videoconference, as the decision was adopted by the CGRS when it must be done by Royal Decree.¹⁵⁹ Changes that affect the rights of applicants must therefore have a legal basis.

First-instance decision: The time limits to take a decision needed to be adapted for the delays caused by the pandemic. In the Netherlands, the Council of State confirmed that the pandemic led to a *force majeure* in asylum procedures, making it impossible to conduct personal interviews and leading to the extension of time limits, which must be notified to the applicants.¹⁶⁰

Reception conditions: Interim measures were ordered by national courts where applicants' accommodation was revoked,¹⁶¹ or where asylum applicant status was lost.¹⁶² The exceptional circumstances of the pandemic thus served as

a justification for interim measures. The courts considered that restrictions on movement and provision of services meant it would be very difficult to find another accommodation, contributing to a COVID-19 infection risk for those without suitable accommodation and for the community.

Detention: Courts reviewed the conditions in which the detention of third-country nationals took place pending return, assessing specifically whether the hygiene conditions complied with COVID-19 precautionary measures.¹⁶³ They also reviewed the legality of repeated extensions of detention due to the effect of the COVID-19 pandemic restrictions on the practical organisation of return procedures.¹⁶⁴

Second-instance procedures: The use of the written procedure, extension of time limits and suspension of public pronouncements at appeal stage were challenged in several national courts, which held that these changes in proceedings were imposed by the exceptional COVID-19 measures and comply with all the procedural guarantees provided for in the EU Charter and the ECHR, not affecting the substance of the applicant's access to justice or their right to defence and equal treatment, as they are of a temporary nature.¹⁶⁵

158 Luxembourg, Administrative Tribunal, *Applicant v Minister of Immigration and Asylum*, 22 September 2020.

159 Belgium, Council of State, *L'Ordre des barreaux francophones et germanophones and others*, 7 December 2020.

160 The Netherlands, Council of State, *Applicant v State Secretary for Justice and Security*, 16 December 2020.

161 Italy, Civil Court, *Applicant v Ministry of Interior (Prefettura di Pordenone)*, 31 March 2020.

162 Czech Republic, Supreme Administrative Court, *T. K. and Others v Ministry of the Interior*, 20 March 2020.

163 France, Council of State, *Minister of the Interior v Association Avocats pour la défense des droits des étrangers and others*, 7 May 2020.

164 Luxembourg, Administrative Tribunal, *Applicant v Minister of Immigration and Asylum*, 24 June 2020; Luxembourg, Administrative Court, *Applicant v Minister of Immigration and Asylum*, 16 April 2020.

165 Belgium, Council for Alien Law Litigation, *X v Office of the Commissioner General for Refugees and Stateless Persons*, 23 June 2020; Netherlands, Council of State, *Applicant v State Secretary for Justice and Security*, 7 April 2020; the Netherlands, Council of State, *Applicant v State Secretary for Justice and Security*, ECLI:NL:RVS:2020:992, 7 April 2020.



3. INTERNATIONAL STUDENTS¹⁶⁶

CONTINGENCY MEASURES RELATED TO THE ADMISSION PROCESS FOR INTERNATIONAL STUDENTS

Between March and June 2020, some EU and OECD countries had already modified or adapted their admission processes for immigration purposes, and many High Education Institutions (HEIs) had also adapted their enrolment and admission procedures. As at 31 December 2020, many EU Member States,¹⁶⁷ had implemented policy and contingency measures on the admission of international students.

Applications to Higher Education Institutes

Several EU Member States introduced online submission of application documents to higher education institutions,¹⁶⁸ albeit these were already in place in five other Member States pre-pandemic.¹⁶⁹ In many cases,¹⁷⁰ measures were implemented specifically to mitigate the negative impacts of any delays in the application procedure, such as online procedures,¹⁷¹ extending the enrolment deadline,¹⁷² deadline for confirmation of enrolment by HEIs,¹⁷³ and postponement of studies to the following academic year for international students who could no longer travel outside their country.¹⁷⁴

Applications for visa or residence permits

By June 2020, various countries had adopted measures to limit delays in the application procedures for visas or residence permits.¹⁷⁵ As at December 2020, several EU Member States¹⁷⁶ allowed online applications for visa,¹⁷⁷ and for request or renew residence permits.¹⁷⁸ In Slovenia, it was possible to submit applications electronically without a qualified electronic signature. Belgium, Italy and Ireland provided for extended validity of residence permits. As of May 2020, the Czech Republic implemented a fast-track process for granting residence permits for international students.

In all non-EU OECD countries, applications for study permits continued to be processed throughout 2020 – except in the

USA where the applications were suspended in mid-2020. However national travel restrictions in a number of countries (e.g. Australia, Japan, New Zealand) restricted entry to residents.

In Canada, in-person filings were suspended but all study permits could be applied for online, with individuals invited to explain any documents missing due to COVID-19. Canada also adopted a new two-step process for study permit applicants, which enabled some international students to begin their Canadian studies online from abroad, without final approval of their study permit. In July 2020, Israel decided to admit international students for the 2020/21 academic year, whether or not classes were online. New Zealand considered entry exceptions for subgroups of international students (250 PhD and 1 000 degree students) who previously studied in the country and who met a number of additional criteria, including self-isolation on arrival and sufficient funds. In the US, the Student and Exchange Visitor Programme (SEVP) guidance states that students entering the country for initial (new) status for the spring 2021 semester require an in-person course component. F-1 international students who were in the US and enrolled in classes with in-person requirements in March 2020 were permitted for partially or completely online/remote spring schedules. Australia granted international students additional time to provide English language test results, biometrics and health checks where COVID-19 had disrupted access to these services.

Between March and June 2020, many countries reported delays in their application procedure for visas or residence permits for international students.¹⁷⁹ However, as of December 2020, the situation improved and no significant delays to visa/residence permits due to the closure of embassies or consulates were reported by EU Member States. At the same time, the negative impact of the pandemic on the number of new international student visas and/or residence permits issued in the autumn semester became apparent, compared to 2018 and 2019.¹⁸⁰ Spain and Latvia experienced the biggest decrease in issued residence permits for education reasons, at 83% and 70%,

¹⁶⁶ Information relating to EU Member States, Norway and Switzerland was provided by EMN NCPs via AHQ EMN AHQ 2021.2. Information relating to non-EU OECD countries was provided by the OECD.

¹⁶⁷ CZ, EE, ES, FR, HR, HU, IE, LT, LU, LV, MT, NL, PL, SK.

¹⁶⁸ BG, FR, HR, LT, LV, NL, PT, SK.

¹⁶⁹ IT, MT, NL, PL, SE, SI.

¹⁷⁰ BG, CZ, DE, ES, FR, HR, IE, IT, NL, PL, PT, SK.

¹⁷¹ BG, CZ, HR, IE, LV, PT.

¹⁷² IT, FR, HR, NL – this change applied to Dutch students and international students alike.

¹⁷³ FR, HR.

¹⁷⁴ SK.

¹⁷⁵ BE, CY, FR, HR, IE, IT, LU, NL, PL and UK.

¹⁷⁶ BG, FI, FR, HR (possible to undertake parts – not all – of the visa procedure online), HU, NL, SE.

¹⁷⁷ IE (existing system).

¹⁷⁸ AT, IE (online system for renewal of residence permits).

¹⁷⁹ BE, CY, CZ, DE, FI, FR, HR, LT, LU, LV, MT, PL, SI, SK (individual cases at consulates abroad). Examples of non-EU OECD countries: AU, CA, CH, UK.

¹⁸⁰ BE, EE, ES, FI, FR, HU, LV, NL, SE, SI, SK. For NL the comparison is made to the 2019 only.

respectively. Three Member States did not observe this negative trend,¹⁸¹ while others were not able to estimate the impact of the COVID-19 pandemic due to missing data.¹⁸² Austria experienced a decline in the numbers of first residence documents, but there was no indication that this was a direct consequence of the COVID-19 pandemic.

Guidelines issued to higher education institutions

Until June 2020, several EU and non-EU OECD countries had provided guidelines for HEIs in relation to international students,¹⁸³ with six more countries providing guidance by the end of 2020.¹⁸⁴ Italy reported that the physical presence of international students could be replaced by distance learning, if necessary, at least until the end of 2020. Germany and the Slovak Republic issued recommendations related to international students' enrolment, but in Croatia, Germany and the Slovak Republic, guidelines concerned university life in general, rather than specifically the

admission of new international students. The Netherlands reported guidelines on the limitation of physical presence, with HEIs temporarily accepting the Test of English as a Foreign Language (TOEFL) iBT Special Home Edition test. In the US, Immigration and Customs Enforcement (ICE) is responsible for the SEVP, which manages international student residence. HEIs must report student oversight to SEVP. Following emergency COVID-19 related changes in rules for international students in SEVP, ICE provided guidance and templates for HEIs to report their changes in procedural and operational plans.

Almost all EU Member States reported that national policy encouraged HEIs to limit physical presence on campus.¹⁸⁵ Exceptions related to practical aspects of study, such as laboratory work in smaller groups,¹⁸⁶ practical studies in medicine,¹⁸⁷ or mid-term exams that could not be held remotely.¹⁸⁸ Such exceptions also applied in Canada and the UK.

INTERNATIONAL STUDENTS ADMITTED PRIOR TO THE PANDEMIC

By December 2020, many EU Member States permitted international students who were admitted undertaking their study on their territory prior to the pandemic but subsequently returned to their country of origin, to continue their studies online from abroad.¹⁸⁹ In some cases,¹⁹⁰ HEIs decided on this matter and examined the extent to which courses could be delivered from abroad using online formats. Other countries did not permit international students to continue their studies online from abroad.¹⁹¹ In Portugal, international students had to return to Portugal for physical classes, once they were available.

Support mechanisms for international students

Between March and June 2020, several EU Member States had already put in place funds to help disadvantaged international students or provided access to mainstream financial supports.¹⁹² By December 2020, **state-funded** social security/benefits or other support mechanisms for (financially disadvantaged) international students were available in a few additional countries.¹⁹³ Poland (State)¹⁹⁴ and Portugal (HEI) introduced some supports and scholarships for international students who found themselves in a difficult financial situation due to the COVID-19 pandemic. Similar support was available in

OECD countries outside the EU and Norway. International students who were in Australia longer than 12 months and who faced financial hardship were able to access their Australian superannuation (pension contributions). Canada doubled its need-based Student Grant for full-time students, including international students, for 2020 and 2021, to up to CAD 6 000 (EUR 4 053) for a standard 8-month academic year. In New Zealand, the support available under the Assistance to Foreign Nationals Impacted by COVID-19 Programme was extended to 31 August 2021 and included international students experiencing temporary hardship due to the effects of COVID-19.

By December 2020, many EU Member States had introduced other temporary measures to mitigate the financial impact of COVID-19 on international students, for example by increasing maximum working hours,¹⁹⁵ opening access to national funds, or through financial programmes managed at local or HEI level.¹⁹⁶ Some of the latter specifically benefitted international students. As a temporary measure, Ireland permitted students to work up to 40 hours per week when classes were not running. This was conditional on the student completing the course online, where such service was provided by the school/college. From 25 September 2020, the standard criteria for the student work concession were reintroduced.

181 BG, CY, IT, LT.

182 CZ, DE, HR, IE, LU, PL, PT.

183 CZ, IE, FI, FR (online exams and continuity of courses), LU, NL, PL, SI. Examples among non-EU OECD countries: AU, NZ, UK, US.

184 DE, ES, FR, LT, LV, SK.

185 AT, BE, BG, CY (obligatory), CZ, DE, EE, ES, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, PT, SE, SI, SK.

186 BG, CY, CZ, EE, HU, LU.

187 CZ, LV.

188 AT, CY, CZ, LU, NL, PT.

189 AT, BG, CY, CZ, DE, ES, FI, HR, HU, IT, LV, NL, PL, SE, SI, SK.

190 AT, BE, DE, EE, HR, HU, LT, NL.

191 FR, IE, LU, PT.

192 BE (no measures from the competent Communities), DE, FI, FR, PL.

193 BE, FI, FR, IE, NL, PL, PT.

194 PL reported that the scholarship payment was made more flexible for scholarship holders staying outside the Republic of Poland, granting them the full scholarship rate during their online education.

195 BE, FR, IE, NL (vital professions).

196 BE, DE, ES, FR, IE, LT, NL, PL.

In the non-EU OECD countries, Australia lifted its 40-hour limit (per 14 days) for international students working in certain health occupations and agriculture. In the UK, working hour limits were lifted for employment in certain health jobs; further, students whose courses were suspended due to COVID-19 and who held work rights were exempted from the 20-hour limit. In Canada, international students already in the country were allowed to work full-time (beyond 20 hours) in federally recognised essential services (health care, critical infrastructure, or the supply of food or other critical goods) until end-August 2020. In New Zealand, from August 2020 to July 2021, student visa holders were allowed to work in a supermarket for more than 20 hours a week, if their region of residence was in the highest alert level (3 or 4) of COVID-19 and they had worked at the supermarket immediately beforehand. In the US, international students currently participating in temporary work (OPT) were granted the right to work remotely if their employer had an office outside of the US or the employer could assess student engagement by electronic means.

Other support mechanisms for international students at **local level** (e.g. housing benefits, hardship allowance) were also available in some countries.¹⁹⁷ International students could also benefit from mainstream protections for tenancies in Ireland and a crisis benefit grant from local municipalities in Latvia. All students were entitled to accommodation in Hungary and Portugal.

At **HEI level**, support mechanisms for international students were implemented in several countries,¹⁹⁸ and included the possibility of a reduced dormitory fee,¹⁹⁹ or support for accommodation.²⁰⁰ Latvia and Poland reported supports targeting international students. Universities in Poland reported that private donations from partner companies allowed for the creation of a special fund for international students at Polish universities. Although very limited, the fund allowed students who had lost their incomes to apply for support from the HEI. In Latvia, international students were offered the option to divide their tuition fee.

In Poland, some HEIs opened a health room at the beginning of the new semester, where medical assistance was available. These health rooms were responsible for providing professional assistance for suspected COVID-19 infection and taking the necessary epidemiological measures.

Measures were also introduced to help students with accommodation during the pandemic: in the Czech Republic, each HEI issued its own specific guidelines for students staying in dormitories. In Lithuania, some HEIs cooperated with municipalities provided housing arrangements for newly arriving students to undergo 14-day quarantine periods.

In Spain, online and telephone psychological care services were provided to the university community and to the general public on the platform, Conectados@la universidad en casa (Connected to University from home). This service was offered by the Applied Psychology Department of the National Distance University (UNED). HEIs in Latvia and Lithuania also offered psychological support to local and international students.

Six EU Member States²⁰¹ provided supports available to all students (EU citizens and international students). For example, following the announcement by the government of a second lockdown in November 2020, France agreed exceptional aid of €150 for scholarship students and beneficiaries of housing assistance.

HEIs in non-EU OECD countries also offered a range of supports to students. In Australia, universities and other education providers support included fee deferral, deferred studies or payments, food and accommodation support, and mental health and other medical support. In New Zealand, the Ministry of Education provided guidance to HEIs on how to provide support specifically to international students during COVID-19-related lockdowns and the consequent stress and isolation.

Prevention of withdrawal of visa and residence permits

Between March and June 2020, measures to ensure that permits already issued to international students would not be withdrawn were generally accommodated within existing or emergency protections for wider categories of third-country nationals.

However, by December 2020, some EU and non-EU OECD countries had put in place specific provisions for international students to prevent visas or permits from being withdrawn,²⁰² and to give them additional time to finish their studies. In Australia, a change from face-to-face to remote delivery of online studies will not impact compliance with study visa conditions, while a visa fee waiver for visa extensions directly related to COVID-19 was introduced. In New Zealand, student visa application fee refunds for withdrawal were considered on a case-by-case basis. In the US, international students pursuing studies for autumn 2020 could remain in the US even if their educational institution switched to a hybrid programme or to fully online instruction. A number of OECD countries outside the EU also adjusted their requirements to allow periods of online study to count towards their requirements for post-graduation work visas. For example, online study outside Australia is counted from the time a student visa is granted, and those applying from outside Australia must hold or have held a student visa in the past 12 months to apply. In Canada, all studies up to 31 December 2021 would count towards a future post-graduation work permit, potentially allowing international students to complete their entire programme online from abroad while still being eligible for this programme. By contrast, in New Zealand, post-study work visa eligibility still requires full-time study in New Zealand.

197 HU, IE, IT, LV, MT, PT.

198 BE, CZ, HR, FR, IT, LV, NL, PL, PT.

199 CZ.

200 LV.

201 BE, CZ, FI, FR, IT, LT.

202 Among Member States: ES, IT, NL, PT, SK. Examples from non-EU OECD countries: AU, CA, JP.



4. VOLUNTARY AND FORCED RETURN²⁰³

IMPACT OF COVID-19 MEASURES ON IMPLEMENTATION OF RETURNS

This section reports on the impact of the COVID-19 pandemic on voluntary and forced return procedures and policy responses in EU and OECD Member States between March and December 2020.²⁰⁴

The Covid-19 crisis and associated travel restrictions and bans impacted on the number of return decisions and implementation of return in EU Member States, Norway and Switzerland and other OECD countries. At the end of 2020, Frontex detected a number of issues:²⁰⁵

- a) impact of European Integrated Border Management (EIBM), including return activities, secondary movements and the measures related to the detection and prevention of cross-border crime;
- b) decelerating effect on return activities in EU MSs/SACs;
- c) Enhanced border control for Covid-19 spread prevention and quarantine measures applied to individuals when crossing borders have discouraged secondary movements. Most third-country nationals in transit countries could not move onwards or return to their countries of origin.
- d) Despite travel restrictions and the temporary reintroduction of the border controls at the internal borders, cross-border crime has not decreased considerably.

Many EU Member States issued fewer return decisions in March, April and May 2020 compared to the same periods the previous year,²⁰⁶ in correspondence with the adoption of the travel restrictions. The number of return decisions gradually resumed in the following months, with a general steady increase until the end of the year, where they returned to figures compared to the same period in 2019.²⁰⁷ In most cases, the number of return decisions never quite reached pre-pandemic levels,²⁰⁸ although some remained stable throughout the year.²⁰⁹ Spain saw an exponential

increase in return decisions during the last quarter of 2020.²¹⁰

Against the trend on issuance of return decision, the number of effective returns in 2020 was 6% higher than 2019. Across the EU, the implementation of voluntary and forced return decisions continued to grow between August and December 2020, while remaining below the levels of March 2020.²¹¹ Indeed, Frontex reported that from May 2020 onwards, the monthly number of effective returns slowly picked up and peaked at 6 400 in August, around 60% of which was reported in August 2019.²¹² While the numbers remained low on average, several Member States had high counts (over 500) of forced returns²¹³ or voluntary returns²¹⁴ towards the end of the year.

The two following graphs show the evolution of forced and voluntary returns in several Member States between January and December 2020.²¹⁵

The COVID-19 crisis curbed the ability of EU Member States, Norway and Switzerland to carry out forced return decisions,²¹⁶ and several reported a first dip in the number of forced returns in March and April 2020.²¹⁷ The number of forced returns returned to pre-COVID-19 levels by July 2020 in only three Member States and Switzerland,²¹⁸ while others remained well below that benchmark, even after July 2020.²¹⁹ This was partially explained by travel restrictions imposed by countries of origin. Nevertheless, Member States were able to carry out returns to several countries of origin, in some cases with the support of escorts. Voluntary returns also remained low during the first half of the year, with a slight increase in June and July.

Japan, Korea, and New Zealand noted that a reduction in the number of international flights and other travel restrictions made it difficult to carry out deportations in 2020. In 2019, the Korean government introduced measures to encourage unauthorised foreigners to voluntarily depart

203 Information relating to EU Member States, Norway and Switzerland was provided by EMN NCPs via AHQ 2020.80 and 2020.81, Information relating to non-EU OECD countries was provided by the OECD.

204 Information reported is based on information collected by the EMN Return Expert Group (REG) practitioners through the EMN Ad-Hoc Queries (AHQ) on responses to COVID-19 in the return procedures area. Information provided by OECD was collected via the OECD Working Party on Migration, the OECD Expert Group on Migration, and for the OECD policy brief on managing international migration under COVID-19 in OECD countries. 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.

205 Frontex (2021). Briefing Note: umbrella Inform on COVID-19 in the migration area, 19/02/2021, Ref: SAMD/RAU/ADLA/1742/2021.

206 BE, CZ, DE, EE, FI, FR, HR, IE, IT, LT, LU, LV, PL, SK, SE and NO. CH. IE does not participate in the Return Directive.

207 CY, CZ, EE, HR, HU, LT, LU, NL, SI.

208 CY, CZ, LT, LU, LV.

209 BE, FI, IE.

210 Spain issued 3668 return decisions in August, this number steadily increased over the next few months, culminating to 9605 return decisions issued in December 2020.

211 BE, BG, CY, CZ, FI, HU, IE, LT, LU, NL, SI.

212 Frontex (2021). Briefing Note: umbrella Inform on COVID-19 in the migration area, 19/02/2021, Ref: SAMD/RAU/ADLA/1742/2021.

213 ES, SE.

214 ES, LV, SE.

215 BE, BG, HR, CY, CZ, EE, ES, DI, HU, IE, IT, LV, LT, LU, NL, PT, SE, SI, NO.

216 IE does not participate in the Return Directive.

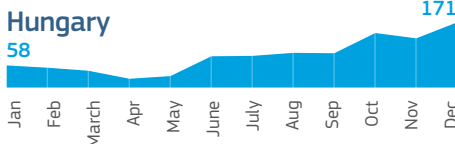
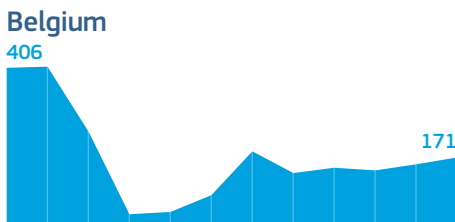
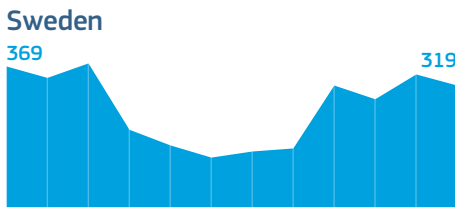
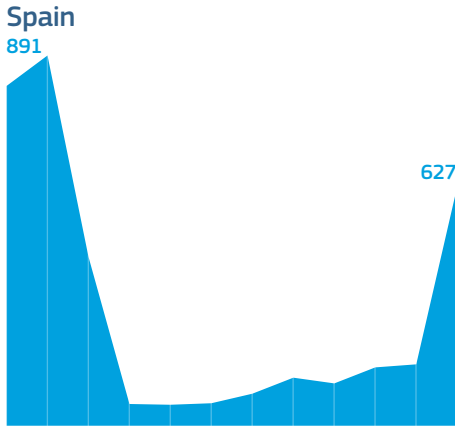
217 AT, BE, CY, CZ, DE, DK, EE, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, PL, PT, SK, and NO, CH.

218 CY, CZ, HR, PL, and CH.

219 BE, EE, FI, FR, IE, LT, LU, LV, NL, SK.

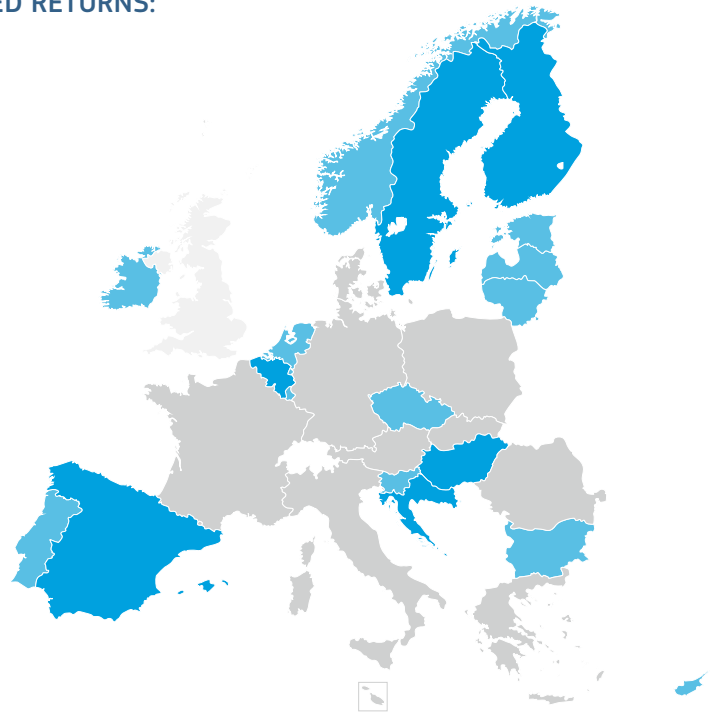
Figure 2 Forced returns in 2020

TOP 5 COUNTRIES:



TOTAL FORCED RETURNS:

- – over 900
- – below 900
- – no data



	Jan	Feb	March	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
AT	438	410	277	62	201	438	413	N/A	N/A	N/A	N/A	N/A	N/A
BE	406	409	239	22	28	72	187	130	144	137	153	171	2,098
BG	20	18	21	3	5	21	17	23	32	33	22	27	242
HR	98	157	83	4	5	46	88	156	35	113	69	68	922
CY	15	33	9	1	10	5	11	24	17	23	26	40	214
CZ	29	47	18	1	8	10	31	16	27	28	18	23	256
EE	14	19	6	4	8	10	3	5	8	8	15	9	109
ES	891	971	443	57	55	59	84	126	111	153	161	627	3738
FI	126	101	126	34	41	35	99	100	114	138	159	127	1200
HU	58	52	44	23	30	82	83	91	90	143	129	171	996
IE	14	13	7	0	0	0	1	0	0	3	0	4	42
IT	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LV	6	9	8	0	0	1	0	2	4	6	1	1	38
LT	3	6	3	0	0	4	0	3	2	4	2	4	31
LU	11	10	9	0	0	1	4	4	4	7	7	7	64
NL	100	110	60	10	40	50	60	50	80	70	70	80	780
PT	25	21	2	1	2	3	11	12	14	16	21	12	140
SI	5	3	1	22	10	7	10	6	7	6	10	7	94
SE	369	339	377	203	162	130	146	154	319	283	348	319	3149
NO	135	154	114	10	8	16	40	35	41	64	67	42	726

Source: EMN National Contact points

Korea, including exempting them from fines and entry bans if they departed by 30 June 2020. However, in the second quarter of 2020, COVID-19 mitigation measures made such travel impossible. The government paused its efforts to remove unauthorised foreigners and provided free COVID-19 testing and treatment. As a result, the Korean government estimates that there were approximately 400 000 unauthorised foreigners in the country in July 2020.

Israel registered a reduction in deportations, with 30% fewer foreigners deported (2 230) in the first half of 2020 compared to the same period in 2019.

The US did not suspend deportations due to COVID-19. Instead, the US Customs and Border Patrol invoked a Department of Health regulation giving it the authority to expel foreigners without normal immigration proceedings.

Agreements with countries of origin remained in place, with individuals removed to their country of origin within hours, in many cases.

Several EU Member States continued to implement strict hygiene conditions throughout 2020,²²⁰ especially during face-to-face meetings. Three Member States noted that temporary residence permits could be issued to third-country nationals with a return decision who could not be returned, their residence permits could be extended, or the return decision delayed.²²¹ In Latvia, a third-country national whose visa or residence permit expired during the emergency situation did not need to receive a voluntary return decision or apply for a new visa or residence permit, but was entitled to remain in Latvia and leave within two months of the end of the emergency situation (Law on the Management of the Spread of COVID-19 Infection), the

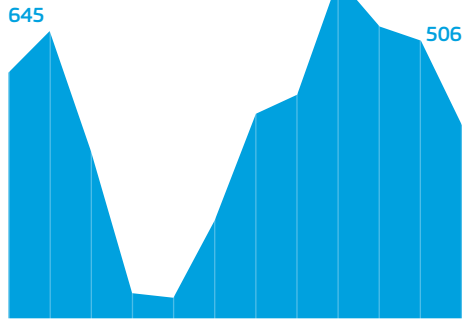
²²⁰ BE, CZ, EE, ES, FI, FR, HR, HU, LV, SE, SK.

²²¹ FI, HR, LV.

Figure 3 Voluntary return in 2020

TOP 5 COUNTRIES:

Sweden



The Netherlands



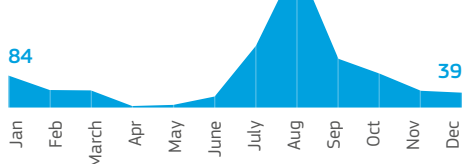
Lithuania



Spain



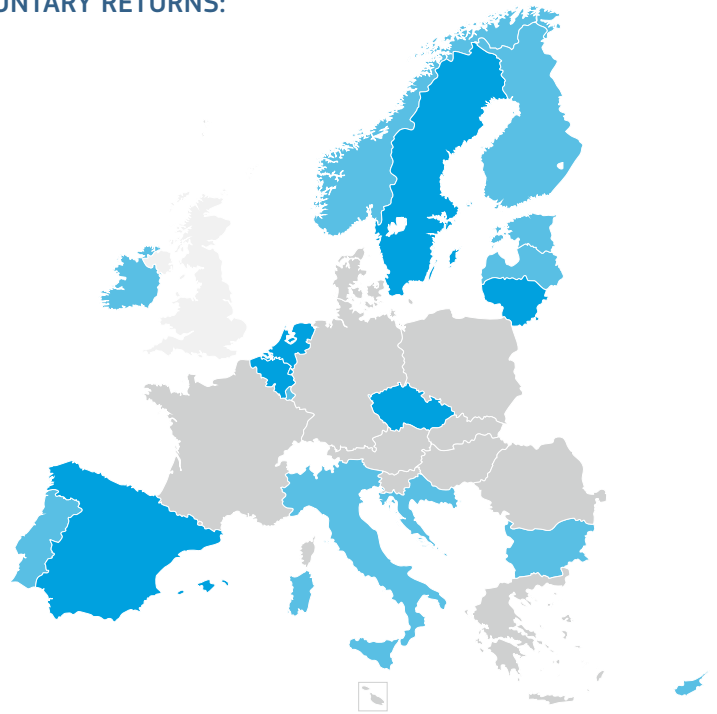
Czech Republic



Source: EMN National Contact points

TOTAL VOLUNTARY RETURNS:

- – over 900
- – below 900
- – no data



	Jan	Feb	March	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
AT	377	485	222	100	125	252	365	N/A	N/A	N/A	N/A	N/A	N/A
BE	246	249	120	61	67	130	163	159	186	147	217	211	1,956
BG	23	12	4	0	0	1	6	8	17	5	10	6	92
HR	77	113	56	15	15	40	38	51	70	51	48	48	622
CY	12	11	9	0	103	0	180	7	144	128	29	31	654
CZ	84	46	45	4	7	29	162	383	128	89	44	39	1060
EE	70	97	45	27	51	101	111	110	47	72	87	79	897
ES	173	196	55	0	10	52	191	140	84	129	140	206	1376
FI	19	29	22	0	1	1	13	31	38	29	20	14	217
HU	N/A	N/A	N/A	N/A	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
IE	20	22	16	7	8	8	22	23	12	22	14	28	202
IT	54	40	14	0	0	0	9	12	13	41	32	52	267
LV	139	85	71	26	157	38	38	56	68	109	52	31	870
LT	112	155	92	28	67	38	64	124	153	247	136	202	1418
LU	23	13	2	0	0	12	18	33	12	15	18	10	156
NL	310	270	220	100	40	60	160	150	170	190	170	150	1990
PT	28	36	14	0	10	31	51	29	41	41	31	28	340
SI	N/A	1	N/A	N/A	N/A	N/A	1	N/A	N/A	N/A	N/A	N/A	N/A
SE	645	754	439	66	54	257	537	587	892	766	729	506	6232
NO	13	17	2	0	3	2	6	27	14	14	14	13	125

same was the situation in Estonia (Regulation of the head of the Police and Border Guard Board). Ireland re-commenced issuing deportation orders and accompanying arrangement letters (setting out the terms of the deportation order) in August 2020, but these were paused again from October 2020.

Between January and July 2020, several EU Member States reported implementing new measures or procedures for conducting individual assessments, and in relation to the period for voluntary departure.²²² Italy reported carrying out individual assessments that took into account the public health situation in the destination country. Other Member States, Norway and Switzerland accommodated

the situation created by the COVID-19 pandemic within existing procedures, especially in relation to individual assessments and voluntary return periods.²²³ In Belgium, Estonia and Switzerland, persons unable to be returned had their delayed return decision extended, a procedure that pre-dated the pandemic.²²⁴

Between August and December, most EU Member States and Norway did not implement or report any new measures regarding individual assessment.²²⁵ Remote communication continued to be routine, with three Member States extending residence permits or providing the opportunity to obtain a temporary residence permit for third-country nationals who could not be returned.²²⁶

222 AT, CZ, HR, HU, IT, LT, LV, PL, SE.

223 BE, CY, DE, EE, ES, FR, IE, LU, PL and NO, CH. The changes were made *ex officio* in Poland.

224 Further information can be found in EMN (2021). Inform #5- Impact of COVID-19 pandemic on voluntary and forced return procedures and policy responses, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_inform5_return_en.pdf

225 BG, CY, CZ, FR, HR, IE, IT, LT, LU, LV, NL, SE, SI and NO.

226 BE, FI, HU, PL.

PRE-REMOVAL DETENTION AND ALTERNATIVES TO DETENTION TO PREVENT ABSCONDING

Between January and August 2020, almost half of EU Member States reported having implemented contingency measures on pre-removal detention and alternatives to detention in order to avoid absconding.²²⁷ In the Czech Republic, Estonia, Ireland, Latvia, Lithuania, Poland, Slovenia and Switzerland, no specific contingency measures were implemented, with only ordinary procedures applied.²²⁸

Hygiene measures were implemented throughout 2020, especially in pre-detention testing and quarantine.²²⁹ Finland, France and Hungary set up testing infrastructures

in detention centres, and France also dedicated a specific detention facility for detainees with COVID-19 symptoms who did not require hospitalisation. Several Member States continued to respect the reduced detention capacity and prioritised alternatives to detention where possible (and where there was a lower risk of absconding), which many considered the safer option.²³⁰

Croatia and Poland developed leaflets for detainees that provided further information on the pandemic, in several languages.

ADAPTING REINTEGRATION COUNSELLING AND OTHER PRE-DEPARTURE SERVICES

Between January and July 2020, over half of EU Member States continued to provide return counselling and other pre-departure services.²³¹ This required adjustment, with most moving to online communication formats (video-conference, WhatsApp, Skype, phone, etc.) and developing online pre-registration activities to allow individuals to access Assisted Voluntary Return and Reintegration (AVRR) procedures.²³² Some Member States, Norway and Switzerland continued to provide face-to-face return counselling by ensuring that proper hygiene measures were in place.²³³ Online tools were also developed to ensure that current

information on return measures was available to potential returnees.^{234,235}

Most EU Member States and Norway did not implement further measures on return and reintegration counselling between August and December 2020.²³⁶ Indeed, many continued to prioritise remote and online communication tools for return counselling.²³⁷ Estonia, the Netherlands, the Slovak Republic and Slovenia held in-person counselling where possible, with the use of strict sanitary equipment (such as plexiglass). Latvia noted an increase in requests for return counselling services, as more and more third-country nationals expressed an interest in voluntary return.

CHANGES TO VOLUNTARY RETURN PACKAGES AND REINTEGRATION PROGRAMMES IN THE WAKE OF COVID-19

Most of the EU Member States, Norway and Switzerland did not increase or otherwise adjust the assistance available in their AVRR programme packages between January and August 2020.²³⁸ Conversely, others increased the in-cash value of their AVRR packages.^{239,240}

This remained the case between August and December 2020, with most responding EU Member States and Norway reporting no changes to their financial packages for

return and reintegration.²⁴¹ Several Member States adapted the packages to the needs of the individual²⁴² or to the entry requirements of the country of return, covering tests and quarantines as required.²⁴³

227 AT, BE, CY, DE, FI, FR, HR, HU, NL, SE.

228 Further information can be found in EMN (2021). Inform #5- Impact of COVID-19 pandemic on voluntary and forced return procedures and policy responses, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_inform5_return_en.pdf

229 CY, CZ, EE, ES, FI, FR, HR, LT, LU, PL, SI, SK.

230 BE, EE, ES, FR, LU, NL, SI, SE.

231 AT, BE, CY, CZ, DE, EE, ES, FI, FR, IE, IT, LT, LV, NL, PL, SE, SK. Since mid-March 2020, all return counselling activities in PL were provided via phone and internet only (email, messenger, International Organization for Migration (IOM) AVRR website).

232 AT, BE, CY, HR, PL and SK (via its implementing partner IOM), IT, LT.

233 AT, DE, EE, LU, NL, SE, SI, SK, and CH, NO.

234 CY, CZ, EE, ES, FI, HR, IT, PL, SK, and CH.

235 Further information can be found in EMN (2020). Inform #5- Impact of COVID-19 pandemic on voluntary and forced return procedures and policy responses, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_inform5_return_en.pdf

236 BG, FR, HR, HU, LU, NL, SE, SK and NO.

237 BE, CY, CZ, EE, ES, FI, HR, IT, LT, LV, NL, PT, SK, SI.

238 BE, CY, CZ, EE, FI, HR, IE, LT, LU, LV, PL, SE, SI, SK and CH, NO. CA, JP, IL among non-EU OECD countries.

It did not allocate additional financial resources to AVRR programmes. However, the entities implementing the projects adjusted their budgets to meet the costs of serological and/or swab tests (where required by third countries as a precondition for return), in compliance with the expenditure ceilings provided for in the relevant public notice.

239 AT, DE, FR. CA, JP, IL among non-EU OECD countries

240 Further information can be found in EMN (2021). Inform #5- Impact of COVID-19 pandemic on voluntary and forced return procedures and policy responses, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_inform5_return_en.pdf

241 BG, CY, HR, HU, LT, LV, NL, PT, SK, SI, SE.

242 CZ, FR (extension of the eligibility period of the costs in India).

243 BE, CZ, EE, ES, FI, HR, IT, LU, NL.

ENSURING ACCESS TO THE EDUCATION SYSTEM FOR MINORS SUBJECT TO RETURN DECISIONS

Children are entitled to receive education in all Member States, regardless of their status, with many countries stressing that the conditions for providing access to the education system for third-country national children were the same as those for nationals, both in normal circumstances and during the pandemic.²⁴⁴

This was the case between January and July 2020,²⁴⁵ and remained the case for the rest of the year. Schoolchildren

continued to have access to education, irrespective of their nationality or return decision.²⁴⁶ The Netherlands and Poland provided children in reception centres with equipment to follow online classes and increased the wifi capacity in those centres. Ireland and Lithuania noted that schools reopened when public health emergency measures allowed it.

EMERGENCY HEALTHCARE AND ESSENTIAL TREATMENT OF ILLNESS FOR MIGRANTS SUBJECT TO A RETURN DECISION

All EU Member States, Norway and Switzerland provided emergency healthcare and essential treatment to individuals subject to a return decision throughout 2020. This was done in compliance with COVID-19 security and hygiene measures, including social distancing, properly equipped medical staff, information provision on the new measures, and testing, quarantine, and treatment for all suspected or confirmed COVID-19 cases. Several of the EU Member States, Norway and Switzerland put in place additional measures for migrants subject to a return decision.²⁴⁷

These included mandatory screening and access to emergency medical care and testing (Cyprus, Lithuania and Poland). Croatia routinely checked whether irregularly staying migrants had COVID-19 symptoms, with an epidemiologist intervening where symptoms existed. Between August and December 2020, strict hygiene measures continued to be observed in all responding Member States and Norway. Testing and quarantine measures were also implemented before and after return procedures.²⁴⁸

CONTINGENCY MEASURES RELATED TO FORCED AND VOLUNTARY RETURN

Throughout 2020, all EU Member States, Norway and Switzerland continued to apply COVID-19 measures to all return operations, including both forced and voluntary returns. In practice, this meant adapting return procedures to the necessary security and hygiene requirements or ceasing effective returns.²⁴⁹

Issuance of identity and travel documents

Between January and July 2020, several EU Member States and Switzerland coordinated with third countries (whose diplomatic or consular representations remained available) on the issuance of identity and travel documents where possible, using online communication tools (phone, videoconference, WhatsApp, Skype, etc.). This depended on the acceptance of such methods by countries of return.²⁵⁰ These measures were maintained throughout the rest of the year.

Digital solutions and remote communication tools were prioritised throughout 2020 across the EU Member States.²⁵¹

The Netherlands organised in-person meetings where possible, with the necessary health precautions. Nevertheless, several Member States noted that receiving travel documents remained an issue.²⁵² Portugal prioritised the use of the EU Laissez-Passer where possible, and Sweden reported encountering difficulties with online interviews due to information security concerns. Finland saw a decrease in travel document requests due to the decline of possible removal options.

Specific health and hygiene measures in place throughout the return process

All EU Member States and Switzerland implemented specific hygiene measures related to COVID-19 to be respected throughout the return process. These security and health measures were put in place to ensure that return procedures could be carried out as smoothly as possible and were maintained throughout 2020.²⁵³ Indeed, several Member States strengthened their health and

244 BE, CY, CZ, DE, FR, HR, IE, LT, LU, LV, NL, PL, SE, SK.

245 Further information can be found in EMN (2021). Inform #5- Impact of COVID-19 pandemic on voluntary and forced return procedures and policy responses, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_inform5_return_en.pdf

246 BE, CY, CZ, EE, ES, FI, FR, HR, HU, IE, LT, LU, LV, NL, PT, SI, SE, SK.

247 AT, CY, HR, LT, LU, PL and NO, CH.

248 BG, CY, CZ, EE, ES, HR, HU, LT, LU, LV, NL, PT, SI, SE, SK and NO.

249 For January to July 2020, further information can be found in EMN (2021). Inform #5- Impact of COVID-19 pandemic on voluntary and forced return procedures and policy responses, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_inform5_return_en.pdf

250 CZ, DE, EE, FI, FR, HR, LT, PL, SE and CH.

251 BE, CZ, FI, FR, HR, HU, LU, NL, PT, SE.

252 BE, CZ, SE.

253 For January to July 2020, further information can be found in EMN (2021). Inform #5- Impact of COVID-19 pandemic on voluntary and forced return procedures and policy responses, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_inform5_return_en.pdf

hygiene measures for both returnees and return personnel in contact with them,²⁵⁴ in some cases by imposing testing and quarantine before departure and/or upon return,²⁵⁵ and by providing return kits.²⁵⁶

Testing and quarantine measures were followed before and after the return procedures took place²⁵⁷ (in some cases as a condition of entry in the country of return²⁵⁸) if any personnel presented symptoms.²⁵⁹

Countries of return could, in some cases, require testing and/or quarantine before departure and/or on arrival, in which case most EU Member States and Norway covered the costs.²⁶⁰ Estonia, France, Luxembourg and Sweden reported difficulties in providing sufficient and timely testing opportunities.²⁶¹ The time constraint of testing imposed by third countries, with some countries asking for a negative test result even if the third-country national was only transiting through that country.²⁶² and some third-country nationals refusing to take the test.²⁶³ Estonia implemented an alternative solution by providing the country of return with a document attesting that quarantine was respected or that the person had recovered from COVID-19.

Cooperation and maintaining relations with third-country authorities

Between January and July 2020, several EU Member States and Switzerland maintained cooperation

and communication flows with the relevant authorities in third countries through online communications.²⁶⁴ However, various issues in such cooperation were reported, such as flight restrictions and closing of borders, which seriously jeopardised return operations,²⁶⁵ or the reluctance to issue travel documents.

This remained the case until December 2020, with several EU Member States facing difficulties in accessing travel documents or confirming identification.²⁶⁶ The Czech Republic relied on the European Return Liaison Officers Network (EURLO) to encourage cooperation with third countries, while Portugal relied on the intervention of liaison officers in third countries. Estonia, Spain and Latvia reported that cooperation with third countries on return was impeded by strong air traffic restrictions, which cancelled flights or reduced flight options.

Most responding EU Member States continued to rely on remote and online communication tools to cooperate with third countries,²⁶⁷ although the Netherlands and the Slovak Republic preferred in-person meetings where possible, while adhering to strict hygiene measures.

In several cases, the level of cooperation with third countries remained at pre-pandemic levels.²⁶⁸

CHALLENGES UPON ADAPTING OR LIFTING TRAVEL RESTRICTIONS

Most of the responding Member States faced challenges upon adapting or lifting travel restrictions.²⁶⁹ The main challenge stemmed from the fact that while some travel restrictions were lifted, they were not lifted entirely, leaving a degree of difficulty in organising return flights to third countries for most of 2020.²⁷⁰ Also the entry requirements imposed by third countries, especially PCR testing and quarantine, remained difficult to accommodate.²⁷¹ Finland and Portugal noted that organising escorted returns was

complicated by these requirements and by the lack of personnel. Italy and Lithuania reported facing difficulties with third-country nationals' complying with testing and quarantining measures in preparation for their return. Latvia and the Slovak Republic reported that the lack of information on the evolution of the pandemic in third countries, alongside travel restrictions and entry requirements, made it difficult to organise effective returns. The Slovak Republic found that the higher workload represented another challenge.

254 AT, CY, CZ, DE, EE, FR, HR, HU, PL, SK.

255 AT, CY, CZ, EE, HR, HU, PL, SK.

256 CZ, DE, FI, HR, SK and NO.

257 BG, CY, CZ, EE, ES, HR, HU, LT, LU, LV, NL, PT, SI, SE, SK and NO.

258 CZ, EE, ES, FR, HR, NL, PL, SE, SK and NO.

259 CZ, HR, LV.

260 BE, BG, CY, CZ, ES, FI, FR, HR, HU, IT, EE, LT, LU, NL, PT, SK, SI, SE, and NO (only for escorted returns, as IOM applied its own guidelines for voluntary returns).

261 FR.

262 FR, SE.

263 EE, LU.

264 BE, CZ, DE, EE, FR, HR, LT, SE, SK and CH.

265 CZ, DE, EE, ES, FI, FR, HR, HU, NL, PL, SE, SK, SI and CH.

266 BE, BG, CZ, HR, PT, SK.

267 BE, CZ, FI, HR, LU, NL, PL, PT, SE, SK.

268 BG, CY, H, LV, LT, SK.

269 BE, BG, CZ, EE, ES, FI, FR, HR, IE, IT, LV, LT, LU, NL, PT, SI, SK, SE and NO.

270 BG, CZ, EE, ES, FI, HR, LT, LV, NL, PT, SE, SI, SK and NO.

271 BE, CZ, EE, ES, FI, FR, IT, LT, NL, SE.

5. FUTURE OUTLOOK

Independently of how the situation unfolds, the COVID-19 pandemic will leave scars, individual and collective, economic and social. The pandemic revealed and exacerbated underlying vulnerabilities in OECD and EU societies, including among migrants who are frontline workers, contributing to the continuity of healthcare services or maintaining the food supply chain, while being at a much higher risk of COVID-19 infection, and at the same time, migrant workers are more likely to be concentrated in sectors which are at higher risk of redundancy.

In the meantime, a number of migration management processes were adapted due to lockdowns, border closures and hygiene measures. Travel restrictions were implemented in a number of countries, with many remaining in place. Alternatives were put in place for in-person-interviews for visa or asylum application processing, while offers for language training have been increased significantly, with beneficiaries in some cases equipped with relevant material. Many countries also provided targeted information to migrants on health and hygiene measures, along with improved access to the health systems. Return operations were severely disrupted by travel restrictions, but innovative solutions have retained counselling and ensured that activities resumed as soon as possible.

In most countries, relief measures allowed registered migrants and their families to remain temporarily, with job retention schemes and other targeted or general support measures accessible to foreign residents and access to treatment for COVID-19 available for all categories of migrants. One question that will arise post-pandemic is the effect of the phasing out of some of these temporary measures.

The pandemic will have a number of significant longer-term effects on society and the economy, and thus also on migration. It will also act as an accelerator of change. There is a strong likelihood of increasing long-term unemployment and changing skills needs in European and other OECD countries. Inequalities will likely be exacerbated, with increasing constraints on public finances. New approaches to cross-border mobility are expected from companies and individuals. And on the integration side, social distancing can weaken social networks which migrants often already lack.

These economic and societal transformations will impact international migration, and migration policies need to prepare for these changes. It is clear from this series of 'EMN-OECD Informs on the impact of COVID-19 in the migration area' that public authorities have generally coped quite effectively with the unexpected challenges raised by the pandemic in respect of migration management. Many innovations have been tested, with some success and some lessons for the future.

Important changes and innovations are likely to be a particular focus for migration policymakers in at least four areas in the coming years.

- **Digitalisation of migration management.** Online applications for visas and residence permits existed in several OECD countries (including in Europe) before the pandemic, but the health crisis has highlighted the need to develop such platforms. While few countries worldwide have E-visas (e.g. Australia, New Zealand, Canada, US, Turkey), this approach could rapidly become the norm. Similarly, a handful of OECD countries (e.g. Canada, the United Kingdom, the USA) currently use artificial intelligence (AI) and Big Data to identify security risks for visa processing.

Digitalisation extends beyond the processing of applications. For labour migration, it includes matching tools, migrant status verification systems for employers, and assessment of qualifications and skills. For asylum procedures, the integration of digital technologies is already advanced in some countries, including via digitalisation of ID management (biometric and alphanumeric identification), speech and dialect recognition of the analysis of mobile data media to help determine identity and origin on the basis of metadata stored on the mobile phone (including geodata). The pandemic has accelerated the need for innovative digital solutions for migration and asylum.

In future, technology might allow countries to better link with migrants, for example informing them in real-time about their rights (e.g. naturalisation, access to integration services) and obligations.

- **Biosecure borders.** Beyond the safe reopening of borders with people allowed to travel internationally based on proof of their COVID status, there are looming discussions on how to minimise the risk of transmission of infectious diseases and the burden on national health systems more generally. Most innovations are linked to the adaptation of border-crossing. These are generally operational in nature, such as the deployment of temperature testing devices or touchless border points. Other measures are linked with risk stratification, creating *de facto* specific migration corridors or bubbles with lower health check requirements. Some non-EU OECD countries are considering new information sharing systems, where travellers would have to provide certified personal information on their 14-day travel history and health status. Turning to permanent migration, while selective migration systems have largely focused on skills and formal education, it is not unlikely that health requirements will become more pressing for residence permit applications in the years to come.
- **Digital nomads.** Teleworking was a common response to the pandemic and previous levels of physical presence may not be regained for a long time. This is against the backdrop of a boom in mobile communications, the gig economy and use of online platforms to connect freelance workers with employers. There may be an increasing disconnect between countries of nationality, residence and work, particularly for highly skilled workers. Virtual work can create an opportunity

for countries to meet their skills needs without the need for physical migration. At the same time, countries could seek to attract global workers by establishing virtual employment platforms and providing some forms of social protection and benefits. Currently, only few countries have proper digital nomad visas, including notably Croatia, Estonia and Greece, but others may authorise the use of self-employed/freelancer visas for worker teleworking internationally or accept them under non-lucrative visas (without a work right in the country) providing that they are financially self-sufficient. More generally countries are now looking at the relationship between international telework, fiscal issues and residency conditions.

- **Migrant status changes.** As travel restrictions associated with the pandemic hampered international recruitment in key sectors highly dependent on foreign workers (e.g. seasonal agriculture, health, transport), some countries enabled significant numbers of people with short-term visas or without legal status to remain on their territory. Significant regularisation programmes were implemented in Italy, Portugal, Chile and Colombia, for example. Seasonal agricultural workers were able

to extend their stay in Greece, while Canada provided permanent status for foreign workers in long-term care and offered a pathway to permanent residence to all those residing in the country on a temporary permit who have expressed an interest in staying, irrespective of their skill level. The UK extended the validity period of residence permits for health workers until end-2021, while France offered accelerated citizenship procedures. All of these policy changes are signs of a reliance on the resident foreign workforce, especially in certain sectors.

In uncertain times, with a hard-to-predict economic and health environment, the ability to innovate, make the best use of new technologies, create new partnerships, develop new narratives on migration and adapt policies in real-time in a coordinated manner, becomes ever-more crucial. Piloting innovation, strengthening evaluation and sharing good practices is important, as is the use of new technologies to improve early warning systems and forecasting tools. The lessons learned from this pandemic should help countries to be better prepared to anticipate and respond to future migration challenges.

ANNEX 1 LIST OF EMN REFERENCES

Series of EMN OECD Informs on the impact of COVID-19 in the migration area and related documents:

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- EMN Ad Hoc Query, '2020.42 - Mitigating impacts on migrants and their family members residing in the EU and Norway'
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- EMN Ad Hoc Query, '2020.36 Reduction or loss of remittances due to COVID-19 (Part 1)', available at: https://ec.europa.eu/home-affairs/sites/default/files/202036_reduction_or_loss_of_remittances_due_to_covid-19.pdf
- EMN Ad Hoc Query, '2020.57 Inform #5 - Impact of COVID-19 pandemic on voluntary and forced return procedures and policy responses in EU Member States, Norway and Switzerland'.
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Austria www.emn.at

Belgium www.emnbelgium.be

Bulgaria www.emn-bg.com

Croatia <https://emn.gov.hr/>

Cyprus www.moi.gov.cy

Czech Republic www.emncz.eu

Denmark https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/authorities/denmark_en

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