

Ius Laboris Webinar

Coronavirus: Business travel and the pandemic

Thursday 11 June 2020

10:00 — 10:45 (BST)

11:00 — 11:45 (CEST)

13:00 — 13:45 (GST)

14:30 — 15:15 (IST)

16:00 — 16:45 (ICT)



SPEAKERS



Samir Kantaria, Partner
United Arab Emirates
Al Tamimi & Co
s.kantaria@tamimi.com
+971 (0) 4 331 7161



Sui Lin Teoh, Partner
Thailand
Rajah & Tann
sui.lin.teoh@rajahtann.com
+6626561991



Gagan Verma, Partner
India
Kochhar & Co.
gagan.verma@kochhar.com
+91 11 41115222



Andrew Osborne, Partner
United Kingdom
Lewis Silkin
andrew.osborne@lewissilkin.com
+44 (0)20 7074 8262



CURRENT TRAVEL RESTRICTIONS: WHAT DO THEY ALL MEAN?

UAE

TRAVEL RESTRICTIONS AND IMMIGRATION ISSUES

- **FLIGHTS:** ban on all international flights into the country with the exception of Emirates/Etihad flights to select destinations – initially ‘repatriation’ flights to certain destinations only
- **AIRPORTS:** fully reopened as of 4 June for transit passengers only
- **BARRED ENTRY:** for everyone except UAE nationals and residence permit holders who have prior approval to re-enter
- **EXIT PENALTIES:** waiver of penalties for overstay until 31 December 2020

THAILAND

TRAVEL RESTRICTIONS

- **TEMPORARY FLIGHT SUSPENSION:** Incoming flights banned until 30 June 2020
- **PERMISSION TO ENTER THAILAND FOR NON-THAI NATIONALS:**
 - work permit holders or those with permission from government agencies to work in Thailand must carry the following documents:
 - a certificate of entry issued by the Thai Embassy/Consulate in country of origin
 - a 'Fit to Fly Health Certificate' issued no more than 72 hours before travelling
 - health insurance with a minimum medical coverage of USD 100,000
- **QUARANTINE MEASURES**
 - self-quarantine at a state quarantine area determined by the government for 14 days
- **STATE OF EMERGENCY/CURFEW:**
 - extended to 30 June
 - prohibiting people from leaving their homes from 11pm to 3am of the following day

INDIA

TRAVEL RESTRICTIONS

- **FLIGHTS:** All scheduled international commercial passenger services shall remain closed until prohibition ends. However, this restriction will not apply to international cargo operations and flights specially approved by DGCA
- **RESTRICTED ENTRY:** All incoming travellers arriving from or having visited 11 countries shall be quarantined for a minimum period of 14 days. Requirement to furnish duly filled self-declaration form in duplicate to Health Officials and Immigration officials and undergo Universal Health Screening at the designated health counters at all Points of Entry
- **LAND BORDER CLOSURES:** International traffic through land borders will be restricted to designated Immigration Check Posts with robust screening facilities as notified by the Ministry of Home Affairs
- **STANDARD OPERATING PROCEDURES (SOPs):** Ministry of Home Affairs has notified various SOPs for the movement of those stranded in India who wish to travel abroad and the movement of Indian Nationals stranded outside the country

INDIA

MAIN GUIDELINES FOR INTERNATIONAL TRAVEL

- Before boarding, all travellers must give an undertaking that they will undergo paid institutional quarantine at their own cost for a period of 7 to 14 days.
- Only for exceptional and compelling reasons (such as cases of human distress, pregnancy, death in the family, serious illness and parent(s) accompanied by children below 10 years), as assessed by the receiving states, may home quarantine be permitted for 14 days.
- Only asymptomatic travellers will be allowed to board flights or ships, after thermal screening

RECOMMENDATIONS

- Indian nationals are advised to refrain from travelling to China, Italy, Iran, South Korea, Japan, France, Spain & Germany
- All passengers must be advised to download the Aarogya Setu app on their mobile devices
- If any passenger arriving from abroad develops symptoms s/he must inform the district surveillance officer or the state/national call centre using the helpline numbers supplied.

INDIA

PERMITTED TRAVEL TO INDIA FROM 1 JUNE 2020

- Foreign business people coming to India on a Business Visa, other than for sports
- Foreign healthcare professionals, health researchers, engineers and technicians coming to do technical work at Indian health sector facilities
- Foreign engineering, managerial, design or other specialists travelling to India on behalf of foreign business entities located in India
- Foreign nationals holding a valid long term multiple entry Business Visa (other than B-3 visa for sports) issued by a Indian mission abroad need to have this re-validated by the mission concerned

TRAVEL RESTRICTIONS AND IMMIGRATION ISSUES

- **ARRIVALS:** Refusal of entry possible for non-essential travel. 14-day self-quarantine for most arrivals from 8 June 2020. Scheduling of *ad hoc* evacuation flights
- **APPLICATIONS:** Severe disruption to processing. Some application centres and immigration-related services have re-opened from June 2020
- **CONCESSIONS:** Automatic extensions of leave, relaxation of some sponsorship and immigration requirements for individuals, general promise ‘to ensure people are not unduly affected by circumstances outside their control’, but no COVID-19-related legislation or rules issued



IMPACT ON VISAS, EMPLOYMENT CONTRACTS ETC.

UAE

IMMIGRATION & EMPLOYMENT STATUS

- **RENEWALS:** undertaken online however there are delays
- **EXPIRED VISAS:** automatically renewed up to 31 December 2020
- **MEASURES:** mix of forced paid leave/unpaid leave/salary reductions
- **REDUNDANCIES:** number of job losses as a result of the pandemic – virtual labour market established and ongoing payments from employers required
- **EXODUS:** 90% of the population is expatriate and with no permanent residency status. Individuals have to either find a new job or leave the country. Population predicted to contract by up to 10% (e.g. 200,000 Indian nationals registered with Embassy to seek repatriation)

THAILAND

IMMIGRATION STATUS AND EMPLOYMENT

IMMIGRATION

- Foreign nationals permitted to take up residency in Thailand – period for re-entry extended beyond 1 year
- Foreign nationals permitted to temporarily stay in Thailand – all types of visas extended to 31 July 2020
- Foreign nationals holding a border pass – period of stay extended until border checkpoints are opened

EMPLOYMENT CONTRACTS

- Leave without pay – employee's consent
- Use of annual leave
- Work remotely
- Termination possible?

INDIA

IMMIGRATION STATUS AND EMPLOYMENT

IMMIGRATION

- Foreign nationals whose visas may have expired by the date must approach their jurisdictional FRRO/FROs through e-FRRO to seek extension.
- Visa free travel facility granted to OCI (Overseas Citizens of India) card holders, has been kept in abeyance until prohibition on international travel of passengers to and from India.

EMPLOYMENT CONTRACTS

- With regard to expatriates, all existing visas, with certain exceptions, are suspended.
- Foreign nationals permitted to travel to India need to obtain a fresh Business visa or Employment visa, as applicable, from the Indian Mission/Post abroad.
- Force Majeure clauses in employment contracts.
- Leave without pay, lay-off and termination under Indian law.

RE-START OF IMMIGRATION PROCESSING

- **PENDING APPLICATIONS:** These are being prioritised over new applications and applicants are being contacted, however fast-track processing options may not be available for some time. Approvals will only be possible once all outstanding elements of applications are complete
- **NEW APPLICATIONS:** Can be submitted but will be delayed to clear the backlog. Need to monitor ongoing flight restrictions and opening/closing of application centres in line with local restrictions
- **CONCESSIONS:** Need to monitor the extension or withdrawal of concessions, review available options accordingly and ensure any follow-up actions are taken to maintain compliance



IMPACT ON FUTURE IMMIGRATION POLICY

WILL COVID-19 HAVE AN IMPACT ON UAE BUSINESS IMMIGRATION IN THE FUTURE?

- Unlikely to have a negative impact in the long run – UAE depends on an expatriate workforce
- More likely that ‘Emiratisation’ which was already in place prior to the pandemic will have a bigger impact – government policy
- Certain nationalities are already impacted by regional instability – this will continue

THAILAND

WILL COVID-19 HAVE AN IMPACT ON THAILAND IMMIGRATION IN THE FUTURE?

- **IMMIGRATION LAW AND POLICY:** unlikely to change as a result of COVID-19
- **BUSINESS REGISTRATION WITH THE DEPARTMENT OF BUSINESS DEVELOPMENT:** implement the E-Filing for certain activities
- **RECENT DEVELOPMENT:** Conferences/meetings required to be held by law can now be conducted through electronic media, in which the conference attendees are not at the same location

INDIA

WILL COVID-19 HAVE AN IMPACT ON INDIAN IMMIGRATION IN THE FUTURE?

- There is ambiguity as to how Indian immigration law will be affected in future
- It is also unclear if the holders of multiple entry visas to various countries are expected to reapply for fresh visas when they decide to travel post COVID-19
- However, possibility of introducing some additional health certifications, mandatory medical check-ups at every airport or during visa applications, cannot be ruled out.
- Immigration authorities are likely to take a stricter approach when granting visas to foreign nationals

UK

SYSTEM CHANGES

- Accelerated need for robust, digital systems for sponsor records, migrant reporting, biometric enrolment, English-language testing, police registration etc.
- Accelerated move towards verifying right to work online
- Higher scrutiny of immigration-related charges and public fund restrictions

APPLICANT ELIGIBILITY CHANGES

- Trade deals with other countries involving movement of people may be influenced by the course of the pandemic
- More effort to attract the people the UK needs to deal with the effects of the pandemic, economic recovery and advancement of the UK's future aims
- Catch-up of immigration regulation, but with flexibility in decision-making continuing
- Harmonisation of requirements for people applying in the UK and abroad
- Need for applicants to evidence any travel disruption in future applications.

IUS LABORIS – GLOBAL HR LAWYERS

<https://www.iuslaboris.com/en-gb/lawyers/>

Global HR Lawyers
Ius Laboris

in | | Contact | | GLOBAL REACH |

Home > PEOPLE EXPERTISE ABOUT US NEWS AND EVENTS FORCES FOR CHANGE INSIGHTS TRENDING TOPICS TOOLS

Home > People

100% focus: labour, employment and pensions law

Search

Choose a position Choose a country Choose a firm Clear filters

Stay Updated

Register for email alerts and access to our Global HR Law Guide

Register now

<https://theword.iuslaboris.com/hrlaw/coronavirus>

[CORONAVIRUS: GUIDE FOR INTERNATIONAL EMPLOYERS](#)

Sign up for our Guide for International Employers [here](#):



Download the **Coronavirus: Guide for International Employers**. Or sign up to receive the guide and future updates in your inbox.

Send me regular updates on international employment law news and trends.

SIGN UP

Last update: 14/05/2020



North America: Canada - Mexico - United States

Central & South America: Argentina - Brazil - Chile - Colombia - Panama - Peru - Venezuela

Western Europe: Austria - Belgium - Cyprus - Denmark - Finland - France - Germany - Greece - Ireland - Italy
Luxembourg - Malta - Netherlands - Norway - Portugal - Spain - Sweden - Switzerland - United Kingdom

Eastern Europe: Belarus - Bulgaria - Croatia - Czech Republic - Estonia - Hungary - Latvia - Lithuania - Poland - Romania - Russia - Serbia - Slovakia - Slovenia -
Turkey - Ukraine

Middle East & Asia Pacific: Australia - Bahrain - China - Hong Kong - India - Israel - Japan - Kazakhstan - New Zealand - Papua New Guinea - Saudi Arabia -
Singapore - South Korea - Thailand - United Arab Emirates

www.iuslaboris.com