



Ius Laboris Webinar

Coronavirus: Business travel and the pandemic

Tuesday 5 May 2020

9:00 (EDT) / 10:00 (ART) / 15:00 (CEST) / 16:00 (TRT)



SPEAKERS



Sophie Maes, Partner

Belgium

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Turkey

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FordHarrison



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Argentina

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CURRENT TRAVEL RESTRICTIONS: WHAT DO THEY ALL MEAN?

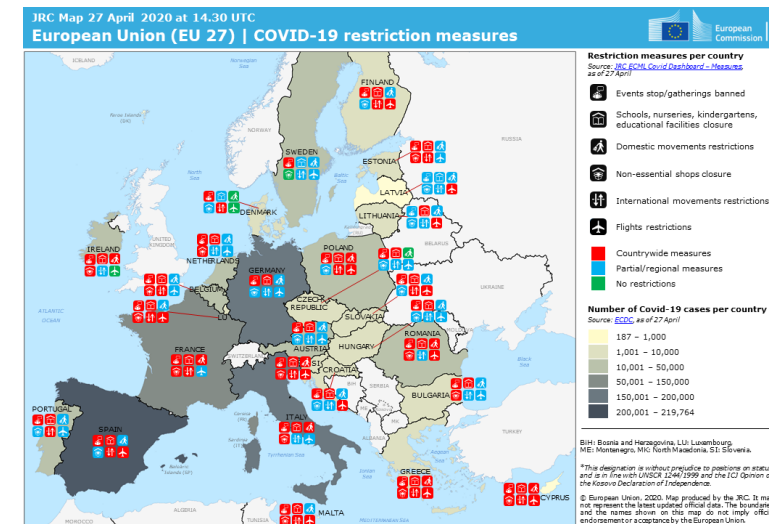
EUROPE/BELGIUM - CURRENT TRAVEL RESTRICTIONS

EUROPE

- **RECOMMENDATION:** EU Commission recommends closing external borders until 15 May
- **RESTRICTIONS AT INTERNAL BORDERS:** in all EEA countries plus Switzerland
- **GUIDELINES:** from the EU Commission, 30 March:
 - External borders – third country nationals
 - Internal borders – free movement of critical workers and non-critical workers if work still allowed in host member state
- **QUARANTINE MEASURES**

BELGIUM

- Prohibition of non-essential travel to and from Belgium since 18 March 2020
- **PROFESSIONAL TRAVEL** = essential travel
- **BUT CERTIFICATES** may be needed (France, Luxembourg, the Netherlands)



TURKEY - CURRENT TRAVEL RESTRICTIONS

TRAVEL RESTRICTIONS AND IMMIGRATION ISSUES

- **FLIGHTS:** ban of almost all international flights in and out of Turkey. Scheduling of *ad hoc* evacuation flights.
- **BARRED ENTRY:** to anyone who has been in 68 listed countries, within 14 days of attempted entry.
- **LAND BORDER CLOSURES:** borders with Greece, Bulgaria, Georgia, Iran, Iraq etc. closed to people, not to goods.
- **EXCEPTION:** Turkish nationals or work/residence permit holders. However, they will be quarantined for 14 days.
- **EXIT PENALTIES:** unofficially informed that no penalties for overstay will be assessed if overstay is between 90 and 180 days.

USA - CURRENT TRAVEL RESTRICTIONS

EUROPE, ASIA, MIDDLE EAST

- **BAR ON ENTRY TO:** foreign travellers of any nationality who have been in one of the following countries within 14 days of the US entry date: Austria, Belgium, China, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Iran, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, and the UK.
- **EXEMPTION:** for US Citizens and Permanent Residents but must fly through specifically designated airports.

MEXICO AND CANADA

- US has restricted non-essential travel (i.e. tourism and recreation) through Northern and Southern **land** border ports of entry until 21 May 2020.
- Does not apply to air, rail or sea travel, but does apply to commuter rail and ferry travel.
- What is essential travel?

ARGENTINA - CURRENT TRAVEL RESTRICTIONS

TRAVEL RESTRICTIONS

TEMPORARY FLIGHT SUSPENSIONS: “Affected area countries” and a ban on ticket sales for commercial flights.

GENERAL RESTRICTION: Argentina has closed its borders to non-resident foreign nationals until 10 May 2020. Only Argentines and foreign nationals with temporary residence in Argentina are entitled to return.

MANDATORY HOME ISOLATION:

- **Since 12 March 2020:** Suspected and confirmed COVID-19 cases, close contacts, arrivals from affected countries.
- **Since 19 March 2020:** Preventive and compulsory social isolation for all those living in Argentina or temporarily in the country. This restriction currently applies until 10 May 2020, inclusive.



IMPACT ON VISAS, EMPLOYMENT CONTRACTS ETC.

BELGIUM – IMPACT ON VISAS, CONTRACTS, ETC

IMMIGRATION STATUS AND EMPLOYMENT

IMMIGRATION

- Temporary extension of stay permit and temporary work permit if employee is barred from travelling
- No new visa applications during lockdown unless essential function; visa applications submitted previously will be examined but only issued when situation returns to normal
- Electronic filing
- Impact of temporary unemployment on remuneration thresholds for work permits (the B/single permit)

EMPLOYMENT CONTRACTS

- Conditions precedent included?
- If not: *force majeure* or suspension of employment contract

SOCIAL SECURITY

Homeworking not taken into account in determining applicable social security

TAX

Homeworking is not taken into account for frontier tax status with France and Luxembourg

USA – IMPACT ON VISAS, CONTRACTS, ETC

IMMIGRATION STATUS AND EMPLOYMENT

VISA PROCESSING CHANGES

- Suspension of routine visa processing services at US Consulates and Embassies around the world until further notice.
- US Citizenship and Immigration Services ('USCIS') has closed all field offices for in-person appointments but continues to process immigration benefits and visa petitions.
- Suspension of USCIS premium processing expedited service.

CERTAIN IMMIGRATION COMPLIANCE REQUIREMENTS DURING THE PANDEMIC

- USCIS has extended certain response deadlines by 60 days.
- USCIS will accept copies of original signatures in lieu of 'wet' signatures on filings.
- I-9 and E-verify requirements relaxed for employers operating remotely.

OTHER IMPACTS

- Impact of furlough versus termination of foreign workers
- Impact of remote, work-from-home workforce
- President Trump's 23 April "Immigration Suspension" Announcement

ARGENTINA – IMPACT ON VISAS, CONTRACTS, ETC

IMMIGRATION STATUS AND EMPLOYMENT

- **CONSULAR VISA APPLICATIONS:** for nationals and residents of countries included on the COVID-19 “affected area” list have been suspended until further notice.
- **NEW APPLICATIONS FOR TRANSITORY/TEMPORARY RESIDENCE SUSPENDED:** travel restrictions placed on non-resident foreign nationals and the closure of the Immigration Office until 10 May 2020, mean that there will be no new applications for transitory or temporary residence in Argentina until the travel ban has been lifted.
- **TEMPORARY RESIDENCE EXTENSIONS:** Foreign nationals with valid temporary residence in Argentina are unable to apply to extend until the mandatory isolation period has ended and the Immigration Office has reopened to the public.
- **IMMIGRATION OFFICE DISPOSITIONS (1714/20 – 1923/20):** have extended provisional, transitory and temporary residence expiring between 17 March and 15 May and between 16 April and 15 May for 30 days.

TURKEY – IMPACT ON VISAS, CONTRACTS, ETC

IMMIGRATION STATUS AND EMPLOYMENT

- **RENEWALS:** as Turkey's work permit adjudication system is almost completely online, there are no complications as to timely filing renewals. Yet, there is a slowdown in adjudication.
- **NEW WORK PERMIT FILINGS:** as most consular posts are closed, and there are almost no viable flights into Turkey, new Work Visa filings are not practically possible.
- **DEPENDENTS:** residence permit renewal appointments are requested online, so can be requested in a timely way. However filing appointments are in person and the Migration Directorate has automatically rescheduled appointments in 30-day increments.
- **EMPLOYMENT:** employer may request use of vacation time. Future expanded use of overtime for retained employees not able to work full time. Several COVID-related government employee support programmes exist for qualifying employers.



IMPACT ON FUTURE IMMIGRATION POLICY

BELGIUM - IMPACT ON FUTURE

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

- **WILL DEPEND ON ECONOMIC SECTOR AND IMPACT** - difficult to assess
- **MAJOR REFORM OF IMMIGRATION RULES IN 2019 ('SINGLE PERMIT'):**
 - More flexible rules for highly skilled workers to attract talent and innovation → will remain as 'war for talent' will continue
 - List of shortage professions for lower skilled workers in Flanders and Wallonia → to be adapted?
 - Labour market test for other professions → most likely difficult in sectors economically affected by COVID-19
- **FLANDERS: LOWER SALARY THRESHOLD FOR NURSES** → also in other regions?
- **ADAPTED HEALTH SCREENINGS** - plus continued electronic filings?
- **QUARANTINE?**

ARGENTINA – FUTURE IMPACT

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

- **IMMIGRATION LAW AND POLICY** will not change as a result of COVID-19. Argentina will still need skilled foreign nationals for specific sectors (energy, gas, oil, mining).
- **HEALTH TESTING FOR NEW ARRIVALS:** COVID-19 App and quarantine.
- **CHANGES TO IMMIGRATION OFFICE PROCEDURES EXPECTED**
 - **New Applications:** New applications will not be processed until 14-day mandatory isolation ends. Medical certificates may be required for new transitory or temporary residence applications.
 - **Renewals:** As the immigration authorities will have to reduce personal applications at the Immigration Office, transitory or temporary residence renewals may be processed online or submitted by an authorised lawyer with power of attorney.

TURKEY – FUTURE IMPACT

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

Likely to have less of an impact on inbound immigration because:

- Compared to countries like the US, Turkey will have a continued need for foreign direct investment and foreign managers and supervisors are needed to ensure those ventures function long term.
- Turkey will continue to need foreign expertise in large infrastructure and energy projects that require specially-skilled foreign assignees for fixed terms.
- Family-based immigration has always been a small portion of immigration.
- Perhaps will add a health-screening requirement for foreigners.
- Impact if Turkey ever joins EU?

USA – FUTURE IMPACT

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

- **FUTURE US IMMIGRATION POLICY WILL BE SHAPED BY:**
 - outcome of 2020 Presidential Election
 - public health
 - economy
- **IF REPUBLICAN PRESIDENT TRUMP WINS** re-election in 2020, what will immigration policy look like?
- **IF DEMOCRAT JOE BIDEN WINS** in 2020 Presidential election, what will it look like?



START PREPARING: TIPS FOR INTERNATIONAL EMPLOYERS

TIPS FOR INTERNATIONAL EMPLOYERS

- Follow travel advice from Authorities
- Assess benefits and risks
- Avoid sending employees at higher risk
- Inform employees, give clear instructions and provide assistance
- Include World Health Organisation guidelines in your travel policies
- Check requirements in home country, transit country and host country
- Check social distance travel requirements
- Check if special certificates are needed
- Ensure employees comply with instructions from local authorities and local social distancing rules
- Follow-up on status of employees returning and government instructions regarding quarantine

IMMIGRATION & GLOBAL MOBILITY – SPECIAL UPDATE

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

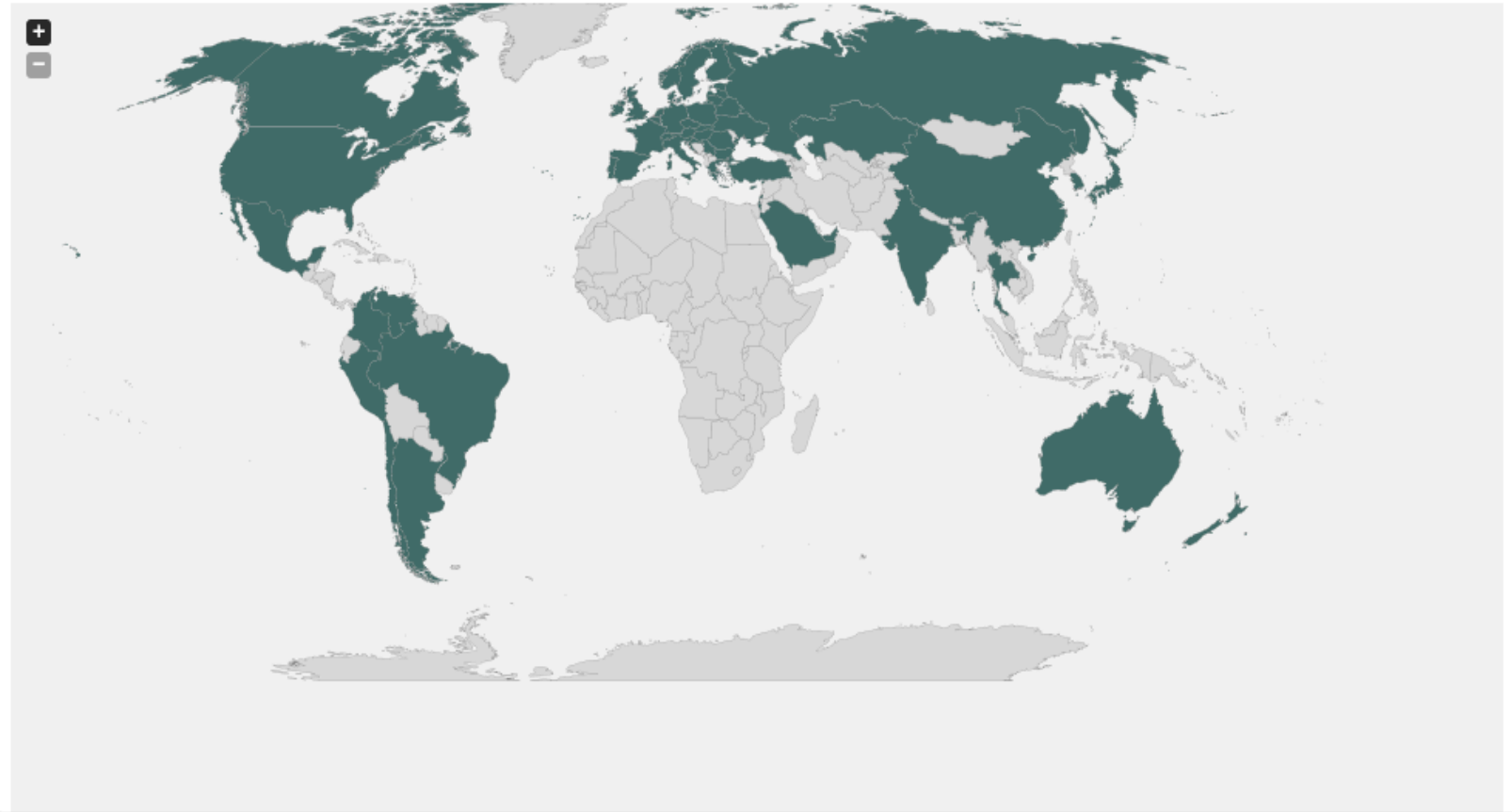
Immigration and Global Mobility update

As a result of the coronavirus, the world has changed quite dramatically in terms of mobility since we last updated you, so for this update we have included the rules from all 58 of our law firms. We hope you find this information useful and we aim to continue to update you regularly.

Download our Special Coronavirus Edition:



CORONAVIRUS EDITION

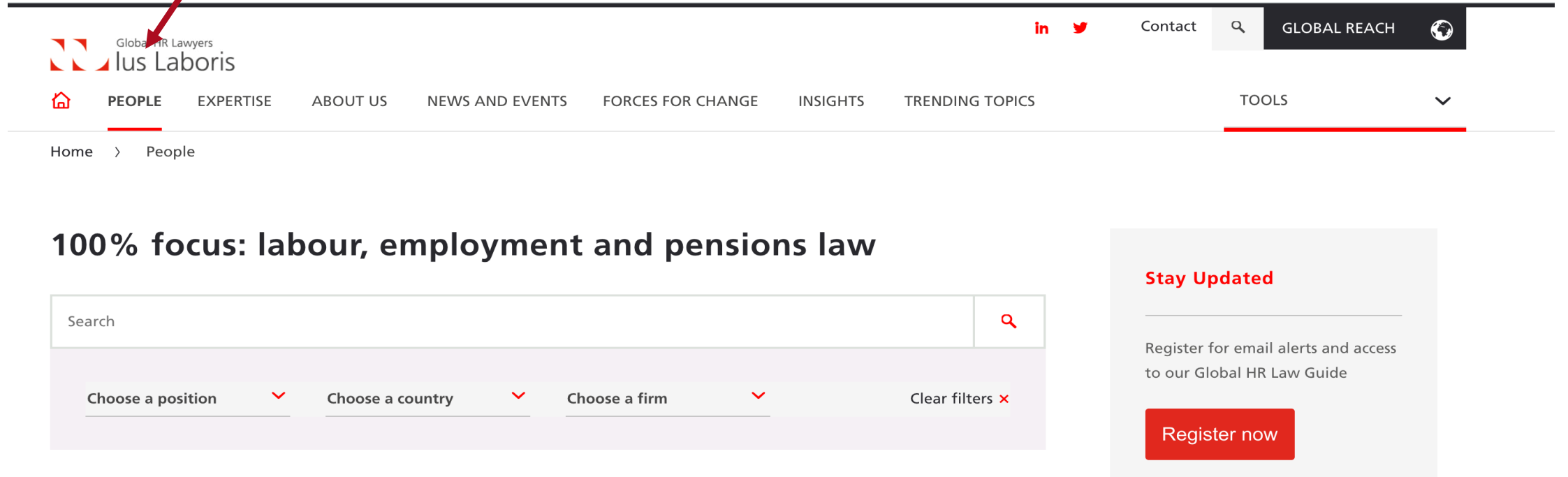


QUESTIONS?



IUS LABORIS – GLOBAL HR LAWYERS

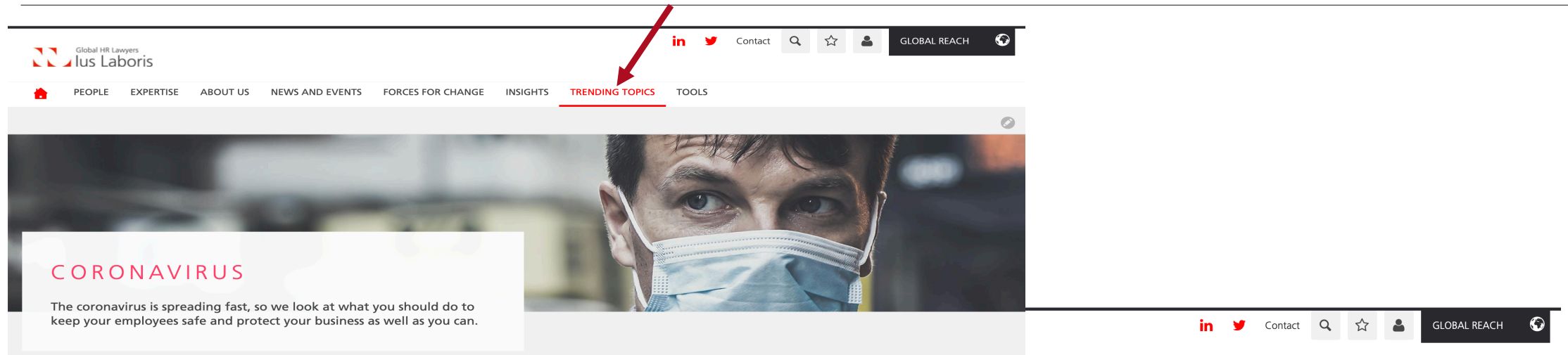
<https://www.iuslaboris.com/en-gb/lawyers/>



The screenshot displays the Ius Laboris website interface. At the top, the navigation bar includes the Ius Laboris logo (a red stylized 'I' and 'L' followed by 'Global HR Lawyers' and 'Ius Laboris'), social media icons for LinkedIn and Twitter, a 'Contact' link, a search icon, and a 'GLOBAL REACH' button with a globe icon. Below the navigation bar, a horizontal menu lists various sections: 'PEOPLE' (highlighted with a red underline), 'EXPERTISE', 'ABOUT US', 'NEWS AND EVENTS', 'FORCES FOR CHANGE', 'INSIGHTS', 'TRENDING TOPICS', 'TOOLS', and a dropdown arrow. A breadcrumb trail shows 'Home > People'. The main content area features the heading '100% focus: labour, employment and pensions law'. Below this is a search bar with the placeholder text 'Search' and a magnifying glass icon. Under the search bar, there are three filter buttons: 'Choose a position' with a red dropdown arrow, 'Choose a country' with a red dropdown arrow, and 'Choose a firm' with a red dropdown arrow. To the right of these filters is a 'Clear filters' button with a red 'x' icon. On the right side of the page, there is a 'Stay Updated' section with a red heading, a horizontal line, and the text 'Register for email alerts and access to our Global HR Law Guide'. Below this text is a red button labeled 'Register now'.

Questions and comments also welcome: anni.laakso@iuslaboris.com

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



CORONAVIRUS: GUIDE FOR INTERNATIONAL EMPLOYERS

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Last update: 06/04/2020



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