



FRAGOMEN

Worldwide Immigration Trends Report 2024

Will Immigration Policy's Reactions to
Labor Shortages, Demographic Challenges
and Economic Hardships be Enough?

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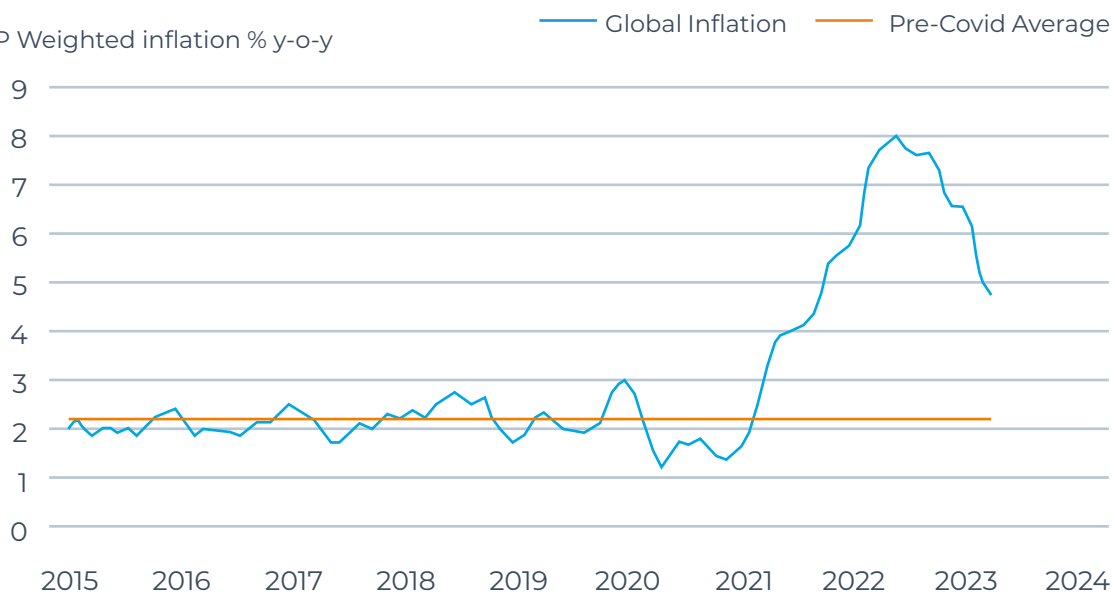
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EXECUTIVE SUMMARY

In the second half of 2023, global disruptions from geopolitical events (including the conflict in the Middle East) have created a renewed focus on security concerns for travelers and businesses considering international assignments and business travel for their employees. Further, economic headwinds created volatile fiscal situations in many countries – though inflation is projected to ease over 2024, in the longer-term, a cost-of-living and housing crisis could delay a return to pre-COVID norms for many years.

Inflation Will Continue To Ease Peak Now Behind Us

Global - GDP Weighted inflation % y-o-y



-Image from [BMI Emerging Markets Key Themes \(June 2023\)](#)

Moreover, severe climate events continue to wreak havoc on several regions' economies, with inadequate government responses in many (especially developing) countries complicating economic and infrastructural recovery.

In this current state of "permacrisis," another, less-recognized predicament – a shortage of workers – is also hitting countries hard. Some governments, like China, are struggling to balance a sharp rise in a highly educated population with open labor needs, such as in manufacturing. Other countries, like Germany, are experiencing the worst demographic crisis of our time, with [predictions](#) that the population will decline by a third by the end of the century (China, Japan, Poland, Portugal and Romania are projected to lose up to two-thirds of their labor force by then as well).

An aging population will force governments to adapt their policies to account for growing healthcare needs, while also attempting to reconcile for the aging out of the workforce. Immigration policy will have to bend to this new reality.

"The green transition, technological change, supply-chain transformations and changing consumer expectations are all generating demand for new jobs across industries and regions. However, these positive drivers are offset by growing geoeconomic tensions and a cost-of-living crisis."

- [World Economic Forum Future of Jobs Report, April 2023](#)

However, there is hope for these issues if they are viewed through the lens of immigration policy-related solutions—for instance, many countries are adapting to uncertainty and lifting barriers to facilitate the entry of workers and to create incentives for worker retention and innovation. Digital transformation and artificial intelligence (AI) can contribute to this effort by offering streamlined online application platforms and even the ability to use data gathered from tracking and monitoring systems across government agencies to help countries identify the right foreign talent for the different skill and labor shortage conditions.

Immigration policies that fail to proactively consider these issues and neglect to consider immigration as a viable solution could lead a country to fall behind socially and economically. Nonetheless, governments are still taking radically different stances on immigration (e.g., Europe is relaxing degree requirements to attract talent and fill workforce shortages; while Asia Pacific is still mostly issuing rules that focus on attracting only highly educated foreign workers). This compounds the complexity of immigration law, as there is no one-size-fits-all approach.

All in all, corporations must now consider a broader (and in some cases new) set of national security, political, environmental, economic and social factors before making mobility decisions. Global mobility professionals are expected to provide advisory input to key decisions—a service that relies on tenure, expertise and critical thought. Working with a trusted and informed immigration provider, reviewing this report and using our Strategies for Success checklist, will help guide mobility professionals and travelers in this complicated era.

SECTION 1: EVOLUTION OF KEY DRIVERS

The three main drivers of immigration change—access to foreign talent; process changes; and government enforcement and employer compliance—have remained key throughout 2023. The fourth driver (as was relevant during the last two years) —COVID-19 imperatives—has now expanded to cover long-term impacts of wartime situations, political upheaval and the economic downturn. We refer to these combined factors as ‘current disruptors’, and along with the other three key indicators of immigration policy change, these drivers continued to evolve:

- **Access to (and the need for) foreign talent.**

Faced with slightly improving economic conditions around the world the past two quarters, we observed a continued policy shift away from restrictive immigration rules to more welcoming approaches and streamlined effort. This occurred against the backdrop of countries battling with skills and labor shortages, unstable employment environments and demographic challenges. The war in Ukraine continues to cause immigration processes delays in Europe, as immigration departments struggle to get through a backlog of prioritized Ukrainian refugee applications, thereby aggravating the labor shortage in many countries.

- **Process changes** this year stemmed from reactions to economic instability and rebuilding efforts from recessions and high inflation/unstable employment environments. Many governments implemented or improved online visa/work permit application and processing systems, causing process step changes along the way. The last two quarters especially, we noted an unprecedented growth in AI use in government functions. The spike in chat bots, generative AI and neural networks is presenting new and unique challenges in the immigration environment. Some considerations include the risks

of bias, inaccuracy and hallucinations (discussed in depth in the Q2 2023 edition of this report and to be further analyzed in the next edition).

- **Government enforcement efforts** are on the rise with increased immigration-related management efforts and related spending (and with that, their compliance checking measures). Furthermore, the digitalization of immigration systems enables inter-operability across multiple government agencies, which has driven greater enforcement and compliance initiatives. Authorities have access to increased data sharing and communication methods, enabling more efficient management of migration flows, inspections and border security (see the Digital Transformation regional updates in the Appendix). The more interoperable systems are, the more compliance risks for travelers and their employers (in a work permit or business visit situation, liability for immigration noncompliance often falls on the employer and can result in fines, imprisonment and/or bans from hiring foreign talent in the future). Key examples of recent increased enforcement efforts globally include:
 - ▶ Several European states are currently actively enforcing departure notification obligations, which require employers to notify governments

when a foreign national departs a country (for instance, because an employment relationship has ended). In **Germany**, such notification is required within two weeks of an employee either resigning or being notified of their termination. In the **Netherlands**, a notification is required within 28 days of a foreign national's last date of employment; **United Kingdom** employers, meanwhile, have the same obligation but a shorter duration: only 10 days.

- ▶ Employers of Record (EOR) are third-party organizations that assume the formal responsibilities for employing a client's employee while overseas. Businesses use such arrangements to effectively 'post' foreign national employees to premises in countries where national law precludes such postings or where employers face difficulties in sponsoring work authorizations. Additional scrutiny of these arrangements – which are viewed by some countries as a loophole to remote working arrangements – is expected.
- ▶ In early 2024, **UK** authorities [will substantially increase the fines](#) for employers hiring, and landlords hosting, migrants who lack the relevant immigration permissions. These changes are part of broader efforts to deter irregular migration.
- ▶ In **Israel**, there was an increase of on-site inspections by the Israeli Immigration Authority in the South Region in August to ensure that companies complied with immigration regulations, particularly regarding the employment of foreign workers.
- ▶ In **Panama**, the National Immigration Service implemented stricter entry measures to control the flow of irregular immigration, including higher discretionary powers for immigration officials at ports of entry to require certain foreign nationals to show higher-than-usual funds to cover their stay and grant shorter periods of stay.

- ▶ In **Costa Rica**, the government has built a database where Panamanian authorities can transfer information to Costa Rican authorities about the number of migrants crossing through the land border.

- **Long-term impacts of COVID-19, wartime situations, political upheaval and the economic downturn.** These damaging factors created unstable economic and political environments in many countries in 2023. To remain competitive and economically stable through the year, countries had to adapt policy quickly to maintain a travel environment that was conducive to global business. Those that did not adapt to rapidly-changing geopolitical and economic conditions fell behind socially and economically. We discuss these and other related long-term implications of these events and situations further on pages 4-5 of the Q2 2023 edition of this report.

SECTION 2: EVOLUTION OF THEMES

This report discusses the most important immigration events from July 2023 through December 2023, filtered through the evolution of our established immigration policy themes:

- Degree of restrictiveness is impacted by economic conditions
- Global competition for talent continues
- Digital transformation is a work in progress

Our analysis of 2023's events confirms that these key themes have been valid since 2019 and through the post-COVID recovery period, though protectionism and restrictive policies waned during the tumultuous economic conditions this year.

THEME 1: RESTRICTIVE IMMIGRATION POLICY CONTINUES TO DECLINE, WITH OUTLIERS IN SOME PROTECTIVE COUNTRIES

LISTEN TO A BRIEF SUMMARY OF THE KEY POINTS HERE 

Though some countries still have restrictive immigration policies in place following the devastating effects of the pandemic on their economies, restrictive policies in general have been waning to compensate for the effects of the economic downturn.

We will discuss the following key elements of this theme:

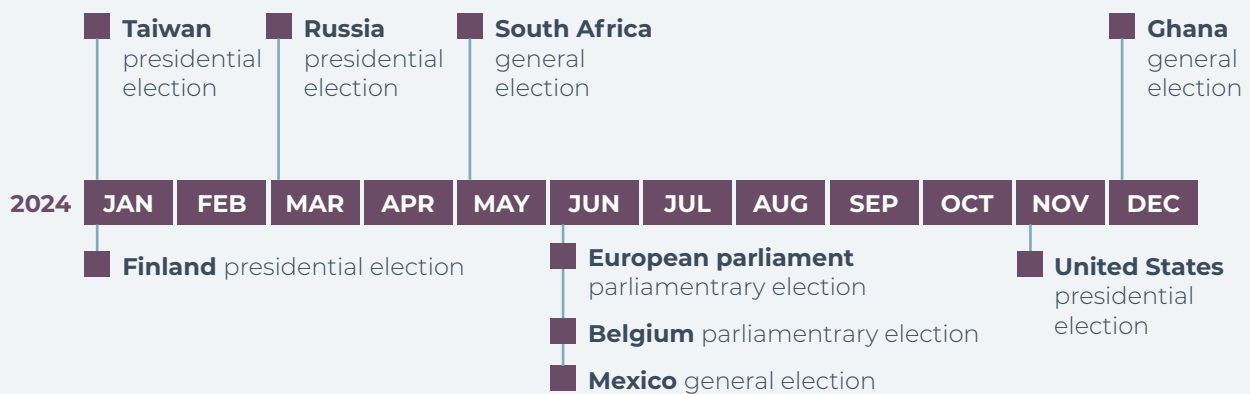
- Key restrictive policies
- Elections update
- Nationalization policies in the Middle East ([see Appendix](#))

Key restrictive policies

Countries use a variety of mechanisms—some more successful than others—to limit foreign workers' access to their labor market and prioritize local talent development. Mechanisms include (1) restricting occupational categories of lower-skilled workers, as these jobs are more easily filled by the local population than highly skilled professionals; (2) increasing minimum salary level for principal applicants, or higher minimum salary requirements to sponsor dependents; and (3) labor market tests to reserve priority access to jobs to local workers. Governments can also sometimes decrease foreign worker quotas to protect their local populations. Access the Appendix for country-specific examples of such policies from the past several months.

Elections update

National elections have returned following postponements during the post-pandemic recovery period. With the triple challenge of exposure to labor shortages, high unemployment rates and poor economic recoveries, many countries took the stance that immigration is a viable mechanism to boost the local economy, rather than a national burden, while others are taking on a more nationalistic perspective in response. The upcoming election schedule in key markets, and their projected immigration policy impacts, include the below (discussed in detail in Appendix):



What's next?

As government offices continue to regain resources and staff, and economies continue their upward trend to rebuild from the economic impacts of COVID-19, the war in Ukraine and the resulting supply chain issues (among other factors), immigration will continue to remain a hot topic in campaigns. Restrictive immigration policies will likely continue to be the outlying statement in most parts of the world in election campaigns and strategies, as we now project that governments will continue the trend of more new and creative approaches to attract foreign workers and investment to boost economies.

How business decisions in migration could impact politics

- **Migration is entwined with politics:** Some business decisions can cause unexpected political backlash. For instance, deciding to move manufacturing from one country to another—a decision informed perhaps solely by supply chain efficiencies and labor market calculations—can create blowback risks for a corporation or even an entire country.
- **This concept is far from hypothetical:** currently, industries are moving their manufacturing and production centers (and, consequently, their foreign workers) out of China en masse—part of a nearshoring trend discussed below in our Emerging Trends section. The economic impact of these types of decisions on a country is likely to be significant.
- **Mobility strategy decision warning:** In response to such events, the affected country could take negative action, such as potentially barring pathways for talent acquisition or mobility; increasing immigration application rejection rates; freezing or unduly slowing down immigration application processing; and eradicating existing immigration benefits and previously favorable treatment. Such punitive policy may occur without any public announcement. On the other hand, the many benefits of labor mobility—including as part of hedging risk amid rising geopolitical uncertainty—may ultimately justify the potential risks. Employers should, therefore, account for such risks in their strategic planning.

Noteworthy considerations:

- Be aware of immigration noncompliance penalties and the related compliance requirements, since enforcement levels are growing, noncompliance fines are rising and penalties are increasing in scope.
- Enlist recruiters and hiring managers' support to re-assess start dates in light of continued government application processing backlogs. Craft or review your business contingency plan or policy to address "parking" affected employees in the home country.
- Ensure your mobility and related decisions are being considered from a political (and realistic) perspective. Could your choices to move employees to certain countries and not others impact your organization negatively in the future? Are the moves your corporation is making in manufacturing and production centers going to make it harder to get foreign workers into the new destination country? Work with your immigration provider to anticipate and weigh the risks and questions.

To discuss these and other key action items, contact your Fragomen professional. ●

THEME 2: GLOBAL COMPETITION FOR TALENT – DEMOGRAPHICS AND SKILLS MISMATCHES PRESENT CHALLENGES

LISTEN TO A BRIEF SUMMARY OF THE KEY POINTS HERE 

The world is still reeling from a confusing paradox: though unemployment rates are low in many countries, job positions are going unfilled at record levels.

TALENT SCARCITY AROUND THE WORLD

Employers report difficulty filling open roles with the biggest impacts being felt in Taiwan, Germany, and Hong Kong

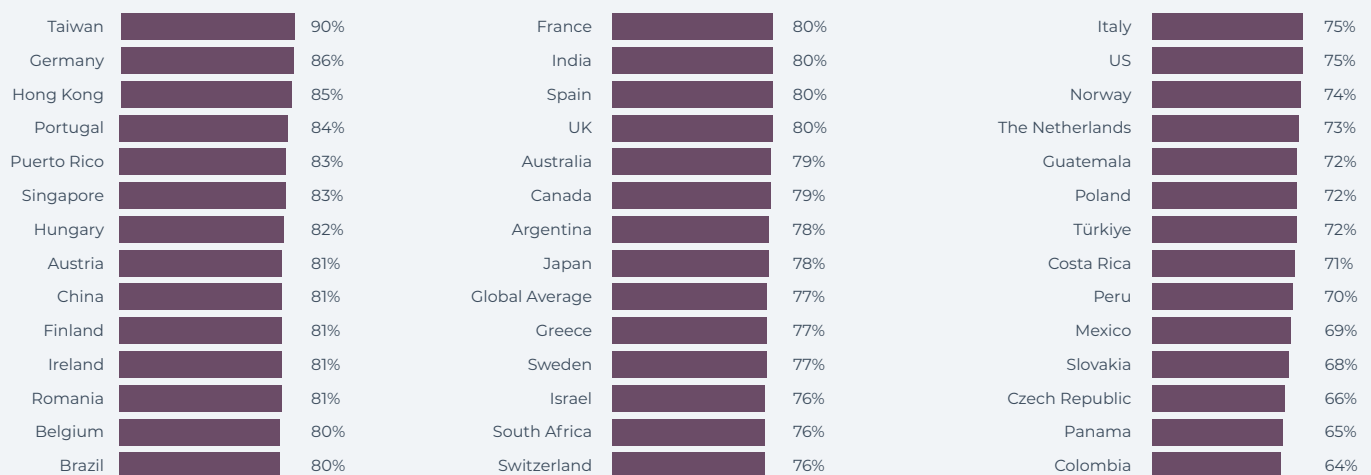


Image from Manpower Group [survey](#) of over 39,000 employers over 41 countries (2023)

The following factors (discussed throughout this report) contribute to this unusual labor market situation:



People leaving the workforce during and post-COVID



The aging out of the workforce



Not enough graduates to fill needed positions (due to a skills mismatch)



Tech skills are hard to find in the current labor market



Restrictive immigration policies

“Around the world, governments know that economic growth depends on the ability to attract and retain high-skilled immigrants. To build the next phase of artificial intelligence, to unleash the potential of new green technologies and continue innovating on strategic fronts, everyone should seek international talent”

-Quote from Passport to Progress - A Blueprint for the World's Most Pro-Innovation Visa System ([2023 report from The Entrepreneur's Network](#))

Both explicitly and less explicitly in response to these confounding issues, and to boost their economies by filling skills and labor gaps, most regions implemented immigration policies that welcomed foreign workers the past few months. These policies mainly focused on streamlined entry processes and reduced administrative in-country requirements. For country-specific examples of these policies, [click here](#).

Demographic challenges and how they impact immigration policy

“Individuals with a certain set of skills – who can innovate, launch businesses and disrupt industries – are critically important to modern economies. The slowdown in innovation, ageing populations and a decade-long near stagnation of economic growth in advanced economies also show that the need for talent is not only obvious but also urgent.”

-Quote from Passport to Progress - A Blueprint for the World's Most Pro-Innovation Visa System (2023 report from The Entrepreneur's Network)

For decades now, fertility rates—the number of children a woman will have over her lifetime—have fallen sharply throughout the world. **Italy** and **Japan's** fertility rate dropped below 2.1 in the 1970s. **South Korea's** current fertility rate is now around 0.8. To keep a population stable, this number should be at least 2.1 (the replacement rate).

People are also living longer: a ringing human achievement. Globally, the number of older people (aged 65 years or older) is set to double from 761 million in 2021 to 1.6 billion in 2050. By 2100, this figure may be nearly 2.5 billion.

Countries thus face a worrying demographic imbalance: The working-age population shrinks relative to everyone else. Labor shortages are a near certainty.

Ratio of working-age population to retired population

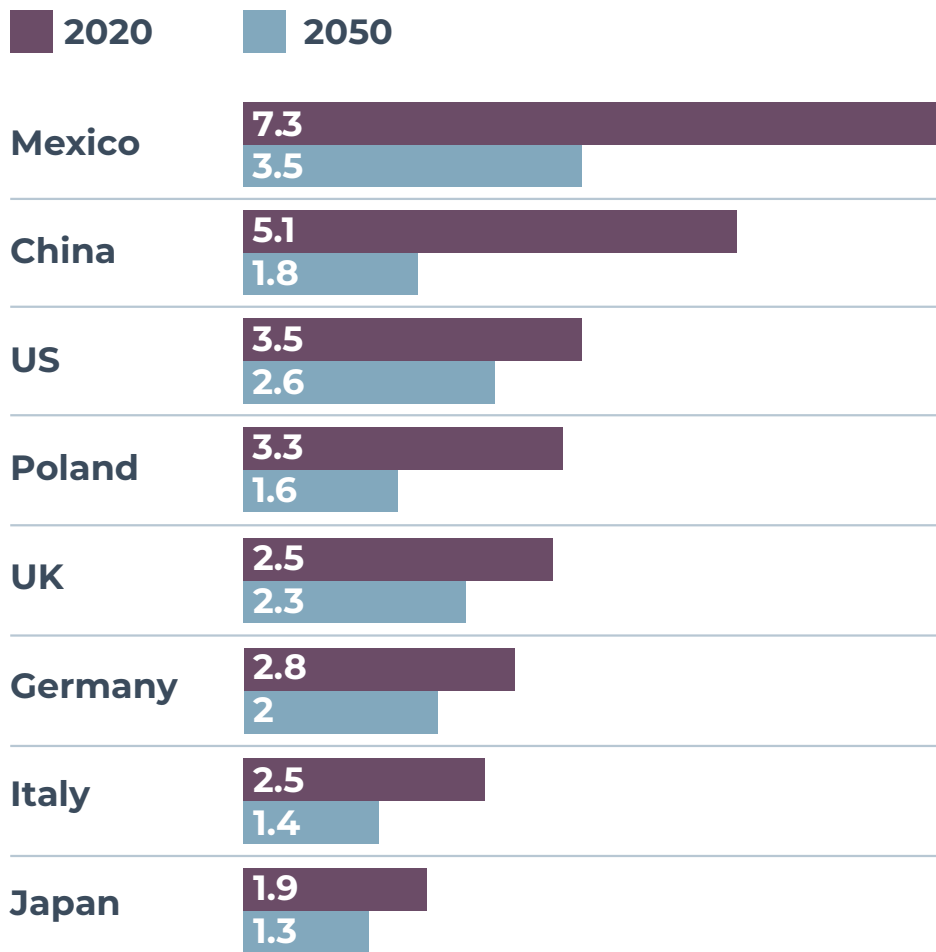


Image from [The Great People Shortage is coming — and it's going to cause global economic chaos, Insider](#) (October 20, 2022)

Grayer populations work less but require more. Public pensions and health care spending must increase, yet there are comparatively fewer working-age people to foot the bill. General consumption may decline, meaning slimmer profits. Government coffers can take a hit: Income tax likes wage earners. Innovation may also be slowed, given data that suggests younger workers better accommodate new problems and ideas.

Solutions: Innovate or immigrate

One solution is to get better at doing more with less. **Japan**—whose population is both shrinking and graying—offers a promising example of technological innovation and efficiency dividends. Alternatively, a country may increase retirement ages. Politicians in **France**, **China** and the **United States** have all flagged possible related changes. Alternatively, states can attract workers through immigration. The question then turns to, 'where?'

Critically, some parts of **Africa** have bucked the global trend of aging populations. The UN estimates that by 2050, a quarter of the world's working-age population will come from Africa, which is projected to double its working-age population by 2050 (639 million in 2021 to 1.3 billion in 2050). The median age in sub-Saharan Africa is expected to remain below 30 up to at least 2050. Many African states represent an exception to the 'global graying rule'.

Percentage of people aged 65 years or over, world and regions, estimates for 1950-2021 and projects for 2022-2050

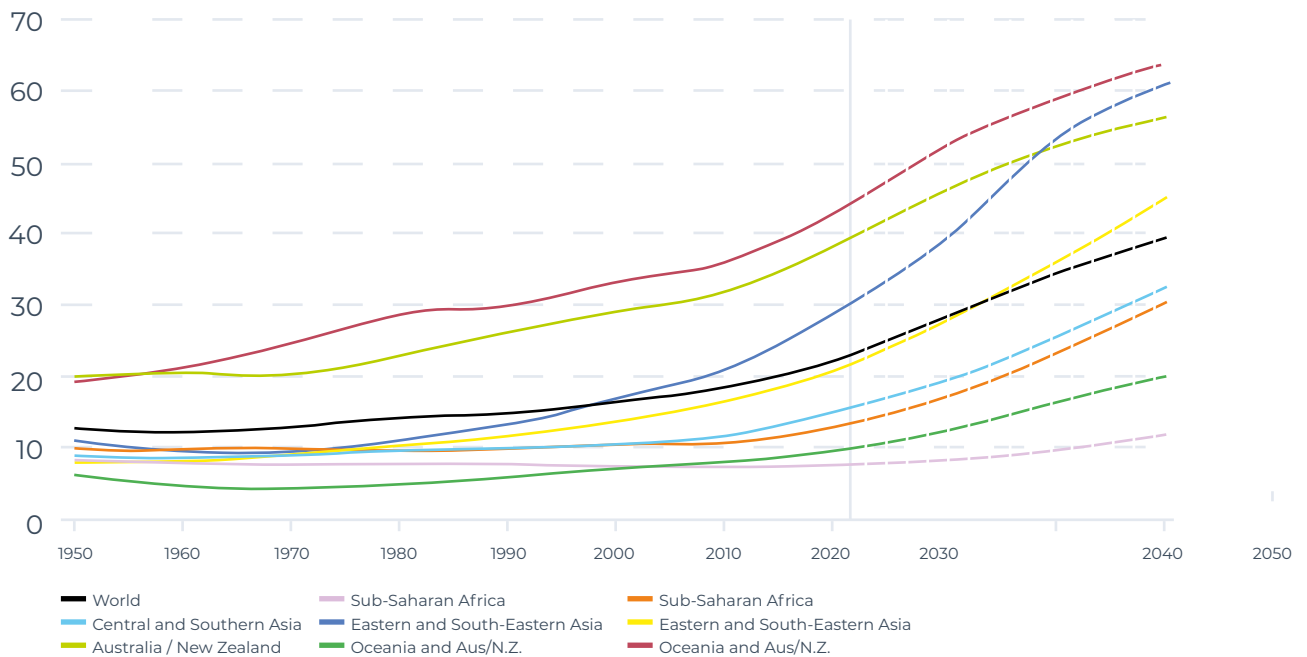


Image from [Leaving No One Behind in an Ageing World - World Social Report 2023, United Nations Department of Economic and Social Affairs \(2023\)](#)

States outside Africa have sought to attract talent from the continent.

- Doctors from Francophone Africa make up a sizeable contingent of **France's** healthcare system.
- **Germany** is looking to establish centers in **Ghana, Egypt, Morocco, Nigeria**, and **Tunisia** to help qualified applicants move to Germany.
- Much of the **English** healthcare system is foreign born – a sizeable contingent of [its doctors come from Egypt or Nigeria](#).
- African labor migration to **Gulf Cooperation Council countries in the Middle East** is seeing an uptick.
- Nigerian nationals make up an increasingly large portion of **Canada's** immigrant population.

Challenges

The demographic significance of African immigration must be tempered.

Firstly, such immigration practices often cause a “brain drain” with a resulting political backlash. In this context, countries of origin risk being converted into ‘incubators’: expending considerable funds to train a pool of talent that then moves elsewhere, leaving behind talent ‘deserts’. Unsurprisingly then, some African states are pushing back against the loss of their best and brightest.

- **Nigeria's** National Assembly is considering imposing a mandatory five-year period of in-country practice before Nigerian-trained medics are granted full licenses (with which they could then practice overseas).
- **Kenya**, meanwhile, has established incentives for Kenyan scientists and researchers to return home.

In any event, as noted by the International Labour Organization and the United Nations, most African labor migration occurs within Africa. It's often cheaper and easier to move to an adjacent country than between continents. The obvious advantages of language, culture, family and diasporic ties are hard to overlook, let alone simple cost reductions due to geographic proximity.

Potential destinations for African nationals seeking to relocate

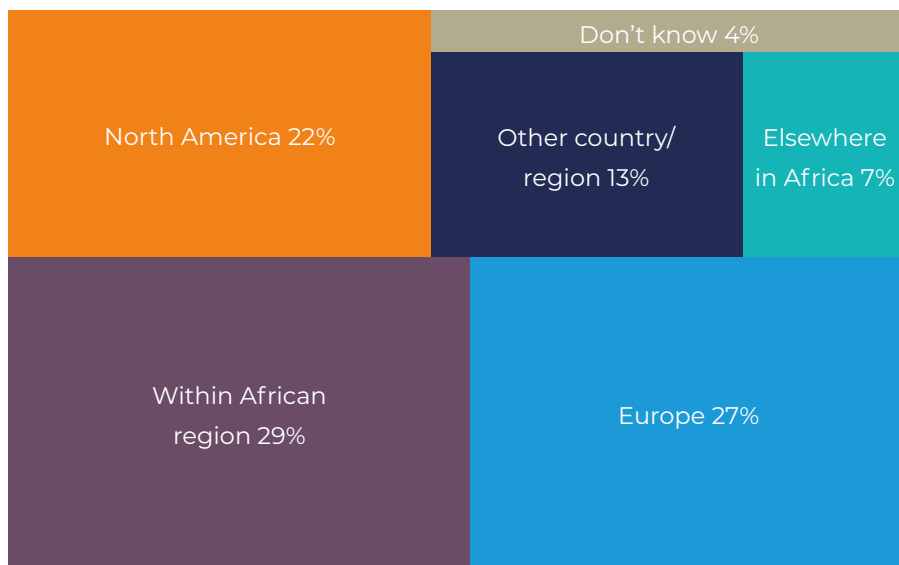


Image from [African migration: Five things we've learnt, BBC \(March 26, 2019\)](#)

Finally, the demographic challenge is simply too immense for immigration alone to solve. Critically, other responses to the labor challenges of demographic transition have bigger bang for the buck. A 2023 UN report observed that gender parity had a particularly pronounced mitigating effect, followed by raising the retirement age. Rarely was immigration the most effective pathway. Of course, seldom is a policy challenge resolved via a single lever.

How can immigration programs pivot to address these demographic challenges

Amid these trends, the global competition for talent will heat up. Countries will need to be more deliberate in attracting foreign talent. Key recommendations include:

- **Ensure migrants can hit the ground running** by reducing the lag between physical arrival and effective participation in the workforce.
- **Support family relocation**, including through relaxed work, education and healthcare rights for dependents.
- **Support migrant populations in growing their vocational skills and educational experience**, ensuring that they can adapt to changing labor markets and continue to add value—both to their host country and, potentially, to their country of origin (as part of any future process of circular migration, or knowledge or wealth transfer).
- **Nurture the foreign national university population.** The classroom-to-permanent residency process should be improved, with better collaboration among education institutions, employers and governments.
- **Establish cooperative arrangements** between country of origin and country of destination to avoid 'skills deserts' caused by brain drain. Countries of origin need to benefit from immigration as well as the receiving country. For example:
 - ▶ **Leverage knowledge transfer.** Countries of destination should ensure migrants are able to transfer knowledge and investment back to their countries of origin, including through experience- and skill-sharing initiatives with their country of origin; reduced administrative challenges and costs of transferring funds and resources back to one's country of origin; and providing—on preferential terms—seed capital or loans to migrants who seek to invest in their home countries.

- ▶ **Support remittance sending.** Ensure a remittance infrastructure is accessible and well regulated, as this is a critical consideration for many migrants.
- **Consider refugees/undocumented migrants as source of labor.** With the growing worldwide turmoil caused by political conflict, economic distress and climate disasters, this group of individuals offers skills and opportunities for eager labor market involvement. Some governments are ahead of the curve and already creating concessions for irregular migrants to fill labor gaps. For instance, in late September, [Greek authorities have talked of regularizing the status](#) of more than 300,000 migrants – as part of plugging labor gaps. France's proposed [immigration bill \(from early 2023\) pursues a similar goal](#). Further, complementary pathways (though still nascent), such as the UK government's [Displaced Talent Mobility Pilot](#) and [Displaced Talent for Europe \(DT4E\)](#) (through [Talent Beyond Boundaries](#) and other partner organizations) can match displaced talent with employers in Belgium, Ireland, Portugal and the United Kingdom. Of course, issues remain, including job matching challenges, initial training and investment, and public opinion backlash (amid an anti-migrant climate in many countries).
- **Ensure adequate laws and government funding are in place** to protect against exploitation or abuse.

How can immigration professionals pivot to address these demographic changes

- **Stay informed of immigration policy changes.** To keep clients' best interests in mind, practitioners should stay ahead of immigration law changes ([subscribe](#) to Fragomen's client alerts) to understand the implications of projected and implemented legal changes.
- **Establish expertise** in the relevant industries facing talent shortages, therefore being better positioned to provide whole-of-service support.
- **Establish satellite offices and local linkages in prospective countries of origin.** This is a mid- to long-term strategic proposition. Truly effective satellite branches (with strong personal networks and local understanding) requires diligent and strategic planning.

Update on current workforce conditions: the era of the skills mismatch

Many countries are experiencing a skills mismatch—a disparity between the skills employers want and those job seekers have. This gap can take various forms: over-education, under-education or outdated skills. It's a global issue, leading to decreased economic productivity, higher unemployment, and wage disparities, and potentially stunting a country's growth while widening social inequalities.

To address this issue, countries worldwide are exploring and implementing a multifaceted approach. This includes modernizing educational curricula to align with industry demands, promoting vocational training to combat the stigma associated with non-university pathways, and investing in continuous upskilling and reskilling programs for the existing workforce. Additionally, many nations are adopting flexible immigration policies to tap into global talent pools, filling immediate skill shortages while also fostering cultural diversity. We discuss this issue and immigration system-related solutions in the [Appendix](#).

What's next?

As governments and businesses adapt dated structures to mold to today's workforce and immigration program challenges, we foresee the continuation of the following efforts in 2024 and beyond:

- **Talent and population hoarding.** Immigration policymakers in countries with skills and labor shortages will continue to attempt to streamline citizenship and permanent residence processes and will create more long-term residence initiatives for skilled individuals and their dependents as a means to regain dwindling populations and mitigate brain drain.

- **Stringent application requirements to subside.** In order to attract workers and minimize skill gaps, governments are starting to re-evaluate certain parts of their work authorization requirements and processes—all in an effort to fast-track position-filling and ease mobility across countries, employers and even industries. Alongside the emphasis on experiential value, this may look like reducing labor market testing steps, adjusting localization ratios or separating employment sponsorship from immigration requirements altogether—all changes that will help reduce application backlogs and delays.
- **Degrees gradually removed as a requirement for foreign workers.** The reality today is that there is a shrinking pool of candidates with a four-year degree and degrees that may not guarantee that a candidate has the required skills for the job. With the available avenue of demonstrating and vetting skills through certifications and other increasingly accepted methods, removing degree requirements from immigration requirements opens a new pool of qualified applicants and could relieve the growing worker shortage in many countries.
- **Shortage occupation lists increasingly used as a tool to fill shortages.** Utilized in many European countries, these frequently updated lists allow governments to fast-track employers' ability to tap talent for occupations with little local talent available. By putting the skills needed to grow a particular industry on these shortage occupation lists, employers can fill their labor needs in the short-term.
- **Rise in combination visas for worker flexibility.** The growing discernment of the modern employee calls for a larger palette of advancement opportunities with breathing room for travel and leisure. We predict the fusion of tourist and business visas will grow for general traveler populations, alongside the provision of temporary-to-permanent pathways to aid in long-term talent retention.
- **Use of data to attract the right talent.** We expect countries to use data and analytics available in labor and other government databases to create more strategic immigration pathways to open doors to the talent lacking in the country at any given time. The more information that can be shared between government systems, the more possibilities there will be for immigration policymakers to use technology to create data-driven projections that can be used to keep up with current demands in workforces and economies.
- **More input from stakeholders, particularly employers, incorporated into pathway building.** Employers are the first to know what skills are in shortage. Governments should seek employer input when creating programs to attract specific skills and address business pain points. Creating national agencies, such as **Australia's** National Skills Commission and **Singapore's** SkillsFuture, to consult and create buy-in on a skills framework, should be a priority.
- **Upskilling of local labor through knowledge transfer plans and other avenues.** Countries that are keen to decrease the brain drain of their educated populations should consider upskilling the local population. This can be done through skills transfer requirements, whereby foreign nationals hired to work for local employers are required to train locals during their tenure (such programs are prevalent in Africa), and other training programs that can be made part of immigration requirements.

What policies are less likely to happen in the next 12-18 months due to government resource constraints and other issues, but would help the cause?

- **Quickly adapting systems to recognize skills across other countries.** Governments should unite to create a mutual skills recognition framework across their internal systems. For example, in Europe, the European Skills Recognition Framework facilitates the recognition of skills and qualifications across European countries and helps individual countries better assess candidates' abilities, increasing mobility and employability. These skills systems must be adaptable and easily modified in response to changing labor demands; they must also be customizable to address specific industry needs. With this deployment, systems will be able to meet the talent needs of new and growing fields by leveraging skills gained in similar industries, which may not be recognized under a more traditional system.

- **Attracting foreign talent early in the training pipeline through both education and skills-focused pathways.** Focusing on schooling as the main eligibility criteria is an easy way to increase the number of scientists, engineers and computer professionals to the depleted talent pipeline in affected countries—but this would require quick and extensive reforms in some countries, especially those that instead focus on employment as an entry pathway.
- **Retaining talent in the home country through incentives.** Countries seeking to fill skills gaps should make efforts to retain foreign STEM graduates (who outnumber native STEM graduates) from domestic universities. Countries will need to offer incentives and competitive pay to fill these jobs to compete with the high-paying jobs in business or finance that new professionals often favor. Such incentives can include longer visa validity periods (to reduce the frequency of visa renewals), reductions of or exemptions from government fees, or attractive permanent residence pathways from temporary residence status.

Noteworthy considerations:

- If your company is affected by talent shortages, review the job descriptions and qualifications of your open positions to attract the right talent and expand your talent pool. Keep remote or hybrid opportunities to access a wider pool of candidates, if this fits your company's goals. However, remember to seek immigration counsel to ensure the arrangements comply with applicable law.
- Prepare for demographic changes in your employee population as your worker population transitions into retirement or reduces their hours for parenting or caring for a relative. This should include establishing a robust knowledge transfer plan to ensure experienced employees can mentor new recruits and tasks can be performed by various employees.
- Be aware of the rules associated with the growing number of entry/exit systems, visa-exempt electronic travel authorization systems and other tracking programs in development. These programs will automatically flag immigration noncompliance by travelers, and violations can be tracked back to the sending organization. Consider supporting your employees with tracking their immigration permissions as part of mobility planning.

To discuss these and other key action items, contact your Fragomen professional. ●

THEME 3: THE DIGITAL TRANSFORMATION CONTINUESLISTEN TO A BRIEF SUMMARY OF THE KEY POINTS HERE **Online systems continue to grow**

The digital transformation is continuing to pick up pace around the world. Systems are becoming more sophisticated and interoperability of online systems with other government departments is increasing. Many online systems were developed in the past few months, varying in sophistication and intention. Key examples are discussed [here](#).

Countries with online application platforms for their main work permits

*We considered immigration application systems to be 'online' (indicated as green) if part of the system is digital for the main work authorization scheme as determined in our Immigration Knowledge Library, as of September 27, 2023.

What's next?

Look for the following types of further digital developments in the immigration environment:

- **General system development and improvements.** More mobile-friendly apps for application submission, issuance of permissions and proof of status; more regional cooperation in efforts to standardize entry processes; more progress on digital application systems (many immigration application systems are developed and improved in countries every year); greater focus on sharing data across government departments, linking immigration, tax and labor authorities.
- **Use of data to create and accelerate specific pathways to fill skills and labor gaps.** If used appropriately, digital programs and developments can provide the data analytics necessary to identify individuals with skills critical to supporting economic growth at any point in time. This is especially true with governments' increased activities in information collection. Agile system data can also enable policymakers to adjust and promote new immigration pathways as shortages arise. The right use of the right data can create forward-looking metrics (instead of the backward-looking data used by many immigration systems, such as shortage occupation lists based on in-demand skills from past months) and projections that can help governments identify a shortage

(or other indicator or pattern in the working population, for example) before it occurs. The more information that can be shared among government systems, the more likely immigration policymakers will use technology to create data-driven projections through technological advances. This will enable them to keep up with current demands in workforces and economies.

- **AI will continue its progress and develop.** The adoption of Artificial Intelligence (AI) in immigration processes by governments worldwide will continue through AI-assisted decision-making, chatbot-powered help with immigration applications, AI-based document and application validation and other yet unforeseen methods. However, issues can arise with these systems and must be considered before countries race to adopt these often time-saving methods. Top issues include:
 - ▶ ensuring the accuracy of information
 - ▶ preventing biases
 - ▶ maintaining transparency in processes
 - ▶ data privacy and other ethical concerns, particularly in automated border control systems
 - ▶ upholding accountability for errors
 - ▶ the absence of human decision-makers

While AI holds the promise of streamlining and enhancing efficiency, it is crucial to address the accompanying risks and ethical dilemmas. A key to mitigating these challenges lies in preserving the human touch within immigration processes. This human-centric approach can be maintained and implemented at various levels, from government agencies ensuring that human oversight remains integral to AI-powered processes, to companies engaging professional immigration services that leverage the human element.

See the Q2 2023 edition of this report for details on existing AI programs in immigration policy and more about the associated risks.

- **Decentralization of digital identity systems to**

continue. The development of a universal digital identity document will likely not happen in our lifetime. Conflicting governmental approaches and practical difficulties in enforcing app use will cause countries with robust technology access and solutions to continue to take the lead by participating and developing in digital programs (as happened during the pandemic with digital health passports). Countries with government departments that are less coordinated and economically developed will likely be slower to implement digital initiatives.

- **Continued data-sharing and interoperability of government agencies through technology, which brings more compliance responsibility.** Modernizing manual immigration systems enables interoperability across multiple agencies, which drives greater enforcement and compliance initiatives. Authorities benefit from increased data sharing and communications that enable efficient management of migration flows, inspections and border security. As data across government departments increases with more entry/exit systems, visa-exempt electronic travel authorization systems and other tracking programs, we will see more noncompliance- or warning-flagging by governments. As fines and administrative penalties for noncompliance steadily increase worldwide, immigration compliance—and the means by which it is tracked and checked—becomes paramount.
- **Blockchain to assist with security.** The use of blockchain technology could revolutionize immigration and global mobility in that it has the potential to: (1) add efficiencies to the immigration process; and (2) reduce fraud in immigration applications and processes. Blockchain can be a tool for digital proof of identity relevant to many types of personal data (such as citizenship, health, birth and education), expediting and validating identity and eligibility checks. Watch for the continuing development of UAE's "UAE Verify" platform, which uses blockchain technology to allow government and private entities to authenticate government-issued digital documents and removes the need for original hard copies. See the [Q2 2022 edition](#) of this

report for a fuller explanation of blockchain and its potential impact on immigration.

- **Due diligence still required.** As data continues to be shared, and before blockchain technology becomes a commonplace protection in immigration processes in the future, travelers and employers must rely on the app developer (and the third parties they hire) to police their own digital systems. Until blockchain technology is more readily adopted by governments, it is unclear where confidential traveler information and other important data remains at risk in the digital space.

Sometimes with no choice but to use the systems governments require to enter a country, employers themselves should do their research to ensure their employees are aware of potential fraud associated with such systems, and any other red flags associated with digital system use and misuse in certain countries or regions. Such instances of misuse are sometimes published in articles online or by governments on their websites. Watch for growth in a new pre-travel consideration for potential assignees: whether the destination country adopts strict data privacy rules/consequences for violations so as to protect their data and identity.

NOTEWORTHY CONSIDERATIONS:

- Evaluate your use of tech-based tracking platforms to keep employees compliant with immigration laws.
- Be mindful of the limitations of digital processes and platforms; remind your employees to print out e-confirmations and carry them on their trip to mitigate potential digital access failure.
- For employers with remote or hybrid work arrangements, consult your immigration professional as this is an area of increased complexity and growing regulatory requirements.

To discuss these and other key action items, contact your Fragomen professional. ●

SECTION 3: EMERGING TRENDS



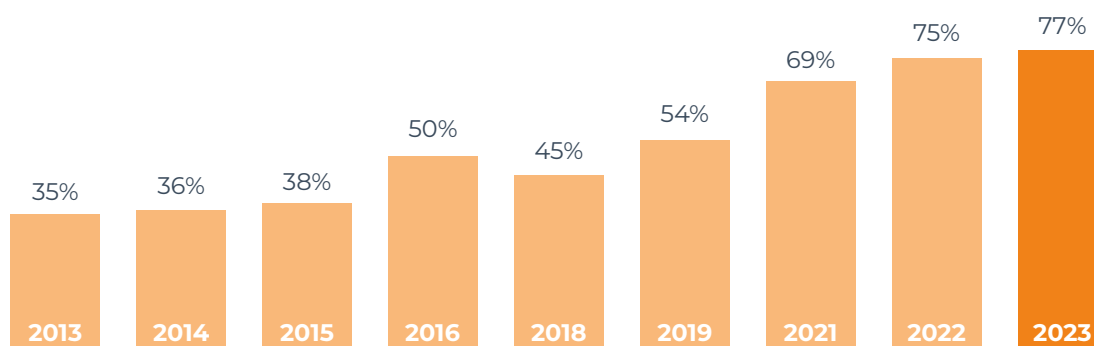
THE TREND: GOVERNMENT PARTNERSHIPS WITH UNIVERSITIES TO REDUCE SKILLS SHORTAGES

LISTEN TO A BRIEF SUMMARY OF THE KEY POINTS HERE 

While post-pandemic labor markets have demonstrated resilience in many countries, [nearly 4 in 5 employers globally](#) are still reporting difficulty finding the skilled talent they need in 2023, a 17-year high.

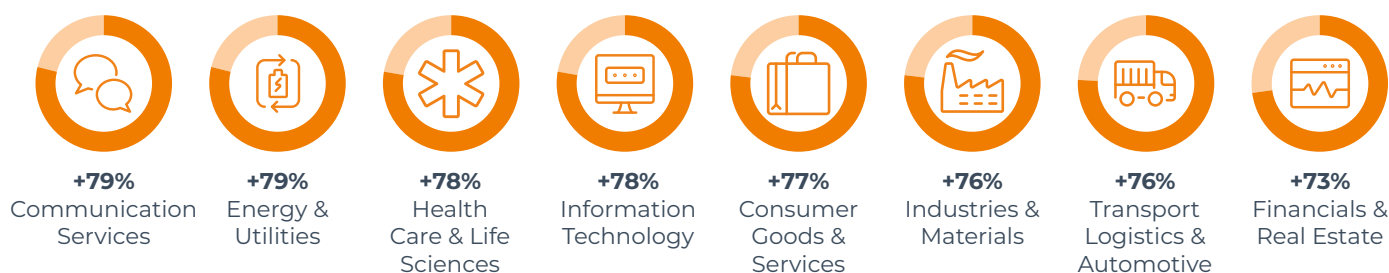
Global Talent Shortage Reaches a 17-Year High

Nearly 4 in 5 employers globally report difficulty finding the skilled talent they need in 2023, strengthening +2 points year-over-year and more than double the difficulty in 2015 (38%)



Talent Shortages Across Industries

From communication services to energy and utilities, employers cannot find the skilled talent they need.



-Images from Manpower Group [survey](#) of over 39,000 employers over 41 countries (2023)

The aging population, a lack of concordance between the skills required for jobs and the skills possessed by educated job seekers, as well as the digital economy boom which has intensified the competition for talent in science, technology, engineering and mathematics, all indicate that talent shortages will be a persistent market condition well into the future.

To combat the aging workforce and talent gaps, countries are seeking (among other talent) students with high potential, promising researchers and other gifted individuals to increase productivity and innovation to stimulate economic growth. However, in many countries, the path to steady employment for international students/graduates is often paved with complicated immigration requirements, barriers to entry and integration in many workforces.

How can educational institutions help resolve this issue?

Some related large-scale initiatives to assist countries with skills matching and skills shortages are already underway. The Global Forum on Migration and Development created a business mechanism platform for businesses to engage with government and other stakeholders on migration issues, including skills mobility and skills matching and recognition. Additionally, a European Union Council recommendation calls for Member States to implement a framework to achieve automatic mutual recognition of higher education qualifications by 2025. However, these projects are yet to mature into full-scale actions and often leave out the participation of key stakeholders such as employers and educational institutions.

For such initiatives to help relieve the global talent shortage, educational institutions must collaborate with governments to develop strategies to attract and maintain talent. Educational institutions that take an active role in helping employers and governments fill the talent gaps would also benefit from positioning the educational institution as a top choice for international students.

Collaboration with educational institutions can take many forms and can cascade down to helping governments reduce immigration red tape that hinders the integration of students and youth into the labor market as quickly as employers need. Potential ways governments (through their immigration programs) and universities can collaborate to be active stakeholders to help reduce labor and skills shortages include:

- **Specialized fast-track visa streams for students and graduates.** Through data-sharing mechanisms, institutions can help governments develop specialized fast-track visa streams targeted to certain nationalities and professions based on their international student body statistics. For example, **Australia** now offers Indian nationals graduating from Australian higher education institutions an extended post-study work visa option.
- **Expanded paths to permanent residency for students.** In many countries, international students do not have a stable path to permanent residency. Student visas could be designed as "dual intent," meaning they would allow foreign nationals to enter as students (temporary residents) while also seeking permanent resident status. Years spent as students and graduate workers could count toward permanent residency. **Canada** is already ahead of the curve, granting eligible graduates from a Canadian institution and with work experience in **Canada** a fast-track route to permanent settlement.
- **Exemption from caps and sponsorship requirements for students and graduates.** While some countries offer graduate visas that are unsponsored (e.g., the **United Kingdom's** Graduate visa scheme), graduates still need to change their visas after a certain window expires, after which employer sponsorship is required to remain in the country legally. This limits stay options for graduates—for example, most startups would not have sponsorship licenses or the financial means to hire migrants. Similarly, in some cases where international students can work after graduation for a specific period, they are subsequently subject to immigration caps (e.g., in the **United States**). To maintain and attract top talent, governments can ease the transition from student to worker/entrepreneur by exempting talented international students from employer sponsorship requirements and immigration caps, which would give graduates the right to work for more businesses.

- **Immigration programs based on alliances with foreign universities.** The **Czech Republic** recently announced the approval of a new migration program that aims to attract Indonesian students at polytechnic universities to tackle its labor shortages in the industrial sector. Similar programs could attract students from select (industry-specific) institutions abroad to work in the host country in industries where labor shortages are most prominent.
- **Work permit exemptions for interns.** Work permit exemptions for international students in institution internships can expose more potential hires to jobs, increasing their chance of being chosen for a position in an occupation experiencing labor shortages, and reducing the employer's training burden and associated costs later. For institutions, offering hands-on opportunities improves their value proposition to prospective students. In **Brazil**, student permit/visa holders who are at least 16 years old are automatically authorized to work as interns without having to obtain a separate work permit (if there is a contract between the individual, institution and the company in Brazil, from a labor perspective); similarly, **Dutch** student permit holders can undertake internships for educational purposes without requiring a separate work permit (also with an internship contract with the employer and the institution). Additionally, in **Belgium**, individuals who hold a student permit issued by another EU Member State are work-permit-exempt to conduct an internship as part of their studies.
- **Accreditation of select institutions to establish special immigration processing.** In line with the above section, governments could implement frameworks to "accredit" or "license" select institutions that meet certain eligibility criteria (similar to existing company accreditation status). Those institutions would benefit from special processing for their immigration applications for both students and staff. **Canada** has a proposal underway to introduce a "Trusted Institution Framework" for Canadian colleges and universities in 2024.
- **Easier faculty recruitment.** Faculty recruitment and retention are crucial aspects of successful educational institutions. On the other hand, professors and researchers are constantly seeking international opportunities to broaden their career perspectives. Institutions should petition governments for direct access or channels to hire researchers and faculty with fewer immigration-related administrative hurdles.
- **Technology can enhance immigration support for students.** Beyond the usual support that institutions provide international students such as preparing information, letters or other typical immigration documents, governments and institutions can implement digital systems where institutions can share documentation with the government (application processing agents) to help expedite and streamline the immigration process of their students/graduates. For example, they could share digital credentials issued on blockchain as secure digital alternatives to paper-based certifications for diplomas, degrees or other certificates. Another option could be leveraging governments' job portals (e.g., the European Commission's EURES system) to support students and graduates.
- **Immigration pathways for vocational institution students/graduates.** As labor shortages intensify in sectors that may not require a formal university certification, but rather technical competencies or professional experience (as many trades do), vocational institutions can collaborate with governments to implement new or expanded immigration pathways for students with vocational certificates or experience. For example, a new immigration bill in **Germany** relaxed immigration pathways for applicants with vocational training to obtain a residence permit to pursue qualified employment, with reduced requirements regarding recognition of educational qualifications.

These are just a few potential types of alliances between education institutions and government to tackle the talent shortage. At a country level, the availability or success of cooperation will depend on the political environment of the country, among other considerations. We will monitor the growth of these initiatives and their immigration impact in future editions of this report.



THE TREND: AS NEARSHORING POLICIES INCREASE AROUND THE WORLD, IMMIGRATION PRACTICES WILL HAVE TO CATCH UP

[LISTEN TO A BRIEF SUMMARY OF THE KEY POINTS HERE](#) 

Broadly defined, nearshoring refers to an approach to business when a manufacturer or service provider moves all or part of their business to another geographical location, usually one relatively close to the company's headquarters.

Among the many problems that COVID-19 uncovered, the fragility of supply chains was a major one. The supply chain issues that stemmed from the closure of borders, seaports and other trade routes resulted in significant disruptions of many industries (many relying solely on sourcing from China) around the world. Against the backdrop of this crisis, slower moving trends like gradually rising labor costs in Asia, rising trade protectionism and geopolitical tensions such as the U.S.-China trade issues and the war in Ukraine, have progressively worsened the situation over the last three years. To overcome these challenges, companies (particularly those in developed markets) are adjusting their manufacturing locations and strategies and moving these centers to closer and more cost-effective locations.

Nearshoring is currently occurring in these key regions:

- **Africa: Ethiopia's** apparel manufacturing has expanded its share of U.S. market clothing production over the last few years. However, challenges in the Sub-Saharan Africa region such as inadequate transportation infrastructure and bureaucratic slowness and corruption, as well as Ethiopia's conflict in the Tigray region, create risks in the market.
- **Europe:** Companies are nearshoring from China to their own Eastern European markets (particularly the **Czech Republic, Hungary, Poland and Romania**), which offer relatively low labor costs, reduced language and cultural barriers, geographic proximity and good transport links to key markets. Car manufacturers have nearshored elements of their supply chains; so have textile and apparel companies, information technology entities and investment banks. Additionally, the mining industry is progressively nearshoring in this region, as exhibited by the EU Critical Raw Materials Act (which created targets for each component of the onshore mineral industry to meet certain goals for mining, processing and recycling to take place domestically).
- **Americas:**
 - ▶ **United States: U.S.** companies are nearshoring production, manufacturing and other processes of hot sectors such as chip manufacturing, defense, health-related fields and auto production to U.S. markets as well as to **Mexico**. The United States-Mexico-Canada Agreement (USMCA), proximity to the United States and low-cost manufacturing give Mexico a competitive advantage as a key destination for U.S. nearshoring activities.

Mexico is already a key player in the global manufacturing sector, particularly in aerospace, automotive, and electronics – industries that are attractive to nearshoring strategies as they require skilled labor, investment, and specialized infrastructure. Bloomberg News reports that Mexico's foreign direct investment rose 48% in the first quarter of 2023 from regular flows recorded during the same time last year, the latest sign that corporate nearshoring efforts are contributing to the country's export boom.

Investment surged to \$18.6 billion over the first three months of 2023, according to preliminary data from Mexico's Economy Ministry. The sharp rise occurred as businesses funneled money into Mexico to move closer to North American consumers. If the current pace continues, total investment for the year could reach \$43 billion.

- **Latin America:** Global technology companies are increasingly hiring workers in **Chile, Guatemala** and **Uruguay** to take advantage of similar time zones from parts of the United States and Europe. In fact, a global human resources company estimates that 3,000 U.S.-based companies used its services to hire in Latin America in the first quarter of 2023, twice the number from a year earlier. Also, China's BYD, a large electric vehicle maker, purchased a new plant in **Brazil** in 2023 to kick off its South American car production.
- **Middle East:** Countries are expanding their scope of shipment and freight centers, especially as multinational logistics companies in the United Arab Emirates expand these operations. **Oman, Saudi Arabia** and **Egypt** are likely to add competition to these centers in the near future. International companies are taking advantage of this growth and moving their carriers to the region. Additionally, in the **United Arab Emirates**, business parks such as Dubai Outsource City, which provides infrastructure for outsourcing companies, allows nearshoring regional tech services at a reduced cost.
- **Asia: Vietnam, Thailand, Malaysia** and **Cambodia** are benefitting from nearshoring practices, especially since they offer low labor costs and existing manufacturing and production hubs. Notably, **Vietnam** is a standout as it has an educated and young workforce, pro-business reforms and various free trade agreements (though it is not without its challenges, such as the small capacity of its manufacturing centers and general infrastructure issues). Additionally, **India** is being called "the next China" by nearshoring experts, due to its demographic advantage of young workers and its many business-friendly reforms.
 - On the other hand, **China** is also nearshoring its manufacturing and production to other countries, including [Mexico](#). It is also becoming domestic-focused in the tech sector, and as tensions with the U.S. escalate, it is likely that semiconductor and telecommunications industries will become increasingly home-grown. Experts predict that China will growingly export its technology to markets within its geopolitical sphere, mainly in Southeast Asia, Africa and Latin America. However, with [increasing data privacy and currency transfer strictness in China](#), it is too early to tell which way this trend will turn.



- Image from Freightcaviar.com article (June 1, 2023)

Potential immigration implications of nearshoring decisions

- **Increased demand for skilled workers.** As governments consider nearshoring as an opportunity for growth, nearshoring could lead to an increase in demand for skilled workers, particularly in technology, engineering and finance, which could then lead to more government initiatives to attract qualified foreign workers and facilitate the transfer of knowledge to local labor forces.
- **Expanded visa types and special economic zones.** The trend could also lead governments to create or expand special visa types or company certifications under special economic zones or regimes. For example, in 2023 in **Panama**, the government approved an investment of \$78.5 million for the establishment of new free zones to increase production and exports and create new jobs. The country offers special visas for managers, executives, experts and technicians of companies within free zones in **Panama**. In **Costa Rica**, the government extended free zone tax benefits to certain health and agriculture activities, among others, outside the metropolitan area. As a result, additional immigration benefits for participating companies and their foreign employees could be forthcoming.

With the right policies, Latin American countries could be attractive locations for nearshoring strategies. The region leverages a low-cost labor market, rich natural resources and an expanding consumer market, as well as proximity and similar time zones to those of the United States and Canada. According to estimates by the Inter-American Development Bank, nearshoring could add an annual \$78 billion in additional exports of goods and services in Latin America and the Caribbean in the near and medium term, with opportunities in the auto industry, textiles, pharmaceuticals and renewable energy, among others.

- **Policies focusing on local worker protections.** On the other hand, nearshoring could lead to more job competition, particularly in lower-skilled positions, as well as brain drain, which could spark policies that prioritize the hiring of local workers.

- **Shift towards multi-state supply chain.** As opposed to an all-in-one manufacturing center approach, amid growing geopolitical uncertainties, countries will likely start to contemplate a more multinational distribution of employees and manufacturing and production centers. This may impact immigration plans and strategy; a more spread-out team may mean more costs for the employer depending on factors such as the cost of obtaining work authorization in various countries, the time involved in a mobility department to organize such assignments, etc.
- **Companies making nearshoring decisions should seriously consider related immigration impacts.** Some reasons for moving production centers from one country to another may seem good in theory (such as cost savings, being in a more politically stable country, etc.) but immigration system realities may present real challenges to such decisions. Consider for example the relatively restrictive and complex immigration requirements in **Indonesia** or **Vietnam** (popular destination countries for companies moving production out of **China**). In these countries, foreign nationals may be subject to strict educational and/or experience requirements. These considerations need to be front and center in the early strategy sessions related to nearshoring decisions.

Conclusion

While the above various locations are predicted to grow in popularity as a China alternative (or China+1 alternative) for production and manufacturing, despite all its surrounding uncertainty, China is still the main destination for manufacturing and the transition away has been slow across the world.

Any way the ball drops, business immigration policy change will become an important component and subsequent result of increasing nearshoring practices. How the world's governments will react is yet to be seen and we will track this trend over the next 12-18 months.

SECTION 4:

STRATEGIES FOR SUCCESS & RISK MANAGEMENT



USE THIS CHECKLIST TO HELP YOUR BUSINESS ADAPT TO THE POST-PANDEMIC RECOVERY PERIOD. FOR MORE COMPREHENSIVE STRATEGIES, CONTACT YOUR FRAGOMEN PROFESSIONAL.

Displacements to grow, creating a need for regulation

☐

Determine appropriate sources and develop processes, procedures and frameworks to be prepared for an agile response to potential rapidly changing immigration environments.

☐

Ensure that recommendations and instructions are consistent with national, regional, local and health-related measures.

☐

Educate leadership and employees about immigration options, responsibilities and workforce planning challenges. Especially ensure there are opportunities to educate talent acquisition teams/recruiters and human resources business partners on an ongoing basis so that there are no delays or issues with changes in laws during the recruitment process.

☐

Understand where important corporate and employee documents are located and with whom. For example, who holds key employee information (e.g., salary, job descriptions, etc.)? Who is available to sign documents and is there a backup? This will allow employers to be more agile to address new requirements and last-minute events.

Be prepared for potential emergencies

☐

Considering the **growing geopolitical instability and related events** in the world today, employees now hold national security as an important factor in their considerations for travel and international assignments. Ensure you are addressing such growing concerns and working with employees to understand the safety of the countries to which they are assigned travel and what to do in case of emergency.

☐

Ensure your organization is prepared to **quickly help your employees exit from unsafe situations**, such as to countries with visa exemptions for their nationality or to neighboring, safer countries.

Read the next edition of this report for a fuller discussion of how escalating geopolitical tensions can affect mobility planning.

Prepare for technological shifts



Work with immigration counsel to be aware of and understand the fast-paced immigration law and traveler technology changes (both mandatory and optional online systems) implemented during the COVID-19 pandemic and beyond.

Support your employees



Identify employees with imminent visa expirations (e.g., within the next six months) and make related information available to employees.



Extend visas and permits, where possible.



Create a plan for those who cannot extend their immigration status.



Educate your traveling workforce on digital system use risks before travel, at immigration checkpoints and in the destination country, since the rate of traveler and immigration online systems is increasing.



Advise employees to be aware of potential immigration fraud. Unscrupulous individuals sometimes target foreign nationals in attempts to obtain money or personal information. If an employee receives communication related to their immigration processes that they believe may be suspect, they should contact their employer or Fragomen contact before taking any action.

Focus on workforce planning



Ensure that your business has the proper entity to sponsor employees. Is it viable and funded? Are all the necessary corporate documents in place?



Plan and identify options well ahead of time for business-critical moves, including visa-free entry, pre-clearance and pre-departure requirements.



Evaluate the impact of delays and sudden new requirements (e.g., health certificates) that may be introduced with little or no notice.



Take steps to **move people quickly** once they can travel.



Educate your remote workers about risks associated with digital nomad visas and remote work visa programs.



Review your remote work policies against relevant laws (e.g., immigration, tax, labor, social security) and other operational considerations.



Be mindful of the **implications of layoffs** on employees and employers—if you are a foreign national affected by a reduction in workforce, there may be immigration consequences.



Consider how your workforce planning decisions impact your organization's **sustainable practices**, if any. For example, is your business planning to reduce the number of foreign national transfers to decrease your commercial real estate footprint? If so, enlist immigration counsel to ensure your business is complying with government notification requirements. There are also other ways to ensure your workforce planning supports or generates more sustainable practices in your corporate strategies; expert groups can offer advice on best practices and provide additional guidelines.

Remobilize



Make your employees travel ready as part of the individual and document procurement assessments by planning moves early:

1. Assess eligibility and document requirements for planned destinations.
2. Research whether the work can be done in more than one country and assess options.



Look for opportunities to **strategically plan your workforce** (e.g., through H-1B contingency planning or mobility schemes in the EU such as Posted Worker or EU ICT workforce solutions).



Be aware of your **compliance duties** to prepare for a likely increase in audits and investigations.



Prepare for **potential cost increases** and plan for immigration backlogs or delays.



Understand the risks of restrictionist and protectionist immigration policies and look for opportunities to advocate with government authorities

Fragomen resources



Access www.fragomen.com for general resources



Sign up for [Fragomen immigration alerts and event invitations](#)



Access up-to-date relevant information and insights via our Knowledge Center (available to clients only)

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Please complete this 2-question [survey](#) about this report.

SECTION 5: APPENDIX



RESTRICTIVE IMMIGRATION POLICY – REGIONAL UPDATES

Africa

- **Cote d'Ivoire** proposed a rule for companies in the oil and gas sector to hire Ivorian employees to fill 50-90 percent of their workforce per year. Additionally, the Hydrocarbons Administration must now grant all employers approval of a three-year renewable work permit (or risk sanctions) before a foreign national employee is to be recruited and can apply for a work and residence permit.
- **Equatorial Guinea** requires U.S. citizens to obtain a tourist and business visa at least 60 days before traveling to the country for business and tourism purposes.
- In **Ghana**, foreign nationals are to be physically present in the country when applying for a work permit.
- **What's next?** The region is likely to continue implementing fewer restrictive immigration policies as more countries seek to expand trade options, such as through the African Continental Free Trade Area (AfCFTA) Agreement.

Americas

Latin America

- In **Guyana**, which is among the world's fastest-growing oil producers, the government recently heavily regulated the immigration space to prevent immigration violations. In the last few months, the government has implemented stricter requirements for Visitor Visa on Arrival (VVOA) and Employment

Visa on Arrival applicants, as well as restrictions on the issuance of VVOA and further restrictions on the issuance of Permission to Land permits.

- After more than three years, **Mexico** ended the COVID-19 concession (without a grace period) that suspended deadlines for all immigration-related processes under the jurisdiction of the National Immigration Institute.
- **St. Kitts and Nevis** doubled the investment threshold amount for the Citizenship by Investment Program, and implemented interviews and background checks under the program.
- **What's next?** Other restrictive policies can be expected over the next 12-18 months as governments continue to seek control over the flow of irregular migration and organized crime. For example, the **Chilean** government published a new National Immigration Policy that offers general guidelines and overall objectives for the development of government programs related to immigration management, in order to ensure safe and orderly immigration. Additionally, the government of **Brazil** is due to revoke visa exemptions for nationals of Australia, Canada and the United States as of January 10, 2024.

Canada

- As **Canada** adapts to maintain an immigration environment conducive to global business, while also focusing on addressing acute labor market

shortages, restrictive policies for foreign nationals have been few in 2023. However, government processing delays remain a key issue, as backlogs for certain application types are still heavy from COVID-related closures; the effects of which have been compounded by the ongoing Ukrainian refugee crisis.

- **What's next?** As immigration is widely seen as a mechanism for economic recovery in Canada, it is unlikely that many restrictive immigration policies will be implemented soon. However, in one standout policy planned for early 2024, the government of Quebec plans to reopen the Quebec Immigrant Investor Program (which has been suspended since 2019) with stricter criteria, including French language proficiency, educational qualifications and residence requirements.

United States

- Employers continue to face roadblocks to hiring critical talent – ongoing processing delays at U.S. immigration agencies, stagnant H-1B and green card quotas, and higher costs associated with employee sponsorship continue to challenge hiring and retention.
- **What's next?** While U.S. Citizenship and Immigration Services (USCIS) has taken steps to reduce case processing backlogs, workforce and project planning will continue to be challenging for employers in a tight labor market. The Department of Homeland Security (DHS) continues to pursue its plans to expand the \$4,000/\$4,500 border security fee to H-1B and L-1 extensions of stay and amendments filed by employers with 50 or more U.S. employees, more than half of whom are in H-1B or L-1 status. If finalized, affected employers would be subject to higher costs to retain existing H-1B/L-1 employees. Additionally, a forthcoming DHS plan is expected to raise the filing costs for many immigration benefit petitions and applicants. While it is not yet known whether the final regulation modifies the significant fee increases proposed in 2023, employers should consider these potentially higher costs in budget planning for the coming fiscal year.

Asia Pacific

- Most countries have not implemented many restrictive policies, in line with their goal to attract talent and meet labor market needs.
- As a standout policy, certain **Indian** consular posts started requiring foreign nationals applying for Employment Visas to show proof of remuneration from the sponsoring host entity in India. Previously, consular officials only required that the applicant meet the minimum salary threshold, irrespective of the payroll arrangement.
- **What's next?** Countries are likely to continue using immigration policy to boost foreign investment in the region, rather than to restrict entrants during this downturned economy.

Europe

- In **Albania**, since September 2023, medical professionals who have graduated from Albanian public universities must now work in Albania for five years before being they can work overseas, otherwise they must pay the total amount of the cost of their studies.
- **Finland** announced it will reduce immigration numbers and implement stricter eligibility requirements for work permits, as well as residency and citizenship applications.
- In **Sweden**, the government is considering implementing more stringent requirements for citizenship and permanent residence. The government has also launched an awareness campaign to discourage migrants from entering.
- The **United Kingdom** increased work and visit visa fees by 15 percent; while study visa fees increased by 35 percent. Meanwhile, the main immigration health surcharge rate will increase to GBP 1,035 (from the current GBP 624), and the discounted variant (for people under 18, students and Youth Mobility Schemes participants) will increase to GBP 776 (from the current GBP 470). Additionally, in early 2024, UK authorities will increase substantially the fines for employers hiring, and landlords hosting, migrants who lack the relevant immigration permissions. These changes are part of broader efforts to deter irregular migration.

- **What's next?** Migration policy is front and center on European leaders' agendas. It is routinely leveraged by political parties and subject to swings in public sentiment and political trends. Recent elections in Europe have demonstrated a notable political shift to the right, with gains made by the center-right and far-right in **Finland, Germany, Greece and Italy** this year. This shift is likely to influence the bloc's approach to policy initiatives—from climate issues and the green transition to asylum and migration management. Businesses should be aware that immigration policy is likely to remain in flux and may figure prominently in the narrative of several European elections taking place in 2023 and 2024. A Eurobarometer survey in June 2023 showed that migration ranks among the top 3 most important issues for EU citizens.

Middle East

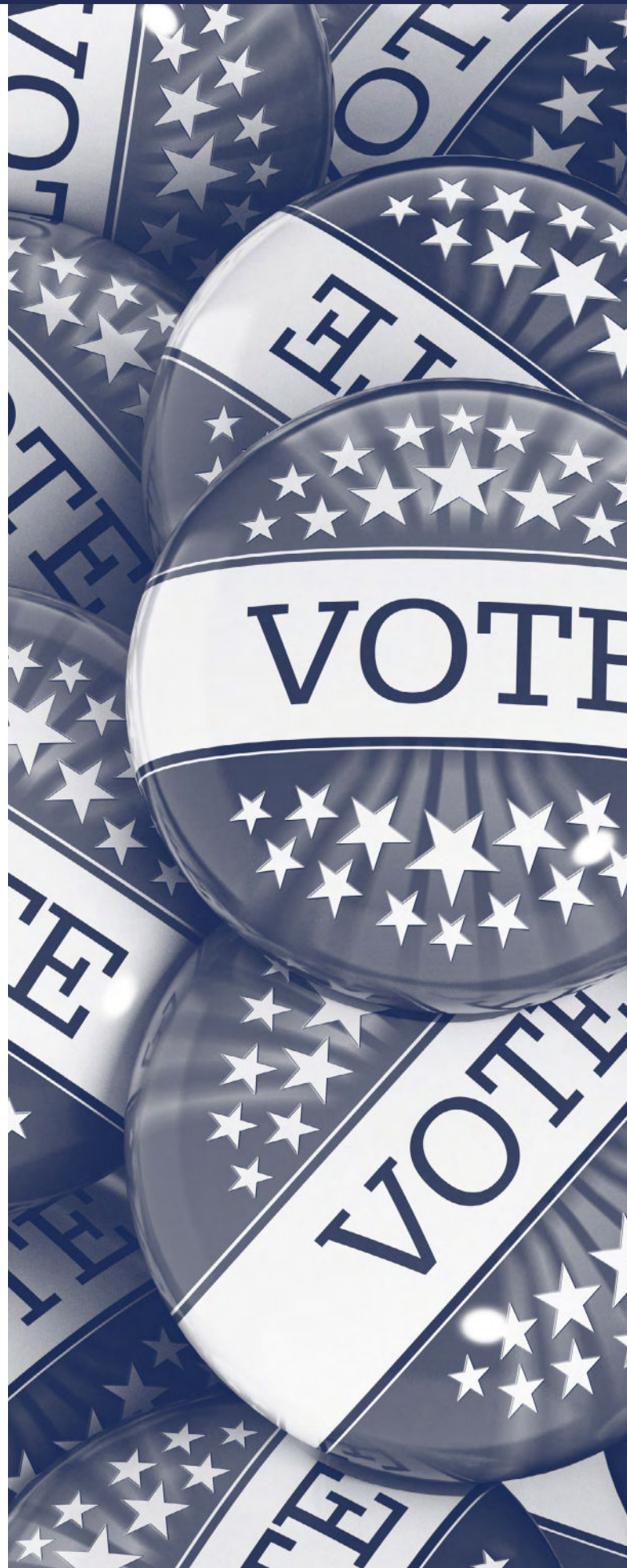
- The **Israeli** consulate in New Delhi is requiring entry visa applicants to provide police clearances from every country they have stayed in for over six months in the last 10 years.
- In **Kuwait**, foreign nationals must now pay their traffic fines, water and electricity bills in order to leave the country.
- **Oman** continues to revise the list of professions restricted to Omani nationals in an effort to maintain localized workers in select professions.
- In **Saudi Arabia**, a steady stream of Saudization policies continue.
- In the **United Arab Emirates**, Emiratization policies have been expanded to include smaller companies of 20-49 employees.
- **What's next?** Localization policies are expected to continue as the region focuses on decreasing unemployment rates of the local population, as well as making the private sector more attractive to these individuals.

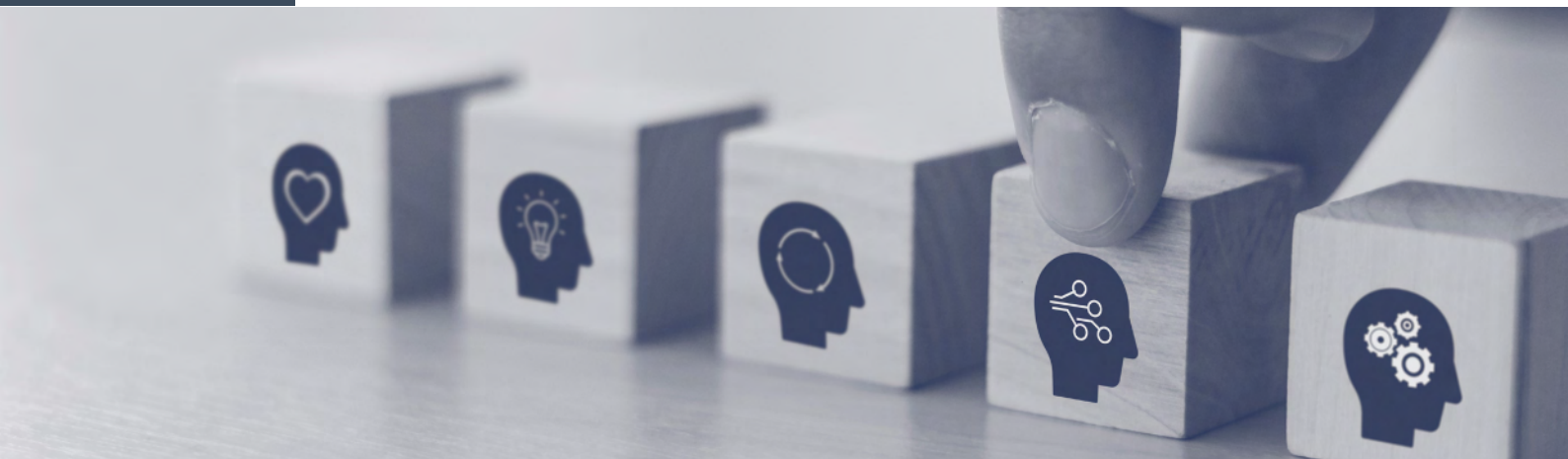


ELECTIONS – REGIONAL UPDATES

- **Taiwan:** In the upcoming election, the Democratic Progressive Party, which has been in power for three consecutive terms, is currently in the lead. The main opposition party, Kuomintang, has seen its popularity decline in recent months, partially due to new candidates who have split the vote. Taiwan remains strategically important for the United States since it accounts for 70 percent of global semiconductor production (the United States has also recently provided significant economic funding and support to Taiwan). The election could therefore have significant geopolitical implications for the global economy and may influence Taiwan's immigration policy, visa regulations and approach to immigrants.
- **Finland:** In general, Finland's president enjoys particularly significant foreign policy sway, and the upcoming presidential election appears to have one major focus: the country's deteriorating relations with Russia. All current frontrunners' public campaigns speak of increased engagement with the West, including NATO and the European Union. Still, the immigration implications of this election (unlike the 2023 parliamentary elections) are unlikely to be significant, given the president's limited domestic powers in this area. It is possible, however, that if trade opens up due to increased international engagement, immigration agreements may follow.
- **Indonesia:** The outcome of the election has the potential to influence the direction of immigration policy in the country. At this juncture, however, it is unclear which way candidates will steer immigration policy.
- **Russia:** Despite the conflict in Ukraine, the country appears ready to proceed with its presidential election on March 17, 2024. The incumbent Russian leader—Vladimir Putin—is expected to run and win. Accordingly, the election is unlikely to change the country's current immigration policy.
- **South Africa:** The upcoming election is anticipated to be a pivotal moment in the country's political landscape. If the current political party maintains its authority, it is likely the Trusted Employer Scheme and remote work visa program will be executed. The potential formation of a coalition government that prioritizes business interests may prompt the relaxation of work visa criteria, as well as increased immigration services efficiency and a proactive approach to retaining and attracting skilled individuals. In addition, the incoming administration may implement measures aimed at ensuring the immigration system is financially sustainable.
- **European Parliament:** The main question is whether gains will be made by radical parties, which would further complicate reaching common positions and passing legislation. Right-wing parties are currently predicted to make gains.
- **Belgium:** The parliamentary election is likely to be as unpredictable as previous elections. The increase in asylum applications in recent years has fueled concern over migration management and seen a rise of Flemish far-right nationalist parties.

- **Mexico:** The election's outcome may influence the direction of border security, refugee policy, visa regulations and bilateral agreements with border countries. With a change in political party, the National Immigration Institute may undergo notable shifts in its operational approach and priorities, such as an increased emphasis on humanitarian considerations, streamlined visa processes or enhanced border enforcement measures. As the election year approaches, resignations of current Secretaries of State and other campaigning officials are likely (as has occurred in the past), which could cause operational disruptions.
- **United States:** The result of the presidential election in November 2024 could have a significant impact on immigration policy. A change in administration would likely mean a return to a protectionist approach to all areas of immigration, from employment-based sponsorship to humanitarian categories. Regardless of the election outcome, however, border security is likely to be a continued focus of U.S. immigration policy.
- **Ghana:** The outcome of the 2024 elections is expected to be highly disputed. This is expected based on the low voter turnout observed during the by-elections in 2023, which was partly due to dissatisfaction among voters about the ruling party. The ruling political party will continue prioritizing improving the country's macroeconomic policies and its foreign trade programs, which may be hindered by the country's high public debt, unless managed appropriately.





UPDATE ON CURRENT WORKFORCE CONDITIONS: THE ERA OF THE SKILLS MISMATCH

Imagine assembling a country's dream basketball team for the Olympics, only to find the talent pool is full of top-tier swimmers instead of basketball players. That's the essence of the skills mismatch—it's a disparity between the skills employers want and those job seekers have. This gap can take various forms: over-education, under-education or outdated skills. It's a global issue, leading to decreased economic productivity, higher unemployment and wage disparities, and could stunt a country's growth while widening social inequalities.

Several factors contribute to skills mismatches, such as misaligned education and training systems, economic and demographic changes, and swift technological advancements. According to a report from Economist Impact, which was supported by Google, in the **Asia-Pacific region**, 75 percent of employers have reported facing challenges hiring skilled employees, particularly those requiring advanced digital skills. This a figure higher than the current averages from Europe (55 percent) and the United States (33 percent). The existing gaps are estimated to amount to 86 million workers, which include digitally skilled workers and non-digitally skilled workers, who are estimated to need digital skills training in the next year. As technology continues to advance, the need for a mix of digital, technical and soft skills will grow.

China is experiencing a particularly significant skills mismatch, as the country is short nearly 30 million skilled workers. Rapid economic growth and urbanization have created challenges in matching

industry needs with the workforce's skills. While university enrollments have surged in recent decades, this has resulted in an excess of graduates, many of whom can't find jobs aligned with their degrees. On the employer's side, sectors like manufacturing are starved for skilled workers. The waning interest in manufacturing jobs among youth, combined with China's shift to a service-driven economy, has intensified this gap.

This skills mismatch isn't unique to China; it's a global concern. By 2030, it's projected that about 85 million jobs worldwide will go unfilled because of skill shortages, translating to a potential \$8.5 trillion loss. In many places, including China, vocational education is often stigmatized and seen as less valuable than a university degree. This perception has led employers to favor university graduates over vocationally trained candidates, even when the latter might be a better fit for the job.

Germany is grappling with a shortage of skilled workers, as well. By 2030, the country is projected to need an additional three million skilled workers, especially in sectors like information technology, healthcare and engineering. The German Chamber of Industry and Commerce has raised concerns, with 60 percent of companies struggling to find suitable trainees for open positions.

Additionally, the **United States** has nearly 10 million open jobs but only six million reported unemployed workers, and is experiencing a skills mismatch, as well. Rapid technological advancements and the rise of the

digital economy have created a demand for specialized skills, many of which are not being met by the current workforce. The tech industry, in particular, has sounded the alarm on the shortage of skilled professionals in areas like artificial intelligence, cybersecurity and data science. The **United States** is faced with potential economic repercussions of this gap, with a projected revenue loss of \$1.7 trillion due to labor shortages and skills mismatches. While the country has made strides in promoting science, technology, engineering and math (STEM) education and vocational training, the disconnect between the education system and the evolving job market remains a pressing concern. As the United States continues to innovate and lead in various sectors, bridging the skills gap is crucial to maintaining its competitive edge on the global stage.

What's next?

To address pervasive skills gaps, countries worldwide are exploring and implementing a multifaceted approach. This includes modernizing educational curricula to align with industry demands, promoting vocational training to combat the stigma associated with non-university pathways, and investing in continuous upskilling and reskilling programs for existing workforces.

For instance:

- **Germany** has its renowned dual vocational training system, combining classroom studies with on-the-job training, tailored for industry needs.
- **India** launched the Skill India Campaign, which aimed to train over 500 million people in various skills by 2022.
- **Japan's** Technical Intern Training Program equips interns from developing countries with technical skills.
- The **United States** emphasizes STEM education and partners with community colleges to offer specialized training programs.
- **China** is reforming its vocational education system and collaborating with tech giants to train workers in digital skills.
- **Singapore's** SkillsFuture Initiative provides lifelong learning opportunities for Singaporeans to ensure the country has a highly skilled and competitive workforce.

- **Malaysia** is enhancing its Technical and Vocational Education and Training programs.
- The **Philippines** implemented the K-12 program with technical vocational tracks.
- **Vietnam** is focusing on its Vocational Training Development Strategy, aiming for a majority of its workforce to have vocational qualifications by 2030.

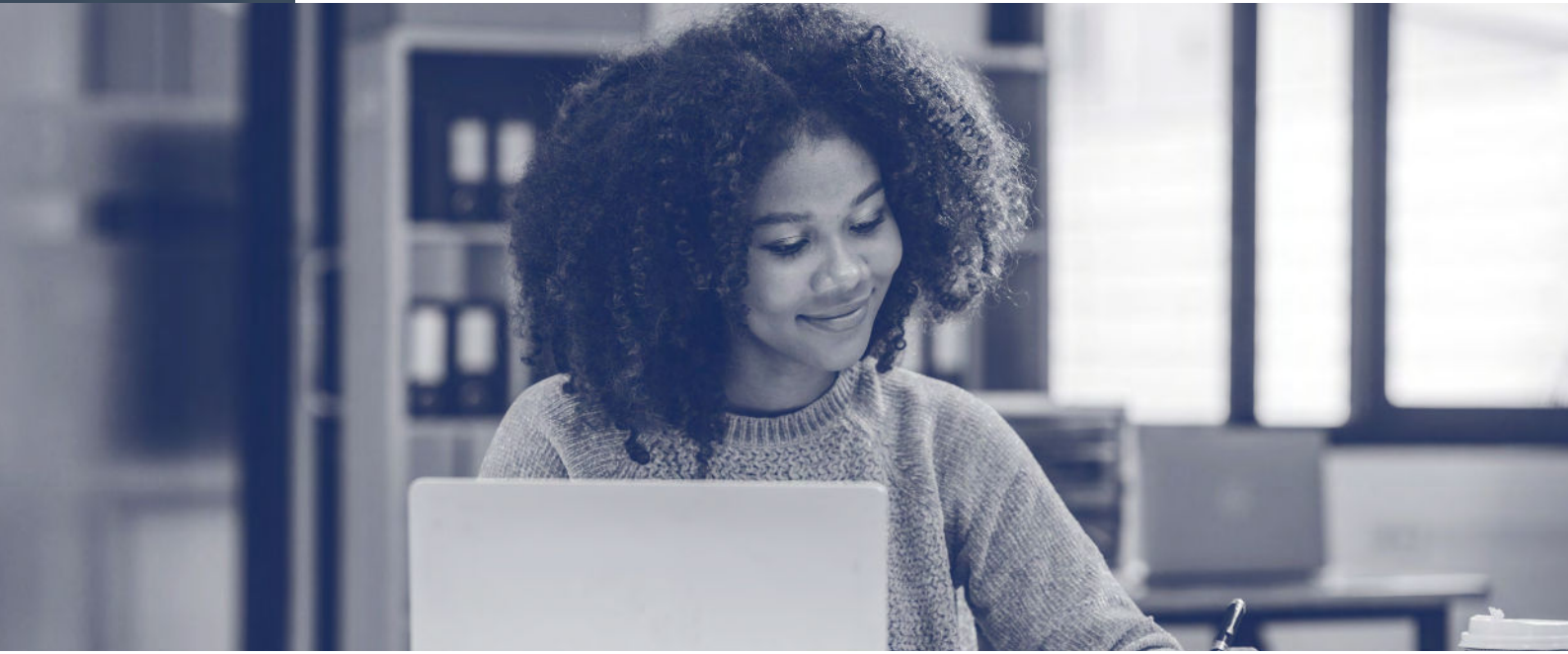
Flexible Immigration Policy Solution

Many nations are adopting flexible immigration policies to tap into global talent pools, filling immediate skills shortages while fostering cultural diversity. By welcoming immigrants, nations can experience a significant boost to their GDP, as these newcomers often take on roles that local populations might overlook, enhancing overall productivity.

Moreover, the infusion of diverse talent fosters innovation, resulting in groundbreaking solutions that propel technological and business growth. Such policies offer immediate relief to sectors dealing with skills shortages, as they introduce specialized skills that may be in short supply domestically.

Beyond the economic benefits, a diverse workforce enriches the work environment by promoting creativity and broadening perspectives, which enhances decision-making. Additionally, as many countries confront the challenges of aging populations and declining birth rates, immigrants provide a demographic balance, ensuring a consistent and robust workforce for the future.

- The leaders of **Australia** and **India** signed a Migration and Mobility Partnership Agreement to promote the mobility of students, graduates, academic researchers and professionals between the two countries. According to the agreement, Indian nationals graduating from Australian higher education institutions will be eligible for extended post-study work visa options of up to eight years. Further, a new pilot program will be launched in **Australia**, called the Mobility Arrangement for Talented Early-Professionals Scheme, which will provide 3,000 places for Indian national early professionals in renewable energy, mining, engineering, information and communications technology, artificial intelligence, FinTech and AgriTech.



More information on these programs is expected to be forthcoming.

- The governments of **Canada** and **South Korea** signed a Youth Mobility Arrangement that will come into effect in 2024. It features several improvements over the existing Canada-South Korea program memorandum of understanding originally signed in 1995, including the eligibility age increasing from 18-30 to 18-35, and two new streams—International Co-op (Internship) and Young Professionals—being added to complement the existing Working Holiday category. Most applicants will have the option to participate twice in the program, each time for up to 24 months.
- **Japan** approved nine more industries able to offer the Specified Skilled Worker (ii) (SSW-2) visa to qualified foreign nationals. Slated to be implemented following a public consultation phase, this change aims to attract and retain skilled foreign workers to address Japan's labor shortage. Once implemented, applicants from expanded industries—including aviation, agriculture, electronics and information, food service, and others—will be eligible for SSW-2 status. This permit allows eligible foreign nationals to work in Japan indefinitely, sponsor dependents and eventually apply for permanent residence.
- In **Singapore**, the Ministry of Manpower (MOM) introduced a new points-based evaluation framework named the Complementarity Assessment Framework (COMPASS) for new Employment Pass (EP) applications from September 2023, as well as for EP renewals from September 2024. Under COMPASS, applicants must score a minimum of 40 points, considering various employee and employer-related criteria, including the applicant's salary and qualifications, as well as the employer's support for local employment and levels of nationality diversity. This new criterion prioritizes applications where the candidate's nationality is underrepresented among the firm's Professional, Managerial, Executive and Technical employees. Furthermore, certain occupations are identified for the Shortage Occupation List. This list is created by the MOM and the Ministry of Trade and Industry based on the occupation's strategic importance to Singapore's economic priorities, the degree and nature of the labor shortage, and the sector's commitment to developing the local pipeline to address these shortages in the medium term.



NATIONALIZATION POLICIES IN THE MIDDLE EAST

LISTEN TO A BRIEF SUMMARY OF THE KEY POINTS HERE [▶](#)

Nationalization policies —where the government implements regulations requiring a certain number, percent or ratio of nationals to be employed in a given industry —continue to proliferate in the Middle East, with the aim of combatting high unemployment among the local population. These policies generally began in the 2010s, as oil subsidies for nationals became unsustainable due to lower prices and youth unemployment dramatically increasing, requiring the government to come up with a way to push nationals into the private sector.

Since then, nationalization policies have become so entrenched in many Gulf Cooperation Council (GCC) countries that they have been included in long-term economic plans. For instance:

- **Saudi Arabia's** Vision 2030 aims to use the Nitaqat Program to produce over 340,000 jobs for Saudi nationals by 2024. The program creates mandatory ratios of nationals to foreign nationals, and assigns a color based on compliance with these ratios that either benefits compliant employers with incentives such as unrestricted approvals of new visas, or penalizes employers for noncompliance by restricting the hiring of foreign nationals.
- **Oman** implemented a nationalization program in 2017 that requires employers in the private sector to register plans for Omanization online with the Ministry of Labor. The program only allows access to nationals for over 200 professions, across numerous industries, including information technology, engineering and education.

- In the **United Arab Emirates**, companies of 50 or more employees are currently subject to Emiratization requirements—this will expand to companies with 20-49 employees across 14 key economic sectors on January 1, 2024. Further, in 2021, the UAE government announced an investment of AED 24 billion to create 75,000 private sector jobs for Emirati citizens.

The results of these policies on paper seem to be a success. For example, according to the Saudi Arabian General Authority for Statistics, the country increased the participation rate of Saudi nationals to 52.5% in Q3 of 2022, up from 49.8% in the previous year. Additionally, women have been joining the labor market in unprecedented numbers, due to simultaneous reforms creating more opportunities for them in the marketplace.

However, although these programs have increased the rates of employment of nationals in the private sector, these policies have a multitude of downsides:

- **Risk of decreased competitiveness.** In many cases, the local population does not have the adequate skills for the job or can come at an increased cost, as nationals often expect a higher salary than foreign nationals are willing to take in these countries. These issues can lead to decreased output or revenue created by the company, which may result in the employer entirely leaving the country for more sustainable markets or decreased competitiveness in the marketplace.

- **Skills mismatches.** If employers require certain skills that are not found in the native population, a skills mismatch can occur. In a National Bureau of Economic Research paper, the authors found that skills mismatch was a main driver of low productivity of the Saudi labor force in the private sector. This sometimes occurs due to “masked unemployment” where local workers are added to payrolls to meet nationalization programs, but their skills do not match the requirements of the job position. However, employers are often unhappy that they have to hire unqualified local workers, who will likely decrease productivity, and who may be harder to fire than foreign nationals due to worker protection laws for local workers.
- **Turnover increase creates higher hiring costs.** Job churning—the overall turnover of employees as current employees leave and new employees are hired—is increasing. For example, this number doubled in **Saudi Arabia** from 2020 to 2021, according to the Brookings Institution. As nationalization policies continue to intentionally decrease the number of foreign nationals in the labor market, including skilled workers, nationals who do have needed skills in the market will be in high demand and able to change jobs easily, creating higher job churn rates. Hiring and training new employees is costly for employers and can lead to further decreased productivity.

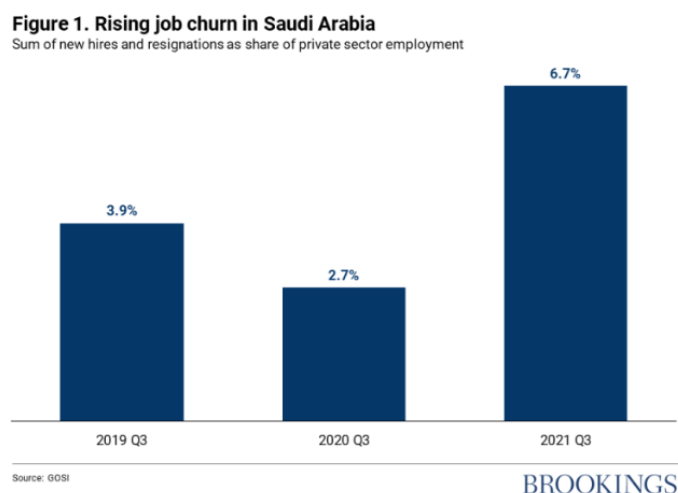


Image from Is [Saudi Arabia Entering a 'Great Reshuffle?'](#), Brookings Institute (January 2022)

As such, a delicate balancing act must be considered by countries pursuing nationalization policies to ensure that the native population continues to be employed in the private sector. Simultaneously, policies must not overlook foreign workers with in-demand skills who can contribute to the diversification of the country's economy and increase revenue. Some countries are implementing incentives to help achieve this:

- **Government benefits to participating employers.** In the **United Arab Emirates**, the Nafis program allows employers meeting Emiratization targets to make reduced employer pension contributions and increases Emirati employees' salaries through payments made directly by the government. This allows employers to hire Emirati workers at a lower cost, which can help offset revenue decline when hiring less skilled workers that need to be trained to the required skill level.
- **Training for in-demand skills.** Training programs are being added in areas where there are skill shortages in the local population. In the **United Arab Emirates**, an initiative called Tamkeen was launched, which will increase the number of Emirati nationals in the agricultural, veterinary and associated technical fields. The first phase of the initiative will help Emirati nationals gain expertise and train them on the latest best practices in developing the food security system. Upon completion of the training program, exceptional participants will be offered employment opportunities. Further, in **Bahrain**, the Authority for Quality and Training requires all educational institutes to justify new course development decisions based on labor market

needs. However, although education and training programs are a step toward filling skill gaps, these programs take years to bring the native population up to the required proficiency and immediate hiring needs are unlikely to be met by such a solution.

- **Relaxed rules for industries with skills shortages.** Some countries are also ensuring that their nationalization policies are adequately tailored to the economic environment and are creating looser rules specifically for industries with skills gaps. For example, in 2022, **Oman** decreased the number of professions restricted to foreign nationals to balance the recruitment and retainment of foreign nationals in sectors where there are skills shortages. Further, in the **United Arab Emirates**, due to shortages in the healthcare and legal sector, it is anticipated that such positions will remain open to foreign nationals.

What's next?

We are likely to see nationalization policies continue in the Middle East due to its central position in long-term economic plans as the region seeks to diversify its national economies away from the oil industry. However, countries could benefit from needed foreign labor in skill shortage industries by tailoring work permits to attract specific types of foreign workers and by ensuring employers in the country can remain competitive globally through tax breaks or other incentives while they are upskilling the local population.



RELAXED IMMIGRATION POLICY – REGIONAL UPDATES

Africa

- **Angola** expanded the tourist visa-exempt program to nationals of 98 countries (including the current eligible visa-exempt nationals). Previously, these nationals were required to apply for a tourist visa for entry.
- **Kenya** signed visa waiver agreements with the Democratic Republic of Congo. Moreover, nationals from Angola, Cote d'Ivoire, Sierra Leone and Qatar have been included in the visa scheme list for stays up to 90 days on a reciprocal visa-free entry program for tourism and business purposes.
- **Namibia** allows visitors on a Visitor's Entry Permit to extend their initial stay period in-country, which was not previously allowed.
- **What's next?** Regional governments are likely to continue to focus on reciprocal visa waiver and visa exemption programs to open tourism and business opportunities intra-regionally. For example, **Rwanda** is likely to sign a visa waiver agreement with the **Republic of Congo** and **Seychelles**.
- **Brazil** introduced two immigration pathways for eligible citizens of the Community of Portuguese Language Countries to live and work in Brazil for up to two years. **Brazil** also signed a reciprocal visa waiver agreement with **Japan**, which resulted in the visa requirement for nationals of Japan entering Brazil that was set to be reinstated on October 1, 2023, to no longer apply.
- **What's next?** Amidst slow projected economic growth, business-friendly reforms may have a slow path ahead. However, there already are several key initiatives in the region that could result in relaxed immigration policy changes to attract needed foreign talent. **Brazil** has approved the creation of a specialized council to study a proposal that would facilitate visas and residence permits for foreign nationals seeking to invest in green economy sectors; and signed agreements/joint statements with countries like **Germany** and **Portugal** to promote skilled worker immigration. According to press releases published on both governments' websites, **Brazil** and **Mexico** have agreed to establish a reciprocal system of electronic visas in the coming months, with a shared goal of gradually reaching visa waiver agreements in the future. According to discussions at the **Trinidad and Tobago** Caribbean Community (CARICOM) summit in July, CARICOM heads of state intend to implement the free movement of people between 13 member countries by March 2024.

Americas

Latin America

- **Costa Rica** increased the maximum period of stay for certain visa-exempt tourists and business visitors (including citizens of Canada and the United States) to 180 days for each visit. Previously, the maximum allowable consecutive stay for these nationals was 90 days.

In **Costa Rica**, a proposed law (targeted to digital nomads and long-term visitors) approved by the Tourism Commission and currently under review by the Legislative Assembly, seeks to eliminate restrictions for foreign nationals to obtain driver's licenses during their first three months of stay in the country. In **Peru**, the implementation of a new residence and work visa for Bolivian, Colombian and Ecuadorian nationals under the Andean Immigration Statute, and a Mercosur Visa consular application option, are pending government approval.

Canada

- **Canada** implemented a work permit stream for individuals holding H-1B specialty occupation status in the United States to apply for an open work permit in Canada valid for up to three years. The 10,000 spots allocated by the government were exhausted in less than two days.
- Employment and Social Development Canada implemented a Recognized Employer Pilot under the Temporary Foreign Worker Program which grants eligible employers access to Labour Market Impact Assessments with longer validity, a simplified application process and recognized employer designation in Canada's Job Bank.
- Immigration, Refugees and Citizenship Canada (IRCC) has issued more than 13,000 invitations to apply under the Express Entry category-based selection process, as of October 1, 2023. These include candidates who have a strong French language proficiency or work experience in healthcare; science, technology, engineering, and mathematics professions; trades; transport; and agriculture and agri-food.
- IRCC also relaxed education requirements for certain permanent residence applicants from Hong Kong SAR and implemented a family reunification permanent residence pathway for eligible Ukrainians.
- **What's next?** Immigration continues to play a vital role in addressing **Canada's** labor shortages and the government will likely continue to implement policies to help employers fill critical labor market shortages. Furthermore, the government is likely

to continue to promote policies to encourage immigration into Canada to strengthen its travel and tourism industry, and more broadly benefit the national economy. Under its Tech Talent Strategy launched in June 2023, the government is expected to develop an Innovation Stream by the end of 2023 or early 2024; collaborate with public and private partners to determine whether additional policies to attract Digital Nomads to Canada would be beneficial to the country; and implement improvements to the Start-up Visa Program. Furthermore, several new youth bilateral arrangements are expected to come into effect in 2024, including with **Finland, Iceland, South Korea** and the **United Kingdom**.

United States

- U.S. Citizenship and Immigration Services (USCIS) has made efforts to reduce case processing backlogs and to provide interim relief to those affected by the backlogs. These efforts include increasing to five years the maximum validity period of Employment Authorization Documents (EADs) in several work authorization categories, from a maximum of one or two years under the prior policy, and eliminating the \$85 biometrics fee and in most cases, routine biometrics collection for Form I-539 applicants. These changes should contribute to a reduction in case processing times and backlogs and provide some relief to certain work permit holders and I-539 change of status nonimmigrant applicants. In addition, the Department of Homeland Security has expanded the list of degree fields eligible for the STEM optional practical training program to help attract and retain foreign students in these high-demand fields. At the same time, however, adjudication trends are tightening around certain fields previously deemed eligible for STEM F-1 benefits.
- **What's next?** USCIS is expected to further expand premium processing to applicants seeking to change to other nonimmigrant categories on Form I-539, as well as those seeking to extend certain types of nonimmigrant status. The agency has not provided a specific timeline for these expansions.

Asia Pacific

- In **Mainland China**, the Ministry of Foreign Affairs introduced streamlined visa application forms for foreign nationals that focus on simpler application questions. Furthermore, foreign nationals holding a visa-on-arrival for business activities can now apply to convert their visa-on-arrival to a three-year multiple-entry visa in country if necessary. Previously, these visas were not convertible to any other visa and only allowed one entry.
- In **Indonesia**, the government now permits foreign nationals with a Multiple Entry Business Visa (MEBV) to conduct audits, production quality control or inspections at their Indonesian branches. Previously, MEBV holders could only attend business meetings and had to apply for a single-entry business visa for these activities. This expands the scope of the MEBV, which should benefit foreign workers since the MEBV is valid for one year (whereas business visas are valid from 30-180 days depending on the activity) and those under a MEBV do not need to submit a new application each time they enter Indonesia.
- In **Japan**, the government introduced a new path called the Japan System for Special Highly Skilled Professionals (J-SKIP) that allows foreign nationals holding at least a master's degree or 10 years of relevant work experience with an annual income of at least JPY 20 million (approximately \$148,000) to qualify for Highly Skilled Professional visa status. Another path, the Japan System for Future Creation Individual Visa (J-FIND), allows graduates of universities ranked in the top 100 of the world rankings to stay in Japan for two years to pursue employment or entrepreneurship opportunities.
- In the **Philippines**, the Philippine Economic Zone Authority (PEZA) has removed the mandatory Understudy Training Program or Skills Development Program required for PEZA visa applicants. Furthermore, foreign nationals who are downgrading their PEZA visa following a job or position change (while remaining under the same employer), which typically required leaving the country to secure a new visa, are now exempt from the Order to Leave requirement. Lastly, applicants nearing their visa's expiry (less than 30 days validity) no longer need to send a letter to the Director General to proceed with the renewal application.
- In **Vietnam**, the government has relaxed certain documentary requirements and is now accepting alternative documents such as Certificates of Completion and Certificates of Graduation in lieu of Degree Certificates for Work Permit applications. In addition, the government is also accepting previously-issued Work Permits and/or Work Permit Exemption Certificates as proof of relevant experience/expertise. Furthermore, the government is now offering an e-Visa that is valid for up to 90 days with multiple entries, replacing the previous 30-day, single-entry option. The Vietnam government is also offering the e-Visa to passport holders of all countries and territories, not just a select few.
- **What's next?** Governments will continue their streamlining efforts to encourage immigration. In **Australia**, the government recently held a Jobs and Skills Summit during which immediate actions and opportunities for reform were proposed, including addressing skills shortages and improving migration programs to support higher productivity and wages, among other topics. **Japan** is expected to create a Digital Nomad visa around March 2024 to help meet its goal of becoming Asia's largest startup hub and attracting highly skilled professionals to become a center for global knowledge exchange.

Europe

- **Germany** passed a new immigration [bill](#) that both creates and expands immigration pathways for skilled workers from non-EU countries. Its provisions will come into force across November 2023, March 2024 and June 2024. Separately, the country's federal government has also proposed measures which would [significantly relax naturalization pathways](#).
- In July 2023, **Italy's** conservative government announced it would issue 425,000 work permits to non-EU nationals between 2023 and 2025, as part of the government's efforts to resolve considerable labor-market gaps, especially in industries like construction and tourism. Separately, the

government also announced that [40,000 new quota spots](#) are now available for seasonal agricultural workers and hospitality workers.

- **Serbia** is scheduled to introduce in early 2024 a “single permit” (which will be issued on a biometric document), replacing the separate residence and work permit. Various other liberalising measures [came into effect in August 2023](#), including a quicker pathway to permanent residence.
- **What's next?** Parties across the political spectrum acknowledge the role of migration to address acute labor shortages in the region. Employment in European countries is at an all-time high, with a consequent spike in unfilled positions. Attracting foreign talent is crucial to resolving labor shortages and key to future regional economic growth. Delays in processing will continue to further complicate the ability of businesses to attract and retain foreign talent and will lead countries to introduce varying and wide-ranging immigration measures through to extensive national and EU immigration reforms.

Middle East

- In **Kuwait**, a new entry visa category was created for individuals participating in sports, cultural, or social activities, permitting a three-month stay, which can be extended for up to one year.
- In **Qatar**, the Hayya Card, which facilitates tourism, was expanded to individuals traveling to Qatar for the AFC Asian Cup 2023 and the Expo 2023.
- **Saudi Arabia** launched an Electronic Visa Waiver for UK nationals to enter the country for tourism, business, study or medical treatment. Additionally, Saudi Arabia has also been expanding the eligibility of the e-visa for tourism to nationals of additional countries.
- **Bahrain** announced a forthcoming Platinum Residency permit for certain foreign nationals who have lived in Bahrain for at least 15 years who hold a Golden Residency. The Platinum Residency will allow foreign nationals to buy property anywhere in Bahrain, whereas currently foreign nationals are generally limited to purchasing properties at designated investment projects in the country, among other benefits.

- **What's next?** The region is likely to continue to continue with relaxed immigration policies to remain globally competitive in terms of foreign investment and to move the region away from its traditional reliance on the oil and gas economy. However, this is likely to be balanced against the need to decrease unemployment rates among the local population through nationalization policies.



BIDEN ADMINISTRATION IMMIGRATION UPDATES

[LISTEN TO A BRIEF SUMMARY OF THE KEY POINTS HERE](#) 

With year three almost to a close, the Biden Administration continued its efforts to reduce some of the barriers that employer sponsors and foreign nationals have been facing. In business immigration, U.S. Citizenship and Immigration Services (USCIS) continues to undertake initiatives to reduce government processing backlogs and to provide interim relief to those affected by those backlogs. Some initiatives include increasing the maximum validity of certain employment authorization documents (EADs) to five years for several work authorization categories, and eliminating the biometrics fee and in most cases, routine biometrics collection for Form I-539 applicants. However, as USCIS tackles its varying missions, including a growing humanitarian mission, it remains to be seen how future USCIS action will mitigate these delays, including at U.S. consular posts abroad, and reduce burdens on employers and foreign nationals. In H-1B news, USCIS published a long-planned proposal to modernize the H-1B program and make changes to other nonimmigrant visa petition processes and requirements. The provisions of the proposed regulation (discussed later in this report) will not take effect until it clears the federal review process. USCIS says that it may finalize and implement the provisions in stages, with some provisions possibly taking effect before the FY 2025 H-1B cap process begins in early 2024.

In humanitarian immigration program developments, a federal district court invalidated the Biden Administration's 2022 Deferred Action for Childhood Arrivals (DACA) regulation. The ruling, which is being appealed by the Biden administration, maintains the status quo for current DACA beneficiaries, who preserve their deportation relief and employment authorization, and who can continue to submit applications for renewal of their benefits. It will continue to be the case, however, that no applications for new DACA benefits can be approved. While the administration has urged lawmakers to protect DACA recipients through passage of legislative proposals in Congress, there are no indications that Congress will take up the matter in the short term. Employers can employ those currently possessing work authorization under DACA; however, those options are subject to the outcomes of litigation, absent congressional action.

Continued consular challenges

Consular backlogs and operational issues at U.S. consulates persist in certain regions, and high demand for visa appointments continues, both of which continue to affect and potentially delay foreign nationals in need of a U.S. visa. Local conditions in host countries abroad also determine the relative ease or difficulty of foreign employees' travel and visa applications. While interview waiver programs have alleviated visa appointment delays at the consulates that have adopted them, some consulates are still experiencing delays. Administrative processing and glitchy technology platform transitions continue to contribute to ongoing visa application processing delays and backlogs in several regions. Employers must continue to prepare for uncertainty.

Foreign employees already in the United States who are considering travel abroad to apply for a visa should continue to plan their travel with flexibility to the extent possible. Foreign nationals and their employers should begin travel planning early, check the website of the U.S. Consulate where they anticipate applying for a visa (if applicable), and seek case-specific advice from their immigration provider to minimize the risk of potential visa processing delays and travel disruptions.

What's next?

The State Department plans to introduce a pilot program under which certain H-1B visa holders may be able to renew their visas within the United States, rather than travel abroad to apply at U.S. consulates. The agency is expected to announce the limited-scope pilot in the fall of 2023 and begin implementation in early CY 2024. If the pilot is successful, an expanded program should be available in 2024. In the interim, unpredictable and sometimes lengthy appointment wait times are likely to continue to be a reality for many employment-based nonimmigrant visa applicants in the coming months.

Compliance updates

Employers that are enrolled in E-Verify and in good standing may qualify in certain circumstances to use an alternative Form I-9 document inspection process that became effective on August 1, 2023. Under the new ICE regulation, these employers may now remotely inspect I-9 documentation according to specific procedures outlined in the rule for new employees hired on or after August 1, 2023.

H-1B modernization proposal

In October 2023, USCIS published a proposal to modernize the H-1B program and make changes to other nonimmigrant visa petition processes and requirements. The proposal aims to safeguard the H-1B cap registration process from misuse, revise the definition of the H-1B specialty occupation, clarify when employers must amend nonimmigrant petitions due to material changes in employment, extend F-1 cap-gap protection, and codify the Fraud Detection and National Security site visit program, among other proposals.

The provisions of the proposed regulation will not take effect until it clears the federal review process, which typically takes several months. After the 60-day public comment period ending December 22, 2023, USCIS will consider public comments and finalize the rule's provisions through one or more final rules. USCIS says that it may finalize and implement the provisions in stages, with some possibly taking effect before the FY 2025 H-1B cap process begins in early 2024. The agency has indicated that H-1B cap anti-fraud provisions are a priority, so those provisions may be among the first to be finalized.

Other updates affecting business immigration

A number of policy updates this quarter align with the administration's stated goal to reduce barriers to legal immigration and increase efficiency.

- **Increased EAD validity.** In September 2023, USCIS increased to five years the maximum validity period of Employment Authorization Documents (EADs) in several work authorization categories, from a maximum of one or two years under its prior policy. The new policy covers a wide range of initial and renewal EAD applicants, including employment- and family-based adjustment of status applicants; those admitted as refugees, granted asylum, or granted withholding of deportation or removal, or suspension of deportation or cancellation of removal; and those paroled into the United States as refugees in certain cases. USCIS has said that in making the policy change, the agency aims to significantly reduce the number of EAD renewal applications filed with the agency in the next several years, which should contribute to a reduction in case processing times and backlogs.

- **Biometrics fee and routine biometrics collection eliminated for Form I-539 applicants.** In October 2023, USCIS eliminated the \$85 biometrics fee and in most cases, routine biometrics collection (fingerprints and photo), for Form I-539 applicants. The change in biometrics policy will alleviate some of the processing backlogs that face the full range of I-539 applicants, including B, TD, and O and P dependents. It will also continue to alleviate the backlogs for I-539 applicants who had already been benefitting from a temporary suspension – those seeking H-4, L-2, and E derivative changes of status and extensions of stay – whose temporary biometrics suspension had been due to expire on September 30, 2023. For these individuals, faster Form I-539 adjudication also impacts any corresponding work authorization that depends on their spousal nonimmigrant status.

Humanitarian immigration programs and related work authorization

In September 2023, a federal district judge ruled that the Biden Administration's 2022 DACA regulation is unlawful on the grounds that it violates the Administrative Procedure Act – the same basis for an earlier ruling striking down the Obama Administration memorandum that created the program. However, the ruling left in place a stay of an earlier injunction against DACA, which allows existing DACA grantees to preserve and renew their current benefits but prohibits new grants of DACA. In the absence of congressional action to grant permanent relief to this population, DACA remains a stopgap measure. Employers, however, should continue to be able to employ those currently possessing work authorization under the program. In November 2023, the Biden Administration appealed the September 2023 district court ruling to the 5th Circuit Court of Appeals, which has previously ruled against DACA. However, the outcome of the appeal is unlikely to change the status quo for employers and DACA grantees.

The Administration continues to designate and redesignate countries for Temporary Protected Status, including recently for Cameroon, Afghanistan, South Sudan, Sudan, Ukraine, and Venezuela. Employers should be able to employ those currently possessing work authorization under TPS and also tap new talent from those newly eligible for work authorization.

What's next in the United States?

We anticipate the following forthcoming changes to regulations and rules. Proposed regulations generally can only be implemented after they are published for public feedback, fully reviewed, and finalized by the federal government. The normal rulemaking process takes at least several months.

- **H-1B / L-1 dependent employer fees.** U.S. Customs and Border Protection (CBP) continues to pursue a proposed rule that would apply the \$4,000 or \$4,500 border security fees to all H-1B and L-1 extension petitions filed by employers subject to the fee, instead of only to their initial H-1B and L-1 petitions. The border security fees are paid by employers with 50 or more employees in the United States, more than 50% of whom are in H-1B or L-1 status. The proposal is slated for April 2024.
- **USCIS fee schedule.** USCIS has delayed to April 2024 the implementation of an as yet unpublished final rule to raise filing costs for many immigration benefit petitions and applicants. The agency's proposed fee schedule, published in January 2023, sought significant increases for many employment-based procedures, including increasing the base H-1B petition fee by 70% and the L-1 petition fee by 201%, and instituting a new program fee that would be paid by all employers filing Form I-129 nonimmigrant petitions (for any nonimmigrant visa classification) and Form I-140 immigrant visa petitions. The plan also included a substantial increase to the H-1B registration fee. USCIS received much criticism from the business community for its proposed increases. While it is not yet known whether the final rule modifies the significant fee increases proposed in 2023, employers should consider these potentially higher costs in budget planning for 2024.
- **DOL wage minimums.** DOL has withdrawn its plans to propose a new rule to raise prevailing wage rates for the H-1B, H-1B1, E-3, and PERM programs. The proposal is no longer on DOL's regulatory agenda..

Green card processing.

- **Adjustment of status process changes.** DHS continues to pursue a proposed rule that would make changes to the process for adjustment of status to permanent residence. The proposal is anticipated to address the transfer of the underlying basis of an application to adjust status, changes to the way a child's age is calculated for age-out relief under the Child Status Protection Act, Temporary Protected Status travel authorization and its impact on eligibility to adjust status, and employment authorization for derivative beneficiaries who are awaiting immigrant visa availability and demonstrate compelling circumstances. The proposal is slated for publication in March 2024.
- **Waiver of in-person requirement for immigrant visas.** The State Department plans to issue a final rule that would permit a waiver of the requirement for immigrant visa applicants to appear before a consular officer to be interviewed and to execute their application in person. Details of the rule, including parameters of waiver eligibility, are not available at this time. The rule is slated for publication in February 2024.

ONLINE SYSTEMS – REGIONAL UPDATES

Africa

- In **Ethiopia**, employers must now use a digital platform developed specifically for foreign employees to submit, cancel, or renew work permit applications for foreign nationals.
- Nationals of **Benin** who have obtained a Personal Identification Number with a biometric card have also received a biometric domicile card. This program is part of the government's initiative to facilitate access to government services.
- **Mauritius** proposed the implementation of a National Electronic Licensing System, an online portal to streamline work permit applications.
- **Namibia's** Ministry of Home Affairs, Immigration, Safety, and Security launched a digital platform in 2023 for foreign nationals to submit and track digital passports, identity cards, and short-term employment permit applications and to schedule appointments for related services. Additionally, national tourists can now apply online for a new Holiday Visa.
- **What's next?** Governments are continuously seeking opportunities to implement digital policies for inclusive economic growth. Specifically, **South Africa** has had ongoing digital government efforts, including the digitization of 255 government services on an e-government services portal, of which 123 were implemented in 2023, as part of its National Development Plan 2030. The World Bank has also established an initiative that focuses

on digital transformation for Africa, with an aim to close the digital divide gap and allow African countries more access to digital infrastructure, improved service delivery and digital skills.

Latin America

- **Panama's** Ministry of Commerce launched an electronic platform on which foreign nationals must file visa applications under the categories of Multinational Companies and Companies Providing Manufacturing Services. Furthermore, the Ministry of Labor launched a new online system through its website on which foreign nationals seeking to apply for a work permit must register, without a personal appearance at the Ministry.
- **What's next?** More countries are expected to expand online platforms to alleviate backlogs and modernize the immigration process. **Panama's** Ministry of Labor launched an electronic platform for work permit applications, currently available for humanitarian/refugee work permits, which is expected to roll out to additional application types in phases. According to press releases published on both governments' websites, **Brazil** and **Mexico** have agreed to establish a reciprocal system of electronic visas in the coming months, that would enable Brazilian and Mexican citizens to apply for visitor visas for tourism and business purposes in both countries without the need to visit a consulate. As governments continue to fine-tune their digital systems, change management challenges and infrastructure issues may disrupt and delay

immigration processes in some countries from time to time.

Canada

- The government of Canada continues its digital transformation in immigration processing to alleviate backlogs and modernize Canada's immigration system. IRCC's online application status tracker now includes all Express Entry programs.
- **What's next?** In 2024, IRCC aims to continue to pursue its digital transformation agenda, which includes a Digital Platform Modernization Program to replace its Global Case Management System. New online services and features can be expected for immigration processes and services.

United States

- U.S. Citizenship and Immigration Services (USCIS) has taken modest steps toward improving certain operational processes by introducing online process tools. USCIS launched a self-service tool permitting applicants and representatives to reschedule most biometrics services appointments online instead of calling the USCIS Contact Center. A new text-ahead tool enables callers to communicate with USCIS by text message to increase their chances of being available for an agency callback. A revised change-of-address module permits applicants to list in one spot all pending cases for which an address should be changed. USCIS also launched an online form for applicants and representatives to try to request an in-person appointment at a local field office without having to call the USCIS Contact Center.
- **What's next?** USCIS continues to add a small number of immigration forms that can be filed online and make incremental updates to digitize certain processes. However, the agency still receives and processes the vast majority of immigration benefit requests through a paper-based system. By the end of FY 2026, USCIS plans to make online filing available for all forms and back-end digital processing. It remains to be seen whether USCIS will achieve its end-of-FY-2026 target for implementing a fully online system.

Asia Pacific

- In Mainland **China**, the National Immigration Administration has significantly enhanced its government service platform for foreign nationals. The new features include online appointments for visa extensions, renewals, reissuances, and for stay and residence permits, allowing for more efficient offline processing. Users can also check the status of their visa applications online, make inquiries about visa information, Foreign Permanent Resident ID Cards and passport information for those with permanent residence status.
- In **Singapore**, the COMPASS system, introduced in September 2023, implements a points-based evaluation for Employment Pass applications. By requiring applicants to score at least 40 points based on multifaceted criteria, the system aims to ensure that foreign workers complement the local workforce while addressing gaps in the labor market. In line with this effort, the enhanced [Self-Assessment Tool](#) is a digital platform introduced in August 2023 that offers a preliminary assessment of an applicant's likelihood of approval under COMPASS.
- **What's next?** Countries in APAC that have migrated various portions of their immigration processes online are expected to continue expanding these online systems. **China**, in particular, has been integrating all government services and applications into a uniform and streamlined online platform and is likely to move most online work permit related applications online soon. Additionally, in **Singapore**, the government is set to introduce automated immigration clearance at Changi Airport, eliminating the need for passports for travelers. This innovation will position Singapore as one of the first few countries to implement such a system. The use of biometrics will create a "single token of authentication" at various automated touchpoints, from bag drops to immigration clearance and boarding. The automated immigration clearance system aims to manage the growing volume of travelers more efficiently and enhance the clearance experience.

Middle East

- **Israel** has released plans for a new e-visa system, “Mamrom”, for tourists and business travelers. The system will streamline immigration processing (including facilitating online processes and reducing in-person consular post visits), while improving security outcomes. It is not clear when this system will be implemented.
- **Saudi Arabia** now allows select foreign nationals to attest their non-Saudi degree certificates electronically through a government online platform, “Mosadaqa”.
- In **Algeria**, employers must utilize a new online platform as part of the Annex 13 application process to register foreign nationals they are seeking to sponsor.
- **What's next?** The UAE government made a commitment to digitalize all government services (including immigration services), by 2025. Overall, Middle Eastern countries rank high among the world's countries in terms of digital leadership for immigration systems and many governments are likely to continue to push through advances in technology in order to attract skilled individuals to the region.

Europe

- The **United Kingdom's** immigration digitization program remains on track. Notably, the United Kingdom implemented an Electronic Travel Authorization (ETA) program for certain nationals in November 2023, which is a travel authorization program for visa-exempt travelers. The system—which will be gradually scaled up throughout 2024—is intended to balance the value of a digital system (which allows the tracking of entrants) with efficiencies such as algorithms that will result in the ETA being issued within 15 minutes. Other proposed digitization measures are now in force, including the full digitization of the application process for European Economic Area nationals and in-country skilled workers; the launch of the online skilled worker eligibility checker; and the expanded digital use of biometric data.
- **Germany** is making digitization gains. In mid-2023, [the Frankfurt Immigration Office](#) (one of Germany's

most important immigration offices) launched an [online application portal](#) for the submission of a wide range of immigration applications forms (such as work, residence, family reunion and skilled worker applications).

- **Luxembourg** has [established a new online government portal](#) for the filing of certain residence permit applications (or renewals). It also recently mandated the use of [biometric smartcards](#) for foreign national family members of EU citizens, replacing the old-fashioned ‘paper and photo’ residence cards.
- The **European Union's** ‘Schengen Information Systems’ (SIS)—a digital information sharing service among Schengen states—underwent significant updates in 2023. Among its various functions (such as broadcasting alerts about a missing person, a stolen car or a security threat), the SIS is critical for distributing immigration-related information. The new SIS has been updated to interoperate with the (still forthcoming) European Travel Information and Authorisation System and Entry/Exit Systems, and now tracks return decisions for foreign nationals with no legal right to stay in the EU. It also now includes new alert categories and biometric information, as well as allowing for preventative alerts (for instance, children at risk of abduction).

What's next?

- Forthcoming in 2025 (following further delays) in the European Union, the European Travel Information and Authorisation System (ETIAS) will require online registration for visa-exempt nationals seeking to enter the Schengen Area as well as Bulgaria, Cyprus and Romania. An ETIAS authorization grants the right to travel, and it is not a visa requirement. The ETIAS system is designed to work in tandem with the Entry/Exit System (EES) used to track Schengen overstays.
- With EU pressure to digitalize public processes as part of their [Digital Decade Project](#), EU Member States have access to funding and support to aid their digital development, which may help advance digitalization of immigration processes in the region. Many EU Member States, however, continue to favor in-person process steps to ensure scrutiny

and security, a point on which the European Union has not yet issued guidance or attempted to set standards. Without more EU guidance, the current piecemeal approach is expected to exacerbate process issues,, which may impact broader e-government interoperability in future.

- Also in the **European Union**, the European Labour Authority has identified areas of study within the Posting 360 Programme, which is a framework to improve EU Member States' cooperation with regards to the rules related to posted workers in the European Union. One of the planned points of study includes improved information exchange and digitalization for authorities, employers and workers related to postings; and facilitating the collection of data. Practically, since there will likely be increased focus on posted workers through this program, employers should be prepared for increased enforcement of rules for postings, more audits and more information exchange among agencies related to posted workers in EU countries.



INDUSTRY FOCUS: SPORTS

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Sports industry update in Europe – an interview with Fragomen Partner George Koureas and Manager Alex Hood

1. What immigration considerations should visitors keep in mind when traveling to the United Kingdom and Europe for sports events, such as the 2024 Paris Olympics, the 2024 UEFA UEFA Football Championship or Wimbledon?

Because of ETIAS implementation delays, visa-waiver foreign nationals entering France for the 2024 Paris Olympics or Germany for the 2024 UEFA European Football Championship will not need any pre-travel authorization and can continue to enter with their regular passports for periods of up to 90 days within a 180-day period. In France, participants, sportspeople, athletes and accredited staff benefit [from a work permit exemption for up to 90 days](#); those seeking to stay longer than this period may qualify for a Talent Passport as foreign nationals or internationally recognized experts in their fields.

Further, for the 2024 UEFA European Football Championship, participating teams, UEFA employees and officials, commercial partners and representatives of the media among limited other individuals can enter and exit **Germany** as many times as needed between January 1, 2020 through December 31, 2025 for duties relating to the tournament.

Visa-waiver nationals entering the **United Kingdom** for major sporting events, such as Wimbledon, should be aware that certain nationalities are now required to obtain pre-authorization through the ETA system, which will eventually be rolled out to all visa-waiver nationals. Athletes, coaching staff and spectators who are not on the visa-waiver list will require a visa in order to enter the **United Kingdom** for these events.

Further, visa-required foreign nationals entering these countries for other purposes while these sports competitions are ongoing should be aware that consular slowdowns are likely to occur as authorities prioritize visas for these sporting events.

2. How has Brexit impacted the sports industry in Europe?

Talent attraction is now an issue, as leagues in Europe and the United Kingdom have restrictions on non-European and non-UK players. In the European Union, UK sports players are now treated the same as non-European Union players for immigration purposes, requiring them to have background checks and medical exams, among other documentation. Furthermore, certain countries may impose additional requirements—for example, **Belgium** requires all non-European Union players to make a minimum salary plus certain benefits such as apartments, car and insurance, which may be difficult for less well-off sports clubs to pay.

On June 14, 2023, the UK Home Office approved new Governing Body Endorsement Criteria for visas for football players, allowing English football clubs to sign additional players who do not meet the current points requirements. Under the new rules, Premier League and Championship clubs will be able to sponsor a maximum of four additional players, while League One and League Two teams can sponsor a maximum of two additional players. Prior to Brexit, football players of an EU Member State nationality were not required to obtain a visa, whereas post-Brexit, all non-UK players are required to obtain a Governing Body Endorsement (GBE) from the Football Association in order to play in England.

The new rules are being implemented to help English football clubs recruit non-UK talent in the post-Brexit environment and according to a [Brexitball report co-authored by Fragomen](#), Brexit reduced the available player market for English clubs by approximately 90%.

UK clubs will now have to be wary of the expiration of additional GBEs for European players and actively track the endorsements to assess whether the player will qualify for a further endorsement.

3. What are a couple of main pathways that athletes and sportspersons utilize to be hired in the United Kingdom/Europe?

In the **United Kingdom**, the main pathway for long-term hires is the International Sportsperson visa. This pathway is for elite sportspersons or qualified coaches and requires endorsement from the relevant sport's governing body before the visa can be granted. For those athletes travelling to compete in the increasing number of one-off international sporting events held in the United Kingdom, the visitor visa provisions will often provide an appropriate solution depending on the circumstances.

In **Italy**, there is a special permit type for athletes. The Italian Sports Club (member of the National Sports Federation) must file an application and obtain a special permit from the Italian National Olympic Committee. Permits are capped at 1,090 including both initial applications and current residents under a work or family permit. Upon approval, the athlete must apply for a sports visa at the consular post. Within eight days of arrival, the athlete must apply for a Residence Permit with the local police.

In **Germany**, to qualify for the Residence Permit for Athletes and Coaches, the applicant must be over 16 years old, meet the minimum requirements of at least 50% of the income threshold for statutory pension insurance, and have an athletic qualification confirmed by the German umbrella association responsible for the sport (in agreement with the German Olympic Sports Confederation -DOSB).

4. How do limits on hiring non-EU athletes in certain European sports leagues affect the sports industry?

In Europe, certain limitations to hiring non-EU nationals include compliance with quotas and minimum salary requirements. In football, the quota limitations vary depending on the league; for instance, in **Spain** and **Italy**, football teams are allowed three non-EU players; in **France** five non-EU players; in **Germany** there is no limit, but each side must have at least 12 German players in the squad. Regarding minimum salary, non-EU football players in **Belgium** are entitled to minimum salary and in the **Netherlands** the clubs must pay 150% of average salary in top leagues.

Further, the sports industry in certain European countries have been faced with increasing compliance checks. As a result, employers should work with an immigration professional to ensure that they have maintained proper documentation and followed all regulations in the relevant country.

5. Where do you see possibilities for future changes and growth in the hiring of foreign nationals on UK sports teams?

If we take football as an example, we have recently seen changes to the rules which remove some of the challenges in signing overseas players which were imposed after Brexit. As a result of this flexibility, we are likely to see UK football clubs seek to sign more players from emerging leagues—not only in the European Union but in the **United States, Canada** and **South America**—in the hope of securing the best young talent at a lower cost. Additionally, it is possible that UK sports teams may become more reliant on homegrown talent due to the extra restrictions that now apply to hiring overseas sports players post-Brexit.

Further, as post-Brexit restrictions are quite new, it is likely that leagues will continue to make additional modifications both in European countries and the United Kingdom to ensure adequate means to transfer sportspersons between teams. The recent liberalization of the English Football Association's Governing Body Endorsement rules in the United Kingdom is a good example of this.

Sports industry update in the United States – an interview with Fragomen Partner Emily Allen

1. Generally, what visa types do athletes and fans require to visit the United States for an athletic competition?

There are a range of visa classifications available to athletes visiting the **United States** to compete in or provide support for an athletic competition. Some athletes will require only a visitor visa (such as amateur athletes), while other athletes will need more complex visas such as an O-1 or a P-1, which require them to demonstrate that they are competing at the top of the field in the sport or have a distinguished reputation. Fans coming to the United States simply to attend a sporting event generally may do so as a visitor for pleasure.

2. How long does it take for an athlete to obtain the necessary United States visa?

This depends, but it can take anywhere from days to several months. For an athlete that requires a visitor visa and who is from an ESTA-authorized country, the process would usually take only a few days. If the athlete requires a B-1/B-2 visa be affixed in their passport, the process would be longer due to visa appointment availability and backlogs at U.S. Consulates around the world. For an athlete requiring an O-1, for example, there is a pre-requisite step to the visa that requires a petition first be filed with and approved by U.S. Citizenship and Immigration Services authorizing the O-1. These applications can take weeks to prepare and months for the government to approve. Following approval, the visa timeline would again be contingent on visa appointment availability.

3. What are some of the reasons that an athlete may be denied a United States visa, or that an athlete's visa may be delayed?

The **United States** may deny a visa for a wide variety of reasons—visa issuance is highly discretionary on the part of the U.S. government. It may be that the athlete's planned activities in the United States are not aligned with the permissions of the visa classification for which they have applied. Or it may be because the athlete has a history of criminal activity or has previously violated U.S. immigration rules. Visas may also be denied when the athlete cannot demonstrate strong ties to the home country. In some instances, a waiver of these visa blockers may be available, but not always. With respect to visa issuance delays, the government subjects some visa applicants to additional security screening known as administrative processing. Administrative processing can take weeks to months to resolve with very little ability on the part of the visa applicant to understand what caused it or how it will be resolved.

4. Specifically related to the 2026 FIFA World Cup and other upcoming international competitions, what can the U.S. government do to support athletes with respect to visa processing?

The immigration logistics around these international sporting events can make the U.S. a challenging host country and risk making a bad impression on the global sports community related to visas. Media reports indicate the White House will undertake a deliberate effort to offer and organize visa support for athletes, which is good news despite there being no specific details at this time. Without question, the U.S. government must start planning now to ensure these athletes' U.S. visa journey is smooth, predictable and efficient. This includes focusing on streamlined approaches at U.S. Citizenship and Immigration Services, U.S. Customs and Border Protection and the U.S. State Department to ensure the world views the United States as a desirable location for the world's sports.

5. What are some practical ways that athletes and fans can contribute to a smooth visa process?

The best way to ensure a smooth visa process is to connect with a U.S. immigration professional as early as possible to ascertain what visa type is needed, what the process is for obtaining that visa, how long it will take, and what risks are involved. In some parts of the world and for some visa types, an athlete may need to start the process a full year ahead of the intended travel.

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