FRAGOMEN

WORLDWIDE IMMIGRATION TRENDS REPORT Q2 2021 SUPPLEMENT

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"Global economic prospects have improved markedly in recent months, helped by the gradual deployment of effective vaccines, announcements of additional fiscal support in some countries, and signs that economies are coping better with measures to suppress the virus. Global GDP growth is projected to be 51/2% in 2021 and 4% in 2022, with global output rising above the pre-pandemic level by mid-2021. Despite the improved global outlook, output and incomes in many countries will remain below the level expected prior to the pandemic at the end of 2022."

Though the economy is improving in most countries and airlines are projecting that the worst of the COVID-19 crisis is over (with Delta's CEO expecting business travel to hit 70% of pre-pandemic levels by 2023), many companies are shifting their mobility plans and strategies-and leaning toward virtual business to save costs and lower travel risks.

While unemployment rates are declining across the 37 Organisation for Economic Co-operation and Development (OECD) economies, almost 10 million more people are unemployed than before the pandemic. Immigration policy has continued to respond to these shifts and, in the second quarter of 2021, economic recovery through local protectionism efforts continued to remain a key driver of immigration policy since the fourth quarter of 2020.

landscape.

In planning for short- and long-term business and employment travel, foreign nationals and their employers must continue to balance the following competing related factors:

Constantly changing travel restrictions and quarantine rules

As the year progresses, employers should expect a growing acceptance of-and clarification of-remote work policies both from employers and immigration authorities. As the concept of the 'global citizen' takes shape, immigration policy will continue to react to societal acceptance levels of remote work, albeit slowly and with resistance in most of the world.

We anticipate that as worldwide economies slowly recover, restrictive immigration policy will ease to a certain extent (especially with the new, more immigration-friendly U.S. administration), and more countries will revert to adopting immigration policy to boost local economies. Through this process and beyond, employers must pivot to review their global mobility strategies so they can quickly adapt to the changing landscape of immigration and health requirements as the post-COVID recovery era unfolds.

EXECUTIVE SUMMARY

-OECD Global Economic Outlook 2021, March 2021

Creative and traditional protectionist policies continued in Q2 2021, ranging from restrictive labor market test rules (as seen in Europe) to more complicated and nuanced local worker protection policies (as seen in the Middle East). Essential worker policies and ever-changing high-risk country lists continue to dominate the COVID-19 policy

Health assessments and COVID-19 testing requirements before and after arrival in the destination country (and sometimes also prior to leaving the destination country)

The health risk and financial burden associated with travel

Tracing apps and digital passport requirements/options

transformation.

SECTION 1:

EVOLUTION OF THEMES

This report discusses the most important immigration events since April 2021, filtered through the evolution of key immigration themes identified in our inaugural Worldwide Immigration Trends Report 2019:

- Protectionism breeds restrictive policies
- Global competition for talent continues
- Digital transformation is a work in progress

Our analysis of the second quarter's events of 2021 confirms that these key themes remain valid, dominated by the two key themes this edition explores: proliferation of restrictive policies and digital

IN FOCUS: RESTRICTIVE POLICIES PROLIFERATE, THROUGH THE LENS OF HEALTH POLICY AND REMOBILIZING HIGHLY UNEMPLOYED POPULATIONS

Restrictive immigration policy continues to dominate in response to the devastating effects of the pandemic on countries' economies. The parts of this theme that were key in Q2 2021 are:

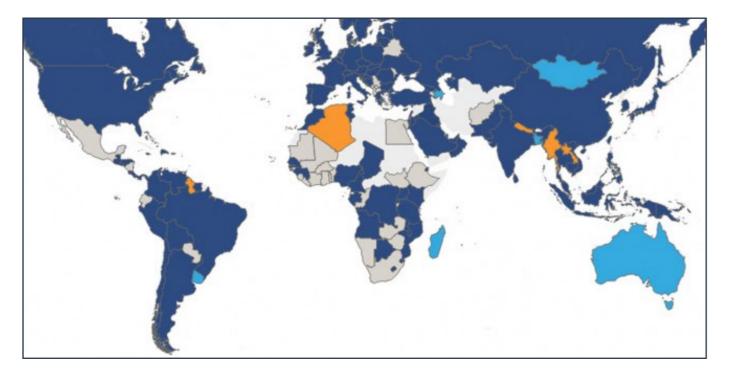
- Health policy is now a normal inclusion in immigration policy, bolstered by vaccine development
- High unemployment levels have kept immigration policies focused on local workers through traditional mobility law restrictors

These insights are explored in further detail below.

Health policy is now a normal inclusion in immigration policy, bolstered by vaccine development

As we reported in the Worldwide Immigration Trends Report 2021, immigration policy became directly tied to health/ medical information and fluctuating statistics during the COVID-19 remobilization effort. Starting in Q4 2020, proof of vaccination against COVID-19, negative COVID-19 test results and health certificate requirements started to replace quarantine requirements, perhaps to attract foreign workers who may have been reluctant to travel to countries where guarantines were inconvenient, costly and too impractical for short-term travel. On-arrival health guestionnaires and health assessments became common requirements for international flights, and the deployment of traveler tracing mechanisms, such as apps and bracelets, outpaced expectations.

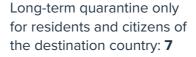
At a glance: Current state of travel restrictions

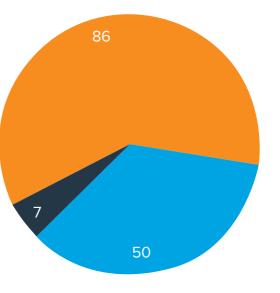


- Complete ban or similiar widespread closures of ports of entry
- Ban for most foreign nationals (exceptions for citizens and permanent/temporary foreign residents)
- Partial ban (e.g., for travelers from outbreak countries)
- No bans (but some restrictions may apply)

This map is up to date as of July 1, 2021 and it is updated regularly. For an up-to-date version, see Fragomen's dedicated COVID-19 website.

A SURVEY OF 166 COUNTRIES





Countries with long-term quarantine for most entrants: 50

23 countries had guarantine rules that fit into other categories

How Proof of COVID-19 Vaccination Affects Entry Requirements



Countries that exempt travelers who have received a COVID-19 vaccine from quarantine (as of July 1, 2021)

Countries that allow travelers who have received a COVID-19 vaccine to enter as an exception to an entry ban (as of July 1, 2021)

Travel bubbles and other key entry and health policy updates

Notably, these key entry and health policies were released this quarter:

- Ecuador and the Bahamas started exempting fully vaccinated travelers from COVID-19 testing requirements; Barbados and Cayman Islands reduced quarantine periods for fully vaccinated travelers.
- Iceland and Hungary allowed entry for recovered travelers based on proof of recovery.
- Cyprus, Czech Republic, Hungary, Iceland and Slovakia offer entry to eligible vaccinated travelers, although the scope varies significantly between countries.
- Israel began permitting vaccinated individuals (who did not receive the vaccine in Israel) to avoid quarantine after receiving the result of a serological COVID-19 test in Israel.
- Ireland started allowing fully vaccinated travelers to guarantine at home instead of in a government facility.
- New Zealand and Australia opened a quarantine-free travel bubble, though this policy was recently suspended until September 2021.
- patchwork of rules and, for some emirates, requiring testing for inter-emirate travel.

Quarantine Requirements

No long-term quarantine (14 days or more; or quarantine only for limited groups or risk list): 86

> The United Arab Emirates allowed each emirate to set its own COVID-19 testing and entry policies, resulting in a

What's Next?

As we emerge from the worst part of the COVID-19-related economic downturn, travelers and their employers should see these effects on COVID-19-related immigration policy:

- Eased entry bans. Relaxed and fewer entry bans, replaced by small lists of disallowed travelers due to COVID-19 variants in certain locations.
- Quarantine. A growing list of exemptions to guarantine requirements, with the top exception based on vaccination and/or testing pre-departure and upon arrival. Travel bubbles will continue to expand, exempting travelers from countries with similar infection rates (often neighboring countries) from quarantine requirements. For example, Hong Kong and Singapore governments plan to open more travel bubbles if COVID-19 levels remain stable or low, including with New Zealand and Australia.
- Vaccinations. As the world's population becomes vaccinated against COVID-19, proof of vaccinations will become the key to travel-in terms of who can board an aircraft, boat, train or bus and who can enter and remain in a country. These checks will inevitably create inequalities and room for discrimination. Travelers and their employers should be prepared for changing policies based on the direction these issues take. We are also tracking the development and deployment of various de-centralized documents and databases to track vaccinations across the world from public, non-profit and private organizations. To add to the confusing landscape, there are a growing variety of local rules for suitable documentation proving vaccination or antibodies that exist in lieu of one universally accepted document.

DIGITAL HEALTH PASSPORTS UPDATE

As traveler confidence improved in Q2 2021, travelers benefited from the fast-paced increase of digitized entry at borders and other automated entry processes. We saw progress in the availability and functionality of digital traveler apps:

- Bahrain launched a digital COVID-19 passport through its BeAware app, designed to facilitate contact tracing and vaccine scheduling. Although it is accepted as proof of vaccination upon entry to Bahrain, it is unclear if the passport will be accepted when travelers visit other countries.
- China launched a digital COVID-19 vaccination certificate for its citizens planning cross-border travels, displaying details about the holder's COVID-19 vaccination information and COVID-19 test results, to verify testing and vaccination information.
- CommonPass, a widely-publicized app that partners with carriers such as United Airlines and Cathay Pacific Airways, is still only available on limited routes with certain airlines. Lufthansa recently announced that the app is now available to passengers on all flights from Frankfurt to the United States and JetBlue recently announced that travelers from Boston to Aruba can use CommonPass to streamline entry into Aruba. The app is expected to be more broadly available to passengers and those traveling across borders in the coming months.
- The European Union's Digital COVID Certificate (EUDCC) (previously called the Digital Green Certificate), when implemented in each EU country, will facilitate travel for eligible travelers across the European Union, Iceland, Liechtenstein, Norway and Switzerland. The online system will provide the user a QR code that will confirm information about the traveler's COVID-19 vaccination, test and/or recovery status. This information will be useful in countries that accept such proof to exempt travelers from quarantine or COVID-19 tests upon arrival, among other health requirements for entry. Unvaccinated travelers will still be able to exercise their free movement rights but, where necessary, subject to limitations such as testing or quarantine. Each participating state must apply the regulation into its own national legislation before this online system becomes active. Even while this system is being implemented, Norway, the United Kingdom and Switzerland have plans to create their own vaccine certificates to be compatible with the EU, adding possible complexity to the attempt at this EU-wide plan.
- Panama will be the first country in the Latin American region to use the IATA Travel Pass as its digital health verification system in the near future. The IATA Travel Pass is an app developed by the International Air Transport Association that is available to certain airline carriers. It stores digitized travel documents, including passports and health certificates.

Though digital health passports could lead to greater efficiencies for foreign nationals and businesses in the long term, this has yet to be fully realized as global adoption faces numerous hurdles.

What's Next?

Longer term developments in relation to digital health passports include the following projections:

- Lack of centralized traveler information. Digital passports and online traveler information databases are still not centralized and, according to experts, are unlikely to become centralized in the near future (or maybe ever). Many airlines, private companies and government-funded apps are still in development, focusing on displaying COVID-19 vaccination/recovery status, providing information on testing centers, and displaying or confirming test results.
- Stricter data security laws. As health information becomes more decentralized, on the horizon is also an increase in data security laws. With a larger remote workforce and more digital information databases and online application systems, data security laws are likely to increase in scope and restrictiveness. Travelers and their employers (where applicable) will want to ensure their data is protected in each of these scenarios, so national, regional and international data privacy and security laws will likely fall in step with these expectations. While data breaches are inevitable and will unfortunately reveal system inefficiencies and security gaps, the expectation is that proper security rules and guidelines would sufficiently mitigate information exposure.
- Increased investment in technology. Companies and individuals will continue to invest heavily in technology for traveler monitoring and health information management. In turn, governments will increase their investment in technology to ensure their infrastructure can handle online system growth. This may curb government resources reallocated to other areas of immigration reform.
- Fewer in-person services. Fewer border officials and personnel would be available at checkpoints as more services will become digitized. Although this would facilitate travelers' entry/exit processes, this could cause confusion and expose the limitations of technology at travel points with fewer agents on site to answer questions or resolve unexpected issues.
- Increased national monitoring. Countries will also continue to make gains in monitoring and data mining capabilities. With greater capacity to collect and immediately store information from applicants and employers, governments will likely become more reliant on their online platforms to monitor compliance and act where and when noncompliance is system-flagged. The availability of traveler information creates increased compliance risks for travelers, who will be expected to maintain up-to-date information on such systems or risk noncompliance with immigration/entry law. This could spill over into employer compliance issues in countries that hold employers accountable for their foreign employees' compliance with entry rules.



High unemployment levels and failing economic conditions have kept a focus on local workers through traditional mobility law restrictors

Worldwide unemployment rates April 2021

What's Next?

Restrictionist Policies to Expand After 2021 Elections

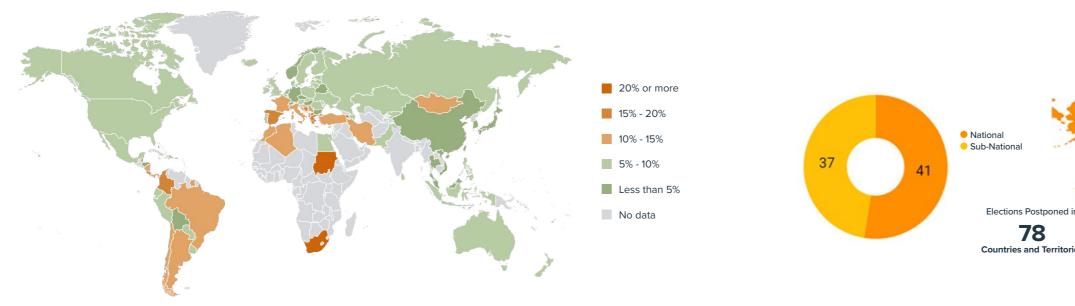


Image from International Monetary Fund, April 2021

The COVID-19 pandemic wreaked havoc on the global economy, causing global unemployment to increase by 33 million in 2020, raising the world's unemployment rate by 1.1%, and triggering the downturn of previously successful sectors such as the oil and gas industry. As a result, many countries have continued to seek ways to mitigate these impacts by implementing restrictive policies that limit the number of foreign nationals who can occupy certain job positions. This pattern continued throughout Q2 2021.

Use of traditional restrictions to limit immigration

Countries have traditionally employed a variety of measures to limit foreign worker access to their labor market. Certain countries restrict occupational categories of lower-skilled workers, as these jobs are more easily filled by the local population than highly skilled professionals. Other countries use labor market tests, which grant local workers the first opportunity to fill certain positions. Additionally, governments sometimes decrease foreign worker quotas to ensure that their local population is favored over foreign talent. However, by using generalized quotas, labor market needs can remain unfilled if the local population's skill set does not match the country's business needs. These and other policies multiplied in Q2 2021. Among them:

- Bermuda extended its suspension of issuance of initial work permits for foreign nationals in certain job categories until July 31, 2021. The restriction does not apply to foreign nationals employed as executives or managers, or foreign nationals providing technical assistance in Bermuda (except technical sales personnel), among others.
- In Canada's Quebec province, the government extended the suspension of the Quebec Immigrant Investor Program because of low retention rates and misalignment with the government's integration and francization goals.
- In Nigeria, authorities required foreign nationals renewing short- and long-term work permits to provide proof of tax payments made throughout the validity of their work authorization permit.
- Employers in the Philippines must now publish job vacancies in a newspaper at least 15 days before an application for an Alien Employment Permit (AEP) is submitted. In support of the AEP application, they must also submit a notarized affidavit certifying that no applications were received or that no Filipino applicant was suitable for the position.

Once COVID-19 levels stabilize, many postponed elections around the world are expected to take place. The focus of many will be how to restore the local economy through higher local employment levels and increase the focus on healthcare. Countries with challenging political dynamics that were hit hard by COVID-19 (especially those with high volumes of immigrants) should see more anti-immigrant sentiments, especially with respect to the foreign workforce. As a result of these political dynamics, governments will continue to implement restrictive immigration policy in varied, creative ways. Watch for stricter work permit regulations, reduced quotas, and other restrictive immigration policies, especially in countries that already displayed political turmoil pre-COVID-19 and where skyrocketing unemployment levels only fueled growing nationalistic campaigns. A spate of local, regional and national elections as well as key immigration referendums (e.g., in Canada and the Netherlands) that were postponed in 2020, coupled with high levels of distrust of political leaders during the pandemic, could potentially result in new protectionist policies and/or enforcement paradigms.

Increase in integration requirements for immigrants

As another way to restrict immigration, governments may seek to implement stricter civic, language and other integration requirements for foreign nationals seeking residence and work authorization. This may be a targeted method to alleviate anti-immigrant sentiment while still attracting highly desirable foreign nationals. Specifically, governments may implement or increase language aptitude thresholds, requiring that foreign national applicants be able to speak or write in the local language-usually a requirement reserved for highly skilled professionals. Countries that exemplify these and other related trends include:

- Canada, which opened pathways to permanent residence for an unlimited number of French-speaking foreign nationals.
- > The **Czech Republic**, where non-EU nationals seeking residence status must now complete a four-hour integration course within one year of their residence permit approval.
- Slovenia, which announced that starting in 2023, family members seeking permit renewal would need to demonstrate Slovenian language skills.
- language skills (specific guidelines are expected to be released in the near future).



Image from from Institute for Democracy and Electoral Assistance May 21, 2021

Sweden, where online permit applications for all residence permit types now require information on the applicant's

Essential worker policies extended to COVID-19 recovery period

Governments have continued to embrace essential workers during the COVID-19 recovery period. As stated in our Q1 2021 report, the new focus on essential workers has led to acknowledgment of the benefits this category of workers, who are not typically provided favorable immigration rules, can bring to a country. Countries that created policies favoring what each government considers an 'essential worker' this quarter include:

- Brazil, which continues to exempt maritime crew holding offshore visas or Seaman's books from the entry bans (these foreign nationals enter to support the oil and gas sector)
- Canada, where the government created new pathways to permanent residence for essential workers (including health care professionals, cashiers, contractors and supervisors in certain electrical and construction trades, and transportation workers, among others) and international graduates currently in Canada who are actively contributing to the Canadian economy
- The **United Kingdom**, which extended its one-year free visa extension for healthcare workers and their family members

The precedent set by the COVID-19 essential worker exemptions, which were developed and implemented quickly to resolve emergent health crises, will continue to serve as a blueprint for reactive action plans and quick policy creation when it is needed.

Growing restrictions on visa-free entry

In the past year, many countries have implemented policies that restrict visa-free entry as a means to control the number of foreign national entries. As opposed to non-visa nationals, foreign nationals from visa-required nations must pay an extra expense and, in some cases, appear at a consulate to apply for the visa (increasing the risk of denial since consular officials add another layer of discretion to the immigration process). As a result, these factors may encourage foreign nationals and their employers to seek positions in countries where they do not need to first secure a visa. Examples of such policies from Q2 2021 include:

- Bulgaria implemented a long-term (D) visa application deadline where none previously applied.
- South Korea deployed an Electronic Travel Authorisation system (K-ETA) pilot for visa-free entry for nationals of 21 countries. This system is expected to be fully implemented on September 1, 2021.
- Ecuador revoked visa-exempt status for business and tourism for nationals of the Republic of Congo, Haiti, Ivory Coast, Mali and Myanmar. Instead, these nationals must obtain a consular Tourist/Business Visa to enter Ecuador (which can take up to five weeks or more depending on the consular post).

What's Next?

Countries focused on hiring local workers will continue to restrict visa-free entry and it is likely that there will be a decrease in foreign nationals who apply for positions in these countries. However, countries are likely to impose fewer visa requirements on foreign nationals from wealthier countries as they seek to attract tourists to boost their economies.

Skills gaps highlight need for regularization of non-traditional workers

The COVID-19 pandemic exposed growing skill gaps across the world, especially where the skills of the local population did not align with the needs of employers operating in those countries. Governments have traditionally used immigrants as a reliable source to fill these gaps, and this trend has certainly continued during the pandemic.

Technology skills, including data analytics and artificial intelligence, have become critical to companies' post-pandemic recoveries. However, even in highly developed nations, these skills are often lacking in the local population.

In a 2020 Mercer survey, almost half of the surveyed employers stated that a primary reason for placing employers on international assignments was to "provide specific technical skills not locally available".

As a result, governments have started introducing policies that will allow their businesses to fill these skill gaps through gig workers; for example, using remote work visas, where foreign nationals may be able to live in a lower-cost country while working as independent contractors since many of these visas allow self-employment. Companies such as Microsoft and Google have also introduced certificate programs to retrain workers for skills that they need.

What's Next?

Even before COVID-19, independent workers were a growing part of the U.S. labor force. More than one-third of workers were involved in the gig economy. In 2020, their wages and participation in gig work grew by 33%. The gig economy in India is expected to triple over the next few years and may reach as many as 90 million jobs in the next eight to ten years in the non-agriculture sector.

To adapt to this new environment, governments will likely take further steps to formalize the growing gig economy and attract self-employed workers. For example, the UK government recently revised its Innovator visa category to make it easier for those with qualifying skills and experience work to create their own innovative business.

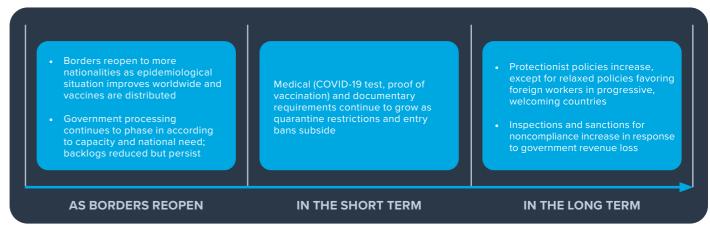
Additionally, degree requirements for traditional work permits may become more relaxed and skills mapping will become more important, as employers realize that workers with specific skills gained outside of formal schooling may be just as or even more useful to the workforce (and more cost-effective for the business) than workers with traditional four-year degrees.

Furthermore, governments may need to reclassify gig workers as employees to ensure that workplace protections, such as on-time payments and eligibility for health insurance, are available, as California legislators recently did in 2020. Benefits from flexible gig work may also help attract women (who overwhelmingly left the workplace during the pandemic) back into the workforce.

Lastly, credential transparency, which would allow governments to better equate degrees and training across the world, may become more important as the pandemic exposed the critical need for the skills of doctors and nurses whose degrees may not have translated across countries.

We will track these and other independent-worker-related trends in future editions of this report.

Q2 2021 and Beyond: Immigration Protectionism Projection



Fragomen has been at the forefront in the effort to track travel restrictions, quarantine and health requirements, and other important information related to COVID-19 immigration policies worldwide on its dedicated COVID-19 website.

Brexit Update

- **General status.** Freedom of movement in the United Kingdom ended on December 31, 2020. European Economic Area (EEA) and Swiss nationals who had established residence in the United Kingdom by that date were allowed to remain in the United Kingdom if they submitted an EU Settlement Scheme (EUSS) application by June 30, 2021. It may be possible to make a late application under the EU Settlement Scheme, but the applicant must be able to show that they have reasonable grounds for not meeting the June 30, 2021 deadline as a part of their application, based on recent guidance from the Home Office.
- **EUSS update.** Over five million applications to the EUSS have been granted so far, significantly above the 3 million European residents in the United Kingdom estimated at the time of the Brexit Referendum in 2016. As there is no independent metric of the number of European nationals living in the United Kingdom who still require status, the number of those who missed the deadline will not be understood for some time.
- Workers. EEA and Swiss nationals entering the United Kingdom to work from January 1, 2021 must first obtain a work permit under the United Kingdom's new points-based immigration system.
- **Entry.** EEA and Swiss nationals could use automated gates at ports of entry (temporarily closed due to COVID-19), and government guidance for employers states that until July 1, 2021, EEA and Swiss national passports or identification cards were sufficient proof of right to work. After that date, right to work checks for EEA and Swiss nationals, as well as other third-party immigration checks such as those relating to renting, healthcare, driver's licenses, etc., are expected to align with those for other nationalities or for Europeans to produce evidence that they hold status under the EU Settlement Scheme (or have made an application to it). In addition, from October 1, 2021, EEA and Swiss nationals will not be able to use their identification cards to enter the United Kingdom unless covered by the Citizens **Rights Agreement.**

What's next in the United Kingdom?

- **Work permits.** Through its new immigration system, the UK government has significantly reduced the thresholds for work sponsorship (although not the costs) in order to mitigate the impact of the end of free movement on the labor market. The main reforms include:
 - Reduced skill level under the Regulated Qualifications Framework
 - Suspended quotas
 - Elimination of the advertising requirement

The United Kingdom retains a large pool of already-resident European nationals. The impact of the end of free movement on the labor market is confused by the ongoing pandemic and economic uncertainty. It remains to be seen whether the UK government will maintain the current thresholds for work sponsorship.

Ongoing digitalization. The United Kingdom has already significantly digitalized its immigration system. Visas granted in new routes (including under the EUSS, work permits issued to Europeans, and status given to British Nationals (Overseas) from Hong Kong) are issued online without any paperwork or stamp in the passport. The individual's immigration status can be shared electronically with employers, landlords and other third parties to verify access to the labor market, rental accommodation, etc. Applications can be submitted using a smartphone using Near Field Communication (contactless) technology to scan the passport

chip. EEA nationals no longer need to attend biometrics appointments before submitting their visa applications. The government intends to roll out biometric re-use processes to allow other nationals to submit applications using smartphones without the need to physically attend a biometrics appointment and provide fingerprints. By the end of 2025, the United Kingdom plans to introduce a fully digital Electronic Travel Authorization program for arrivals to the United Kingdom.

New routes. On July 1, 2021, the United Kingdom opened the Graduate route, allowing international students graduating in the 2021 academic year onwards who have completed degrees in the United Kingdom to enter the also plans to consult on the creation of a new 'self-sponsored' route, which is expected to be launched in 2022. Lastly, the March 2021 budget suggested expansions to existing routes, allowing overseas businesses to send branch representatives to the country and a 'fast-track' route for those in the fintech industry.

Impact for UK nationals in the European Union

- Application deadlines for Article 50 permits. UK nationals resident in EU Member States by December 31, 2020 can continue to apply for a permit under the Withdrawal Agreement (typically called Article 50 permits, though the name of the permit varies in each EU country) under national application processes as compiled here. Key examples include:
 - an EU national.
 - Cyprus and Spain do not have a fixed application deadline.
 - expiry date rather than a set deadline.
 - Iceland has not yet confirmed an Article 50 application process.
 - issues.
- may exacerbate entry difficulties for UK nationals with residence rights in EU countries under the Withdrawal Agreement.
 - rights under the Withdrawal Agreement to address this issue.
- Cross-border workers. EU Member States were slow to clarify the legal status of UK national cross-border and posted workers as the end of the Brexit transition period neared. Typically, policies for cross-border and posted workers were only published in early 2021, if at all. Eighteen of the EU Member States now allow eligible crossborder workers to continue working under their prior travel pattern; fourteen of these EU Member States offer a specific cross-border permit, but whether these are being issued under current pandemic-related restrictions remains unclear.
 - Bulgaria, Finland, Malta and Romania have not regulated cross-border workers' status.
 - regardless of the individuals' prior status and travel history.
- Posted workers. UK national posted workers received less favorable treatment, with eleven out of 27 EU Member States not regulating their status as of May 2021, and nine EU Member States requiring work authorization for any activities after January 1, 2021, regardless of assignment history.
 - Austria, Belgium, the Czech Republic, Denmark and Spain permit eligible UK national posted workers to complete their posting. Poland and Sweden require UK national posted workers to obtain a permit when seeking to complete their posting.

For comprehensive guides, FAQs and more, visit Fragomen's dedicated Brexit website.

labor market for two years at the end of their course without the need for formal work sponsorship. The government

- The Czech Republic and Hungary applied a strict December 31, 2020 cut-off date for preliminary registration as

In Estonia and Lithuania, current EU registration documents remain valid, requiring applications before the

The Netherlands pushed their deadline back from June 30 to October 1 to account for pandemic-related travel

Permits and travel. Pandemic-related restrictions have delayed permit issuance in many EU Member States, which

France and Sweden implemented specific pandemic-related entry permissions for UK nationals with residence

Poland cautioned of travel restrictions without proof of filing an application under the Withdrawal Agreement.

Cyprus, Estonia, Greece, Hungary and Lithuania require standard work authorization for cross-border workers,

What's next in the European Union?

- Improvements in employment conditions. The European Union continues its focus on safeguarding employment conditions of foreign national workers, e.g., via the updated Posted Worker Directive, which offers more equality between posted and local workers; and via initiatives to improve minimum wage protections.
- More digitization. The European Commission marked digitization of public services as a cardinal point of its Digital Decade project, which aims to move all key public services online by 2030. However, several mobility-related digitization measures have seen delayed target dates or are still in legislative review:
 - The Entry-Exit System-a system that would track entries and exits; information from travel documents; and fingerprints and photographs of all non-EU nationals staying in the Schengen area for less than 90 days-is now expected to be operational in the first half of 2022.
 - The European Travel Information and Authorisation System (ETIAS) is now expected to be operational at the end of 2022 (mandatory only in 2023). Under ETIAS, visa-exempt nationals would be required to register online before travelling to the European Union, similar to the U.S. ESTA and Canadian eTA systems.
 - A provisional agreement to upgrade the Visa Information System (the database storing Schengen visa applicants' information) was reached at the end of 2020. Upgrades to the Schengen Information System (an information sharing system for security and border management) are expected to be fully operational at the end of 2021.

Once in effect, these digitized systems are expected to improve cooperation among migration authorities, and improve security and compliance (e.g., by faster identification of overstays).

- More use of EU-wide permits. Now that the EU Intra-Company Transferee (ICT) Permit is implemented in all EU Member States except Belgium, employers and permit holders can start exploring the mobility benefits built into this permit type, such as short-term work trips to other EU Member States beyond Schengen Area travel restrictions and long-term work in other EU Member States using a streamlined local application. Pandemic-related travel restrictions highlighted the benefits of using regional resources to keep operations moving, with many EU Member States permitting entry for EU residence permit holders while barring entry from outside the European Union. Additionally, EU authorities are revising EU Blue Card legislation to make the permit, which targets highly skilled local hires, more effective by allowing lower salary requirements and accepting employment contracts with shorter validity. Notably however, since employers can still choose other national schemes for highly skilled migrants over the EU Blue Card, the practical impact of these changes may be limited.
- Challenges to EU coordination. The COVID-19 pandemic highlighted both the value of the European Union in striving for coordination and transparency; and the challenges in achieving alignment on a sensitive, traditionally nationalist topic like immigration. Despite a slow startup, continued EU messaging resulted in most EU Member States permitting entry from EU countries and/or for EU nationals and residents in 2021. However, many EU Member States continued to prioritize restrictive nationalist policies over EU calls to permit entry by highly skilled staff, partners and students. Separately, many EU Member States offered additional benefits to neighboring EU countries, demonstrating a re-evaluation of geographical ties that may continue after the pandemic.



Biden Administration updates

Immigration in the second guarter of the Biden administration has continued to focus primarily on border issues and humanitarian-based immigration, though the Administration has made incremental changes to undo certain business immigration hurdles of the prior administration. The impetus of those changes has stemmed largely from President Biden's executive order on restoring faith in the legal immigration system-the administration's initiative to reduce barriers to U.S. immigration. Those changes may reduce the number of petition-based requests for evidence and alleviate lengthy processing backlogs, however, the true impact may not be seen until the end of 2021, depending on how immigration agencies implement the changes and whether the delays stemming from COVID-19 lessen.

Though no progress has been made thus far on Biden's comprehensive immigration reform proposal unveiled in Q1 2021, some provisions could progress as standalone legislation. In his address to Congress following his first 100 days in office, Biden urged Congress to pass immigration measures where there is bipartisan support and signaled openness to a piecemeal approach to immigration reform. Though his speech emphasized legislation could protect DREAMers and those in Temporary Protected Status and provide a pathway to citizenship for farmworkers, action on business immigration-related legislation cannot be ruled out. Advocacy efforts by the business community will continue to be paramount to effectuate meaningful change in business immigration.

Travel and visa restrictions

The Trump-era visa classification-based travel ban that impacted certain foreign nationals in H, L, or J nonimmigrant visa status expired in March. However, foreign nationals no longer subject to that ban may remain subject to ongoing regional COVID-19 public health travel restrictions and reduced consular operations abroad, which could impede their ability to obtain a visa or reenter the United Statesultimately making it more challenging for employers to sponsor foreign workers. Regional travel bans remain in place for foreign nationals physically present in Brazil, China, Iran, Ireland, the Schengen Area, South Africa, the United Kingdom, and India (added in May), within 14 days of attempting entry to the United States. Though the State Department expanded eligibility for national interest exceptions to the regional bans, reduced capacity and steep visa application backlogs at most U.S. consular posts are likely to continue to delay visa appointments and travel. Travel ban national interest exception eligibility criteria itself may also change with no notice, which can substantially delay or prevent reentry to the United States, making the onboarding of new foreign workers even more unpredictable.

Regulations impacting business immigration

A number of policy changes this guarter follows President Biden's Executive Order 14012 (Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans), which directs immigration agencies to identify barriers that impede access to immigration benefits and fair, efficient adjudications. A few of these reversed policies from the previous administration that placed a higher burden on employers to continue employing foreign workers and proposed to subject foreign workers to continuous vetting.



- Reinstatement of deference to prior approvals. The Department of Homeland Security rescinded a 2017 Trump-era policy memo that prohibited USCIS officers from deferring to prior nonimmigrant petition approvals, even where there was no change in facts or indication of error. The policy reversal could reduce the number of petitionbased requests for evidence and decrease processing times of extension requests, alleviating some of the burdens on employers. However, it remains to be seen how the agency will implement the policy in practice.
- Biometrics collection and vetting proposal withdrawal. A Department of Homeland Security (DHS) proposal that would have broadly expanded the collection and use of biometrics in the enforcement and administration of immigration laws was withdrawn. The proposal would have expanded DHS authorities and requirements for collecting biometrics by subjecting foreign nationals to periodic biometrics collection and continuous vetting after they entered the United States, eliminating age limits on the collection of biometrics, and subjecting immigration sponsors and their authorized signatories-including U.S. citizens-to biometrics collection. The regulation, if implemented, would have subjected employers to higher costs, and led to higher administrative delays in adjudicating immigration benefit requests that are already subjected to backlogs and long wait times.
- Relaunch of program for certain foreign entrepreneurs. The Biden administration also revived a previously dormant program for certain foreign entrepreneurs with a start-up business. Promulgated in the Obama era, the international entrepreneur parole program grants qualifying foreign nationals temporary permission to enter and remain in the United States for up to five years to grow a start-up that has potential for rapid growth and job creation. Though the program does not provide a direct path to permanent residence, it provides certain foreign entrepreneurs and spouses with start-ups in the United States with authorization to work.
- Further delay of restructuring wage minimums. A Department of Labor (DOL) regulation that restructures and increases minimum wage levels for H-1B, E-3 and H-1B1 nonimmigrant cases and the PERM labor certification program has been further delayed until at least November 14, 2022. Employers will remain subject to DOL's current prevailing wage rules, levels and rates for most of the next two years.
- EAD processing backlogs. To alleviate some of the lengthy processing backlogs facing H-4 and L-2 EAD applicants, which currently stretch for several months or more, USCIS suspended until May 2023 the in-person biometrics requirement for certain applicants requesting an extension of stay in or change of status to H-4, L-2, and E nonimmigrant status. Employers are now able to employ those processing work authorization under these dependent visa categories at a swifter pace, albeit until the biometrics suspension is in place.

What's next in the United States?

On Biden's list of longer-term employment-based immigration priorities are reforms to either eliminate or increase the per-country quota, with exemptions for recent U.S. STEM Ph.D. graduates; and to support a new visa category to allow cities and countries to petition for higher levels of immigrants to increase economic growth, among others. These reforms are expected to emerge as legislation, though passage in Congress remains uncertain.

In relation to H-1B, an H-1B allocation regulation, which would largely replace the random, computerized H-1B lottery with a system that allocates H-1B visa numbers according to DOL's four-level OES wage system, is expected to take effect in December 2021, unless the agency further delays the regulation. If implemented, it would give priority in the H-1B selection process to foreign nationals whose offered salary falls in the highest wage level for their occupation and geographic area. Another regulation to increase wage minimums and to institute a wage-based allocation process for H-1B visas is also expected in the near future.

Employer compliance obligations and worksite enforcement are also expected to increase, as they align with the Biden administration's focus on U.S. worker protection.

IN FOCUS: THE DIGITAL TRANSFORMATION CONTINUES ITS ACCELERATION. BRINGING MORE ONLINE IMMIGRATION PROCESSES AND URGENCY TO PRIORITIZE THE REMOTE WORKFORCE

REMOTE WORK UPDATE

From the pandemic emerges a workforce culture that growingly embraces teleworking and non-traditional working arrangements, where companies and national policies in the past either resisted these arrangements or flat out rejected them. In 2021, most major global companies will likely adopt a hybrid model where remote work is allowed on an employer-led discretionary basis for some or all of the workweek.

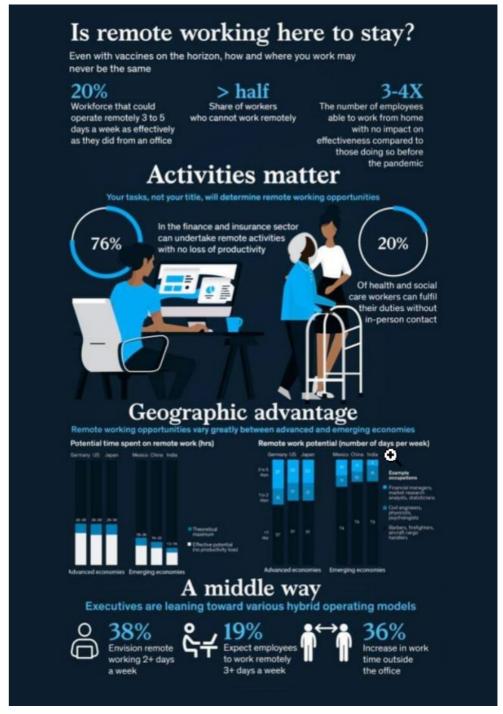


Image from McKinsey Twitter post May 4, 2021

The attractiveness of working on the beach has never been more realistic than today. Most of the countries that have adopted digital nomad visas are in the Caribbean, and have opened such programs in part to encourage economic recovery due to a decline in their largest industry-tourism.

As governments continue to amend immigration laws to account for hybrid workplace; case-by-case advice becomes crucial

Employers should remember that remote work could involve various situations, for example where:

- The employee is working from home or in a space other than the work location, in the same country as the employer
- > The employee is working from home or in a space other than the work location, under the existing work authorization scheme, under an arrangement that exists due to one or more of the following:
 - Pandemic-related concessions _
 - Acceptance of this type of work arrangement in the work authorization scheme prior to the pandemic _
 - Acceptance of this type of work arrangement in the work authorization scheme due to a policy that was changed due to the pandemic (most of Fragomen's high-volume countries now have policies allowing or recognizing remote work or telework for foreign workers under a work authorization scheme)
 - The individual seeks to be (temporarily, perhaps, as part of a non-traditional working arrangement) a 'digital nomad', which is a person who works remotely in a country, usually without company sponsorship, under a special visa program created for this type of arrangement. There are currently at least 19 countries that have adopted such policies (Antigua and Barbuda; Aruba; the Bahamas; Barbados; Bermuda; Cape Verde, Cayman Islands; Croatia; Curacao; Dominica; Estonia; Georgia; Iceland; Malta, Mauritius; Montserrat; Panama, Seychelles, and the United Arab Emirates (Dubai))

When making the decision about remote work policy adoption, companies should consider the immigration aspects of opening the possibility of working anywhere in the world. Their employees could choose a country with a digital nomad visa, which relieves the employer of liability since there is no sponsorship connection, or they could choose one of the 'grey area' countries that offer residence permits/visas that allow independent contractors and freelancers to work, but where 'remote work' is not a well-established field in immigration compliance. This could expose the employer to various consequences for noncompliance with immigration and/or other areas of law. Immigration authorities have a great deal of discretion and authority in many such countries and can change the law (against the favor of the remote worker and/or their employer) at any time.

Ultimately, the legal landscape of remote work policies is still fluid. Legislatures are creating novel policies that have no precedent in many cases and will likely be highly discretionary. Additionally, national remote work policies are complex and are often not published in clear terms, and government fines and penalties for immigration law noncompliance are increasing. Until clear national policies that address these and other important open questions are established, employers should be cautious of these programs as opposed to other, more well-established work authorization schemes. Employers should work with a trusted immigration partner to analyze strategies and assess risks associated with implementing and/or continuing remote work policies, especially since noncompliance with immigration law could lead to fines, administrative penalties, and in many cases, employers losing their rights to hire foreign labor. There could also be tax and labor law implications beyond the scope of immigration-related impacts that must be considered in these types of decisions.

What's Next?

- In Argentina, the city of Buenos Aires launched a digital nomad program (nómades Digitales BA), and while a timeline for implementation remains unknown, it has been reported that the government intends to develop a special visa category as part of the program.
- In Colombia, an approved Entrepreneurship Law creates a special visa for digital nomads and remote entrepreneurs. While still in the early stages of development, the law is designed to promote Colombia as a center of remote work.
- In Costa Rica, a proposed law currently under legislative review (and expected to be approved in Q3 2021) seeks to create a Short-term Visa for Remote Workers or Service Providers.

- In **Panama**, a preliminary draft of a proposed law that would create a special visa for digital nomads is in its early stages of legislative review.
- Thailand and Indonesia are in a race to introduce nomad visas to allow foreign nationals to work remotely in their respective countries in order to boost local tourism economies.
- The United Arab Emirates is expected to implement a remote work visa at a federal level, which would be available across all emirates; currently a remote work visa is only available in Dubai.

Growth of E-Residency programs in Europe

Estonia remains unique in offering a digital corporate pathway into Europe (established in 2014) to complement its Digital Nomad Visa option, via the e-Residency program. This program offers a digital identification card that allows digital entrepreneurs to establish their business in Estonia, while managing their business online from any location. Specifically, e-Residents can use Estonian public and private services such as online banking and payment services and can digitally sign documents such as employment contracts, all while based abroad.

The geographical scope of this e-Residency program is constantly expanding, showcasing Estonia's eagerness to be the digital pathway into Europe. Noteworthy new pick-up locations are Bali (Indonesia) and Chiang Mai (Thailand)-both digital nomad hot spots. As a reminder, the e-Residency program does not include entry and work rights, so e-Residents must apply for example, a Digital Nomad Visa, if seeking entry.

What's Next?

Considering the slow pace of remote work regulation and the move to a hybrid work model over the coming months, e-Residency could offer an alternative attractive approach to gaining digital access to a destination country without having to physically locate staff there.

Portugal, Lithuania and Ukraine are among the countries that are expected to implement e-residency programs in Europe. Asia Pacific countries (Singapore and Thailand in particular) are also ripe for such a program. We will track the progress of these programs in our annual edition.

The annual Worldwide Immigration Trends Report will also include an analysis of the online system development trends globally in 2021.



SECTION 2:

STRATEGIES FOR SUCCESS & **RISK MANAGEMENT**





Checklist: Transitioning to the New Normal

Refer to the below checklist to assist your business in remobilizing during the COVID-19 recovery period. For a more comprehensive strategy, contact your Fragomen professional.

PRIORITIES	ACTIONS	√
Be aware of the changing environment	 Determine appropriate sources and develop processes, procedures and frameworks to systematically collect and analyze data on the rapidly changing immigration environment. Make sure that recommendations and instructions are consistent with national, regional and even local quarantine and health-related measures. Educate leadership and employees about immigration options, responsibilities and workforce planning challenges. 	
Prepare for technological shifts	Follow government publications about use of technology. Review government websites often (particularly immigration departments) to understand the perspective of the governments of the countries to which you most frequently send your employees. These websites could have important press releases that offer insight into technology being adopted for their ports of entry and tracking purposes. This will help your company adapt to the fast-paced immigration law and traveler technology changes (both mandatory and optional online systems) taking place during the COVID-19 pandemic and beyond.	
	Participate in vendor partnerships. With the growing number of technology vendors in today's travel and immigration environment, employers would benefit from participating in trusted traveler programs, vendor sponsorships or partnerships, or other arrangements that offer the employer certain incentives for use of various systems. This could provide the employer with an 'in' into the vendors' systems' offerings and could in some cases offer extra services or memberships not offered to other users.	
	Educate yourself on investor confidence in technology systems. This could provide you with key information about what systems are forthcoming and how systems become interrelated, allowing your global mobility department to get ahead in terms of strategy and travel planning. This could also provide insight to when/if a certain technology is retired/being consolidated with other technology, which could affect your team's strategy and guidelines that you provide to your traveling employees. It is likely that the high volume of vendors today will merge and acquire each other over time and will be whittled down to a few, highly effective vendors. Also look out for this in investor prospect reports, etc.	

Support your	 Identify employees with imminent vis
employees	 Extend visas and permits where poss
	 Create a plan for those who cannot e
	 Make information available to employ
	Educate your traveling workforce on checkpoints and in the destination co online systems is increasing.
Understand the implications of remote work	 Review your remote work policies ag other operational considerations.
	 Plan and identify options well ahead free entry, pre-clearance and pre-dep
Bolster your	 Evaluate the impact of likely delays a certificates) that may be introduced w
workforce	Take steps to move people quickly o
	 Conduct individual and document press
	 Assess possible destinations.
	Plan moves early:
	 Assess eligibility and document Research whether the work can different options.
Remobilization	 Look for opportunities to strategically contingency planning or mobility sch workforce solutions).
	 Be aware of your compliance duties investigations.
	 Prepare for potential increases in cost
	 Understand the risks of an increase i policies and look for opportunities to
	 Access www.Fragomen.com for gene
	 Sign up for Fragomen immigration ale
Fragomen	Familiarize yourself with Fragomen's
resources	 Sign up for Fragomen event invitation
	 Clients can access the Knowledge C insights.

isa expirations (e.g., within the next six months).	
ssible.	
extend their immigration status.	
oyees.	
n digital system use before travel, at immigration country, since the rate of traveler and immigration	
gainst relevant laws (immigration, tax, labor) and	
d of time for business-critical moves, including visa- eparture requirements.	
and sudden new requirements (e.g., health with little or no notice.	
once they can travel.	
rocurement assessments.	
t requirements for planned destinations.	
be done in more than one country and assess	
ly plan your workforce (e.g., through H-1B hemes in the EU such as Posted Worker or EU ICT	
in anticipation of a likely increase in audits and	
osts and plan for immigration backlogs or delays.	
in restrictionist and protectionist immigration o advocate with government authorities.	
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APPENDIX:

WORLDWIDE IMMIGRATION TRENDS REPORT Q2 2021 SUPPLEMENT RESOURCES

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Knowledge Thought Leadership

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