

2 Recent developments in migration policy

This chapter provides an overview of the changes in the immigration policies in OECD countries during the period 2021-22 with a particular focus on post COVID-19 innovative schemes and solutions as well as humanitarian admission programmes in response to conflicts and geopolitical instability.

In Brief

Key findings

- The increasing vaccination rates resulted in fewer travel restrictions throughout 2021.
- COVID-related travel restrictions were gradually lifted, with, until then, exceptional measures and derogations maintained for some categories (students, seasonal workers, remote workers, health care professionals, etc.). Essential and frontline workers continued to receive increased attention during the COVID-19 recovery period.
- The global competition for talents continued despite the impact of the pandemic. New pathways to attract highly educated migrants, remote workers and potential investors have become more widespread among OECD countries.
- At the same time, acute labour shortages, including in low- and middle-skilled occupations, have led many governments to expand their temporary labour mobility schemes and bilateral agreements to help alleviate hiring challenges and offer better working conditions to precarious foreign workers.
- In many OECD countries, national retention strategies regarding temporary workers include streamlined (renewal or change of status) processes and new permanent residency schemes.
- By comparison, few changes were made to family migration policy. Recent legal amendments either tighten the requirements on sponsors or simplify the family reunification procedure for beneficiaries of international protection.
- Besides the resumption of asylum-related processes and resettlement activities across OECD countries, major policy and legal changes were introduced in 2021-22 in the field of international protection and humanitarian admission, inter alia in response to large-scale emergency situations and political crises.
- Similarly, exceptional circumstances have prompted several countries to strengthen their borders and concentrate their efforts on fighting irregular migration, on a temporary basis or in a more lasting manner.

Introduction

The COVID-19 pandemic had far-reaching effects on migration and border management throughout 2020-21. One year later, the widespread use of exemptions, extensions, ad hoc concessions and facilitations to mitigate the impact of the pandemic are slowly coming to an end. Immigration policy changes are now returning to focus on structural reforms, whether large or small scale. In 2021-22, attracting skilled and highly skilled professionals remained a political priority for a large number of OECD countries, leading to specific policy initiatives (digital nomad visas, modernised migration management tools, extended job-search permits, etc.) meant to last beyond the recovery period. Tapping temporary foreign workers to ease persisting labour shortage is another long-term challenge for countries heavily dependent on tourism, agriculture and other critical sectors. Other recent developments related to international protection and humanitarian admission, shifting in some cases from previous approaches, are part of broader policy responses to crises and geopolitical considerations.

Changes to COVID-19 mitigation measures

Border requirements and travel restrictions

Restrictive immigration policies continued to apply across OECD countries in 2021-22, although governments gradually relaxed restrictions for cross-border and domestic travel and progressively stepped away from “Zero-COVID” approaches.

On 1 July 2021, the European Union’s Digital COVID-19 Certificate (EUDCC) went into effect and was nationally implemented in 27 EU Member States and all four non-EU Schengen Area countries. The Council of the European Union adapted several times its epidemiologically safe third countries list throughout the year. In accordance with subsequent recommendations, the EU/EEA Member States significantly eased restrictions on entry and quarantine rules for certain categories of travellers and visa holders, especially those fully vaccinated. In Europe and beyond, concessions were granted between neighbouring countries, with relaxed rules for cross-border and essential workers.

In many OECD countries, exceptional measures introduced to ensure continued legality of stay for migrants affected by restrictions on travel and immigration services have been repeatedly extended. In Norway, mitigation measures for seasonal workers unable to return to their home countries were prolonged through the end of 2021. Extension of residence permits and expiring visas was also granted to residing migrants in Portugal, until June 2022, and in Costa Rica, until September 2022. Flexible work arrangements (e.g. simplifying remote working activities of foreigners) were maintained in Poland and in Italy (even beyond the end of the State of Emergency announced by the Italian Government in March 2022) and bilateral tax agreements concluded by Luxembourg with Germany, Belgium and France for the telework of cross-border workers were automatically extended until 30 June 2022.

While some countries progressively reopened their borders to foreign nationals in the course of 2021, others maintained COVID-related travel restrictions for a few months longer before announcing their lifting from early 2022. Australia announced full reopening of borders in February 2022, as did Iceland and Switzerland (except for third-country nationals coming from high-risk countries). Conditions and rules for entry were updated by the Czech Ministry of Health on 18 March 2022. Entry restrictions for all travellers were lifted in Israel on 21 May 2022. Despite a gradual reopening of its borders (notably with Venezuela) from June 2021, the Health Emergency State in Colombia has been extended until the end of June 2022. Chile presented its “Protected Borders Plan” (with updates on entry requirements for foreign travellers) in April 2022 and New Zealand announced in August 2021 a national plan “Reconnecting New-Zealanders to the world” to safely and progressively reopen its borders, with a phased approach towards a full reopening expected in July 2022. While no general entry bans applied in Mexico and Korea, the latter applied until June 2022 a special entry procedure and tight border screenings with a quarantine requirement for unvaccinated travellers.

Despite the overall ease (or end) of travel bans and restrictions in OECD countries, vigilance remains while transitioning out of the acute COVID-19 phase. In April 2022, the European Parliament (LIBE Committee) supported a proposal of the EU Commission to extend the EU Digital COVID-19 Certificate framework for another year until June 2023 and pursue a co-ordinated approach by then to ensure free and safe travel of foreigners, within the EU and across its borders.

Recovery strategies

National border closures and travel restrictions enacted to limit the spread of the COVID-19 pandemic deeply impacted many countries’ economies and led to significant delays and disruptions. Some backlogs, e.g. in processing applications, persisted despite the progressive resumption of consular activities and reopening of immigration services in the course of 2021. The United States Citizenship and Immigration Services (USCIS), for instance, is striving to reduce processing delays caused by the pandemic while

improving services, e.g. by reusing previously submitted biometrics, waiving in-person visa interview requirements when possible, or extending deadlines for applicants and employers to respond to various agency actions. In Israel, an automatic extension of six months is granted by the Population and Immigration Authority (PIBA) to certain categories of visa holders and residents due to the growing demand for appointments. In the Netherlands, a dedicated Asylum Task Force was set up by the Ministry of Immigration to support the work of the Immigration and Naturalisation service (IND) and eliminate the backlog of more than 15 000 asylum applications that had accrued up to April 2020. New working methods and practical arrangements were needed to clear this initial backlog as well as applications lodged after that date, leading to an extended deployment of the Task Force until the end of 2021. Significant delays in processing visa and permits applications were also reported in Portugal.

National responses to, and recovery from, COVID-19 include concrete measures and actions towards foreign workers and/or vulnerable categories of migrants. Australia, for instance, established a Global Business and Talent Attraction task force to support the post-COVID-19 recovery and better attract talented workers and innovative companies to the domestic labour market. As an additional measure to support the COVID-19 recovery plan and help fill shortages (especially in agricultural sectors) the government also committed to bringing an additional 12 500 Pacific workers to Australia under the Seasonal Worker Programme (SWP) and the Pacific Labour Scheme (PLS) by March 2022. Colombia specifically addressed migration and integration issues in its 2022 six-point response plan to prevent risks of abuses and exploitation of vulnerable and strongly affected population (including migrants and IDPs).

In the EU, most governments adopted national recovery and resilience plans (NRRP), setting out their reform and investment agendas until 2026, in accordance with the Regulation establishing the Recovery and Resilience Facility (RRF), adopted on 11 February 2021.

While many of these national plans do not explicitly refer to migration management as a key response to the post-COVID-19 recovery, a few NRRPs contain measures to support inter alia social and economic cohesion or digital transformation, likely to directly or indirectly impact immigration policies. The NRRP in Greece will include investments for the digitalisation of the migration and asylum system. Several NRRPs, especially from countries heavily reliant on tourism (e.g. Spain), plan to diversify and massively invest in digitalisation of public administration, including with regard to border control and migration management. Increased focus on health care systems, access, and security, in the formulated long-term strategies, is also likely to impact and reshape existing immigration policies. As part of its national recovery plan, approved by the European Commission on 1 June 2021, Poland intends to introduce measures to facilitate the hiring of migrant workers for longer periods of time to tackle unemployment and improve the situation of the Polish labour market post-crisis. Similarly, the NRRP of the Slovak Republic, approved in June 2021, proposes reforming existing policies and legislation on migration and integration in the Slovak Republic, and working to attract a qualified labour force from abroad as a response to increasing shortages in the country's own qualified labour force.

As part of the government's efforts to recover from the COVID-19 crisis, Ireland has now extended its five-year multiple entry short-stay visas to all visa-required third-country nationals (an option previously available only to Chinese nationals).

Managing labour migration

Throughout 2021-22, the global competition for talents continued despite the impact of the pandemic. Immigration pathways for skilled professionals have been developed in many countries with a view to facilitate international recruitment, better attract, and retain foreign talents with sought-after skills. In fact the so-called "Great Resignation", an economic trend illustrated by a record number of people quitting their jobs after the COVID-19 pandemic, obliged decision-makers to rethink their immigration policies and a vast majority of companies to adapt their employee retention strategies in an innovative way.

Many OECD countries continue to see an important role for foreign workers, especially in shortage occupations. Alongside the German Skilled Immigration Act, which entered into force in March 2020, the Coalition Agreement presented by the government in Germany in December 2021 called for further immigration routes and streamlined procedures for skilled workers, in particular in shortage occupations. Similarly, the New Migration Policy for 2021-25 adopted by the Slovak Republic on 8 September 2021 emphasises the need for well-managed labour migration in order to prevent social, economic and environmental tensions. In the United States, the Executive Order presented by the Biden Administration in February 2021¹ unveiled several policy changes aimed at easing the recruitment of foreign workers and better retaining talents and highly educated professionals (e.g., in STEM occupations). Similarly, in Bulgaria, both the Migration Strategy (2021-25) and the Employment Strategy (2021-30) set up labour migration as a political priority, especially highly skilled workers.

But highly skilled professionals are not the only ones that OECD countries seek to attract. Efforts to facilitate the entry, hiring and the working conditions of temporary workers, in “essential” or critical occupations, such as the agricultural or health sector, have been pursued in 2021-22. A number of OECD countries introduced new admission schemes, flexibilities, and even, in some cases, dedicated pathways for permanent residency to help retain this valuable workforce and reduce the risk of abuses and exploitations.

Attracting talent

While many countries were already engaged in the global competition for talent before the crisis started, the impact of the COVID-19 on the existing talent shortage has been considerable. Due to the strict travel and mobility restrictions, working conditions have shifted from an office-centric culture to more flexible and hybrid options. This new trend, combined with more systemic demographic and socio-economic challenges, spurred many countries to further enhance their attractiveness strategies for foreign talents (e.g. highly educated foreign national, entrepreneurs and international students) and adopt new measures to address skills needs in the long term. Since 2020-21, digital nomads and foreign remote workers have received increased attention, with emerging schemes and programmes dedicated to this growing category of remote workers, employed or self-employed in companies abroad (Box 2.1).

Box 2.1. “Digital nomads” and cross-border remote workers

COVID-19, combined with the digital transformation across all business areas, fundamentally changed working conditions. Office closures and travel restrictions led to a massive global expansion of teleworking to which many countries and employers have had to adapt. While 2020 marked the emergence of new “digital nomad visa schemes” within OECD countries, initiated by Estonia in August, remote workers policies continued to spread throughout 2021 and their number is rising.

To date, 6 OECD countries and at least 22 non-OECD countries offer specific visas for digital nomads (DNVs) which allow foreign workers to stay in the country and work remotely for a company abroad. Costa Rica and Greece introduced remote worker visa schemes at the end of 2021. Hungary launched, in February 2022, the “White Card”, a one-year permit for digital nomads to reside in Hungary while working for a foreign employer or foreign clients. On 29 June 2022, Latvia introduced a digital nomad visa that allows foreign nationals (self-)employed in an OECD country to work remotely from Latvia for up to one year, renewable for another year, without local sponsorship. Proposals are working their way through the legislative process in Italy, Spain and Colombia; in Italy, Parliament passed it in March 2022.

Justifications put forward by countries to develop dedicated pathways for digital nomads and international remote workers vary. Tourism-dependent economies, severely harmed by the pandemic,

launched DNV programmes as part of their recovery strategies to replenish their lost revenue and attract potential consumers/taxpayers. Others see a benefit in issuing DNVs to combat misuse of pre-existing migration schemes (e.g. tourist visas, non-active statuses or freelance permits) and clarify the legal status of foreigners who only have income from abroad, mostly from employed or self-employed activities.

As most DNV schemes were adopted in the midst – or after the peak- of COVID-19, the clear benefits (relative to the efforts required to manage them) as well as the risk associated (e.g. compliance and possible misuses) of these schemes remain uncertain. However, there is considerable interest in monitoring how newly implemented DNVs develop over time.

Source: OECD (2022^[11]), “Should OECD countries develop new Digital Nomad Visas?”, <https://www.oecd.org/migration/mig/MPD-27-Should-OECD-countries-develop-new-Digital-Nomad-Visas-July2022.pdf>.

To better attract and retain skilled migrants from across the world, several OECD countries are planning to adopt points-based immigration systems (PBS), a model already used in Australia, Canada, Japan and New Zealand, where foreigners have to score above a certain threshold of “points” in order to obtain a residence or work permit. In the United Kingdom, a so-called “Points-Based Immigration System” introduced in early 2021 became the main immigration route for foreign skilled workers, although it is rather a checklist of mandatory criteria. Germany and the Czech Republic are both exploring the possibility to develop PBS criteria in the near future. In Germany, while the exact criteria haven’t been defined yet, a PBS is meant to run parallel to existing channels and include a “points-based opportunity card” for job-hunting workers from third countries.

At the EU level, attracting skills and talents from abroad also became a political priority to improve overall migration management in a sustainable and ambitious manner. The revised “EU Blue Card” Directive (2021/1883) introduced new rules for the entry and residence of highly skilled workers, including more flexible admission conditions, enhanced rights and the possibility to move and work more easily between EU Member States. In addition, the European Commission announced on 27 April 2022 a set of policy actions and legal proposals aimed at better attracting talents to the EU while addressing serious labour markets shortages, including an EU Talent Pool initiative aimed at matching EU employers with the talent they need.

Job-search permits and smooth recruitment processes of graduates and young professionals

Since April 2022, researchers and graduates who completed their projects or studies can apply in Finland for a new two-year residency permit to seek work or start a business (in 2018, the extension was allowed for up to one year). The new permit can also be requested within five years of graduation or the completion of research. Pending new legislation, the Spanish Government also announced in June 2022 its intention to grant residence permits to foreign students for the duration of their studies and to extend work rights for one to two years after graduation.

Additional facilitations for international students and researchers were also introduced in Lithuania in March 2021, with relaxed requirements for work-related residence permits and the possibility for young graduates to start to work immediately while waiting for a decision on their application. In March 2022, the Israeli Hi-Tech Work visa regulation was revised to allow high tech domestic companies to more easily recruit international students and young graduates. According to the revision, these companies can now request work visas for university students or recent graduates for certain high-tech professions within three years of their graduation.

Recent policy shifts on (highly-)skilled workers

In Australia, policy priority focuses on the Employer Sponsored and Skilled Independent programme. As a result, while the planning level of the 2022-23 Migration programme remains at 160 000 places, 109 900 are allocated to skilled workers compared to 79 600 in the previous year. In order to address the shortfall of immigration in 2020, Immigration, Refugees and Citizenship Canada (IRCC) increased the targets for permanent admission to Canada to 401 000 in 2021 (the prior plan foresaw 351 000), to 411 000 in 2022, and to 421 000 in 2023.

New Zealand is also rebalancing its immigration system to make it easier to attract and hire high-skilled migrants, while supporting some sectors to transition to more productive and resilient ways of operating, instead of relying on lower-skilled migrant workers. A new Accredited Employer Work Visa (AEWV) was introduced 4 July 2022, enabling accredited employers to easily hire skilled migrant workers where genuine skills or labour shortage exist. This streamlined single visa process is meant to replace six work visas previously in place. Although border restrictions remained in place in New Zealand until August 2022, a number of exceptions were announced in December 2021. Among them, a border class exception has been put in place for the technology sector, enabling 600 specialist tech workers and their family members to come to New Zealand.

As part of a broader legal reform, Sweden introduced in June 2022 a new residence permit for highly qualified jobseekers and start-up founders, allowing eligible foreign nationals to stay in the country for up to nine months to seek employment or start a business in Sweden. In Lithuania, highly qualified workers are entitled since March 2021 to start to work pending the examination of their application for a residence permit. In the United Kingdom, from 2022, a single sponsored Global Business Mobility route opened for workers based outside the United Kingdom who are undertaking a temporary work assignment in the United Kingdom as a Senior or Specialist Worker, Graduate Trainee, UK Expansion Worker, Service Supplier or Secondment Worker. A new unsponsored route for the “High Potential Individual” has also been announced by the United Kingdom in May 2022, allowing graduates from top-ranked universities abroad to apply for an unsponsored two- to three-year work visa, bring their family members with them and switch to longer-term employment visas if the conditions are met.

In Spain, the forthcoming “Start-ups Law”, aimed at attracting international talents and remote workers, is presented as a major milestone of the government’s Recovery, Transformation and Resilience Plan. In June 2022, Finland launched a new fast-track service for specialists, start-up entrepreneurs, EU Blue Card applicants, and their family members (with a maximum processing period of two weeks). In addition, an expanded long-term visa (D) for specialists and high-growth start-up entrepreneurs has been announced for April 2023, as part of the government’s commitment to increase education-based and work-based immigration to the country. In its roadmap released in September 2021, the Finnish Government plans to double the current volume of work-based immigration by 2030 to attain the overall increase of at least 50 000 work-based immigrants. The number of new foreign degree students is expected to triple to 15 000 by 2030, with the aim that 75% of them find employment in Finland.

In the United States, the latest USCIS H-1B processing data show increasing admission rates for new employment petitions, extensions, amendments and change of employers. The premium processing programme that guarantees expedited visa processing for certain employer-based visa petitions is also about to be expanded to several additional immigration benefit case-types.

Talent retention strategies

Effective July 2022, Australia will grant additional concessions to employers wishing to retain (highly-) skilled foreign workers holding a Temporary Skills Shortage (TSS) visa. For these categories, the “onshore renewal restriction” is removed, allowing applications lodged from within Australia for the short-term stream to continuously reside and work in the country. Starting between June and August of 2022, individuals in

Canada who completed a Canadian post-secondary degree and hold a post-graduate work permit expiring in 2022 will be eligible for a work permit extension of up to 18 months. In Sweden, foreign workers can now renew their temporary work permits even after a cumulative permit duration of four years; they were previously required to apply for permanent residence and, if not eligible, to leave the country.

Retaining foreign doctors and health care professionals represented a major challenge for countries facing serious workforce shortages in these critical occupations. In Ireland and in Poland, relaxed rules have been recently introduced not only to ease their recruitment (e.g. work permit exemptions for doctors, nurses, dentists or midwives amid the COVID-19 crisis and further administrative simplifications since November 2021 in Poland) but also to facilitate their settlement in the host country through reduced burdens and additional pathways to residency. In Ireland, a temporary scheme (active from March to April 2022) allowed non-EU medical doctors who had been working for more than two years in Ireland (under a General Employment permit) to apply for a “Stamp 4” residence permit, offering them (and their partners) the right to work without preconditions for a specified period, which counts as residence for subsequent citizenship application requirements.

Supporting business and investors

From 2021 onwards, several OECD countries revised their regulatory frameworks to adjust conditions for foreign investors and business owners/travellers. To support Australia’s post-COVID-19 economic recovery, the Business Innovation and Investment Program (BIIP) and the Complying Investment Framework (CIF) have been updated and streamlined. Key changes, entered into force on 1 July 2021, include the reduction from nine to four visa streams and newly open pathways to permanent residency for these categories. At the same time, some eligibility requirements have been tightened and the investment amount threshold for the investor streams increased significantly. Similarly, the threshold amounts for obtaining a “golden visa” in Portugal increased from January 2022 (e.g. from EUR 350 000 to EUR 500 000 for the investment fund option and from EUR 1million to EUR 1.5 million for capital transfers), except for real estate investments, yet subject to geographical restrictions.

By comparison, a new law approved in June 2021 in Costa Rica reduced the minimum investment required for foreign investors, streamlined processes and provided tax benefits to holders of Temporary resident visas, including retirees. In the course of 2021, several developments took place in Lithuania aimed at improving the investment environment in Lithuania and helping foreign investors (and their family members) to relocate in the country and enter the labour market. Amendments to the Investment Law, which took effect in June 2021, include the issuance of temporary residence permits (for up to three years) to foreign employees, shareholders or chief executives of an eligible investor, arriving in Lithuania under an investment agreement. From May 2022, foreign nationals hired by “growth companies” in Estonia are no longer subject to the annual immigration quota. Travellers seeking to conduct short-term business activities in Chile can now apply for a Consular short-term authorisation, granted for up to ten years, for single or multiple entries.

Addressing pressing labour shortage in the agriculture sector...

The agriculture sector is heavily dependent on foreign workforce in many countries. With the COVID-19, mobility restrictions, border closures and suspension of immigration services led to a disruption of traditional labour supplies, affecting more particularly countries characterised by periods of peak seasonal labour demand or labour-intensive production. In a bid to address significant labour shortages due to the drop in migrant arrivals, most of these countries adopted complementary solutions and dedicated policy measures.

Korea mobilised inactive population groups as additional sources of labour in agriculture. Between 2 March 2021 and 31 March 2022, the country extended its Temporary Seasonal Worker Program allowing all foreign residents with non-employment status to legally engage in seasonal work. Previously opened to

E-9 foreign workers with expiring work permits, this temporary scheme was later expanded to other categories of visa holders (e.g. family visitors, work and visit status holders) with the aim to enrol in the programme up to 79 000 eligible foreign residents. A new regulation entered into force in Austria on 1 January 2022 allowing those who registered with the Public Employment Service (AMS) to be issued a seasonal employment permit for an initial period of six months, outside of the quota and without a labour market test.

Other countries implemented measures or agreements to facilitate or maintain the admission of temporary foreign workers filling in specific labour shortages. On 23 August 2021, Australia introduced a new sponsored visa stream (the Australian Agriculture Visa, AAV) open to workers from countries with bilateral agreements. On 28 March, an agreement with Viet Nam was reached. The AAV was meant to be temporary supplementing the existing Pacific Australia Labour Mobility (PALM) which remains the primary scheme for meeting agricultural workforce shortages in Australia. In 2021, the United Kingdom extended its Seasonal Workers Pilot Scheme (launched in 2019) for horticulture, allowing up to 30 000 foreigners per year to come and work in this field for up to six months. Costa Rica extended its bilateral agreement with Nicaragua on the temporary hiring of Nicaraguan agricultural workers in Costa Rica for an additional seven months to cover the 2021-22 harvesting season. In July 2021, Germany concluded new bilateral labour agreements with the Republic of Moldova on employment of seasonal workers in agriculture for 2022.

In 2021-22, Austria, Italy and Israel increased their annual quotas of seasonal workers, notably in the agricultural sector. In Israel, an additional 2 500 work permits will be issued in 2022 to temporary migrant workers for the agricultural sector, compared to the previous year. In Italy, an additional quota of 14 000 is reserved for non-EU workers in the farming sector for 2022. This amount is likely to increase with a revision of the annual “Flow Decree”, announced in June 2022 by the Italian Government, that will raise the number of admissions for contract, seasonal and self-employment to 75 000 for 2021-22 (from 69 700 previously). While continuously increasing since 2016, the seasonal workers quota in Austria was raised by 636 places in 2022. Access to residency and employment of “regular” seasonal workers, notably in agriculture/forestry, is also facilitated. Seasonal workers recruited in Estonia are exempt from the annual immigration quota and the labour market test requirements. By contrast, Korea reduced quotas for nonprofessional workers under the E-9 visa from 56 000 in 2020 to 52 000 for 2021. Since March 2021, the Flemish Region (Belgium) reduced the minimum salary threshold requirement for seasonal workers.

... While further protecting seasonal workers from exploitation

Due to the temporary nature of their activity, seasonal workers may be particularly vulnerable to precarious working conditions and exploitation. As of 17 June 2021, it became easier for foreign seasonal workers in Finland to change employers. The amendment to the Seasonal Workers Act tightened, at the same time, sanctions for non-compliant employers. Greater protection is also ensured, since June 2021, for foreign berry pickers with an Act on the legal status of foreigners picking natural products. The new law lays down the rights of pickers of natural products, clarifies their status and specifies the obligations of operators and the legally-binding sanctions/penalties in case of non-compliance. In Sweden, employment contracts must now be attached to the application for a work permit in order for the Swedish Migration Agency to control the working conditions of the position offered. The Agency may also oblige the employer to report any (less favourable) change in the terms of the employment contract – subject to a fine in case of non-compliance. In July 2021, a new temporary visa (Migrant Exploitation protection work visa) became available for workers who have a report of exploitation assessed by Employment New Zealand and have been given a Report of Exploitation Assessment letter. The visa is valid for six months and allows the holder to leave their current job during the investigation and change employer easily.

Streamlined entry and recruitment of temporary workers

Entry facilitations for temporary workers are not limited to (non-)seasonal workers working in the field of agriculture. Starting in 2022, Germany concluded several bilateral labour agreements e.g. for the placement of nurses with Indonesia and India or the placement of electricians and gardeners with Colombia. In Israel, the bilateral agreements signed by the government with third countries over the past few years (e.g. with China, Moldova, Ukraine (construction) or the Philippines (caregiving sector), are expected to become the only way of recruiting temporary migrant workers subject to annual quotas. In December 2021, an additional 20 000 H-2B visas for temporary non-agricultural employment were authorised by the United States' relevant departments for the first half of 2022.

Further flexibilities to ease the recruitment of temporary workers were introduced in Italy (with the so-called "Sostegni Ter" Decree) and in Australia (with the consolidation of the two existing PALM – Pacific Australia Labour Mobility – schemes into one single scheme on 4 April 2022). The Knesset (Israeli Parliament) voted in January 2022 the abolishment of the 15-20% wage levy paid by all employers of foreign workers in construction – the last sector to be subject to this levy. This change was made to reduce construction and infrastructure project costs. The Act on Foreigners of Poland was amended in January 2022 to simplify and facilitate the recruitment of foreign workers. Changes include a reduced number of supporting documents, the possibility to change employers and/or easily review the terms and conditions of employment, such as the length of employment, based on the sole declaration of the employer for workers from six countries. To enhance companies' competitiveness, Estonia plans to ease restrictions on third-country workers from 2023 by extending the length of work permits from one year to three years.

In the Czech Republic, demand exceeds processing capacity at many foreign consulates; a quota system is used together with criteria for priority processing. The quotas for Employee Cards were raised in 2021 (i.e. up to 3 600 highly qualified and 50 000 qualified foreign employees). Romania also saw sharp demand for foreign workers; the initial quota for 2021, 25 000 workers, was supplemented in August 2021 with another 25 000. The quota announced for 2022 is 100 000. Actual inflows are below this number due to processing capacity.

COVID-19 travel restrictions also greatly impacted youth mobility schemes and working holiday programmes (WHP) in many countries. As infection rates overall declined, several OECD countries concluded bilateral agreements to attract (young) travellers and/or temporary visitors likely to help fill shortages.

As of 1 January 2022, a new bilateral youth mobility scheme between the United Kingdom and Iceland became applicable. This scheme provides opportunities for young citizens of the two countries to experience culture and general way of life in each other's countries. Iceland had already reached a similar agreement with Japan. Applicants are granted a one-year residence permit (not renewable) and an unlimited work permit. In February 2021, France opened its working holiday programme to the Republic of Peru (with a quota of 300 beneficiaries per year). The Netherlands extended its Working Holiday Programme to Japan (becoming the 9th participating country) and Swiss young citizens were given access to the WHP in Australia in 2022.

As of September 2021, Canada further eased the eligibility requirements for vaccinated *International Experience Canada* (IEC) candidates who weren't required to submit a proof of a valid job offer to receive an invitation to apply for the Working Holiday Pool. Foreign youth whose applications were approved in 2020 but were unable to come to Canada due to border control measures benefitted from an additional 12 months to activate their work permit. Similarly, the Working Holiday Schemes reopened in New Zealand in March 2022 as part of the government's plan to "reconnect" the country to the rest of the world.

Besides working holidaymakers, international students and graduates also benefit in some countries from temporary mobility programmes. The "Young generation as change agents" programme (YGCA), a European-funded project in Spain, which ended in June 2021, allowed 98 Moroccan graduates to complete

a master's degree in Spain in one of the strategic sectors pre-identified by the Moroccan authorities. France implemented a Partnership Agreement on Migration and Mobility with India in October 2021 to facilitate inter alia temporary circular migration and mobility of Indian students and researchers. But these projects require beneficiaries and participants to return to their country after the completion of their studies with dedicated assistance for their integration in the local labour market.

Pathways to permanent residency for temporary residents

As part of their efforts to retain and further integrate temporary workers, several OECD countries announced newly created or extended pathways to permanent residency for certain visa or permits holders, with a focus on occupations deemed essential or critical during the COVID-19 crisis. Some of these pathways are employer-driven, introduced on a temporary or a long-term basis.

From July 2022, a new permanent residency pathway will become available in Australia for certain short-term visa holders under the existing Employer Nomination scheme visa programme. For two years, employers will benefit from facilitations to retain foreign employees. Following the Federal election in May 2022, these policy measures are set to continue, with expected changes regarding streamlined access to permanent residency for visa holders working under successful arrangements and those that have priority skills that are in shortage in Australia.

On 1 January 2022, the Atlantic Immigration Pilot Program in Canada became the permanent Atlantic Immigration Program (AIP). This pathway enables skilled workers and international graduates who want to live and work in one of the four Canadian Atlantic Provinces to obtain permanent residence. This change is meant to help employers hire and retain qualified candidates while filling local and community needs. In addition, Canada launched, between May and November 2021, a “Temporary Resident to Permanent Resident Pathway” for temporary essential workers (e.g. health care) and young graduates already present in Canada, with a cap set at 90 000 applications. Further flexibilities include the possibility for applicants to leave Canada from June 2022 while waiting for a decision and the extended validity of the Bridging Open Work Permit (BOWP) until 2024, allowing applicants to keep working while waiting for the results of their permanent residence application. In September 2021, New Zealand announced its new Resident Visa, a one-off, simplified pathway to residency for around 165 000 work-related visa holders (including essential skills, post-study work visas and their immediate family members). For these eligible applicants, a Permanent Resident Visa is usually the next step after being granted a Resident Visa.

As part of the intraregional agreement between the member countries of the Andean Community, Colombia offers, since January 2022, a new nationality-based visa (the Andean Migrant visa) to eligible nationals of Bolivia, Ecuador and Peru and their families, valid for two years. Under this scheme, visa holders benefit from a streamlined access to permanent residency after this two-year period, without the need for employer sponsorship.

In some other countries, acquiring permanent residency is subject to stricter requirements. In Sweden, an amendment made in July 2021 to the Aliens Act subject the permanent residency status to a “maintenance requirement”, i.e. proof of a sufficiently high and stable income deriving either from permanent employment in Sweden, or from a fixed-term employment lasting at least 18 months from the date on which the application is examined. These changes entered into force without transitional rules, applying also to post-graduates and researchers. In Canada, the minimum amount of funds required to apply for permanent residence through the Express Entry (Federal Skilled Worker Program) increased from 9 June 2022. In Chile, holders of temporary residence permits who wish to stay in Chile permanently must have resided in the country for at least 24 months and not having left the country for more than 60 days (against 180 previously) during the previous year of residence. However, after becoming permanent residents, foreigners benefit from relaxed rules allowing them to leave Chile for up to two years (instead of one) without losing their immigration status.

As part of a package of measures proposed as a follow-up to the New Pact on Migration and Asylum, the European Commission presented on 27 April 2022 a recast of Directive 2003/109/EC on long-term residents. This proposal aims to create a more effective, coherent and fair system to acquire EU long-term resident status, e.g. by strengthening the rights of long-term residents and their family members including those who have cumulated residence in different Member States. The proposal additionally puts in place a mechanism to ensure a level playing field between the EU long-term residence permit and national permanent residence permits in terms of procedures, equal treatment rights, and access to information. While negotiations are ongoing, the recast is expected to improve EU's overall attractiveness to foreign talent and enhance the integration of third-country nationals who settled legally and on a long-term basis in the EU.

Family migration

While recent changes regarding the admission of family migrants are mainly procedural, either to relax or tighten eligibility requirements, some of these may have major implications for the main applicants and their family members. With regard to family reunification, targeted legal changes in Australia, Norway, Slovenia or Luxembourg were meant to tighten the eligibility requirements for sponsors (requiring for instance greater proof of self-sufficiency or higher salary thresholds). Luxembourg and Germany, on the contrary, overall relaxed the rules and conditions for beneficiaries of international/subsidiary protection while applying for family reunification. In November 2021, the USCIS issued policy guidance to address automatic extension of employment authorisation for certain H-4, E (treaty traders) and L (ICTs), non-immigrant dependent spouses.

More substantially, the Canadian Minister of Immigration, Refugees and Citizenship announced improvements to Canada's super visa programme, which allows parents and grandparents to visit their Canadian or permanent resident children or grandchildren in Canada for an extended period of time. Starting 4 July 2022, the allowable length of stay for Super visa holders will increase to five years per entry, up from the current allowable stay of two years per entry. Visa holders will also have the option to extend their stay by up to two years at a time while in Canada.

International protection and geopolitical considerations

Recent changes in asylum-related policies

The extraordinary and emergency measures adopted by most OECD countries to contain the spread of the COVID-19 virus deeply impacted asylum seekers whose access to protection was, in some cases, highly restricted. In Greece, the Emergency Legislative Decree adopted on 2 March 2020 temporarily suspended the asylum process for one month. On 21 November 2021, after more than one year of border restrictions, Canada removed the temporary measure restricting asylum claims from foreign nationals seeking entry from the United States between designated land ports of entry.

More fundamentally, the successive crises that have hit many parts of the world over recent years (e.g. economic, migration and, more recently sanitary) led a large number of countries to reform their asylum policy frameworks. Key changes in 2021 include legislative amendments intended to accelerate and streamline asylum procedures (in Luxembourg and Slovenia) and targeted revisions of national lists of safe countries of origin. While the French Council of State withdrew, on 2 July 2021, several countries from the French list of safe countries of origin (Benin, Senegal and Ghana), the Greek Government announced on 7 June 2021 its decision to list the Republic of Türkiye as a safe third origin country for asylum seekers from Syria, Afghanistan, Pakistan, Bangladesh and Somalia. Following the transposition of the Recast Asylum Procedure Directive into its national legislation, in May 2021, Sweden adopted its

own list of safe countries of origin, resulting in an accelerated procedure on the assumption that persecution is unlikely to occur in these designated countries. In Austria and Luxembourg, independent bodies have been appointed to closely monitor the rights and well-being of children in immigration and asylum cases.

Policy shifts occurred in Denmark and the United Kingdom with regard to asylum claims processing and international protection. On 3 June 2021, Denmark passed a legislative amendment allowing for the transfer of asylum seekers to a third country, framed by a prior bilateral agreement, for the purposes of both asylum processing and protection of refugees outside Europe. Announced in March 2021, the asylum system reform in the United Kingdom, embodied by the Nationality and Borders Act, became an Act of Parliament on 28 April 2022. Beside the proposals for differential treatment of refugees through “a two tier-system”, depending on their mode of arrival, the new Bill puts into statute provisions allowing to remove asylum seekers whose claims are inadmissible to a “safe third country” with which an agreement has been concluded. To date, only one agreement of this nature has been signed, with Rwanda.² In Sweden, changes made to the Aliens Act in July 2021, maintaining several restrictions introduced by the previous law, include a shift to temporary residence permits for beneficiaries of international protection, permanent residence being only granted to resettled refugees.

Humanitarian admission

Most resettlement and humanitarian admission activities, paused or suspended during the COVID-19 pandemic, resumed in 2021, albeit often only slowly. While implementing these programmes, many countries had to adopt new working methods, e.g. to select refugees or assess individual cases, in order to comply with COVID-19 health measures. Furthermore, the challenges raised by the long-running conflicts, emerging unrests and political crises in various parts of the world, have led more and more OECD countries to (re)open humanitarian pathways either through resettlement schemes or (temporary) admission programmes.

The outflow of Venezuelan refugees, the second-largest external displacement crisis in the world, remains a serious matter of concern, in particular for neighbouring countries. From 8 October 2021, Venezuelans are granted a ten-year Temporary Protection Permit in Colombia. This unprecedented programme, complementary to international protection, applies to those currently living in the country and those entering via official checkpoints over the next two years. Over 2.1 million Venezuelans are expected to benefit from this programme over the next decade.

In response to the internal repression in Belarus, Poland launched in 2020 the initiative “Solidarity with Belarus”, a 5-point aid plan including commitments to provide support and simplification of entry procedures for people who needs to arrive to Poland, by means of an exceptional national humanitarian visa procedure. Lithuania adopted a similar approach, introducing several changes to facilitate the entry of Belarussian nationals (who could obtain multiple-entry visas under facilitated conditions and cross the border on humanitarian grounds). What is more, in the second half of 2021 the EU took a number of specific measures to counter the instrumentalisation of migration by Belarus at its external borders (Box 2.2).

Box 2.2. EU policy response to the border and humanitarian crisis triggered by Belarus

Starting in the summer of 2021, an instrumentalisation of migrants sponsored by Belarus at the EU external borders particularly affected Lithuania, Poland and Latvia. In response to the emergency situation that resulted from the unprecedented increase in border crossings from Belarus, the European Commission offered both immediate material and political support that led to several measures including a decision on emergency aid of EUR 36.7 million from the Asylum, Migration and Integration Fund (AMIF) to enhance the implementation of asylum procedures and the reception conditions in these countries, including for vulnerable persons.

In December 2021, upon request from the European Council, the Commission put forward a set of temporary asylum and return measures of an extraordinary and exceptional nature to assist Latvia, Lithuania and Poland in managing migration flows. The measures, which remained in force for a period of six months, included extended registration deadlines for asylum applications, swift border procedures and practical support from EU agencies.

Following the Taliban offensive in August 2021, rescue operations and evacuations of Afghan citizens were carried out by OECD and non-OECD countries. Many EU/EEA countries granted humanitarian admissions to evacuees from Afghanistan during the second half of 2021. Some of them included these evacuations in their resettlement quotas (Norway) while others launched dedicated resettlement pathways for Afghan nationals in need of protection. The Irish “Afghan Admission Programme” allows Afghans already residing in Ireland to nominate four family members to join them, even if they are currently in the neighbouring countries of Iran, Pakistan, Turkmenistan, Uzbekistan and Tajikistan. Invited by the European Commission to make pledges for the next ad hoc resettlement Programme in 2022, 15 EU Member States agreed to help almost 40 000 Afghans through resettlement and humanitarian admission.

In the United Kingdom, where a Minister for Afghan Resettlement was specifically appointed to oversee the “Operation Warm Welcome”, a dedicated resettlement pathway for Afghan citizens (ACRS) opened in January 2022. The scheme, which differs from the Afghan Relocation and Assistance Policy (ARAP) scheme, provides a safe and legal way for some of the most vulnerable and at-risk people from Afghanistan to come to the United Kingdom and benefit from indefinite leave to remain (ILR) in the country.

Canada committed to welcome at least 40 000 refugees through a special humanitarian programme to resettle vulnerable Afghan nationals outside of Afghanistan. Beginning in July 2021, the United States evacuated and offered humanitarian parole to nearly 80 000 Afghans through Operation Allies Welcome, granting them the right to live and work in the country, but no pathway to lawful permanent residence status. In March 2022, Afghanistan was designated for Temporary Protected Status (TPS). Under TPS, eligible foreign nationals can apply for employment authorisation and are permitted to remain in the United States as long as they benefit from the policy. In April and May 2022, the United States added Cameroon, South Sudan, Sudan, and Ukraine to the list of countries from which individuals are eligible for TPS protection.

For clarification purposes, New Zealand renamed in November 2021 its humanitarian border exception category, established in March 2020 to facilitate entry of people who have a compelling humanitarian reason to enter New Zealand, as the “compassionate entry border exception category”.

In addition, several legislative amendments were introduced with regard to the reception of resettled refugees. In Slovenia, where a pre-departure orientation programme replaced, in November 2021, the three-month introductory activities post-arrival, or in Ireland, where the Department of Children, Equality, Disability, Integration and Youth is now responsible for refugee resettlement. On 24 February 2021, guidelines for the reception policy for resettled refugees were issued by the French Government,

enhancing the decentralisation of the system and the key role played by the regional prefectures in this process.

More generally, the United States Government announced the resettlement of 20 000 refugees from the Americas during fiscal years 2023 and 2024, a three-fold increase over projected arrivals in FY2022. Within this context, more referrals of displaced Haitians will be received into the US Refugee Admissions Program (USRAP). In March 2021, the Department of State and Homeland Security announced the reopening of the Central American Minors (CAM) Programme, which from 2014-18 allowed certain parents with pre-defined categories of lawful presence in the United States to petition on behalf of their children for access to USRAP processing for potential refugee resettlement in the United States while still in their home country (El Salvador, Guatemala, or Honduras). In Germany, the “New Start in a Team” (NesT) programme, a community-based sponsorship of refugees pilot project launched in 2019, will become an integral part of the German resettlement programme as of 1 January 2023. Within this context, 200 additional resettlement places for particularly vulnerable refugees will be available.

The Canadian Minister of Immigration announced in 2021 a dedicated resettlement stream for Human rights defenders with an annual quota of 250 spaces. In Australia, the latest public consultations on the Humanitarian Programme, which offers resettlement for refugees and people overseas who are in humanitarian need (e.g. Myanmar citizens), highlighted a certain number of key issues, regarding notably the size and objectives of the programme, the cohorts of prioritisation and the impact of COVID-19 and border restrictions on resettlement activities.

Making use of innovative digital tools

Digitalisation in migration management processes is an increasing trend. During the pandemic, innovative tools and solutions had to be developed to support third-country nationals’ admission and/or further integration. While most in-person services were halted due to national lockdowns and social distancing measures, policy makers across OECD countries established new – or further modernised – digital tools for identification, information or processing purposes. Canada, for instance, enhanced its IRCC digital service to receive electronic permit applications and provided dedicated training to staff supporting applicants remotely.

In Chile, an implemented Act adopted in February 2022 led to the centralisation of immigration case adjudication in the National Immigration Service (NIS). Within this context, access to the NIS online portal has been extended to all foreign nationals, including in-country applicants, with the immediate issuance of a receipt allowing eligible applicants to reside (and, in some case, work) while their application is being processed. In an effort to simplify and modernise its legislation (unchanged since 1975), Chile also restructured its visa categories, issuing Temporary resident visas to foreign workers who previously had to apply for distinct residence and work permits. In Belgium, the online platform “Working in Belgium”, a one-stop-shop based on inter-regional agreement and co-ordinating relevant information for single permit applicants and holders, became effective on 31 March 2021. The online application service residence permits for foreigners in France (ANEF), initially opened for international students, was progressively rolled out across other work and residence authorisations categories throughout 2021. Greece also pursued the digital transformation of its migration and asylum processes with the issuance, from March 2021, of an online tax identification number for beneficiaries of international protection and the launch, on 15 April 2021, of a new online platform for the submission of certain residence permit applications. Other functional and technological improvements have been reported in Latvia, Poland, New Zealand and Türkiye (e-appointment system for beneficiaries of temporary protection). Revoking a previous decision, the Swedish Migration Agency allows employers and foreigners to submit employment contracts and assignment letters with digital signatures in support of work permit applications.

From September 2021, visa-free foreign visitors (from 102 countries) need to obtain an electronic travel authorisation (K-ETA), subject to a full online process, before entering Korea.

Digital transformation is also at the core of European migration and asylum policies with various objectives set by the European Commission, such as the full digitalisation of the visa procedure by 2025 or the interoperability of EU information systems in the field of police and judicial co-operation, asylum and migration to be achieved by the end of 2023.

Return and readmission policies

Ongoing negotiations on the New Pact on Migration and Asylum may lead to some new EU regulations in the future. The “screening” regulation would put in place pre-entry screening applicable to all non-EU country nationals who are present at the external border without fulfilling the entry conditions while a revised Eurodac regulation would modernise the database of asylum seekers and irregular migrants. Meanwhile several EU/EEA Member States adopted concrete measures in 2021 to accelerate the removal processes or to better define conditions for voluntary return (Denmark, Germany, Greece) of irregular migrants.

While these targeted revisions were already planned in policy frameworks or part of comprehensive legislative reforms, other changes, of an exceptional nature, resulted in OECD countries from emergency situations and acute political crises. The Greek authorities announced in March 2020 a tougher approach towards migrants and asylum seekers attempting to cross land and sea borders irregularly from Türkiye, deploying a joint military and police operation at its eastern land border in the Evros region. In July 2021, in response to the sudden influx of migrants from Belarus, an “Extreme Situation” was declared in Lithuania, resulting in a Resolution on “Countering Hybrid Aggression” adopted by the parliament on 13 July and inviting the government to take all measures to contain and prevent the threat, e.g. by deploying the Lithuanian Armed Forces to protect the Lithuanian-Belarus borders. Latvia declared a State of Emergency over the migrant influx at the Belarus border on 10 August, authorising border guards, armed forces and police to protect its borders and prevent irregular entry. Poland also deployed border guard officers and soldiers from the Polish army at its borders. Walls and fences were erected in these countries as well as in other parts of the world, e.g. Türkiye’s border wall with Iran extended in September 2021 by Türkiye to block new arrivals of Afghans. Terminated in 2021, the US Government programme “Migrant Protection Protocols” (MPP) with Mexico, was reinstated by court order in 2022, with new guidelines.

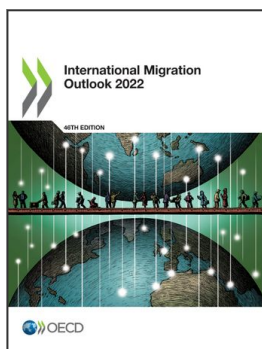
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Notes

¹ Executive Order on Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans, 14012.

² UK-Rwanda Migration and Economic Development Partnership, MoU signed on 14 April 2022.



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