



AD HOC QUERY ON 2020.27 Covid-19 pandemic crisis and unemployment of TCNs

Requested by EMN NCP Luxembourg on 10 May 2020

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden plus Norway (23 in Total)

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1. Background information

As a result of the Covid-19 pandemic, the economic activity of the Member States has halted, and the International Monetary Fund has warned of a 3% contraction of the global economy in 2020. The projection for the European Union is of -7,5% during 2020 and increased unemployment in the Member States (i.e. unemployment in Luxembourg has increased 17% in comparison to 2019).

Third-country nationals who are in the Member States for work purposes (salaried workers, independent workers, Blue Card Holders, ICT workers, etc) with a valid residence permit may be part of the workforce that will become unemployed as a consequence of reduced labour demand.

The lock-downs in different Member States have severely affected the agriculture, tourism and HORECA sectors where many low-skilled third-country nationals work, sometimes without legal residence rights.

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The EMN and the European Commission will like to ask the following questions:

2. Questions

- 1. To what extent and for which categories of third-country national workers may the fact that he/she loses his/her job, or is temporary laid off because of the Covid-19 situation, imply the withdrawal of his/her residence permit?**
- 2. Does your Member State provide a timeframe to allow the third-country national to find another job before withdrawing the residence permit? If yes, can you please explain. Has this timeframe been modified in the current situation?**
- 3. Do third-country national workers benefit from unemployment benefits to the same extent as EU workers and for which duration?**
- 4. If the third-country national worker is unemployed and his/her residence permit is expiring, does your Member State allow the renewal of the residence permit? YES/NO. Can you explain under which conditions and for which duration?**
- 5. Has your Member State been witnessing irregular or legally residing third-country nationals in your Member State applying for international protection due to having lost their employment and accommodation and/or due to the likely withdrawal of their residence permit?**
Available choices: Yes, No, Not Applicable
- 6. If YES, can you please explain how you deal with these types of cases from a reception conditions perspective (during asylum procedures) and a possible return perspective (if applications for international protection are rejected)?**

We would very much appreciate your responses by **3 July 2020**.

3. Responses

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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

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		Wider Dissemination ²	
	EMN NCP Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Belgium	Yes	<p>1. In Belgium, a (temporary) job loss by a third-country national worker in the context of Covid-19 does not lead to the withdrawal of his or her residence permit.</p> <p>2. No.</p> <p>3. Yes. The federal rules on unemployment benefits do not make a distinction between EU citizens and third-country nationals. In order to be eligible for unemployment benefits, foreign nationals need to comply with Belgian immigration law, have their habitual place of residence in Belgium and actually reside in Belgium (Art. 43, §1, Art. 69, §1, Art. 66 of the Royal Decree of 25 November 1991 concerning unemployment rules, available in French at http://www.ejustice.just.fgov.be/eli/arrete/1991/11/25/1991013192/justel).</p> <p>As a rule, unemployment benefits are granted for unlimited duration, but are progressively reduced. For both Belgian citizens and foreign nationals, temporary unemployment related to the Covid-19 situation is considered to be “temporary unemployment due to force majeure”. In this regime, employed workers do not have to meet the admissibility requirements and thus do not need to prove that they have worked a sufficient number of days as an employed worker. However, they do have to meet the</p>

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<p>general eligibility requirements (capacity to work, absence of salary, no replacement income and no exercise of other activities). Posted workers are not entitled to temporary unemployment benefits.</p> <p>4. Yes. Third-country national workers can still apply for renewal of their single permit provided they fulfil all conditions. If they have been temporarily unemployed due to Covid-19, their days of unemployment will be assimilated to working days. In this case, the fact that they did not reach the required salary threshold during the period of unemployment does not have an impact on their authorisation to work and stay in the territory.</p> <p>In addition, upon request the Immigration Office extends the stay of third-country nationals who cannot leave the country for reasons of “force majeure”, including short-term and long-term employed workers. These persons are granted a short-term authorisation to stay by the Immigration Office valid for 90 days, on the basis of which they can apply for a short-term work permit at the level of the regions, provided the period is also covered by an employment contract.</p> <p>5. No</p> <p>6. N/A.</p>
	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. According to the Article 27 of the Law for Foreigners in the Republic of Bulgaria the validity of a short-stay visa and of the permissible length of residence may be extended once by the services of administrative control of foreigners on humanitarian reasons, in exceptional circumstances or where public interest is present by placing a personalized visa sticker and stamp of the issuing authority into the passport or the document for travelling substituting it in an order determined by the regulations for implementing the act.</p> <p>The length of stay of persons who have entered the country under the visa waiver regime may be extended once by the services of administrative control of foreigners on humanitarian grounds related to exceptional circumstances or where public interest is present in an order determined by the regulations for implementing the act.</p> <p>However, change of the residence type is allowed, when the conditions for the new type of grounds for</p>

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			<p>residence are met. If the person loses his/her job, this is a prerequisite for withdrawing his/her authorised right of residence, with the exception of the EU Blue Card holders.</p> <p>2. No. There is no such new specific timeframe elaborated and implemented in Bulgaria for the third-country nationals concerning job seeking due to COVID-19. The applicable ones are only related to the existing EU directives' provisions (Blue Card holders, students, researchers, etc.).</p> <p>3. No, when their residence is based on work.</p> <p>4. No. There is no new specific timeframe elaborated and implemented in Bulgaria for the third-country nationals concerning the renewal of the residence permit. However, change of the residence type is allowed, when the conditions for the new type of grounds for residence are met.</p> <p>5. No</p> <p>6. N/A</p>
	<p>EMN NCP Croatia</p>	<p>Yes</p>	<p>1. It is very difficult to give any estimations in this regards, but having in mind the measures brought by The Civil Protection Headquarters of the Republic of Croatia, it could be said that the tourism and hospitality sector would be most affected. Also, to a certain extent construction sector.</p> <p>2. There have been no modification regarding timeframe to allow the third-country national to find another job before withdrawing temporary residence and work permit. In line with usual practice, if TCN finds another employer during the procedure for withdrawal of a permit (because TCN lost his/her job), an application for temporary residence and work permit with another employer (new work contract) could be made during that procedure. All requirements under the Aliens Act has to be fulfilled.</p>

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			<p>3. TCNs entitled to unemployment benefits have equal rights to nationals and EU/EEA workers when it comes to the amount (it depends solely on the average salary during three full months prior to termination of employment) and duration of entitlement to unemployment benefits (it depends on the period of employment within the EU prior to termination of employment). TCNs with permanent stay permit, as well as some other categories of TCNs, like those with granted temporary stay for humanitarian reasons, granted international protection, family reunification with Croatian national, EU national, TCN on permanent stay or TCN under international protection, have the right to register as unemployed jobseekers with the public employment service and can benefit from all services equally to nationals. TCNs on temporary residence and work permit, if become unemployed without their own will or fault, can stay in the Republic of Croatia till the expiration date on their permit. In this case, if a TCN meets other criteria for granting unemployment benefits, he or she can register with the public employment service and receive unemployment benefits. The person has to be removed from the PES register either by the date to which he or she is entitled to use the benefits or when temporary stay permit ceases.</p> <p>4. In line with provisions of aliens Act, TCNs who was issued with temporary residence and work permit, if become unemployed without their own will or fault, he/she can stay in the Republic of Croatia till the expiration date on their permit. If he/she finds a new employer in this period until the permit expires (new work contract), an application for temporary residence and work permit can be made. All requirements under the Aliens Act has to be fulfilled.</p> <p>5. No</p> <p>6. N/A</p>
	<p>EMN NCP Cyprus</p>	<p>Yes</p>	<p>1. A number of domestic workers will lose or already lost their jobs, during the last 2 months, mainly due to the inability of their employers as a result of the difficult financial situation</p>

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			<p>2. Normally the period given to an employee after being released from the previous employer is 30 days. Within this period the TCN has to find a new job otherwise he/she has to depart. Now, due to the current situation this period will be extended up to three months (six in total) in order to allow enough time for the TCN to find a new employer</p> <p>3. Cyprus has implemented a special unemployment scheme for employees of companies, that have fully or partially suspended their operations due to Covid-19. Of course, special conditions for the employers do apply. If the employer meets the criteria of this special unemployment scheme, then all his/her TCN employees are eligible, exactly like EU/CY employees.</p> <p>4. Yes, the renewal is possible.</p> <p>5. No</p> <p>6. N/A</p>
	<p>EMN NCP France</p>	<p>Yes</p>	<p>1. All applications will be treated on a case by case basis.</p> <p>2. TCNs legally reside in France with a residence / work permit giving them access to unemployment benefits can obtain the renewal of their residence permits for the validity period of unemployment allowances. They also have to prove that they look actively for a new job.</p> <p>3. YES the conditions to benefit from unemployment are the same for all French, EU, EEA and third country workers as long as they legally reside in France with a residence / work “salaried employee (salarie)” permit giving them access to unemployment benefits. TCNs holding a residence permit as ‘temporary worker’ for the execution of a limited-term employment contract cannot benefit from the unemployment allowance for involuntary job loss at the end of their contract which automatically put an end to their right of stay. However they can obtain the renewal of</p>

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			<p>their residence permit if the limited-term employment contract is extended or if they obtain an unlimited-term employment contract with a new employer.</p> <p>In case of involuntary loss of the job (dismissal, contractual termination, etc.) the beneficiary can benefit from unemployment allowances provided they work for at least 4 months. As of 1 November 2019 all beneficiaries need to prove working at least 130 days out of the last 24 months in order to receive unemployment allowances. The amount and duration of the allowances depend on the duration and on the payment of the contributions to the general scheme.</p> <p>4. In France, the emergency law to tackle the Covid 19 outbreak dated 23 March 2020 and its related decrees provided a 180 days extension of the validity of long-term visas, residence permits, temporary stay authorisations, receipts of residence permits which expired between 16 March and 15 May 2020. At the end of the lockdown, Prefectures will propose new appointments for filing (renewal) applications.</p> <p>5. No</p> <p>6. no information available for the moment</p>
	<p>EMN NCP Germany</p>	<p>Yes</p>	<p>1. The German government advised the foreigner authorities in the Länder, that are competent for the application of the immigration law, not to withdraw residence permits if the foreigner has a drop in income due to the crisis and also to use their margin of discretion with regard to reducing the length of validity of a residence permit if the foreigner loses his/her job due to the crisis. This applies to all residence titles except Schengen- and Transit-Visa.</p> <p>2. See answer to question 1, the timeframe hasn't been modified in the current situation. However, foreigner authorities in the Länder were advised to use their margin of discretion.</p> <p>3. In order to receive unemployment benefits, unemployed persons have to be available for a job placement by the Federal Employment Agency. Regarding third-country nationals, this means that they have to be allowed to take up employment in Germany. If this is legally possible, they can receive</p>

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			<p>unemployment benefits under the same conditions as German nationals. Depending on the unemployed persons's age and duration of employment in the last five years, unemployment benefits can be received for a maximum of 6 to 24 months. Due to the Corona virus, the Federal Government has passed a law to prolongate the benefit receipt in certain cases for additional 3 months.</p> <p>4. See answer to question 1.</p> <p>5. No</p> <p>6. n/a</p>
	EMN NCP Greece	Yes	<p>1. There is no possibility of withdrawal of residence permits due to unemployment. Due to closure of Immigration services to the public from 12.03.2020 until 15.05.2020 included, the validity of residence permits (LTR or STR) which expired after 1 December 2019 or shall expire until 30 June 2020 is extended until 31 December 2020, by Decision of the Minister of Migration & Asylum. Similarly, the validity of "certificates of application for residence permit" (i.e. certificates granted upon submission of the application for a residence permit, provided that all supporting documents are complete and certifying temporary legal residence in Greece, 1 year max, until issuance of the permit) which shall expire until 30 June 2020, is extended until 31 December 2020.</p> <p>2. The residence permit, in case of unemployment, can be renewed under the condition of a valid national care insurance.</p> <p>3. The third-country national legally residents workers have equal benefits with EU nationals to unemployment benefits.</p> <p>4. The residence permit, in case of unemployment, can be renewed under the condition of a valid national care insurance.</p>

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			<p>5. No</p> <p>6.</p>
	<p>EMN NCP Hungary</p>	<p>Yes</p>	<p>1. The immigration authority shall have powers to control compliance with and enforce the provisions of the Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals, in case the conditions for acquiring the residence document stated by the law are no longer met it will still result in the withdrawal of the residence document.</p> <p>2. Hungary does not provide timeframe to allow the third-country national to find another job before withdrawing the residence permit.</p> <p>3. The rights and obligations with respect to unemployment benefit and registration as jobseeker by the local labour authority that pertain to Hungarian and EU nationals shall also apply to third country nationals with single permit - residing legally in Hungarian territory for the purpose - after being employed for at least 6 months within the framework of a regular employment relationship in Hungary. The longest period of payments of job-seekers' benefits shall be 90 days. The duration of job-seekers' benefit payments shall be calculated based on the length of employment in the previous 3 years, whereby 10 days of employment shall constitute one day of eligibility for job-seekers' benefits. As regards portability of unemployment benefits bilateral social security agreements contain special provisions with several countries.</p> <p>4. Hungary does not provide timeframe to allow the third-country national to find another job during the procedure, but if the third-country national is able to present prior agreement concluded with a view to entering into an employment relationship, or a document verifying the employment relationship the application for the extension of the residence permit can be approved.</p> <p>5. No</p>

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			6. N/A
	EMN NCP Ireland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Italy	Yes	<p>1. Article 103 of Decree-Law n. 18 of 17 March 2020 covers the suspension of the time limits for administrative procedures, including those aimed at issuing or renewing residence permits, from 23 February to 15 April 2020.</p> <p>On April 8, 2020, Decree-Law n. 23 of 8 April 2020 has further extended the period of suspension for administrative proceedings until May 15, 2020.</p> <p>On April 24, 2020, the law converting Decree-Law n.18 of 17 March 2020 has introduced several changes to the terms above-mentioned. It has extended again the validity of all certificates, attestations, permits, concession, authorizations and enabling acts, expiring between January 31 and July 31, 2020, for 90 days following the declaration of cessation of the state of emergency (Article 103.2). As for the residence permits for third-country citizens, they remain valid until August 31, 2020. This include:</p> <ul style="list-style-type: none"> • The deadlines for the conversion of residence permits from study to employment and from seasonal to non-seasonal employment; • Permits to stay (entry visas, etc.); • Travel documents; • The validity of permits issued for seasonal work, family reunification, work - special cases, including research, blue cards, intercompany transfers, etc.; • Residence permits for subordinate work, waiting for employment, self-employment, family, internship, job search or student entrepreneurship; • Requests for conversion. <p>Similarly, residence permits for seasonal work, expiring between 23 February and 31 May 2020, are instead extended to 31 December 2020.</p>

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			<p>2. The “residence permit for prospective employment” is issued when, at the time of renewal of the residence permit for reasons of employment, the worker is not the holder of an employment contract but is instead registered in the employment lists. Therefore, the loss of employment does not constitute a reason for revoking the residence permit for the non-EU worker and his legally resident family members.</p> <p>A foreigner who loses his job as a result of dismissal or resignation, must present himself, within 40 days from the date of termination of the employment relationship, at the Employment Centre and make a declaration certifying the work previously carried out and the immediate willingness to work.</p> <p>The third-country citizen may be registered with the Employment Centre for the remaining period of validity of the residence permit and, in any case, excluding seasonal workers, for a total period of not less than one year or in any case for the entire duration of income support services, during which he or she may seek a new job.</p> <p>The timeframe has not been modified by the current situation.</p> <p>3. Unemployment benefits are granted to employees who terminate their employment relationship for reasons beyond their control, if certain conditions are met. This means that the allowance is granted if the employee has been dismissed and not if he resigns. Exceptionally, compensation may be settled in case of resignation for a just cause (e.g. the resignation is the result of non-payment).</p> <p>The application can be made either if the relationship is for a fixed term or for an indefinite period. To submit the application, it is essential that a declaration of “immediate availability for work” has been provided to an Employment Centre. As far as non-EU nationals are concerned, the application is subject to the possession of a residence permit for non-seasonal employment, even if the permit is being renewed.</p> <p>There are three requirements to be eligible for the New Social Insurance benefit for Employment (i.e. NASPI), an unemployment benefit introduced with Legislative Decree no. 22 of 4 March 2015:</p> <ul style="list-style-type: none">• state of unemployment, meaning the loss of employment for reasons beyond the worker's control;• contribution requirement: thirteen weeks' contribution in the four years preceding the start of the period of unemployment;• employment requirement: thirty days of actual work in the twelve months preceding the start of unemployment.
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			<p>This unemployment benefit is intended for all workers with the exception of the following categories:</p> <ul style="list-style-type: none"> • permanent employees of public administrations; • agricultural workers on fixed-term or permanent contracts. <p>The following workers who have lost their jobs unintentionally may apply for the NASPI:</p> <ul style="list-style-type: none"> • apprentices; • public administration employees with a fixed-term contract; • artistic personnel with a fixed-term subordinate contract; • members working in cooperatives with a subordinate employment relationship. <p>The application must be submitted within 68 days from the date of cessation of activities on specific models prepared by INPS. The application may be accepted or rejected. In case of rejection, it is possible to appeal to INPS (i.e. the social security Agency) within 90 days from the date of receipt of the communication informing about the rejection.</p> <p>The duration of unemployment varies according to each person's contribution history: it is paid for a number of weeks equal to half the contribution weeks of the last four years, up to a maximum of 24 months. In any case, the amount for the year 2020 cannot exceed 1,335.40 euros per month.</p> <p>4. See the answer provided in question n. 2.</p> <p>5. No</p> <p>6.</p>
<p>==</p>	<p>EMN NCP Latvia</p>	<p>Yes</p>	<p>1. In the case of interruption of work contract the residence right will be interrupted as well. Grace period for leaving of Latvia is 30 days after the emergency situation is lifted (11th June at the moment).</p> <p>2. During this period (until 11th of June if situation does not change) persons will be given an opportunity to submit new residence right application (long-term visa or residence permit);</p>

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			<p>3. Third country nationals could unemployment benefits only in two cases: 1) if has received a permanent residence permit; 2) has received a temporary residence permit and is the spouse of a citizen of Latvia, or a person who has received a permanent residence permit. Duration is 8 months.</p> <p>4. No. There shall be an existing work agreement in force to renew a permit. However, a person can be on unpaid leave, then residence permit will be renewed.</p> <p>5. No Although sometimes we do receive applications for international protection triggered by difficulties to extend residence permits - at the moment we do not face increase in cases caused by loss of employment/accommodation and likely withdrawal of the residence permits.</p> <p>6. N/A. In case if such necessity for reception emerges, those asylum seekers will be accommodated in the Asylum seekers' reception centre and will receive daily allowances until the time when final decisions in their asylum cases are taken.</p>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. Due to the Covid-19 pandemic, the legal provisions have not been changed in this respect. A temporary residence permit issued on the basis of employment is revoked if the employment contract with a foreigner is terminated (except in cases when an alien who is a citizen of Australia, Japan, the United States, Canada, New Zealand or South Korea or for whom a temporary residence permit has been issued to work in a job requiring high professional qualifications (Blue Card Holders). It should be noted, that a foreigner wishing to change the employer or his job function with the same employer does not need to obtain a new temporary residence permit (subject to Migration Department's approval).</p> <p>Generally, each case and all the circumstances relevant to the individual case are considered. Measures that employers are forced to take as a result of business difficulties during COVID-19 emergency, such as the release of workers on unpaid leave, downtime or other measures provided for in the Labor Code, are also being considered.</p>

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			<p>2. Yes, but only in cases where a temporary residence permit has been issued on the basis of work to a foreigner who is a citizen of Australia, Japan, the United States of America, Canada, New Zealand or South Korea, or where a temporary residence permit has been issued to a foreigner intending to work in highly qualified employment (Blue Card). In these cases, the temporary residence permit shall be revoked if the alien has become unemployed for more than 3 consecutive months or more than once during the period of validity of the temporary residence permit. Due to the situation of Covid-19, the legal provisions have not been changed.</p> <p>3. Yes. Third-country nationals holding a residence permit in Lithuania, who are exempted from the obligation to obtain a work permit in Lithuania under Lithuanian legislation, are entitled to unemployment insurance benefit under the same conditions as citizens of the Republic of Lithuania, European Union or European Free Trade Association Member States citizens or their family members.</p> <p>4. No, but the fact that the third-country national is unemployed shall not constitute a ground for refusing to issue a new residence permit if he or she meets other grounds and conditions for obtaining a residence permit.</p> <p>5. No</p> <p>6. N/a</p>
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. In Luxembourg, the fact that a third-country national lost his/her employment does not immediately imply the withdrawal of his/her residence permit. Article 43 (4) of the amended law of 29 August 2008 on free movement of persons and Immigration (Immigration Law) foresees that if the beneficiary cannot prove that s/he had actually worked during the validity of the residence permit or the authorisation of work or if the renewal occurs during the period compensated by unemployment, the residence permit or the authorisation of work is renewed for up to a maximum period of one year.</p>

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			<p>2. Yes. Normally the third-country national is granted the opportunity to find another employment if s/he has lost her/his employment due for causes independent to him/her (as it is the case of Covid-19). Under the cover of her/his residence permit, he may register with the National Employment Agency (Agence pour le développement de l'emploi – ADEM) as a jobseeker which gives the person access to help and guidance in their search for a job and a range of services geared specifically towards jobseekers.</p> <p>Registration with ADEM is a precondition for obtaining a range of monetary benefits paid by ADEM or other organisations.</p> <p>In order to have right to unemployment benefits the third-country national must have:</p> <ul style="list-style-type: none">• be unemployed against his/her will (which excludes termination of an employment contract by mutual consent, leaving a job without a valid reason, resignation and dismissal for serious misconduct);• be a resident in Luxembourg at the time of notification of dismissal while on a permanent employment contract;• be aged between 16 and 64;• be fit to work, available for the labour market and ready to accept any appropriate job (according to criteria of pay, physical and mental fitness, working conditions, ...);• be registered as a jobseeker with ADEM and file an application for full unemployment benefit;• have held one or more employment contracts for at least 26 weeks (with at least 16 hours per week) over the 12 months prior to registering with the ADEM as a jobseeker. <p>In principle, during the period where s/he holds a valid residence permit as salaried worker s/he can look for another employment as a job seeker. As it was mentioned in the answer to question 1, article 43 (4) of the Immigration Law foresees that a salaried worker can renew her/his residence permit for up to a maximum of 1 year if the beneficiary cannot prove that s/he had actually worked during the validity of the residence permit or the authorisation of work or if the expiration date of the residence permit occurs during the period the third-country national is collecting unemployment benefits. The timeframe to look for a job has not been amended due to Covid-19.</p> <p>3. Yes. However, the third country national has to hold a valid residence permit.</p> <p>4. Yes. As it was mentioned in the answer to question 1 and 2, article 43 (4) of the Immigration Law foresees that a salaried worker can renew her/his residence permit for up to a maximum of 1 year if</p>
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			<p>the beneficiary cannot prove that s/he had actually worked during the validity of the residence permit or the authorisation of work or if the expiration date of the residence permit occurs during the period the third-country national is collecting unemployment benefits.</p> <p>5. No</p> <p>6. N/A.</p>
	EMN NCP Malta	Yes	<p>1. Work/residence permits are issued for specific employment with a specific employer. If the employment is terminated, the purpose for the residence permit no longer subsists and his right of residence on such basis is terminated.</p> <p>2. The pertinent Maltese authorities involved in labour migration processes are currently accepting applications from TCNs, who are still in Malta and who were previously in possession of a valid Residence/Work Permit and who had their employment terminated on the basis of redundancy as from the 9th of March 2020. In view of the COVID-19 spread, Jobsplus, the Public Employment Services Agency, which, together with Identity Malta Agency, provides information in this regard has suspended its front-office services and clients are being encouraged to either contact the entity via phone or electronic services. A special service has been setup within Jobsplus to assist persons whose employment has been terminated during the said period. They are being requested to use such services to find alternative employment. The allocated employment advisers will be able to guide clients when it comes to job search, they will also take a basic profile which will focus mainly on information related to skills, work experience and job preferences in order to match with any available vacancies. Through the Vacancy Unit Jobsplus is also assisting employers seeking new recruits.</p> <p>3. Third-country national workers are entitled to unemployment benefits to the same extent as Maltese and EU nationals, provided that they are registering for work under Part I of the register held by Jobsplus and satisfying the contribution conditions in accordance with the Social Security Act (Chapter 318 of the Laws of Malta).</p>

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			<p>4. Work/ residence permits are issued provided that employment contracts are furnished. In the case mentioned the third country national worker, in view of the current exceptional circumstances, is permitted to remain in Malta until his/her repatriation becomes possible.</p> <p>5. Not Applicable</p> <p>6. N/A</p>
	EMN NCP Netherlands	Yes	<p>1. EMN The Netherlands has provided this information on 18 May 2020.</p> <p>First of all we want to remark that for answering this AHQ we explained 'third-country national workers' in line with the introduction above, namely as 'third-country nationals who are in the Member States for work purposes'. Although this was not stated explicitly, this seemed the most reasonable explanation for this terminology, which is not included in the EMN Glossary. All other third-country nationals with a legal right to work in the Netherlands are not discussed in the following answers.</p> <p>The employer must comply with the legal provisions regarding the employment contract. In many cases, the employment contract cannot simply be broken. In addition, the employer can make use of the temporary Emergency Measure, called 'tijdelijke Noodmaatregel Overbrugging voor Werkbehoud' (NOW), which means that wages can still be paid and the employment contract doesn't have to be terminated. If it is not possible to work, but wages continue to be paid and the employment contract continues, the permit will not be withdrawn if the Corona crisis is the reason why someone cannot work.</p> <p>However, if the employment contract is (legally) terminated, the conditions of the residence permit in the Netherlands are no longer met. It is important that the employer notifies the IND of such changes. In such a case, an intention to withdraw the residence permit will be sent, whereby the foreign national will be given the opportunity to find a new employer within 3 months after the termination of the employment contract. If a new workplace is found, a new application must be submitted to the IND.</p>

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			<p>Work is only allowed once the new residence permit has been granted. However, if no new job is found within these three months, the residence permit will be withdrawn and the foreign national must leave the Netherlands.</p> <p>In times of Corona it is decided to be accommodating with overstay by force majeure. Therefore, no immigration law consequences will be given if (knowledge) migrants no longer reside lawfully in NL and cannot return to their country due the travel restrictions as a result of Corona.</p> <p>2. He/she is given a period of 3 months to find another job (see the answer on question 1).</p> <p>This timeframe has not been modified in this current situation. Because of the temporary Emergency Measure provided by the government, employers can get financial support to continue to pay the labour costs. The emergency measure will offer sufficient relief in order for employers to continue to pay their employees. Therefore the employment contracts don't have to be terminated, which means that residence permits don't have to be withdrawn.</p> <p>3. If a third-country national has lawfully resided and worked in the Netherlands, the third-country national is entitled to unemployment benefit under the same conditions as Dutch nationals.</p> <p>WW (unemployment benefits):</p> <p>Accrued unemployment benefits (WW) depends on the number of years worked. With six months work (26 weeks) you are entitled to a short-term benefit of at least three months if unemployment is not culpable. The maximum unemployment benefit is two years.</p> <p>Within the EU / EEA / Switzerland there is an aggregation rule (regulated in Regulation 883/2004). Under this aggregation rule, periods from other Member States can be included in the assessment of entitlement to unemployment benefit. Third-country nationals who reside lawfully in the EU and who have worked in other EU Member States may, if necessary, bring their work history from another EU Member State to assess the right to unemployment benefit.</p> <p>This aggregation rule does not apply outside the EU. There are, however, a few bilateral treaties that do have such an aggregation rule.</p>
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			<p>Third-country nationals cannot export WW to countries outside the EU. WW export is subject to conditions (provided for in Regulation 883-2004) to other Member States. These conditions are, for example, that the export takes a maximum of three months, that someone exports the allowance to look for work and that someone is first available for work and looking for work in the Netherlands for four weeks.</p> <p>4. If a third-country national has lawfully resided and worked in the Netherlands, the third-country national is entitled to unemployment benefit under the same conditions as Dutch nationals.</p> <p>WW (unemployment benefits):</p> <p>Accrued unemployment benefits (WW) depends on the number of years worked. With six months work (26 weeks) you are entitled to a short-term benefit of at least three months if unemployment is not culpable. The maximum unemployment benefit is two years.</p> <p>Within the EU / EEA / Switzerland there is an aggregation rule (regulated in Regulation 883/2004). Under this aggregation rule, periods from other Member States can be included in the assessment of entitlement to unemployment benefit. Third-country nationals who reside lawfully in the EU and who have worked in other EU Member States may, if necessary, bring their work history from another EU Member State to assess the right to unemployment benefit.</p> <p>This aggregation rule does not apply outside the EU. There are, however, a few bilateral treaties that do have such an aggregation rule.</p> <p>Third-country nationals cannot export WW to countries outside the EU. WW export is subject to conditions (provided for in Regulation 883-2004) to other Member States. These conditions are, for example, that the export takes a maximum of three months, that someone exports the allowance to look for work and that someone is first available for work and looking for work in the Netherlands for four weeks.</p> <p>5. Not Applicable</p>
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			<p>6. It is not yet clear whether the Netherlands is witnessing irregular/legally residing third-country nationals applying for international protection due to having lost employment/accommodation or to the likely withdrawal of their residence permit.</p>
	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. The Act of 2 March 2020 on special solutions related to preventing, counteracting and combating COVID-19, other infectious diseases and emergencies caused by them (Journal of Laws, item 374, as amended), provides for, inter alia, the suspension, as a rule, of the time limits indicated by the provisions of administrative law during the period of the epidemic emergency status or the epidemic status announced due to COVID-19. Therefore, the deadline for notifying the authority that granted temporary residence permit, within 15 working days, that the reason for granting the permit has ceased to exist as well as the deadline for notifying that the holder of the temporary residence and work permit or of the EU Blue Card has lost job are currently considered as suspended. Moreover in accordance with the Act of 12 December 2013 on Foreigners (OJ of 2020 item 35) temporary unemployment is allowed for 30 days in case of the temporary residence and work permit and for 3 months and 2 times during the validity of the permit in case of the EU Blue Card if the foreigner proved that he had fulfilled the obligation to notify about losing his/her job or if the notification was not delivered to the authority for reasons beyond the control of the foreigner. On the basis of the above mentioned special Act of 2 March 2020 also the above mentioned 30 days or 3 months' time limits are considered as suspended. Therefore the fact that the foreigner employed in Poland loses his/her job, or is temporarily laid off because of the Covid-19 situation does not imply the withdrawal of his/her residence permit.</p> <p>2. In accordance with the Act of 12 December 2013 on Foreigners temporary unemployment is allowed for 30 days in case of the temporary residence and work permit and for 3 months and 2 times during the validity of the permit in case of the EU Blue Card if the foreigner proved that he had fulfilled the obligation to notify about losing his/her job or if the notification was not delivered to the authority for reasons beyond the control of the foreigner. On the basis of the above mentioned special Act of 2 March 2020 the deadline for notifying the authority that granted temporary residence permit, within</p>

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			<p>15 working days, that the reason for granting the permit has ceased to exist as well as the deadline for notifying that the holder of the temporary residence and work permit or of the EU Blue Card has lost job are currently considered as suspended. Also the above mentioned 30 days or 3 months' time limits for temporary unemployment are considered as suspended.</p> <p>However work for another employer generally requires obtaining a new temporary residence and work permit or a change of the EU Blue Card residence permit (if the EU Blue Card holder works for less than 2 years in Poland).</p> <p>3. Granting the status of an unemployed is possible for third-country nationals in Poland who hold:</p> <ul style="list-style-type: none">- one of the international protection status (refugees, tolerated stay, subsidiary, or humanitarian protection);- a permanent residence permit, a residence permit for EU long-term resident (issued in PL or the other Member State);- a temporary residence permit, granted in order to perform work in a profession requiring high qualifications or due to the fact that is a family member of a third-country national worker;- one temporary residence and work permit or a visa issued to work in Poland and, directly before the registration as an unemployed, were employed continuously in the territory of Poland for at least 6 months;- or who is a family member of a Polish national. <p>The allowance collection period shall amount to 180 days or in some cases to 365 days. More detailed information can be found at the following link: https://zielonalinia.gov.pl/web/zielona-linia/-/the-unemployment-benefit...</p> <p>4. The Act of 2 March 2020 on special solutions related to preventing, counteracting and combating COVID-19, other infectious diseases and emergencies caused by them provides for an extension by law of the periods of validity of temporary residence permits as well as the residence cards expiring during the period of state of epidemic emergency or state of epidemic (i.e. since 14th March 2020) – up to the 30th day following the date of cancellation of the last of the above-mentioned states that will be in force in Poland. This regulation has legal effect and does not involve submitting any applications or issuing new residence cards.</p>
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			<p>5. No</p> <p>6. N/A.</p>
	EMN NCP Portugal	Yes	<p>1. The Portuguese Law does not envisage the withdrawal of residence permits on the grounds of unemployment. Other possibilities, such as cancellation or non-renewal of residence permits are not foreseen either so far, since all documents, including residence permits, are valid until June 30th 2020. If such situation occurs, unemployed third-country nationals are granted the same rights EU nationals have. I.e., all regular workers legally working in Portugal, another EU country or a country with which Portugal has social security agreements, for one year before losing their jobs are, if not in lay-off, eligible for receiving the unemployment benefit, permitting they may subsist until they get back to their previous work or find a new one. As for the irregular ones, if detected, they will most probably return to their origin countries (unless safety reasons so prohibit). There may be a smaller range of third-country national workers (and EU workers as well) who legally work in Portugal, another EU country or a country with which Portugal has social security agreements for less than one year, who will not be granted the unemployment benefit. Please find more information at https://www.acm.gov.pt/-/fiquei-desempregado-quais-os-apoios-sociais-dis...</p> <p>2. Portuguese Law does not establish such a timeline, nor withdrawing is envisaged on the grounds of unemployment.</p> <p>3. It depends on the number of monthly discounts for social security and the worker's age, and ranges from 150 to 540 months of unemployment benefit.</p> <p>4. The third-country national must prove he/she has the necessary subsistence resources, which may include social security benefits. Therefore, there are other ways, besides being employed, to maintain the right to residence, and thus the residence permit.</p>

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			<p>5. No</p> <p>6.</p>
	EMN NCP Slovakia	Yes	<p>1. The situation regarding unemployment of third-country nationals in relation to temporary residence for the purpose of employment is regulated by the Act on Residence of Aliens (Section 36., par. 3). According to this provision, in case of termination of employment, the residence is not withdrawn up to 60 days from the termination of employment, if the temporary residence permit is granted for the purpose of employment.</p> <p>In relation to the Covid-19, the Act on Residence of Aliens has been amended and according to this amendment, this period of 60 days has been prolonged up to the duration of the crisis situation. I.e. it is not possible to withdraw a temporary residence permit due to the termination of employment during the crisis situation related to the Covid-19 pandemic.</p> <p>2. See 1</p> <p>3. The job seeker (registered in the Job Seekers Registry at the Office of Labour, Social Affairs and Family) is entitled to the unemployment benefit if he/she is covered by the social insurance and has complied with the legal requirements. Upon fulfilling the requirements, there is no distinction between a foreigner and a Slovak citizen.</p> <p>Due to the current situation in relation to the Covid-19 pandemic, the Labour Code of the Slovak Republic has been amended, entering into force on 4 April 2020. The Amendment, apart from other changes, has also prolonged the period during which it is possible to receive the unemployment benefit by one month. This prolongation concerns only those covered by the social security whose period of receiving the unemployment benefit finished after the beginning of the crisis situation, i.e. 12 March 2020 and who are registered in the Job Seekers Registry.</p> <p>Other information in relation to the Covid-19 pandemic is also available here: https://www.socpoist.sk/unemployment-benefit/67464s</p>

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			<p>4. Temporary residence for the purpose of employment is related to the employment which the third-country national has to perform. In the Slovak Republic, it is not possible to be granted a temporary residence permit for the purpose of employment and not to perform this employment. If the third-country national is unemployed and the validity of the residence meanwhile expires, the third-country national is required to travel outside the Slovak Republic on the last day of his/her residence permit the latest. If the third-country national finds different employment during the period when his/her residence permit is still valid, he/she can apply for the change of employer and the renewal of the residence permit.</p> <p>5. No</p> <p>6. N/A</p>
	EMN NCP Slovenia	Yes	<p>1. In accordance with Article 56(3) of the Foreigners Act (Official Gazette RS, No. 1/18 - official consolidated text, 9/18 - afterwards and 62/19 - dec. US) a temporary residence permit shall not be annulled if a third-country national whose employment or work was terminated through no fault of his or her own and he or she acquired unemployment benefits in accordance with the Act governing the labour market (Official Gazette RS, No. 80/10 , 40/12 - ZUJF, 21/13 , 63/13 , 100/13 , 32/14 - ZPDZC-1, 47/15 - ZZSDT, 55 / 17 , 75/19 and 11/20), as long as he or she is entitled to such rights.</p> <p>2. No, except for those who are entitled to unemployment benefits. Those must find another job before the expiry of the entitlement to the unemployment benefits.</p> <p>3. Yes. The cash benefit is paid if third-country national has a permanent or temporary residence permit in Slovenia and is registered with the Employment Service as unemployed. The period of receiving unemployment benefit depends on the period of insurance, i.e.: - 2 months, for those younger than 30 years and who have been insured for at least 6 months in the past 24 months before unemployment,</p>

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			<ul style="list-style-type: none"> - 3 months for those who have been insured from 9 months to 5 years, - 6 months for those who have been insured from 5 to 15 years, - 9 months for those who have been insured from 15 to 25 years, - 12 months for those who have been insured over 25 years, - 19 months for those who are older than 53 years and have been insured over 25 years, - 25 months for those who are older than 58 years and have been insured over 28 years. <p>Citizens of Bosnia and Herzegovina are entitled to cash benefits if they have been insured for unemployment for at least 9 months in the last 18 months.</p> <p>Citizens of Serbia are entitled to cash benefits if they have been insured for unemployment for at least 9 months in the last 24 months.</p> <p>Citizens of Northern Macedonia are entitled to cash benefits if they have been insured for unemployment for at least 9 months in the last 12 months.</p> <p>4. Yes. A temporary residence permit may be extended under the same conditions as those applicable to its issuance. A third-country national must apply for the extension of a permit with the competent authority in the Republic of Slovenia prior to the expiry of the permit. If he/she acquired unemployment benefits in accordance with the Act governing the labour market (Official Gazette RS, No. 80/10 , 40/12 - ZUJF, 21/13 , 63/13 , 100/13 , 32/14 - ZPDZC-1, 47/15 - ZZSDT, 55 / 17 , 75/19 and 11/20), temporary residence permit can be extended for the duration of the entitlement to the unemployment benefits.</p> <p>5. No</p> <p>6. N/a</p>
	<p>EMN NCP Spain</p>	<p>Yes</p>	<p>1. Spanish migration framework includes, as a general ground for the withdrawal of residence permits, the situation in which the third-country national no longer meets the conditions laid down for granting</p>

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			<p>it. Therefore, the fact of losing the job can imply on some occasions the withdrawal of the residence permit.</p> <p>However, it should be noticed that general rules for the renewal of residence permits (article 71 of Royal Decree 557/2011[1]) includes cases where the third country national has lost his/her job but she/he has been working a minimum time required. Be entitled to contributory unemployment benefits is established also as a ground for renewal. As a final provision regarding renewals, the positive report on social inclusion (issued by local or regional authorities) is seen as a useful tool for preventing irregular situation. It can be submitted where some requirements for renewals are not fulfilled.</p> <p>In addition to these general provisions, it should be noticed that, due to the COVID 19 situation, administrative deadlines and time limits have been suspended by the Royal Decree 463/2020 of 14 March which declares the state of alarm. Consequently, migration authorities are not withdrawing residence permits.</p> <p>Besides, plans are being developed at that moment regarding the temporally extension of permits and the inclusion of more flexibility in the withdrawal and renewal of residence permits.</p> <p>[1] available at : https://www.boe.es/buscar/act.php?id=BOE-A-2011-7703</p> <p>2. As it has been explained before, general rules for the renewal of some residence permits (article 71 of Royal Decree 557/2011) includes as grounds for renewal cases in which the third country has lost his job but she/he has been working a minimum time required and/or has another job offer. As a consequence, a timeframe is granted to let the third country national find another job (at least, until the validity does not expire).</p> <p>Currently, this provision has not been modified.</p> <p>3. Yes, equal treatment is a key principle of the Spanish migration framework. Besides, a wide range of economic measures have been launched to protect citizens from the Covid-19 crisis which includes third country national workers.</p> <p>4. Yes. General rules for the renewal of some residence permits (specifically, article 71 of Royal Decree 557/2011) includes as grounds for renewal cases in which the third country has lost his job, but she/he has been working a minimum time required and/or has another job offer.</p>
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			<p>Specifically, grounds for renewal of residence permits (which allows to work as an employee):</p> <ul style="list-style-type: none"> (a) Where she/he has not lost the job (b) Where the third country national has lost his/her job but have been working for a minimum of six months per year and has a new job offer. (c) Where the third country national has lost his/her job by reasons beyond its control but have been working for a minimum of three months per year, provided that she/he has a new job offer. (d) Where a contributory unemployment benefit or a social benefit for helping it social or labour inclusion has been granted. (e) Where the third country national has lost her job for being a victim of gender-based violence. (f) Where the third country national has been working for a minimum of nine months in a period of twelve, or eighteen months in a period of twenty-four, provided that his last employment relationship has been interrupted by causes beyond his control and has actively sought employment. <p>It should be noticed that if some requirements are not fulfilled, a positive report on social inclusion can be taken into account.</p> <p>Finally, regarding the COVID 19 crisis, plans are being developed at that moment regarding the inclusion of more flexibility in the renewal of residence permits.</p> <p>5. No</p> <p>6.</p>
	<p>EMN NCP Sweden</p>	<p>Yes</p>	<p>1. As of yet there has been no changes in the laws regarding migration due to Covid-19 and its economic impact. This means that if the TCN does not fulfil the requirements for work/residence permit it can be withdrawn. The most important requirement is that the person must be able to support him/herself, i.e. has an income of more than 13000 skr/month (approximately 1300 euro/month). The spread of the coronavirus is a unique situation whose consequences for each individual person are very difficult to monitor. All examinations of applications for residence permits are based on laws that the Swedish Migration Agency must comply with. These laws do not consider any extraordinary events. The Migration Agency's Legal Affairs Department is now going through the entire migration area to see</p>

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			<p>what consequences the current situation will have for those who seek protection, study, work, visit or want to move to Sweden. Updated information can be found on this website of the Swedish Migration Agency https://www.migrationsverket.se/English/About-the-Migration-Agency/Coronavirus.html</p> <p>2. The timeframe for finding a new job is 3 months and has not been changed due to the current situation.</p> <p>3. Unemployment benefit is in Sweden a voluntary insurance based benefit administered by the unions and built on personal payments.</p> <p>4. No. The person must have an employment or work offer in order for the permit to be extended.</p> <p>5. No</p> <p>6. NA</p>
	EMN NCP Norway	Yes	<p>1. Response primarily applies to skilled labour; (for further details check https://www.udi.no/en/about-the-corona-situation/questions-and-answers-regarding-the-corona-situation-i-norway/) The Norwegian government does not revoke a skilled worker's residence permit based on being laid off full time or part time.</p> <p>If a skilled worker is laid off If a skilled worker has a valid residence permit as a skilled worker with an employer in Norway, he/she does not need to report to the UDI or the police if he/she is laid off. The Norwegian government does not revoke a skilled worker's residence permit based on being laid off full time or part time. A skilled worker can stay in Norway as long as his/her valid residence permit is valid.</p>

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			<p>The Norwegian government does not know now what significance this could have on an application for renewal of a skilled worker's residence permit, or an application for a permanent residence permit, if a residence permit expires while a skilled worker is on leave. The Norwegian government will come back with more information when the matter is clarified.</p> <p>If a skilled worker loses his/her job</p> <p>If a skilled worker who has a residence permit as a skilled worker with an employer in Norway and loses his/her job, he/she has to report to the police where he/she lives within seven days.</p> <p>If the Police are not open for any appointments , it is enough that the skilled worker contacts the police when this is possible again. After contacting the police the skilled worker can then stay in Norway to apply for a new job for up to six months. His/her residence permit must still be valid throughout this period.</p> <p>If a skilled worker then gets a new job</p> <ul style="list-style-type: none">• If a skilled worker who has a residence permit as a skilled worker with an employer in Norway then gets a new job, but is going to work in the same type of position as before, he/she does not need to apply for a new residence permit, but he/she has to report to the police where he/she lives within seven days of starting in the new job. If the Police are not open for any appointments , it is enough that the police are contacted when this is possible again.• However, if a skilled worker gets a new job where he/she will have a different type of position than before, he/she must apply for a new residence permit. He/she cannot start in another type of position until he/she has been granted a residence permit. <p>It will not have any consequences for a skilled worker that he/she works somewhat reduced, as long as he/she continues to work in a position that is at least 80%. The foreign national does not need to report this to the UDI or the police.</p> <p>Pay and working conditions must not be under Norway standards, the position must provide a salary of at least NOK 246 246 annually before tax, and other requirements for your residence permit as a skilled worker must also be fulfilled.</p>
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			<p>A skilled worker can later apply for a renewal of his/her residence permit or for a permanent residence permit.</p> <p>2. A skilled worker can stay in Norway as long as his/her valid residence permit is valid. If a skilled worker who has a residence permit as a skilled worker with an employer in Norway and loses his/her job, he/she has to report to the police where he/she lives within seven days. If the Police are not open for any appointments, it is enough that the skilled worker contacts the police when this is possible again. After contacting the police, the skilled worker can then stay in Norway to apply for a new job for up to six months. His/her residence permit must still be valid throughout this period. NOTE: A skilled worker may stay on the same terms if he/she registers an application for renewal or permanent residence permit and pays a fee no later than seven calendar days before the permit expires. If the case is not urgent, the applicant has to wait for the police to make new appointments available in the application portal (external website).</p> <p>3. Normally, if a foreign national calls Norway home, then the same benefits normally apply to TCN who need unemployment benefits due to corona situation. For further details check: https://www.nav.no/arbeid/dagpenger/permittert?lang=en</p> <p>4. As of May 4th, 2020, The Norwegian government does not know now what significance being laid off could have on an application for renewal of a skilled worker's residence permit, or an application for a permanent residence permit, if a residence permit expires while a skilled worker is laid off. The Norwegian government will come back with more information when the matter is clarified.</p> <p>5. No</p> <p>6. N/A. (Note: UDI is using electronic methods to conduct asylum interviews)</p>
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