

# EMEA Virtual Mobility Summit

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## Summit Instructions

### Sound Troubles?

- If your sound quality is poor, check your Wi-Fi strength or better yet, connect via cable.
- Call in using the phone number listed under the “Event Info” tab in the upper left-hand corner.

### To return to meeting room window:

- If you are in full screen mode, you may return to the meeting room window by clicking the View Meeting Room button located at the bottom left corner of your screen.

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## Q&A

- Submit questions through Q&A dialogue box
- Box is located in lower right corner of screen
- Do not use the Chat Box
- Be specific
- You may submit your question at any time

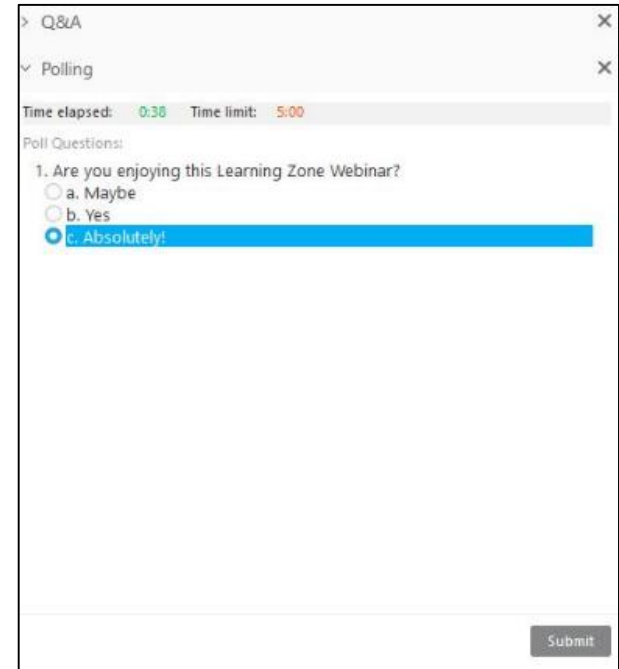


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## Polling Instructions

- The Polling Box appears below Q&A Box
- Question will appear on slide and in the Poll Box
- Submit answer quickly
- Results will display in the same location



The screenshot shows a web interface for a Q&A session. At the top, there are two expandable sections: 'Q&A' and 'Polling'. Below the 'Polling' section, a progress bar indicates 'Time elapsed: 0:38' and 'Time limit: 5:00'. The main content area is titled 'Poll Questions:' and contains a single question: '1. Are you enjoying this Learning Zone Webinar?'. There are three radio button options: 'a. Maybe', 'b. Yes', and 'c. Absolutely!'. The 'c. Absolutely!' option is selected and highlighted with a blue bar. A 'Submit' button is located at the bottom right of the poll area.

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# Today's Presenter



**Christine Sullivan**  
**Director**  
**Fragomen Global, LLP**

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# Agenda

- Crisis Management
- Strategic Workforce Planning
- Compliance Aspects
- Future Considerations
- Conclusion
- Q&A

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## Poll Question #1

What are your current work arrangements?

- A) I am working remotely, and so are all of my office colleagues
- B) I am working from the office, and I am one of only a few essential staff
- C) I am working from the office, but we are on a reduced staff basis
- D) I am in the office and we are working at full capacity

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# Crisis Management: Coronavirus

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# CORONAVIRUS

## WHAT IS HAPPENING IN THE US

- ▶ With limited exceptions, foreign nationals are denied entry if they have been physically present in the UK, Ireland, the European Schengen Area, Iran or China within 14 days of attempted entry to the United States.
- ▶ Entry bans will remain in place until further notice and could be expanded to other countries
- ▶ U.S. citizens, U.S. lawful permanent residents, their spouses and children under 21 and certain other family members are not subject to the entry bans
  - ▶ Exempt travelers are required to enter through one of 13 authorized U.S. airports, undergo health screening, and home-quarantine under CDC guidelines.
  - ▶ When traveling, exempt family members should carry documentation of their relationship to a U.S. citizen or lawful permanent resident, e.g., marriage certificate, birth certificate, and if traveling without the U.S. citizen or permanent resident, a copy of that person's U.S. passport or permanent resident card
- ▶ U.S. consulates worldwide are suspending or limiting visa services and canceling visa appointments until further notice

# CORONAVIRUS

## WHAT IS HAPPENING IN THE EU

- ▶ **Travel ban and border closure:** significant impact on business travel, assignment plans, delays in relocating staff
- ▶ **Government operations:** closures impact government processing
- ▶ **Process facilitations:** governments understand what is going on, and are working with us to find solutions
- ▶ Impact on **assignees and their family members** travelling to and staying/working in an EU country
  - ▶ Working from Home
  - ▶ Expiring permits or visas
  - ▶ Non-paid leave or return to home country
- ▶ Possibility of **exceptional humanitarian extension of stay** in case of termination of status (employee, student...)

\* Information current as of March 15, 2020

# TRAVEL CONSIDERATIONS TO AND WITHIN THE EU

- ▶ **External borders:** most non-EU nationals are temporarily banned from entering Schengen Area member countries or Bulgaria, Croatia, Cyprus and Romania (30 day ban as of March 17).
- ▶ **Some exemptions:**
  - ▶ EEA nationals, UK nationals
  - ▶ long-term residents, family members, cross border workers, medical staff
- ▶ **Consideration:** Ireland and the United Kingdom are not covered by the EU ban announced today, but may decide to join the EU with similar measures
- ▶ **Internal borders:** Cyprus, the Czech Republic, Denmark, Lithuania, Poland and Slovakia have each banned entry for non-nationals
- ▶ Several countries have also limited **outbound and internal travel:** Italy, France. Others likely to follow.

\* Information current as of March 17, 2020

# CORONAVIRUS

## IN-COUNTRY ISSUES

### ▶ **Employment Permits:**

- ▶ Can my staff work remotely?
- ▶ If my staff return to their home country, but continue to work remotely, can they continue to qualify for their residence status?
- ▶ What if they move location?
- ▶ For countries with salary thresholds: If I have to place my staff on partial or full unemployment for a temporary period, can the salary thresholds be waived?
- ▶ What about municipal registrations or medical checks in-country?

### ▶ **Renewals:**

- ▶ What if a permit has expired and the permit has yet to be renewed?
- ▶ What if the permit is renewed, but there is no way to collect the residence card?
- ▶ What do I do if I have an appointment but can't make it due to self quarantining or self isolating?

### ▶ **Visa issues:**

- ▶ What if a travel ban prevents leaving the Schengen Area?

# COMPLIANCE CHECKLIST

Ongoing compliance responsibilities get more complex during a crisis. Immigration process owners and stakeholders need to be mindful of new risks when rapid changes occur in the workplace.

- New-hire considerations
  - Impact of delayed onboarding
  - Right-to-work checks and employment eligibility verification
  - Wage obligations
  
- Considerations for the existing workforce
  - Working-from-home and remote-work compliance
  - Government notification of worksite changes
  - Workforce notices
  - Wage compliance
  - Reverification of employment eligibility
  
- Handling government worksite inspections during site closures and quarantine
  
- Understanding noncompliance risks and penalties

## Poll Question #2

Do you have contingency plans?

- A) Yes, we have a global policy that has been set into motion
- B) Yes, but we are only on top of our most critical destinations
- C) No, but we are working on it and feel like we know where to start
- D) No, the situation is developing too quickly

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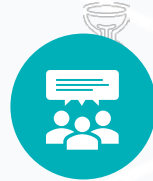


# CONTINGENCY PLANNING

## ENSURING BUSINESS CONTINUITY



Restrict business or work related travel, especially to affected areas



Make sure employees have the possibility to work remotely



Closely monitor government action and guidelines in countries where your employees are located



Create a helpline or FAQs for employees who remain stuck in a country due to travel restrictions



Plan now for when the time come to remobilize



Make sure your company remains compliant: business travel vs work, visa extensions etc.



# Strategic Workforce Planning

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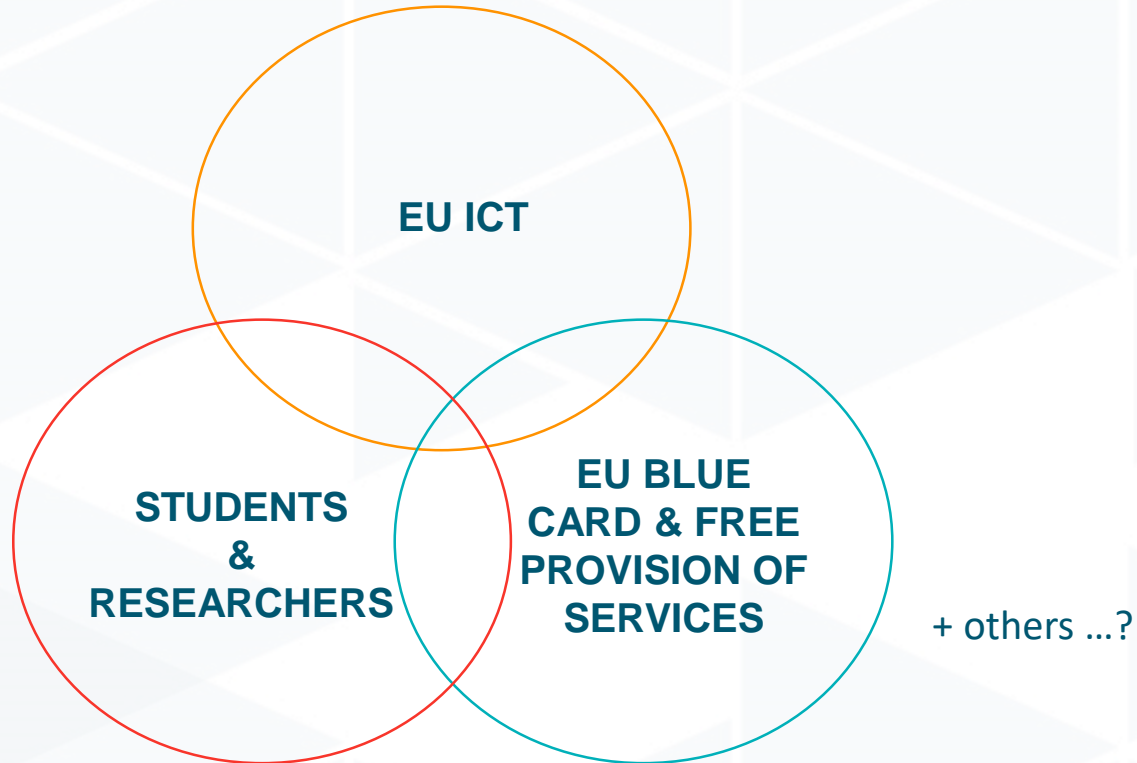
# EU MOBILITY & WORKFORCE PLANNING



- ▶ Scattered mobility landscape, with rules that differ greatly between EU countries
- ▶ Increased focus on compliance
- ▶ New European-wide work permit schemes ease Immigration barriers and provide planning opportunities for
  - ▶ Strategic European Immigration compliance
  - ▶ Social Security cost saving

# EU MOBILITY & WORKFORCE PLANNING

## EU-wide Work Permits



# EU-WIDE WORK PERMITS



## (+) Workforce deployment solution

- Speed on the ground and immigration simplification
  - Opportunity for Immigration and Social Security planning:
    - Procedural advantages in some countries: recognised employers, short processing times
    - Various admission criteria: salary threshold, recognition of professional experience, seniority requirement
    - Level of Social Security cost
- 

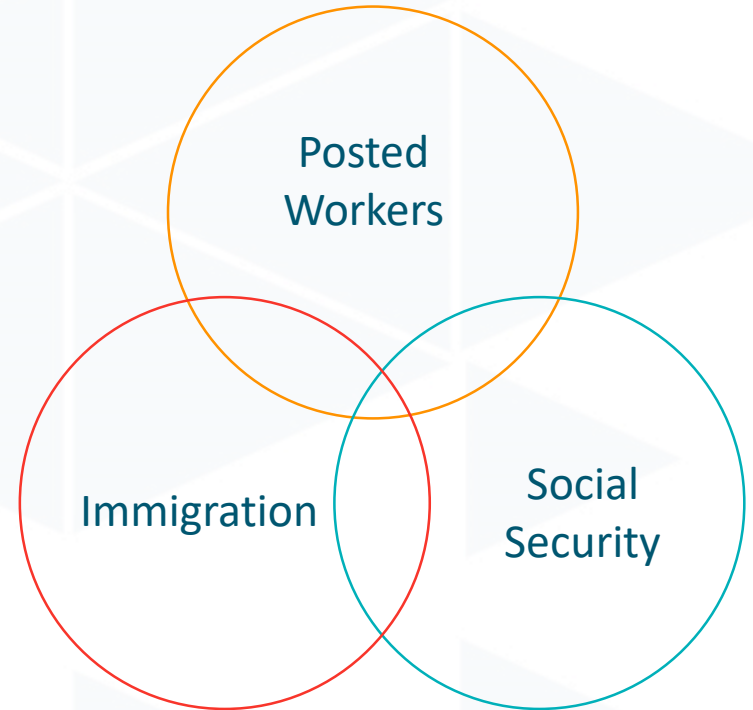


## (-) Points of attention

- Social Security and Posted Workers notification requirements for pan-European roles
- Restrictions in terms of duration and place of work

# POSTED WORKERS: DAY ONE COMPLIANCE

- ▶ Increased checks on compliance for business visits and temporary moves to and in the EU through Posted Workers notification and document retention requirements
- ▶ Integrated approach to work readiness and mobility in Europe
- ▶ Immigration, Posted Workers and Social Security work readiness compliance is required as of day one



# THINKING OUTSIDE THE BOX

## CASE STUDY

**Situation:** Company X faces long government processing times in one of the EU countries where it has a branch office. This causes disruptions to the business and creates additional costs.

**Solution:** Requirements for intra-corporate transfers differ amongst EU countries. This enables strategic immigration planning.

Company X can decide to base their key personnel in another EU country (which has shorter immigration processing times) and use EU ICT mobility to get their staff where they are needed, when they are needed.

**Red flag: Posted Workers and Social Security implications**

# THINKING OUTSIDE THE BOX

## CASE STUDY

**Situation:** Company Z won a software equipment installation project in Austria. Non-EU nationals locally hired in Germany are qualified to run this project.

However, the company faces long processing times to obtain work permits in Austria, and fears they may not be able to service their client on the agreed timeline.

**Solution:** Non-EU nationals locally hired in one EU country can, in some circumstances, provide services in other EU countries without obtaining work authorisation.

This enables companies to save time, reduce costs and mobilize their locally hired workforce in the EU in a strategic manner.

# What to Plan for Next: Brexit, EES, ETIAS

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# BREXIT: SETTING THE POLITICAL SCENE



The UK left the EU on 31 January 2020  
with a transition period.

## Next steps:



Negotiation of  
new trade deal  
First round,  
week of March  
2



Negotiation of new  
social security  
arrangements: UK-EU  
or UK-MS



New legal framework in  
place by 1 January 2021

# POST TRANSITION

## FUTURE TRADE AGREEMENT AND SOCIAL SECURITY ARRANGEMENTS



### Future EU-UK legal framework

- ▶ Very little time to negotiate the future trade agreement
- ▶ UK law prevents a further extension of the transition period
- ▶ Limited mobility provisions



### After the end of 2020

- ▶ UK nationals likely to be subject to the same rules as other non-EU nationals
- ▶ Business travel: 90 days in any-180 days period + check on activities conducted
- ▶ Assignments -> ICT permits
- ▶ Local hire permits



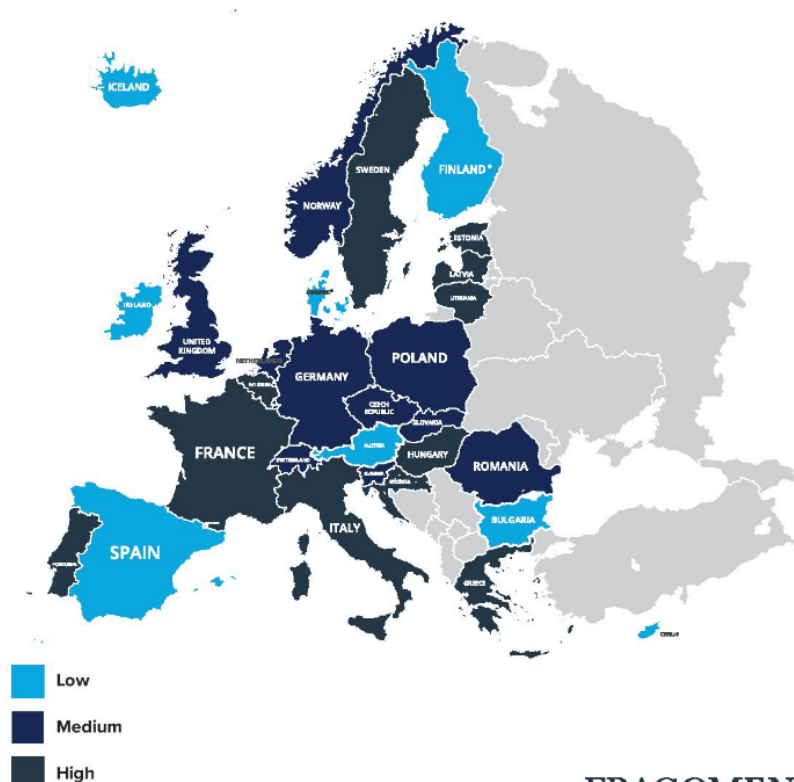
### Social Security

- ▶ EU-UK bilateral agreement (?)
- ▶ Bilateral agreements between UK and EU countries (?)
- ▶ Extension of the transition period or contributions will have to be paid in host EU country

# BREXIT: SOCIAL SECURITY COST IMPACT

## Level of Social Security Cost in Europe

Average social security cost calculated on annual salary of 100.000 EUR



\*The social security system is financed to a large extent also from taxes.

<b>UK</b>	Employer: 13.8% Employee: 12%
<b>Germany</b>	Employer: 19.83% Employee: 20.08%
<b>Belgium</b>	Employer: 27.5% Employee: 13.07%
<b>France</b>	Employer: 45% Employee: 23%
<b>Italy</b>	Employer: 30% Employee: 9.49%

\* Different thresholds/caps and/or additional conditions may apply depending on the jurisdiction.

# HOW CAN COMPANIES PREPARE?

<b>Communicate</b>		<ul style="list-style-type: none"><li>▶ Communicate with UK employees already based in an EU country: inform them about rights and processes in their country</li><li>▶ Support UK nationals in obtaining post-transition permits</li><li>▶ Support nationality applications, if possible</li></ul>
<b>Assess</b>		<ul style="list-style-type: none"><li>▶ Investigate risks areas and risk profiles for your company</li><li>▶ Screen recruitments due to start on 1 January 2021, to ensure work permits can be obtained</li></ul>
<b>Strategize</b>		<ul style="list-style-type: none"><li>▶ Relocate UK staff to Europe before 31 December 2020 to take advantage of the Withdrawal Agreement protection</li><li>▶ Obtain documentation for cross-border workers</li><li>▶ Put in place a robust business visitor policy before the end of the transition period</li><li>▶ Monitor and prepare for new social security arrangements between the UK and the EU or between the UK and individual EU countries</li></ul>

# ENTRY-EXIT SYSTEM and ETIAS

## **EES: Entry-Exit System**

- ▶ Automated system checking entry and exit data of non-EU nationals crossing the EU's external borders
- ▶ Will replace passport stamps
- ▶ All non-EU nationals will be subject: visa and non-visa nationals
- ▶ Should be operational in 2022

## **ETIAS: European Travel Information and Authorisation System**

- ▶ Travel authorization similar to ESTA (US) or ETA (Canada)
- ▶ Possibility to apply via website or app
- ▶ Only non-visa nationals will be subject to ETIAS
- ▶ To be implemented in the course of 2022. ETIAS will not be mandatory during the first year of implementation.

# Conclusion

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# CONCLUSION



In times of crisis, careful planning is even more critical than ever to avoid business disruptions and mitigate risks.



European legislation has more and more impact on national immigration legislation



There are opportunities for creating European Immigration Strategy



New rules will start applying in the coming years. They will impact travel to the EU.

# Questions

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