COVID-19 IDENTIFICATION AND MONITORING OF EMERGING IMMIGRATION, CONSULAR AND VISA NEEDS

In an attempt to slow the spread of the COVID-19 pandemic, many governments around the world have turned to migration management tools including travel restrictions and border closures leading to widespread mobility challenges. As a result, a significant number of migrants and their families, including laborers, temporary work permit holders, skilled and bridging visa holders and international students, are finding themselves in a situation where, in addition to the health and financial challenges caused by COVID-19, they face additional vulnerabilities related to the circumstances of their journey, insecure migratory status as well as poor living and working conditions. Challenges for governments in providing large-scale immigration and consular assistance amidst the ongoing crisis have left numerous migrants stranded with limited access to such support. Many others are unable to meet the legal requirements of their respective migratory status or to access visa processes, and therefore face the risk of finding themselves in an irregular situation, through no fault of their own. These challenges, amongst others, serve to highlight the high level of uncertainty regarding the future of global immigration policies and systems, and the need to learn from a range of flexible and innovative solutions being implemented by governments at national and regional levels.

This information brief[1] has been prepared as part of the overall IOM COVID-19 response and aims to analyse situations requiring immigration, consular and visa related support around the world as a result of COVID-19 and contribute to the development of recovery programming from both an operational and policy perspective. Indeed, several governments have already begun incorporating a range of temporary policy measures as part of their efforts to mitigate the individual and societal impacts of the crisis and to prepare for the recovery. The emerging trends identified here can serve as the foundation of IOM's recommendations and solutions in the area of immigration, consular and visa policies to support migrants and governments and facilitate safe, orderly and regular migration.

KEY FINDINGS BY IOM REGIONS

Asia-Pacific

A common finding throughout the region has been the suspension of valid visas and permits. Some countries, notably in Southeast Asia, have imposed entry restrictions on foreign workers, including those with valid work visas, and suspended visa processing activities. These suspensions often result in cases of stranded migrants in need of protection and a lack of clear instructions on how to regularize their situation, for example as seen in reports of nearly 3,000 stranded migrant workers from Indonesia, in the Southern Philippines.[2] Similarly, there have been reports of challenges faced by over one million

---

[1] The identification and monitoring effort, currently desk- based, is categorizing information and narrative descriptions from official sources, established news outlets, UN agencies and other organizations about relevant developments around the world.

[2] Region's Migrants Struggle with Job Losses, Hunger Caused by COVID-19, BenarNews, 15.04.2020

temporary visa holders in Australia, which include seasonal workers from the Pacific islands, students, temporary protection visa holders and those on skilled or bridging visas. Simultaneously in some countries, flexible visa processing arrangements have been implemented, applying automatic visa extensions for stranded migrants with lawful residency or setting up online visa processes.

> **Government approaches - Selected examples:**
>
> - Australia's requirement to attend classes for student visa holders has been waived, together with the removal of the restriction of work hours to 40 hours per two-week period, to help fill critical shortages in aged care facilities.
>
> - Foreign nationals in Thailand who had previously been required to apply for visa extensions directly through the Immigration Office have now been granted automatic visa extensions.

European Economic Area and European Union

Widespread visa and travel bans enacted to prevent the spread of the virus have resulted in migrants finding themselves in precarious situations. For example, an estimated 40,000 Romanian nationals who work on self-employed contracts in the elderly care system in Austria are not eligible for government aid[3]. These bans have also prevented the usual influx of temporary seasonal workers such as those required in the agricultural sector in various countries. As an immediate answer to the spread of COVID-19, many governments in the region, including Schengen countries, automatically applied visa extensions for foreign nationals who found themselves stranded on their territory. Several of these situations are linked to potential needs for consular assistance, as the EU has advised Schengen countries to keep consulates open to ensure a minimum level of service for processing visa applications, whenever feasible. The facilitation of labour mobility throughout Europe will require an unprecedented convergence of public health imperatives and flexible immigration procedures.

> **Government approaches - Selected examples:**
>
> - Schengen countries have been advised not to take visa overstays during the COVID-19 outbreak into account when processing future visa applications and renewals.
>
> - Portugal has granted asylum seekers and migrants full citizenship rights, including access to healthcare, during the COVID-19 outbreak.

South America

A common finding in the region is the suspension of visa and permit processing procedures, except for urgent cases. Cases of stranded nationals have also been identified, with some countries even restricting the return of their own nationals, while others have established bilateral agreements to facilitate some cross-border returns. In general, the temporary visa extensions implemented throughout the region have highlighted needs for technical support for the development and implementation of updated visa guidelines, particularly in terms of requirements, deadlines and renewal procedures. One area of particular concern in the region is the crisis in Venezuela, although the situation for Venezuelan migrants

---

[3] Stranded or shunned: Europe's migrant workers caught in no-man's land, The Guardian, 16.04.2020.

greatly depends on the country where they reside. For example, in Peru, an estimated 200,000 Venezuelan nationals are in need of food assistance. 80,000 of these most vulnerable migrants are in Lima alone.[4] Some governments automatically extended the validity of residence cards for Venezuelan migrants' and/or offered support and information resources.

> ### Government approaches - Selected examples:
>
> - Chile has set up an online system through which visas and stay permits are extended for six months, upon request.
>
> - Ecuador has extended the deadline for Venezuelan migrants on its territory to apply for a humanitarian visa until the end of the state of emergency.
>
> - A bilateral agreement was signed between Brazil and Chile to facilitate return zones and allow citizens of both countries as well as permanent residents to cross the border freely.
>
> - Argentina has allowed foreign doctors to practice healthcare and to participate in the COVID-19 response by relaxing the requirements needed to recognize their medical degrees

Middle East and North Africa

The prevailing needs of migrants in the region are linked to work permit holders suffering from widespread visa cancellations and the suspension of visa applications. Several cases of stranded migrants have been identified. The situation for migrants on long-term work permits seems precarious due to the loss of their income, along with unsafe living arrangements after being placed in quarantine. While some countries have declared that expired visas or permits can be extended or renewed, requirements differ. Cases have been flagged of migrants being deported, arbitrarily returned, or, on the contrary, unable to leave. For example, estimates suggest one third of the 75,000 migrant domestic workers in Jordan are in a heightened situation of vulnerability, having lost their jobs as a result of the pandemic.[5] In the United Arab Emirates, over 20,000 Pakistani nationals, including migrant workers, have registered for repatriatio.[6] As a result, both government and migrant needs for assistance identified in the region are centred around emergency regularization and visa extensions. Some countries, particularly in North Africa, are also trying to repatriate citizens stranded abroad despite travel restrictions.

---

[4] "Hunger has no nationality": the life of Venezuelans in Peru during the quarantine, Republica, 06.04.2020.

[5] Migrant workers essential workers not only in COVID-19, Solidarity Center, 13.04.2020.

[6] Thousands of Pakistanis in the UAE seek to return home with Corona outbreak, Reuters, 06.04.2020.

West and Central Africa

While most countries in the region have taken steps to effectively restrict or fully ban entry into their territory as a result of the pandemic, there is a lack of readily available information regarding immigration and consular procedures impacted by these decisions. As a result, one of the main needs for assistance identified is migrants' access to timely and accurate information. This may be indicative of gaps in capacity for several countries to address the situation, raise awareness of the adjustments made to immigration processes and provide processing assistance with the implementation of flexible approaches to immigration procedures.

East and Horn of Africa

Lack of information for migrants is a key identified gap throughout the region. While entry and travel restrictions have been put in place in many countries, most seem to have not published adequate information as to how to extend expired permits or visas. For governments, there is a need to issue emergency guidance for migrants, apply automatic visa extensions and implement processing assistance for current and future visa applications, amongst other measures.

Southern Africa

Some countries in the region have implemented strict regulations that include visa cancellations for nationals of countries with high numbers of COVID-19 cases, while most of them have officially opted for a suspension of new visa issuance to foreign nationals. While a few countries have developed complementary measures to address the gaps left by pandemic- related measures, including some leniency for stranded migrants and visa overstayers, assistance with the design of flexible approaches to visa requirements has been identified as one of the pressing needs in the region. Another identified gap in the region relates to the provision of accurate and timely information to migrants who find themselves stranded.

Most information is available only through the websites of other countries' diplomatic representations and is missing from official local government channels. This is crucial for the estimated 200,000 Basotho migrants stranded in South Africa,[7] and over 3,600 South African nationals still stranded abroad who have registered to return.[8] The needs of African nationals abroad, such as students and workers stranded in China, have also been raised to multilateral bodies such as the African Union[9].

> **Government approaches - Selected examples:**
>
> - South Africa has waived some visa requirements, particularly deadlines for renewals. Foreign nationals whose permits are due to expire during the lockdown period will be able to re-apply through a simplified procedure, once the lockdown has been lifted.
>
> - In Mauritius, all residence permits set to expire during the curfew period have been extended for three months. Those needing to extend their residence permits will be given an appointment to renew their permits once the curfew has lifted.

Central and Northern America and the Caribbean

The main needs identified in the region have centred around processing assistance for permit renewals, implementing flexible arrangements for visa requirements, particularly deadlines, and the drafting of guidelines for migrants. In some countries, immigration services have been suspended and immigration facilities temporarily closed, and efforts put in place to repatriate stranded nationals. Restrictions for regularization according to visa type have also been widely applied throughout the region, limiting access to visa extensions and permits for many migrants. For migrants, the main needs identified centred around access to basic services and healthcare, as well as regularization mechanisms. The number of migrants on the route from Central America to the United States has decreased, although cases of stranded migrants along with pressing needs for information and protection have been flagged. Assistance to Northern Triangle countries has also been identified as a key need.

> **Government approaches - Selected examples:**
>
> - In Quebec, Canada, migrants have been given access to the medical clinics dedicated to COVID-19 diagnosis, regardless of their migratory status or insurance.
>
> - Under certain conditions, the United States has allowed holders of the J-1 visa for medical residents to extend their program without being interviewed in person, facilitating regularization processes so they can assist with the COVID-19 medical response.
>
> - Costa Rica and Panama have signed a bilateral agreement to coordinate migrant flows through their common border, including provisions for medical examinations.

---

[7] COVID-19 exclusive: Lesotho's Majoro pleads with Basotho not to return home, EWN, 15.04.2020.

[8] Stranded abroad: 600 South Africans brought home, more than 3 000 still waiting, News 24, 20.04.20.

[9] AU called to step in as concerns over Africans' treatment in China mount, The South African, 18.04.2020.

Eastern and South-eastern Europe and Central Asia

The region is encountering several situations of stranded migrants, most of them temporary workers, who are unable to leave their host countries or go through the usual application procedures following the expiry of their current visa or permit. For example, 124 Malaysian nationals, mostly students, have been identified as stranded in Russia with reports of authorities looking into possible repatriation mechanisms.10[10] In addition, many governments have implemented flexible visa and permit schemes, including visa extensions, either prima facie or upon request. However, assistance with regularization mechanisms as a result of involuntary visa overstays has also been identified as a key need in the region. This gap is of particular importance due to the consular assistance constraints faced by many countries in the region.

> **Government approaches - Selected examples:**
>
> - The so called "green corridor" out of Kyrgyzstan, prevents irregularity and facilitates orderly mobility by allowing foreign nationals or stateless persons to leave the country without being issued an exit visa.
>
> - All foreign nationals residing in Russia are granted automatic visa and permit extensions, with migrants no longer required to leave the country to obtain a new visa.
>
> - Israel implemented a multi-lingual phone hotline for foreign workers, providing information about visa extensions and regularization.

IDENTIFIED IMMIGRATION, CONSULAR AND VISA NEEDS

Increased flexibility for visa requirements

One of the main findings of this identification and monitoring exercise is the need to incorporate greater flexibility into visa processes. Beyond implementing visa extensions, which many governments have actioned, these measures can include greater flexibility in the requirements and conditions for visa holders to lawfully remain in the country, addressing immediate permit cancellations, or suspending the need to exit the country to renew visas, amongst other schemes. In certain settings, emergency regularization and extensions are also needed for temporary visa holders who involuntarily find themselves in precarious situations.

Provision of timely and accurate information to migrants

As governments continue to adapt their immigration procedures to the pandemic, there is a need for timely and accurate information about these changes, offered in a language appropriate to migrants' needs, via multiple and accessible channels. Migrants need to be informed about the latest changes to permit requirements, regularization procedures and available options for visa renewals, amongst other immigration procedures. Effective channels of information dissemination and community-based outreach are also needed in this regard.

---

[10] All 124 Malaysians stranded in Russia express urgent desire to return home, says Embassy, Malaymail, 15.04.2020

Processing assistance

The challenges related to border closures and general socio-economic lockdown, followed by emergency measures regarding visa extensions and entry/exit permits, has strained the application and processing capacities of many governments. As a result, one of the central needs identified is support for the development of adapted visa application processes and expedited processing assistance. Remote processing assistance (via phone, live-chat, web and email-based operations for example), is particularly needed to limit the direct contact that many migrants and immigration officials continue to experience despite social distancing recommendations.

COVID-19: IOM RECOMMENDATIONS REGARDING IMMIGRATION, CONSULAR AND VISA PROCEDURES

Facilitation of immigration and visa procedures for healthcare workers and essential personnel responding to the pandemic and people with priority travel needs.

1. When implementing a 'minimum service' for processing visa applications during the COVID-19 emergency period, some specific categories of visa holder should be prioritised including:[11]

    a. Family members.

    b. Healthcare professionals, health researchers, and elderly care professionals.

    c. Frontier workers.

    d. Transport personnel.

    e. Diplomats, staff of international organisations, military personnel and humanitarian aid workers in the exercise of their functions.

    f. Passengers needing to transit through the international transit areas of airports.

    g. Passengers travelling for imperative health or family reasons.

Expansion of remote consular support to ensure the continuation of seasonal or temporary work programmes while anticipating possible backlogs for immigration agencies resulting from a surge of employment-based requests, once mobility restrictions are lifted.

2. With respect to temporary workers, governments can pursue a range of approaches, including:

    a. Issuing automatic extension of the status/visa/permit with the same conditions and rights.

    b. Facilitating online requests by the employer for extension of the status/visa/permit.

    c. Allowing a change of status/visa/permit from temporary worker to visitor (or other) -- in case the employee is no longer in employment.

    d. Introduction of flexible conditions – extension of permitted hours/months of work, possibility to change tasks and responsibilities, movement to other locations (especially in agriculture), permission to work from home wherever possible.

---

[11] Based on the respective EU Commission's Communication on COVID-19.

e. Flexibility for temporary border pass holders to allow a longer stay in the country.

f. Extension of validity of study/work applications (university acceptance letters, nulla osta, employment contracts) to allow a late application and entry after COVID-19 transition and recovery.

g. Permission to extend residence permits from abroad for individuals unable to re-enter the country of residence before expiry of the permit.

Adaptation of regulations to uphold legal frameworks and incorporate the necessary adjustments for migrants to stay in compliance with immigration rules. These regulations require adjusted submission and processing procedures, addressing the difficulties for submitting visa and permit applications and renewals.

3. In view of ongoing travel restrictions, governments should wherever possible issue a decree allowing for regular stay after expiry of a specific visa or residence permit. Failing this, governments should grant a generous timeframe for foreigners to leave a country after expiry.

4. To facilitate regular stay of general visa holders, a number of options are available to governments, including:

    a. Issuing automatic extension of the immigration status.

    b. Allowing informal written request by the visa holder for their visa/permit to be extended to serve as automatic regularization of their stay (even after expiry of the visa/permit) until a formal decision by the respective authorities.

    c. Facilitating online applications for the extension of visa duration or making new request for specific emergency visas (bridging visa, humanitarian visa etc.).

    d. Establishing temporary immigration 'service points' in support of visa extensions, in locations most accessible to stranded migrants or migrants at risk of overstay (designed to reduce risks related to overcrowding and to reduce the need for extended travel to apply).

    e. Permission for short term visitors to engage in for-profit activities to guarantee financial self-sustenance.

    f. Permission to change the status from short-term visitor to temporary resident (study, work, seasonal worker, trainee) within the host country.

5. Governments should waive administrative sanctions or penalties on foreign nationals unable to leave the territory due to travel restrictions.[12]

6. With respect to irregular migrants, governments can pursue a range of approaches to enable their access to social and health services, including:

    a. Regularization of status through issuance of residence permits.

    b. Regularization of status through issuance of emergency/humanitarian visas/permits.

    c. Extension of timelines for registration and regularization processes.

    d. Permission to stay waiving administrative sanctions and penalties.

    e. Exempting periods with emergency measures when determining the duration of irregular stays.

---

[12] Based on the respective EU Commission's Communication on COVID-19.

Rethink existing immigration processes and programmes for these to fully integrate public health imperatives while incorporating technological innovations.

7. As governments consider 'health certificates' or 'immunity passports' it will be important to make informed decisions on implementing such novel approaches based on scientific advice and the best available data, to fine-tune the gradual loosening of mobility restrictions country by country, during and after the pandemic response.

8. The increased use of technology for immigration related tasks by governments should seek to:

   a. Increase the transparency and accountability of migration systems.

   b. Safeguard the privacy and personal information of migrants.

   c. Avoid basing migration decisions exclusively on automated procedures and Artificial Intelligence, ensuring human accountability for key decisions.

   d. Maintain government ownership over the data on which public policies are based.

Watch the related video HERE.

For additional information on this Brief please contact: immigrationandvisas@iom.int

---