



## GLOBAL IMMIGRATION UPDATE-JULY 31, 2019

*Posted on July 31, 2019 by Cyrus Mehta*

**[REMOTE WORK: AN OVERVIEW](#)** – This article provides an overview of remote work policies and practices in several countries .

**[CANADA](#)** – The Entry/Exit Program is a significant development that has been many years in the making.

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### Country Updates

#### CANADA

*The Entry/Exit Program is a significant development that has been many years in the making.*

Part of the Beyond the Border Action Plan, the Entry/Exit Program is a joint Canada-U.S. initiative that establishes a coordinated entry/exit information system to facilitate the exchange of traveler biographic information (such as name and date of birth). Collected upon entry at the common land border between the two countries, a record of entry into one country is now considered a record of exit from the other.

In addition to the exchange of this data with the United States at land borders, the Canada Border Services Agency (CBSA) will collect exit data on all travelers leaving by air. Air carriers will begin sharing their data in 2020 and 2021. Consequently, overstay indicators will not begin appearing within the entry/exit

search results for temporary residents who have overstayed their allowable time in Canada until the air carrier information is shared.

Details: <http://www.cilf.ca/2019/07/22/exit-entry/>

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## **COLOMBIA**

In Colombia, the immigration law establishes that those foreign individuals who work remotely and enter into a local agreement must apply for a visa whether or not they enter Colombia.

Likewise, and according to Decree 1067 of 2015, any natural or legal person who joins, employs, or admits a foreign individual through any modality, especially a labor, cooperative, or civil relationship that generates a profit, must require a visa that allows the activity, occupation, or trade declared in the visa application. Moreover, all foreigners who provide any type of service through local contracts must be registered in the platforms of Migration Colombia (SIRE) and the Ministry of Labor (RUTEC) to comply fully with the current immigration regulations. Additionally, they need to register their visas and be issued the foreigners' ID card, which must be processed in Colombia.

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*There have been several developments.*

### **Present and Future of the Mercosur Visa**

Colombia, as of 2004, became an Associated State of the Southern Common Market (MERCOSUR), which has not only dealt with trade matters but has also come to regulate the mobility of people in the region. A clear example of this is the Mercosur visa, which is granted by the mutual reciprocity principle, and which seeks to authorize nationals of the countries that are part of the agreement to transit through these countries and, among others, to develop tourism and business activities.

Details: <http://www.tannus.co/en/present-and-future-of-the-mercotur-visa/>

### **The Practice of Regulated Professions by Foreign Workers**

In Colombia, it is common for human resources (HR) departments to handle the employment of foreign workers. This is why it has become indispensable for HR staff to know the requirements for such workers to be legally employed,

not only from the perspective of labor and social security, but also with respect to migration. Under the immigration regulations, the following, among others, must be taken into account: the visa, the registration of the visa, the foreigner ID card, notifications in SIRE and RUTEC, and permits to perform regulated professions.

Details: See

<http://www.tannus.co/en/the-practice-of-regulated-professions-by-foreign-workers/>

### **Start of PEP Renewal**

Migration Colombia has begun the process of renewing Special Permits for Permanence (PEP) that are about to expire for those Venezuelan nationals who are in the national territory.

Details: See <http://www.tannus.co/en/start-of-pep-renewal/>

### **Migration Flexibility for Venezuelans**

The exodus of Venezuelan nationals to Colombia and the world continues, motivated by the unfortunate situation of the neighboring country, which is still going on and does not seem to have a short-term solution. For this reason, the flow of migrants is increasing, especially to South American countries, and therefore some nations have decided to modify their immigration laws. Countries such as Peru and Chile have tightened their controls and recently decided to request visas for all Venezuelans. On the contrary, Colombia continues to ease requirements and grant benefits for the entry and stay of these migrants.

Details: See <http://www.tannus.co/en/migration-flexibility-venezuelans/>

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### **ITALY**

*The working holiday visa will soon be available bilaterally between Italy and Hong Kong.*

On July 5, 2019, Italy and Hong Kong signed an agreement to mark the establishment of a bilateral Working Holiday Scheme (WHS).

Under the WHS between Hong Kong and Italy, youths aged between 18 and 30 years from each country may apply for a visa that will allow them to stay in the

other country for up to 12 months. During that period, they may work to finance their stay or study short-term courses. The annual quota from each side will be 500.

The agreement was signed by the Secretary for Labour and Welfare of the Government of the Hong Kong Special Administrative Region (HKSAR), Dr. Law Chi-kwong, and the Under Secretary of State, Ministry of Foreign Affairs and International Cooperation of the Government of the Italian Republic, Manlio Di Stefano, at the Central Government Offices, Tamar.

Details: Visa application procedures for applicants from Hong Kong will soon be available on the website of the Consulate General of Italy in Hong Kong at [https://conshongkong.esteri.it/consolato\\_hongkong/en/](https://conshongkong.esteri.it/consolato_hongkong/en/)

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## **RUSSIA**

*There have been a variety of developments:*

### **Russian Government Approves Agreement With Republic of Croatia**

The Russian government has approved an agreement with the Republic of Croatia, which amends a previously signed agreement on citizens of one country visiting the other. According to the agreement, the citizens of one country will be able to visit the other country without a visa for 90 days out of every 180 days, provided they have a valid identity document. The agreement is under discussion between the two countries.

### **Quota for Engaging Foreign Labor Slightly Increased**

The Ministry of Labor and Social Development has slightly increased the quota for engaging foreign labor this year. The increase was made in all Russian regions, although it was not large, at 6 to 10 percent on average.

### **Updated High-Migration Risk Countries List**

The high-migration risk countries list has been updated. Inclusion of a country on the list means that documents filed for the work permits, visas, invitations, and other purposes for citizens of these countries will be additionally reviewed by government officials, which will almost always result in delays in processing as well as denials of applications and/or the necessity to undergo additional administrative procedures; for example, a general manager of the inviting

company may be required to be interviewed.

### **E-Visas to be Introduced Starting January 2021**

Russian President Vladimir Putin has ordered the Prime Minister and heads of several responsible government agencies (Foreign Affairs Ministry, Internal Affairs Ministry, and Federal Security Service) to introduce a unified e-visa for foreign citizens to enter Russia starting January 1, 2021.

This will be a short-term visa (up to 16 days) and will combine several possible purposes of entry: tourist, business, humanitarian, and guest. A visa fee will be levied.

The unified e-visa will be issued for those visiting all territories of the Russian Federation (with the exception of special zones, organizations, and places where foreign nationals need special permission to enter).

### **Foreign Citizens Now May Enter Kaliningrad Region Using Electronic Visas**

As of July 1, 2019, foreign citizens of certain countries can apply for an electronic visa to enter the Special Economic Zone in the Kaliningrad region.

Entry using electronic visas is allowed only through certain border control posts:

- Air border control post in Kaliningrad (Hrabrovo);
- Sea border control post in Kaliningrad: Kaliningrad, Baltiysk, Svetliy;
- Road border control posts in Bagrationovsk, Gusev, Mamonovo, (Gzhehotki), Mamonovo (Gronovo), Morskoye, Pogranichniy, Sovetsk, and Chernyshevskoye;
- Rail border control posts in Mamonovo and Sovetsk.

Also, the International Affairs Ministry was expected to update the website where foreign nationals can submit applications for electronic visas. It is possible to file documents for an electronic visa through <https://evisa.kdmid.ru/ru-RU>.

Electronic visas have been issued in Russia since August 1, 2017. On the basis of such visas, it is already possible to visit the Primorskiy Region, Kamchatka, and Sakhalin. According to International Affairs Ministry data, more than 37,500 people from 18 countries have visited Russia since the introduction of the procedure.

At the moment, according to the information from the International Affairs Ministry's Consular Department, citizens of designated countries can apply for electronic visas (entry should be made through the specified border control posts. A list of such posts is published on the Consular Department webpage at <https://evisa.kdmid.ru/ru-RU>).

For the application, the electronic visa applicant does not need an invitation letter, and a personal appearance at the consulate is not required. This visa is issued free of charge. The average waiting time is 20 minutes. To apply for an electronic visa, it is necessary only to visit the International Affairs Ministry Consular Department website, complete the application form with passport data, and attach a photo.

Electronic visas are issued only for short-term visits. Such visas are only issued for 30 calendar days, starting from the issuance date. The allowed stay is up to 8 days only within the validity period. The validity period or the allowed stay cannot be extended.

### **Bill Simplifying Regime of Stay for Foreign Citizens Who Work in Cultural Pursuits Filed to Federation Council**

The bill introduces the following:

1. Issuance of ordinary business visas up to 30 days to foreign citizens who are entering Russia for not more than 30 calendar days for participation in performances (organization of performances and/or events on the basis of civil agreements for an agreed fee or free of charge) during which such foreign citizens perform literary works, art, or folk art, or are entering Russia on the invitation of government cultural institutions to participate in art, educational, scientific, or pedagogical work.

*This category of foreign citizens does not require a work permit, work visa, or patent, and the inviting party does not require permission for engaging foreign labor.*

1. Issuance of ordinary business visas up to 1 year, and in case of reciprocity up to 5 years, to foreign citizens who are entering Russia to perform scientific research or teach upon the invitation of scientific and higher education organizations (with the exception of religious education organizations) for higher education programs that have government accreditation.

## **Bill Simplifying TRP (Temporary Residence Permit) and PRP (Permanent Residence Permit) Procedures for Certain Categories of Foreign Nationals is Under Review**

The State Duma is reviewing a bill to simplify procedures for certain categories of foreign nationals applying for TRP and PRP in Russia.

As in the previous versions of the bill, the following is suggested:

- The possibility for Ukrainian nationals to apply for TRP without the need to first receive a quota for the TRP application filing, provided they are refugees;
- Documents for TRP processed within 4 months instead of 6 months;
- The possibility for a foreign national to apply for annulment of the TRP;
- Specific comment that TRP or PRP will be annulled in case the foreign national spends more than 6 months in a calendar year (in total) outside of Russia;
- Several categories of foreign nationals to have the ability to file PRP applications without the need to apply for the TRP first: foreign citizens who were born in RSFSR, who are native speakers of the Russian language, who have relatives or spouses permanently living in Russia, who were deported from Crimea, and qualified foreigners as well as HQS (highly qualified specialists);
- PRP to have unlimited validity (except for PRPs issued to qualified specialists and HQS, who will receive PRP for 3 years).

## **Chinese Border Control Officers Checking Contents of Smart Phones of Russian Citizens Who Enter China**

It has been reported recently that Chinese authorities are checking the contents of smart phones belonging to Russian citizens crossing the China-Russia border in Guangzhou. In particular, popular messenger apps, email, and photos were checked. Checks were explained as an attempt to find those having compromising information, although there are no details on what information can be considered compromising, other than noncompliance with immigration laws. At the same time, Russian citizens have been detained who tried to enter China on the basis of business visas with the real aim of performing work activities in China.

Based on the principle of reciprocity, the Russian government may unofficially

introduce the same kinds of checks.

### **Maldives: Agreement on Visa-Free Entry Has Come Into Force**

Effective July 25, 2019, an agreement with the Government of Maldives on visa-free entry has come into force.

According to the agreement, citizens of either country may enter the other country and stay for up to 90 days. The total limit of stay will be determined by legislation of each country.

If the citizens of one country wish to stay longer in the territory of the other country or to perform work, study, or obtain permanent residence, they must apply for the appropriate visa from the authorities of the country where they wish to stay.

### **Andorra: Government Approves Agreement Providing for a Visa-Free Regime**

Russia now has an agreement with the Government of Andorra to introduce a visa-free regime between the countries. According to the agreement, citizens of either country will be able to enter the other country and stay for up to 90 days out of every 365 days, starting from the first entry.

If the citizens of one country wish to stay longer in the territory of the other country or to perform work or commercial activities, they must apply for the appropriate visa from the authorities of the country where they wish to stay.

### **Botswana: Government Approves Agreement Providing for a Visa-Free Regime**

Russia now has an agreement with the Government of Botswana to introduce a visa-free regime between the countries. According to the agreement, citizens of either country will be able to enter the other country and stay for up to 30 days, the total limit of stay being 90 days out of every 180 days.

If the citizens of one country wish to stay longer in the territory of the other country or to perform work, study, or obtain permanent residence, they will be required to apply for the appropriate visa from the authorities of the country where they wish to stay.

### **China: Government Approves Agreement Providing for a Visa-Free Regime for Tourist Groups**



Russia has approved an agreement with the Government of China to introduce a visa-free regime between the countries for tourist groups.

According to the draft of the agreement, "tourist groups" are a group of citizens of the other country, from three up to 50 persons, headed by a representative of a tourist organization who enters with tourism purposes.

Members of the tourist group can travel only with the group, accompanied by the group leader (representative of the tourist organization) and according to a travel plan approved in advance (travel plan and other information about the trip must be confirmed by documentation).

The overall stay of foreign citizens in the territory of the receiving country cannot exceed 21 days.

### **Professional Mastership Championships**

An organization approved by the Russian Government to represent Russia in the "Worldskills International Championship" will be able to hire foreign nationals without the need to receive corporate employment permission for the period of preparation and the events of the organization in the territory of Russia.

Foreign nationals will be able to work at championships in Russia without the need for a work permit or patent. Invitation letters to such foreigners will be issued irrespective of the allocated quota. The list of championships is determined by the Russian Government.

### **Visa Formalities Simplified for Artists and Scientists**

According to a new law, a standard business visa valid for 30 days can be issued to foreign citizens who enter Russia for a period of not more than 30 days:

- For an artistic tour (organization of performances and/or events on the basis of civil agreements for an agreed fee or free of charge) during which such foreign citizens perform literary works, art, or folk art; or
- Upon invitation of government cultural institutions to participate in art, educational, scientific, or pedagogical work.

These categories of foreign nationals do not need to apply for a work permit or patent as well as a work visa.

Employers can engage such foreign citizens without applying for a corporate

employment permit (Law: On the status of foreign citizens in Russia).

### **Year of Theatre: Visas for Guests are Free of Charge**

The Russian Government has issued an order under which foreign participants and guests of events of the Year of Theatre 2019 can receive visas to Russia free of charge. Mass media participating in the events can also apply for Russian visas free of charge at Russian consulates abroad.

Applications for visas are filed by the Ministry of Culture and members of the Year of Theatre 2019 organization committee.

### **2019 Quota Amended**

The Ministry of Labor and Social Development has again redistributed the quota for foreign labor for this year. Quotas have been insignificantly raised for almost all Russian regions, including Moscow.

### **Citizenship for Qualified Specialists**

Qualified specialists soon will be able to apply for Russian citizenship after only one year of working in Russia, starting October 2019. These include foreign citizens and stateless persons who work in Russia as qualified specialists.

To be eligible a foreign citizen must work in a specific position (the list of occupations is approved by the Ministry of Labor and Social Development), and his or her employer must have made the necessary payments to the Russian Pension Fund.

The list is lengthy, including occupations such as midwife, veterinarian, doctor, laboratory assistant, psychiatrist, statistician, gas welder, chief project engineer, chief metallurgist, director of economics, various types of engineer, mathematician, nurse, medical laboratory technician, process pipeline installer, pharmacy laboratory specialist, locksmith, ship repairman, pharmacist, electrician, medical assistant, grinder, drilling technician, and others.

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### **The Firm and the News:**

**David Isaacson** has authored a new blog entry. "Expansion of Expedited Removal: Why Pushing to the Limits of the Statute Unconstitutionally Deprives

People of Due Process of Law" is at <https://bit.ly/2OnfYa5>.

**Cyrus Mehta** has published a new blog entry. "Save Optional Practical Training for Foreign Students" is at

<http://blog.cyrusmehta.com/2019/07/save-optional-practical-training-for-foreign-students.html>.