

# *Global Immigration Newsletter Spring 2015*



## Introduction

We bring you the latest global immigration updates from across our global network in this spring edition of our global newsletter.

There have been many changes from all corners of the globe in the start of this year and we have seen many significant procedural changes in many key jurisdictions such as Australia and UK.

Our 'Quarterly Focus' section focuses on a growing trend of the expansion of access to work permission with many countries implementing new short-term and atypical working permits.

We also include a handy overview of the Mobility offering that we are able to offer in conjunction with our colleagues from our HRS Tax practice.

Whilst this newsletter provides you with an overview of all updates around the globe, please do see page 16 for a snapshot of the various regional newsletters that are in circulation across the network and the relevant contacts should you wish to sign up to any of these.

We hope, as always, you enjoy reading through the various updates and please do not hesitate to get in contact should you have any queries at all or require further information on any of the matters raised.

Regards,

PwC Legal  
Global Immigration Team

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## Quarterly focus

# Expansion of access to employment authorisation

As general immigration trends continue to see increased restrictions and heightened scrutiny on business travel of all sorts, certain countries have expanded the scope of work permits to cover individuals who would have previously entered under business visitor status.

Others have widened employment authorization categories to encompass foreign nationals traditionally unable to work.

Employers who have historically expected to send assignees at short notice should now consider the implication of these changing policies and attitudes. Sufficient time and planning will be needed to ensure adequate preparation and compliance.

On the other side of the developments in this area, we are seeing that the population of individuals permitted to work has increased, with major developments in the US allowing certain dependant spouses to accept employment.

In light of these changes, we advise that clients plan well in advance of proposed international transfers, all the while remembering that there may be a larger pool of available workers adding to the attractiveness of an international assignment.

We focus on China and the USA as two case-studies of the abovementioned developments.

### US

US Customs and Border Protection is increasing scrutiny on business visitors entering under the Visa Waiver Program with ESTA. Particular attention is given to frequent travellers and those who will complete project assignments or who are researching potential US business opportunities. However, effective from May, certain H-4 spouses of H-1B foreign nationals who were previously unable to work will be able to apply for employment authorization.

### China

China has implemented a trial of new short term work procedures. The changes clarify which activities will require a short term work permit and which will be permissible under business visitor status.

The procedures have also put in place and introduced a new system for foreign workers to obtain short term work permission.

Employers should be mindful that they may now have some of their foreign population travelling on a short-term basis to carry out certain activities which may have traditionally been considered within the ambit of 'business travel' and which will now require a short-term work permit.

## Countries

- 
- **Australia**
  - **Angola**
  - **Belgium**
  - **Canada**
  - **Colombia**
  - **Denmark**
  - **Egypt**
  - **Finland**
  - **Greece**
  - **Hong Kong**
  - **Ireland**
  - **Netherlands**
  - **Nigeria**
  - **Norway**
  - **Russia**
  - **Singapore**
  - **South Africa**
  - **Spain**
  - **Thailand**
  - **Turkey**
  - **Uganda**
  - **Ukraine**
  - **United Arab Emirates**
  - **United Kingdom**
  - **USA**

## Your country information

### Australia

On 18 April 2015, the Department of Immigration and Border Protection (DIBP) made various changes to the Migration Regulations, including anticipated changes to the English language requirements for the 457 visa.

The amended Regulations have introduced a wider range of acceptable English language tests, including a change to an overall band score for IELTS as well as amendments to the current education based exemption. Though the exemptions relating to base salary (A\$96,400 per annum) and eligible passports remain unchanged.

The results should relate to an examination conducted no more than three years before the date of the 457 visa application. Shifting to an overall band score particularly for IELTS introduces much needed flexibility for applicants who

previously may have been required to sit multiple tests due to a minor shortfall in one test component.

Subclass 457 visa applicants are also able to claim an exemption from formal testing where they can provide evidence of having completed at least five years of full time study at secondary and/or tertiary level, where it can be shown that the language of instruction was English. The previous requirement for this having been a consecutive five year period has been removed, and again provides greater flexibility to applicants who may have had a travel or employment break between study periods.

There has also been a decrease to the higher level salary which must be provided to a 457 visa holder before evidence of the market salary rate for that occupation is no longer required. Where a nomination includes evidence that the individual's annual earnings will be at least A\$180,000

per annum, business sponsors will be exempt from this requirement (reduced from A\$250,000).

The Temporary Skilled Migration Income Threshold (TSMIT) of A\$53,900 base salary per annum will still apply as the market rate and income threshold for an occupation's eligibility for the subclass 457 visa program.

The validity periods for standard business sponsorship agreements and associated 457 visas have also been clarified and while these changes may appear to be relatively minor, they will substantially streamline the requirements and reduce the immigration and visa related costs for start-up businesses in Australia. Previously, they were required to lodge three separate applications for sponsorship and 457 visa approvals within the first three years of trading.

As anticipated, the period of time within which an approved business sponsor must notify the DIBP of a sponsored 457 visa holder ceasing employment has been extended to 28 days, from the previous 10 working days. This reporting obligation has traditionally been one of the more problematic, particularly for larger organisations or organisations with complex structures. This extended time frame is again a welcome change, allowing business sponsors with much needed flexibility to ensure ongoing compliance with this obligation.

While this is a welcome change, users of the 457 visa program should be aware that non-compliance with this obligation is one of the DIBP's primary compliance and integrity concerns. Given the greater notification time period it is possible that any previous flexibility regarding late notifications will no longer be applied,

and that the DIBP may seek to enforce the formal penalties and sanctions available under the Migration Act where sponsors repeatedly provide late notifications.

The above changes are the first to result from the Independent Review of the subclass 457 visa program, completed in 2014. It should be anticipated that further changes will be announced for 1 July 2015. In all cases, the changes being implemented have been designed to provide increased clarity for users of the 457 visa program, as well as access to greater efficiencies including more streamlined, responsive processing.

PwC Australia's immigration practice will continue to monitor changes and provide further updates as they become available. If you would like to discuss any of the changes outlined above, or provide feedback for the current review, please contact your PwC Australia immigration contact for further details.

## Angola

Immigration policy and regulations in Angola are currently undergoing significant change. Since December 2014, a number of changes have been taking place such as updates to consular and service fees and new developments in a bid to tackle illegal immigration.



The last year has seen the Foreign and Migration Service in Angola (SME) being restructured. Its internal system has recently been completed and internal connections between the Angolan Consular Mission abroad and the local authorities have been improved. We are expecting the Angolan authorities to be able to grant tourist visas on a multi-entry basis as a result of this restructuring. One of the main expected consequences.

In December 2014, a Presidential Decree formalised the Bilateral Cooperation Agreement between the Republic of Angola and the Swiss Federation for immigration matters. The agreement was made effective in February.

Since January 2015, the Angolan Consulate in the UK is applying a new table of consular fees. In addition, new

rates and payment procedures have been implemented for services provided by the Ministry of Petroleum (MinPet) relating to immigration. More specifically, new fees have been introduced to requests for approval of hiring a foreign national to the MinPet.

Lastly, as a result of findings by the National Police of Angola on the presence of illegal foreign workers in Angola, the Immigration Authorities and the Government have begun working on new regulations for the control, admission and recruitment of foreign citizens in Angola. A Working Committee has been appointed to prepare a report and further developments are expected to be announced soon.

## Belgium

New rules which increase the threshold for minimum salary requirements for highly qualified and managerial employees have been introduced in Belgium. These provisions came into effect in January 2015.

For work permits for 'Highly qualified employee', the new minimum salary threshold is now EUR 39,802 (GBP 28,929). The minimum salary threshold for Managerial employees has increased from EUR 65,771 (GBP 47,804) to EUR 66,406 (GBP 48,265).

The Belgian Ministry of Employment has also increased the minimum salary for the European Blue Card, the work and residence permit for highly skilled non-EU citizens. The amount guaranteed for 2015 is EUR 51,466 (GBP 37,407) gross.

Employers are encouraged to account for these increases in their corporate budgets and those sending non-EU/EEA assignees to Belgium must ensure they are compliant with the applicable work category.

In February 2015, new Belgian legislation was introduced applying charges for residence applications to cover administrative costs. These changes became effective 2 March 2015.

Under this new law, individuals applying for Belgian residence will be charged an administrative cost amounting from EUR 60 (GBP 44) up to EUR 215 (GBP 156), depending on the type of residence status.

The new fee needs to be paid at the start of the residence application procedure, and failure to pay the required amount in a timely manner will render the application inadmissible. Employers and employees should be mindful of the overall increased immigration cost and of potential delays in residence permit applications.



## Canada

In February 2015, the Government of Canada announced that several changes would be introduced to the International Mobility Program (IMP) that would affect both employers who hire foreign workers through the IMP, and foreign workers applying for open work permits.

From 21 February 2015, employers who hire foreign workers under the LMIA-exempt categories of the IMP will have to submit the following before work permit application may be submitted and approved:

- Information about their business or organization;

- The Offer of Employment form; and
- Payment of a \$230.00 fee (which must be paid online).

If an inspection finds that an employer is non-compliant with the new requirements, the employer may face financial penalties, be prohibited from hiring foreign workers, and may even face criminal investigation and prosecution in the most serious cases.

For foreign workers who apply for open work permits the above restrictions will not apply. However, applicants for open work permits will now have to pay an additional fee of \$100 upon submitting their application.

Those who may apply for open work permits and would therefore be affected by this new fee requirement include: working holiday applicants under the International Experience Canada program, students applying under the Post-graduation work permit program, spouses and common-law partners of highly-skilled foreign workers and international students, and bridging open work permit applicants.

Please do not hesitate to reach out to your usual PwC Legal contact for further details on this as required.

## Colombia

The Colombian Ministry of Foreign Affairs recently issued a resolution which brings various areas of Colombian immigration law into one consolidated legal document. The document sets out the requirements for obtaining different types of Colombian visas as well as establishing a new type of visa in relation to travel to countries outside of Colombia. In addition, the resolution amends the time period in which Colombian Consulate can issue visas.

## Denmark

In January 2015, Denmark successfully implemented a Fast Track Scheme permitting certain Danish and international companies to more efficiently employ highly qualified labour. Provided that the overall criteria are met, individual applicants with the right of entry to Denmark may begin work upon submission of a work and residence permit.

To use the scheme, companies must first be certified by the Danish Immigration authorities. All certified companies must then appear on a publically-available list for compliance purposes. Please do contact your usual PwC contact if you require further detail on this scheme.

## Egypt

Egypt has now implemented new labour testing requirement following a February 2015 decision aimed at tackling high unemployment in Egypt.

Under these new rules, the Ministry of Manpower must first conduct labour market research to ascertain whether there are qualified Egyptian nationals who can fill the foreign assignee's proposed position. Where a suitable local worker can be found, the application will be rejected. Employers must now include a detailed job description with each new work permit application.

The labour market search will add an additional 3 to 4 weeks.

The decision will not have retroactive effect and renewal and any other work permit applications currently in process and pending will not be impacted by the new requirements. Existing work permit holders may also continue to work within the country without any change.

Employers should expect significant delays and be aware that they may be required to provide additional documentation at

the authorities' discretion. We are closely monitoring this situation and as further details are released we will provide further update.

The Ministry of Foreign Affairs in Egypt has announced it is postponing the decision to ask foreign nationals wishing to enter Egypt to obtain a visa from the Egyptian Consulate abroad.

The initial decision meant that any foreign national travelling to Egypt would need to apply for a visa before departure as there would no longer be an option to apply for the Visa on Arrival at the port of entry.

This decision has now been postponed until further notice, until the electronic visa system is implemented fully in all Egyptian Consulates abroad. We are closely monitoring the situation.

## Finland

There is a new law coming into force which will facilitate the filing process of Finnish residence permits.

At present, where there is no Finnish post in a country, it is possible to file tourist and business visa applications in other Schengen posts in that country. A change due to come in effect in this Spring will

further allow Finnish residence permit applications to be filed in other Schengen countries' consular posts or with third party service providers. In practice, this means that applicants could submit their files in countries where there is no Finnish post without the need to travel out of their country of residence.

These third party service providers and other Schengen representations would also be authorised to assist with administrative tasks such as receiving and collecting the application fees, identifying the applicants and collecting biometric data (e.g fingerprints). The application would subsequently be transferred to the Finnish representation for review. The application would then be passed on to the Finnish Immigration Service, the body which retains authority to make substantive decisions.

The main aim of these changes is to improve the level of service and efficiency offered by Finnish consular posts as these have faced an increased number of applications in recent years. This will be a welcome change for any foreign nationals who may be going on assignment to Finland.

## Greece

Foreign nationals who wish to apply for or renew their Greek residence permit are required to file insurance documentation with the Greek immigration authorities. Applicants should either file an insurance policy which was obtained abroad, which provides explicit coverage of the relevant people for the time period during which they reside in Greece, or an insurance policy obtained in Greece.

The insurance policy should cover the applicant for permanent disability due to accident, medical expenses incurred by potential disease or accident and hospitalization. The insurance policy should provide the applicant with cover for up to at least EUR 15,000 per year for permanent disability and medical expenses due to potential disease or accident, and EUR 10,000 for hospitalization. The applicant should also participate by a maximum percentage of 20%. The insurance policy should be valid for a period of one year. If the duration of the residence permit exceeds the duration of the insurance policy, the concerned individual will be obliged to submit a renewed insurance policy every year.

In addition, the issuance or renewal of certain types of Greek residence permits

may require the proof of personal, annual, regular and sufficient income which should be linked to the annual earnings of salaried persons at the level of a minimum wage.

These changes may increase the lead times for processing these applications as employers and applicants ensure they have the correct documentation in line with the new requirements in place would advise that sufficient time is factored in when considering assignments to Greece.



## Hong-Kong

In January 2015, Hong Kong suspended the Capital Investment Entrant Scheme and introduced important immigration enhancement initiatives. With implementation set for the second quarter of 2015, the measures seek to attract foreign talent, professionals and entrepreneurs. These initiatives relax stay arrangements under the General Employment Policy, the Admission Scheme for Mainland Talent and Professionals and the Quality Migrant Admission Scheme.

They aim to encourage new business and joint ventures (particularly from Taiwan and Macao).

The Immigration Department will also launch an Admission Scheme for the Second Generation of Chinese Hong Kong permanent residents. Applicants who are the second generation of the Chinese Hong Kong permanent residents from overseas may apply for entry into Hong Kong under this scheme.

This is a welcome change for foreign nationals looking to relocate to Hong-Kong in various capacities.

## Ireland

From 1 April 2015 Green Card and Critical Skills permit holders, whose current permit is due to expire, will be required to obtain a letter of support from the Department of Jobs, Enterprise and Innovation (DJEI) verifying continued employment under Green Card/Critical Skills conditions. This letter must be obtained prior to the individual attending at their local Garda National Immigration Bureau (GNIB) registration office to seek Stamp 4 immigration permission. The application to the DJEI must be made on a prescribed form with relevant supporting documentation and may take a minimum of 2 weeks to issue.

Current Green Card/Critical Skills permit holders should ensure to factor in this additional administrative step and allow sufficient time to obtain the DJEI letter and attend at GNIB prior to the expiry of their current immigration permission.

While the rationale behind the introduction of this new policy is not clear it appears to be a step towards closer monitoring by the various government departments with responsibility for different aspect of the immigration

process. To others, however it may be viewed as just more bureaucracy being imposed by the Irish authorities.

It appears that the anomaly that has existed since 2008, which prevented Green Card holders from applying for Long Term Residency (LTR), has finally been addressed. While formerly prohibited from applying for LTR, similar to other Employment Permit holders, they may now apply having completed a minimum of 5 years legal residence in Ireland on a combination of Green Card and subsequent Stamp 4 conditions.

Following the successful launch of the British-Irish Visa Scheme in China in October 2014, the programme has now

been extended to India. This is welcome news which will allow Indian tourists and business travellers to visit both Ireland and the UK, including travel between the north and south of Ireland, using a single visa which will be recognised by both countries. It is expected that the scheme, once fully rolled out to other countries, will replace Ireland's Short-Stay Visa Waiver Programme which allows nationals of 18 countries to travel to Ireland from the UK using their UK visa.

The extension of the British-Irish Visa Scheme to India, and the collection of biometrics as part of this process, has had a knock-on effect on the overall visa application process in India. Already



a requirement in China, Nigeria and Pakistan, biometrics (fingerprints and digital facial photograph) are now required for all Irish visa applications filed in India, not just those submitted under the British-Irish Visa Scheme. The collection of biometrics is a key government initiative for 2015 and we expect the roll out to other countries to continue over the coming year.

We are now several months into the new employment permits regime and, while some of the initial teething problems have been ironed out, we are still seeing processing delays and certain technical/administrative problems as the Department of Jobs, Enterprise and Innovation gets to grips with the new legislation and e-payments function. Processing times are improving and we expect the promised 3 week turnaround time to be implemented across the board over the coming months.

A new credit card sized Irish passport will be available from July 2015. The passport, intended for use in place of the traditional booklet style passport, is the first of its kind to be universally accepted for air travel within the EEA. In a further innovative move, applications may be made online or through a smartphone app using a photograph taken from the applicant's own phone!

Increased focus on the international education sector in Ireland has resulted in the introduction of reforms aimed at standardising student work concessions. Since January 2015, non-EEA students holding valid Stamp 2 immigration permission are only permitted to work up to 40 hours per week during the months of May – August and between 15 December to 15 January. A maximum of 20 hours per week is allowed at all other times. This reform standardises the definition of “term time” for all non-EEA students which had previously been determined by the educational institutes and which had given rise to considerable variations in allowable working hours. Please do contact your usual PwC contact for any further updates on any of these matters.

### Netherlands

The Dutch High Administrative Court has held that Japanese nationals may work in the Netherlands without obtaining a work permit. We recommend, however, that they continue to obtain work authorisation until implementation of the verdict has been finalised. Although exempt from labour market tests, Japanese nationals will still require a residence permit for stays exceeding 90 days.

The Dutch immigration authorities are also increasing scrutiny on salary

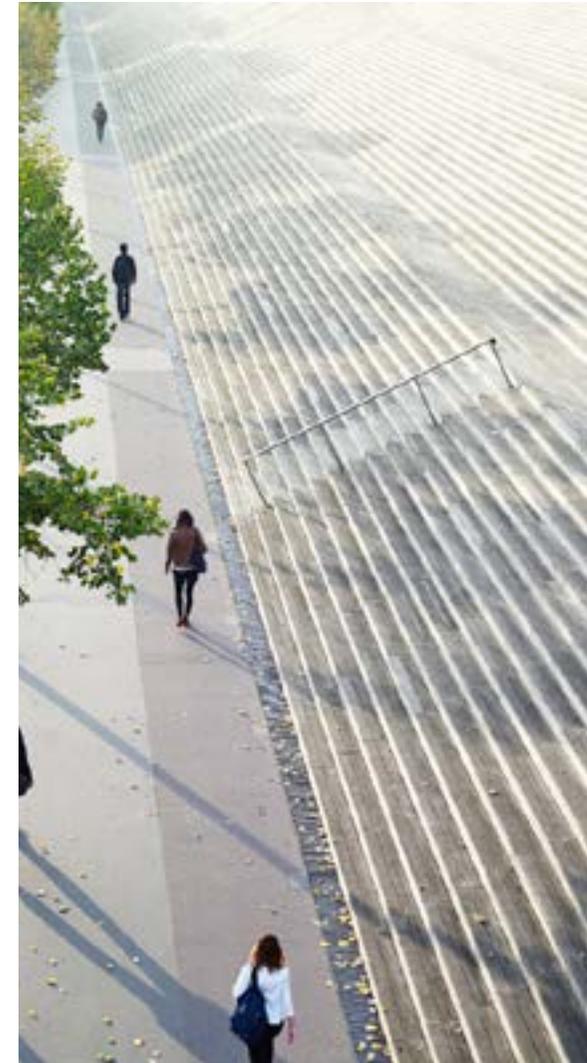
thresholds for labour and highly-skilled migrants using the Suwinet system to investigate discrepancies between salaries listed on applications to those that are actually reflected on the shadow payroll.

### Nigeria

Nigeria has seen significant changes to the immigration space in the first quarter of 2015. This is as a result of the decision to discontinue the use of re-entry visas by resident expats and to increase statutory fees for processing applications at the Ministry of Interior (MoI).

While official communication of the decision to discontinue the use of re-entry visas was issued by the Nigerian Immigration Service (NIS) in February, 2015, the date of implementation is yet to be communicated by the authorities.

Currently, re-entry visas are issued to expats in possession of a Combined Expatriate Residence Permit and Alien Card (CERPAC), enabling them to enter the country anytime they travel abroad. Following the implementation of the new regulations, expats with valid CERPACs will no longer be required to obtain re-entry visas and will be able to return to Nigeria at any time during the validity period of their CERPACs.



In January, the Nigerian Ministry of Interior also decided to increase processing fees for various types of applications, such as applications for expatriate quota position (EQPs), business permits and special immigration status. The general range of the increase for the various processing fees is 20% to 30%.

We are closely monitoring these changes and will provide further updates as we learn of them.

## Norway

Norway has repealed provisions which exempted certain skilled workers from being required to obtain a residence permit. Under new regulations, visa exempt skilled workers seeking employment in Norway should now apply for a six-month residence permit.

The Norwegian authorities have also amended other residence permit regulations to permit individuals on fixed installations to work on the mainland for the same employer, and have re-introduced Norwegian wage and working condition requirements for this group of workers.

Further, the duration of permits for independent contractors has been extended from four to six years.

This is all a positive step by Norway in adapting their immigration rules to include less traditional assignment structures.

## Russia

In January 2015 a new procedure for the accreditation of branches and Representative Offices (ROs) of foreign companies, as well as a procedure for the accreditation of foreign employees working in Russia in such branches and representative offices came into force.

Branches/ROs with accreditation that did not expire before 1 April 2015 should have arranged entry into the new State Register of Accredited Branches and Representative Offices of Foreign Legal Entities (the "Register"). Failure to do so will result in automatic termination of the non-complying branch/RO's accreditation period, effective from 1 April 2015, and will influence the extension of visas, work permits and accreditation cards which give the right to work in the Russian Federation for foreign nationals based at a branch/RO. All Branches/ROs established after 1 January 2015 must be accredited under the new procedure.

Generally, the process of accrediting branches/ROs will be longer and more

administratively burdensome. It is also now a mandatory requirement that the number of a branch/RO's foreign employees must be agreed beforehand with the Chamber of Commerce and Industry of the Russian Federation. There are also employment law considerations to be fulfilled as a result of these changes and specific requirements around employment contracts.

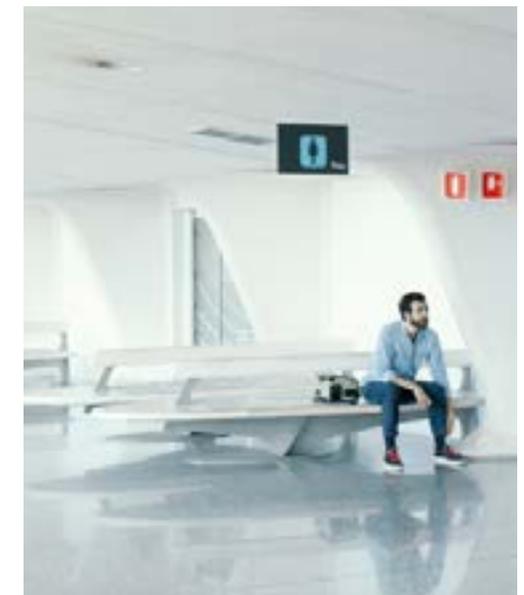
Armenian nationals are allowed to perform work activities in the Russian Federation without work permits or patents.

In order for companies to comply with the new Russian requirements, we would recommend that amendments are made to their HR policies, particular from an Employment law perspective. Please do speak to your usual PwC contact should you require any further information in this area.

## Singapore

Employers will now have to request an Employment Pass to be issued before a foreign national with an In-Principle Approval ('IPA') letter can start working in Singapore. This change came into force on 16 March 2015.

The IPA letter, which is valid for 6 months, confirms the approval of an Employment Pass application. Prior to the changes, foreign national employees were able to start working as soon as their IPA letter had been issued. Under the new rules, this is no longer permitted; employment can only commence once the employer has requested the issuance of the Employment Pass online, which can only be carried out once the individual has arrived in Singapore.



To avoid delaying the employee's start date, employers are encouraged to request the issuance of their Employment Pass immediately after the employee has arrived in Singapore. The employee must then complete the registration formalities at the Employment Pass Services Centre as soon as possible. Failure to follow these steps will result in delays to the employee's start date. Employers should plan their employment strategy accordingly.

## South Africa

Following the recent State of the National Address, The Minister of Home Affairs has announced a relaxation in the visa requirements for nationals from Brazil, Russia, India and China (members of the BRICS Alliance).

The relaxation allows Business Executives of the above mentioned countries to now receive Visitor's Visas upon arrival in South Africa for a validity period of up to 10 years (taking into consideration passport validity) with the restriction that each stay in the country should not exceed 30 days.

Nationals from Russia, India and China were previously required to apply for a Visitor's Visa from the South African

Diplomatic Representative in their country prior to travelling to South Africa. The introduction of this measure will be of great benefit to Business Executives from these countries.

However, the definition of which nationals qualify as a "Business Executive" and the activities permissible during each 30 day period of stay have not been formally announced.

We are clarifying the above interpretation with the Department of Home Affairs and will send out a further alert once confirmed.

Please do not hesitate to reach out to your usual PwC Legal contact for further details on this as required.

## Spain

In October 2013, Spanish authorities passed a new law on the global mobility of entrepreneurs. The new law was designed to attract investors, entrepreneurs, highly qualified professionals, researchers and intra-company transferees and aimed to encourage investment in the Spanish economy. The main changes that this law has brought are that: Visas now are granted for up to a year of validity, visa applications processing time now take

up to a maximum of 10 labour days and residence permits also include the work authorization and are granted for an initial period of two years, with an extension of another two years.

It should be noted, that in addition to the new regulation, the ordinary migration regulations for non-EU/EEA citizens are still in force, although their usage has decreased due to the more favorable conditions established by the new regulation. There is also currently work being carried out on the new regulation which is expected to be passed within the next two to three months. PwC Spain will monitor the progress of the parliamentary procedure and will report as soon as it enters into force, detailing its upcoming impact on the migration procedures.

## Thailand

As of April 1, 2015, all foreign nationals required to report their presence in Thailand after 90 consecutive days of stay will be able to do so online.

Foreign nationals should make the online report during the period of 15 days before and up to 7 days after the 90-day mark. It is important that all applicants retain their receipt as proof of filing.

It will still be possible to follow the current in-person reporting procedure at the immigration office that issued the original visa, should an applicant be unable to make the report online.

Whilst this removes the mandatory requirement to attend in-person to file the report, it is important to note that it does not eliminate the requirement to complete the 90-day report.

Please do not hesitate to reach out to your usual PwC Legal contact for further details on this as required.

## Turkey

Recent changes to regulations on short-term travel to Turkey for technical work will allow assembly visa holders to travel in and out of Turkey over the course of one year.

Previously, the assembly visa was granted for 3 months, allowing individuals 90 consecutive days with a single entry visa. In light of the recent amendments, foreign nationals will have the right to stay in Turkey for a total of 3 months within one year with a multiple entry visa.

Further guidance is expected regarding the impact of these amendments on residence permit applications. Currently, the changes do not affect requirements for

a residence permit application, and foreign nationals may still have to apply for a residence permit in Turkey.

Requesting police clearance certificates from Turkish and the applicant's home country is becoming increasingly common practice for dependant residence permit applications. This documentation may be required both for the main applicant as well as for dependants – although not usually for dependant children.

We would advise that during the early stages of the application process it is confirmed whether dependants will be joining an applicant in order to allow sufficient time to obtain a police clearance where required.

## Uganda

In line with the commitment of Uganda, Kenya and Rwanda to the principle of 'free movement of persons and labour' under the East African Community Common Market Protocol, Kenyans and Rwandans are already allowed to enter Uganda upon presentation of their national identity cards instead of the passport. Similarly, Ugandans will be permitted to use their national identity cards to travel Kenya or Rwanda.

Kenyan and Rwandese nationals travelling to Uganda to work will still have to apply for a work permit, following the standard immigration process. Once the work permit is approved, the applicant can proceed to submit the passport for stamping with the work permit.

Earlier this year, the Commissioner for Citizenship and Immigration Control announced the immediate removal of fees for work permit for Kenyans and Rwandans intending to work in Uganda. This shows great collaboration and implementation of the East African Community Common Market Protocol.

## Ukraine

In January, new restrictions have been introduced by the Cabinet of Ministers of Ukraine for Russian citizens traveling to Ukraine. The existing Agreement between the Government of Ukraine and the Russian Federation on visa-free travel has been amended to reflect significant changes on the entry requirements for Russian nationals.

From March 2015, national passports and birth certificates (for children under 14

years old) of the Russian Federation will no longer be valid travel documents to enter Ukraine.

According to this Regulation, Russian citizens travelling to Ukraine will be required to provide a foreign passport, a diplomatic passport or a service passport.

There have also been recent changes to the Ukrainian immigration laws on the work permit application process. A Resolution has been issued which introduces amendments to the issuance, extension and cancellation of work permits. The Resolution significantly shortens procedural steps, such as the review of the application documents (from 15 to 7 working days) and the processing time from submission of documents to request an extension period (from 30 to 20 calendar days).

Furthermore, the list of categories of individuals eligible for work permits has been extended to now include graduates from highly ranked universities.

This is a great move to increasing access for those eligible for work permit authorization in the country and also for improving and streamlining the existing application processes.

## United Arab Emirates

The recent Ministry of Labour inspections, carried out in 2014, resulted in 479 firms found in violation of labour laws and consequently referred to the judicial authorities for non-compliance with UAE labour laws.

The inspections on companies were carried out to ensure the Ministry of Labour's objectives of ensuring regulations of the labour market were being properly followed and workers' rights were not being violated. This is part of the Ministry's wider goal to create a stable labour market and a productive workforce to promote a competitive knowledge - based economy that revolves around UAE citizens.

Following the 288,670 inspections carried out, Ministry inspectors brought to light risks to the health and safety of workers; firms who misled overtime calculations; as well as numerous employees found with incorrect immigration documents to work for their company in the UAE.

It is envisaged that similar investigations will take place throughout 2015. Should you have any questions in relation to this, please do not hesitate to reach out to your usual PwC Legal contact for further details, as required.

### United Kingdom

There have been changes to the issuance of the Biometric Residence Permits (BRP) for overseas visa applicants. Under this new process, non-EEA nationals applying from overseas for leave to enter the UK for more than six months, will be issued with a 30 day travel vignette. The applicant will be expected to travel to the UK within the 30 day validity period of the travel vignette and collect the BRP within 10 days of the initial arrival date in the UK. Dependants will be subject to the same requirement. Once a decision on the application has been made, applicants will receive a decision letter which will confirm the duration for which the visa has been granted together with details as to when and where to collect the BRP. Upon arrival in the UK, it will be important for individuals to collect their BRP from the Post Office designated on the decision letter. Individuals will need to be reminded to take their original travel document or passport when collecting the BRP. It is possible to change the Post Office that they wish to collect the BRP from, however this will cause delays in receiving the BRP and additional changes will apply. The process is being rolled out in a staggered approach and all countries are expected to be rolled out by July 2015.

We would advise that clients take a decision around whether they wish to implement a policy where an individual is not allowed to commence employment until the original BRP has been obtained. If individuals commence employment on the basis of the travel vignette only, another additional right to work check once the original BRP has been collected.

From April 6 2015, non-EEA foreign nationals and their dependents entering the UK on Tier 2 General visas valid for over six months are now subject to a health surcharge. The surcharge will apply even to those who are already covered by private medical insurance. Payment of the surcharge will provide access to National Health Service benefits. The surcharge will apply to all Tier 2 General applications, including first time and renewal applications, where the visa will be issued for 6 months or more. The surcharge will be £200 per applicant for each year of the visa (e.g. a 3 year visa for a single applicant will attract a surcharge of £600). The surcharge applies to each applicant including dependents (e.g. a one year visa for a family of 4 will attract a surcharge of £800).

The following groups are exempt from the surcharge:

- Australian and New Zealand nationals
- Tier 2 ICT applications
- EEA nationals
- Tourists

The surcharge must be paid upon submission of the visa application through the surcharge website and is a mandatory requirement for visa processing. There are likely to be some initial delays whilst the process is being implemented and this may impact the processing times for applications.

### USA

US Customs and Border Protection is increasing scrutiny on business visitors entering under the Visa Waiver Program with ESTA. Particular attention is given to frequent travellers and those who will complete project assignments, particularly if they will be engaged in activities in the US that could be construed as the provision of services or the performance of skilled or unskilled labour.

However, effective from May, certain H-4 spouses of H-1B foreign nationals who were previously unable to work will be able to apply for employment authorization.

## *Regional Newsletters*

Due to the expansive size of our network, many of our regional firms circulate newsletters which focus in more depth on immigration updates and issues relevant to their regions. Should you have an interest in any of these, please reach out to the relevant contact to arrange.

### **Asia Pacific Newsletter**

Jenny Lee, Senior Manager, Singapore  
[jenny.sh.lee@sg.pwc.com](mailto:jenny.sh.lee@sg.pwc.com)

### **Brazil Newsletter**

Eduardo Depassier, Senior Associate, Brazil  
[eduardo.depassier@lpadv.com.br](mailto:eduardo.depassier@lpadv.com.br)

### **UK Newsletter**

Andrea Als, Manager, UK  
[andrea.als@pwclegal.co.uk](mailto:andrea.als@pwclegal.co.uk)



## Modern Mobility – PwC Mobility Effectiveness

In an increasingly competitive and digital world, with the emergence of new growth markets and changing employee attitudes towards working internationally, being able to incentivise the right people to move to the right locations, in the right roles and at the right cost, in alignment with business needs – has never been more important.

**How confident are you that your mobility programme is ready to support this and deliver what your organisation needs?**

**We can help you to understand, measure and maximise the value you are getting from your mobility programme – from developing new policies to a wider review of your programme.**



*How we can help - we have lots of experience working with clients on projects to...*

### Strategy and return on investment

Align mobility programme and policies with business growth plans and strategy – workshop to brainstorm ideas and agree next steps

Run Voice of Customer project – understand what the business and HR want and need from mobility.

Assess how mobility supports global people, talent and resourcing priorities.

Review selection process, performance management, repatriation and reintegration experience.

Develop a clear mobility 'deal'.

Measure and continuously improve mobility outcomes.

Pro-actively provide meaningful data and analytics to the business on talent mobility.

### Mobility policies and cost

Review mobility policies to assess if they are fit for purpose and meet the needs of the business.

Benchmark mobility policies and reward packages to market – how do you compare?

Differentiate the mobility 'deal' depending on purpose of the move.

Enable the business to understand, effectively budget for and manage mobility costs.

Communicate mobility policies and value of the 'deal' effectively and simply – to assignees and to the business.

Move people in the most cost effective but compliant manner.

### Mobility function

Review mobility operating model – is it delivering what the business needs?

Undertake end-to-end process review of mobility activities across assignment life cycle.

Review and define roles, responsibilities and hand-offs.

Assess opportunities to automate or streamline current mobility activities.

Determine scope for consolidating mobility vendors and assess outsourcing (or in and co-sourcing) opportunities.

### Mobility technical costs and risks

Review expatriate tax positions taken in assignee locations.

Perform due diligence review of all pension schemes with internationally mobile participants.

Review social security positions and policies in assignee locations.

Review immigration positions to ensure the correct work permission is in place and repatriation procedures followed.

Review reward package local implementation to identify any local variances, including immigration, tax, social security and corporate tax.

Assess tax, social security, permanent establishment and immigration risks of business travellers, virtual workers and employees with global roles.

*Improving effectiveness, reducing costs and delivering value*



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