

# Global Directions

## Asia

### Japan

#### **To Address Aging Population, Government Passes New Immigration Bill**

Japan has one of the most rapidly aging societies in the world, with people age 65 and older accounting for more than one-quarter of the population. To address the increased labor shortages, the government has again turned to immigration. Japan's parliament passed a new immigration law this past December aimed at attracting foreign workers to fill the domestic manpower shortage.

This regulation, which will come into effect in April 2019, will create two visa categories: (1) Designated Skills Category 1 and (2) Designated Skills Category 2. Foreign nationals under Designated Skills Category 1 will be eligible for one-year visas, renewable for up to five years, and the applicant must possess a certain level of skill and experience in their field. Foreigners in this category will not be permitted to bring their family members into Japan. Foreign nationals under Designated Skills Category 2 will be eligible for one- to three-year visas, which will be renewable indefinitely under certain conditions. Under this second type of visa, the applicant must possess a higher level of skill and competency and will be allowed to bring family members. This visa could also lead to permanent residency.

The new bill is designed to tackle labor shortages in 14 sectors, including agriculture, aged-care nursing, and construction. Certain industries that have been sponsoring foreign workers under "Engineer/ Specialist in Humanities/International Services" status or "Technical Intern Training" status will be able to employ workers under this new system, opening the door to a larger foreign workforce in Japan.

### New Zealand

#### **Bill Proposes Changes to Employer-Assisted Work Visa Scheme**

The New Zealand government has proposed significant changes to the employer-assisted work visa scheme that, if implemented, will affect employment-based temporary work visas.

Under the bill, all employer-assisted temporary work visas would be collapsed into a single framework titled the "employer gateway." The employer gateway would break down the visa application process into three phases: employer checks, job checks, and individual checks. Most significantly, companies would be required to satisfy new accreditation and labor market testing requirements to process these visa applications.

The proposed changes are out for a public consultation, which closes on March 18, 2019. The minister of Immigration will then report back to the New Zealand Cabinet in June 2019. If implemented, changes would be made effective in August 2019 and have a significant impact on companies doing business in New Zealand.

This bill reflects similar regional and global efforts to increase labor protections.

### Vietnam

#### **Early Termination of Work Assignment Necessitates Cancellation of Work Permits**

The Ministry of Labor, Invalids and Social Affairs ("MOLISA") recently announced that companies sponsoring foreign nationals for work permits are required to notify provincial Departments of Labor, Invalids and Social Affairs ("DeLISA") when a work permit is terminated early. Notification procedures differ by province. For

example, DeLISA Hanoi requests that the employer return the original work permit to the DeLISA office, whereas DeLISA in Ho Chi Minh City requests that the employer provide written notification of an early termination and keep the original work permit. Special notification is not required if a work permit is terminated because it has expired.

In addition, MOLISA introduced a new work permit application form, effective immediately.

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## **Europe**

### **Ireland**

#### **Spouses and Partners of Critical Skills Employment Permit Holders Granted Employment Authorization**

As of March 6, 2019, spouses and partners of Critical Skills Employment Permit (“CSEP”) holders will be eligible for unrestricted employment authorization in the state in which they reside in Ireland. Previously, spouses and partners of CSEP holders were required to apply for an employment permit, which they only could do after they had obtained Stamp 3 permission and had a valid job offer. Under the new changes, which were introduced by the Minister of Business, Enterprise, and Innovation and the Minister for Justice and Equality, spouses and partners of CSEP holders on a Stamp 3 immigration permission can personally appear at the local immigration office with their CSEP holder spouse and their original permit to obtain an updated Stamp 1 residency permit.

For spouses and partners of CSEP holders, this removes the burden of needing an employment permit to seek work.

### **Spain**

#### **Spain Plans for No-Deal Brexit**

On March 2, 2019, the Spanish government published Royal Decree-Law 5/2019, establishing the process for UK nationals and their dependents to obtain Spanish work and residence permits in the event of a no-deal Brexit.

UK nationals and their dependents residing in Spain prior to the Brexit date will be required to submit a copy of their EU registration certificate along with a copy of the residence card of any dependent as evidence of their residence in Spain prior to the Brexit date. The government will invoke a 21-month grace period for individuals to apply to obtain identity cards for foreigners. Long-term EU registration certificates holders and their dependents will need to apply for a long-term residence card for foreigners to lawfully remain in Spain.

Cross-border workers who reside outside of Spain but work in Spain at the time of the Brexit date must apply to obtain status as a cross-border worker. They may continue working in Spain during the pendency of their applications.

### **United Kingdom**

#### **Changes to Tier 1 Visa Scheme Forthcoming**

Beginning March 29, 2019, the UK government will effectuate a number of changes to the Tier 1 visa program for investors, entrepreneurs, and start-up companies. Key changes include:

- **A new Start-Up category to replace the Graduate Entrepreneur category.** Beginning July 6, 2019, foreign nationals seeking to start up a business in the UK can apply for a Tier 1 visa in the Start-Up category. Initial funding need not be secured and there is no education requirement. The period of stay is two years. Applicants who wish to extend their stay can progress into the Innovator category.
- **A new Innovator category to replace the Entrepreneur category.** Beginning on March 29, 2019, foreign nationals with business experience seeking to develop a business can apply for a Tier 1 visa in the Innovator category. An applicant must demonstrate access to £50,000 in investment funds. This requirement may be waived for Tier 1 visa holders seeking to move from the Start-Up category into the Innovator category, provided they can demonstrate they had made significant advancement with their business plans. The initial period of stay is three years and can be extended indefinitely. Innovators can apply for Indefinite Leave to Remain after three years if they meet certain eligibility criteria.

Applicants must obtain an endorsement from a third-party UK trusted body, such as a business accelerator, seed competition, government agency, or institution of higher education that has assessed the business as demonstrating innovation, viability, and scalability. The endorsing entity must also perform check-ins with Tier 1 visa holders every six months to verify that applicants are adhering to the terms of their visas.

In addition, applicants must provide evidence of the source of any investment funds for the past two years. UK banks must then perform due diligence in order to open an investment account on behalf of a foreign investor.