
Impact of the COVID-19 Pandemic on the Legal Migrant in Poland, Portugal, Latvia, and Belgium

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Abstract:

Purpose: The article aims to analyze the impact of the COVID-19 pandemic about legal migrants in selected European Union countries amidst the tighter restrictions and travel constraints introduced worldwide.

Design/Methodology/Approach: The article uses data and source analysis and a modeling method to demonstrate the extrapolation of migration trends.

Findings: The employed methodology enabled the authors to establish that in Poland, Portugal, Latvia, and Belgium, measures were taken to respond to the COVID-19 pandemic in the context of legal migrants residing on their territories during the introduction of the movement restrictions.

Practical Implications: According to the authors, the exposure of the measures against the negative impact of the COVID-19 pandemic on migrants may deepen cooperation between the country authorities concerning helping legal migrants, leading to strengthened security in this area.

Originality/value: In the face of the COVID-19 pandemic and the dynamically changing health situation in the world, as well as the related lack of up-to-date sources and studies, partial scientific studies demonstrating a selected fragment of reality are critical. In the short and long term, they will enable researchers to learn about the type of actions taken by state authorities concerning migrants legally residing in their territory.

Keywords: Migrations, migrants, COVID-19, public policies.

JEL classification: J61, F22, F52, H56, O15, R23.

Paper Type: Research article.

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1. Introduction

The measures taken in response to the COVID-19 pandemic are of interest to all countries' governments and should also consider migrants and their needs. To slow down the spread of coronavirus, it has become necessary to introduce restrictions on movement (Grima *et al.*, 2020; Khan *et al.*, 2020). Migrants are people who have been particularly exposed to the effects of these restrictions. In many cases, the validity of permits to remain in a particular country or work permits expired during the period of the emergency states introduced due to the pandemic. Thus, it has become necessary to take precautionary measures to protect the legally residing migrants from the pandemic's negative consequences. Countries faced the difficult challenge of providing migrants with solutions that would enable them to continue to reside on their territory legally. This required taking appropriate legislative actions constituting the legal basis for the implemented security measures.

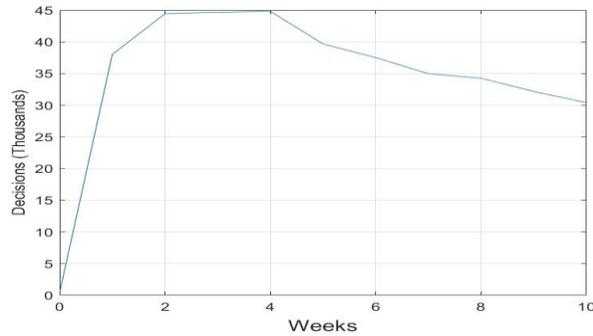
2. Movement Restrictions Around the World Due to COVID-19

The COVID-19 pandemic changed the economic situation in nearly all countries globally and had an evident impact on migration, including labor migration. At present, governments worldwide face the common challenge of easing the restrictions introduced due to the pandemic while balancing various health, social and economic concerns. The relationships between migrants and communities in which they live have always been an integral part of migration processes (Appave and David, 2017). Currently, it has acquired a special meaning. When tightening border controls and implementing other measures in response to the COVID-19 pandemic, countries should also consider refugees and migrants, who should be covered by the national health care systems and have access to information (Henri *et al.*, 2020; Banulescu-Bogdan, Benton and Fratzke, 2020).

According to the International Organization of Migration, since 23 March 2020, at least 174 countries have introduced movement restrictions due to COVID-19 (The UN Migration Agency, 2020). In September 2020, the number of countries that introduced movement restrictions reached 219 (the UN Migration Agency, 2020a). The pandemic's progression prompted countries to introduce restrictions, including numerous restrictions on travel and border crossing, which had an impact on the migration situation in the world (Marcu *et al.*, 2018). The restrictions are set by countries individually and are manifested mainly by introducing restrictions limiting people's movement by land, air, and sea.

The second type of restrictions related to the COVID-19 pandemic is those of a medical nature. In the initial phase of the pandemic, countries first introduced movement restrictions consisting of border closures to limit the flow of people and the obligation to quarantine after crossing the border. In the first weeks of the pandemic, the number of movement restrictions and the border crossing was rapid. The details are presented in Figure 1.

Figure 1. Number of restrictions on movement and border crossing due to the COVID-19 pandemic since 8 March 2020.

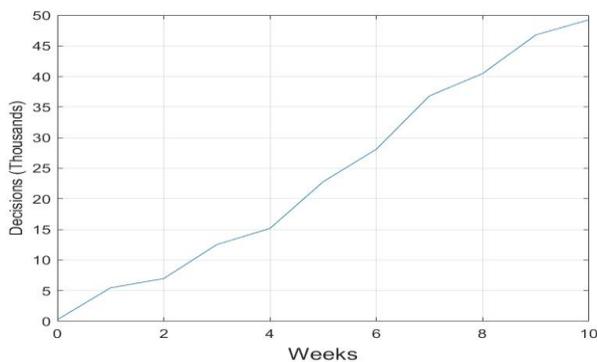


Source: Own elaboration based on data from the International Organization of Migration.

According to the International Organization of Migration data, on 8 March 2020, there were 391 restrictions on border crossing in the world. A month later, on 6 April 2020, there were already more than 38,000 restrictions of this kind in the world. After the first quarter of the pandemic, in early June 2020, the number of movement restrictions reached 44,686 worldwide.

Medical restrictions, consisting of conducting tests upon arrival in a particular country, the obligation to follow social distancing guidelines, and cover the mouth and nose in public places, public buildings, etc., in practice, proved to be more effective in limiting the spread of COVID-19. Concurrently, such restrictions were also less burdensome to the economy compared to the travel-related ones. In the first months of the pandemic, the number of medical restrictions increased slower than the number of transport restrictions. The details are presented in Chart 2.

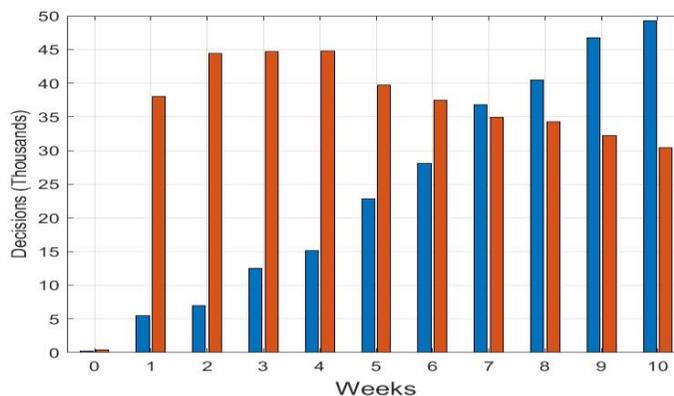
Figure 2. Number of medical restrictions were imposed in the world due to the COVID-19 pandemic from 8 March 2020.



Source: Own elaboration based on data from the International Organization of Migration.

For comparison, at the beginning of the pandemic, i.e., there were 266 medical restrictions worldwide at the beginning of March. In April, this number increased to 5,475 restrictions, while in June, it was 12,535. As the COVID-19 pandemic progressed and spread, the number of movement restrictions began to decline in favor of an increasing number of medical restrictions. Due to the persistence of the incidence and effects of the COVID-19 pandemic, and chiefly due to the movement restrictions' negative economic effects, an increasing number of countries began to increase the number of medical restrictions as more effective and less damaging to the economies. The breakthrough came between the 10th and 17th of September 2020, when for the first time since the onset of the COVID-19 pandemic, the medical restrictions related to human migration outnumbered those on movement. Since then, we have observed a constantly rising number of medical nature restrictions, whilst the number of restrictions regulating border crossing and freedom of international movement has decreased. As of 21 September 2020, the number of movement restrictions decreased to 30,419, whereas the number of medical restrictions increased to 49,262. The details are presented in Figure 3.

Figure 3. Comparison of the number of restrictions on movement and border crossing (red) and medical restrictions (blue) introduced in the world due to the COVID-19 pandemic.



Source: Own elaboration based on data from the International Organization of Migration.

3. Impact of the COVID-19 Pandemic on the Situation of Migrants in Poland

In Poland's case, the measures introduced at the national level to limit further the spread of COVID-19 affected both the situation of migrants residing in Poland on the date of the introduction of the restrictions and the overall migration the situation related to the arrival of new migrants. To limit the negative effects of lockdown and the epidemic on migrants residing in Poland, the Polish legislator took legislative steps to adopt specific solutions dedicated to foreigners. Under the provisions of the act of 2 March 2020 on the special solutions related to preventing, counteracting, and combating COVID-19, other infectious diseases as well as the emergencies caused by them, the issues of the impact of the virus epidemic on the legality of foreigners' stay was regulated (Journal of Laws, 2020, item 374 as

amended). These provisions allowed migrants to legally stay in the Republic of Poland in a situation where they want to fulfill their current purpose of stay or are prevented from leaving Poland is due to the virus's spread. It was decided that in order to be able to stay in Poland during a threat of an epidemic emergency or an epidemic by the provisions of law, foreigners, who had previously resided legally in Poland, will not have to apply to public administration bodies to be granted residence permits or visas or to extend the period after which they should eventually leave the country territory (The Office for Foreigners, 2020). The extension of a foreigner's legal stay was mainly related to the extension of the legal stay in Poland based on a national visa and a temporary residence permit, the terms of which expired during the period of the epidemic threat or epidemic state.

According to the law, the special regulations guaranteed an extension of their validity dates until the 30th day following the last day of recalling the state in force. In the case of Poland, the migration situation is dominated by the arrival of economic migrants;⁴ therefore, as part of the special statutory solutions related to COVID-19 and migrants staying in Poland at the time of introduction of a state of epidemiological emergency or epidemic, there are also regulations regarding the change in conditions of work performed by them. According to the law, the adopted provisions made it possible to extend any issued work permits, seasonal work permits, and declarations on entrusting work to a foreigner until the 30th day following the date of recalling the last state was in force.

Protection against the negative effects of the pandemic also extended to foreigners employed for seasonal work. In particular, access to the seasonal work was guaranteed to foreigners who, in the period after 13 March 2020, had access to the Polish labor market based on a work permit, seasonal work permit, an extension of work permit, an extension of a seasonal work permit, or a declaration on entrusting work to a foreigner, entered in the register of declarations⁵ Under Art. 151 items 2 and 3, foreigners residing in the territory of the Republic of Poland based on the so-called short-term residence permits, including those within the visa-free regime, have been granted the right to work in the territory of the Republic of Poland if they have a valid work permit or a valid seasonal work permit as well as the right to work in the territory of the Republic of Poland, if they have a registered declaration of entrusting work, including a declaration that enables the performance of work in the period or periods not covered by the declaration.

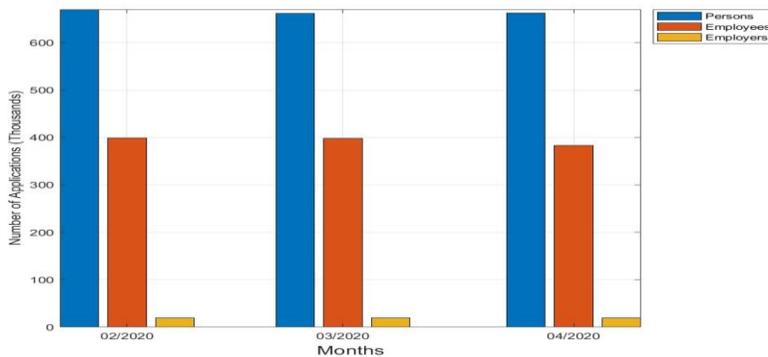
Despite the implemented and undertaken protective measures against the negative effects of COVID-19, the population of foreigners changed significantly during the

⁴As indicated by K. Pujer, labour migrations are economic migrations involving movement to work away from the place of origin, where there are vacancies, which in effect increase the level of income and standard of living (Pujer, 2017).

⁵ During the period of the state of an epidemic threat or epidemic and during/within 30 days immediately following the recall of the last state.

pandemic, as evidenced by the Central Statistical Office [pol. Główny Urząd Statystyczny] on the number of foreigners declared for retirement and disability pension insurance. The details are presented in Figure 4.

Figure 4. Many foreigners declared retirement and disability pension insurance at the end of February, March, and April 2020.



Source: Own elaboration based on the report of the Central Statistical Office.

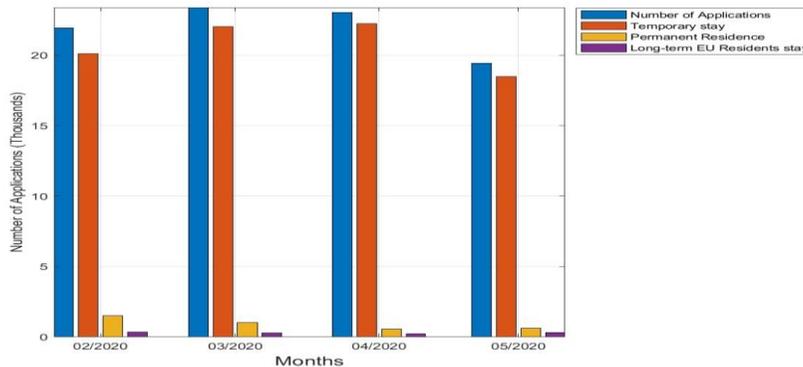
Monthly data shows that the decrease in the number of foreigners registered for retirement and disability pension insurance already began in March and affected natural persons and employees. In natural persons, the largest decrease compared with February, i.e., by 7,920 persons (from 670,063 to 662,143 registrations), occurred in March. On the other hand, a significant decrease in registrations was observed in April, i.e., by 15,881 registrations compared with February (from 398,741 to 382,860 registrations). In the case of foreigners registering a business, a slight upward trend is noticeable, specifically an increase by 42 registrations in March (from 19,661 to 19,703 registrations) and 304 in April (from 19,661 to 19,965 registrations).

The direct impact of the pandemic on migrants is also manifested in the difficulties in movement related to the temporary closure of borders and obtaining documents enabling new immigrants to work legally. The extent indicated in Poland's migration situation during the COVID-19 pandemic is reflected in the statistical data regarding the number of submitted residence permit applications. It is worth considering whether the COVID-19 pandemic and the related border closures have impacted Poland's migration trends, causing a decrease in the level of migration, which is reflected in a decrease in the number of foreigners coming to Poland and seeking to legalize their stay. The details are presented in Figure 5.

Considering the criterion of the number of applications submitted in the process of legalizing the stay of foreigners on the territory of the Republic of Poland, it should be noted that the COVID-19 pandemic and the related restrictions did not significantly affect the number of foreigners seeking to legalize their stay in Poland

in March and April. In the period between February and April, the number of submitted applications fluctuated at a constant level, which means that the introduction of the state of epidemic threat and the state of epidemic did not significantly impact the number of applications submitted in these months.

Figure 5. Many applications were received by voivodes (local governors in Poland) for temporary residence permits, permanent residence permits, and long-term EU resident residence permits at the end of February, March, April, and May 2020.



Source: Own elaboration based on the information on the activities of the Office for Foreigners.

The impact of restrictions on movement between borders is visible only from May when the total number of submitted applications decreased by 2,517 applications (from 21,958 to 19,441 applications). This decline also translated into a decreased number of applications for temporary, permanent, and long-term residence in the European Union. The number of applications for temporary residence decreased by 1,617 (i.e., from 20,116 to 18,499). In the case of permanent residence applications, the number decreased by 871 (from 1,500 to 629). Lastly, the number of long-term residents in the EU decreased by 29 (from 342 to 314 applications).

4. Impact of the COVID-19 Pandemic on the Situation of Legal Migrants in Poland, Portugal, Latvia, and Belgium

In the initial phase of the pandemic, the entities responsible for shaping the migration policy in particular countries faced the difficult task of adapting this policy to the limitations caused by the virus pandemic (Papademetriou and Hooper, 2020). The special legal solutions for foreigners adopted in European countries connected with the COVID-19 pandemic particularly focus on the extension of documents legalizing their stay on a specific country's territory by operation of law.

In Portugal, regulations have been introduced, according to which all applications pending on the day of the introduction of the state of emergency, i.e., on 18 March 2020, submitted to the local branch of the Immigration and Borders Service (SEF), obtained the status of temporary residence permits (Gorjão Henriques, 2020). Migrants were guaranteed access to health care, social security, and employment. Housing stability was also ensured, and the measures taken were treated as "a duty of social solidarity in times of crisis" (Gorjão Henriques, 2020). It was decided that all foreigners residing in Portugal during the pandemic, who submitted applications for residence, should be treated as residents of the country and have access to all public services (Waldersee and Cawthorne, 2020). As the Ministry of Internal Affairs spokeswoman emphasized, "people should not be deprived of their rights to health and public service just because their application has not yet been processed (...) In these exceptional times, the rights of migrants must be guaranteed" (Waldersee and Cawthorne, 2020).

In turn, in Latvia, it was decided that foreigners, whose period of legal stay expired during the state of emergency declared in this country, have the right to continue staying on the territory of the Republic of Latvia without obtaining a new residence permit or visa up to two months after the lifting of the state of emergency, while retaining the right to employment (the act of 5 October 2020 on managing the spread of the COVID-19 infection). The pre-pandemic legislation provided that the permanent residence permits issued to foreigners could be revoked after exceeding the permitted period of absence in Latvia. As a result of the amendment to the Act of 21st of July 2020, it was decided that when deciding to issue, register, or withdraw a permanent residence permit, the absence in Latvia from the beginning of the declaration of the state of emergency, i.e., from 12 March 2020 to 31 December 2020, will be considered admissible and justified and will not affect the validity of the permits (the act of 5 June 2020 on managing the spread of COVID-19 infection).

Among the steps taken to counteract the health crisis's effects on the COVID-19 pandemic, non-governmental organizations in Belgium indicated the need to take the following actions concerning foreigners. Firstly, foreigners without residence permits should be allowed to stay in Belgium during the health crisis legally. Additionally, a three-month extension of issued residence permits should be introduced by the law's operation, and it should be possible for those seeking protection to apply for asylum (CIRE, 2020). Ultimately, Belgium enabled a foreigner who cannot leave the country due to restrictions related to the COVID-19 pandemic, e.g., quarantine, flight cancellation, or border closure, to apply for an extension of their stay (Immigration Office, 2020).

5. Conclusions

The fight against the COVID-19 pandemic has prompted governments around the world to take measures to *limit free movement between countries*. *The introduction*

of restrictions caused significant difficulties for citizens, national and international economies, and migrants residing in each country on the day of introducing restrictions. For migrants, significant challenges were associated with the restrictions on movement related to the temporary closure of borders and obtaining documents enabling the newly arrived foreigners to work legally.

The restrictions on movement introduced in the analyzed countries resulted in many changes in the procedures related to foreigners' stay and their legal employment. As part of the activities to combat the COVID-19 pandemic, the authorities of Poland, Portugal, Latvia, and Belgium have adopted measures to counteract the negative effects it has on migrants legally residing on their territories. The implemented systemic measures adapted to the situation related to the virus pandemic made it possible for many migrants with a regulated legal status to stay on the territories of these countries. For the pandemic's duration, temporary protective measures have been taken to ensure that legal migrants are settled in their country of residence by operation of law. These protective measures primarily involved the extension of residence permits or, as in Latvia's case, lifting of the obligation to leave the territory of a country within a specified period if travel restrictions prevented it. It should also be noted that the commonly accepted solution was the extension of residence and work permits for legal foreigners for the duration of the pandemic and states of emergency related to it by operation of law.

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