

FEBRUARY 2023 |

MIGRATION UPDATE



This issue

About the Migration Agency

In Sweden, the Migration Agency is the authority that considers applications from people who want to live in Sweden, visit or work in the country, seek protection from persecution or be granted Swedish citizenship.

The Swedish Migration Agency is commissioned by parliament and government, who set the Swedish asylum and migration policy.

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Current situation at the Migration Agency

Processing times remain high even within the certificate (fast track) due to several reasons; staffing, more work permit applications than expected, impacts of changes in legislation from June 1, 2022, and a new requirement for passport verification introduced November 1, 2022.

The Migration Agency is now taking several actions with the goal that no application should take longer than 4 months to process. Due to an increase of certified companies, the Agency is also looking into the requirements linked to the certificate and might announce changes within short. They have increased their staff, assigned to work permit applications, from 200 to 300 during 2022. Digitalization is in focus as well as having a dialogue with different stakeholders.

The Agency has been given a task from the Migration Minister, Maria Malmer Stenergard, to promote highly qualified labour migration. They are therefore currently working on a proposal for a completely new organisation, which will focus solely on recruitment of international labour. The Minister believes that this will lead to a much faster processing time, clearer communication, and better contact with Swedish authorities. No timeframe has been given as to when the new organisation will be in place.

02

Expected work permit reform

On February 17, a press conference was held by the Migration Minister together with the Labour Market Minister and the Sweden Democrats' migration policy spokesperson. A supplementary directive (tilläggsdirektiv) to the former government's inquiry "Utredningen om en behovsprövad arbetskraftsinvandring (Ju 2022:11)" was presented.

The supplementary directive includes the following proposals:

- **Labour market testing**

Labour market testing (requirement that a job should be filling a position with a national shortage) should not be investigated further as the current government has no intention to have the testing reintroduced.

- **Certain occupations may not be eligible for work permits at all**

The possibility of completely excluding some groups should be looked into. Examples given were personal assistants and beauty salons, i.e. industries where a high level of fraud or abuse of the work permit system has been identified.

- **Salary threshold**

A work permit should only be granted if the labour immigrant holds a salary level on par with the median wage (currently 33 200 SEK). Some professions may be exempted from a salary threshold completely. The decision should be based upon the national need for different competencies.

- **Health care insurance demand**

Work permit applicants who are granted a permit for less than a year, meaning that they cannot be registered in Sweden's population register, and as a result are not eligible for Swedish healthcare, would need to take out a health insurance to cover them during this period.

- **Other improvements to promote highly skilled labour to Sweden**

Should result in a smoother process when applying for a work permit and shorter processing time at the Migration Agency.

The overall aim is to tighten the conditions for low-skilled migration, while at the same time promote highly qualified labour migration. The results of the inquiry must be reported in its entirety by 31 January 2024 at the latest. This means, in practice, that those who hold a work permit under the current rules, or those who apply for a permit, will not be affected until earliest mid 2024 when new requirements have been implemented in legislation.

The Migration Minister confirmed that work permit applicants renewing their permits will be given a transitional period of 12 months once the salary requirement comes into effect, but first time applicants will need to fulfil the requirements in place at the point at which they apply.

- *Skärpta villkor för arbetskraftsinvandring - Regeringen.se*
- *Tilläggsdirektiv till Utredningen om en behovsprövad arbetskraftsinvandring (Ju 2022:11) - Regeringen.se*

Information - work permit holders affected by lay offs

In times of growing economic uncertainty, many companies find that they need to lay off workers for cost-cutting measures.

Lately, KEY Relocation has seen an increase in questions from companies and individuals connected to possible impact on work permits if they would become affected by lay-offs. For guidance, we have gathered frequently asked questions (FAQ) from both employees and employers. Please note that the information only applies to non-EU citizens in Sweden who have a residence permit linked to their work permit.

FAQ Employee

I might be affected by lay-offs at my current employer. What will happen with my work permit?

You will not be obliged to leave Sweden the same day as you lose your job. You have a three-month grace period after losing your job to find a new one and apply for a new work permit. The three-month period, during which you can look for a new job, is only applicable if you lose your job while having a valid permit.

I have been working in Sweden, with a regular work permit for less than 2 years. What do I need to think about?

If you have been working in Sweden for less than 24 months, your permit is tied to a specific employer and a specific occupation, so you will need to apply for a new permit if you move to a different company.

As long as you have a residence permit, you have the three-month period to find work. You will need to show potential employers that you have the right to live and work in Sweden. If you find a new job within three months, you need to apply for a new work permit. You can work while your application is being processed as long as you submitted it before the old one ran out and before the end of the three-month period.

When reaching the last day with my current employer, I will only have two months left of my valid permit. How does that affect me?

If your work permit is due to expire within the three-month grace period, you need to apply for an extension of your residence and work permit, and to do that you need to be able to provide a signed employment contract from your new employer in your application. If you have not found new employment before your permit expires, you need to leave Sweden by the last day of the valid permit at the latest.

What will happen to my family members that have residence permits linked to me as a work permit holder?

Dependents' permits will remain valid until the expiration date. The Migration Agency may revoke a dependent permit (based on changes in legislation June 2022) if the circumstances for the main applicant has changed, but it is not done per default.

FAQ Employer

Is the work permit to be considered as cancelled after termination of employment?

The permit will not be cancelled per default when the employment is ended. The individual can stay in Sweden for three months as unemployed. If there is no new employment after three months, the individual's stay in Sweden is considered as illegal even if the residence card is still valid.

Our understanding is that we as the employer is not required to notify the Migration Agency of a termination, but is it recommended to do so within a reasonable date of the termination?

Yes, our recommendation is to inform the Migration Agency about the last date of employment for each employee.

In the event of mass layoffs, would the cancellation of work permit impact the company's ability of hiring work permit holders in the near future? Is there any sort of 'cooling off period' between laying off and hiring new work permit holders?

Not with the current legislation.

Summary

- Changes to the certificate and a re-structure of the Migration Agency organisation may result in changes to the current fast track service once implemented.
- There will be a delay in the introduction of a higher minimum salary threshold for work permits until at least 2024.
- Economic uncertainty and potential lay off can cause uncertainty among employees and employers. KEY Relocation is available to support with any questions related to this.

