



AD HOC QUERY ON 2020.33 Seasonal workers and minimum duration of stay

Requested by Christelle CAPORALI-PETIT on 26 May 2020

Compilation produced on 30 July 2020

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Sweden plus Norway (23 in Total)

Disclaimer:

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1. Background information

Due to the Covid 19 current crisis, the French office for stay and work within the Ministry of the Interior, have been thinking about the possibility to implement a new process regarding the seasonal workers and the minimum stay of 5 to 9 months per year mentioned in article 14 of the Directive. They would like to know which country has chosen a stay of more than 6 months (duration applicable in France). Because of the context we would appreciate your responses by June 1 (and before if possible).

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2. Questions

1. Please indicate if your country has chosen a duration of stay of 6 months or more and if so which duration your MS has chosen.

We would very much appreciate your responses by **1 June 2020**.

3. Responses

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		Wider Dissemination ²	
	EMN NCP Austria	Yes	1. In Austria, the maximum duration of an employment permit for seasonal workers is normally not more than six months. Within a period of 12 months, employment permits may be issued or renewed for the same seasonal worker for a total duration not exceeding 9 months (Art. 5 para 3 Act Governing the Employment of Foreign Nationals). Due to Covid-19, those seasonal workers who are already staying in Austria may be granted employment permits in agriculture and forestry for a total duration of more than 9 months within a period of 12 months (Art. 32c para 1 Act Governing the Employment of Foreign Nationals). Although the measure is limited to 30 June 2020, it is possible

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			to postpone the expiry of the measure until 31 December 2020 at the latest (Art. 34 para 50 Act Governing the Employment of Foreign Nationals).
	EMN NCP Belgium	Yes	1. Belgium has chosen the minimum duration of 5 months in its implementation of Article 14 of the Seasonal workers directive.
	EMN NCP Bulgaria	Yes	1. According to Article 24k of the Law on the Foreigners of the Republic of Bulgaria, (1) Permit for seasonal worker with right of prolonged residence may be obtained by foreigners who meet the requirements for access to the labour market pursuant to the Law on labour migration and labour mobility and who have visa under Article 15, paragraph 1. (2) The permit under paragraph 1 shall be issued after decision of the authorities of the Ministry of Labour and Social Policy for the duration of the labour contract but not less than 90 days and not more than 9 months. The permit can be extended once within this period of time after a decision of the authorities of the Ministry of Labour and Social Policy.
	EMN NCP Croatia	Yes	1. In line with Aliens Act (Official Gazette, 130/11, 74/13, 69/17, 46/18 and 53/20), seasonal workers can work in the Republic of Croatia on the basis of: <ul style="list-style-type: none"> • Residence and work permit up to 90 days • Residence and work permit up to 6 months.





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	EMN NCP Cyprus	Yes	1. For Cyprus, it is up to 8 months.
	EMN NCP Czech Republic	Yes	1. The Czech Republic allows seasonal workers to stay here for 3 months in 180 days (short-term visa for the purpose of seasonal work) or for 6 months in 365 days (long-term visa for the purpose of seasonal work).
	EMN NCP Estonia	Yes	1. Short-term employment in Estonia as a seasonal worker is permitted for up to 270 days within 365 consecutive days.
	EMN NCP Finland	Yes	1. Yes, Finland has a maximum duration of 9 months for seasonal work. Categories: with a Schengen C-visa for seasonal work for less than 3 months, residence permit for seasonal work 3-6 months, and residence permit for seasonal work 6-9 months.
	EMN NCP France	Yes	1. Seasonal workers' stay in France is limited to 6 months per year.





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	EMN NCP Germany	Yes	1. The seasonal employment of a foreigner must not exceed six months within a period of 12 months.
	EMN NCP Hungary	Yes	1. Hungary chose six month for maximal duration.
	EMN NCP Italy	Yes	<p>1. In general, the duration of the residence permit for seasonal workers shall not exceed 9 months. Due to the Covid-19, Italy decided to prorogate the duration of residence permits for seasonal workers - which expired between 23 February and 31 May 2020 – until 31 December 2020 (Law n. 27/2020, the so-called “Cura Italia”).</p> <p>On 19 May 2020, a new Decree, the so-called “Decreto Rilancio” (n. 34/2020), has been published. It allows the regularisation of foreigners employed in the field of agriculture, livestock breeding and fisheries, personal assistance e domestic work through 2 ways:</p> <ul style="list-style-type: none"> - The employer can hire a foreigner that was irregular at the date of 8 March 2020 (beginning of lockdown); - the foreigner, whose residence permit has expired after 31 October 2019, may submit an application for the issuing of a provisional residence permit for job search (with the duration of 6 months), convertible in a work residence permit.
	EMN NCP	Yes	1. Third country national whose purpose of entry is establishing employment legal relationships with





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	Latvia		<p>an employer for performing seasonal work shall receive a long-stay visa for a period of time of up to six months over a 12-month period.</p> <p>There is no minimum duration of stay, but if third country national performs seasonal work less than 14 days, he do not need to apply for work permit.</p>
	EMN NCP Lithuania	Yes	<p>1. In Lithuania the duration is also set for up to 6 months per 12 months.</p>
	EMN NCP Luxembourg	Yes	<p>1. No. In accordance with article 49quater (2) of the amended law of 29 August 2008 on free movement of persons and immigration, the maximum validity of the seasonal worker residence permit is of 5 months in a twelve month period.</p>
	EMN NCP Malta	Yes	<p>1. Maltese legislation stipulates that the maximum period of stay for seasonal workers shall be not more than nine months in any twelve month period. It is, however, to be remarked that as yet there has not been the need for Malta to admit seasonal workers under the said legislation.</p>
	EMN NCP Netherlands	Yes	<p>1. Seasonal workers in the Netherlands can stay for a maximum period of 24 weeks. Source: https://ind.nl/en/work/working_in_the_Netherlands/Pages/Seasonal-worker...</p>



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	EMN NCP Poland	Yes	1. The maximum validity of the seasonal worker's residence permit in Poland is 9 months during the calendar year
	EMN NCP Portugal	Yes	1. The short stay visa for seasonal work is granted for 90 day or less. For seasonal workers extension of stay may be granted up to nine months.
	EMN NCP Slovakia	Yes	1. According to the Act on Employment Services, seasonal employment may not exceed 180 days during 12 consecutive months. Seasonal employment through a work permit and without a temporary resident permit is possible only for up to 90 days during 12 consecutive months. In case of renewal (the total of 180 days during 12 consecutive months), this requires a temporary residence permit through the single permit.
	EMN NCP Slovenia	Yes	1. So far Slovenia offers two options: <ul style="list-style-type: none"> • Work permit for seasonal work up to 90 days • Single permit for seasonal work for more than 90 days Right now a government procedure of adoption of new »fight against CORONA-19 effect« legislation is in process. The proposal is to issue a work permit for seasonal work with a validity of up to 150 days (for seasonal work longer than 150 days single permit for seasonal work will be issued).

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			The change is expected to take effect only in 2020.
	EMN NCP Sweden	Yes	1. In Sweden there is no stipulated minimum duration of stay for seasonal workers. The seasonal worker can get a work permit for seasonal work for a maximum of six months within a 12 month period. there can be one long permit or several short, consecutive permits during this period.
	EMN NCP Norway	Yes	<p>1. In Norway there is no stipulated minimum duration of stay for seasonal workers. Normally, the seasonal worker can get a work permit for seasonal work for a maximum of six months within a 12 month period. There can be one long permit or several short, consecutive or non-consecutive permits during this period.</p> <p>In Norway, a new temporary regulation was introduced in March 2020, which is valid until 31.12.2020.</p> <p>This provision allows anyone who was in Norway during the Corona outbreak in March 2020 with a valid seasonal work permit and who wanted to work with seasonal work beyond 6 months, to apply for a renewed seasonal work permit.</p> <p>Though normally a seasonal worker cannot work in Norway for 12 months in a row, in 2020, seasonal workers in Norway can renew their residence permit for more than six months. If a seasonal worker was already in Norway March 2020 and had or had recently had a residence permit as a seasonal worker, he/she could renew his/her residence permit even if this meant that he/she would have a permit as a seasonal worker for more than six months in total. The foreign national must have a job offer for seasonal work in the agriculture, horticulture, forestry, fishing or fishing industries. The job offer can be with the foreign national's present employer or with a new employer.</p> <p>(Note: May 07 , 2020: Norway opened its borders for entry by seasonal agricultural workers. The Government decided to allow seasonal agricultural workers from all other countries</p>

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			not already in Norway to enter Norway.)
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