



ADrift, YET CONNECTED

Making It Work for Expats in Limbo

BY MARK ATHITAKIS, WORLDDATWORK

Wilder Alison is stuck.

In January, she headed to Marseille, France, from New York for an artists' residency that was scheduled to end in April. But then COVID-19 intervened.

In mid-March, France implemented a nationwide stay-at-home order. Alison technically might have been able to leave the country at that point, but flights were disrupted. And she was concerned that she wouldn't be allowed to return to Europe for another fellowship in 2021.

"Since I am American, I could have gone back and been allowed to leave, but I wouldn't have been able to come back to France," she says.

So she's remained in Europe, with her visa status uncertain. France extended visa lengths for a few months due to the circumstances, but clarity from the consulate has been hard to come by. "I've been kind of in limbo, which has been quite stressful, of course," she says.

Alison is one of many finding their way through an unsettling time for people working outside of their home country, whether they're self-employed like her or have an employer back home.

Some estimates have upwards of 10 million Americans living abroad; three-fifths of them are working in some fashion, according to a 2017 survey by the expatriate support organization InterNations. And even if a much smaller number are working for U.S. employers, a substantial portion have spent much of 2020 navigating the challenges of visa, benefits, taxes, and work status. Beyond that, the challenges that come along with remote work — Zoom fatigue, balancing caregiver roles with job tasks, and more — are exacerbated by working across a long stretch of time zones.



And it might not ease up anytime soon. As of this writing, no COVID-19 vaccine is available, and in early August the White House was reportedly considering [a proposal](#) that would permit the United States to bar U.S. citizens and legal residents living abroad from returning to the states, citing coronavirus concerns. But there are some support systems employers can use to provide to workers to give them some on-the-job help — and relative peace of mind.

Hiring, Firing and Visas

Velocity Global has been addressing the COVID-19 pandemic on two fronts. First is the client level: The Denver-based firm's mission is to assist multinational companies establish global workforces, either via U.S. expats or native residents. And while Velocity Global has been providing that service during the pandemic, it's also been addressing its own workforce, a third of which is stationed overseas, mostly in regional hubs like Bogota, Dubai, India, Singapore, and the Netherlands.

The most immediate lesson learned is that the belt-tightening that many U.S. companies instituted in the spring, via furloughs or outright layoffs, isn't legal in many cases overseas. At-will hiring is largely an American concept, and the coronavirus prompted many countries to make it harder to fire employees.

"You have to be very diligent and methodical, even if it's a mutual termination," says Velocity Global Chief Revenue Officer Rob Wellner. "You still have to check all the boxes in those countries. Since COVID-19, Germany right out of the gates instituted some plans that you were unable to dismiss employees for a few weeks."

The pandemic also impacts the visas for foreign workers in the United States. For example, one Indian citizen is working in Velocity Global's Denver office on an educational visa. But with the Trump administration currently suspending [H1-B visas through 2020](#), that employee officially becomes unable to hold a job in the United States once that visa expires. "He'd have the right to stay in the U.S. for 60 days after expiration, but he couldn't work for us," says Wellner.

Those shifting circumstances should prompt managers to stay up-to-date on restrictions in the particular countries where expats are working, and a to take a close look at employment contracts with those workers, says Brian S. Cousin, a partner at employment law firm McDermott, Will & Emery.

Contracts are often time-limited, says Cousin. And with workers forced to stay abroad longer than expected, those contracts risk becoming outdated. "Originally somebody might have been supposed to do a job in Spain for six months, and now it's turned into a nine- or 12-month engagement. That's going to involve some talent management and support," he says.

Length of tenure isn't the only concern, and some circumstances can be very specific to a post-pandemic world, he notes. What are the challenges to an employee in a gay marriage in a country that doesn't recognize gay marriage? Or if an employee's travel habits change due to an office closure? Audits of travel-accident and medical insurance are advisable, along with close monitoring of the political environment in-country.

Employers aren't compelled to conduct such audits, Cousin says. But taking this step goes a long way toward establishing compassionate and responsible best practices. Imagine the case of a green cardholder who's been outside the United States for longer than six months — a circumstance that can complicate an application for citizenship.

"There should be communication between the employer and the employees regarding immigration issues and what can be done to help the employee in that situation," he says. "It may not be an obligation of the employer, but it's certainly something that the employers should be thinking about to try to help the employees because they're stuck in a country not of their own will."

Check-Ins without Travel

Joan Deitchman, engineering manager at Buffer, leads a team of seven engineers distributed across Europe, North America, and South America. Remote work is nothing new for the company, which produces social media management tools and prides itself on having an all-remote workforce. But COVID-19 has put new pressures on how communication works for those employees overseas.

"A lot of the societal infrastructure that we've taken for granted has been stripped away," says Deitchman. "Six months in, it can feel like it's kind of settled and people are in a new normal, but that still varies a lot depending on where in the world you are and the state of things in your region."

To that end, Deitchman has made some tweaks to her management style. She's built more informal check-ins during her day, and instituted a simple

daily “emotional temperature check” that resembles a stoplight: Are you feeling red, orange, yellow, or green? The goal was to show that, in this moment, productivity isn’t everything.

“Our updates aren’t just about what you accomplished, but could show that it’s OK if you didn’t maybe have a great day and that there were distractions,” she says. “We wanted to just try to help normalize it.”

Numerous surveys say that worker productivity has remained stable and even increased during COVID-19. Research from the HR software firm Quantum Workplace, for example, found that the percentage of employees who say they are highly engaged at work spiked from 70 percent in late February to 83 percent in late March.

But the benefits of no commutes and fewer office interruptions may be offset by anxiety about work status and a Zoom-heavy environment that makes every interaction outcome-oriented.

Anne Maltese, director of people insights at Quantum Workplace, says it has seen an uptick in use of its “pulse surveys,” which poll workers on responses to the pandemic, social-justice issues, and other trending workplace issues. It’s also noted that goal-setting has shorter horizons, recognizing that the near future is harder to predict.

“Many organizations are needing to be a little more agile, and with that comes shorter-term goals,” she says. “When we have long-term goals and they’re 10 percent complete, it’s hard now to know whether that’s good or not. So shorter-term goals help see if employees are on track.”

Employees growing more comfortable with remote work has produced another global wrinkle, adds Willner.

For instance, employers may want to reassign an employee to a different country for safety reasons, and employees who may do the same to follow their own interests. In that regard, he says, employers need to balance supporting their employee’s interests while not endangering them or countermanding any travel restrictions.

“We’ve seen a lot of requests where people are seeing they’re as efficient as they were previously, and they’ll say, ‘I want to work in Greece.’” Those companies have got to be cautious,” says Willner.

“What we’ve seen is a combination of ‘Hey, if you want to move to Greece, you can pay for that flight on your own, but we’ll support you once you get there.’”

One challenge that shift presents for employers, though, is salary. The benchmark salary for a software engineer is different in the Bay Area than it is in, say, Berlin, which complicates compensation discussions. And once a COVID-19 vaccine is available, will employers want their workers back where they started, and will workers comply?

An internal work-at-home committee at Velocity Global found resistance to returning to the office five days a week, according to Willner. Many companies will take the lead of Google, Facebook and Twitter, which established liberal work-at-home policies, but “some people will want to change it back to ‘We need them located centrally,’” he says. “It’s going to be interesting.”

Forgotten Friends

As an artist in France, Wilder doesn’t have a direct support system from an employer, but she’s been able to assemble an ad hoc network through fellow artists in Europe, and through European art institutions. It’s a way to feel somewhat less adrift. “It’s really tricky for artists who are independent contractors and self-employed to deal with this,” she says.

Rank-and-file workers are at no less of a risk of feeling similarly adrift, adds Cousin. As a McDermott, Will & Emery manager himself, he has faced the challenge of lost opportunities for brief one-on-one check-ins. The how-are-you phone calls are opportunities to raise questions about visas, health benefits and general well-being. In that regard, the new normal may involve the revival of a familiar piece of technology: the phone.

“People who are having their own personal difficulties may not want to have a Zoom call right now, and the telephone was sort of a forgotten friend for the first few months of the pandemic,” he says. “Zoom calls, you have to plan them. There’s a scheduling element to it. Whereas picking up the phone and calling somebody, it’s nice to get a call from a friend or colleague or client out of the blue without having to schedule it.”

Ultimately, managing employees around the world will require increasing savvy on both the legal details and the soft skills of everyday management, says Cousin.

“The companies that are able to do that best are probably going to do well with employees, and do well with efficiency.” ###