



# EMN INFORM<sup>1</sup>

## Immigration of International Students to the EU

### 1. Introduction

The EU's education policies strongly focus on advancing the EU as a centre of excellence in education and training. This EMN Inform presents the main findings of the EMN Main Study "The Immigration of International Students to the EU"<sup>2</sup>. It provides an overview of the immigration and mobility policies currently implemented by the (Member) States to allow international students to enter the EU for the purposes of study and where necessary, to move within the EU, also for the purpose of study. Such policies aim to both actively attract and facilitate the entry of international students whilst at the same time preventing misuse of the international student route to migration. The Study's focus is on the migration of international students to the EU, including those who have progressed through several courses of study, for example, from a first to a second degree course. It does not include migrants who come to the EU for another purpose, even if they subsequently decide to undertake a course of study.<sup>3</sup>

### 2. Key conclusions

- A range of policies and practices for attracting international students to the EU have been developed by the (Member) States, with increasing importance placed on this phenomenon in recent years.
- Within the framework of EU legislation, the approximation of national legislation on conditions for admission and stay has taken place; however, differences do exist both in policy and in practice at national level, for example, in access to the labour market during and after completion of studies, and in relation to the benefits provided to international students when accessing the labour market and during stay in general.
- These differences are in the main linked to the specific strategic and policy approach taken by Member States, and the degree to which national policies support the immigration potential of international students in the longer term, or a fixed term migration for the purpose of study.
- Member States recognise also that practical barriers persist that must be tackled if EU

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<sup>1</sup> Disclaimer: This EMN Inform has been produced by the European Migration Network (EMN), which collectively comprises the European Commission, assisted by its service provider (ICF GHK-COWI), and EMN National Contact Points (EMN NCPs). It does not necessarily reflect the opinions and views of the European Commission, ICF GHK-COWI or the EMN NCPs, nor are they bound by its conclusions.

<sup>2</sup> The Study was based on National Reports from 24 (Member) States Austria, Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Spain, Slovenia, Sweden, United Kingdom and Norway. A National Report for Malta will also become available on the EMN Website.

<sup>3</sup> "Student" is principally understood as per Directive 2004/114/EC on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:375:0012:0018:En:PDF>) though broader categories of student have not been excluded from the Study, where (proportionally) substantial in number and have migrated to the EU for the purpose of study (e.g. vocational training and further education). NB **Ireland**, Denmark and the **United Kingdom** did not participate in the adoption of the Directive and thus are not bound by it, nor is **Norway**.

and national policies are to be effectively implemented, and not themselves shape the decisions of international students in their choice of Member State in which to study.

- Further legislative action at the EU level, to provide for further improvements in admission conditions, rights during stay, including mobility, and ensuring safeguards for third-country nationals, in line with Treaty objectives, is likely to make an important contribution to delivering the overall aim of improving EU and national strategies and policies to ensure that the EU can be considered as a world centre for excellence in education.

### 3. Key findings

#### **International students represent a substantial proportion of the non-EU population in many (Member) States**

International students represent a substantial proportion of the non-EU population in many (Member) States. In 2011, over 2 million first residence permits were issued to third-country nationals; although the highest number of new permits was granted for family reasons, some 21% of all new permits were issued for education reasons. Of all new residence permits issued for education reasons in 2011, almost 190 000 were issued for study purposes, as per the Student Directive 2004/114/EC.

#### **The importance and added value of international students is well-recognised**

With regard to EU policy, the importance and added value of international students is well-recognised, and such students are central both to EU education and migration policies, as well as being recognised in some Member States as a potential source of high-level skills to meet labour market needs in specific sectors. The EU's education policies strongly focus on advancing the EU as a centre of excellence in education and training and, to this end, the EU engages in a wide range of initiatives including regular policy dialogues, bilateral agreements and mobility programmes. The conditions of admission of non-EU students to study in EU (Member) States are regulated by Council Directive 2004/114<sup>4</sup>, which provides for entry of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service<sup>5</sup> and lays down conditions also on residence and access to the labour market, amongst others.

#### **Member States have developed national strategies to attract international students, which form the basis of national policy**

Over recent years, (Member) States have put in place national policies with a view to attracting international students. Most policies are underpinned by a national strategy focussing on facilitating access to education and promoting the Member State as an attractive destination for international students. Some national strategies focus on attracting skilled students (mostly Master and Doctoral students) within a wider policy context of attracting highly skilled workers into the national labour market to meet skills shortages. Others focus on attracting international students in order for national economies to benefit from the revenue streams which are associated with these students (from fees, living expenses etc).

#### **Member States apply a range of measures to attract international students, in line with their national policies and strategic priorities.**

The types of measures introduced in the (Member) States to attract international students vary, in line with national policy and strategy priorities set. With regard to attracting

<sup>4</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:375:0012:0018:EN:PDF>

<sup>5</sup> Ireland, Denmark, the United Kingdom and Norway are not bound by the Directive.

international students, (Member) States focus on the provision of information to ensure that international students are well informed of the programmes and services offered in (Member) States, as well as the provision of scholarships and funding opportunities, with these opportunities often targeted to certain countries of origin where bilateral cooperation arrangements is in place. Over recent years, (Member) States have also initiated or increased the provision of, academic courses taught in English rather than in the national language.

**Flexible admission procedures may facilitate entry although international students still face administrative challenges in some cases, and will encounter wide variations on fees payable for visa and residence permits.**

For participating Member States, the Student Directive 2004/114/EC establishes common conditions for entry and stay. To facilitate entry, (Member) States have introduced flexible admission procedures, with different visas or residence permits issued depending on the purpose and length of study, as well as fast tracking of applications in order to facilitate the formalities for international students. However, students from third countries still face challenges as a result of national regulations regarding their application for a visa/residence permit, such as having to visit the consular office of the Member States in person, which may be problematic where Member States have few diplomatic representations across the world. A range of different policies apply across the EU in fees charged for processing visa and residence permit applications. In some Member States these have been reduced or even waived for international students; in others, fees charged for residence permits have increased significantly over the past years.

**During study, international students can expect common entitlements across EU Member States, with some countries providing more favourable conditions, though in practice, barriers may exist, especially in relation to employment**

During stay, most (Member) States provide a number of entitlements to international students and allow accompaniment by family members. In line with the provisions of the Directive, international students have access to the labour market during study, with the number of permissible hours are often more favourable than those provided in the Directive, and in some cases, include self-employment. Some (Member) States offer international students unlimited access to the labour market, others opt to limit this to certain sectors of the economy and according to the needs of their national labour market, or may limit access for students during the first months of their stay. However, in practice, barriers for international students do exist even where work is permitted, for example, due to labour market restrictions. Very limited data is available on the common sectors and skills levels of international students, access appears to be mainly in low-skilled sectors which provide for additional income rather than a way of building experience or expanding professional networking which would assist them further following graduation.

**Following completion of studies, international students can apply for authorisation to stay on grounds other than study, subject to national conditions in place. Access to employment, self-employment and opportunities for job-search shows great variation across Member States, according to national policy.**

Following completion of studies, graduates can apply for relevant work permits / authorisation to stay on other grounds, without leaving the Member State, in the majority of (Member) States, subject to the national conditions in place. In relation to employment opportunities, various practices are apparent, reflecting their overall national strategies. Limitations may be placed on the type of employment which can be obtained by former international students, for example, it may need to be relevant to the academic programme completed, or in some cases minimum wage requirements may apply. The majority of

Member States permit self-employment, though there may be a requirement for the graduate to demonstrate access to investment and capital or relevance to sector-based priorities. In recent years, some Member States have introduced new programmes to retain graduate entrepreneurs from third countries. In some cases, graduates from third countries may be offered a period of stay in order to find work in the Member State; such conditions vary in relation to available support duration of stay, which can be up to 18 months.

**The majority of Member States reported some incidences of misuse of the ‘student route’ to immigration to the EU, although this was considered an extensive problem in only three Member States**

Statistical evidence in relation to the misuse of the student route to immigration to the EU remains very limited; however, the majority of Member States reported some incidences of abuse, although this was considered an extensive problem in only three Member States. Different types of misuse of the student route identified include overstaying, non-attendance at study programmes, submitting an application for asylum following entry on a student permit and working outside the legal conditions. Misuse may be more widespread in some educational sectors than others, such as in private sector language schools. To combat misuse, (Member) States implement a range of measures. These include systems for checking qualifications and skills in order to ensure that their reasons for entry are compatible with the study programme; introducing licensing and/or inspection regimes to ensure that academic institutions are also not violating the use of the student permit and encouraging self-regulation in the educational sector admitting international students via codes of conduct.

**International cooperation is an effective tool to attract international students**

Access to educational opportunities for international students may be facilitated by international cooperation, in the form of a wide range of bilateral and multilateral agreements, often set up within a framework of broader strategic objectives, e.g. to serve labour market needs or to facilitate trade. Direct agreements are also signed between individual universities and colleges (both public and private) and institutions in third countries in all (Member) States. EU (mobility) programmes have been effective in opening up opportunities to students, not only to study in a single EU Member State, but to move to other (Member) States to access further programmes of study. Some Member States have made changes in their standard application processes to facilitate the entry of, for example, Erasmus Mundus students including the simplification of administrative processes.

**The overall impacts of international students in EU Member States are positive**

A number of impacts have been recognised by some (Member) States resulting from the immigration of international students. These vary considerably across the Member States and are shaped by the national strategies and policies in place. Overall, the impacts are considered to be positive, with international students making in some cases substantial contributions to national revenue streams, through the payment of educational fees and in local labour markets and economies through their employment contributions and community spending on living costs. There is little evidence to suggest that international students are in competition with national students for study places. With regard to brain drain, this has not been considered to be of major concern though (Member) States have measures in place to prevent such a phenomenon.

#### **4. Further Information**

You may obtain further details on this EMN Inform and/or on any other aspect of the EMN, from [HOME-EMN@ec.europa.eu](mailto:HOME-EMN@ec.europa.eu).

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