

# Consultation on the future rules on the entry and residence of non-EU national researchers, students, school pupils, unremunerated trainees and volunteers in the EU

The presence of non-EU students and researchers in the EU is enriching both for receiving societies and migrants themselves. It promotes familiarity among cultures and contributes to acquiring and exchanging new values, attitudes and aspirations.

In a global economy the EU competes for talent with other countries and regions. Students' and researchers' mobility promotes the flow of knowledge and ideas and benefits global economic development. The brightest minds from both outside and within the EU must be enabled to closely work together to address the challenges facing our societies. EU Member States have put increased emphasis on the internationalisation of their national research and education systems striving for ever higher levels of excellence. The EU recognises the mutual benefits and importance of increased mobility of talent. Through various initiatives, the EU has shown its commitment to facilitating access of students and researchers. For instance, the EU has set up special programmes which stimulate mobility of non-EU students and researchers from outside the EU, like the Erasmus Mundus or Marie Curie programmes. Thousands of non-EU nationals come to the EU every year, often benefiting from scholarships. EU support for mobility, scholarships and for promoting the EU as an attractive venue for education and research, will continue in future programmes. Furthermore, non-EU nationals studying fulltime in Europe might wish to participate in EU internal mobility programmes, such as the Erasmus programme (spending between 3 and 12 months at a higher education institution in another participating country). Since the Marie Curie actions abolished nationality as an eligibility criterion, there has been a marked increase in non-EU nationals seeking research mobility within the EU.

Migration policy, including procedures on visas and residence permits, plays an important role in enabling the access of non-EU students and researchers into the EU. Migration policy is also crucial to define the rights of non-EU nationals and ensure their fair treatment once they reside in the EU. With these goals in mind, the EU has been developing a common migration policy. Currently, there are specific legal rules at EU level<sup>[1]</sup> on how **students** and **researchers** from outside the EU can come to the EU and move between its Member States, if the relevant period of study or research exceeds three months. To some extent these rules cover also school pupils, volunteers and unremunerated trainees.

**The Commission is looking at whether these rules need to be improved and if so, in what way.** This exercise started in 2011 with an assessment of how these rules are implemented (**Directive 2004/114/EC**; **Directive 2005/71/EC**) and how they fulfil their potential.

Questions regarding visa, EU mobility rules, or labour market access are areas in which the EU could possibly initiate further improvements for students, researchers and potentially other groups. Respondents are invited to point to areas in which in their view there is a particular EU added value that could be created or improved.

Any future proposal should also be seen in the wider context of the EU's external migration policy and its dialogue and cooperation with third countries in this area, as defined by the **EU Global Approach to Migration and Mobility** (GAMM). One particular issue in this context is the need for the EU to reconcile its interests and objectives in promoting inward researchers' and students mobility with its confirmed commitment to assist affected developing countries addressing brain drain challenges in critical sectors.

In order to support this reflection, **your views, experience and concerns are vital**. We would like to know about any obstacles faced by non-EU nationals concerned when trying to access the EU. You are kindly invited to propose ideas about how to remove these obstacles and further develop the EU as a place to study, carry out research, volunteer, and participate in school pupil exchanges or unpaid training.

The consultation is addressed to the broadest public possible, as it is important to get the views and input from all stakeholders.

You do not need to respond to all questions. However, in order for your response to be taken into account in this consultation, all questions under "Your Profile" need to be answered. For any doubt you may have on data protection matters, please consult the **Specific Privacy Statement**.

If you have any other questions about this consultation, please do not hesitate to e-mail us at:

**Home-Notifications-B1@ec.europa.eu**. You may also send us any other contributions you consider relevant for developing EU rules on admission and residence of non-EU national students, researchers, school pupils, unremunerated trainees and volunteers.

## **Disclaimer**

Please note that this consultation document is prepared for comment and does not prejudice the final form of any decision to be taken by the European Commission. Please read the **privacy statement**.

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[1] EU rules on students bind all Member States but Denmark, Ireland and the UK. EU rules on researchers bind all Member States but Denmark and the UK.

Questions marked with an asterisk \* require an answer to be given.

## 1. General information – Your Profile

1.1. In what capacity are you completing this questionnaire? \*

- Student
- Researcher (less than 4 years postgraduate research experience)
- Post Doc Researcher (or more than 4 years postgraduate research experience)
- Volunteer
- Trainee
- School pupil
- Member of academia, teacher
- Consultant
- Public authority
- NGO
- Educational establishment (eg. university department)
- Research organisation
- International organisation
- Company
- Other



1.2. You selected 'Other' in the previous question, please specify. \* (between 1 and 30 characters)



1.3. If your organisation is registered in the Interest Representative Register, please let us know its register ID number

(maximum 20 characters)

## 1.1. Contact details

1.1.1. Please give your name <sup>\*</sup> (maximum 50 characters)



*In order for your response to be taken into account in this consultation, all questions under "Your Profile" need to be answered.*

1.1.2. Please give your organisation name

(maximum 50 characters)

1.1.3. Please give your address \* (maximum 300 characters)



In order for your response to be taken into account in this consultation, all questions under "Your Profile" need to be answered.

1.1.4. Please indicate your current country of residence or where your organisation is based \*

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- Bhutan
- Bolivia
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burma/Myanmar
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Cocos Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czech Republic
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Libya
- Liechtenstein
- Lithuania
- Luxembourg
- Macao
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Swaziland
- Sweden
- Switzerland
- Syria
- Taiwan
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- Thailand
- Togo
- Tokelau
- Tonga

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| <input type="radio"/> Estonia                               | <input type="radio"/> Nauru                    | <input type="radio"/> United States Minor Outlying Islands |
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| <input type="radio"/> Gabon                                 | <input type="radio"/> Northern Mariana Islands | <input type="radio"/> Zimbabwe                             |

1.1.5. Please give your email address <sup>\*</sup> (maximum 50 characters)



Please beware that only participations with a valid email will be considered.

1.4. What is your sex? \*

- Female
- Male

1.5. Please indicate the country from which you hold citizenship \*

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- Denmark
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- Micronesia
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- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
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- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
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- Svalbard and Jan Mayen
- Swaziland
- Sweden
- Switzerland
- Syria
- Taiwan
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- Turks and Caicos Islands
- Tuvalu



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1.6. If you hold more than one citizenship, please specify here. (maximum 200 characters)

## 2. Questions on current rules

### 2.1. Researchers

2.1.1. Do you think the attractiveness of the EU as a destination for researchers should be improved?

- Yes
- No

2.1.2. Please add any comment you may have on your choice in the previous question.

(maximum 500 characters)

2.1.3. What do you see as the main issues in relation to non-EU researchers coming to the EU and the main problems/shortcomings in the current EU rules on researchers? You may choose more than one option listed below. (at most 6 answers)

- Visas
- Residence permits
- Insufficiently clear definitions regarding the legal quality and format of hosting agreements
- Insufficiently uniform way of updating and publishing the list of research organisations
- Insufficiently binding time limits for deciding on an application
- Other

2.1.4. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)



2.1.6. What other actions (including non-legislative actions) could help to facilitate access of non-EU researchers to the EU? Please include any examples of relevant best practice which you are aware of. (at most 4 answers)

- Fast-track procedures
- Assistance from relevant authorities in filling in the required applications
- Better provision of information (eg. on the conditions that need to be fulfilled in order to be admitted as a researcher)
- Other

2.1.7. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)

2.1.8. Under the current EU rules, non-EU researchers conclude a 'hosting agreement' with a recognized research institution before they are allowed to enter and reside in a Member State. In your view, should any revision of the current rules:

- Keep the hosting agreement mechanism as it is
- Keep the hosting agreement, but modify it by giving more detailed guidance on its form and content
- Replace the hosting agreement mechanism

2.1.9. Please provide reasons/details for your answer regarding the 'hosting agreement'. (maximum 500 characters)

2.1.10. Currently non-EU nationals pursuing a PhD are treated in different ways, i.e. sometimes they are seen as students, sometimes as researchers (working under a work permit). In the future:

- All non-EU PhD candidates should be treated in the same way, i.e. as students.
- All non-EU PhD candidates should be treated in the same way, i.e. as researchers.
- Depending on the specific situation of the non-EU PhD candidates (e.g. depending on if they study full-time or while working for a private company), it should be left to national authorities to decide on their status.

2.1.11. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)

2.1.12. In your opinion, the new rules should:

- Include specific measures for researchers coming under the framework of EU financed programmes for mobility (eg. Marie Curie)
- Target all non-EU researchers without distinction

2.1.13. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)

2.1.14. Should researchers be allowed to stay in the EU once they have completed their research?

- Yes, a temporary extension should be given to enable researchers to start a new research project, engage in other work or establish a company.
- No, researchers should not be allowed to remain in the EU to look for work after the end of their research project.

2.1.15. Please provide reasons for your choice in the previous question. (maximum 500 characters)

2.1.16. Currently applications for residence permits for non-EU researchers should normally be made when the applicant is outside the EU. Under new rules:

- Applications should continue to have to be made from outside of the EU
- Applicants should be allowed to make applications from outside of and from within the EU

## 2.2. Students

2.2.1. Do you think that the attractiveness of the EU as a destination for students should be improved?

- Yes
- No

2.2.2. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)

2.2.3. What do you see as the main issues in relation to non-EU students coming to the EU and the main problems/shortcomings in the current EU rules on students? You may choose more than one from the options listed below. (at most 9 answers)

- Visas
- Residence permits
- Insufficient procedural safeguards (time-limits to assess an application, rights of appeal)
- Overly restrictive access to labour market
- Lack of provisions on the possibility for the students to be joined by their families
- Difficulties with intra-EU mobility
- Unclear rules on sickness insurance
- Insufficient synergies between migration rules and EU programmes on mobility (eg. Erasmus Mundus)
- Other

2.2.4. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)





2.2.6. What other actions (including non-legislative actions) could help to facilitate access of non-EU students to the EU? Please mention any examples of relevant best practice you are aware of. (at most 4 answers)

- Fast-track procedures
- Assistance from relevant authorities in filling in the required applications
- Better provision of information (eg. on the conditions that need to be fulfilled in order to be admitted as a student)
- Other

2.2.7. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)

2.2.8. In your opinion, the new rules should:

- Include specific measures for students coming under the framework of EU financed programmes for mobility (eg. Erasmus Mundus)
- Target all non-EU students without distinction

2.2.9. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)

2.2.10. Do you think that students admitted into one EU Member State should be allowed to move and study in another Member State without requiring a new residence permit?

- Yes
- Yes, but for a limited time, e.g. one semester
- No

2.2.11. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)

2.2.12. Under the current rules students must be allowed to work at least 10 hours per week. In your opinion:

- This threshold should be maintained
- This threshold should be decreased to less than 10 hours per week
- There should be a threshold, but it should be more than 10 hours
- There should be no limit on the number of hours students are allowed to work

2.2.13. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)

2.2.14. Should students be allowed to stay in the EU once they have completed their studies in order to look for work?

- Yes, they should be allowed to stay to identify work opportunities in the EU.
- No, students should not be allowed to remain in the EU to look for work after graduation.

2.2.15. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)

2.2.16. Currently applications for residence permits for non-EU students should normally be made when the applicant is outside the EU. Under new rules:

- Applications should continue to be made from outside of the EU, with Member States having the possibility to allow them to be made from within the EU
- Applicants should be allowed to make applications from outside of and from within the EU

2.2.17. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)

## 2.3. School pupils

2.3.1. Do you think that the attractiveness of the EU as a destination for school pupils should be improved?

- Yes
- No

2.3.2. Please add any comment you may have on your choice in the previous question.  
(maximum 500 characters)

2.3.3. What do you see as the main issues in relation to non-EU school pupils coming to the EU and the main problems/shortcomings in the current EU rules on pupils? (at most 6 answers)

- Visas
- Residence permits
- Difficulties in giving relevant information for a visa application well in advance of school pupils' arrival
- National rules on sickness insurance
- Insufficient clarity on what constitutes a "recognised organisation" operating a secondary education programme
- Other

2.3.4. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)

2.3.5. What actions (including non-legislative actions) could help to facilitate access of non-EU school pupils to the EU? Please include any examples of relevant best practice which you are aware of and indicate whether in your view the rules on the admission of non-EU school pupils should become mandatory for the Member States. (maximum 500 characters)

## 2.4. Volunteers

2.4.1. Do you think that the attractiveness of the EU as a destination for volunteers should be improved?

- Yes
- No

2.4.2. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)

2.4.3. What do you see as the main issues in relation to non-EU volunteers coming to the EU and the main problems/shortcomings in the current EU rules on volunteers?

(at most 7 answers)

- Visas
- Residence permits
- Difficulties in giving relevant information for a visa application well in advance of volunteers' arrival
- National rules on sickness insurance and other types of insurance cover (eg. accident insurance, 3rd party liability insurance, etc)
- Insufficient clarity on what constitutes a State or EU scheme operating a voluntary exchange programme
- Issues with formal recognition or certification of the volunteering activity
- Other

2.4.4. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)

2.4.5. What actions (including non-legislative actions) could help to facilitate access of non-EU volunteers to the EU? Please include any examples of relevant best practice which you are aware of and indicate whether in your view the rules on the admission of non-EU volunteers should become mandatory for the Member States.

(maximum 500 characters)

## 2.5. Unpaid trainees

2.5.1. Do you think that the attractiveness of the EU as a destination for unpaid trainees should be improved?

- Yes
- No

2.5.2. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)

2.5.3. What do you see as the main issues in relation to non-EU unpaid trainees coming to the EU and the main problems/shortcomings in the current EU rules on unpaid trainees?

(at most 3 answers)

- Visas
- Residence permits
- Other

2.5.4. Please add any comment you may have on your choice in the previous question. (maximum 500 characters)

2.5.5. What actions (including non-legislative actions) could help to facilitate access of non-EU unpaid trainees to the EU? Please include any examples of relevant best practice which you are aware of and indicate whether in your view the rules on the admission of non-EU unpaid trainees should become mandatory for the Member States. (maximum 500 characters)