

# Third-country nationals: migration for the purpose of studies, vocational training or voluntary service

2002/0242(CNS) - 07/10/2002 - Legislative proposal

**PURPOSE** : to determine the conditions for entry and residence of third-country nationals in the territory of the Member States for study purposes. **CONTENT** : the background to this proposal is the EU's desire to promote the Member States together as a world centre for excellence in education. The number of students on international exchanges is greater than ever, and demand for student mobility is growing constantly. These are the main points of the Commission's proposal are as follows. This proposal distinguishes between four categories of third-country nationals: students, school-pupils, unremunerated trainees and volunteers. Admission for study purposes mainly concerns higher education. This where international mobility is most common. Apart from the general conditions for admission, the proposal lays down the specific conditions for admission of each of the four categories. The main criterion for admission of third-country nationals for purposes of study, vocational training or voluntary service must be, apart from an assurance that they have adequate resources to cover their needs during their stay, admission to an educational establishment, participation in a pupil exchange programme, a vocational training contract or participation in a voluntary service scheme, as the case may be. As regards the resources criterion, it is proposed that for students and trainees, Member States should publish the minimum monthly financial resources required. The resources of school pupils and volunteers are a matter or their host family or volunteer service organisation which must meet their needs. Mobility of students between Member States must be encouraged so that the EU can reflect the growing internationalisation of education. The proposal deals with the situation of third-country nationals admitted to the EU for the purpose of studies. Once they have been admitted for a time to the Member State, they have the right to reside in another Member State to pursue part of the course they have started or to take a further course, provided that they meet specific conditions. This proposal contains no provisions for third-country nationals who already reside in the EU. To reflect the cost of training and the fact that more and more people have to work to pay for it, students and unremunerated trainees have limited access to the employment market upto a maximum number of weekly hours to be set by each Member State at between 10 and 20 hours. Member States may insist that those concerned make a declaration of their working activity so that compliance with this limit may be monitored. There are procedural provisions. In particular, the proposal allows applicants other than holders of short-stay visas, to apply for their residence permits locally. Apart from the maximum time allowed for issuing residence permits and visas, which is 90 days, the proposal provides a basis for the good practices of certain Member States that expedite the procedures for admitting students. These may be spread across the EU by means of agreements to be concluded between Member States' immigration authorities and educational establishments. Member States are asked to make efforts at transparency so as to ensure that third-country nationals have access to information in their countries of origin about educational and vocational training establishments in Member States, and conditions of entry to the territory. It must be noted that many conditions, such as proof of payment of fees and language skills, have been left to the discretion of Member States.