

Legal requirements for the EU-Third countries mobility of students: improving the quality of Higher Education Institutions?

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Keywords

Mobility of Students, Entry and Residence of Students from Third Countries, General and Specific Conditions, Application's Process.

Abstract

Context: Directive (EU) 2016/801 of the European Parliament and Council of 11 May 2016 improves and simplifies the conditions for entry and residence of students from third countries by the approximation of the Member States' relevant national legislation, in order to promote Europe as a whole as a world centre of excellence through the internationalization and modernization of European higher education. The term 'higher education' encompasses all tertiary institutions which may include, inter alia, universities, universities of applied science, institutes of technology, grandes écoles, business schools, engineering schools, IUTs, colleges of higher education, professional schools, polytechnics and academies.

Contents: The first part of the paper is referred to the general conditions of the third countries students in order to access to the EU, particularly, the requirement of a valid travel document, a sickness insurance for all risks normally covered (unless the enrolment at a higher education institution automatically covers these risks), evidence of payment of legal fees and evidence of sufficient resources to cover subsistence costs without having recourse to the Member State's social assistance system, and return travel costs.

The second part of the papers is referred to the specific conditions of the third country students such as the acceptance by a higher education institution to follow a course of study; the evidence of the fees charged by the higher education institution have been paid; the evidence of the sufficient knowledge of the language of the course; and the evidence of the sufficient resources to cover the study costs. If the Member State has established an approval procedure for higher education institutions, the applicants may be exempted from presenting one or more of the documents or evidence.

The third part of the paper is referred to the application's process. The application is submitted and examined either when the third-country national concerned is residing outside the territory of the Member State to which the third-country national wishes to be admitted or when the third-country national is already residing in that Member State as holder of a valid residence permit or long-stay visa. By way of derogation, a Member State may accept, in accordance with its national law, an application submitted when the third-country national concerned is not in possession of a valid residence permit or long-stay visa but is legally present in its territory.

Impact: Track 5. Diversity & Mobility – The proposal focuses on international student support and how access and inclusion and inter-cultural understanding are affected by the legal requirements to foreign students. This legal analysis permits to assess the encouragement of the cultural exchange and develop amity among countries, which is one of the objectives of the conference.
