

# EMN INFORM ON PREVENTING, DETECTING AND TACKLING SITUATIONS WHERE AUTHORISATIONS TO RESIDE IN THE EU FOR THE PURPOSE OF STUDY ARE MISUSED FOR OTHER PURPOSES

EMN INFORM

March 2022



## 1. INTRODUCTION AND RATIONALE

This EMN inform aims to map experiences and approaches across the EU Member States in preventing and detecting situations linked to a potential misuse of authorisations to reside for the purpose of study and in tackling situations where such authorisations are considered to be misused for a purpose other than for study, for example, for employment purposes. In the context of this inform, the term “authorisations” covers both residence permits, and long-stay visas issued for the purpose of study as set out under Directive (EU)2016/801<sup>1</sup> (‘the Students and Researchers Directive’). The inform explores a range of misuse situations, from minor infractions of immigration conditions up to fraudulent applications and acknowledges the fact that there is a grey area between intentional

misuse and unintentional mistakes, and that for authorities, it can be difficult to distinguish between the two.

The inform distinguishes between two phases: 1) the **pre-arrival phase**, which concentrates on prevention of potential misuse of authorisations to reside for the purpose of study during the period up to the issuing of the authorisation; and 2) the **post-arrival phase**, which focuses on monitoring and detecting cases of misuse once an authorisation to reside for the purpose of study has been issued, and the consequences thereof. The inform draws on the contributions of the EMN National Contact Points in 24 Member States.<sup>2</sup>



## 2. KEY POINTS TO NOTE

■ Efforts to combat misuse of authorisations for the purpose of study in Member States’ national strategies are mainly focused on the **pre-arrival phase**; 12 Member States<sup>3</sup> give full priority to the pre-arrival phase and nine Member States<sup>4</sup> place emphasis on both the pre-arrival phase and the post-arrival phase.

### At the pre-arrival phase:

■ Most of the 24 Member States participating in the inform indicated that, at the pre-arrival phase, **evidence existed, or serious and objective grounds** have been detected, thereby enabling their authorities to establish that in some cases third-country nationals

concerned would reside for a purpose other than for study.

■ **Document validation** and **interviewing applicants** were the two most common methods used at the pre-arrival phase in order to discern whether third-country nationals would potentially use their authorisation to reside for a purpose other than to study.

■ Detection of potential misuse at the pre-arrival phase in all reporting Member States can result in the **rejection of the application** and refusal to issue the authorisation to stay. This is most common when the third-country national has used false or misleading information,

1 Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (the Students and Researchers Directive), <https://eur-lex.europa.eu/eli/dir/2016/801/oj>, last accessed on 02 November 2021. NB Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

2 AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK.

3 AT, BE, CZ, DE, EL, ES, FI, LV, NL, PT, SE, SK.

4 CY, EE, FR, HU, IE, LT, LU, MT, PL.

has fraudulently acquired or falsified or tampered with the necessary documents to obtain the authorisation to reside, or if the relevant authorities have detected a lack of intention to study. The applicant has the right to appeal against the rejection of the application.

- In the Member States' view, a good practice to ensure prevention of misuse is **maintaining cooperation** between all relevant stakeholders and communication between Higher Education Institutes (HEIs) and Member States' authorities as well as increasing the responsibilities of HEIs;<sup>5</sup> this includes organising meetings, workshops, or training courses to raise the HEIs' awareness of the current legislation, or of indicators designed to prevent misuse and give examples of relevant situations of potential misuse.

#### At the post-arrival phase:

- Most of the Member States reported that they had detected some cases where the authorisation for the purpose of study had only/mainly been used for another purpose, i.e. for **employment/self-employment**.

- Member States adopted a number of approaches to monitor whether third-country students continue to comply with the requirements related to the purpose of their authorisation. Such approaches typically include: assessment at the authorisation renewal phase; requiring HEIs to provide relevant information; and checks and inspections on the compliance with the purpose of the authorisation.
- The most common situation which **alerts** Member States **about a potential misuse** of an authorisation for the purpose of study is when the third-country national does not start, has temporarily suspended, or has prematurely abandoned their studies. In nine countries,<sup>6</sup> insufficient study progress can be considered an indicator of potential misuse.
- In most of the Member States, the detection of misuse of the authorisation to reside for the purpose of study in the post-arrival phase results in the **non-renewal** or **withdrawal of the authorisation**. The third-country national can appeal the decision before an administrative court.

## 3. BACKGROUND AND CONTEXT

The legislation of Member States provides for rules regarding the authorisation of third-country nationals to reside in their territory for the purpose of study, on the basis of the Students and Researchers Directive, and Member States put in place policies and practices to ensure that the persons concerned comply with these rules. The effective enforcement of migration rules is an important element of a well-functioning migration system in the EU, both in admitting third-country nationals to the EU and in monitoring whether, once admitted, they continue to fulfil the conditions under which they were admitted to the territory. This is also relevant from the perspective of the migrant; complying with the requirements and being granted legal residence offer legal certainty in relation to their right to reside. There is, however, little comparative research available on policies and practices in Member States on how the competent national authorities prevent and address misuse in this context.

At the pre-arrival phase, applicants must satisfy the legal requirements in place to be granted an authorisation for study. The Students and Researchers Directive contains both general<sup>7</sup> and specific<sup>8</sup> admission conditions. General conditions require, for example, that the applicant "shall present a valid travel document, as determined by national law, and, if required, an application for a visa or a valid visa or, where applicable, a valid residence permit or a valid long-stay visa".<sup>9</sup> Specific conditions for students require the applicant to provide evidence "(a) that the third-country national has been accepted by a higher education institution to follow a course of study; (b) if the Member State so requires, that the fees charged by the higher education

institution have been paid; (c) if the Member State so requires, of sufficient knowledge of the language of the course to be followed; (d) if the Member State so requires, that the third-country national will have sufficient resources to cover the study costs."<sup>10</sup>

The grounds for rejection of an application are also laid down in the Directive and include, for example, the situation where "the documents presented have been fraudulently acquired or falsified or tampered with",<sup>11</sup> or where the Member State "has evidence or serious and objective grounds to establish that the third-country national would reside for purposes other than those for which he or she applies to be admitted".<sup>12</sup> Member States use different methods to detect the likelihood or intention to misuse an authorisation (e.g. by interviewing applicants, assessing the validity of documents, etc.). The "trustworthiness" of HEIs may also be a factor in the rejection of an application, i.e. the host entity was established or operates for the main purpose of facilitating the entry of third-country nationals.<sup>13</sup>

After an authorisation is granted, the legal requirements linked to the authorisation must be met throughout the duration of validity of the authorisation. The Students and Researchers Directive lays down the grounds under which the renewal of an authorisation should be refused or where the authorisation should be withdrawn;<sup>14</sup> this is the case where general and/or specific conditions are no longer met. With regard to a situation of a potential misuse, the Directive states: "Member States shall withdraw or, where applicable, refuse to renew an authorisation where the

5 AT, CZ, DE, EE, HU, LV, NL, PL, PT, SE, SK.

6 CZ, DE, FR, IE, IT, LT, LV, NL, PL.

7 Article 7.

8 Article 11(1).

9 Article 7(1)(a).

10 Article 11 (1).

11 Article 20(1)(b).

12 Article 20(2)(f) - **optional provision** - not transposed by all Member States.

13 Article 20(2)(d) - **optional provision** - not transposed by all Member States.

14 Article 21.

third-country national is residing for purposes other than those for which the third-country national was authorised to reside”.<sup>15</sup> Moreover, a refusal of renewal/withdrawal shall be made where “the documents presented have been fraudulently acquired or falsified or tampered with”.<sup>16</sup> The Directive sets out the optional ground for Member States to withdraw or refuse to renew an authorisation if a HEI was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of the Directive.<sup>17</sup> There is also an obligation on the side of the holder of the authorisation to ensure that they continue to reside for the purpose under which they have been admitted to a Member State. Member States’ authorities are responsible for monitoring the situation and taking action when this is no longer the case.

In this context, at the post-arrival phase, misuse of an authorisation for the purpose of study may entail the following situations: 1) the holder resides in the Member State concerned for a purpose other than study, 2) the information provided for in the application and the related evidence is not/no longer correct/valid (because the documents have been fraudulently acquired, are falsified/tampered with, or the holder of the authorisation fails to notify relevant changes despite a clear obligation), or 3) the HEI concerned does not fulfil its obligations relevant for the combat of misuse. Member States might identify other situations considered relevant in their national context.

Following detection that a third-country national resides in a Member State for a purpose other than that for which they were authorised to reside, or detection of other potential types of misuse of the authorisation under the Students and Researchers Directive, different options are available. The withdrawal or non-renewal of an authorisation can result in possible changes in the legal status, or where legal possibilities are exhausted, may lead to the start of the return procedure. Where documents presented have been fraudulently acquired, or falsified or tampered with, this may result in referral to the public prosecutor.

Within this wider context, the specific aims of this EMN inform are to:

- Explore whether Member States have experienced the following situations: documents relating to the application process for such authorisations were fraudulently acquired, falsified or tampered with; authorisations to reside issued for the purpose of study are only/mainly used for a purpose other than study or there are evidence/objective and serious grounds to establish that there would be such misuse; and the failure of a HEI concerned to fulfil legal obligations which are relevant for the combat of misuse and that could lead to a rejection of an application/withdrawal of an authorisation in accordance with the Students and Researchers Directive. The inform also aims to identify any other situations considered as misuse of the authorisation to reside for the purpose of study that are relevant in the national context of a Member State and that the latter considers as misuse in accordance with grounds for rejection and for withdrawal or refusal of renewal as set out in the Students and Researchers Directive.
- Map the overall approaches that Member States have adopted to prevent and address such cases of misuse of authorisations to reside for the purpose of study.
- Map the legal instruments and policy and administrative measures to prevent and address misuse in this context.
- Find out what the responsibilities and cooperation possibilities are vis-à-vis relevant organisations, including HEIs, in preventing, monitoring and tackling such misuse.
- Map the policies and practices of Member States regarding the consequences subsequent to the observation that a third-country national no longer complies with the purpose of study for which the authorisation has been issued.
- Collect relevant statistics, where available.



## 4. OVERVIEW OF SITUATIONS EXPERIENCED BY MEMBER STATES IN THE CONTEXT OF MISUSE AND STRATEGIES TO COMBAT THIS MISUSE

This section provides an overview of situations experienced by the Member States that could indicate potential misuse, in the pre- and post-arrival phases. Furthermore, it provides an overview of the national strategies to tackle and prevent misuse of authorisations to reside for the purpose of study.

### 4.1. Overview of member states’ experiences with misuse in situations at the pre-arrival phase

Regarding the pre-arrival phase, 19 Member States<sup>18</sup> reported their experience with one or more situations that could indicate possible misuse; the remaining Member States either did not detect such situations<sup>19</sup> or had no available information.<sup>20</sup>

<sup>15</sup> Article 21(1)(d).

<sup>16</sup> Article 21(1)(b).

<sup>17</sup> Article 21(2)(d) - **optional provision** - not transposed by all Member States.

<sup>18</sup> AT, BE, CY, CZ, EE, EL, FI, FR, HR, HU, LU, LV, MT, NL, PL, PT, SE, SI, SK.

<sup>19</sup> DE, ES, IT, LT.

<sup>20</sup> IE.

**Table 1: Overview of situations experienced by Member States at the pre-arrival phase**

| Situations   | Member States  |
|--|--|
| Existence of evidence or of serious and objective grounds on the basis of which they concluded that the third-country nationals concerned would reside for a purpose other than for study.                 | BE, CZ, EE, FI, FR, HR, HU, LV, LU, MT, NL, PL, PT, SE, SI, SK |
| Third-country nationals provided documents that had been fraudulently acquired, falsified or were tampered with during the process of their application.   | AT, BE, CY, CZ, FI, FR, HR, HU, LU, PL, PT, SK                 |
| HEIs concerned were established or operated for the main purpose of facilitating the entry of third-country nationals falling under the scope of the Students Directive for purposes other than for study. | EE, PL   |
| None of the situations above have been detected in the Member State.   | DE, ES, IT, LT   |
| Other situations considered by the Member States as a misuse of an authorisation to reside for the purpose of study.   | PT, SK   |

Sixteen Member States indicated evidence for the misuse of an authorisation or serious and objective grounds on the basis of which they concluded that the third-country nationals concerned would reside for a purpose other than for study. In this context, seven Member States had detected the intention of the applicant to use the authorisation mainly/only for the purpose of work,<sup>21</sup> and six other Member States reported that applicants showed a lack of knowledge of the field of study or the language in which the course would be taught.<sup>22</sup> Portugal, for example, considered cases where adult third-country nationals had not studied for several years, were enrolled in more than one HEI, and where sponsorship (accommodation and financial assistance) was provided by relatives living far from the HEI where they were enrolled, as evidence that the purpose of residence *could* be other than for study. Finland considered the following situation as relevant in this context: some applicants with family members in Finland, instead of applying for family reunification, had applied for an authorisation to reside for the purpose of study as a means of subverting the income requirement of the sponsor, which is higher for a residence permit granted on the basis of family reunification.

In cases where documents had been fraudulently acquired, falsified or were tampered with, the main trends discovered were the following: applicants forging acceptance letters of the HEI or language certificates,<sup>23</sup> falsifying bank statements or documents pertaining to financial support/sponsorship,<sup>24</sup> and submitting documents that did not stipulate their identity or using another person's attestation of acceptance by HEIs.<sup>25</sup>

The situation whereby HEIs were established or operated for the main purpose of facilitating the entry of third-country nationals for purposes other than study, which falls under the scope of the Students and Researchers Directive, was not commonly reported in the countries that took part in the inform. Estonia, however, noted that a national inspection revealed that one private HEI was found to have violated higher education regulations, including accepting students without verifying their previous qualifications, and was stripped of its licence. Moreover, Poland reported cases where HEIs had been established in the country mainly for

the purpose of facilitating the entry of third-country nationals for purposes other than study and with no real intention of providing them with study programmes, thus enabling participants to spend their time at work. Such institutions were again operating in the private sector.

Only one Member State reported on other situations that they considered to be a misuse and to constitute a ground for rejection of an application in accordance with the Students and Researchers Directive, at the pre-arrival phase. The Slovak Republic flagged the exploitation of the system by some HEIs, who were allowing for a large number of students to be admitted, despite some of them not necessarily fulfilling the qualitative criteria with a view to the HEIs' maximising their income from state subsidies.

In addition to qualitative data, 11 Member States collected statistical data on the rejection or refusal<sup>26</sup> of applications for authorisations for the purpose of study on the grounds of misuse as set out in Table 1 above, for the years 2017-2020. Numbers concerning related rejections/refusals at the pre-arrival phase are available in Annex 1. Only three Member States were able to provide a breakdown of these statistics according to the type of misuse during the period 2017-2020. In Estonia, the main reason was doubt regarding the trustworthiness of the educational institutions (relating specifically to 2017); in Poland, rejections were predominantly due to documents fraudulently acquired, falsified, or tampered with; and, in Sweden, due to lack of intention to study. It should be noted that the information collected covers a period of time during which the Students and Researchers Directive was not yet fully in force in all Member States. The Directive had to be transposed by 23 May 2018; however, the dates of transposition into national legislation differed, and there were delays in several Member States.

## 4.2. Overview of member states' experiences with misuse in situations at the post-arrival phase

With regard to the post-arrival phase during the years 2017-2020, 20 Member States have indicated that they had detected one or more situations pointing to

21 LU, LV, MT, PL, PT, SE, SI.

22 BE, CZ, EE, FI, LV, SK.

23 AT, BE, CY, EE, LU, LV, PL, PT, SE, SK.

24 CY, CZ, FI, LU, LV, PT, SE.

25 LV, SE.

26 BE, CZ, EE, ES, FI, FR, HU, LU, LV, PL, SE, SK.

misuse of authorisations to reside issued for the purpose of study.<sup>27</sup> One Member State<sup>28</sup> stated that they did not

experience any of the situations pointing to misuse, and three stated that no (quantifiable) information was available.<sup>29</sup>

**Table 2: Overview of situations experienced by Member States at the post-arrival phase**

| Situations  | Member States  |
|---|--|
| Authorisations issued for the purpose of study were used for a purpose other than study, i.e. only/ mainly for the exercise of an employed/self-employed activity                               | AT, BE, CY, CZ, DE, EE, FI, FR, HU, LU, MT, NL, PL, PT, SE |
| Documents have been fraudulently acquired, falsified or were tampered with  | AT, BE, EE, FI, FR, HU, LV, PL, PT, SE, SK                 |
| Identified cases of students abandoning their course of study, failing to make progress or not attending which could point to misuse  | BE, CY, CZ, EE, FI, FR, LT, LU, NL, PL, PT, SE, SI, SK,    |
| Failure by the HEI to fulfil legal obligations relevant for the combat of misuse, which would have enabled the Member State to conclude that the permit was used for a purpose other than study | EE, NL, PT, SK   |
| A HEI was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of the Students Directive for purposes other than study     | EE, FR   |
| None of the situations above have been detected in the Member State   | EL   |
| Other situations linked to an authorisation for the purpose of study which the Member State considers as misuse   | FR, PT   |

As set out in Table 2 above, the most common situation identified by 15 Member States was that, in certain cases, the authorisation to reside was being used for a purpose other than study, most notably to only/ mainly work or where the student exceeded the applicable work time limit. 11 Member States identified cases where documents had been fraudulently acquired, falsified or tampered with; for example, documents in relation to certificates from previous education, bank statements, identity documents, fraudulent use of credit cards for payments of tuition fees (such as use of stolen cards or provision of fake bank receipts) etc.

Cases of third-country national students abandoning their course of study, failing to make progress or not attending were also reported in 14 Member States and considered relevant in the context of potential misuse.

**Box 1: Lithuania: illustrative example of an individual case of a student ‘failing to make progress’**

In Lithuania, it was determined that a third-country national who had been issued several residence permits for study purposes was characterised by the receiving HEI as a failing student. The individual had failed several exams and had not attended others, and their poor performance was not justified by objective reasons, such as illness, unplanned changes in personal life or circumstances, etc. The totality of circumstances allowed the authorities to reach the conclusion that the student did not seek to obtain a university education in Lithuania but was merely interested in obtaining a residence permit and enjoying its associated rights. Therefore, a decision was made to refuse to reissue them with a temporary residence permit.

In four Member States there were situations where HEIs failed to fulfil their legal obligations to combat misuse (failure to report on the change/loss of the student status or to report students abandoning their course of study and dropping out despite corresponding obligations) or admitting students without checking their qualifications and relevant documents, which would have enabled the Member State to conclude that misuse had taken place.

Only ten Member States<sup>30</sup> collected statistics on withdrawal/refusal of renewal of authorisations to reside for the purpose of study on the basis of misuse as detected by the Member States concerned during the years 2017-2020. The numbers per Member State varied over the years and are available in Annex 2. Again, it should be noted that the information collected covers a period of time during which the Students and Researchers Directive was not yet fully in force in all Member States; it had to be transposed by 23 May 2018 but the dates of transposition into national legislation differed, and there have been delays in several Member States.

**4.3. Overview of national strategies to combat misuse of authorisations to reside for the purpose of study**

Efforts to combat misuse of authorisations to reside for the purpose of study, as set out in Member States’ national strategies, prioritise different (pre- and post-arrival) phases.

The most common approach is to prioritise the **pre-arrival phase**<sup>31</sup> by checking documents, interviewing applicants at consulates or embassies, and examining the applications with a view to detecting any indication of a potential misuse (please refer to section 5.1). Some of these Member

27 AT, BE, CY, CZ, DE, EE, FI, FR, HR, HU, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK.

28 EL.

29 HR, IE, IT.

30 BE, CZ, EE, ES, FI, HU, LU, PL, SE, SK.

31 AT, BE, CZ, DE, EL, ES, FI, LV, NL, PT, SE, SK.

States collaborate with HEIs with regard to examining applications.<sup>32</sup> There are multiple reasons for prioritising the pre-arrival phase. For example, in Austria, the decision to prioritise detection designed to combat any potential misuse at the pre-arrival phase is based on a cost-benefit<sup>33</sup> analysis, as well as for reasons of effectiveness and expediency. In the Netherlands, the different phases are addressed by different actors (see Box 2).

### Box 2: The Netherlands: Strategy to combat misuse of authorisations to reside for study purposes

The strategy of the Netherlands' *authorities* to combat misuse of authorisations to reside for study purposes prioritises its efforts at the post-arrival phase. However, recognised HEI 'sponsors' ("*erkend referenten*") are vetted by the Dutch government on their reliability (for example, they have paid their taxes and premiums correctly, are accepted as sponsors, and have observed labour laws, their management does not have a criminal record etc.). After these checks, at the **pre-arrival phase**, the HEI is then trusted with applying for a residence permit for students (i. e. prior to submitting the application to the IND), the HEI

checks whether the student meets all the criteria for the permit). The HEI must submit the application on behalf of the international student and declares that the student fulfils all admission criteria. The Immigration and Naturalisation service (IND relies on the HEI's statements that the migrant has met the residence permit criteria. Therefore, more time is spent by IND on addressing misuse at the post-arrival phase than at the pre-arrival phase.

In nine other Member States, emphasis is placed on **both** the pre-arrival phase and post-arrival phase.<sup>34</sup> For these Member States, checking applications, documents, and examining the intention of applicants at the pre-arrival phase is emphasised along with monitoring compliance with the purpose of the authorisation at the post-arrival phase.<sup>35</sup> For one Member State<sup>36</sup>, although both phases are treated with equal importance, efforts applied during the period subsequent to the arrival of the third-country national are deemed more effective as this Member State considers it easier to identify cases of (potential) misuse once the third-country national is in the country (i.e. to check the student's attendance at the relevant HEI's courses and whether the authorisation is used for the purpose of study).



## 5. PREVENTION OF MISUSE (PRE-ARRIVAL)

This section examines Member States' approaches to prevent potential misuse of an authorisation for the purpose of study at the pre-arrival phase, including the elements/situations that 'trigger' Member States to look into specific cases of (potential) misuse by applicants of an authorisation to reside for the purpose of study.

### 5.1. Methods used to prevent potential misuse of authorisations to reside for the purpose of study at the pre-arrival phase

Member States have adopted a number of methods to check at the pre-arrival phase whether third-country students will potentially misuse their authorisation to reside for the purpose of study. Such approaches typically include one, or a combination, of the following activities:

- **Document validation:** 21 Member States have adopted this approach which typically includes specific checks of travel documents/passports, education certificates and diplomas, financial assets/bank statements, criminal records, and past employment history.<sup>37</sup>
- **Interviewing applicants:** 15 Member States interview applicants to check their knowledge of their chosen field of study, of their chosen country of study, or of the

language that the course of study will be conducted in, in order to confirm the applicant's intention to use the authorisation to reside for the purpose of study.<sup>38</sup>

- **Checking applicant's admission with HEIs:** six Member States contact HEIs directly to check whether the applicant has been accepted by the HEI or if the applicant has paid their fees for studying at the HEI rather than counting only on evidence provided by applicants.<sup>39</sup>
- **Testing language skills:** five Member States carry out tests or check certificates on language skills to ensure that applicants have sufficient language skills to participate in the course of study.<sup>40</sup>

In one Member State<sup>41</sup> non-EU students must complete a questionnaire during the application phase to enable the authorities to assess their motivation to follow a higher education course and the coherence of their future plans.

Three Member States<sup>42</sup> have put in place rules and procedures to check that a HEI is not exceeding its capacity by accepting higher numbers of students than it can accommodate or that the HEI is not established only for the purposes of facilitating entry to the Member State, whilst in the Netherlands, such legislation has been drafted, but is not yet in place. In Ireland, students can only secure a

32 CZ, LU, SE.

33 The cost-benefit analysis here refers to the consideration of whether any costs are incurred in connection with measures to terminate their stay due to potential misuse by a student. It is more difficult and costly to remove a person from the country or to terminate their stay, than if the person had not entered the country at all.

34 CY, EE, FR, HU, IE, LT, LU, MT, PL.

35 LU only checks the applications and documents at the pre-arrival phase; at the post-arrival phase they only check the intention and other reasons.

36 LT.

37 AT, BE, CY, CZ, DE, EE, EL, FI, FR, HR, HU, IE, LT, LU, LV, MT, NL, PL, PT, SI, SK.

38 BE, CY, CZ, DE, EE, EL, FI, FR, HR, HU, LT, LV, NL, SI, SK.

39 HU, MT, NL, PL, SI. In CZ, if there are some doubts considering the documents that the applicant is obliged to submit (such as the student certificate) then the migration authority contacts HEIs in order to check the information

40 AT, CZ, FR, HR, LU.

41 BE.

42 CY, EE, PL.

residence permission if their course/degree is listed on the Interim List of Eligible Programmes (ILEP) which is regularly updated and monitored by the Department of Justice; education providers must apply for their course/degree programme to be included on the ILEP and fulfil a number of criteria.

Seven Member States<sup>43</sup> reported on elements or situations that can act as a ‘trigger’ for them to look further into specific cases where there may be potential misuse. Such triggers include instances where:

- Documents presented by the applicant contain contradictory information, are damaged, or invalid.<sup>44</sup>
- The applicant lacks knowledge of the language in which the study will take place,<sup>45</sup> or of the course of study, makes unfounded changes regarding the intended course of study,<sup>46</sup> or there are doubts about the applicant’s motivation to study.<sup>47</sup>
- The requested length of duration of the stay for the purpose of study is not in accordance with the length of the course of study applied for<sup>48</sup> and where there is a clear discrepancy between the costs of the studies and the income situation, or where financing is uncertain.<sup>49</sup>

- The applicant has demonstrated poor performance at school or has been unsuccessful in their studies in their home country,<sup>50</sup> or has a record of previous irregular residence in an EU Member State,<sup>51</sup> or a long period of time has elapsed since completion of any previous education prior to the application to study.<sup>52</sup>

Unexpectedly high numbers of applications for authorisations for the purpose of study from certain countries,<sup>53</sup> also in relation to specific (private) HEIs<sup>54</sup> may also trigger further investigation in some cases. Finally, information provided by other schools or institutions that may serve to flag activities (of potential misuse) in specific HEIs may similarly result in further investigation.<sup>55</sup>

## 5.2. Organisations involved at the pre-arrival phase with the prevention of potential misuse

Diplomatic Missions, embassies, or consulates are typically the main authorities involved in the prevention of misuse in the context of an authorisation for the purpose of study, depending on the national set-up and organisational structure, followed by HEIs, and immigration authorities/ ministries and other entities, as demonstrated in Table 3.

**Table 3: Types of organisations involved at the pre-arrival phase with the prevention of potential misuse of authorisations for the purpose of study**

| Organisations  | Member States  |
|--|--|
| Diplomatic Missions/ Embassies/ Consulates   | BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, LV, NL, PL, PT, SE, SI, SK |
| Higher Education Institutions  | AT, BE, CZ, DE, EE, EL, HR, HU, LT, LU, MT, NL, PL, PT, SE                         |
| Ministries (i.e. Internal Affairs, Foreign Affairs, Migration, Education, Culture, Sports and Youth) and other related departments and migration authorities | AT, BE, CY, CZ, DE, FI, FR, HR, HU, IE, LT, LU, LV, NL, PL, PT                     |
| Police and Border Guards   | DE, EE, FR, HR, HU, LT, LU, PL, SI, SK   |
| Other specialised authorities and NGOs   | EE, MT, SK (intelligence services)   |

The main responsibilities and obligations of these organisations are to check the documents submitted (i.e. passport, evidence of previous educational attainment, and financial documents), assess the fulfilment of the requirements, and check the validity of the information provided at both the pre-arrival phase. In Luxemburg, the HEI examines whether the candidate fulfils all the academic criteria in place, and, where there is doubt, the HEI can reject the candidate(s).

The degree of cooperation between these organisations varies across Member States, with three countries reporting that there is no formalised cooperation between the entities concerned.<sup>56</sup> However, in most of the Member States, communication between HEIs and migration organisations/ other entities is used to confirm the acceptance of international students by the HEI and their status regarding the payment of fees or awarding of scholarships, as well as checking their qualifications.<sup>57</sup> In Lithuania, for example, if the Migration Department has doubts regarding

43 DE, HR, NL, PL, PT, SI, SK.

44 CZ, HR, PL, PT, SK.

45 CZ, HR, PL, SI.

46 DE, SI, SK.

47 CZ, NL.

48 DE, HR.

49 DE.

50 CZ, DE, SK.

51 CZ, SK.

52 CZ, HR.

53 CZ, NL, PL, SK.

54 CZ, PL.

55 CZ, SK.

56 EL, FI, SE. (For SE there is no formalised cooperation, but the Swedish Migration Agency and some higher education institutions are cooperating under the framework of a pilot project).

57 AT, CZ, EE, HU, LT, LU, MT, NL, PL, PT. In SK, it is on an ad-hoc basis and initiated by the HEI, no formal cooperation with HEIs in this phase has been established.

the veracity of the information provided in the 'letter of intermediation',<sup>58</sup> it may contact the HEI for clarification. In the Netherlands, there is a national committee for the code of conduct (*Landelijke Gedragscode Commissie*)<sup>59</sup> that oversees whether recruitment and selection of students by HEIs take place in an appropriate way and whether HEIs comply with the code of conduct for international students in higher education. This committee also handles petitions submitted by anyone that has a direct interest regarding a HEI and their actions concerning the code of conduct.

Communication between HEIs and migration entities takes a variety of forms including written/electronic communication and meetings. In the Slovak Republic, for instance, communication with HEIs takes the form of ad-hoc consultations and counselling from the side of the police authority. In Estonia, HEIs, migration, and internal security authorities cooperate on a daily and, if necessary, ad-hoc basis should any questions arise at the pre-arrival phase.

### 5.3. Good practices and lessons learnt

Twelve Member States reported on good practices and lessons learnt at the **pre-arrival phase**.<sup>60</sup> Maintaining cooperation between all relevant stakeholders and communication between HEIs and Member States' authorities and increasing the responsibilities of HEIs are key success factors identified by the Member States to ensure prevention of misuse.<sup>61</sup> This includes organising meetings, workshops, or training events to raise HEIs' awareness of the current rules, introduce indicators to determine whether the applicant's intention to study requires further investigation, and to share examples of relevant situations in this context. In Latvia, the Ministry of Foreign Affairs organises a yearly seminar with all HEIs operating to communicate information on changes in legislation as well as giving attendees the opportunity to report/discuss problems in relation to cooperation to prevent misuse. Similarly, universities in Austria regularly holds a conference called the "*Forum Fremdenrecht*" (Forum for Aliens Law) that serves to promote exchanges between universities and authorities and to raise awareness among all participants.

In Estonia, the provision of free advice and counselling on migration issues, via special consultants, by the Police and

Border Guard Board for both students and educational establishments is considered a good practice; the main function of the consultants is to support foreigners in settling in Estonia and to serve as a partner to employers, the business community and educational institutions and other parties who invite foreign nationals to Estonia. If necessary, consultants can be invited to attend training and information days.

In Poland, authorisations to reside for the purpose of study are given only to applicants who have enrolled in a HEI that is included in a special list, which is held by the Minister competent for internal affairs and is updated regularly. The Minister may remove a HEI from the list for reasons related to national security, protection of public safety and order, or for reasons related to the functioning of an individual HEI, including, for example, failing to provide the necessary information about removing persons from the student list, or primarily acting to facilitate unlawful entry or stay in the territory of Poland.

Other Member States identified collaboration between consulates and migration authorities as a good practice.<sup>62</sup> In Belgium, for example, the Immigration Office sends officers to the consulates to train the visa section on how to deal with applications for a visa, including for study purposes. Some Member States also considered measures as good practices in relation to checking applicants' documents and assessing their intention, by improving the systems in place to detect false or manipulated documentation, communicating with HEIs, and interviewing applicants.<sup>63</sup>

For other Member States, evaluations and analyses are considered good practice approaches to learning about the effectiveness of systems to tackle and prevent misuse. In Estonia, annual risk analyses in relation to migration are conducted, in addition to the Police and Border Guard Board conducting regular ad-hoc analysis (e.g. on migration for the purpose of education and other types of legal, as well as on irregular migration). Studies related to migration for the purpose of study are also conducted by Statistics Estonia (the main data competence centre in Estonia), both independently and in cooperation with other authorities e.g. the Ministry of Interior, which has ordered analyses/studies for policymaking purposes.



## 6. MONITORING MEASURES AND DETECTION OF MISUSE (POST-ARRIVAL)

This section examines Member States' approaches to monitoring compliance with the requirements related to the purpose of study and the detection of such misuse; situations which provide alerts about potential misuse and the type of organisations involved at the post-arrival phase.

It also explores measures that Member States consider as good practices and as lessons learnt.

58 When applying for a temporary residence permit in Lithuania, a foreign national must submit a letter of intermediation from the higher education institution to the Migration Department, in which the institution confirms that the foreign national has been accepted into a study programme or doctoral studies, that all the fees set by the institution have been duly paid, and that the foreign national is in possession of sufficient funds to cover the living expenses and a return ticket.

59 A joint initiative of the HEIs with the Dutch government and in the *Gedragscode internationale student hoger onderwijs* (Code of Conduct of international students in higher education) wherein agreements are laid down with regard to recruiting and caring for international students.

60 AT, BE, CZ, DE, EE, HU, LV, NL, PL, PT, SE, SK.

61 AT, CZ, DE, EE, HU, LV, NL, PL, PT, SE, SK.

62 BE, CZ, SE, DE, PT

63 CZ, HU, NL, SE

## 6.1. Member States' approaches to monitor compliance with the requirements related to an authorisation to reside for the purpose of study

Member States adopted a number of approaches to monitor whether third-country students continue to comply with the requirements related to the purpose of the authorisation once on their territory. Such approaches typically include: (1) assessment at the time of renewal of the authorisation;<sup>64</sup> (2) obliging HEIs to provide information;<sup>65</sup> and (3) checks and inspections.<sup>66</sup>

Over half of reporting Member States<sup>67</sup> carry out an assessment or review of whether the requirements regarding the purpose of the authorisation for the purpose of study continue to be fulfilled on **renewal of the authorisation**. Whether assessment of renewal is adopted as a monitoring approach can be dependent on the duration of the validity of the authorisation – i.e. some Member States that grant an initial authorisation with a shorter duration commonly carry out a review of the respect of the purpose of the authorisation and set out specific conditions for renewal, linked to sufficient progress in the studies. For example, in Belgium, the student must provide proof of a certain number of credits to prove their study progress in order to renew their authorisation; municipalities in Belgium are responsible for checking whether the number of credits obtained is sufficient and, if not, or in case this is unclear, to refer the case to the Immigration Office.

In some Member States,<sup>68</sup> **HEIs are obliged to inform the relevant authorities** if they consider that there is non-compliance with the purpose of the authorisation, or in cases of any interruption to the course of study. In the Czech Republic, for example, HEIs are obliged to inform the Ministry of Interior if the holder of an authorisation to reside for the purpose of study has not started, has interrupted or has finished their studies. Similarly, in the Netherlands, HEIs are required to inform the immigration authorities in case of insufficient or no study progress, insufficient means of subsistence or if the third-country national concerned stopped or finished the study before the planned end date.

Finally, some countries carry out specific **checks and inspections** on third-country nationals' compliance with the purpose of the authorisation.<sup>69</sup> These could either be periodic and routine checks or targeted inspections on the basis of signals received from HEIs or other competent authorities (see section 6.2). In Hungary, for example, the Aliens Policing Authority may carry out on-the-spot checks, request the third-country national concerned to appear in front of the authority, or request them to submit documents (e.g. a student status certificate, etc.). In Germany,

the local Foreigners Authority regularly checks, independently of the renewal of a residence permit, whether all requirements for granting the residence permit continue to be met. In addition, it follows up on any incoming indications of potential misuse from other institutions or authorities (e.g. a host university or the authority responsible for combating undeclared work/illicit work).

## 6.2. Situations which alert authorities about potential misuse related to the purpose of the authorisation

The most common signals that alert Member States to a potential misuse of an authorisation granted for the purpose of study are when the third-country national has either not started, has temporarily suspended or has left the HEI without completing their studies.<sup>70</sup> In Sweden, for example, HEIs typically inform the Migration Agency about students who abandon their studies. In Austria, a situation is considered suspicious where an international student enters the territory on the basis of a visa issued for the collection of the residence permit, but the residence permit is not collected by the student within the subsequent six-month period. If the residence permit is not collected, the procedure must be discontinued and the person becomes irregular on the territory of the Federal Republic of Austria and must leave the country (unless there is another reason for lawful residence).

In some countries, insufficient study progress<sup>71</sup> can be considered an indicator of potential misuse. For example, in France, the following cases may alert the *Préfecture* and constitute grounds for a refusal to renew the residence permit: no proof of attendance provided; no examination registration and attendance; successive failure in examinations and no study progress; and numerous changes in study orientation. Similarly, in Latvia, a ground for suspicion is also if the student often changes study programmes or HEIs.

Another common situation in some Member States which can raise suspicion of misuse is if the student is working more than the maximum hours of work permitted under national law.<sup>72</sup> Another potential indicator of misuse is where the permanent place of residence of the international student does not correspond to the place of study.<sup>73</sup>

In Latvia, a ground for an alert is if the student leaves the country for another EU Member State (outside their EU intra-mobility rights) and, in Croatia, if the student is absent from their registered address for more than 30 days on a single occasion. Further situations which may alert Member States to a possible misuse related to the purpose of authorisation include if the third-country national has presented falsified documents<sup>74</sup> and lacks sufficient means of subsistence at the start of a new academic year, which

64 AT, BE, CY, CZ, EE, EL, ES, FR, IE, IT, FI, LV, LT, LU, PL, PT, SE, SI, SK.

65 CY, CZ, EE, HR, LT, NL, PL, PT, SE.

66 CY, CZ, EE, HU, IE, LT, LV, LU, MT, NL, SI, SK. In the Czech Republic, checks and inspections are used only if there is a reasonable doubt concerning the fulfilment of the requirements regarding the purpose of stay. In Ireland, the inspection regime focuses mainly on English language providers.

67 AT, BE, CY, CZ, EL, FR, IE, FI, LV, LT, LU, PL, PT, SE, SI, SK.

68 CY, CZ, EE, HR, LT, NL, PL, PT, SE, SK.

69 CY, CZ, HU, IE, LT, LV, LU, MT, NL, SI, SK.

70 AT, CZ, DE, EE, HU, HR, FR, IE, LT, LU, NL, LV, PL, PT, SI, SE, SK.

71 DE, FR, IE, IT, LT, LV, NL, PL, PT.

72 DE, FI, IE, LU, NL, MT, PT, SK.

73 DE, PT.

74 AT, CZ, PT, SK.

could indicate that working to earn money is an important reason for their residence.<sup>75</sup>

### 6.3. Organisations involved in monitoring measures and detection of cases of misuse of authorisations for the purpose of study

Immigration authorities are typically the main authorities involved in monitoring and detecting potential misuse in the majority of Member States at post-arrival stage.<sup>76</sup> Depending on the national set-up and organisational structure, other governmental organisations involved include Police and Border Guard authorities;<sup>77</sup> local or municipal authorities;<sup>78</sup> police,<sup>79</sup> and in some cases, ministries of education.<sup>80</sup> Labour inspectorates<sup>81</sup> can also be involved in some Member States in cases where students are working more than the permitted number of hours.

Furthermore, a majority of Member States<sup>82</sup> reported that HEIs are involved in the monitoring and detection of cases of misuse of authorisations to reside for the purpose of study. HEIs have the obligation to report to relevant authorities if the third-country student has interrupted their studies. In Lithuania, HEIs must inform the Migration Department within seven days from when the third-country student terminates their studies during the study year.

In the Netherlands, HEIs are obliged to report information to the authorities on circumstances that are relevant for the residence of the student, such as insufficient study progress in cases where there are no excusable grounds for achieving this; when a student terminates their studies; and, when the student makes use of EU mobility rights. Moreover, HEIs in the Netherlands are obliged to gather relevant information and retain this data for several years, including information on study results, copies of passports, proof of registration, data on addresses, etc. This information does not refer to possible misuse; however, by providing this information, authorities may be alerted to a

pattern that could indicate misuse (i.e. a higher than usual frequency of premature termination of a study by certain categories of third-country national students).

In some Member States,<sup>83</sup> HEIs are obliged to inform the relevant authorities of cases of non-compliance with the purpose of the authorisation or where study is interrupted.

### 6.4. Good practices and lessons learnt

Eight Member States<sup>84</sup> reported on good practices and lessons learnt at the post-arrival phase. Strong cooperation and exchange of information between relevant stakeholders, including HEIs, immigration authorities, local authorities and other relevant stakeholders, were commonly identified by Member States<sup>85</sup> as a prerequisite for successful monitoring and detecting misuse at the post-arrival phase. This can be done by regular meetings and forums as well as through online systems.

In terms of IT systems, in Poland, there is a continuous exchange of information between different entities through the Information System on Higher Education (*POL-ON*), not only in relation to possible signals of misuse. In Sweden, HEIs report cases of third-country students who abandon their course of study to the Swedish Migration Agency via an electronic system called *Ladok*. Furthermore, the Migration Agency is involved in a pilot project with five HEIs with the objective of achieving a full reporting of all possible cases of, and reasons for, drop-out from studies. In the Netherlands, an evaluation of the Modern Migration policy Act carried out by the University of Leiden found that, according to certain respondents, HEIs checking third-country nationals' study progress does not work as a tool to prevent misuse linked to the purpose of the student authorisation. The number of students abandoning their course of study due to insufficient study progress was found to be low, and, where this was the case, it often concerned students who left because the course of study was not right for them, rather than due to reasons which could point to a potential misuse.



## 7. ACTIONS FOLLOWING DETECTION OF MISUSE

This section presents an overview of both the policies and practices following detection of (the intention of) misuse, both at the pre-arrival phase and the post-arrival phase, and of recently enacted and planned legislation in this area.

### 7.1. Pre-arrival phase

Detection of potential misuse of authorisations for study at the pre-arrival phase in all reporting Member States can result in rejection of the application and refusal

to issue the authorisation. This most commonly occurs when the third-country national has used documents that have been fraudulently acquired, falsified or tampered with to obtain the authorisation, or if the relevant authorities have detected a lack of intention to study. The applicant may have the opportunity in some Member States<sup>86</sup> to address the detected potential misuse; for example, to rectify errors, submit additional evidence or hold an interview with the authorities. For instance, in the Czech Republic, if an error in the application or additional materials are discovered during the examination of the application, the

75 CZ, NL, PT, SK.

76 AT, BE, CZ, DE, EE, EL, ES, FI, FR, HU, IE, IT, LV, LT, LU, NL, PL, PT, SE, SK.

77 EE, LT, LV, PL, SK.

78 BE, PL, SI.

79 FI, HU, IE, LU, SI, SK.

80 CY.

81 DE, EL, ES, HR, LU, NL.

82 AT, BE, CY, CZ, DE, EE, EL, FI, HU, IE, LT, LU, LV, NL, PL, PT, SE, SI, SK.

83 CY, CZ, EE, HR, LT, PL, PT, SE.

84 AT, CZ, DE, HU, IE, LV, NL, SK.

85 e.g., AT, CZ, DE, EE, HU, SK.

86 CZ, FI, LV, NL, SI.

applicant is requested to address the error or is invited for an interview. If the error or suspicion is not addressed, then the application is rejected.

Following the detection of misuse in Lithuania, in extreme cases the Migration Department can also decide to forbid entry or enter a warning into the Schengen Information System.

In all but one of the reporting Member States, the third-country national has the right to appeal the rejection of their application; the exception is Latvia, where only HEIs can make an appeal. In Ireland, the appeal applies to visa applications, and it may not be possible to appeal in certain circumstances. The relevant procedures and institutions involved differ across Member States depending on how the appeal process is organised.

In some Member States,<sup>87</sup> the applicant can ask the responsible authority for a review of their application. This is a step before the formal appeal procedure which is typically carried out by administrative courts. For example, in the Czech Republic, the applicant can ask the Ministry of Interior for a review of the reasons for not granting the visa within 15 days of receiving the notification of rejection. In France, the third-country national can ask consular authorities to review their decision or appeal to the commission in charge of appeals against the refusal of a visa. This is a mandatory procedure for a formal appeal with an administrative court. In the Netherlands, the third-country national can object to the negative decision to immigration authorities via mail. The HEI can also submit this objection in the name of the student. The immigration authority will then review the application and, if unsuccessful, the student can appeal that decision before a court within four weeks.

There is limited information and data on how often third-country nationals exercise their appeal rights in practice. Whilst some countries reported that there are appeal cases,<sup>88</sup> Cyprus and Germany responded that, in practice, students rarely appeal the rejection.

## 7.2. Post-arrival phase

In most of the Member States,<sup>89</sup> where misuse of authorisations for the purpose of study is detected in the post-arrival phase, the authorisation is withdrawn. In addition, in Latvia, if many cases of misuse of authorisations for the purpose of study are detected amongst students at the same HEI in Latvia, relevant information will be forwarded to the State Security service, and the issue investigated.

Similarly, in most Member States, the detection of misuse will also be followed by a refusal to renew the authorisation of the third-country national to reside.<sup>90</sup> In some cases, the public prosecutor will be informed if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with).<sup>91</sup> Finally, in some Member States,<sup>92</sup> HEIs can be sanctioned for failing to fulfil their legal obligations or where their main purpose is to facilitate the entry of third-country nationals. Furthermore,

if the third-country student has planned to move to a second Member State, this second Member State shall be notified of the withdrawal, in accordance with the Students and Researchers Directive.

In most Member States,<sup>93</sup> the third-country national can appeal against the withdrawal decision before an administrative court. In Lithuania, for example, an appeal against the Migration Department's decision to refuse to renew or to withdraw an authorisation can be made before a regional administrative court, and the decision of the regional administrative court can be further appealed at the Supreme Administrative Court of Lithuania, the decision of which is final and not subject to further appeal. In Latvia, only HEIs, and not students, can make an appeal, whilst in Ireland, there is no appeal process. However, applicants who are refused an authorisation may resubmit their application with the relevant documentation.

Whilst no information or data on appeals are available, Cyprus and Germany reported that, in practice, appeals in such cases are very rare.

## 7.3. Recent and planned changes in legislation and policy

Eight Member States<sup>94</sup> reported recent or planned changes in policy and legislation to address misuse of authorisations for the purpose of study. These changes differed in focus, scope and content as follows:

In Austria, the changes concerned admission to pre-study courses which now require knowledge of the German language at A2 level at least. The aim of this regulation is to ensure that only those who are genuinely interested in studying are admitted to a regular degree programme

In Estonia, in 2020, the instrument for assessment of reliability of a HEI was added to the legislation; if the HEI is assessed as unreliable by the Police and Border Guard Board, this will be a factor taken into consideration when processing authorisations to reside for study.

Latvia and Lithuania introduced amendments to their respective immigration laws, adding certain conditions whereby third-country national students need to demonstrate sufficient progress in their studies in order to be granted a renewal of the authorisation. In Lithuania, third-country national students who have been accepted to study under a study programme at a HEI must accumulate at least 40 study credits per year. If the student accumulates fewer than 40 credits and the Migration Department is unable to establish any justifiable reasons for this following consultation with the hosting HEI, such a situation can now constitute grounds for refusing to renew or to withdraw an authorisation.

In Poland, in 2019, as part of the transposition of the Students and Researchers Directive, a number of relevant provisions were included in national law. Notably, an approval process for HEIs with regard to admitting third-country students for the purpose of taking up or continuing

87 CZ, FR, NL.

88 AT, CZ, EE, FR, NL, PL.

89 AT, BE, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, MT, NL, LV, PL, PT, SI, SE, SK.

90 AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, NL, PL, PT, SI, SE, SK.

91 AT, BE, CZ, DE, EE, EL, FI, FR, IE, ES, LT, LU, NL, PL, PT, SI, SK.

92 DE, EE, EL, FR, IE, LT, NL, LV, PL, PT, SK.

93 AT, CY, CZ, EE, ES, FI, FR, HR, HU, IT, LT, LU, NL, PL, PT, SE, SI (the decision of the first-instance administrative body can be appealed to the Ministry of the Interior, after the decision of the ministry it is further possible to file a lawsuit before an Administrative Court).

94 AT, BE, CY, EE, LT, LV, PL, SK.

studies was established, as well as obligations for HEIs to keep a record of certain documentation related to student enrolment.

In the Slovak Republic, legislative changes cancelled the possibility to grant temporary residence for the purpose of study to students at language schools. The aim of the amendment was to prevent the misuse of temporary residence for the purpose of study for other purposes.



## 8. ANNEXES

### Annex 1: Numbers of rejections/refusals of applications for authorisations for the purpose of study and the number of first permits issued for the reason of education by the Member States concerned for the years 2017-2020

| Member State         | First permits issued for the reason of education in 2017* | Applications rejected on basis of detecting potential misuse in 2017** | First permits issued for the reason of education in 2018* | Applications rejected on basis of detecting potential misuse in 2018** | First permits issued for the reason of education in 2019* | Applications rejected on basis of detecting potential misuse in 2019** | First permits issued for the reason of education in 2020* | Applications rejected on basis of detecting potential misuse in 2020** |
|----------------------|---|--|---|--|---|--|---|--|
| Belgium              | 6 896   | 2 005  | 6 908   | 2 165  | 8 661   | 2 433  | 5 675   | 1 967  |
| Czech Republic       | 11 076  | 607  | 12 132  | 1 325  | 14 446  | 1 283  | 7 550   | 1 025  |
| Estonia              | 1 193   | 161  | 1 272   | 9  | 1 377   | 29   | 556   | 36   |
| Finland              | 5 094   | 256  | 5 090   | 245  | 5 194   | 148  | 2 780   | 118  |
| Hungary              | 10 852  | 1 286  | 10 772  | 2 782  | 10 188  | 1 439  | 8 976   | 1 290  |
| Latvia <sup>95</sup> | 1 603   | :  | 2 339   | :  | 2 577   | :  | 1 211   | :  |
| Luxembourg           | 579   | 41   | 565   | 177  | 632   | 75   | 249   | 102  |
| Poland               | 34 709  | 672  | 42 204  | 535  | 20 760  | 630  | 27 244  | 371  |
| Slovakia             | 1 989   | 73   | 2 325   | 20   | 2 914   | 17   | 2 332   | 29   |
| Spain <sup>96</sup>  | 39 664  | 1  | 41 983  | 0  | 45 032  | 14   | 28 550  | 10   |
| Sweden               | 10 101  | :  | 10 173  | 926  | 10 719  | 1 926  | 6 926   | 883  |

\* Source: Eurostat [migr\_resedu] extracted 7 December 2021.

\*\* Source: EMN NCPs.

: Data unavailable.

### Annex 2: Number of authorisations withdrawn/renewal refused for the purpose of study on the basis of misuse detected by the Member States concerned for the years 2017-2020

| Member State   | 2017 | 2018 | 2019 | 2020 | Total |
|----------------|------|------|------|------|-------|
| Belgium        | 153  | 175  | 141  | 175  | 644   |
| Czech Republic | 153  | 150  | 155  | 125  | 583   |
| Estonia        | 102  | 199  | 165  | 89   | 555   |
| Finland        | 256  | 245  | 148  | 118  | 767   |
| Hungary        | 66   | NA   | NA   | 59   | 125   |
| Luxembourg     | 1    | 0    | 19   | 2    | 22    |
| Poland         | :    | :    | 2    | 1    | 3     |
| Slovakia       | 107  | 120  | 122  | 158  | 507   |
| Spain          | 4    | 4    | 8    | 9    | 25    |
| Sweden         | :    | 401  | 469  | 509  | 1379  |

Source: EMN NCPs.

: Data unavailable.

<sup>95</sup> For LV, the number of applications rejected on the basis of detecting potential misuse 2017-2020 is 527 (annual breakdown not available).

<sup>96</sup> For ES, the number of rejections is incomplete as data is collected by several institutions.

#### DISCLAIMER

This inform has been produced by the European Migration Network (EMN), which comprises the European Commission, its Service Provider (ICF) and EMN National Contact Points (EMN NCPs). The report does not necessarily reflect the opinions and views of the European Commission, EMN Service Provider (ICF) or the EMN NCPs, nor are they bound by its conclusions. Similarly, the European Commission, ICF and the EMN NCPs are in no way responsible for any use made of the information provided. The inform was part of the 2021 Work Programme for the EMN.

#### PUBLISHED

March, 2022

European Migration Network (2022). EMN Inform on Preventing, detecting and tackling situations where authorisations to reside in the EU for the purpose of study are misused for other purposes. Brussels: European Migration Network.

Read more:

EMN website: <http://ec.europa.eu/emn>

EMN LinkedIn page: <https://www.linkedin.com/company/european-migration-network>



## Keeping in touch with the EMN

EMN website [www.ec.europa.eu/emn](http://www.ec.europa.eu/emn)

EMN LinkedIn page <https://www.linkedin.com/company/european-migration-network/>

EMN Twitter <https://twitter.com/EMNMigration>

## EMN National Contact Points

Austria [www.emn.at](http://www.emn.at)

Belgium [www.emnbelgium.be](http://www.emnbelgium.be)

Bulgaria [www.emn-bg.com](http://www.emn-bg.com)

Croatia <https://emn.gov.hr/>

Cyprus [www.moi.gov.cy](http://www.moi.gov.cy)

Czech Republic [www.emncz.eu](http://www.emncz.eu)

Denmark [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/authorities/denmark\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/authorities/denmark_en)

Estonia [www.emn.ee](http://www.emn.ee)

Finland [www.emn.fi](http://www.emn.fi)

France <https://www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3/Le-reseau-europeen-des-migrations-REM2>

Germany [www.emn-germany.de](http://www.emn-germany.de)

Greece <http://emn.immigration.gov.gr>

Hungary [www.emnhungary.hu](http://www.emnhungary.hu)

Ireland [www.emn.ie](http://www.emn.ie)

Italy [www.emnitalyncp.it](http://www.emnitalyncp.it)

Latvia [www.emn.lv](http://www.emn.lv)

Lithuania [www.emn.lt](http://www.emn.lt)

Luxembourg [www.emnluxembourg.lu](http://www.emnluxembourg.lu)

Malta <https://homeaffairs.gov.mt/en/mhas-information/emn/pages/european-migration-network.aspx>

Netherlands [www.emnnetherlands.nl](http://www.emnnetherlands.nl)

Poland [www.emn.gov.pl](http://www.emn.gov.pl)

Portugal <http://rem.sef.pt>

Romania [www.mai.gov.ro](http://www.mai.gov.ro)

Slovak Republic [www.emn.sk](http://www.emn.sk)

Slovenia [www.emm.si](http://www.emm.si)

Spain <https://extranjeros.inclusion.gob.es/emnSpain/>

Sweden [www.emnsweden.se](http://www.emnsweden.se)

Norway [www.emnnorway.no](http://www.emnnorway.no)

Georgia <https://migration.commission.ge>

Republic of Moldova <http://bma.gov.md/en>