



Students from the Western Balkans: The experience of EU countries regarding admission and misuse of procedures

A factual overview

Students from the Western Balkans: The experience of EU countries regarding admission and misuse of procedures

A factual overview

Irma Salihović, Visa Researcher, ICMPD
Martin Hofman, Programme Manager, ICMPD

COLOPHON

Students from the Western Balkans:

The experience of EU countries regarding admission and misuse of procedures

A factual overview

A joint publication of the King Baudouin Foundation
Rue Brederode 21, B 1000 Brussels
and the International Centre for Migration Policy Development
Gonzagagasse 1, A 1010 Vienna, Austria

AUTHORS

Irma Salihović,
Visa Researcher, ICMPD

Martin Hofman
Programme Manager, ICMPD

COORDINATION

Cecilia Lundström
Visa Programme Manager, ICMPD

Lukas Gehrke
Head of Office, ICMPD Brussels

Gerrit Rauws
Director, King Baudouin Foundation

Stefan Schäfers
European Programme Advisor, King Baudouin Foundation

Michèle Duesberg
Assistant, King Baudouin Foundation

GRAPHIC CONCEPT

PuPiL

LAYOUT

Jean-Pierre Marsily

PRINT ON DEMAND

Manufast-ABP, a non-profit, special-employment enterprise

This publication can be downloaded free of charge from www.kbs-frb.be

A printed version of this electronic publication is available free of charge:
order online from www.kbs-frb.be, by e-mail at publi@kbs-frb.be or call King
Baudouin Foundations' Contact Center +32-70-233 728, fax + 32-70-233-727

LEGAL DEPOSIT:

D/2893/2008/29

ISBN-13:

978-90-5130-632-3

EAN:

9789051306323

ORDER NUMBER:

1844

October 2008

With the support of the Belgian National Lottery

CONTENTS

Executive summary.....	4
Samenvatting	5
Synthèse	6
Introduction	7
Methodology	9
I. Statistics, estimates and experience regarding students from the Western Balkans.....	11
1.1. Student admissions from the Western Balkans to EU Member States	12
1.2. Long-term visa or residence permits (with a duration of more than three months)	12
1.3. Short-term visas (with a duration of less than three months).....	14
1.4. Misuse of student visas and residence permits	15
1.5. Risk assessment and risk profiles in the admission procedures	16
II. University responsibilities and co-operation with government authorities	17
2.1. The role of universities in admission procedures	17
2.2. University reporting obligations.....	18
2.3. Cooperation mechanisms between universities and administrations ...	19
2.4. Experience with admission procedures	21
III. Policies and practices.....	23
Conclusions	27
Appendix I Questionnaire	29
Appendix II Expert interview guide	34
Appendix III Questionnaire recipients	36
Appendix IV Dutch Code of Conduct with respect to international students in higher education in the Netherlands	37

EXECUTIVE SUMMARY

- Although comprehensive statistical data were not returned for all items covered from all the countries covered by this survey, the data made available indicate that there is currently little or no misuse of visa or residence permits granted to students from the Western Balkans. Misuse is in fact an exception.
- Students from developing countries (China, Pakistan India) are more likely to be considered as having a risk profile than those from the Western Balkans. Indeed, 16 of the 17 countries surveyed confirmed that students from the Western Balkans do not represent a risk group.
- These findings are encouraging because whilst long-term (3+ months) visa or residence permits granted to students from the Western Balkans represent less than 3% in 11 of the 27 EU Member States, their numbers have been increasing slowly, if modestly, over the period 2005-2007.
- Only Bulgaria, the Czech Republic, Hungary and Slovenia provided data on short-term visas (<3 months) for studying. Short-term visas issued in these four countries for students from the Western Balkans represented 21% of all such visas over the 2005-2007 period.
- Students from the Western Balkans appear more likely to go to study in EU Member States that are geographically close to their own countries. Thus, in Slovenia and Bulgaria, 52% of all residence permits issued to students were for students from the Western Balkans, compared with fewer than 3% in states such as Germany and the Netherlands.
- Only two countries, the United Kingdom and the Netherlands, currently assign universities a particular role in admission procedures and responsibilities for their students after admission to the country. Three countries have bilateral agreements with Western Balkan countries that specifically cover student admissions (Bulgaria, Hungary and Slovenia).
- Universities and other higher education institutions are, nevertheless, increasingly assuming responsibilities for at least some of the admission procedures for third country students. The immediate effect of this is the greater administrative, and hence financial, burden placed on the educational institution. However, this is partially offset by the fact that such policies are also felt to further cross-border academic cooperation and enhance the prospects for bona fide students.
- Most countries have implemented the recommendations contained in EU Directive/2004/114/EC in accordance with the Visa Facilitation and Readmission Agreements for the countries of the Western Balkans.

SAMENVATTING

- Hoewel er niet voor alle behandelde onderwerpen uitgebreide statistische gegevens zijn teruggestuurd uit alle landen waarop dit onderzoek betrekking heeft, wijzen de beschikbaar gestelde gegevens er toch op dat er momenteel weinig of geen misbruik is van visa of verblijfsvergunningen die worden toegekend aan studenten uit de westelijke Balkan. Misbruik vormt eigenlijk de uitzondering.
- Van studenten uit ontwikkelingslanden (China, Pakistan en India) wordt veel eerder vaker verondersteld dat ze een risicoprofiel hebben in vergelijking met studenten uit de westelijke Balkan. Zestien van de zeventien onderzochte landen bevestigden inderdaad dat studenten uit de westelijke Balkan geen risicogroep vormen.
- Deze bevindingen zijn bemoedigend, want hoewel visa of verblijfsvergunningen voor langere periodes (meer dan drie maand) voor studenten uit de westelijke Balkan in elf van de 27 EU-lidstaten minder dan 3% vertegenwoordigen, is het aantal ervan in de periode 2005-2007 weliswaar matig maar toch geleidelijk aan gestegen.
- Alleen Bulgarije, de Tsjechische Republiek, Hongarije en Slovenië hebben gegevens verstrekt over kortetermijnvisa (minder dan drie maand) om te studeren. De kortetermijnvisa die deze vier landen verlenen aan studenten uit de westelijke Balkan vertegenwoordigden er in de periode 2005-2007 21% van het totale aantal van deze visa.
- Studenten uit de westelijke Balkan lijken veeleer geneigd om te gaan studeren in EU-lidstaten die geografisch gezien dicht bij hun eigen land liggen. Zo was 52% van alle verblijfsvergunningen die in Slovenië en Bulgarije werden toegekend aan studenten bestemd voor studenten uit de westelijke Balkan, in landen als Duitsland en Nederland is dat minder dan 3%.
- Momenteel zijn er maar twee landen, het Verenigd Koninkrijk en Nederland, waar de universiteiten een specifieke rol hebben in de toelatingsprocedure en verantwoordelijkheid dragen voor hun studenten na hun toelating tot het land. Drie landen hebben bilaterale akkoorden met landen uit de westelijke Balkan die specifiek betrekking hebben op de toelating van studenten (Bulgarije, Hongarije en Slovenië).
- Universiteiten en andere instellingen voor hoger onderwijs nemen nochtans steeds meer verantwoordelijkheid op voor ten minste een deel van de toelatingsprocedure voor studenten uit derde landen. Als onmiddellijk gevolg daarvan kennen deze onderwijsinstellingen een grotere administratieve, en daardoor ook financiële, belasting. Dit wordt wel gedeeltelijk gecompenseerd doordat dit beleid ook wordt ervaren als een bevordering van de grensoverschrijdende academische samenwerking en doordat het de vooruitzichten voor bonafide studenten verbetert.
- De meeste landen hebben de aanbevelingen uit Richtlijn/2004/114/EC uitgevoerd conform de EU-visafacilitering voor de landen van de westelijke Balkan.

SYNTHÈSE

- Bien que tous les pays couverts par cette enquête n'aient pas fourni de données statistiques détaillées sur tous les points traités, les informations disponibles indiquent qu'il n'y a actuellement pas ou peu d'utilisation abusive des visas ou titres de séjour octroyés aux étudiants originaires des Balkans occidentaux. En réalité, les abus sont exceptionnels.
- En revanche, les étudiants en provenance de pays émergents (Chine, Pakistan, Inde) sont considérés comme présentant davantage de risque que les étudiants des Balkans occidentaux. Effectivement, 16 des 17 pays étudiés ont confirmé que ces derniers ne représentent pas un groupe à risque.
- Ces résultats sont encourageants car, bien que les visas ou permis de séjour à long terme (+ de 3 mois) accordés aux étudiants ressortissants des Balkans occidentaux représentent moins de 3% dans 11 des 27 États membres de l'UE, leur nombre a augmenté lentement, bien que modestement, au cours de la période 2005-2007.
- Seules la Bulgarie, la République tchèque, la Hongrie et la Slovénie ont fourni des données relatives aux visas à court terme (<3 mois) à des fins d'études. Les visas à court terme délivrés dans ces quatre pays pour des étudiants ressortissants des Balkans occidentaux représentaient 21% de tous les visas de ce type pour la période 2005-2007.
- Les étudiants des Balkans occidentaux ont davantage tendance à étudier dans des États membres de l'UE qui sont proches géographiquement de leur propre pays. Ce qui explique qu'en Slovénie et en Bulgarie, 52% de tous les titres de séjour délivrés aux étudiants étaient destinés à des étudiants des Balkans occidentaux, pour moins de 3% dans des États tels que l'Allemagne et les Pays-Bas.
- Actuellement, seuls deux pays, le Royaume-Uni et les Pays-Bas, assignent aux universités un rôle particulier dans les procédures d'admission et leur confient des responsabilités pour le suivi des étudiants après leur admission dans le pays. Trois pays ont des accords bilatéraux avec les pays des Balkans occidentaux, qui couvrent spécifiquement les admissions d'étudiants (Bulgarie, Hongrie et Slovénie).
- Les universités et autres établissements d'enseignement supérieur assument néanmoins de plus en plus de responsabilités pour au moins certaines des procédures d'admission pour les étudiants ressortissants de pays tiers. L'effet immédiat est la charge administrative, et donc aussi financière, plus importante qui incombe à l'établissement d'enseignement. Cependant, cette charge est partiellement compensée par le fait qu'une telle politique est également perçue comme favorisant la coopération académique transfrontalière et ouvrant des perspectives pour les étudiants sérieux.
- La plupart des pays ont mis en application les recommandations de la Directive/2004/114/EC conformément aux accords en matière de réadmission et d'assouplissement des modalités d'obtention des visas conclus entre l'UE et les pays des Balkans occidentaux.

INTRODUCTION

The objective of this study was to collect information in the form of available statistics, estimates and assessments on the actual and potential misuse of visa and residence permits by students from **the Western Balkans** (Albania, Bosnia and Herzegovina, FYR Macedonia, Montenegro and Serbia) in **European Union Member States**. The study was based on a structured questionnaire sent to all EU Member States and Switzerland in early 2008. The survey included questions on the number of students admitted for short- and long-term visas and residence permits, the cases and types of misuse (use of false and falsified documents, illegal work, overstay and similar) and the main reasons for this. Other issues included were risk profiling, cooperation with universities and special policies and practices for students from the Western Balkans.

This study was carried out in support of implementation of the project 'Smart Visa for Students from the Western Balkans' (the Smart Visa project) initiated by the *King Baudouin Foundation* in 2006 and implemented in co-operation with the *International Centre for Migration Policy Development (ICMPD)*. The purpose of the project was to identify possibilities for optimising conditions for students from the Western Balkans to take up long- or short-term studies in the European Union. The Smart Visa project itself was in response to recommendations drawn up by the International Commission on the Balkans in their 2005 report 'The Balkans in Europe's Future', which pointed out that only a very small number of students in the Western Balkans have ever been abroad and that those who do wish to study pursue their studies in the European Union experience difficulties in doing so.

One of the main concerns raised in connection with the introduction of facilitated procedures for students is that it could lead to an increase in the misuse of visa and residence permits, either by using false or falsified documents or by misusing educational purposes as a pretext for entering the European Union for work or other purposes. The study elaborated within the project 'Smart Visa for Students from the Western Balkans' indicated that in the countries it covered - Austria, Belgium, Germany, Italy, Slovenia and Sweden - there is only limited misuse of visa and residence permits for the purpose of studies by students from the Western Balkans.

In support of further discussions on the introduction of facilitated procedures for students from the Western Balkans, the present study hoped to establish **a more comprehensive knowledge base regarding the experience with students from the Western Balkans**. In relation to discussions on special policies and procedures for students from the Western Balkans, this study also looked at **the links between the implementation of the visa facilitation agreements between the EU and the Western Balkans countries** and the **implementation of recommendations from the Council Directive 2004/114/EC** of 13 December 2004 regarding the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (Directive/2004/114/EC).

METHODOLOGY

The issue of actual or potential misuse of visa and residence permits for purposes other than taking up studies has already been briefly addressed in the study 'Smart Visa for students from the Western Balkans: Challenges and possible solutions 2007'. However, the findings of the study suggested that such misuse has to be regarded as of only minor significance. It also revealed that statistical information on the admission of students from Western Balkans is scarce, even for those countries with larger numbers of students from these countries, such as Austria and Germany.

In the view of immigration authorities, it seems that it is the social characteristics of students which make them likely to fall within risk categories, since many of them are young, unmarried and without any regular income, factors that might be considered as incentives to engage in illicit work in the country they initially entered to study.

In order to better assess the real significance of the problem of misuse of visa and residence permits, the present study used two research methods. Firstly, a structured questionnaire¹ was sent to government bodies in all European Union Member States and Switzerland² with a focus on statistical data (or estimates where these were not available) regarding students from Western Balkan countries. Secondly, qualitative research was conducted³ with universities regarding their role in individual admission procedures, their responsibilities for students and their experience regarding government co-operation.

The structured questionnaire

The questionnaire was sent in February/March 2008 to all European Union Member States and Switzerland.

The questions aimed at gathering available statistical data on students from the Western Balkans studying in these countries, assessments of the potential misuse of student visas, as well as information on existing bilateral agreements between European Union Member States and countries from the Western Balkans and any special (or potential) procedures for students from Albania, Bosnia and Herzegovina, FYR Macedonia, Montenegro and Serbia.

Completed questionnaires were returned by *Austria, Bulgaria, the Czech Republic, Estonia, Finland, Germany, Hungary, Latvia, Lithuania, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden and Switzerland*.

1 See Appendix I

2 See Appendix III for the government bodies to which the questionnaire was sent.

3 See Appendix II for the interview guide used in expert interviews.

Expert interviews

Qualitative interviews were conducted in *Austria, the Netherlands and the United Kingdom* with experts from government administrations and academia in order to gain in-depth knowledge and to fill any information gaps that resulted from the questionnaire-based survey. Destinations were chosen according to one or more of the following selection criteria: closeness to the region, likely experience with students from the region, the potential existence of good practices, more developed systems for cooperation with universities, and established practices regarding handling the issue of student (or others') misuse of visa or residence titles.

I. STATISTICS, ESTIMATES AND EXPERIENCE

REGARDING STUDENTS FROM THE WESTERN BALKANS

It was clear from the outset that the analysis of quantitative information on the actual or potential misuse of student visas would meet a number of inherent limitations, regarding both the availability and the comparability of statistical data. It is a general problem for the analysis of migration phenomena that existing and accessible data are insufficient to provide a precise picture of the real quantitative dimensions of migration flows.

The first problem arises from the fact that migration statistics are established for various segments of overall migration flows (e.g. labour migration, asylum, border management, census etc), and each of these sub-systems follows their own production methods and cycles.

Secondly, migration-related data are mostly recorded within the national context: each national system has its own requirements and bases its statistical methods on these requirements.

Thirdly, the area of visa and residence permits is one where access to statistical information is particularly difficult, either because not all the statistical records on visas are consolidated and brought together at national level, or because visa statistics are not accessible to the public and/or research.

Consequently, any presentation of available data is somewhat biased since some details of interest to our study may not even have been recorded in the statistics. Furthermore, the different types of legal visa and residence permits vary significantly within and between countries, which makes data compilation and comparison even more difficult. Thus, the statistical data collected in the present study preclude a precise quantitative analysis of the extent of student migratory movements from the Western Balkans to the European Union and of the overall trends for the whole European Union. Nevertheless, based on the available data, a number of basic conclusions can be drawn and these will be presented in the following chapters.

1.1. Student admissions from the Western Balkans to EU Member States

The first set of questions in the statistical section of the questionnaire referred to the total number of applicants from those Western Balkan countries admitted as European Union Member States in the years 2005 – 2007, in comparison to third country nationals in general over the same period. A total of thirteen countries provided this information: Bulgaria, the Czech Republic, Finland, Germany, Hungary, Latvia, Lithuania, the Netherlands, Portugal, Romania, Slovenia, Spain and Sweden. A distinction was made between data on long-term visas or residence permits for educational purposes (with a duration of more than three months), and short-term visas (with a duration of less than three months).

1.2. Long-term visa or residence permits (with a duration of more than three months)

The first conclusion that can be drawn from the questionnaire data is that in most countries, students from the Western Balkans represent a relatively small group of students from third countries, in both absolute and relative terms. In 2007, the eleven countries that provided annual figures on residence permits for students⁴ totalled 2,793 for students from the Western Balkans, representing 2.65% of all residence permits for students from third countries issued in that year (a total of 105,415). In these eleven countries the annual admissions of students from the Western Balkans (on the basis of long-term visa and residence permits) showed modest but comparatively steady development. Between 2005 and 2007 the share in residence permits increased from 1.99% to 2.65% (Table 1 below):

Table 1:
Number of residence permits issued to students
from the Western Balkans in 11 EU Member States 2005 – 2007

	2005	2006	2007
Total number	2,009	2,302	2,793
%	1.99	2.10	2.65

⁴ The Czech Republic, Finland, Germany, Hungary, Latvia, Lithuania, the Netherlands, Portugal, Slovenia, Spain and Sweden. Bulgaria and Romania provided total figures for the period 2005 – 2007.

It can also be concluded that there is an uneven distribution of students from the Western Balkans among European destination countries. The European Union Member States which are geographically closer to Western Balkans countries issue, on average, more residence permits for students from these countries than Western, South-western or Northern European Union Member States (Table 2 below).

	%	Total number
Slovenia	52.92	706
Bulgaria ⁵	52.02	3,292
Hungary	14.44	1,104
Romania ⁶	9.47	661
Czech Republic	3.09	193
Germany	2.22	469
Sweden	1.38	201
Lithuania	0.70	7
Netherlands ⁷	0.58	11
Portugal	0.30	15
Finland	0.24	9
Spain	0.18	78
Latvia ⁸	0.00	0

⁵ Figures refer to the years 2005 – 2007 in total. The values for Bulgaria also include individuals benefiting from the country's policy regarding the "education of Bulgarians living abroad".

⁶ Figures refer to the years 2005 – 2007 in total.

⁷ Figures refer to January 2007 – April 2007.

⁸ Latvia did not issue residence permits for students from the Western Balkans in 2007. In 2006, 2 residence permits were issued for students from the Western Balkans, representing 1.24% of all residence permits for students from third countries in that year.

When comparing admission statistics to general migration statistics, it can be concluded that there is a correlation between the size of overall migrant populations from the Western Balkans to European Union Member States and the attractiveness of these countries for students from the Western Balkans (see Table 3 below). It can be assumed that the existence or non-existence of ethnic communities from Western Balkan countries in European Union Member States affects to some extent the size of migration movements of Western Balkan students to these countries. Germany and Sweden are notable exceptions in this respect.

Table 3:
Destination countries for students from the Western Balkans in the European Union

	Residence permits for students from the Western Balkans issued in 2007 in %	Total foreign born from Western Balkans countries in % ⁹
Slovenia	52.92	89.34
Hungary	14.44	11.08
Czech Republic	3.09	1.32
Germany	2.22	14.05
Sweden	1.38	13.10
Lithuania	0.70	0.01
Netherlands	0.58	3.36
Portugal	0.30	0.07
Finland	0.24	3.58
Spain	0.18	0.23
Latvia	0.00	0.01

1.3. Short-term visas (with a duration of less than three months)

Four countries, Bulgaria, the Czech Republic, Hungary and Slovenia, provided us with statistics on the granting of short-term visas for studying/educational purposes (with a duration of less than three months) for students from the Western Balkans. Between 2005 and 2007, these four countries issued a total of 3,588 such short-term student visas. This value represents 20.88% of all short-term visas issued for students from third countries in the four countries between 2005 and 2007 (a total of 17,187 short-term visas).

⁹ Data refer to 2005. Source: Eurostat, Data for Germany: Statistisches Bundesamt, Bevölkerung und Erwerbstätigkeit. Ausländische Bevölkerung - Ergebnisse des Ausländerzentralregisters, Wiesbaden 2008

1.4. Misuse of student visas and residence permits

1.4.1 Statistical indicators for misuse regarding the Western Balkans

Five countries, the Czech Republic, Finland, Hungary, Romania and Slovenia, provided statistical indicators on the misuse of student visas for students from the Western Balkans. In general, it can be concluded from the information provided that the misuse of student visas by nationals from Western Balkan countries is of only minor importance or even completely irrelevant.

The Czech Republic, for instance, reported some experience with misuse of student visas and residence permits, mainly linked to illegal work, but did not find statistical evidence for such misuse by students from the Western Balkans. Figures on the rejection of applications for student visa/residence permits or the withdrawal of such permits can also be seen as an indicator for actual or potential misuse of admission permits. When analysing the figures provided by countries on this aspect, it again becomes obvious that such misuse is of only minor significance regarding students from the Western Balkans.

In **Slovenia**, a total of 60 applications for short-term and long-term student visas were rejected between 2005 and 2007. Not a single rejection referred to applicants from the Western Balkans. **Hungary** rejected 21 applications for residence permits for students from the Western Balkans between 2005 and 2007, representing 0.93% of all applications from the Western Balkans over the period (2,257 applications, 2,236 permissions given).

Romania cancelled or withdrew 23 residence permits for students from the Western Balkans during 2005-2007, representing only 3.48% of the total 661 permits for students from the Western Balkans. The value for short-term student visas is even lower: only 5 cases, or 0.22%, of short-term visas for students from the Western Balkans had to be cancelled or withdrawn in Romania between 2005 and 2007. **Finland** issued 36 residence permits for students from the Western Balkans between 2005 and 2007, only one of which had to be dismissed.

The above information is insufficient to be fully representative of the situation regarding the actual or potential misuse of student visas across the European Union. However, if we regard the available statistics as possible indicators for such misuse, it is safe to assume that students from the Western Balkans do not constitute a particular risk group when it comes to the misuse of entry visas or residence permits.

1.4.2 General information on misuse

During our research we often came across information that irregular migrants do indeed use student visas to enter the territory of European Union Member States, but this was mainly observed for nationalities other than those of the Western Balkans. One explanation for this lies in the fact that student visas and/or residence permits are easier to obtain than other types of entry and residence permits.

In Austria for instance, students do not encounter too many obstacles in acquiring visas because permit fees and university fees are very low there compared to other European countries. The two *main reasons for visa misuse* in the Netherlands are (1) work and (2) family reunification. Not only have the fees for other kinds of visas increased, but the family reunification procedure has also become more difficult. One must, for example, prove being able to speak very basic Dutch before entering the country. The *IND could not pinpoint students*

from the Western Balkans as misusing visas; rather they named developing countries such as China, Pakistan and India with growing populations as risk countries. If a student is found to be working illegally he/she will be deported, but may remain until a verdict is delivered. This information is passed to the Schengen Information System (SIS), but is deleted after one year, after which the student may re-enter the Netherlands.

1.5. Risk assessment and risk profiles in the admission procedures

One of the objectives of the present study was to establish whether students from the Western Balkans are considered to fall within 'risk categories' of immigrants in European countries when it comes to the misuse of visas or residence titles. The survey findings show that this is not the case. Sixteen of the seventeen countries that returned a questionnaire confirmed that students from the Western Balkans do not represent a risk group in their country. Students from *China, India and Pakistan* on the other hand are considered to have a risk profile.

Latvia, Lithuania and **Finland** detailed their answers by underlining that students from the Western Balkans constitute only a small student immigrant group and are therefore unlikely to be a potential risk group.

In this context it should nevertheless be mentioned that there are other foreign students who are considered as problematic in all EU countries when it comes to misuse of entry and residence titles. **Romania** indicated that students from *Iraq, Bangladesh, Somalia and Congo* are considered as risk profile groups. **Slovenian** government officials named students from *China, India* and several *African countries* as having risk profiles, whilst **The Netherlands** cited *China, India and Pakistan* as falling into this category.

II. UNIVERSITY RESPONSIBILITIES

AND CO-OPERATION WITH GOVERNMENT AUTHORITIES

A major finding of this study is that universities and higher education institutions are increasingly assuming responsibilities in the admission procedures of third country students, as well as in monitoring their compliance with immigration regulations. The Netherlands and the United Kingdom in particular have introduced - or are planning do so in the near future - co-operation mechanisms between the immigration authorities and universities/educational institutions, which assign far-reaching responsibilities to the latter. Despite the practical and administrative problems faced by universities when taking over wider obligations in the management of student migration, these policies also allow enhanced cross-border co-operation in the academic field and thus also have the potential to enhance the prospects of bona fide students from the Western Balkans wishing to study in EU Member States.

2.1. The role of universities in admission procedures

Only two countries, *the Netherlands* and *Slovenia*, assign universities a particular role in the admissions procedure and subsequent responsibilities for their students after admission to the country. The *United Kingdom* is planning to introduce a *points-based system* in spring 2009 that will also assign more responsibilities to universities for their international students.

In *the Netherlands*, universities and other higher education institutions are generally obliged to guarantee a certain quality for their study programmes, recruitment, selection and counselling procedures, and they must provide timely, reliable and easily accessible information to international students. In practice, the involvement of universities in admission procedures, as well as the responsibilities arising from admissions, are far-reaching despite the state's principle responsibility.

Signing the *Code of Conduct*¹⁰ is a mandatory pre-condition for any university wishing to admit non-EU students. The Dutch government does not allow non-signatory universities to recruit students from third countries or, to put it differently, non-EU students seeking a course at a non-signatory university will not be able to obtain a residence permit.

Compliance with the Code of Conduct is governed by an independent *national commission*¹¹ that deals with possible complaints and decides on legal and procedural changes. The detailed effects of the Code of Conduct and the success of its regulatory mechanism are yet to be determined since it was only implemented in the 2007-2008 academic year. 2006-2007 was considered a

¹⁰ Detailed information on the Code of Conduct can be found in Appendix VI.

¹¹ The Commission has six members: the Association of Universities in the Netherlands (VSNU), the Netherlands Association of Universities of Applied Sciences (HBO-raad), the Federation of International Higher Education Institutions in the Netherlands (FION) and the Association of Accredited Private Higher Education Institutions in the Netherlands (PAEPON).

pilot year, which allowed universities a margin for adjusting to the Code of Conduct. The Code is self-regulatory to the extent that universities are required to report irregularities to the Immigration and Naturalisation Service (IND), such as the unexpected absence of a student from a designated study programme. There is no automatic follow-up procedure on individual admissions from the IND or the national commission.

Slovenian universities and higher education institutions assist their students during the visa and residence permit procedures, during their studies, and in finding accommodation¹². However, universities have no formal or legal responsibility for students during their stay in Slovenia.

Twelve¹³ countries indicated that their universities and higher education institutions have no special role in the admission procedures or responsibility for their students once they are admitted to the country. **Germany**, **Finland** and **Spain** did not provide answers to this question.

2.2. University reporting obligations

Reporting obligations for universities and educational institutions with regard to students from third countries exist in most of the seventeen countries that responded to the questionnaire¹⁴, except in *Austria*, *Slovenia*, *Sweden*, *Switzerland* and the *United Kingdom*¹⁵.

In **Switzerland**, third country students are obliged to sign an agreement to leave the country after finishing their studies. However, universities and higher education institutions are not obliged to assume direct responsibilities for a graduate student.

According to **Bulgarian** state policy, a student must personally hand in an application together with all relevant documents to the administration department of the chosen university. Universities are then obliged to conduct an accurate inspection of all the documents submitted and only in the case of a successful application, will these be sent to the Ministry of Education and Science (MoES)¹⁶. If an applicant fulfils all necessary requirements, the MoES will issue a 'Certificate of admission of the applicant as a student (or post-graduate) in Bulgaria' and notify the Ministry of Foreign Affairs and the Ministry of the Interior, specifically the Immigration Department, of its decision. However, this procedure is long and time-consuming and considered to have a de-motivating effect on international students considering studying in Bulgaria. As regards the reporting obligations of universities in Bulgaria, they are expected to inform the MoES when a student has finished his/her studies. Universities are required to send annually updated statistical reports on undergraduate and post-graduate students to the immigration authorities, which then enter this information into the *database on foreign citizens*.

In **the Czech Republic**, universities and higher education institutions are obliged¹⁷ to report to the *Foreigners Police* if a student has been dismissed or excluded from classes, suspended, or if he/she has finished his/her

12 CMEPIUS is, for example, one of the institutions dealing with these issues. CMEPIUS acts as a link between students and the authorities, in both a formalised manner and on an ad hoc basis. For instance, CMEPIUS will contact students and explain what needs to be done for the admission procedure. CMEPIUS also usually informs the embassies by letter if a student has been accepted and will be applying for a visa or residence permit. It also co-operates with the administrative unit of the office for foreigners in Slovenia that takes decisions on residence permits. <http://www.cmepius.si/en/cmepius.aspx>

13 These being: Austria, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Sweden and Switzerland.

14 Spain, Poland, Portugal, Germany and Finland were the only countries that did not provide answers to this question.

15 In spring 2009, the UK Border Agency is planning an introduction of a points-based (visa) system that will not just change the visa procedures for international students but will also strengthen cooperation between universities and the government. (To date, there has been no cooperation at all between them.)

16 According to Article 15a, § 1 of the Ordinance on the Conditions and Procedures for Issuing Visa.

17 According to Act Nr. 326/1999 Coll. on Residence of Foreigners on the Territory of the Czech Republic.

studies. In **Estonia** the reporting procedure is almost the same, except that universities are obliged to report to the *Citizenship and Immigration Board* on all the previously mentioned situations.

In **Hungary**, universities are obliged to report to the *Office of Immigration and Nationality (OIN)* when a student has finished his/her academic studies and consequently becomes subject to a change in residence status. There is also an agreement between universities or other higher education institutions and the OIN that a proportion of the student's tuition fees should be frozen in the event that a student is expelled. OIN in turn regularly informs university departments if there are any changes in legislation relevant to international students.

In **Latvia**, universities report to the *Office of Citizenship and Immigration* when a student finishes his/her studies. In **Romania**, universities and other educational institutions are obliged to notify the Romanian Immigration Office about students' admittance and completion of their studies.

Lithuanian officials stated that students from third countries who apply for a visa or residence permit must present to the immigration authorities an invitation letter from their prospective university or other higher educational institution in Lithuania, addressed to the relevant diplomatic mission or consular post. The letter must pledge to provide invited students with accommodation and to cover maintenance expenses during their stay in the Republic of Lithuania, and in cases when the student violates the law, to cover the expenses of his/her expulsion from Lithuania. They also have an obligation to report to the Ministry of the Interior any foreign students who are expelled, suspended, or simply come to the end of their studies.

2.3. Cooperation mechanisms between universities and administrations

The **United Kingdom** is currently working on the introduction of a new *points-based visa system*¹⁸ in order to narrow the legislative gaps that lead to unwanted illegal immigration. Until now there had been no strong co-operative links between the UK Border Agency (formerly the Home Office) and universities and other higher education institutions. At present, universities are not limited in their choice of students and they bear no particular responsibility if students misuse their residence permit.

Through the points-based visa system (expected to be introduced in spring 2009), the relationship between government and higher education institutions will change completely. According to the new system, universities will be graded according to their track record in monitoring their foreign students' compliance with immigration regulations. Every higher education institution that wants to accept international students will seek to have a top grade in this respect and must be listed in the *Government's Register of Education and Training Providers (GRETP)*¹⁹.

18 The points-based system will enable the United Kingdom to control migration more effectively, tackle misuse and identify the most talented workers and researchers. This system calls on industry and education sectors to play their role in downsizing illegal immigration and helping this new scheme be a success. The points based system is a central part of the Government's five-year strategy for asylum and immigration, which was published in February 2005, and is committed to a wide-ranging plan: (1) to ensure that only those who benefit Britain can go there to work or study [highly skilled, e.g. scientists or entrepreneurs – Tier 1, skilled workers with a job offer, e.g. nurses, teachers, engineers – Tier 2; low skilled workers filling specific temporary labour shortages, e.g. construction workers for a particular project – Tier 3; students – Tier 4; youth mobility and temporary workers e.g. working holiday makers or musicians coming to play a concert – Tier 5]; (2) to strengthen the UK's borders; to crack down on misuse and illegal immigration; (3) and increase removals. The scheme will be complemented with a tougher approach from British embassies abroad to weed out false applications and will place increased obligations on UK businesses and universities who will now be required to sponsor migrants and help ensure that those they sponsor adhere to the terms of their visa. (Online source at <http://www.homeoffice.gov.uk/about-us/news/points-based-system-announced>)

19 The Government's Register of Education and Training Providers includes all publicly-funded institutions of further and higher education as well as private education institutions which are accredited by the British Accreditation Council for Independent Further or Higher Education, the British Council, or by the Association of British Language School. Institutions can be checked on-line: <http://www.dfes.gov.uk/providersregister/>

Only a GRETP listing will allow foreign students to apply to any of the registered institutions and for the subsequent student visas and residence permits. In cases where the institution is not listed in GRETP and has not proven that it co-operates with the UK Border Agency, international students would face difficulties in obtaining a student visa or a residence permit.

According to the points system, universities will be obliged to report to the UK Border Agency any unauthorised absence of a student within ten days, and failure to do so could result in the university being downgraded and even subjected to legal claims by the government. However, although this reporting obligation will certainly be introduced, legislative tools for implementing the requirement have so far not been mentioned. A number of higher education institutions are also considering introducing *electronic registers* for students, although it should be mentioned that some universities expect significant formal, practical and administrative difficulties in monitoring their foreign students according to the new requirements. However, during our qualitative interviews, some higher education institutions in the United Kingdom (such as the London School of Economics and Political Science) pointed out that they had never experienced any cases of misuse of student visas or residence permits by students from the Western Balkans, and that this group of students is rather under represented in UK universities²⁰.

The Netherlands has already established close co-operation between universities and the immigration authorities (such as the Immigration and Naturalisation Service) in tackling misuse of student visas. Other actors are also part of this co-operation network, such as the *Netherlands Organization for International Cooperation in Higher Education* (NUFFIC)²¹. Regularly, it is NUFFIC that assesses a student's level of English and school diplomas, including the authenticity of supporting documents. It is the Dutch embassies that assume the task of assessing the validity of travel documents. After a favourable assessment of an applicant's identity and travel documents, universities conduct additional examinations of the supporting documents submitted. If a university or other higher education institution has any suspicion about the documents submitted²², such as a school diploma, they refer the application to NUFFIC.

NUFFIC re-examines the validity of a diploma using experts who are specially trained in document fraud and falsification. Based on its assessment, NUFFIC provides advice to the university or other educational institution. However, the final decision on admission is taken by the institution itself. In case of doubt, universities usually ask an applicant to send their original diploma for further investigation. If an original diploma is not presented to the university, the case is usually closed²³.

20 Reasons for this vary but are mostly because the UK education market is opening up more towards developing countries with population growth rather than towards the Western Balkans. Other reasons might be student fees, tuitions and living costs, which are much higher than in the Western Balkans.

21 NUFFIC is a specially structured, non-profit organisation run by civil servants that is 98% funded by the Dutch government but acts rather as an independent body. Based on international policies, NUFFIC was founded in 1952 by those Dutch higher education institutions that were willing to work together in strengthening international academic co-operation. The Netherlands was at that time well known in the European Union for having a high number of minority groups and was defined as 'mid-field'. It was therefore necessary to create an organisation in the field of education that would exist under the government's wing yet retain sufficient autonomy to represent public interest. NUFFIC was also an initiative from the government, which wanted to distance itself from certain tasks such as the evaluation of diplomas and the improvement of admission procedures in general. A further NUFFIC role is to manage the scholarship system (e.g. Dutch embassies are very keen on giving scholarships) and help Dutch higher education institutions when dealing with certain parts of visa procedures for foreign students.

22 For example, if a university is confronted with a diploma they have not seen before or if a student is from certain 'risk profile' countries such as China, Pakistan, India, Bangladesh or Mongolia (as a general rule, all students from Mongolia who apply for studies in the Netherlands are double checked both through universities and through NUFFIC).

23 NUFFIC deals only with copies of the documents held by universities (embassies are the only other bodies to see the originals) but if there is any hesitation on the decision, NUFFIC must ask for the originals. In cases when students do not send their originals, it does not necessarily mean that a student intends to enter the Netherlands illegally, but may rather indicate that a student does not feel comfortable with an idea of sending original diplomas abroad.

2.4. Experience with admission procedures

Admission procedures show close similarities between the countries under examination, although there are some differences regarding the involvement of universities, both in the areas of overall responsibilities as well as in the formal requirements demanded of their students.

In **Austria**, the admission procedures for foreign students begin with an application to the public university, college or accredited private university. The institutions must then examine all of the admission criteria, such as the general requirements for applying to the university, special requirements regarding the branch of studies (e.g. applying for Political Science at the University in Vienna) and minimum proficiency in the German language²⁴. The procedure of issuing a residence permit or visa for students only begins when students receive a positive answer (a letter of confirmation) from the university, which is then handed in, together with other documents required, to the appropriate local authority in the city where a student has chosen to study. In cases where students do not fulfil all the requirements, they can still be admitted to university, but as students with a special status²⁵. In Austria, residence permits for students are issued for no less than twelve months and extension applications must be made annually, unless the type of residence permit has been changed (usually from a student residence permit to a work permit). However, in order to prolong a student residence permit, the student must be able to provide Austrian government officials with a certificate of her/his academic achievement on an annual basis. Failure to do so might result in the residence permit being cancelled (i.e. it will not be prolonged for the following year).

In order to apply for a student residence permit for **Estonia**, a student must have been admitted to a university or other educational institution. A foreigner who is a long-term resident in any other EU Member State has the right to submit an application for a temporary student residence permit whilst in Estonia. Universities or other educational institutions must issue a confirmation/invitation letter to a student applying for a student visa in Estonia. Other relevant documents are: the individual study programme, confirmation from the university in Estonia that the applicant has sufficient knowledge of the language required for the studies, the title of the course or practical training and its estimated duration. Foreign students in Estonia can be issued with residence permits and study visas for up to one year, but they cannot be extended for longer than the estimated study time.

According to national legislation, before entering the **Republic of Slovenia** a student must apply either for a short-term visa (only for short courses) or for a residence permit (for study at a university or other similar educational institution). The application for a temporary residence permit for the purpose of study is filed at the relevant Slovenian diplomatic mission or consulate. Being granted a permit is conditional upon the submission of:

24 Proficiency in the German language is mostly assessed through exams that foreign students are obliged to take after admission. If students have certificates or diplomas that prove they have sufficient knowledge of the German language, they must present these together with other relevant documents during the admission procedure. In other cases, it is common for foreign students attending Austrian universities only take a German language course at the beginning of their studies, lasting for at least one year. A certificate of a successfully completed final exam must then, together with other relevant documents, be handed in to the local authority official in order to prolong the student's residence permit for one more year.

25 This is mostly when students have difficulties with the German language and in this case they have to take only German language courses for one or two semesters. At the end of the academic year there is a final test. After that, students with special status become regular students.

- A letter of acceptance issued by the educational institution; or
- A CMEPIUS enrolment certificate; or
- Confirmation from the state body that is responsible for the implementation of international and bilateral agreements or is the grant-awarding body; or
- Confirmation issued by the state-authorized organisation responsible for the implementation of a specific course.

The competent authorities must give priority to processing applications for temporary residence permits for study purposes. International students in Slovenia must also present the following documents when applying for visas or residence permits:

- A valid travel document (whose period of validity exceeds the intended period of stay by at least three months);
- Appropriate health insurance;
- Sufficient funds for subsistence during the stay in the country (or other type of guarantee);
- A certificate of non-criminal record issued by the state of origin.

According to Slovenian legislation, two different authorities co-operate in the admission procedure for students:

- the diplomatic/consular representative of the Republic of Slovenia abroad (the student must file an application in the case of a first residence permit – handling of valid residence permit);
- the administrative unit (the decision-making authority in the procedure of issuing and extending residence permits for reasons of study).

In **the Netherlands**, rather like in other European Union Member States, the admission procedure begins with an application made by a student and an invitation letter from the university. Students from third countries studying in the Netherlands currently benefit from *accelerated admission and visa procedures*, due to the fact that most of the educational institutions have signed the Code of Conduct which regulates the roles and responsibilities of universities and other higher education institutions in the admission process and acts as a self-regulating tool. Normally, the processing of visa applications in the Netherlands may take up to six months. However, upon request or approval by the student, universities can currently choose to assume full responsibility for the student and apply for the visa on his/her behalf²⁶. This model falls under the regulations concerning the accelerated visa procedure system. Accountability is stipulated in a covenant that must be signed by the relevant university and submitted with each visa application to the Immigration and Naturalization Service (IND). If the visa application is complete upon submission, the IND guarantees processing within two weeks. By shifting the responsibility so that the student meets all the stipulated requirements of the university, the IND facilitates the visa process. However, the universities have incurred a need for additional human and financial resources in order to cope with the extra administrative procedures. The accelerated visa procedure proved to be so efficient that it became the only student visa procedure as of 1st August 2008.

²⁶ The MVV will cost €250 if the university applies on the student's behalf. Otherwise the fee is €433.

III. POLICIES AND PRACTICES

This last chapter of our study focuses on existing bilateral agreements regarding admission procedures between EU Member States and third countries in general and the countries of the Western Balkans in particular, as well as on existing special policies and procedures that EU countries have developed in this respect.

Of the seventeen countries that responded to the questionnaire, only three, namely **Bulgaria, Hungary** and **Slovenia**²⁷, said that they have bilateral agreements with Western Balkan countries specifically regarding the admission of students. **Lithuania, Poland, Germany** and **the Netherlands** on the other hand, referred to more general agreements and programmes on academic exchange²⁸, which also partly cover Western Balkan countries.

Bulgaria has bilateral agreements on admission procedures with a number of third countries²⁹, including *Albania, FYR Macedonia and Serbia*. These agreements are contingent upon a prearranged exchange of students (through the Ministry of Education of the Republic of Bulgaria) between universities and other higher education institutions in the named countries.

Bulgaria and Hungary have established unique policies and procedures for their minorities abroad. For Bulgaria, these policies refer to people with Bulgarian nationality domiciled in the Western Balkans, mostly in the Former Yugoslav Republic of Macedonia. Inter alia they enable students with Bulgarian nationality living abroad easier access to Bulgarian universities and its educational system in general, based on the following legislation: (1) *Law on Bulgarian citizens living abroad*, (2) *Decree No. 103/1993 of the Council of Ministers on carrying out educational activities among the Bulgarians living abroad*, and (3) *Decree No 228/1997 of the Council of Ministers on admission of students from the Republic of Macedonia to the state universities of the Republic of Bulgaria*.

.....
²⁷ Slovenian universities concluded bilateral agreements with the following Western Balkan countries: (1) Bosnia and Herzegovina [University of Tuzla, University of Bihać, University of Zenica, University of East Sarajevo, "Džemal Bijedić" University in Mostar, University of Sarajevo, University of Banja Luka]; (2) FYR of Macedonia ["Sv. Kiril i Metodij" University in Skopje, "Sv. Kliment Ohridski" University in Bitola, and SEE University]; (3) Republic of Montenegro [University of Montenegro]; and (4) Republic of Serbia [University of Novi Sad, University of Belgrade and University of Kragujevac].

²⁸ China is the only exception with regard to special policies in the Netherlands, as Chinese students have been required since 2001 to register with Neso in Beijing for a "Neso certificate" which provides an assessment of the student's level of English and general education.

²⁹ Hashemite Kingdom of Jordan, India, Kingdom of Morocco, Mongolia, People's Republic of China, Republic of Argentina, Republic of Armenia, Republic of Belarus, Republic of Cuba, Republic of Korea, Republic of Moldova, Republic of Turkey, Russian Federation, Socialist Republic of Vietnam, Syrian Arab Republic, Ukraine, United Mexican States.

Hungary has several bilateral agreements in place with third countries regarding the admission of foreign students to Hungarian universities, including Chile, Lebanon, Russia, Ukraine, Bulgaria, Cuba and three Western Balkans countries. The bilateral agreements with the latter are:

- *Serbia and Montenegro* (Government Decree No. 164/2007 and 163/2007 [VI.27]);
- *Former Yugoslav Republic of Macedonia* (Government Decree No. 160/2007 [VI.27]);
- *Bosnia and Herzegovina* (Government Decree No. 154/2007 [VI.27]).

One of the objectives of these agreements is to improve co-operation between all parties in the field of education. In order to further promote such co-operation, Hungary holds on-going talks with the other countries in order to reach a common understanding that will serve as the basis for building an international educational system.

In response to the questionnaire, the Hungarian authorities pointed out that they do not apply any particular policies or procedures when it comes to admitting students from the Western Balkans. However, as already mentioned, there are a great number of Hungarians living abroad who fall under the protection of a government decree issued by the Ministry of Education and Culture³⁰. In the Western Balkans, there are, for example, numerous Hungarian minorities living in Vojvodina, Serbia.

The decree mentioned stipulates special regulations for students belonging to a Hungarian minority abroad and it entitles them to the same rights as native Hungarians enjoy when it comes to support measures (scholarships etc.) in the field of education. For every school year, the Ministry of Education and Culture sets the number of students that can take part in this programme, whilst the Scholarship Board (within the office of *Hungarians Beyond the Borders*), together with the regional scholarship boards operating in Montenegro and Serbia, process the applications and make final decisions.

Slovenian universities have concluded bilateral agreements on the admission of students with several universities in the Western Balkan countries of *Bosnia and Herzegovina*, the *Former Yugoslav Republic of Macedonia*, *Montenegro* and the *Republic of Serbia*.

Besides these bilateral agreements, a number of student exchange programmes have also been established. One of them is the "Central European Exchange Programme for University Studies (CEEPUS)"³¹. CEEPUS covers fourteen Member States: Albania, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Montenegro, Poland, Romania, Serbia, the Slovak Republic and Slovenia.

The main objectives of CEEPUS are to:

- promote a European higher education area;
- use regional academic mobility as a strategic tool to contribute to the implementation of the Bologna objectives;
- and to facilitate co-operation between the countries of South-East Europe (SEE) and Ukraine.

³⁰ After the fall of the Austro-Hungarian Empire in 1918, many of its territories were lost to successor states such as Austria, Hungary, Czechoslovakia, Poland and the Kingdom of Serbs, Croats and Slovenes (later the Social Federal Republic of Yugoslavia) as well as to other smaller territories within Romania, Italy and the Ukraine. Several reports showed that around 3.5 million ethnic Hungarians were living within these territories. As reported during the communist period, of these 3.5 million, over 350,000 were living in Serbia at that time. From Patkai, Robert J. (1995): "Hungarian minorities in Europe: a case study". In *The Ecumenical Review*.

³¹ Online source: <http://www.ceepus.info>

Lithuania has an agreement with the Council of Ministers of Montenegro and Serbia on co-operation in the fields of education, science, culture and sports. This agreement does not deal with admission procedures for students from Serbia and Montenegro as such, but it indicates that they have the right to apply for scholarships when studying in the Republic of Lithuania.

Poland also stated in response to the questionnaire that whilst at present no bilateral agreements have been concluded with Western Balkan countries, several agreements signed between Poland and the Socialist Federal Republic of Yugoslavia in the 1960s and 70s, remain in force today. These agreements refer to a list of universities from both contracting sides that are entitled to an exchange of students, trainees and academics.

Furthermore, students, trainees and academicians from the Western Balkan countries are entitled to support from Development Aid (a Polish aid programme)³² implemented by the Polish Ministry of Foreign Affairs in co-operation with other governmental partners. The actual granting of scholarships is co-ordinated by the Ministry of Science and Higher Education and the Bureau for Academic Recognition and International Exchange (which is a member of the ENIC/NARIC Network)³³.

Germany also pursues a specific programme of academic exchange, namely the German Academic Exchange Service (DAAD, Deutsche Akademischer Austausch Dienst)³⁴.

DAAD is a special service that supports the building and maintaining of networks between universities in different countries and regions (including the Western Balkans) and universities in Germany. DAAD provides funds for scholarships and financial aid on a needs-based approach, and contributes to the rebuilding of higher education structures in the Western Balkans region; it also channels essential funding provided by the Department for Foreign Affairs.

Within the framework of the 'Academic Rebuilding of South-East Europe' programme, 460 students, post-graduate students and researchers from the Western Balkans (from Belgrade, Podgorica, Pristina, Sarajevo, Skopje, Tirana) went to study in Germany in 2007. Study took the form of study visits, research visits and short-term visits for workshops and seminars etc.

An overview of existing bilateral agreements regarding academic exchange, as well as special policies and procedures between sixteen EU Member States and the countries of the Western Balkans, is given in Table 4 below. It should be noted that most countries shown in the table, which currently have no particular policies on the admission of students from the Western Balkans, stated that they **implement the recommendations from Directive/2004/114/EC in accordance with EU visa facilitation for the countries of the Western Balkans**, a fact that can be considered as at least '**indirect**' facilitation of admission of students from these countries.

³² <http://www.polskapomoc.gov.pl/Bilateral,Assistance,180.html>

³³ <http://www.enic-naric.net/>

³⁴ <http://www.daad.de/de/index.html>

Table 4:
Overview of current bilateral agreements, special policies and procedures between the countries of the Western Balkans (Albania, Bosnia and Herzegovina, FYR Macedonia, Montenegro and Serbia) and other European countries

	Does your country have any bilateral agreements in place with any of the countries of the Western Balkans regarding the admission procedure of their students?	Does your country have any special policies or practices in place regarding the admission procedures of students from Western Balkan?	Does your country have any plans to introduce any special policies or practices regarding the facilitated admission procedures for the students from the Western Balkans?
Austria	No	No	No
Bulgaria	Yes	No	No
Czech Republic	No	No	No
Estonia	No	No	No
Germany	No	No	No
Hungary	Yes	No	No
Latvia	No	No	No
Lithuania	No	No	No
Netherlands	No	No	No
Poland	No	Yes	No
Portugal	No	No	No
Romania	No	No	No
Slovenia	Yes	Yes	No
Spain	No	No	No
Sweden	No	No	No
Switzerland	No	No	No

CONCLUSIONS

The main conclusions that can be drawn from this research are as follows:

- Students from the Western Balkans represent a comparatively small group among students from third countries admitted to EU Member States (and Switzerland), both in absolute and relative terms. In 2007, residence permits for students from the Western Balkans represented only 2.65% of all residence permits for students from third countries issued in the European countries that provided data for the study.
- Students from the Western Balkan countries tend to go to study in countries in close geographical proximity to their home country or where larger migrant communities from the Western Balkans have already established themselves. Western, south-western and northern EU Member States are less attractive countries of destination for students from the Western Balkans.
- The analysis of available statistical indicators for the misuse of student visas does not indicate much, if any, involvement of students from the Western Balkans. On the contrary, the data suggest that procedure misuse by these students is rather an exception.
- Sixteen of the seventeen countries that replied stated that students from the Western Balkans do not represent a risk profile group in their country - a notable fact, since applicants for student visas from other third countries do constitute risk groups when it comes to compliance with immigration regulations.
- Universities and educational institutions are increasingly assuming responsibilities in the admission procedures of third country students as well as in monitoring how these students comply with immigration regulations. The Netherlands and the United Kingdom in particular have introduced - or are planning to do so in the near future - co-operation mechanisms between the immigration authorities and universities/educational institutions, which assign far-reaching responsibilities to the latter.
- Despite the practical and administrative problems universities face when assuming obligations in the management of student migration, these policies also allow for enhanced cross-border academic co-operation and thus have the potential to enhance the prospects for bona fide students from the Western Balkans wishing to study in European Union Member States.

- Three respondent countries, namely Bulgaria, Hungary and Slovenia, stated that they have concluded bilateral agreements with the Western Balkan countries that specifically cover student admissions. Other countries, such as Lithuania, Poland, Germany and the Netherlands, referred to more general agreements and programmes on academic exchange, which partly cover Western Balkan countries as well.
- Most countries, even when they currently have no particular policies on student admissions from the Western Balkans, nevertheless implement the recommendations of **Directive/2004/114/EC in accordance with EU visa facilitation for the countries of the Western Balkans**. This can be considered as an 'indirect' facilitation of admission for students from these countries.

In summary, it can be stated that privileged access to student visas and broader student exchange and admission programmes for students from Western Balkan countries is the exception rather than rule. The trend towards increasing the responsibilities of universities and other educational institutions in admission procedures and the monitoring of third country nationals during their residence, also provide opportunities to help students from Western Balkan countries to study in European Union Member States. Enhanced and sustainable co-operation between universities in the European Union and in Western Balkan countries on the development of specific student exchange policies, on the acknowledgement of degrees and the validity of supporting documents for student visa applications, could do a lot to reduce the obstacles for students from the Western Balkans who would like to study abroad.

APPENDIX I

QUESTIONNAIRE

The purpose of the following questionnaire is to collect information (statistics, if available, as well as estimates and experience) on the misuse of visa and residence permits by students from the Western Balkans (Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia) in the EU Member States. The questionnaire consequently includes questions on the numbers of students admitted for short- and long-term visa and residence permits and cases of misuse, as well as the main reasons for and/or categories of misuse (use of false and falsified documents, illegal work, overstay). It is clear that accurate statistics may not always be available. In these cases, we kindly ask you to provide us with your working assumptions and estimates.

This initiative is being carried out in support of the implementation of the '*Smart Visa for Students from the Western Balkans*' project initiated by the King Baudouin Foundation in 2006 and implemented in cooperation with ICMPD. The main objective of the project is to identify possibilities for optimising conditions for students from the Western Balkans to take up long- or short-term studies in the EU. The project responds to the recommendations elaborated by the International Commission on the Balkans in its 2005 report '*The Balkans in Europe's Future*', which pointed out that students in the Western Balkans, to a strikingly limited extent, have never been abroad and experience difficulties in pursuing their studies in the EU.

One of the main concerns raised in connection with the introduction of facilitated procedures for students is that it could lead to increased misuse of visa and residence permits, either by using false or falsified documents or by misusing educational purposes as a pretext for entering the EU for other purposes, such as work. The study elaborated within the '*Smart Visa for Students from the Western Balkans*' project indicated that in the countries included in that project - Austria, Belgium, Germany, Italy, Slovenia and Sweden - misuse of visa and residence permits for the purpose of studies by students from the Western Balkans is very limited. However, a clear overview of the situation does not yet exist.

In support of further discussions on the introduction of facilitated procedures for students from the Western Balkans, it is important to have clarity about the size and scope of misuse of visa and residence permits. This project therefore aims to prepare this knowledge base through targeted research and data collection in all 27 EU Member States.

Thank you for your cooperation.

A. Policies relating to students, especially students from the Western Balkans

I. Policies and practices relating to students from the Western Balkans

1. Please indicate if your country has bilateral agreements in place regarding admission (for admission to universities or to the country) of students from third countries.
 - a. If yes, please indicate which countries.
 - b. If bilateral agreements are in place with any of the Western Balkan countries regarding admission of students (for admission to universities or to the country) please describe how the agreements are implemented in practice (eased access to universities, eased admission procedures etc.).
2. Besides bilateral agreements, does your country have any special policies or practices in place for admission of students from the Western Balkans? If yes, please specify.

II. Risk assessment and risk profiles regarding admission of students

3. Does your country work with "risk profiles" regarding students from third countries? If yes, please indicate from which countries students are considered to be a "risk profile" group.
4. If students from Western Balkan countries are included as a special risk group, please specify:
 - a. Reasons for the assessment
 - b. Implications of the assessment (functioning in practice).

III. University and other educational institutions cooperation and responsibilities

5. Do universities or other educational institutions have a special role in the admission procedures of their students? If so, please describe:
 - a. Their role within the admission procedure and
 - b. Their responsibilities for students staying in the country of admission.
6. Please indicate whether universities and other educational institutions have any reporting obligations regarding students from third countries:
 - a. Upon entry of the student
 - b. During the time of study
 - c. Upon/after departure.
7. Please describe your experiences working with universities and other educational institutions, including specifically:
 - a. The admission procedure
 - b. Responsibility for students present in the country.

B. Statistics and estimates on students from the Western Balkans

The next section relates to **the number** of persons entering for the purpose of study as well as to **cases of misuse** of visa and residence permits, by students from the Western Balkans. In the first place, we are asking for **statistics** relating to this. However, in the event of statistics not being readily available, we ask you to provide us with your **working assumption** and **estimates regarding** the level of misuse. Especially concerning the questions relating to misuse, we would also be grateful to receive any other relevant information concerning your experience with students from the Western Balkans.

I. Persons from the Western Balkans entering for the purpose of study

8. Please indicate the total number of third country nationals that have been admitted to your country for the purpose of studies over the last three years (2005 – 2007).
If possible, please indicate how many of those were admitted on a:
 - a. Short-term visa (less than three months)
 - b. Long-term visa or residence permit (more than three months)

9. Please indicate the total number of persons from the Western Balkans that have been admitted to your country over the last three years (2005 – 2007).
If possible, please indicate how many of those were admitted on a:
 - a. Short-term visa (less than three months)
 - b. Long-term visa or residence permit (more than three months)

10. Please indicate the total number of persons from the Western Balkans that have been admitted to your country for the purpose of studies over the last three years (2005 – 2007).
If possible, please indicate how many of those were admitted on a:
 - a. Short-term visa (less than three months)
 - b. Long-term visa or residence permit (more than three months)

II. Statistics/estimates on misuse of visa and residence permits

— In the application procedure

11. Please indicate the total number of applications for the purpose of studies that have been rejected or not processed due to suspected irregularities in the application procedure during the last three years (2005-2007).
If possible, please indicate how many of those concerned:
 - a. Short-term visa (less than three months)
 - b. Long-term visa or residence permit (more than three months)

12. If possible, please indicate how many of those were rejected due to:
 - a. Use of false or falsified documents
 - b. The purpose of study not sufficiently substantiated
 - c. Other:

— **Inside the country**

13. Please indicate the total number of visa/residence permits for students from Western Balkan countries that have been cancelled/withdrawn due to misuse over the last three years (2005–2007).

If possible, please indicate how many of those were admitted on a:

- a. Short-term visa (less than three months)
- b. Long-term visa or residence permit (more than three months)

14. Please indicate the total number of those cases that were considered misuse due to:

- a. Permit delivered on the basis of incorrect information
- b. Not fulfilling the purpose of studies
- c. Engagement in illegal work
- d. Overstay of the visa/residence permit
- e. Other:

III. Experience with misuse of visa and residence permits regarding students from the Western Balkans

15. Please describe the experience of your administration regarding students from the Western Balkans

especially relating to conduct by prospective students/current students:

- a. In the application procedure
- b. Inside the country
- c. If there is experience with misuse, please describe, taking into account if problems are experienced due to:
 - i. Use of false or falsified documents
 - ii. Permit delivered on the basis of incorrect information
 - iii. Student not fulfilling the purpose of studies
 - iv. Engagement in Illegal work
 - v. Overstay of the visa/residence permit
 - vi. Other:

16. If there is experience with misuse, please describe whether experience with misuse by students from the Western Balkans differs depending on the type of permit i.e.

- a. Short-term visa (less than three months)
- b. Long-term visa or residence permit (more than three months)

C. Outlook regarding special procedures/practices for students from the Western Balkans

17. In the light of the progressing EU integration of the Western Balkan region, please describe, from the point of view of your administration, the prospect of introducing special policies or practices regarding admission of students from the Western Balkans (facilitated admission procedures)?
18. Please indicate how facilitated procedures for students from the Western Balkans could be practically organised for your country.
19. Please describe, from the point of view of your administration, the possible positive implications of facilitated procedures for students from the Western Balkans.
20. Please describe, from the point of view of your administration, possible challenges regarding the introduction of facilitated procedures for students from the Western Balkans.
21. Please describe any related policy development within your country of importance for the admission of students from the Western Balkans.
22. Any other issue that you may find relevant in the present context.

APPENDIX II

Expert interview guide

This is a non-exhaustive interview guide to be adapted according to country-specific needs

– Position of the expert

(Institution, organization, experience, field of activity, responsibilities etc.)

– Background, purpose and objectives of the project

- ◇ The focus of this project
- ◇ The major importance of this project
- ◇ What we are trying to achieve

– Policies and practices relating to students from the Western Balkan

- ◇ Please indicate if your country has any bilateral agreements in place regarding the admission of students from third countries in general and Western Balkan in particular.
- ◇ If your country has bilateral agreements with any Western Balkan countries, please indicate which countries they are.
- ◇ Could you give us more detailed information about these bilateral agreements?
- ◇ Does your country have any special policies or practices in place for students from the Western Balkans?
 - Different admission procedures
 - Different student fees
 - Responsibilities for students in the country
 - Quotas

– Risk assessment and risk profiles regarding student admissions

- ◇ Do you work with “risk profiles” regarding students from third countries?
 - Are students from third countries considered to be a “risk profile” group?
 - From which countries are students mostly considered to belong to a “risk profile” group?
- ◇ Are you aware of students from any of the Western Balkan countries being considered as a “risk profile” group?
 - In this case, could you please specify the reasons for the assessment?
 - Could you also specify the implications of this assessment?

– Cooperation with responsibilities of universities and other education institutions

- ◇ Do universities have any special role in the admission procedure of students from Western Balkan?
- ◇ Are universities responsible for students from the Western Balkans after their admission and until they leave the country?
- ◇ Do universities have any reporting obligations regarding students from third countries in general and the Western Balkans in particular?
 - Do universities report upon acceptance of a student at the university only?
 - Do universities report during the period of study?
 - Do universities report after student has finished studying?
 - If a student was registered within the university for longer than the time normally given to finish the course, would the university inform government officials about it? Would the student be contacted regarding this issue as well?
- ◇ Is there cooperation between universities and governmental officials regarding the admission procedures and students staying in the country?
 - How would you describe this cooperation?
- ◇ Is there cooperation between respective universities and any of the universities from Albania, Bosnia and Herzegovina, FYR of Macedonia, Montenegro and Serbia?
 - Basis for the exchange programmes.
 - Possibility of scholarships and grants.

– Experience with misuse of visa and residence permits regarding students from the Western Balkans

- ◇ What kind of experience does your administration have with students from the Western Balkans:
 - During the application procedure?
 - During their stay in the country?
- ◇ Does your administration experience any misuse of student visas by students from the Western Balkans through:
 - Use of falsified documents?
 - Permit delivered on the basis of incorrect information?
 - Students not fulfilling the purpose of studies?
 - Students using a student visa to work illegally?
 - Overstay of the visa/residence permit?

– Outlook regarding special procedures and practices for students from the Western Balkans

- ◇ Regarding EU integration, is there any prospect of there being new policies and practices regarding the admission of students from the Western Balkans (more facilitated admission procedure)?
- ◇ In your opinion, how in practical terms could a facilitated admission procedure for students from the Western Balkans be organized in your country?
- ◇ Are there any potential positive implications for such facilitated procedures for the students from Western Balkan?
- ◇ What challenges could there be?
- ◇ Is there any related policy development within your country that is of importance for the admission of students from the Western Balkans?

APPENDIX III

Questionnaire recipients

The questionnaire for this research was sent to seventeen European Union Member States. Various government bodies were included in our research as shown in Table 5 below.

Countries	Questionnaire sent to:
Austria	Ministry of the Interior
Bulgaria	Ministry of the Interior
Czech Republic	Ministry of the Interior
Estonia	Ministry of the Interior
Finland	Ministry of Foreign Affairs
Germany	Ministry of the Interior
Hungary	Ministry of Justice and Law Enforcement
Latvia	Ministry of the Interior
Lithuania	Ministry of the Interior
The Netherlands	Ministry of Justice
Poland	Ministry of the Interior and Administration
Portugal	Ministry of the Interior
Romania	Ministry of the Interior
Slovenia	Ministry of the Interior
Spain	Ministry of Labour and Immigration
Sweden	Swedish Immigration Board
Switzerland	Federal Department for Immigration

APPENDIX IV

Dutch Code of Conduct with respect to international students in higher education in the Netherlands

Preamble

Considering that

- Dutch higher education aims to further improve and strengthen international co-operation, and The Netherlands wishes to brand itself abroad as a knowledge society together with its higher education institutions;
- higher education institutions, in principle, give equal treatment to Dutch and international students, but that information to and care for international students require further regulation to some extent, which the higher education institutions aim to achieve with this code of conduct;
- higher education institutions wish to attract good international students and to establish streamlined and co-ordinated guidelines for the relationship between international students and Dutch institutions using this code of conduct;
- the code of conduct is supplementary to the existing legal framework, i.e. Article 3.41 of the 2000 Immigration Decree (*Vreemdelingenbesluit*) and Chapter B6 of the 2000 Immigration Act Implementation Guidelines (*Vreemdelingencirculaire*);
- it is important for higher education institutions to give international students a clear and unambiguous picture of the Dutch higher educational system and the education provided in accordance with the description in the Diploma Supplement as established by the Ministry of Education, Culture and Science (OCW);
- within that framework, higher education institutions wish to provide clear and accessible information on the quality of the study programme, the position it has within the Dutch system, the services and provisions offered to international students, the costs of study and living, as well as the admission requirements for international students;
- higher education institutions may only use the government's internationalisation policy instruments when they provide good care for international students;
- the government considers that higher education institutions that subscribe to, implement and apply this code of conduct will offer good care for international students;

- the Dutch government has decided that the signing of the code of conduct by higher education institutions is a pre-condition for granting a residence permit to non-EU residents for study at the level of higher education;
- the Dutch government supports and provides relevant information through its offices abroad to higher education institutions that subscribe to and implement this code of conduct;
- higher education institutions that subscribe to this code of conduct consider it to be a precondition for a proper relationship between the international student and the higher education institution;
- by signing this code, the higher education institution is obliged to comply with the obligations set out in the code of conduct;
- **higher education institutions have agreed to comply with the following obligations:**

1 Definitions

Agent:

an individual, company or other organisation that provides services, whether or not on a commercial basis, to prospective international students who wish to study in the Netherlands or that provides services to higher education institutions when recruiting international students.

Parties concerned:

the international student, the registered higher education institutions, the Ministries of Foreign Affairs (BZ), Education, Culture and Science (OCW), Agriculture, Nature and Food Quality (LNV) and Justice.

Code of conduct:

the present code of conduct with respect to international student in Dutch higher education.

International student:

a student with a foreign nationality who has had his/her preparatory training and qualification(s) outside the Netherlands and who, on the basis of that preparatory training, wishes to continue his/her education wholly or partly at a higher education institution in the Netherlands.

Higher education institution (until the implementation of the Higher Education and Research Act - WHOO):

an institution subsidised or recognised in accordance with the Higher Education and Research Act (WHW), or an institution of higher education subsidised within the framework of Article 2 of the Ministry of Foreign Affairs (Grant) Framework Act (*kaderwet subsidies Ministerie van Buitenlandse Zaken*) and Articles 2.4.6, 2.4.11 (under c) and 2.4.12 (under a and b) of the Ministry of Foreign Affairs Grant Regulations (*subsidieregeling Ministerie van Buitenlandse Zaken*) of 22 November 2004, or an institution that provides accredited higher education through the Accreditation Organisation of The Netherlands and Flanders (NVAO) or comparable accreditation frameworks and that has signed this code of conduct and is registered as a participating institution by the register administrator.

Higher education institution (after the implementation of the WHOO):

a higher education institution that provides higher education accredited by the NVAO or comparable accreditation organisations, has signed this code of conduct and is registered as a participating institution by the register administrator.

National committee:

the committee as outlined in Section 7.

Register:

the public register of higher education institutions that have signed the code of conduct and that is maintained by the register administrator.

Register administrator:

the Informatie Beheer Groep (IB-Groep).

Education:

all higher education provided by higher education institutions to international students.

2 Information provision

2.1 The higher education institution provides timely, reliable and easily accessible information to international students concerning:

- a. the status of the study programme in terms of accreditation;
- b. the quality criteria that study programmes must comply with and the internal procedures guaranteeing such quality;
- c. a description of the study programme and the certificate that will be obtained, and the examination regulations or a summary thereof;
- d. the admission requirements for the study programme, including procedures for admission and registration and the associated costs;
- e. the language of teaching;
- f. supplementary charges required by the higher education institution from the student for the above services or the services referred to in Section 3, 4 and 5;
- g. this code of conduct.

The above information preferably comprises a description of the knowledge and skills that the international student will have acquired when successfully completing the study programme.

- 2.2 The information provided by the higher education institution to international students based on this code of conduct must be provided in English or the language used in the study programme or in the native language of the international student.
- 2.3 The higher education institution ensures that its marketing and external presentation clearly indicate the nature of the higher education institution and its education; and when recruiting international students, it will act in accordance with the rules and standards laid down in the Advertising Code of the Dutch Advertising Code Commission (Nederlandse Reclame Code Commissie), particularly the general code (I) and the special advertising code for study courses (II-b). The higher education institution uses a name in the English language in such a way that it clearly indicates the nature of the institution.

3 Agents

- 3.1 If the higher education institution hires an agent to recruit international students, the higher education institution will ensure that the agent acts in the spirit of this code of conduct. The higher education institution will include in its agreement with the agent a clause to the effect that the agreement will be dissolved immediately if the agent does not comply with the code of conduct and the advertising code applied in the country of recruitment. If the recruitment process is contracted out either wholly or partly, the higher education institution remains responsible for the admission of students.
- 3.2 The international student pays the study costs and any admission fee to the higher education institution or, in case of joint or double degree programmes, to the designated (foreign) higher education institution.
- 3.3 If recruitment or broker costs are to be paid to the agent, the agreement between the higher education institution and the agent will state who must pay these costs to the agent. International students must be clearly informed of the content of this provision in the agreement on the basis of Article 2.1.
- 3.4 The higher education institution makes arrangements with the agent concerning supervision of his actions. The higher education institution also regularly acquaints itself with the experience of international students. At the request of the national commission (see Article 7), the higher education institution will provide insight into its agreements with agents. The higher education institution immediately reports any negative experience with agents to the register administrator. The register administrator compiles a list of the agents with whom the higher education institutions have had a negative experience and presents the findings to the national commission. Based on these findings, the national commission can make a recommendation to the higher education institutions. The higher education institutions regulate in the agreements with agents that the agreement can be given to third parties for perusal.

4 Admission

- 4.1 International students who apply for registration with the higher education institution must show that they have the required preparatory education, sufficient language skills (see Article 4.2), and diplomas for the specific study programme for which registration is required. The higher education institution determines the preparatory education requirements prior to the recruitment of international students for the study programme in question and checks prior to admission whether the international student meets the requirements.

- 4.2 The higher education institution determines for the education that it provides to international students the minimum language requirements that they must satisfy and makes sure that they actually meet these requirements. For study programmes in English, an IELTS or comparable test score of at least 5 (five) is required for the preparatory year and for the B and M level a score of at least 6 (six).
- 4.3 The higher education institution will refuse the international student admission and/or registration, with a motivation, if he/she (i) does not meet the requirements set by the higher education institution and/or the study programme, (ii) if he/she does not obtain a place due to the *numerus fixus* or (iii) if admission would not be in line with the higher education institution's policy. The last option only applies to non-European students, since European students receive the same treatment as Dutch students.
- 4.4 The higher education institution notifies the international student in writing and with a motivation of any refusal to admit and/or register him/her as referred to in Article 4.3. The higher education institution also reports any legal remedies that the international student may have recourse to in connection with the refusal.
- 4.5 The higher education institution can charge a fee for testing language skills, the preparatory education, and diplomas. The higher education institution is obliged to notify the international student in advance, in accordance with Article 2.1.
- 4.6. If the higher education institution offers the international student the possibility to follow, or obliges the international student to follow, a preparatory study programme of maximum one year, including preparatory language study, in order to be admitted to the educational programme, the higher education institution must ascertain in advance that the international student is capable of successfully completing the preparatory study programme.

5 Offers to and assistance to international students

- 5.1. The higher education institution meets the national legal requirements that apply to the institution.
- 5.2 The institution offers international students only duly accredited degree education. Accreditation of the study programme has been carried out by the NVAO or by an accreditation organisation offering accreditation of comparable quality. The national commission will compile a list of such accreditation organisations. An exception to this is made for study programmes included in the Central Register of Higher Education Study Programmes (CROHO) on the grounds of the transition provisions (in the WHW), without accreditation having taken place, and for which the higher education institution guarantees that the education provided is at the level of higher education and the institution can present quality assessments in the form of external quality assurance reports as provided by the review system that operated in the Netherlands until 2004.

Short courses and tailor-made programmes at the level of higher education can also be offered to international students. If they are recognisable as part of an accredited bachelor or master study programme, the quality of these courses is secured in this way. If the study or the tailor-made programme is not recognisable as part of an accredited bachelor or master study programme, the institution must demonstrate the quality of the course in question by means of quality assurance based on the frameworks and procedures of the Dutch accreditation system.

- 5.3 The higher education institution will ensure that teachers have sufficient command of the language in which study programmes are offered.
- 5.4 The higher education institution clarifies what services it provides to international students concerning obtaining a visa and a residence permit, housing, introduction and assistance. In its information material, the higher education institution specifies clearly what services it offers within this framework and what the associated costs are, in accordance with Article 2.1.
- 5.5 As soon as the higher education institution becomes aware that the international student is no longer following the study programme without having urgent or important reasons for this, the higher education institution will notify the Immigration and Naturalisation Service (IND). The higher education institution will indicate, upon request, how this obligation is carried out.
- 5.6 The higher education institution is obliged to provide the education offered. If the study programme is nevertheless cancelled for valid reasons, cancellation must take place no later than three months prior to the start of the study programme, short courses and tailor-made programmes excepted. If the international student is already in the Netherlands with the aim of following the study programme, the higher education institution is bound to find, if possible, a suitable alternative in consultation with the international student, and to inform the international student about the procedures to follow.

6 Register of participating higher education institutions and the tasks and authority of the register administrator

- 6.1 To be registered by the register administrator in the register, the higher education institution must show the register administrator that:
- a. the higher education institution's executive board has subscribed to this code of conduct by signing it;
 - b. the information provided is in accordance with Articles 2.1, 3.3 and 4.5.
- 6.2 The register is published by the register administrator on the websites of the register administrator and in other publications, in Dutch and English.
- 6.3 A higher education institution may, upon request, or in accordance with the provisions of Article 7.8, by order of the national commission, be removed from the register by the register administrator.
- 6.4 If a higher education institution is added to or removed from the register, this fact is published by the register administrator. In the case of removal, the register administrator states the reasons.
- 6.5 Without prejudice to the other tasks mentioned in this code of conduct, the tasks of the register administrator consist of:
- a. registering complaints;
 - b. preparing an annual report for adoption by the national commission;
 - c. providing information to parties concerned.

7 Competences of the national commission

- 7.1 The education institutions will establish a national commission and define the competences of this commission. The higher education institutions appoint members to the national commission for a (renewable) period of one year. The register administrator informs parties concerned of the composition of the national commission.
- 7.2 The national commission is independent and consists of six members. The Association of Universities in the Netherlands (VSNU) appoints two members and two deputy members, the Netherlands Association of Universities of Applied Sciences (HBO-raad) appoints two members and two deputy members, the Federation of International Higher Education Institutions in the Netherlands (FION) appoints one member and a deputy member and the Association of Accredited Private Higher Education Institutions in the Netherlands (PAEPON) appoints one member and a deputy member. The national commission appoints a chairperson who is not a party concerned. If any complaint relates to or comes from a higher education institution which has a member sitting on the commission, the member involved will step down and be replaced by a deputy member from another higher education institution.
- 7.3 The task of the national commission is to promote compliance with the code of conduct and to assess the actions of the higher education institutions in the light of the code of conduct. It does so by, among other things, (i) dealing with the complaints submitted under the code of conduct and (ii) deciding on changes to the code of conduct.
- 7.4 In order to perform its tasks, the national commission will draw up rules and regulations that form an integral part of this code of conduct. These rules and regulations will also specify what complaints (see Article 7.6) interested parties can submit, how they will be handled and what the possible sanctions are if the complaint is legitimate.
- 7.5 A party concerned that believes that a higher education institution has not acted in accordance with this code of conduct should first submit a complaint to the competent authority of that higher education institution. The higher education institution will ensure that existing or, if necessary, new internal complaint procedures are available for complaints under the code of conduct.
- 7.6 If the complainant is of the opinion that the higher education institution has not settled a complaint properly or believes that the higher education institution still does not comply with the code of conduct, it may submit the reason for the complaint and the response it received from the higher education institution to the national commission.
- 7.7 If, after hearing both sides of the argument, the national commission decides that the higher education institution has not complied with this code of conduct, it will notify the higher education institution and the complainant of its decision and any consequences thereof.
- 7.8 If the national commission decides to remove a higher education institution from the register, it will also decide on the duration of removal and the provisions for the higher education institution in order to be re-admitted to the register.
- 7.9 The national commission notifies its decision within a month to the higher education institution, the complainant, the IND and OCW in writing.

- 7.10 If the higher education institution objects to the national commission's decision, it can submit the decision to arbitration by the Netherlands Arbitration Institute (Nederlands Arbitrage Instituut) or an alternative arbitration body within a month after receipt of the decision, as referred to in Article 7.9.
- 7.11 The decision of the national commission can only be implemented when:
- the higher education institution has indicated in writing that it acquiesces to the decision; or
 - a final and conclusive judgment has been given in the arbitration procedure; or
 - the arbitration procedure has been concluded with the approval of both the higher education institution and the national commission.
- If the higher education institution does not call for arbitration or confirms in writing that it acquiesces to the decision, the decision becomes final and conclusive.
- 7.12 All costs incurred by the national commission and the higher education institution in connection with arbitration will be borne by the Dutch government.
- 7.13 The register administrator acts as secretary to the national commission. In that capacity, it informs the Education Inspectorate of all valid complaints that have been submitted to the national commission.

8 Commencement date and initial period

- 8.1 The code of conduct comes into force on 1 May 2006.
- 8.2 A higher education institution's executive board may decide to revoke its participation, provided the decision to do so is taken at least six months before the planned termination date. The termination date corresponds to the beginning of each academic year. The higher education institution involved notifies the register administrator and the national commission of its decision.
- 8.3 If a party concerned proposes a change to the code of conduct, when legislation changes, or when for other reasons changes to the code of conduct are desirable or necessary, the register administrator will publish the change and distribute the amended code of conduct. A change is only possible if the national commission has given its approval, unless peremptory legislation has been introduced. In the latter case, the register administrator will bring the text of the code of conduct immediately in accordance with the legislation in question.
- 8.4 After three years, an evaluation of the content and operation of the code of conduct will be done by the institutions involved, the parties concerned and the register administrator. On the basis of this evaluation, the code of conduct, whether changed or not, will be adopted, and signed by the higher education institutions no later than 1 September, 2009. The initiative for the evaluation will be taken by the national commission.
- 8.5 The higher education institution undertakes to act as far as possible in the spirit of the code of conduct, also with respect to matters that are not described in the code of conduct.

List of abbreviations

BZ: Ministerie van Buitenlandse Zaken (Ministry of Foreign Affairs)

CROHO: Centraal Register Opleidingen in het Hoger Onderwijs (Central Register of Higher Education Study Programmes)

FION: Federatie Internationaal Onderwijsinstellingen in Nederland (Federation of International Education Institutions in the Netherlands)

HBO-raad: Belangen- en werkgeversvereniging van de Nederlandse hogescholen (Netherlands Association of Universities of Applied Sciences)

IB-Groep: Informatie Beheer Groep (Informatie Beheer Groep)

IELTS: International English Language Testing System

IND: Immigratie en Naturalisatiedienst (Immigration and Naturalisation Service)

LNV: Ministerie van Landbouw, Natuur en Voedselkwaliteit (Ministry of Agriculture, Nature and Food Quality)

NVAO: Nederlands-Vlaamse Accreditatie Organisatie (Accreditation Organisation of The Netherlands and Flanders)

OCW: Ministerie van Onderwijs, Cultuur en Wetenschap (Ministry of Education, Culture and Science)

PAEPON: Platform van Aangewezen / Erkende Particuliere Onderwijsinstellingen in Nederland (Association of Accredited Private Higher Education Institutions in the Netherlands)

VSNU: Vereniging van Samenwerkende Universiteiten (Association of Cooperating Universities)

WHW: Wet op het Hoger onderwijs en Wetenschappelijk onderzoek (Act on Higher Education and Scientific Research)



International Centre for Migration
Policy Development (ICMPD)
Gonzagagasse 1,
A-1010 Vienna, Austria
Tel +43-1-504 46 77,
Fax +43-1-504 46 77 75

The **International Centre for Migration Policy Development** is an inter-governmental organisation with UN Observer status, created in 1993 at the initiative of Switzerland and Austria. The purpose of the Centre is to promote innovative, comprehensive and sustainable migration policies and to function as a service exchange mechanism for governments and organisations in the wider European region. The centre has 11 Member States: Austria, Bulgaria, Croatia, Czech Republic, Hungary, Poland, Portugal, Slovakia, Slovenia, Sweden and Switzerland.

Addressing Current and Future Migration Policy Challenges: ICMPD is active in various fields related to migration management, ranging from migration policy and research to capacity building and consultancy services. Activities include the elaboration, implementation and contribution to long-term strategies to cope with growing migration pressures, including the facilitation of early warning, the combat of root causes, the harmonisation of entry control and the co-ordination of aliens, asylum, refugee and visa policies with a view to making migration management more effective. A further objective is to contribute to the reinforcement of international migration co-operation in order to facilitate the development of regional (European) and global concepts and systems for more manageable migration.

ICMPD furthermore works for good migration governance in various fields of migration, border management and human trafficking. Comprehensive institution and capacity building measures at national and regional levels are implemented in order to strengthen national and regional capacities to deal with the current challenges in all the substantive areas, i.e. trafficking in human beings, integrated border management, visa, refugee/IDPs management, and migration systems/migratory flow management.

ICMPD has since its inception been deeply involved in the creation and development of informal and flexible consultative structures involving migration officials from sending, transit and receiving states with a view to preventing irregular migration. As Secretariat for the Budapest Process, which involves more than 40 states and 10 international organisations, ICMPD has organised numerous inter-governmental meetings since 1994. Since 2002, ICMPD is also active in establishing an informal network to prevent irregular migration over the Mediterranean, called dialogue on Mediterranean Transit Migration (MTM).

Working in the above areas, the Centre shares close co-operation with the European Commission, international organisations such as Europol, FRONTEX, the International Organization for Migration, the United Nations High Commissioner for Refugees, the Organization for Security and Co-operation in Europe, the Council of Europe, the United Nations Development Programme, the United Nations Office on Drugs and Crime, Interpol and many others.

For further information on ICMPD's activities, please refer to our website at www.icmpd.org, or contact us under icmpd@icmpd.org.



King Baudouin
Foundation

Working together for a better society

www.kbs-frb.be

You can find further information about our projects, events and publications on www.kbs-frb.be. An electronic e-mail is also available if you would like to keep up to date with our activities.

Please address any questions you may have to us at info@kbs-frb.be or call us on +32 (0)70-233 728.

King Baudouin Foundation,
Rue Brederodestraat 21,
B-1000 Brussels
+ 32 (0)2-511 18 40,
fax + 32 (0)2-511 52 21

For donors resident in Belgium, any gift of €30 or more will qualify for tax deduction. Bank account 000-0000004-04
IBAN BE10 0000 0000 0404
BIC BPOTBEB1

The King Baudouin Foundation is an independent and pluralistic foundation whose aim is to serve society. Our objective is to make a lasting contribution to justice, democracy and respect for diversity. Each year, the Foundation provides financial support for some 2,000 organizations and individuals committed to building a better society. Our fields of activity for the coming years are poverty, democracy, heritage, philanthropy, health, leadership, local engagement, migration and development. The Foundation was created in 1976, to mark the 25th anniversary of King Baudouin's reign.

We operate with an annual budget of 48 million euros. As well as our own capital and the large donation we receive from the National Lottery, we manage Funds created by private individuals, associations and businesses. The King Baudouin Foundation also receives donations and bequests.

The King Baudouin Foundation's Board of Governors draws up broad lines of action and oversees the transparency of our management. Some 50 colleagues are responsible for implementing our actions. The Foundation operates out of Brussels, but we are active at Belgian, European and international level. In Belgium, we have projects at local, regional and federal level.

We combine various working methods to achieve our objectives. We support third-party projects, launch our own activities, provide a forum for debate and reflection, and foster philanthropy. The results of our projects are disseminated through a range of communication channels. The King Baudouin Foundation works with public services, associations, NGOs, research centres, businesses and other foundations. We have a strategic partnership with the European Policy Centre, a Brussels-based think tank.

Outside Belgium, the Foundation is particularly active in the Balkans in projects that promote EU integration, tackle human trafficking and defend minority rights. In Africa, we focus on projects involved in the fight against AIDS/HIV and in promoting local development. The King Baudouin Foundation is also a benchmark in international philanthropy thanks to, among others, the international Funds that we manage, the King Baudouin Foundation United States, and our role in the Transnational Giving Europe network.

