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## CARIM-INDIA – DEVELOPING A KNOWLEDGE BASE FOR POLICYMAKING ON INDIA-EU MIGRATION

Co-financed by the European Union

### *Higher Education in Europe A Comparison of existing Legal Regimes relating to the Entry of International students*

Shahana Mukherjee

CARIM-India Research Report 2012/24



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**CARIM-India**  
**Developing a knowledge base for policymaking on India-EU migration**

**Research Report**  
**Thematic Report**  
**CARIM-India RR 2012/24**

**Higher Education in Europe**  
**A Comparison of existing Legal Regimes relating to the Entry of**  
**International students**

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## **CARIM-India – Developing a knowledge base for policymaking on India-EU migration**

This project is co-financed by the European Union and carried out by the EUI in partnership with the Indian Council of Overseas Employment, (ICOE), the Indian Institute of Management Bangalore Association, (IIMB), and Maastricht University (Faculty of Law).

The proposed action is aimed at consolidating a constructive dialogue between the EU and India on migration covering all migration-related aspects. The objectives of the proposed action are aimed at:

- Assembling high-level Indian-EU expertise in major disciplines that deal with migration (demography, economics, law, sociology and politics) with a view to building up migration studies in India. This is an inherently international exercise in which experts will use standardised concepts and instruments that allow for aggregation and comparison. These experts will belong to all major disciplines that deal with migration, ranging from demography to law and from economics to sociology and political science.
- Providing the Government of India as well as the European Union, its Member States, the academia and civil society, with:
  1. Reliable, updated and comparative information on migration
  2. In-depth analyses on India-EU highly-skilled and circular migration, but also on low-skilled and irregular migration.
- Making research serve action by connecting experts with both policy-makers and the wider public through respectively policy-oriented research, training courses, and outreach programmes.

These three objectives will be pursued with a view to developing a knowledge base addressed to policy-makers and migration stakeholders in both the EU and India.

Results of the above activities are made available for public consultation through the website of the project: <http://www.india-eu-migration.eu/>

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## **Abstract**

European policies on higher education have progressively encouraged inward student mobility and in recent years, a number of European countries have become popular destinations for foreign students. However, with the emergence of new host countries, the competition for international students has intensified.

A key variable that determines the competitiveness of a host country is the legislation governing international students. This paper provides a comparison of the current legislation governing the entry and stay conditions of international students in 5 European countries – the UK, Germany, France, Sweden and Netherlands. The paper also provides a comparative analysis across stages of legislation to assess the post-study employment conditions for international students. As the objective is to assess the implications of the legal regimes for student flows from India (to selected European countries), the paper also draws a comparison between the former and the current legislation governing international students in the United States, Australia and other emerging host nations. The paper concludes with a summary of findings and policy recommendations to improve the competitiveness of European countries as destinations for higher education.

## 1. Introduction

One of the most prominent developments in the last two decades has been the internationalization of higher education. Evidently an outcome of growing levels of international trade in services, the range of services has expanded to include the provision of education services across the globe. The demand for education services has particularly surged since 2000 due to a phenomenal growth in the consumers and providers of international higher education and this has led to its provision across all modes of supply, which have taken the form of distance and transnational (education) programmes, twinning programmes and international research collaborations. However, international student mobility continues to remain the single-largest component of the 'internationalization' process and thus, internationally mobile students represent an important constituent of this industry.

The strength of internationally mobile students has grown at a considerably high annual rate of 4 percent since 2004, and is currently estimated to be around 3.05 million. Moreover, this form of short-term or temporary migration has flourished during a time when the world economy has transitioned to a new phase.<sup>1</sup> On the one hand, the leading economies have become considerably service-oriented and this has increased their requirement of highly skilled human capital. On the other hand, many advanced nations have entered into a phase of demographic decline, which has contributed towards a growing shortage of skilled human resources in various sectors of their economy.<sup>2</sup> Cumulatively, this has resulted in an insufficient supply of adequately skilled human capital in a number of developed countries.<sup>3</sup> Under these circumstances, international students pursuing higher education in many of these countries represent a potential pool of skilled talent which can be absorbed to meet the domestic labour market requirements. Consequently, the presence of international students is likely to have long-term implications for host countries dealing with labour market challenges.

While past literature on student mobility reveals that international students have been largely concentrated in markets such as the United States (US), the United Kingdom (UK) and Australia, European countries like France, Germany and Netherlands (to some extent) are relatively new participants in the process of hosting international students.<sup>4</sup> In particular, a recent study in the European context explored the flow of Indian students to European countries and identified issues which constrained student mobility to Europe. In a survey of Indian students who had studied in Europe, it was found that one of the main difficulties faced by a number of students was the legal regime governing the entry (and subsequent employment) of international students in (selected) European countries.<sup>5</sup>

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<sup>1</sup> Though a major share of student migration is temporary in nature, there are several students who seek to use this route to migrate for longer durations, by participating in the labour market. Subsequent sections of this paper will elaborate on this aspect of migration.

<sup>2</sup> Several countries in the world are experiencing a phase of ageing, or, demographic decline. This has become a serious cause of concern for countries like Japan, Germany, Canada and Eastern European countries like Russia, Bulgaria and Ukraine. United Nations (UN) statistics on Population prospects (2008) suggest that the situation is likely to worsen in the next four decades, as the share of (world) population aged 60 and above is expected to comprise 15 percent to 25 percent (assuming low fertility rates) of the world population between 2025 and 2050. This concentration is likely to be higher in developed countries, where over 30 percent of the population is projected to be at least 60 years of age by 2050. For more information, see (Bloom, 2011). [http://www.hsph.harvard.edu/pgda/WorkingPapers/2011/PGDA\\_WP\\_64.pdf](http://www.hsph.harvard.edu/pgda/WorkingPapers/2011/PGDA_WP_64.pdf) (last accessed on 21.7.2012)

<sup>3</sup> <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/workingwithus/mac/estimate-potential-labour-short/estimate-potential-labour-short?view=Binary> (last accessed on 21.6.2012)

<sup>4</sup> International students in this context refer to non-European students who choose to pursue higher education in European countries.

<sup>5</sup> The survey on Indian students was conducted as part of a study on Indian students in Europe. For more information, refer to an earlier paper on Indian student mobility to European countries. <http://www.india-eu-migration.eu/media/CARIM-India%202012%20-%202012.pdf>

Evidently, the legal framework governing student migration is an important part of the process concerning international students as well as the host countries receiving them. For the host country, the legal framework represents the first stage of the process which determines the conditions of entry and is therefore an important mechanism to manage the inflow of student migrants. For international students, on the other hand, a sound understanding of the legal framework is crucial as it determines the conditions of stay for the duration for their study. For a number of them, satisfying the initial (student) visa requirements is also the first step towards a long-term association with the country as they intend to participate in the labour market on completion of their studies. As the legal regime (governing international students) precisely defines the current framework and also reflects the ease of access to the (domestic) labour market, it is a determining factor for Indian students (and in general, all international students) in choosing a suitable destination.

This paper attempts to provide an objective view of the current regulations governing the entry of foreign students in five European countries (which receive a large number of international students), namely, the United Kingdom (UK), Germany, France, Sweden and Netherlands. In particular, the regulations are disaggregated (and compared) across three main stages; the entry or pre-study requirements, study conditions and the post-study employment requirements outlined for international students.

The paper is organized as follows: Sections 2 and 3 provide a brief overview of the existing legislation on migration in the five selected European countries. Section 4 provides a summary of regulations across three stages of student migration, namely, the pre-entry conditions, conditions during stay and post-study conditions. As one of the objectives is to also understand the implications of these regulations for the flow of Indian students, Section 5 of the paper compares the current regimes (governing international students) in (selected) European countries with those in other popular destinations for Indian students, like the US and Australia. Section 6 concludes the paper with a summary of observations and recommendations.

## 2. Policy at the European (EU) Level

While intra-European student mobility has taken place since the Second World War, the desire to attract non-European students to Europe is a more recent phenomenon and a process embarked upon, with the signing of the Bologna Process by 29 European countries in 1999.<sup>6</sup>

The Bologna Declaration (which aimed at aligning all European educational structures to a standard three-tier structure) was implemented with the objective of improving the international appeal of European countries as global destinations of higher education by attracting the best students from all over the world.<sup>7</sup> While most European countries have adopted the Bologna Declaration (at different times and to varying degrees), countries like Germany, France and Netherlands in particular, have implemented significant changes to 'internationalise' their higher education systems. Notable changes in the European system governing the entry of international students have therefore taken place since 2000.

Subsequent sections of this paper will reveal a few important patterns in regulation structures across (the selected) countries in Europe. For one, it is seen that while some countries have designed their visa requirements to tighten the initial entry of international students, others have implemented easier benchmarks for entry but comparatively stricter provisions for post-study employment. The paper therefore demarcates the legal framework across stages to facilitate comparison. As the following analysis will reveal, the disparity often reflects existing differences in national policies with respect to immigration and employment.

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<sup>6</sup> <http://www.eua.be/eua-work-and-policy-area/building-the-european-higher-education-area/bologna-basics.aspx> (last accessed on 22.6.2012)

<sup>7</sup> The three-tier structure refers standardizing the educational policies in European countries to a common Bachelors-Masters-Doctoral level studies system. <http://www.weforum.org/best-practices/talent-mobility/bologna-process-european-higher-education-area-eha> (last accessed on 22.6.2012)

Another observation is that all the (selected) countries have made significant alterations in the legal regimes surrounding international students in the last four to five years. An important reason behind this is the growing linkage between the ‘higher education’ and ‘employment’ routes. This is because internationally recognised qualifications are considered by many as a medium to enter and compete in the international labour market, and countries like the US which have been successful in attracting international students have offered this incentive to foreign students.

In contrast, most European countries have, until recently, limited the scope of (post-study) employment for international students. This can be partially attributed to the larger issues that exist within the immigration policies prevalent in European countries. According to Zahanec (2010), while most countries “differ in their traditions of handling immigration, the lack of an effective immigration policy is widely shared”. In recent years, however, the labour market conditions have suffered and have been characterised by “skills-mismatch” and a growing shortage of skilled workers, thereby fuelling the demand for highly-skilled immigrants.<sup>8</sup> This is one of the main factors which have supported the development of (post-study) work provisions for international students.

European countries have therefore tried to attract more international students in recent years.<sup>9</sup> However, it is equally evident that student migration, though ideally expected to be of a ‘temporary’ nature, is viewed by host countries as a subset of the larger phenomenon of migration. In this regard, Zahanec (2010) believes that there still exists a resistance, or an “aversion” to immigration in Europe. Further, high rates of unemployment (among European nationals) and repeated instances of irregular migration have resulted in an emphasis on checking net migration levels to European countries. Such a conflict of interest implies that the student migration route may be bounded as the regulations governing international students are not independent of a country’s overall immigration priorities.

As mentioned earlier, one of the objectives of this paper is to understand the implications of European regulations for Indian students. But how important are Indian students to European host countries? This information is relevant in the context of this paper and thus statistics pertaining to the composition of international students in Europe are summarized below.<sup>10</sup>

India is the second-largest source (or sending) country for international students, and comprised 6.2 percent of all internationally mobile students in 2009 (second only to students from China, who comprised the majority share of 15.9 percent in 2009). In 2009, Europe received 47.7 percent of all internationally mobile students, and Indian students comprised 3.5 percent of all international students received in Europe. It is worth noting that Europe’s share of (internationally mobile) Indian students has risen from 12 percent in 2000 to 23.6 percent in 2009. The distribution of Indian students in Europe is highly concentrated in the UK, which alone received 66.1 percent of all Indian students (in Europe) in 2009. Germany and France have also received a growing number of Indian students in recent times and received 6.3 percent and 2.4 percent respectively, of all Indian students going to Europe in 2009. It is therefore seen that the share of European host countries in the Indian market has steadily grown since 2000, with Germany performing particularly well in the Indian market since 2008.<sup>11</sup>

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<sup>8</sup> [http://www.cedefop.europa.eu/etv/Upload/Projects\\_Networks/Skillsnet/Publications/Employers\\_surveys\\_draft\\_concept\\_outline.pdf](http://www.cedefop.europa.eu/etv/Upload/Projects_Networks/Skillsnet/Publications/Employers_surveys_draft_concept_outline.pdf) (last accessed on 22.6.2012)

<sup>9</sup> There are a variety of reasons why countries like the UK, Germany and France seek to attract foreign students. A detailed discussion on this can be found in an earlier paper on Indian Students in Europe. <http://www.india-eu-migration.eu/media/CARIM-India%202012%20-%202012.pdf>

<sup>10</sup> The statistics reported are based on UNESCO statistics on international students. For a comprehensive distribution of internationally mobile Indian students, refer to an earlier paper on Indian student mobility to selected European countries. <http://www.india-eu-migration.eu/media/CARIM-India%202012%20-%202012.pdf>

<sup>11</sup> Reports suggest that there has been a 24 percent increase in the number of Indian students in Germany in 2010-11 (over the previous year), and new admissions increased by nearly 39 percent the same year. <http://www.wes.org/ewent/12mar/europe.htm> (last accessed on 23.6.2012)



## 2.1 European Policy on Immigration

While there is no single policy governing immigration to European countries, the European Pact on Immigration and Asylum (signed in 2008) provides a basis for policies concerning immigration to all European Union (EU) countries. The migration of third country nationals as students is outlined under the provisions for ‘legal migration’ and emphasizes on attracting highly skilled workers to the EU, facilitating the mobility of students and also requires countries to organise their migration based on “priorities, needs and research capacities of EU countries”.<sup>12</sup> The mandate at the EU is therefore conditional and in particular, requires countries to handle labour migration based on (country-specific) labour market needs. As a framework of this nature encourages the inflow of highly skilled migrants, it is believed that the same requirement applies to attracting foreign students and researchers (Hinte, et al, 2011).<sup>13</sup>

The agenda on foreign students is specifically described by the Directive released in 2004, on the conditions of admission of third country nationals for the purpose of studies.<sup>14</sup> The Directive is aimed at establishing a set of (common) minimum requirements for students seeking admission for higher studies in EU universities. These include proof of adequate financial resources, an authentic proof of admission in a recognised academic institution amongst other requirements.<sup>15</sup> Though the issue of participation of foreign students (post studies) in the workforce is not explicitly outlined by the Directive, it is regarded as an issue which needs to be addressed.<sup>16</sup>

## 3. A Brief Note on the Current Migration Policy in Selected Countries

As mentioned earlier, the paper is based on the existing legislation in five selected European countries, namely, United Kingdom (UK), Germany, France, Sweden and Netherlands. The emphasis on these countries is primarily because they are seen to be highly active in the process of internationalization of higher education and consequently attract a large share of international students from outside Europe.<sup>17</sup> Additionally, as seen in the preceding Section, these are also countries which have gained more visibility in the Indian market and are thus important in the current context. The following section provides a brief overview of the general migration policy in each of the five countries.

### 3.1 The UK

The UK’s approach to migration policy has undergone major changes in the last two decades. While third country migration was seen as a way of selecting skilled workers which supported the UK’s

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<sup>12</sup> The European Pact on Immigration and Asylum (2008)  
[http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/free\\_movement\\_of\\_persons\\_asylum\\_immigration/jl0038\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/jl0038_en.htm) (last accessed on 23.6.2012)

<sup>13</sup> As cited in a study on the Staying intentions of foreign students in (5) European countries. See report for more information.  
[http://www.svr-migration.de/content/wpcontent/uploads/2012/04/Study\\_Mobile\\_Talent\\_Engl.pdf](http://www.svr-migration.de/content/wpcontent/uploads/2012/04/Study_Mobile_Talent_Engl.pdf)

<sup>14</sup> This refers to the Council Directive 2004/114/EC of 13 December 2004, which elaborates on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service.  
[http://europa.eu/legislation\\_summaries/internal\\_market/living\\_and\\_working\\_in\\_the\\_internal\\_market/l33163a\\_en.htm](http://europa.eu/legislation_summaries/internal_market/living_and_working_in_the_internal_market/l33163a_en.htm)  
 (last accessed on 23.6.2012)

<sup>15</sup> The Directive also outlines requirements on the issuance of residence permits and the scope for employment (as a student).

<sup>16</sup> [http://ec.europa.eu/governance/impact/planned\\_ia/docs/2012\\_home\\_014\\_admission\\_of\\_third\\_country\\_nationals\\_en.pdf](http://ec.europa.eu/governance/impact/planned_ia/docs/2012_home_014_admission_of_third_country_nationals_en.pdf)  
 (last accessed on 23.6.2012)

<sup>17</sup> Based on UNESCO statistics on international or internationally mobile students. For a detailed distribution of internationally mobile Indian students to European countries, refer to an earlier paper on Indian student mobility to selected European countries., <http://www.india-eu-migration.eu/media/CARIM-India%202012%20-%202012.pdf>

economic competitiveness during the mid-nineties, the immigration policy in recent years have placed greater emphasis on reducing net migration by imposing stricter conditions on employment.<sup>18</sup>

A major development in the UK's migration policy took place with the introduction of the Points Based System (PBS) in 2008, which replaced over 80 separate routes of entry for work and study. The PBS consists of five independent tiers which correspond to various purposes of migration. Tier 4 is the relevant segment concerning international students and outlines the prerequisites for the admission of non-European nationals to UK institutions.<sup>19</sup>

### 3.2 Germany

In recent years, Germany's immigration policy has been restructured to address the country's labour shortage in key sectors of the economy, an issue intensified by a continuous demographic decline. The priority of the German policy makers has therefore been to use migration to address the critical issue of shortage of highly skilled labour or specialists.<sup>20</sup>

The Immigration Act in Germany came in to force in 2005, and provided the main legislative framework for labour migration to Germany. In particular, the Immigration Act introduced the one year (post-work) scheme which allowed (international) graduate students to seek employment in Germany. In 2007, the decree on the admission of foreign graduates to the labour market was implemented, which removed the need for a labour market test (initially applied to international graduates). In recent times, the prerequisites for international students who secure a highly-skilled job offer have been lowered (in terms of income requirements) to encourage the inflow of highly skilled workers to Germany. The overall pattern indicates a relatively liberalized regime with progressively better education and employment opportunities for international students in Germany.

### 3.3 France

The legislative framework governing the entry of third country nationals in France is outlined by the National Legislation on Entry, Residency and Asylum (CESEDA) which came in to force in 2005. The first amendment to the Act in 2006 introduced the possibility of international graduates with a Master's degree (and above) to stay in France (for six months) and seek employment.<sup>21</sup> The most recent development has been the implementation of the EU Blue Card initiative, which is issued to non-European individuals with a highly-skilled job offer and permits them to stay in France for up to 3 years initially.<sup>22</sup>

### 3.4 Sweden

The Parliament and the Government are responsible for the development of higher education and research in Sweden. The conditions governing the admission and residence of foreign students in Sweden is outlined by the Aliens Act and Aliens Accordance. In Sweden, the EU Directive on international students was implemented in May, 2006. An important reform was implemented in 2008 under which employers in Sweden were given the autonomy of recruiting international employees, subject to certain conditions. While the policy environment in Sweden has been supportive of

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<sup>18</sup> UK: National Report on satisfying labour demand through migration (European Migration Network). <http://discovery.ucl.ac.uk/1337964/> (last accessed on 25.6.2012)

<sup>19</sup> Under the new PBS, Tier 2 is the relevant category for foreigners seeking employment in the UK. Under current provisions, all international students studying in the UK must also qualify under the Tier 2 category to pursue employment (on completion of studies) in the UK.

<sup>20</sup> [http://www.iza.org/en/webcontent/publications/reports/report\\_pdfs/iza\\_report\\_41.pdf](http://www.iza.org/en/webcontent/publications/reports/report_pdfs/iza_report_41.pdf) (last accessed on 25.6.2012).

<sup>21</sup> <http://www.campusfrance.org/en/page/working-after-graduation> (last accessed on 25.6.2012)

<sup>22</sup> [http://www.abil.com/news\\_detail.cfm?NEWS\\_ID=243](http://www.abil.com/news_detail.cfm?NEWS_ID=243) (last accessed on 25.6.2012)

internationalizing the higher education sector by attracting more foreign students, an important change was implemented in 2011, with the introduction of tuition fees for non-European students.<sup>23</sup> Overall, the current legislation in Sweden does not (currently) include provisions for the post-study stay of foreign graduates (to seek employment in Sweden), unless they hold a highly-skilled job offer from a Swedish employer.<sup>24</sup>

### 3.5 Netherlands

The migration policy followed in Netherlands is conservative and focused on checking the flow of immigrants. For this reason, limitations exist on the absorption of international students in education institutions as well as the Dutch labour market, and the entry of foreign nationals is therefore conditional on qualifying through a points-based system. Important developments include the implementation of the Skilled Workers Regulation in 2004, which allowed doctoral and post doctoral students and university lecturers to qualify as skilled workers, without the prerequisites on wages. Overall, Netherland's policy reflects a controlled approach to migration, which consequently affects the opportunities available to foreign students.<sup>25</sup>

## 4. Legislation on International students in selected EU countries

### 4.1 Pre-Entry Requirements

The pre-entry requirements outline the basic conditions laid down by each of the five countries which are to be fulfilled, before admitting an international student into an academic institution. It is seen from Table 1 that the prerequisites closely correspond to the areas identified by the European Union's Student Directive (of 2004), with the exception of the UK, which did not adopt the Directive.

As seen in Table 1, the conditions for the entry of international students in institutes of higher education are broadly similar for all the five countries considered.

A proof of admission is mandatory for the issuance of a residence permit, or a student visa (as applicable) in all countries considered. This factor is assigned particular weightage in the UK PBS and carries 30 out of the 40 possible points required to apply under the Tier 4 category (applicable to international students). The (Tier 2) migration policy in the UK additionally imposes conditions on institutes recruiting international students. As of April, 2012, all educational institutes who wish to recruit foreign students will require a special authorisation from the UK Border Agency (UKBA) and qualify as a 'Highly Trusted Sponsor' (HTS).<sup>26</sup>

A one-time student permit fee is levied by all five countries, though the charges vary extensively from as low as €74 in France to nearly €900 charged by Netherlands. A major difference is seen in case of language requirements from foreign students. While it is mandatory for students applying to the UK and France to display certain levels of language proficiency, it is conditional (on university requirements) in the case of Germany, Sweden and Netherlands.

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<sup>23</sup> Up until 2011, Swedish universities did not levy tuition rates on domestic or international students. <http://www.thelocal.se/38368/20120106/> (last accessed on 25.6.2012). The Government Bill [2009/10: 65, Competing on the basis of quality - tuition fees for foreign students] released in February, 2010 introduced tuition fees for third-country students in Sweden. For more information, see National Report (Sweden) on Immigration of international students.

<sup>24</sup> <http://www.emnsweden.se/download/18.61f88692136ef87596180002866/SE+Policy+report+2011+-+Final+and+approved.pdf> (last accessed on 25.6.2012)

<sup>25</sup> [http://emn.intrasoft-intl.com/html/about/country\\_profiles/profile\\_netherlands.html](http://emn.intrasoft-intl.com/html/about/country_profiles/profile_netherlands.html) (last accessed on 27.6.2012)

<sup>26</sup> A HTS is expected to maintain detailed records of aspects concerning international students such as their enrolment, regular attendance, etc to safeguard the international student route from abuse.

Finally, proof of adequate financial resources is required by all countries before the issuance of a student visa/residence permit.<sup>27</sup> In case of the UK, students are additionally required to show sufficient resources to cover tuition rates for the first year of the course. The UK introduced a more stringent measure (for students from India) in 2011 by limiting the list of acceptable/approved financial institutions whose financial statements would be accepted as proof of resources.<sup>28</sup>

**Table 1. Pre-Entry requirements for international students<sup>#</sup>**

Prerequisites/ Country	UK <sup>a</sup>	Germany <sup>b</sup>	France <sup>c</sup>	Sweden <sup>d</sup>	Netherlands <sup>e</sup>
<i>Proof (Offer of Admission)</i>	Yes (30 points)	Yes (a higher education institution's admissions letter)	Yes	Yes	Yes
<i>Student permit fee*</i>	Tier 4: increased from £255 to £289 €292-€307	€100-€110	€74	€110	€90
<i>Language requirements</i>	Level B2 (undergraduate and above)	Yes, conditional on admission requirement of university	Yes, special admission procedure (DAP) <sup>29</sup>	No, but may be an admission criterion of university	No, but may be an admission criterion of university*
<i>Proof of adequate financial resources</i>	Required (10 points) <u>Tuition fees:</u> 1 <sup>st</sup> year of study and <u>Living costs:</u> £800-£1000/month (for 9 months)	€59/month or €7908/year	€615/month	€800* or SEK 7,300/month (10 months) <sup>f</sup>	€795*

Source:

<sup>#</sup> Information on country-wise prerequisites has been sourced from a variety of national sources, including a report titled, "Mobile Talent? The staying intentions of international students in 5 EU countries", Table 2 and the marked categories (\*) refer to information sourced from this study.

[http://www.svr-migration.de/content/wp-content/uploads/2012/04/Study\\_Mobile\\_Talent\\_Engl.pdf](http://www.svr-migration.de/content/wp-content/uploads/2012/04/Study_Mobile_Talent_Engl.pdf)

<sup>a</sup> UK: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/news/summary-student-policy.pdf>

UK: National Report on satisfying labour demand through migration (European Migration Network). <http://discovery.ucl.ac.uk/1337964/>

<sup>27</sup> This condition is imposed to ensure that international students do not claim social security support during their stay in the host country.

<sup>28</sup> This list was released by the UKBA in 2011 and included a particular set of financial institutions in India whose financial records would be accepted. [http://www.domain-b.com/finance/banks/20111025\\_student\\_visas.html](http://www.domain-b.com/finance/banks/20111025_student_visas.html) (last accessed on 27.6.2012)

<sup>29</sup> Non-European students who seek admission in a French institution are required to follow a special admission procedure known as DAP, which assesses their proficiency in the French language, either by passing a language test (such as TCF-DAP or TEF) or by earning a degree in French as a foreign language (DELF/DALF). The minimum proficiency in the French language expected from international students varies across institutions (and levels of degrees), and most institutions also accept other credentials of language proficiency, such as a certificate from Alliance Francaise. For more information, refer to the Campus France catalog on language requirements. [http://ressources.campusfrance.org/catalogues\\_recherche/diplomes/en/fle\\_en.pdf](http://ressources.campusfrance.org/catalogues_recherche/diplomes/en/fle_en.pdf) (last accessed on 10.10.2012)

<sup>b</sup> Germany: National Report: Satisfying Labour Demand through Migration in Germany

[http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/EMN/Nationale-Studien-WorkingPaper/emn-wp32-satisfying-labour-demand-en.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/EMN/Nationale-Studien-WorkingPaper/emn-wp32-satisfying-labour-demand-en.pdf?__blob=publicationFile)

[http://www.iza.org/en/webcontent/publications/reports/report\\_pdfs/iza\\_report\\_41.pdf](http://www.iza.org/en/webcontent/publications/reports/report_pdfs/iza_report_41.pdf)

<sup>c</sup> France/<sup>e</sup> Netherlands: National Reports: Visa Policy as a Migration Channel (in France, Sweden and Netherlands)

[http://emn.intrasoft-](http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do;jsessionid=8234D8ED334F5DDAD41729301D545424?entryTitle=18_VISA%20POLICY%20as%20a%20Migration%20Channel)

[intl.com/Downloads/prepareShowFiles.do;jsessionid=8234D8ED334F5DDAD41729301D545424?entryTitle=18\\_VISA%20POLICY%20as%20a%20Migration%20Channel](http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do;jsessionid=8234D8ED334F5DDAD41729301D545424?entryTitle=18_VISA%20POLICY%20as%20a%20Migration%20Channel)

<sup>d</sup> Sweden: [www.sweden.gov.se/content/1/c6/10/72/00/2a13eb93.pdf](http://www.sweden.gov.se/content/1/c6/10/72/00/2a13eb93.pdf)

<sup>e</sup> Netherlands: <http://www.nuffic.nl/en/news/latest-news/new-nuffic-report-on-international-student-recruitment-policies>

<sup>f</sup> <http://www.swedenabroad.com/en-GB/Embassies/New-Delhi/Study-in-Sweden/Residence-permit-for-studies-in-Sweden/> (last accessed on 7.10.2012)

## 4.2 Requirements during Studies

Permits issued to international students in France, Sweden and Netherlands are initially valid for a year and extendable to cover the duration of the course. In case of Germany, the student permit can be extended up to two years, while for the UK; the permit remains valid for the duration of the course. Recent reforms in the Tier 4 category for international students in the UK have placed a maximum limit of 3 years for undergraduate courses and a five year limit on graduate level studies. Part-time employment between 10 and 20 hours on a weekly basis is permitted by all the five countries considered, as seen in Table 2.

**Table 2. Conditions during stay<sup>#</sup>**

Prerequisites/ Country	UK <sup>a</sup>	Germany <sup>b</sup>	France <sup>c</sup>	Sweden <sup>d</sup>	Netherlands <sup>e</sup>
<i>Duration of Student/Resident Permit</i>	The full-length of the course [Max for 3 years: NQF 3-5 and 5 years: NQF 6-7]	3 months-1 year (and extendable)	1 year and renewable	1 year and renewable	1 year and renewable
<i>Part-time work</i>	20 hours a week (part time)	Increased from 90 full days (or 180 half days) to 120 full days (or 240 half days) a year	964 hours/year (or nearly 18 hours/week)	No restriction on hours, as long as no interruption in studies*	10 hours/week (term time)* 40 hours/week (holiday period) <sup>30</sup>

Source:

<sup>#</sup> Information on country-wise prerequisites has been sourced from a variety of national sources, including a report titled, “Mobile Talent? The staying intentions of international students in 5 EU countries”, Table 2 and the marked categories (\*) refer to information sourced from this study.

[http://www.svr-migration.de/content/wp-content/uploads/2012/04/Study\\_Mobile\\_Talent\\_Engl.pdf](http://www.svr-migration.de/content/wp-content/uploads/2012/04/Study_Mobile_Talent_Engl.pdf)

<sup>a</sup> UK: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/news/summary-student-policy.pdf>

<sup>30</sup> Nuffic Report on International student recruitment policies. <http://www.nuffic.nl/en/news/latest-news/new-nuffic-report-on-international-student-recruitment-policies> (last accessed on 10.10.2012)

UK: National Report on satisfying labour demand through migration (European Migration Network).  
<http://discovery.ucl.ac.uk/1337964/>

<sup>b</sup> Germany: National Report: Satisfying Labour Demand through Migration in Germany

[http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/EMN/Nationale-Studien-WorkingPaper/emn-wp32-satisfying-labour-demand-en.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/EMN/Nationale-Studien-WorkingPaper/emn-wp32-satisfying-labour-demand-en.pdf?__blob=publicationFile)

[http://www.iza.org/en/webcontent/publications/reports/report\\_pdfs/iza\\_report\\_41.pdf](http://www.iza.org/en/webcontent/publications/reports/report_pdfs/iza_report_41.pdf)

<sup>c</sup> France/<sup>e</sup> Netherlands: National Reports: Visa Policy as a Migration Channel (in France, Sweden and Netherlands)

[http://emn.intrasoft-](http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do;jsessionid=8234D8ED334F5DDAD41729301D545424?entryTitle=18_VISA%20POLICY%20as%20a%20Migration%20Channel)

[intl.com/Downloads/prepareShowFiles.do;jsessionid=8234D8ED334F5DDAD41729301D545424?entryTitle=18\\_VISA%20POLICY%20as%20a%20Migration%20Channel](http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do;jsessionid=8234D8ED334F5DDAD41729301D545424?entryTitle=18_VISA%20POLICY%20as%20a%20Migration%20Channel)

<sup>d</sup> Sweden: National Report on Immigration of International Students (2012)

[http://emn.intrasoft-](http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do;jsessionid=FAA1CDCDD22C8164A09F01EFB8DC9C9D?entryTitle=02%20Immigration%20of%20INTERNATIONAL%20STUDENTS%20to%20EU%20Member%20States)

[intl.com/Downloads/prepareShowFiles.do;jsessionid=FAA1CDCDD22C8164A09F01EFB8DC9C9D?entryTitle=02%20Immigration%20of%20INTERNATIONAL%20STUDENTS%20to%20EU%20Member%20States](http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do;jsessionid=FAA1CDCDD22C8164A09F01EFB8DC9C9D?entryTitle=02%20Immigration%20of%20INTERNATIONAL%20STUDENTS%20to%20EU%20Member%20States)

<sup>e</sup> Netherlands: <http://www.nuffic.nl/en/news/latest-news/new-nuffic-report-on-international-student-recruitment-policies>

### 4.3 The Post-Study Scheme

This refers to the current provisions for international students seeking employment after completing their studies. An inspection of these provisions reveals considerable variations in the opportunities offered by the five countries for securing post-work employment.

The UK in particular, has introduced major reforms in the post-study scheme in recent years. Until 2011, the Post-Study Work (PSW) route under the Tier 1 category (concerning employment of international students in the UK) allowed foreign graduates (with a degree or Master's level from UK universities) a period of up to 12 months (from the date of completion of studies) to stay and seek employment within the UK. In this duration, students were allowed to find full-time employment, without any restrictions. However, the PSW route has closed since April, 2012 and foreign graduates who wish to remain in the UK (after completing studies) must switch over to the Tier 2 general category (for employment) before the expiry of their student visa (this point is elaborated on in the next section).<sup>31</sup> Foreign students who fail to do so are required to return home on completion of their studies.

Germany has relatively liberal provisions in this aspect as the post-study scheme allows foreign graduates an extended period of up to 18 months to stay and find suitable employment in Germany. Though France has similar provisions (as seen in Table 3), only graduates with a Master's degree (or higher) are permitted to stay in France to seek employment, for a lesser duration of 6 months. The scheme in Netherlands is similar and allows students a period of 1 year stay (to seek employment). However, Sweden is the only country without any current provisions for the post-study scheme. For each country with the post-study scheme, foreign graduates are allowed to work part-time (60 percent of work time) or full-time, until the duration expires.

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<sup>31</sup> For the purpose of employment, foreign graduates are currently required to apply under the Tier 2 category, which concerns the employment of all immigrants.

**Table 3. Current Post-Study Schemes in selected European countries<sup>#</sup>**

<b>Prerequisites/ Country</b>	<b>UK<sup>a</sup></b>	<b>Germany<sup>b</sup></b>	<b>France<sup>c</sup></b>	<b>Sweden<sup>d</sup></b>	<b>Netherlands<sup>e</sup></b>
<i>Length of Post-study Scheme</i>	Two year PSW scheme closed since April, 2012 <sup>32</sup>	Maximum period for finding employment (after graduation) to be extended from 12 months to 18 months <sup>33</sup>	Maximum period of 6 months granted for finding employment	No current scheme <sup>34</sup>	Maximum period of 1 year to seek employment - Two schemes: <sup>35</sup> 1. For Graduates and Master's degrees 2. For Master's or PhD degrees (on a points based assessment)
<i>Permitted work hours during the post-study scheme</i>	Not applicable (since April, 2012)	No restrictions and FLA consent not required	Up to 60% of official work week (964 hours/year)	Not applicable	No restrictions*
<i>Conditionalities</i>	Need to switch to Tier 2 category before student visa expires	Must apply on graduation	Must apply 4 months (prior to the expiry of the student permit)*	Not applicable	Must apply on graduation (1 <sup>st</sup> scheme) and within 3 years (2 <sup>nd</sup> scheme)

Source:

<sup>#</sup> Information on country-wise prerequisites has been sourced from a variety of national sources, including a report titled, "Mobile Talent? The staying intentions of international students in 5 EU countries", Table 2 and the marked categories (\*) refer to information sourced from this study. [http://www.svr-migration.de/content/wp-content/uploads/2012/04/Study\\_Mobile\\_Talent\\_Engl.pdf](http://www.svr-migration.de/content/wp-content/uploads/2012/04/Study_Mobile_Talent_Engl.pdf)

<sup>a</sup> UK: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/news/summary-student-policy.pdf>

UK: National Report on satisfying labour demand through migration (European Migration Network). <http://discovery.ucl.ac.uk/1337964/>

<sup>b</sup> Germany: National Report: Satisfying Labour Demand through Migration in Germany

[http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/EMN/Nationale-Studien-WorkingPaper/emn-wp32-satisfying-labour-demand-en.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/EMN/Nationale-Studien-WorkingPaper/emn-wp32-satisfying-labour-demand-en.pdf?__blob=publicationFile)

[http://www.iza.org/en/webcontent/publications/reports/report\\_pdfs/iza\\_report\\_41.pdf](http://www.iza.org/en/webcontent/publications/reports/report_pdfs/iza_report_41.pdf)

<sup>c</sup> France/<sup>e</sup> Netherlands: National Reports: Visa Policy as a Migration Channel (in France, Sweden and Netherlands)

[http://emn.intrasoft-](http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?jsessionid=8234D8ED334F5DDAD41729301D545424?entryTitle=18_VISA%20POLICY%20as%20a%20Migration%20Channel)

[intl.com/Downloads/prepareShowFiles.do?jsessionid=8234D8ED334F5DDAD41729301D545424?entryTitle=18\\_VISA%20POLICY%20as%20a%20Migration%20Channel](http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?jsessionid=8234D8ED334F5DDAD41729301D545424?entryTitle=18_VISA%20POLICY%20as%20a%20Migration%20Channel)

<sup>32</sup> Foreign graduates who qualified (for the PSW scheme) under the Tier 1 category (prior to the closure of the route in April, 2012) are also required to switch to Tier 2 category, on qualifying through a points-based assessment. For more information, refer to the UKBA Report (UK Border Agency, 2011a)

<sup>33</sup> As per the new legislation adopted by the German parliament, to improve future prospects of foreign students in Germany. <http://www.universityworldnews.com/article.php?story=20120502094302323> (last accessed on 14.7.2012)

<sup>34</sup> According to Swedish legislation (in effect since December, 2008), international students cannot extend their residence permit to seek employment in Sweden (after completion of studies). However, students who hold a valid job offer from a Swedish employer (and satisfy minimum income requirements) can apply for a work permit. While certain reports suggest the possibility of the introduction of a 6-month period to seek employment in Sweden (on completion of studies) in the future, such a policy is not currently in place. <http://monitor.icef.com/2012/05/germany-eases-post-study-work-and-immigration-legislation-for-foreign-students/> (last accessed on 7.10.2012)

<sup>35</sup> The license to remain in Netherlands (on securing a work permit) under either of the two schemes is restricted to 1 year and not renewable. <http://www.nuffic.nl/toelating-verblijf/werk/zoekjaar-afgestudeerde-en-regeling-hoogopgeleiden> (last accessed on 12.10.2012)

<sup>d</sup> Sweden: National Report on Immigration of International Students (2012).

<http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do;jsessionid=FAA1CDCDD22C8164A09F01EFB8DC9C9D?entryTitle=02%20Immigration%20of%20INTERNATIONAL%20STUDENTS%20to%20EU%20Member%20States>

<sup>e</sup> Netherlands: <http://www.nuffic.nl/toelating-verblijf/werk/zoekjaar-afgestudeerde-en-regeling-hoogopgeleiden>

#### 4.4 Post-Study Employment

This refers to the current legal framework which outlines the conditions of employment that apply to foreign graduates. Table 4 reveals significant differences between the opportunities of employment offered by each of the five European countries.

In the case of the UK, foreign graduates who wish to work in the UK must find suitable employment (relevant to their degree/specialization) and switch categories from Tier 4 (as a student) to Tier 2 (General) category (which is the Sponsored Skilled Worker category), before the expiry of their student visa. Further, there will not be a limit imposed on the number of graduates switching (from Tier 4) to Tier 2 and the general rules governing Tier 2 will apply to them, though they will be exempted from the resident labour market test. They are required to secure a ‘highly-skilled’ job offer with a minimum annual salary of £20,000 from a licensed sponsor, though they are not be subjected to the labour market test.<sup>36</sup>

Foreign graduates who find employment in Germany (either on graduation or, during the Post-Study period of 18 months) are also not subjected to the labour market test if the job matches their qualifications. They are, however, expected to satisfy other requirements relating to security and compensation amounts (equally applicable for German employees).

The provisions for students in France are similar, however, there is a differential treatment rendered based on the level of qualifications. Foreign graduates (with a Master’s degree or above) qualify for the post-study scheme and can change their status from a student to a (temporary) employee, provided that the job is relevant to the degree and provides a compensation of more than 1.5 times the minimum wage (relevant to the respective domain of specialisation).<sup>37</sup> Graduates who do not qualify under this scheme (i.e. students with a degree below the Master’s level) are subjected to the same conditions/requirements as other non-European nationals/migrants seeking employment. On securing a job offer, these graduates can obtain a temporary work permit after obtaining the French government’s approval.<sup>38</sup>

As there is no provision for a post-study scheme in Sweden, foreign graduates who wish to work in Sweden must secure a firm job offer from a Swedish employer before the expiry of their student visa. They are also required to meet (at minimum) the same prerequisites as applied to other employees in Sweden. Additionally, constraints are applied to the employers of foreign graduates, who are required to advertise (for the particular position) in Sweden (and the EU) for a ten-day period, before considering a non-European national for the same.<sup>39</sup>

The post-work scheme in Netherlands allows foreign graduates a period of up to 1 year to find a highly-skilled job position from an authorised employer. In addition, this position must offer a minimum annual salary of €26,605. For graduates seeking employment (under Scheme 1, or the

<sup>36</sup> <http://www.geog.ucl.ac.uk/about-the-department/news/news-archive-2011/july-2011/satisfying-uk-labour-demand-through-migration/> (last accessed on 28.6.2012)

<sup>37</sup> Foreign graduates in France who go through this route (of the post-study scheme) are not subjected to a labour market test.

<sup>38</sup> On receiving a request for a change of status (from a student to an employee), the government assesses the graduate over a variety of factors such as his/her academic background, etc, before approving the change. [http://www.svr-migration.de/content/wp-content/uploads/2012/04/Study\\_Mobile\\_Talent\\_Engl.pdf](http://www.svr-migration.de/content/wp-content/uploads/2012/04/Study_Mobile_Talent_Engl.pdf) (last accessed on 28.6.2012)

<sup>39</sup> Other conditions include offering (at minimum) equal terms of employment as provided under the Swedish collective agreement and informing the trade union of the same, in addition to earning a minimum (pre-tax) salary of SEK 13,000 annually. [http://www.migrationsverket.se/info/2106\\_en.html](http://www.migrationsverket.se/info/2106_en.html) (last accessed on 7.10.2012).



general category), employers are not required to secure a work permit. However, employers who recruit foreign students under the highly-skilled category (2<sup>nd</sup> Scheme) must apply for a work permit and the approval of the Centre for Work and Income. This requirement mandates employers in Netherlands to conduct labour market tests and prove the unavailability of Dutch and other EU nationals in filling the position, prior to considering a non-EU national for the same. Employers are further required to advertise the vacancy for at least 5 weeks before considering a non-EU national and the compensation offered ( to foreign graduates) should be (at minimum) equal to the minimum wage pertaining to the industry.

As mentioned earlier, foreign graduates with a Master's or a PhD degree are eligible to seek employment in Netherlands as 'highly educated persons' (2<sup>nd</sup> Scheme) and are allowed to stay and find a 'highly-skilled' job offer in Netherlands for up to a year. However, they must qualify for this scheme under the points-based system.<sup>40</sup> Foreign students (with higher qualifications, as stated above) have an important advantage as they can avail or apply for this scheme within three years of their graduation/completion of PhD.

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<sup>40</sup> Foreign graduates must score a minimum of 35 points to qualify and these are awarded based on the level of degree, age, language proficiency (in Dutch or English) and prior work or study experience in Netherlands. On qualifying, however, they are subjected to labour market tests and minimum income requirements, as outlined under the regular scheme.

**Table 4. Post-Study Employment regulations in selected European countries<sup>#</sup>**

Prerequisites/ Country	UK <sup>a</sup>	Germany <sup>b</sup>	France <sup>c</sup>	Sweden <sup>d</sup>	Netherlands <sup>e</sup>
<i>Conditions for employment post studies</i>	<ul style="list-style-type: none"> <li>– Graduate with a highly skilled job offer</li> <li>– Subject to Labour market tests</li> <li>– Employer sponsorship</li> </ul>	<ul style="list-style-type: none"> <li>– Job must be relevant to the degree and may be filled by foreigners</li> <li>– No labour market test if job matches qualification and/or if the job is in a ‘highly skilled’ category</li> </ul>	<ul style="list-style-type: none"> <li>– Job must be relevant to the degree</li> <li>– No labour market test if the job meets minimum compensation amount</li> <li>– For other international graduates, LMT is conducted if the job is not ‘in demand’</li> <li>– Special conditions for EU Blue card holders</li> </ul>	<ul style="list-style-type: none"> <li>– Domestic search requirements (for Swedish employers)</li> </ul>	<ul style="list-style-type: none"> <li>– Domestic search requirements (for Dutch employers)</li> <li>– Employers required to secure work permit to employ “highly educated” migrants (2<sup>nd</sup> Scheme)<sup>41</sup></li> <li>– Minimum score of 35 points for highly educated immigrants (to qualify under 2<sup>nd</sup> Scheme)</li> </ul>
<i>Minimum income requirement</i>	Annual salary of at least £20,000 from a reputable employer accredited by the UKBA	<ul style="list-style-type: none"> <li>– For highly qualified workers, a minimum income requirement of €44,800/year or €35,000/year (for shortage occupation) (EU Blue Card)<sup>42</sup></li> </ul>	<ul style="list-style-type: none"> <li>– Rate of compensation is at least 1.5 times the national minimum wage</li> <li>– Minimum income of €4000/month for highly qualified workers (EU Blue Card)<sup>43</sup></li> </ul>	Annual salary of at least SEK 13,000 (pre-tax)	Minimum (annual) salary requirements: <ul style="list-style-type: none"> <li>- €26,605</li> <li>- (1<sup>st</sup> Scheme)</li> <li>- €29,931</li> <li>- (2<sup>nd</sup> Scheme)<sup>44</sup></li> </ul>

**Source:**

<sup>#</sup> Information on country-wise prerequisites has been sourced from a variety of national sources, including a report titled, “Mobile Talent? The staying intentions of international students in 5 EU countries”, Table 2 and the marked categories (\*) refer to information sourced from this study. [http://www.svr-migration.de/content/wp-content/uploads/2012/04/Study\\_Mobile\\_Talent\\_Engl.pdf](http://www.svr-migration.de/content/wp-content/uploads/2012/04/Study_Mobile_Talent_Engl.pdf)

\*\*[http://www.expatlaw.nl/dutch\\_highly\\_skilled\\_migrant.htm](http://www.expatlaw.nl/dutch_highly_skilled_migrant.htm) (last accessed on 7.8.2012).

<sup>a</sup> UK: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/news/summary-student-policy.pdf>

<sup>41</sup> This requirement is imposed on employers in Netherlands who wish to employ highly-skilled immigrants, and guarantees that labour market tests have been conducted before considering a non-EU national for positions in Netherlands. This condition (of securing a work permit) however, does not apply to employers who recruit immigrants under Scheme 1. <http://www.nuffic.nl/toelating-verblijf/werk/zoekjaar-afgestudeerde-en-regeling-hoogopgeleiden> (last accessed on 12.10.2012)

<sup>42</sup> <http://www.fragomen.com/germany-05-11-2012/> last accessed on 7.10.2012)

<sup>43</sup> [http://ressources.campusfrance.org/publi\\_institu/agence\\_cf/notes/en/note\\_35\\_en.pdf](http://ressources.campusfrance.org/publi_institu/agence_cf/notes/en/note_35_en.pdf) (last accessed on 7.10.2012)

<sup>44</sup> The income requirement for foreign workers (reported above) has effective from 1<sup>st</sup> January, 2012. The amount reported corresponds to the minimum income requirement for foreign graduates from a Dutch institution of higher education. The (general) minimum income requirements applicable to highly-skilled migrants in Netherlands are €1,239 (for migrants over 30 years of age) or €37,535 (for migrants under 30 years of age). <http://www.management-mobility.com/new-salary-requirements-work-permits-belgium-netherlands.html> (last accessed on 7.10.2012)

UK: National Report on satisfying labour demand through migration (European Migration Network).

<http://discovery.ucl.ac.uk/1337964/>

<sup>b</sup> Germany: National Report: Satisfying Labour Demand through Migration in Germany

[http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/EMN/Nationale-Studien-WorkingPaper/emn-wp32-satisfying-labour-demand-en.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/EMN/Nationale-Studien-WorkingPaper/emn-wp32-satisfying-labour-demand-en.pdf?__blob=publicationFile)

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<sup>d</sup> Sweden: National Report on Immigration of International Students (2012)

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[intl.com/Downloads/prepareShowFiles.do;jsessionid=FAA1CDCDD22C8164A09F01EFB8DC9C9D?entryTitle=02%20Immigration%20of%20INTERNATIONAL%20STUDENTS%20to%20EU%20Member%20States](http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do;jsessionid=FAA1CDCDD22C8164A09F01EFB8DC9C9D?entryTitle=02%20Immigration%20of%20INTERNATIONAL%20STUDENTS%20to%20EU%20Member%20States)

<sup>e</sup> Netherlands: <http://www.nuffic.nl/toelating-verblijf/werk/zoekjaar-afgestudeerde-en-regeling-hoogopgeleiden>

## 5. Legal Regimes in other Host countries

While the preceding discussion outlines the legislation governing international students in selected European countries, a comparison with the existing regimes in its competitor countries reveals the options available to international students in other popular destinations for higher education. In addition to the markets discussed above, countries which receive several Indian students every year include the United States (US), Australia, as well as newer markets like Canada and New Zealand.<sup>45</sup>

A comparison of the legal regimes governing international students across these countries indicates considerable differences in the post-study employment opportunities available to international students. In the United States (US), for instance, international students are allowed to stay and work in the US for up to 12 months (after completion of studies), under a visa category known as the Optional Practical Training (OPT).<sup>46</sup> Moreover, in an attempt to improve the competitiveness of US companies, the duration of the OPT programme has been extended to 29 months for international students in the fields of Science, Technology, Engineering and Mathematics (STEM).<sup>47</sup>

Following a period of slowdown in international student enrolments in Australia, the Australian government has implemented a number of regulatory changes to ease the admission process to attract more international students. While these changes span across all stages of the admission process, an important development is seen in case of the post-study work conditions.<sup>48</sup> The Australian government plans to offer a post-study work visa which allows foreign graduates to work in Australia for up to four years after graduation.<sup>49</sup> Early reports suggest that this change (which is likely to come in to effect in

<sup>45</sup> The U.S attracts has always received the largest share of Indian students traveling abroad for higher education, and attracted 53.6 percent of all internationally mobile Indian students in 2009. Australia is another popular destination and received 17.9 percent in 2009, though the flow of Indian students to Australia has significantly suffered since 2010. Canada and New Zealand are upcoming destinations, which have gained considerable visibility in the Indian market since 2007.

<sup>46</sup> The OPT programme is available for all international students with a valid F-1 immigration status. Further, a job offer is not mandatory while applying for the OPT, as this period allows students to find employment anywhere in the US. As with other countries, the OPT programme/status requires students to secure employment which is relevant to their degree. [http://www.internationalstudent.com/study\\_usa/way-of-life/working-in-the-usa.shtml#opt](http://www.internationalstudent.com/study_usa/way-of-life/working-in-the-usa.shtml#opt) (last accessed 1.8.2012)

<sup>47</sup> <http://indiatoday.intoday.in/story/us-changing-visa-rules-to-attract-the-highly-skilled/1/172017.html> (last accessed on 14.7.2012)

<sup>48</sup> The changes to student visas were introduced by the Australian government in 2012 after accepting the recommendations of the Knight Committee Review. The changes include reduced language requirements for foreign students (a wider range of scores including TOEFL, PTE and CAE are now accepted) and reduced financial requirements for student visa applicants (who belong to Assessment levels 3 and 4), amongst other changes. <http://asiancorrespondent.com/85589/important-changes-to-australian-student-visa-requirements/> (last accessed on 14.7.2012)

<sup>49</sup> [http://www.immi.gov.au/students/\\_pdf/2011-fact-sheet.pdf](http://www.immi.gov.au/students/_pdf/2011-fact-sheet.pdf) (last accessed on 14.7.2012)

early 2013) is already having the desired effect, as seen by a nearly 30 percent increase in enrolments from India in 2011-12.<sup>50</sup> Canada and New Zealand, which are new entrants in the industry, have also performed well in the Indian market. A post-work study scheme for international students exists in both countries, which allows foreign students to work up to 3 years after completion of studies.<sup>51</sup>

The preceding discussion suggests that some of the leading providers of higher education consider post-study employment opportunities to be an important factor for international students and have consequently established stronger links between the higher education and employment routes. A comparison also indicates that some of the main non-European host countries in fact, offer more liberal conditions for post-study stay, and thus, better scope for international students to secure long-term employment. This creates a significant point of divergence between incentives offered by most European countries and its competitors and is likely to result in a competitive disadvantage for certain European countries in the foreseeable future.

The information presented above suggests that the post-study employment option offered by host countries has an important role to play in the decision process and one which must not be undermined. Countries like the US and Australia which have tightened student visa requirements in the past (by constraining the post-study work route) have experienced a significant drop in their share of international students. Subsequent corrective measures adopted by both countries involved easing restrictions and specifically included changes in the form of more liberal post-study work conditions for international students. The fact that these measures have helped countries restore their original market image and improve their attractiveness (to internationally mobile students) suggests that international students are specifically sensitive to changes in this variable.

The sensitivity to long-term prospects is particularly relevant in the Indian context, where a large number of students assume significant financial liabilities to pursue higher education abroad and long-term prospects are seen as a means of returns to their financial investment. In this regard, recent changes to the regulatory systems particularly in the UK are likely to attract a strong response from potential Indian students, who now have considerably fewer realistic opportunities to work in the UK after completing studies. The negative sentiments of a number of Indian students was reflected in a recently conducted survey, which reported that a majority of (surveyed) Indian students in the UK considered the (new) visa regulations to be the most challenging aspect of pursuing higher education in the UK.<sup>52</sup> Further, there are indications of a severe drop (of 30 percent) of Indian student enrolments in UK universities between 2011 and 2012, while Australian universities have reported a rise of nearly 16 percent in the same period.<sup>53</sup>

Evidently, Australia is in the process of neutralizing the negative reputation it had earned in recent times (in the Indian market) and reports of growth in student enrolments from India may partially be attributed to the regulatory changes it has introduced, which further supports the possible effectiveness of this variable in influencing student choices. In light of these events, It is hardly surprising that universities in the UK are increasingly concerned about the outcome of such changes (in the UK

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<sup>50</sup> <http://www.workpermit.com/news/2012-02-24/australia/australian-universities-see-increase-of-indians-studying-in-australia-on-student-visas.htm> (last accessed on 14.7.2012)

<sup>51</sup> The New Zealand government initially offers a 1 year (Graduate) job search visa to international students to seek employment on completion of their study. On securing a job offer within this period, a Graduate work experience visa is issued, for maximum period of 2 years.

<http://www.newzealandimmigration.co.in/index.php/post-study-work-visas> (last accessed on 19.7.2012)

The Post Graduate Work Permit Programme offered by the Canadian government allows international graduates to work in Canada for a period equal to the length of the study programme, with the maximum permissible period of 3 years. <http://www.cic.gc.ca/english/study/work-postgrad.asp> (last accessed on 20.7.2012)

<sup>52</sup> For more information, refer to an earlier paper on Indian students in Europe.

<http://www.india-eu-migration.eu/media/CARIM-India%202012%20-%202012.pdf>

<sup>53</sup> <http://news.in.msn.com/international/tight-british-visas-driving-indian-students-to-australia-1> (last accessed on 23.7.2012).

regulation on student migration), and particularly fear the impact on the Indian market. While the true impact of these changes is yet to be seen, indications are that the closure of the Post Study Work (PSW) route has generated growing scepticism amongst many Indian students about the feasibility of studying in the UK.

## 6. Summary and Conclusion

A comparison of legal regimes across the UK, Germany, France, Netherlands and Sweden reveals significant differences in the current legislation on international students in Europe. Importantly, differences are also visible between stages of the student migration policy. However, in assessing the overall situation, certain patterns emerge and they are summarised below.

An examination of the current legal regimes across stages suggests that even though the entry conditions are broadly similar in all the countries considered; Sweden, Germany and Netherlands are seen to impose relatively easy entry conditions, whereas the conditions set by France and the UK are stricter (in the form of language and other requirements). However, there exist very similar legal provisions governing the duration of studies, as all five countries recognise the importance of part-time work for international students and therefore permit the same, with varying degrees of flexibility.

On the other hand, major differences are seen among countries on provisions relating to the post-study scheme as well as post-study employment. While Germany, Netherlands and France allow international students an extended duration of stay (for 18 months, 12 months and 6 months, respectively) to seek employment after completion of studies, the UK has closed a similar provision (the Post-Study Work (PSW) route) and currently requires foreign graduates to secure a firm employment offer before the expiry of the student visa, to continue staying in the UK.

Overall, it is seen that each of the five countries considered in the analysis have unique economic priorities and national immigration policies concerning foreign graduates often reflect these differences. In case of the UK, significant changes were made to its migration policy in 2011, following repeated instances of bogus colleges and large-scale abuse of the student migration route and the priority since then has been to check net migration levels, particularly on the 'student' route, which had been exploited previously.<sup>54</sup> To safeguard the interests of genuine students and the domestic labour market, the UK has therefore tightened the legislation at all stages of student migration, including their transition in to the UK labour market.

The German economy, on the contrary, faces a growing shortage of skilled labour in vital sectors like Science and Technology and aims to address this issue by effectively managing immigration. In view of this objective, Germany has considerably liberalized all modes of entry for international students. Comparatively, Sweden is a new entrant in the international higher education domain, the system is still at an infant stage and yet to offer provisions for post-study employment to international students. Finally, the French agenda has primarily been to attract foreign students, who are viewed as 'temporary' migrants, which is consequently reflected by the limited scope for employment of foreign graduates, on completion of studies.

Even though the degree of permissiveness of a country's legislation may reflect its economic targets, it is important to assess the possible effect of such regulations on the ultimate consumers of higher education services. At a time when student mobility is increasingly linked to future employment prospects, the legal regimes have a considerable impact on the overall desirability of a higher education destination. When compared to the strongest competitors like the US or Australia, the legal provisions in European countries are seen to offer considerably fewer long-term employment prospects for non-European international students. While this is an important factor which is likely to

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<sup>54</sup> For more information, refer to an earlier paper on Indian students in Europe.  
<http://www.india-eu-migration.eu/media/CARIM-India%202012%20-%202012.pdf>

affect Indian students, it is undoubtedly a variable with significant consequences for all concerned international students considering Europe for higher education. The relevance of this variable is validated by a recent survey on international students in Europe which found that a majority of (surveyed) students in the UK and France have a ‘critical’ or ‘negative’ perception of the legal opportunities for foreign students, and believe that their employment prospects are ‘poor’, which in turn has a bearing on their willingness to stay on after graduation. An exception is seen in case of Germany, as a majority of (surveyed) students in Germany rated the legal opportunities and employment prospects as being fair and found the German system to be more ‘welcoming’ to international students.<sup>55</sup>

The preceding discussion identifies a few issues worth considering when assessing the impact of current regulations on international students in Europe. Of the countries discussed in this paper, the UK is likely to face the strongest reaction from Indian students because it currently exercises post-study employment regulations of the strictest order. The series of reforms made by the UK on student migration are possibly sending mixed signals regarding its willingness to receive international students and this has resulted in growing uncertainty amongst Indian and other international students.

A decline in the appeal of UK universities among Indian students is evidenced by early reports which find that courses offered by reputed universities including the Cambridge and Oxford Universities have recorded a significant drop of nearly 30 percent in applications from Indian students.<sup>56</sup> Matters have only worsened in recent months, as the crisis involving the withdrawal of the ‘highly trusted sponsor’ status of the London Metropolitan University (LMU). This incident has affected nearly 2600 of its international (non-EU) students who face deportation, unless they are able to find an alternative sponsor by end of November.<sup>57</sup> This incident has further compounded the uncertainty faced by several Indian students in the UK, as a large percentage of the students affected by the LMU debacle are from India. It has also raised serious concerns about the possibility of similar occurrences (of UK universities effectively shutting down for international students) in the future. Strong government reactions to incidents of this nature (which may be viewed as being politically motivated, aimed at reducing immigration) appear to be taken against the interests of genuine students and generate instability and insecurity among prospective international students, which will reduce the attractiveness of the UK for higher education in the near future.<sup>58</sup>

For the UK and other European countries to secure and strengthen their share of Indian students, it must be acknowledged that the process of student mobility is complex and in need of constant incentivization, particularly on the regulatory front since its competitors offer significantly better options with longer durations of post-study stay. Further, many new entrants in the higher education industry have succeeded in capturing a part of the (Indian) market share by effectively using the employment route as a medium to attract Indian students. Thus, the competition for Indian students has only intensified in recent times and it is evident that differences in the legislations governing

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<sup>55</sup> For a detailed analysis of the survey findings, refer to the SVR Survey Report.

[http://www.svr-migration.de/content/wp-content/uploads/2012/04/Study\\_Mobile\\_Talent\\_Engl.pdf](http://www.svr-migration.de/content/wp-content/uploads/2012/04/Study_Mobile_Talent_Engl.pdf) (last accessed on 28.6.2012).

<sup>56</sup> Reports suggest that the drop in Indian student applications is largely caused by frequent and unfavourable changes in the UK legislation governing the post study employment conditions for international students. <http://www.independent.co.uk/news/education/education-news/foreign-students-spurn-uk-universities-after-immigration-curbs-8206130.html> (last accessed on 12.10.2012).

<sup>57</sup> LMU’s license as a highly trusted sponsor (HTS) has been withdrawn by the UKBA (United Kingdom Border Agency) as they were found to display systemic failures in accounting for the immigration status of several international students (as found in a survey conducted by the UKBA). The withdrawal of HTS status implies that LMU will no longer be able to recruit international students, a decision which has left its (currently enrolled) international students in the lurch. <http://www.universityworldnews.com/article.php?story=2012090710523086> (last accessed on 12.10.2012)

<sup>58</sup> <http://www.telegraph.co.uk/education/universityeducation/9508366/Foreign-students-being-used-as-a-political-football-claims-NUS.html> (last accessed on 12.10.2012)

international students have given leading as well as new host countries a visible competitive edge over European countries.

While it is clear from the preceding discussion that all five European countries offer better employment conditions to international students (relative to other non-European migrants), frequent changes to existing legislation can increase uncertainty and create a negative perception amongst prospective as well as current students. While the long-run impact of a rapidly changing policy environment on the flow of Indian students is yet to be seen, the current situation is certainly not encouraging the flow. Therefore, European countries which hope to succeed in the Indian student market will be required to focus closely on the employment route, by creating realistic opportunities for post-study employment which improve the foreign graduate's access to the EU labour market. While the European Union's Blue Card initiative is a positive step in this direction, the minimum income requirements currently set by most countries may prove to be a tall ask for several students as they enter the labour market as fresh graduates, without prior work experience.<sup>59</sup> The Blue Card initiative is at its early stages of implementation and the efficacy of this initiative is yet to be seen, nonetheless, European countries which hope to attract international students in the future will need to effectively address the various employment-related issues to compete with the emerging host countries to secure their share of international students.

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<sup>59</sup> The European Council adopted the EU Blue Card Directive in May 2009. The EU Blue Card Scheme is a policy initiative aimed at attracting highly educated foreign workers to European countries. Currently, all 27 members of the EU participate in the EU Blue Card Scheme (except the UK, Ireland and Denmark). The Scheme applies to Non-EU nationals (including foreign students pursuing higher education in EU countries) who possess higher education qualifications (ISCED levels 5a and 6), a valid work contract from an employer in the EU and earn at least the minimum threshold income (usually 1.5 times the average income in the respective country). <http://www.apply.eu/BlueCard/> (last accessed on 12.10.2012)

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