

SMART Visa for students from the Western Balkans

RECOMMENDATIONS FOR THE WAY AHEAD
2007



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A publication of the King Baudouin Foundation
in cooperation with the International Centre for Migration Policy Development

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Foreword

SMART VISA FOR STUDENTS TO FOSTER COMMON UNDERSTANDING

Students in the Western Balkan region play a key role in shaping tomorrow's society in their countries and in the continued development of stability, prosperity as well as European integration. Students living and studying in another country have the possibility to attain the very knowledge and education needed in their home countries for spurring the reform process, state building, institution building and economic development as well as for furthering the continued democratic development. This can greatly contribute to the successful EU accession; the aim aspired by all countries in the Western Balkan region.

In April 2005 the International Commission on the Balkans issued a report titled "The Balkans in Europe's Future" pointing out that students in the Western Balkans, to a strikingly limited extent have never been abroad and are experiencing difficulties to pursue studies in the EU. Referring to the possible negative effects this might have for the region, the International Commission made recommendations relating to the relaxation of entry regimes for fulltime students from the Western Balkans. Based on these results the King Baudouin Foundation initiated the project, "Smart Visa for Students from the Western Balkans" aiming at fostering the development of facilitated procedures for students wanting to pursue studies in the European Union, which is implemented with the International Centre for Migration Policy Development.

This booklet is based on the research study that was developed by ICMPPD in the framework of the research phase of the project. The study, "Smart Visa for students from the Western Balkans – challenges and possible solutions", aims at clearly describing status quo in the EU and selected countries, highlighting good practice and making recommendations for change. Its results are based on information from the countries included in the study and study visits to the region. The project has continuously aimed at actively involving those actors on national and EU level that are able to influence policy options for introducing facilitated procedures for prospective students from the Western Balkans. Both on EU and

national level, the subject matter of the project is exposed to multiple policy influences and involves actors dealing with several different issues such as entry, admission, education and economy as well as enlargement.

The purpose of this booklet “Smart Visa for students from the Western Balkans – Recommendations for the way ahead” is to make the results available to a broader audience through presenting the results in an easy accessible format and ensure continuing discussion of these issues. In this booklet the main research results are presented in short together with the suggestions for the way ahead.

We would like to take this opportunity to express our sincere gratitude to the national administrations of Austria, Belgium, Germany, Italy, Slovenia and Sweden for providing information on their admission procedures for students and related experiences and also for contributing to the elaboration of policy recommendations. We are also very grateful to the diplomatic representations and consular missions of Austria, Belgium, Germany, Slovenia and Sweden in Belgrade and Sarajevo for sharing with us their practical experiences regarding admission of students.

Furthermore, we would like to extend our warm gratitude to the European Commission officials who have supported and contributed to previous drafts of the research study, including the policy recommendations, as well as to international and non-governmental organisations in the region working practically with students or involved with student visa matters that took part in the exchange of experiences in this area.

The Western Balkans is a priority region for the EU - which should also be noticed in inclusive policies on the side of the Union and its Member States - policies that cater for tangible results for the respective populations. Increased access for students from the Western Balkans countries sends a clear signal to the societies of the region that the EU countries are willing to support the process of EU integration and to implement policies that support this process. Promotion of student mobility is a valuable opportunity to foster common understanding with the next generation of Europeans. We hope that the project, the research study as well as this following booklet will contribute towards seizing this opportunity.

King Baudouin Foundation

International Centre
for Migration Policy Development

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Synthèse

Se basant sur une analyse approfondie de la situation présente, le projet “Smart Visa pour les étudiants originaires des Balkans occidentaux” entend contribuer à l’assouplissement des procédures pour ceux qui souhaitent poursuivre leurs études dans l’Union européenne. Il a été lancé en réponse aux obstacles auxquels les étudiants de cette région sont confrontés actuellement pour obtenir des visas et des permis de séjour dans les Etats membres de l’UE. Le projet analyse les percées en matière de la politique des visas dans l’UE et ses Etats membres, identifie les problèmes et propose des solutions susceptibles de faciliter l’accès des étudiants originaires des Balkans occidentaux à l’UE, à des fins d’études essentiellement.

L’initiative repose sur l’hypothèse que faciliter l’accès à ces derniers afin qu’ils puissent poursuivre leurs études dans l’UE ne bénéficiera pas uniquement aux seuls étudiants, mais contribuera également au rapprochement et à l’intégration de cette région des Balkans dans l’UE. En étudiant dans l’UE, ils auront la possibilité de se familiariser avec les valeurs européennes et les connaissances indispensables pour stimuler le processus de réforme, favoriser l’organisation d’un bon fonctionnement institutionnel et poursuivre les avancées démocratiques dans leur pays d’origine. Les jeunes voyageant et étudiant dans d’autres pays ramèneront chez eux non seulement les connaissances et la formation nécessaires mais aussi un nouvel élan, de nouvelles perspectives et une meilleure compréhension d’autres cultures et d’autrui. Cette évolution permettra à son tour de promouvoir l’adhésion à la signification d’appartenir à l’Europe dans les Balkans occidentaux et constituera un facteur essentiel de réussite dans le processus d’application des réformes.

Samenvatting

Het project “Smart Visa for Students from the Western Balkans” is gebaseerd op een diepgaande analyse van de huidige situatie en wil een bijdrage leveren aan de verdere ontwikkeling van eenvoudige procedures voor studenten uit de westelijke Balkanlanden die hun studie willen voortzetten in de EU. Het project kwam tot stand als reactie op de belemmeringen die studenten uit deze regio momenteel ondervinden bij het verkrijgen van visa en verblijfsvergunningen om te studeren in de EU-lidstaten. Het project analyseert de ontwikkelingen ter zake in de EU en in de Europese lidstaten, stelt bestaande problemen vast en reikt oplossingen aan om de toegang van studenten uit de westelijke Balkan tot de EU voor hoofdzakelijk studiedoeleinden te helpen vergemakkelijken.

Het project gaat uit van de veronderstelling dat een betere toegang voor studenten uit de westelijke Balkan om in EU-staten te studeren, niet alleen gunstig zal zijn voor individuele studenten, maar ook een belangrijke bijdrage kan leveren aan de toenadering van de westelijke Balkan tot de Europese Unie en de integratie van de betreffende landen in de EU. Studenten die in de EU komen studeren, kunnen kennismaken met Europese waarden en de kennis verwerven die precies nodig is om het hervormingsproces, de institutionele opbouw en de voortdurende democratische ontwikkeling in hun thuisland aan te moedigen. Jonge mensen die reizen en studeren in een ander land, zullen niet alleen de noodzakelijke kennis en kunde mee terugbrengen, maar ook nieuwe impulsen en inzichten en begrip voor andere culturen en mensen. Dit zal in de landen van de westelijke Balkan leiden tot een grotere aanvaarding en meer begrip van wat het betekent om “Europeaan te zijn” en een sleutelfactor vormen voor de succesvolle uitvoering van het hervormingsproces.



Why facilitate access of students from the Western Balkans

Furthering of “European thinking”

The Western Balkans is considered a priority region for the EU whose further development is promoted by numerous policies, projects and programmes. The approximation of the countries of the region to the EU has been high on the European agenda since many years. The European Councils of Feira 2000, Zagreb 2000 and most notably Thessaloniki 2003 have emphasised the importance the Union attaches to the deepening of relations with the countries of the region. The European Council in Thessaloniki 19 and 20 June 2003 reiterated its determination to fully and effectively support the European perspective of the Western Balkan countries and stated that *“the Western Balkan countries will become an integral part of the EU, once they meet the established criteria”*. In the “Thessaloniki Agenda for the Western Balkans” adopted by the Thessaloniki European Council, the EU stated *“that the pace of further movement of the Western Balkans countries towards the EU lies in*

their own hands and will depend on each country’s performance in implementing reforms, thus respecting the criteria set by the Copenhagen European Council of 1993 and the Stabilisation and Association Process conditionality”. Relations between the EU and the Western Balkans are anchored in the Stabilisation and Association process (SAP). Through the SAP, the EU and the countries of the Western Balkans work together in the reform process that should eventually lead towards EU membership.

Facilitated access for Western Balkans students to pursue studies in EU countries will not only be beneficial to individual students, but will also function as an important contribution to the approximation and integration of the Western Balkans region to the EU. Studying in the EU will acquaint students with European values and the very knowledge that is needed for spurring the reform process, institution building and continued democratic development in their home countries. Young people travelling or studying in other countries will not only

What are the main arguments for a facilitated access for students from the region to the EU?

Two lines of argumentation can be identified in this context.

First, travelling and studying abroad is beneficial for the individual. Being exposed to a new cultural environment, learning new languages, getting acquainted with different perceptions and methods of teaching enriches and diversifies an individual's education and imparts skills that cannot be obtained at home.

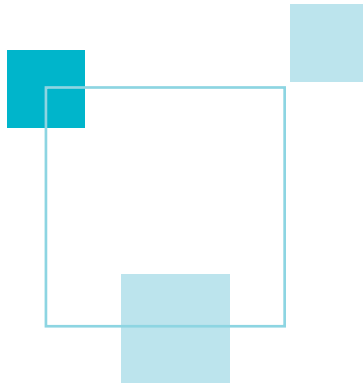
Second, and even more important in the context of this project, studying in European Union countries is one of the most comprehensive and sustainable ways to impart values to individuals and to establish contacts between students from the Western Balkans and the countries they study in. Furthermore, students would have the possibility to attain the very knowledge and education needed in their home countries for spurring the reform process, institution building and economic development as well as furthering the continued democratic development.

bring the needed knowledge and education back but also new impetus, insights and understanding of other cultures and persons. This will further promote the acceptance and understanding of the meaning of **“being European”** in the Western Balkans countries and constitute a key factor for the successful implementation of the reform processes.

Considering the special position the Western Balkan region has in relation to the EU, there are strong reasons to allow students from this region to benefit from facilitated admission procedures. The Western Balkan region is not only at the heart of Europe and enjoying historical and cultural ties to many EU countries, these countries also have a **close and special relationship to the EU, historically, culturally and even contractually**, namely as a result of the enlargement process. This fact alone could serve as an argument for the preferential treatment of students from the Western Balkans regarding admission to EU countries. The facilitation or even encouragement of the admission of students from the region would not only be beneficial for the students and the sending countries, but for the Union as well. The special ties that exist between the Union and the Western Balkans region call for the further development of **inclusive policies on side of the Union and its Member States that cater for tangible results for the**

respective populations. Increased access for students from the Western Balkan countries would send a clear signal to the societies of the region that the EU countries are willing to support the process of EU integration and to implement policies that support this process.

Visa facilitation and other inclusive policies regarding admission would be an important first step for the Western Balkan countries on their road to further EU integration, as it would serve to improve public opinion and readiness to continue with reforms.



About the project

Research phase

As mentioned, the project looked on students as one group and is aimed at embracing all types of travel for study purposes, for short as well as long-term. Therefore the project took a two-tier approach, and looked at both admission and entry regimes.

The results of the study are based on desk research and a questionnaire that was disseminated to participating states (Austria, Belgium, Germany, Italy¹, Sweden and Slovenia) regarding the legislative framework and practice relating to entry for studies for a period of more than three months. A meeting also took place in Ljubljana, Slovenia, with the Ministry of Foreign Affairs and the Centre for Mobility and EU programmes (CMEPIUS) in order to discuss and analyse identified good practices and related policy options.

Research furthermore involved the input of stakeholders in the region and the EU. Two field missions were carried out to Sarajevo, Bosnia and Herzegovina, and Belgrade, Serbia, to meet with relevant stakeholders to address the functioning of procedures, problems, challenges and possibilities of improvement with stakeholders in the field, i.e. embassy representatives and organisations working with students. In Sarajevo the project team visited the embassies (consulate sections) of Austria, Slovenia and Sweden and in Belgrade those of Austria, Belgium, Germany, Slovenia and Sweden. A variety of acknowledged organisations involved with youth and students were also visited, ranging from those administering scholarships and practically assisting students with the application procedure to those in general involved with student and EU integration matters.

1. As Italy was included at a later stage in the project, the information included is based solely on desk-research.

On 30 November 2006 relevant stakeholders on EU level, including EU Member States included in the study were invited to a **mid-term meeting in Brussels**. The aim of the meeting was to present the mid-term results of the research phase, to reflect recent developments and to keep close cooperation with relevant actors in the field. In pursuing such an approach the aim was to develop the study as a **“living” document that is shaped by the very actors involved and is suited to serve as a policy tool** forming the basis for the second phase of the project, the confidence-building phase. On the basis of the mid-term findings, participants were asked to provide their views on the remainder of the research phase, give input for policy recommendations and methods for the continuation of the project.

At the end of the research phase, which as described has included both a theoretical and practical perspective, the report had created a consistent picture of the status quo in this area.

Confidence-building phase

The **confidence-building phase** aims, based on the results of the research phase, at targeted awareness raising for the results of the project among policy makers on EU and state level and as far as possible, reflection of the project results in the future policy

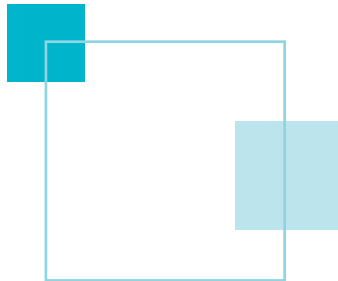
formulations of the EU and the selected Member States. For this purpose the project aims at providing a framework for discussion and consultations on facilitated procedures for students and a set of clearly formulated policy recommendations.

Naturally, any discussion about facilitated procedures also needs to take security concerns of the admitting states into consideration. Such concerns normally relate to the use of false or falsified documents in the application procedure or students that change the purpose of their stay upon arrival and engage in illegal work or simply disappear. The research and the results of this project have continuously aimed at striking a balance between security concerns and the need for facilitated procedures when identifying good practices and suggesting recommendations. The analysis undertaken in the project aims at carefully weighing the EU Member States' obligations to continue to control the entry and admission of students to their territories against the students' aim to gain facilitated access to studying in the EU. Therefore in the next phase, the focus will be on presenting arguments alleviating those concerns and suggesting ways for introducing facilitated procedures that also respond to security concerns.

The project operates in the nexus of different policies and actors involved in the topic of

entry of students from the Western Balkan on the national level as well as the EU level. On EU level related policies include Justice, Liberty and Security, Enlargement and Education and on national level the actors would mainly be Ministries of Interior, Foreign Affairs and Education. As mentioned, the project has continuously aimed at actively involving those actors on national and EU level that foster policies influencing the area of the project. As the subject matter of the project is exposed to multiple policy influences and involves actors dealing with several different issues such as

entry, admission, education and economy the project will during the confidence building phase seek the input and advice of relevant actors in the EU, Member States and the Western Balkan countries on the results of the study; identified problems, good practices as well as the developed policy recommendations that are intended to facilitate access for students from the region as well as seek their view of possible measures to be taken regarding the further facilitation for students from the region to the EU.



Distinction between admission for long and short-term visits

Visas and residence permits

As the project has a twofold approach, focusing on students as a group and examining possibilities for short and long-term travel for students it is important to make the distinction between admission for short and long-term visits, i.e. the length of travel, as this has consequences for both the kind of permit needed and the applicable legislative system.

The Member States of the European Union cooperate to a large extent on questions of entry and migration, a cooperation that has gradually been included in the framework of the EC Treaty. From initially being handled completely on an intergovernmental basis, these issues came within the so-called third pillar with the Maastricht Treaty (in force in November 1993). The greatest advance for cooperation was achieved with the Amsterdam Treaty, which entered into force on 1 May 1999. In the Amsterdam Treaty, questions on cooperation on asylum, immigration and border controls were brought into the first pillar of the Union,

the EC treaty, and were thus not any more handled on a solely intergovernmental basis.

The most significant developments regarding cooperation on migration issues among EU countries developed on intergovernmental basis, through the Schengen cooperation. The Schengen Agreement was signed in 1985 between Germany, France and the Benelux countries. In 1990 the Convention Implementing the Schengen Agreement, was signed, in which the signatories agreed to abolish checks at their common borders. The Schengen Convention applies to all of the pre-enlargement Member States except for Ireland and the United Kingdom. Norway and Iceland are also Schengen countries; although they do not belong to the EU. The countries that entered the EU on 1 May 2004 (Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia) are bound by the Schengen acquis in its entirety from the day of accession, but some provisions will only be effective after a separate decision

Distinction between admission for long and short-term visits:

Depending of the purpose of travel, different types of permits are needed. This might not always come to the attention of the individual applicant, whose main interest lies in obtaining the necessary documents for travelling to and residing in a EU country regardless of the actual type of permit. From an analytical point of view, as well as with regard to a possible adaptation of policies on student admission, the distinction between different types of visa and residence permits is necessary.

For short-term visits to the EU of not more than three months, a traveller from a country under a visa obligation is required to obtain a short-term visa. For all states that are operative members of the Schengen agreement this visa is commonly referred to as a so-called Schengen visa.

For visits that are longer than three months, students are required to obtain a long-term visa and/or a residence permit. The latter

might also apply to nationals of countries that do not need visa for short-term visits. Long-term visa (more than three months) are not covered by the EU/Schengen visa procedures.² However, admission of students is covered by Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (Directive 2004/114/EC).³ The Directive 2004/114/EC sets out the general and specific conditions for admission, as well as general procedures for granting permission for entry.

2. A long-term visa can however, if certain conditions are satisfied, be valid concurrently as a short-term visa for up to three months.
3. The EU Member States are called to adopt the laws, regulations and administrative provisions necessary to comply with the Directive by 12 January 2007.

from the Council of the European Union i.e. operative membership. The United Kingdom and Ireland have chosen to stand outside the Schengen cooperation and the EU Visa regime. Denmark is participating in the Schengen cooperation but can choose to participate in measures that constitute a further development of the Schengen acquis.

With the Amsterdam Treaty, a large part of the Schengen acquis, that is to say the body of decisions and regulations having been adopted in the framework of the intergovernmental Schengen cooperation, were brought under the Treaty framework.

The EU has a common visa policy for most of its Member States, which is commonly referred to as the EU/Schengen visa regime. The Member States have together defined lists of the third countries, whose nationals need to be in possession of a visa to enter the European Union and those third countries whose nationals are exempted from this requirement.⁴ Albania, Bosnia and Herzegovina, Macedonia and Serbia and Montenegro are on the list

of third countries whose nationals are subject to visa requirements to enter into the European Union. Some measures of the common visa policy are related to the Schengen agreement and are only applied by those countries that are operative members of this agreement. States that are operative members of the Schengen agreement also have a common visa, in the shape of a sticker (the Schengen visa) and harmonised procedures for issuing visa. The Common Consular Instructions (CCI)⁵ set a framework for the procedures of the EU countries. The EU visa procedure applies to short-term visits, for a maximum of three months.

For the future, developments related to European visa policy include introducing biometric features and the visa information system (VIS). Aiming at facilitating and clarifying the body of law relating to visas the Commission has submitted a proposal for a Community Code for Visas also taking the future use of biometrics into account.⁶

Relating to issues of **legal migration**, the sensitivity of this topic has hampered many

4. See Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempted from that requirement.

5. Common Consular Instructions on Visas for the Diplomatic Missions and Consular Posts, 2005/C 326/01

6. Draft proposal for a Regulation of the European Parliament and of the Council establishing a Community Code on Visas (presented by the Commission) {SEC(2006) 957};{SEC(2006) 958}

of the Commissions proposals and progress has been slower, especially when it comes to the question of economic migration. For this area, there is merely “spot-wise” harmonisation. Of most relevance relating to the **admission of students for more than three months**, the **Council Directive 2004/114/EC** of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (Directive 2004/114/EC), is in force and should have been implemented by the Member States by the beginning of 2007. Directive 2004/114/EC sets out the general and specific conditions for admitting students to the Member States and contains certain rules on the procedures. Even if the Directive does not provide for facilitated procedures for students (only for students participating in EU programmes) it opens the door for such facilitation.

Visa facilitation⁷ for citizens of the Western Balkan countries has been on the Union’s political agenda for some time now and resulted in important initiatives in the field of **short-term visa** (visits up to three months). In a communication

on the Western Balkans of 27 January 2006 the European Commission set out to start exploratory talks in the Western Balkans, with a view of presenting to the EU Council draft negotiation mandates for visa facilitation and readmission for the Western Balkan countries in the course of 2006.⁸ Consultations between the EU Member States and the EU institutions for defining negotiating mandates for the Commission regarding visa facilitation and readmission have been ongoing during 2006 and were finally approved by the Council on 13 November 2006. The first negotiation round with representatives from the Western Balkans took place on 30 November 2006 and the negotiations with Albania, Bosnia and Herzegovina and Montenegro were finalised (initialled) in April 2007 and the agreements with Serbia were finalised (initialled) in May 2007.

However, students intending to take up studies at a university or other academic institution in the EU will not be covered by such visa facilitation, as they will need national **long-term** visas or residence permits for entry also in the future. The main focus for the research phase was therefore on long-term visa i.e. visa for

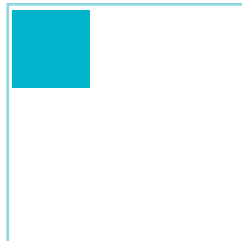
7. Visa facilitation could for example imply a clear timeframe for processing the application, reduced costs as well as simplified criteria for issuing the visa.

8. Communication from the Commission; The Western Balkans on the road to the EU: consolidating stability and raising prosperity, COM/2006/0027 final

stay more than three months that would enable young individuals from the Western Balkan countries to take up studies in the EU in an easier way than at present. The developments regarding short-term visa facilitation for students were also closely followed and were as far as possible analysed.

Regarding relevant **Community programmes for students**, especially **Erasmus Mundus** is of interest. The programme has opened a special “window” for students from the Western Balkan countries in 2006 to allow up to 100 students from the region to undertake postgraduate studies in EU high profile master’s courses. The programme focuses on attracting the best students. Presently around 15 students from each of Albania, Macedonia, former Serbia and Montenegro, and a few less from Bosnia and Herzegovina, are studying in Europe on Erasmus Mundus scholarships.

The issue of visa and residence permits has been identified as one of the main obstacles for students participating in Erasmus Mundus according to a survey carried out with master programmes coordinators and students participating in the programmes. Late information to the students and strict admission procedures of some EU countries are among the most frequently reported problems. To facilitate information regarding admission for the purpose of the programme guidelines have been produced regarding entry conditions for master course coordinators. Directive 2004/114/EC obliges Member States to facilitate access for students participating in Erasmus Mundus. The Directive includes an obligation for the Member States to facilitate the admission procedure for the third-country nationals covered by the directive who participate in Community programmes enhancing mobility towards or within the Community.



Challenges and possible solutions

Preliminary considerations

Based on identified problems in the entry and admission process both related to short-term visa as well as admission for long-term, identified good practices and possible policy options for a future facilitation of the entry and admission of students, a set of policy recommendations are suggested in this section. Possible solutions would not only be limited to regulative measures, but could more importantly look at “soft law” approaches and common understandings. Improved communication and coordination between authorities and universities in the application procedure might serve to alleviate several of the observed challenges and related suggestions are among the main recommendations in this regard. The suggested solutions always seek to balance the interests of students from the Western Balkan region against the concerns of receiving states relating to inter alia to fraud and irregular migration and also taking practical limitations of the embassies into account.

Two important considerations should be mentioned at the outset.

Firstly, applications from students, especially for long-term visa or residence permits for the purpose of studies, are relatively few, as highlighted by presented numbers from states and from the visited embassies. In informal discussions, visited embassies in general were of the opinion that also students applying for short-term visa for study purposes constitute a rather small group. Statistics retrieved from the participating states, were unfortunately very difficult to compare. In some cases no specific data was available by nationality, in some cases only some of the Western Balkan countries were mentioned and for most countries diverging definitions of the group “students” were used. What could still be noted was that the group of students from the Western Balkans is generally small in most of the participating countries, especially in relation to the total number of foreign students. During the field missions, the visited consulates were however asked to provide recent statistics on applications. From the information provided it could be understood that they receive comparatively few applications for visas or residence permits (if applicable) for the purpose of study, in

particular in comparison with visas and residence permits for other purposes or other countries of origin (e.g. China, India etc.).

The two countries receiving relatively more applications are Austria⁹ and Germany, although also in these cases numbers are quite limited and represent a comparatively

small group of the total amount of applicants.

There was no clear explanation given for the low levels, although some factors like the high living costs, language knowledge, the educational level in the region or that education in the region is traditionally provided free of charge were indicated.

Observations in the field

Embassy representatives in the region also mentioned different possible reasons for the low numbers. Most of them mentioned the cost factor and that students applying outside organised programmes (without scholarships) would normally have to come from families that are financially better off than the average.

The German embassy in Belgrade meant that it is still difficult to explain the low number of students applying. One reason is of course the language knowledge but still in comparison to the number of students from for example Poland, this does not seem to explain it fully. Probably there will be an increase of applications in the next years.

The Swedish embassy in Belgrade pointed out that even though there is a large Ex-Yugoslav community in Sweden, this does not seem to work as a “pull factor” for potential students. One possible explanation might be that there is a limited academic tradition within the group living in Sweden. In addition, there are few undergraduate courses in English in Sweden, but on the other hand there are several post-graduate courses in English. The problem might often not be to actually get the visa/residence permit but the fact that they have to go through the procedure as such.

The Slovenian embassy in Sarajevo also mentioned as a further possibility that recognition of Bosnian degrees and diplomas in Slovenia might cause problems, as different levels are demanded for the equivalent degrees.

9. Regarding students, the case with Bosnia Herzegovina and Austria is special, as aside from Austria's proximity, one reason it became a popular destination for Bosnian students is that there was an a university-exchange agreement with the former six-republic Yugoslav federation (referred to as “the 100-year agreement”). Under the terms of that pact, any Yugoslav high-school graduate could apply for admission to an Austrian state university on the same terms as an Austrian citizen and, if accepted, could study at no charge meaning that students from Bosnia and Herzegovina could study on the same conditions as Austrian students in Austria. This does not apply for all universities, but for instance for Graz. For this and other reasons, it is still popular to go to Austria to study and even persons with double nationality would choose to go on their Bosnian passport.

Secondly, also as indicated in informal talks with embassy representatives, the risk for abuse by students in the region applying particularly for permits for long-term but also short-term, seems rather low. This is naturally only an indication as reliable statistics are missing in this area.

Regarding abuse and other problems related to admission of students, a majority of participating states described that they have had problems relating to the use of false and falsified supporting documents in the application procedure. Other forms of abuse of the application systems related to students were also mentioned, i.e. that students enter the countries for other purposes than studies and never take up/continue the studies for which they were admitted. Different measures are taken or planned to prevent such abuse, related to better controls, stricter control of study results for renewal of permits and the introduction of databases for supporting documents. It should however be noted that abuse of the procedure was mentioned **mainly regarding students of other nationalities than those from the Western Balkans**. This was indicated not only in the answers to the questionnaire, but also in the discussions in the consulates during the field missions.

Observations in the field

Austrian embassy in Sarajevo: *regarding applications for student residence permits, few applications contain false or falsified documents. Also other abuse is usually not suspected. Only for a few categories, such as nurses and their education (they are allowed to work immediately), there have been problems. However, students have characteristics (young, single, without own income) usually referable to risk groups.*

Austrian embassy in Belgrade: *they are in general encountered with false and falsified documents in the embassy and sometimes this also applies to students. But there are no particular problems with the group of students, also not regarding short-term visas; they are also a comparatively small group of the total amount of applicants. Regarding risk assessment, students have to be evaluated on a case-by-case basis.*

Belgian embassy in Belgrade: *the issue of student visa is in general not problematic in Belgrade concerning false and falsified documents. The few Serbian students that get the chance to study in Schengen these days are mostly the students with the highest grades that were offered a scholarship for a special programme (master, doctorate...). Most of the time they are well selected by the local university or some local organisation.*

German embassy in Belgrade: abuse is not common, neither for individual applicants, nor for applicants with scholarships. If there would be suspicions of false documents, contacts with universities would be taken (again, if a student has been registered for a very long time at the university, this will be checked). Abuse of procedures or use of false and falsified documents is not common also for short-term visas applications from students.

Swedish embassy in Sarajevo: there have not been any problems with this specific group of applicants who apply for residence permits for the purpose of study: they are in general serious and genuine. For applications for tourist visas by persons claiming to be students, there are sometimes problems with falsified documents: copies of student books, housing lists, parents income etc. Still, the problems are mainly related to the business visas. One theory would be that when the group of applicants is smaller, there are fewer problems, or expressed differently, the problems might be connected to the amount of cases.

Swedish embassy in Belgrade: cases with scholarships from SIDA or the Swedish Institute are very uncomplicated. There are not many applicants that do not have scholarships. In six months there has been only one rejection. Short-term visa applications for study purposes (for example summer courses) are also unproblematic.

In a conducted study at the embassy, it was found that 10% of the documents were forged. Sometimes also the system as such “creates” forgery, e.g. requirement of documents which do not exist as such or documents which the applicant cannot retrieve himself (not in his control) and the person concerned does not think that he/she can come back and say that they cannot get the requested document. Nevertheless, there have been no cases of forged documents regarding students, i.e. no forged documents have been found. However, it should be noted that time and human resources are not enough to check each document in this regard. The attitude is in general positive: this is not a problematic group (To the contrary of students applications from India), they are returning. The student applicants here are regarded to be bona fide.

A phenomenon with new Universities or educational institutions is that they try very much to receive foreign students also in order to get government grants for filled study places. For some institutes this even represents their life line to keep up the faculty, this is in particular the case for courses of less than one year.

Slovenian embassy in Sarajevo: in general the group of students is bona fide, there is no abuse and problems only occur in a minority of the cases. The embassy does put comments on the files to be sent to Slovenia, i.e. when there are problems or doubts. So far there have been no comments regarding students.

Slovenian embassy in Belgrade: *In general, not many cases of abuse can be observed regarding students for long-term visits, and also not many abuse cases for short-term visas for study purposes (e.g. seminars) have been noticed. However, some cases of abuse have been noticed regarding applications for short-term visas in regards to the applications for tourist and private visit purposes.*

However, it is difficult to check if a person is really enrolled or not. There have been cases of falsified documents i.e. people who are not students, but try to prove that they are. The document as such is not always really falsified, but still there is something wrong about it: e.g. one cannot really see if the person is still a student or if the person has only been enrolled for long time, is in theory entitled to go to exams, but is not actively studying.

In general, there is also a corruption problem in the higher education system, for example there have been cases with students getting diplomas and exams for money. One example of this is a recent fraud scandal around certain professors. Therefore, documents are sometimes not forged as such, but are still untrue.

Students as such are not treated as a risk group; however certain documents are regarded as uncertain.

In 2006 all residence permits applications for the purpose of study were granted, there were no refusals.

Short-Term Visa, Possible Challenges

The visa facilitation agreements are naturally a very important step, and their significance; both practically and politically should not be underestimated. Still, judging from public discourse, it seems that the general public attaches, maybe, disproportionate hope to the actual effects of the agreements, both regarding the groups to enjoy facilitation and the actual facilitation to be provided. Sometimes also statements, as reported in media, of leaders both on national and EU level, might contribute to possible misconceptions among members of the public.

Regarding visa facilitation agreements currently in place, for example with Russia, these might look broader at the first sight than they are in reality. It might not be commonly understood that the agreements would only provide visa facilitation when students are travelling for the purpose of studies, but not for other purposes. Furthermore, the fact that visa facilitation agreements for short-term visa will not cover admission of students for a period of more than three months might also not be commonly understood. Another aspect is that some provisions in the agreements might actually already have been covered by existing practice, at least in some states (for example relating to the time-line).

Consequently, as agreements are expected to have limitations, both regarding the groups to enjoy facilitation and regarding the purposes for which facilitation is provided and importantly, as embassies might lack the practical possibilities to provide certain facilitation due to limitations of premises, staff and other resources, some related suggestions could be made for this area.

Policy Recommendations

1. Clear information should be provided to the affected populations regarding the content and possible effects of visa facilitation agreements to avoid a possible risk of misunderstandings.
2. Notwithstanding the concrete results of the negotiations on visa facilitation agreements, focus should be on the implementation of the agreements. The practical possibilities of embassies (human, technical and administrative resources) to put the visa facilitation into operation for students should be increased.
3. Instructions to the embassies should emphasise on how to implement the visa facilitation agreements.
4. Furthermore, the process of visa facilitation should not end with the negotiated

agreements, but those agreements and their actual effects should be constantly analysed and measures for improvement taken when needed.

5. Apart from the facilitation contained in the visa facilitation agreements steps for general facilitation of all academic travel and exchange should be considered, outside concrete study programmes and also considering less institutionalised travel such as, on the one hand, self initiated research visits and on the other hand, participation in organised summer activities and similar.

Long-Term Visa and Residence Permits, Possible challenges

Regarding long-term visas and residence permits, it should be noted at the outset that none of the participating countries (Austria, Belgium, Germany, Italy, Slovenia and Sweden) has established specific procedures or forms of cooperation regarding students from the Western Balkan countries.

Most countries issue a visa for study purposes in the country of application and a residence permit upon arrival in the country of study. Two countries in the project instead issue residence permits directly at the Diplomatic Missions or Consular Posts (DMCP) in the country of application.

Based upon the information provided the following possible areas of development have been identified:

Costs for making the application vary between the countries and are rather high. The actual fee for the application/visa/residence permit ranges between 35 € and 110 €, with the majority of countries ranging in the top end of this spectrum. In addition, costs may arise from required official translation and notarisation of documents. These costs can also be substantial especially considering the level of income in the region.

Furthermore, students are obliged to provide proof of sufficient financial means to sustain themselves during the time of study. The corresponding amounts represent a significant financial burden for students. The required amounts range from 350/month (for 12 months) to 790/month (for 10 months). This should also be seen in connection with the right for students to pursue economic activity, (no less than 10 hours/week) that has been introduced through Directive 2004/114/EC.

The time needed for issuing the permit ranges from about two weeks to an average of six to eight weeks. The time line might be a problem for a student who has to wait for his application to be processed, sometimes even leading to him/her risking to lose his/

her guaranteed study place. This is also connected to the capacity of universities etc. to issue admission letters on time.

Regarding the documents (apart from valid travel document) to be submitted with the application, all countries require an acceptance letter from the university or other institute of higher education, and proof of sufficient financial means (bank statements etc.). A majority of countries also require medical insurance. Other types of supporting documents are only required by a few participating states (birth certificates, medical certificates, expression of intention to return). Finally, the consular departments of the embassies retain the right to request from the applicant additional documentation apart from the ones aforementioned, which represent the minimum documentation necessary.

More information to students explaining what they need is a further possible area of enhancement. The application procedure is characterised by high complexity and are sometimes not transparent enough to be followed by students at every stage. Consequently, students find it difficult to assess the potential outcome of the application process. The lack of predictability of the procedure might work as a deterrent for students planning to study in an EU country. Apart from the actual application procedure to

the university other factors add to the problem, such as translating and notarising all required documents, raising money for the support during the studies as well as for the fee, queuing up at the responsible authorities' entities for many hours etc.

Also cooperation structures with universities could be improved. Any special cooperation structures with the universities or institutes of higher education regarding the admission procedure do not exist in the participating countries, apart from the fact that an acceptance letter from the universities is a precondition for achieving a residence permit. University certificates are also generally needed to prove study results for renewal of the permit. In practice, informal contacts are sometimes maintained with universities for verification of information. As a matter of fact, the universities will continue to be responsible for deciding on applications of students to courses and programmes. Since the letter of acceptance by a university functions as the most important precondition for being issued a residence permit the role of universities has to be assessed as being of crucial nature. A more intensive cooperation between universities and diplomatic missions and administrative units is also suited to address possible misuse of residence permits for the purpose of study.

As another form of coordination, the link between the foreign students and

authorities could be facilitated. This is exemplified by a common governmental institution established in Slovenia - CMEPIUS (Centre of the Republic of Slovenia for Mobility and European Education and Training Programmes) which is dealing with technical questions of study programmes in Slovenia for foreign students and functions as a link between the student and the authorities, both in a formalised manner and on an ad hoc basis. The work of CMEPIUS is based on cooperation between the student's home faculties and the respective faculty in Slovenia. Students accepted to a programme receive a government certificate when participating in a programme administered by CMEPIUS, which serves for applying for visa or residence permit. CMEPIUS is therefore a sort of "middle man" regarding this cooperation. Upon receipt of the admission letter a CMEPIUS certificate is issued. This certificate functions as a "one for all" document in the admission procedure and facilitates the procedure for students. CMEPIUS also assists the students with information and advice on admission procedures and related matters and has daily non-formalised contacts to the faculties. The centre also keeps contact with students and ensures inter alia that admitted students return after their studies.

Possible improvements identified by practitioners

- *Improved information to students on possibilities for application for studies*
- *Issuance of long-term visas and residence permits to students free of charge (which is often done for students with scholarships). This would, also be an important gesture towards students*
- *Shortened time line of the procedure*
- *Institution of more scholarships. All students should have the possibility to go and study abroad - not only those with financial means*
- *EU Universities could also be more active regarding this matter. Solutions to be considered could be free housing and various degrees of scholarships*

Problematic aspects from the point of view of participating EU member states

A majority of participating states reported that they have problems relating to the use of false and falsified supporting documents in the application procedure. Other forms of abuse of the application systems related to students were also mentioned, i.e. that students enter the countries for other purposes than studies and never take up/continue the studies for which they were admitted. It should however be noted that abuse of the procedure was mentioned mainly regarding students of other nationalities than those from the Western Balkans. This was indicated not only in the answers to the questionnaire, but also in the informal discussions in the consulates during the field missions.

Related problems include overload of application systems, leading to significant delays with handling the applications. In this regard, it should be noted that the electronic application system that was in use in Sweden (which could be considered as a facilitation for involved students) will not be maintained in the future due to overload of the system. A date for a reopening is not scheduled so far.

Policy Recommendations

The policy recommendations regarding long-term visa and residence permits were,

in accordance with the conclusions of the mid-term meeting of the project, formulated within the framework of Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (Directive 2004/114/EC). Directive 2004/114/EC provides, even though not obliging it, clear possibilities for facilitated procedures. Article 4 explicitly states that the Directive shall be implemented without prejudice to more favourable provisions of: (a) bilateral or multilateral agreements between the Community or the Community and its Member States and one or more third countries; or (b) bilateral or multilateral agreements between one or more Member States and one or more third countries. It is also stated that the Directive shall be without prejudice to the right of Member States to adopt or maintain provisions that are more favourable to the persons to whom it applies. The admission procedure should also, as mentioned before, be facilitated for students participating in Community programmes (for example the Western Balkan window in Erasmus Mundus). In this context, the above-mentioned possibility for fast-track procedures in Directive 2004/114 should be referred to again. The below policy recommendations aim at providing tools for implementation of the so-called **“may-options”** (non-binding provisions) regarding facilitated procedure in the Directive. May-

options give states possibilities to introduce more facilitated procedures.

Facilitated procedures for students for long-term stay can also build on the experiences with visa facilitation for short-term visas with other countries and now also the results of the negotiations on visa facilitation for the Western Balkans. The respective elements of facilitated procedures could aim at a clear and limited timeframe for processing the application, reduced costs, simplified criteria for issuing the visa/permit or an eased verification procedure for example in cases of scholarships from trustworthy institutions or programmes.

Furthermore, policy recommendations are based on identified good practices when applicable and aim at striking a balance between security concerns and the need for facilitated procedures.

Taking all of this into account the following is suggested:

1. The link between universities and authorities should be further strengthened and communication and exchange of information (of course considering protection of personal data) between universities and institutes of higher education on the one hand and authorities responsible for admission

on the other should be improved. Strengthening this link would facilitate admission for bona fide students and renewal procedures, but also alleviate abuse. In this regard especially two possibilities should be highlighted:

a. It is recommended to consider the institution of a coordination centre forming a link between foreign students and national admission authorities. This recommendation is based on the practice identified in Slovenia, where a state centre - CMEPIUS – aids students participating in exchange programmes in a centralised way inter alia with the admission procedure. It is recommended to also consider such a centre that is not limited to students participating in programmes but generally available to foreign students. This centre could be formed as a new institution or the task added to an old institution. The coordination could also serve as an additional control function and guarantee of the bona fide nature of students at the same time as it would considerably facilitate admission of the admitted students, through the issuance of a certificate or similar document substituting other documents in the procedure and allowing (as in Slovenia) the issuance of permits free

of charge. Furthermore, this would give students a reliable source of information and assistance regarding all administrative requirements to be fulfilled.

b. The Directive 2004/114/EC opens for a role of universities in the admission application procedure. A fast-track procedure is possible for issuing residence permits or visas to students and school pupils. Such a fast track procedure would, after agreement between the authority of a Member State responsible for decisions on entry and residence of students or school pupils and a competent institution of higher education (or an organisation operating pupil exchange schemes), allow residence permits or visas to be issued in the name of the third-country national concerned.

2. Building on the experience and efforts with implementing the Erasmus Mundus programme, it is recommended that all actors involved of students should be made aware of their role in the admission procedure. This includes enhanced information sharing and provision of information and could lead to improved and more efficient interaction between relevant actors.

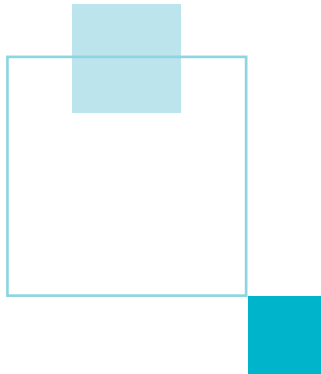
3. Structures also for more day-to-day (informal) cooperation between relevant actors (universities, embassies, national authorities) should be furthered.
4. Special fast-track procedures for students admitted from certain, well-established, universities and institutions should be promoted. Some universities could be considered as giving a certain “quality stamp” to the applications due to their reputation and acknowledgement (please see also recommendation 1 b). A serious admission procedure at universities answers calls for security while at the same time speeds up procedures and vetting of applications. In some of the countries participating in the study, this practice is already in use to a certain extent, although not formalised.
5. The cost for long-term visas and residence permits should be reduced or those permits should be provided free of charge for students from the Western Balkans (drawing on parallels to the short-term visa facilitation process). The cost might seem negligible in relation to the total costs involved in the procedure for long-term stay in another country however; a decision to reduce or remove it might serve as an important and strong political signal to those countries.
6. Deduction of needed means of subsistence, as already possible in some countries, should be generally available when free lodging is provided, a sponsor is available or the student has the possibility to work (please see in this regard recital 18 of Directive 2004/114/EC). Work should naturally always be a side-activity to the course of studies (a concern which is safeguarded through the obligation to provide proof of study results in order to renew a residence permit for studies).
7. A clear time limit should be set for the procedure. Fast-track procedures should be possible when students have valid and justifiable reasons for submitting late applications considering the starting date.
8. Students from the Western Balkans should be given privileged access to the embassies and procedures to apply for long-term visas and residence permits. This should include, when there is an appointment system, priority for appointments.
9. Clear information about requirements in the procedure should be provided and made available as widely as possible, in embassy information notes, on homepages of ministries and of the embassies. It is already done in some

countries and should eventually serve as example for universities (please see recital 22 of Directive 2004/114/EC).

b. the EU and its Member States should strive at increasing scholarships to students from this region and information about such scholarships.

10. In general, even though not related to the actual procedure,

a. more information should be provided to students from the Western Balkans about the actual possibilities to study in an EU country. Awareness raising measures would be welcomed.



International Centre for Migration Policy Development

www.icmpd.org

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.

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