



AD HOC QUERY ON 2021.6 Intention to study for international students

Requested by EMN NCP Sweden on 3 February 2021

Compilation produced on 9 April 2021

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden (23 in Total)

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1. Background information

The Swedish Migration Agency is interested in receiving information from other countries regarding examination of applications for residence permits for study purposes and, in particular, assessments made regarding the applicants' intention to study. The Swedish Migration Agency defines intention to study as the intention of a person applying for a residence permit for studies in Sweden to primarily use the permit for studies purposes. According to the law, the Swedish Migration Agency may deny an application for a residence permit for studies in Sweden based on a lack of intention to primarily conduct studies in Sweden. However, to deny an application on this ground requires objective and legitimate reasons such as a previously denied residence permit.

2. Questions

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1. When handling applications for a residence permit for studies in your country, do you assess the applicant's intention to study?

Available choices: Yes, No, Not Applicable

2. If yes to question 1. How do you detect applicants with a lack of intention to study?

3. If yes to question 1. Do you conduct interviews to determine intention to study? If so, approximately how many percent of applicants for residence permits for studies are interviewed per year? If no, how do you determine intention to study?

4. If yes to question 1. Have you observed that certain nationalities or certain types of studies are overrepresented regarding suspected lack of intention to study? Or have you detected other patterns / parameters? Please specify if possible.

5. If yes to question 1 and if relevant, what actions have you taken to prevent or mitigate the issue of lack of intention to study?

6. Have you experienced third country students applying for asylum or a residence permit for work purposes early upon arriving in your country as international students? If so, to which extent? Are there other patterns of suspected misuses of residence permits issued for studies in your country?

We would very much appreciate your responses by **3 March 2021**.

3. Responses

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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

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		Wider Dissemination ²	
	EMN NCP Austria	Yes	<p>1. No In order for a student residence permit (Art. 64 Settlement and Residence Act) to be issued in Austria, among other things, certain documents have to be submitted, specifically a confirmation of admission from the university, the university of applied sciences, the accredited private university or the public or private university of teacher education (Art. 8 para 8 subpara a Regulation on the Implementation of the Settlement and Residence Act). Thus, the applicant must first go through the admission procedure of the respective institution to be able to present this document in the procedure for a residence permit. In some cases, there is a constant exchange between the higher education institutions and the settlement and residence authorities, the Federal Ministry of the Interior, the Federal Ministry for Europe, Integration and Foreign Affairs and the relevant embassies. This mutual exchange involves, for example, explaining to municipality authorities any changes affecting decisions on study admissions. Conversely, immigration authorities reportedly confer with higher education institutions where, for example, certificates are suspected as being forgeries (Bassermann, EMN study "Attracting and Retaining International Students in Austria," 2019, chapter 4.3).An extension of the student residence permit is only permissible if proof of academic enrollment can be provided in accordance with the relevant study regulations of the university, the university of applied sciences, the accredited private university or the public or private university of teacher education (Art. 64 para 2 Settlement and Residence Act).</p> <p>2. n/a</p> <p>3. n/a</p>

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<p>4. n/a</p> <p>5. n/a</p> <p>6. The Federal Ministry of the Interior has reported cases of individuals misusing the student residence permit. For example, cases were reported in which international students have allegedly used courses of study to commit acts of "evasion". Evasion as defined here by the Federal Ministry of the Interior exists where a person applies for a residence permit but, after entering Austria, does not pursue the specified purpose, in other words does not pursue studies but gainful employment, or files an asylum application after being granted a student residence permit. Nonetheless, no precise or comprehensive data exist for such cases (Bassermann, EMN Study "Attracting and Retaining International Students in Austria," 2019, p. 57).</p>
	<p>EMN NCP Belgium</p>	<p>Yes</p>	<p>1. Yes</p> <p>2. Each non-EU student is required to answer a questionnaire (see attachment) which is given to them when they submit their student visa application. This questionnaire covers the student's past education and work experiences, his/her intentions to study in Belgium, the studies planned in Belgium, his/her professional project (career perspectives) and the funding of his/her stay in Belgium. The aim of the questionnaire is to check the student's motivation to follow higher education and the coherence of his/her professional project.</p> <p>On the basis of the information provided in the questionnaire, the Immigration Office judges whether the student seems to have a real study plan in Belgium. If the answers to the questionnaire are not conclusive, the Immigration Office refuses to deliver the visa for reason of attempted diversion of the study visa for other purposes. However, the Immigration Office does keep not statistics by motif of visa refusal.</p> <p>Additional: in sensitives country, like Cameroon currently, the Immigration Office has added an additional interview done by an external organisation, ViaBel (formerly known as Campus Belgium),</p>

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			<p>which provides an advise on the visa application. In analysing the case, the Immigration Office considers the results of the questionnaire and the interview to make a decision on the issuance of a student visa. More information on the process in Cameroon is available on: https://cameroon.diplomatie.belgium.be/en/travel-belgium/studying-belgium/information-study-visa/questionnaire_-_asp_etudes_2020_en.doc</p> <p>3. Sometimes additional interviews are carried out on the basis of the answers given to the questionnaire. But this is very rare and he Immigration Office does not keep any statistical data on this. Please see question 2 for the situation in Cameroon where additional interviews are held.</p> <p>4. Yes, certain nationalities present more risk of abuse of study visa. In general, these are more often African countries, mainly from Central Africa (Cameroon) or North Africa (Morocco).</p> <p>5. In some countries with a high migratory risk, prevention or awareness raising campaigns are organised on an ad hoc basis (for example in Cameroon).</p> <p>6. Most third-country nationals who abuse the student status maintain their student status for some time. In general, the time needed to be able to claim another status (work, family reunification). However, if they decide to apply for international protection, they do so in the year of arrival in Belgium.</p>
	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<p>1. Yes</p> <p>2. Long stay residence permit of up to one year may be granted to third-country nationals holding visa under Article 15, Paragraph 1 of the Law on foreigners in the Republic of Bulgaria (this Paragraph provides for a foreigner holding visa for a long-term residence with validity of up to 6 months and having a right of residence of up to 180 days) and third-country nationals accepted as:</p> <ol style="list-style-type: none"> 1. Students in regular form of higher education institution.

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			<p>2. Secondary education students in an exchange program.</p> <p>3. Interns.</p> <p>A third-country national, accepted to a regular form of a higher education institution shall provide the following documents:</p> <ol style="list-style-type: none"> 1. Copy of a valid passport or replacing document which contains the pages of the photo, the personal data, and a copy of the visa under Article 15, Paragraph 1 of the Law on foreigners in the Republic of Bulgaria if applicable, as well as the stamp of the last entry in the country. 2. The original passport or replacing document shall also be provided for comparing the authenticity of the copy. 3. Evidence for a provided accommodation. 4. Compulsory medical insurance, valid on the territory of the Republic of Bulgaria. 5. Evidence for stable, regular, available and sufficient maintenance funds without referring to the social assistance system in the amount not smaller than the minimal monthly work salary, the minimal stipendium or the minimal pension for the country for the term of residence on the territory of the Republic of Bulgaria. <p>And:</p> <ol style="list-style-type: none"> 1. A certificate for study of a third-country national in the Republic of Bulgaria, issued by the Ministry of Education and Science, and a certificate issued by the university where the third-country national will study during the relevant year. 2. An evidence for a paid fee for entering the university which is provided when the third-country national enters the territory of the Republic of Bulgaria with visa under Article 15, Paragraph 1 of the Law on foreigners of the Republic of Bulgaria. <p>3. N/A</p> <p>4. N/A</p> <p>5. As mentioned in question 2, part of the documents that third-country nationals shall provide when they have been accepted to regular form of higher education institution are as follow:</p>
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			<p>1. A certificate for study of a third-country national in the Republic of Bulgaria, issued by the Ministry of Education and Science, and a certificate issued by the university where the third-country national will study during the relevant year.</p> <p>2. An evidence for a paid fee for entering the university which is provided when the third-country national enters the territory of the Republic of Bulgaria with visa under Article 15, Paragraph 1 of the Law on foreigners of the Republic of Bulgaria.</p> <p>6. N/A</p>
	EMN NCP Croatia	Yes	<p>1. Yes</p> <p>2. In accordance with the provisions of the Foreigners Act, TCNs apply for a temporary residence permit in the diplomatic mission or consular office, but they can also submit from the territory if they are coming to study at a higher education institution or university as a full-time undergraduate, graduate, and postgraduate level.</p> <p>Assessment of the intention to regulate temporary residence for study purposes is carried out on an individual basis, taking into account information from applications, submitted evidence, statements, previous stays, additional checks with universities in the selection process, additional information on education and conduct of their enrollment tests, the language of conduct of the enrollment tests, language of lectures and level of English required to attend lectures, etc.</p> <p>3. Interviews are not conducted in each case, however, if during the procedure it is determined that there are reasonable doubts about the intention of the TCN's stay, or that his/her possible aim is only to enter the territory of the Republic of Croatia, a statement of the TCN can be taken in regards to the facts and circumstances of his stay in order to determine the actual purpose of the stay. The data on the percentage of applicants for residence permits for studying interviewed per year is not available.</p>

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			<p>4. So far, several attempts by foreign nationals, who come from third countries that pose a high migration or security risk, have been made with an intention to abuse the institute of temporary residence by enrolling in university studies in the Republic of Croatia. For example, during 2020, there was an unusually increased interest of foreign students from Africa and Asia for certain study programs at some of the Croatian universities.</p> <p>When it comes to applications for studying at a higher education institution or university in the status of a full-time student at the undergraduate, graduate, and postgraduate level – in cases where they can regulate their stay upon arrival in the Republic of Croatia - there were cases in which the motivation of enrollment was questionable: for an example in the case when someone, after a break lasting few years and an inadequate previous level of education, enrolls in a certain study program (polytechnics, colleges, and universities).</p> <p>Cases of attempts of submitting forged documentation that try to prove the previous level of completed education are somewhat rarer. A new phenomenon regarding persons posing as potential students was noticed during 2020 in connection with the submission of documentation on the sponsorship of studies by persons who allegedly live in some third countries, and sometimes other EU countries, without being able to explain the relationship or motivation for the sponsor to financially support their study.</p> <p>5. Measures aimed at preventing or mitigating the general issue of intention to study in the Republic of Croatia that is based on cooperation with universities and higher education institutions, as well as all other competent institutions in order to prevent or mitigate possible consequences of the abuse. In the case where there are certain patterns of behavior, internal instructions could be produced intended to help the services that decide on the applications.</p> <p>6. A few years ago, a small number of cases of persons who arrived in the Republic of Croatia for the purpose of studying and shortly after arriving applied for international protection were recorded. However, it is not possible to define that this is a pattern of behavior, and there is no available data on the potential number of persons who changed the purpose of their stay in work purpose immediately after arriving in the Republic of Croatia.</p>
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	<p>EMN NCP Cyprus</p>	<p>No</p>	<p>This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.</p>
	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Yes 2. By an interview. 3. We are not able to give percentage. 4. Yes. 5. No successful actions were taken, just attempts. 6. We recorded cases of holders of visa in purpose of studies who - either right after their arrival to the Czech Republic or after their first semester (or later on) - applied for international protection to legalize their further stay. Some of them admitted that they started to work or they did not pass the exams etc. We do not have exact numbers, but so far they are only individuals.
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Yes 2. Estonia has experienced situations where applicants for a residence permit or visa do not actually intend to study and studying is not the primary goal for staying in Estonia. There are two main measures taken to detect and prevent such misuse. Firstly, the Estonian Police and Border Guard Board (PBGB) have strengthened cooperation with higher education institutions (HEI) over the years, so that they would be able to detect signs which point to the fact that the person's primary aim for staying in Estonia is not studying. The PBGB has advised HEI-s on how to conduct individual interviews with candidates, test their actual skills (suspicion of falsification of documents and certificates), and also advises to ask for tuition fees in advance. If necessary, the

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			<p>embassy or PBGB conducts additional interviews with applicants in the visa or residence permit procedure.</p> <p>Secondly, the person is first directed to apply for a visa and arrive in Estonia on the basis of a visa. In this way, it can be determined whether the person actually arrives in the country and starts studying. In this case, the intention to study is proved and residence permit can be issued. At the same time, residence permits will not be issued to people who do not actually enter Estonia or start studying here</p> <p>3. In Estonia the intention to study is evaluated and an interview is conducted by higher education institutions. The Estonian Police and Border Guard Board (PBGB) have strengthened cooperation with higher education institutions (HEI) over the years, so that they would also be able to detect signs which point to the fact that the person's primary aim for staying in Estonia is not studying. The PBGB has advised HEI-s on how to conduct individual interviews with candidates, test their actual skills (suspicion of falsification of documents and certificates) and also advises to ask for tuition fees in advance. If necessary, the embassy or PBGB conducts additional interviews with applicants in the visa or residence permit procedure. There is no specific statistical information available about the number of such interviews.</p> <p>4. Regarding study migration, the potential abusers of the existing regulations can be profiled by country of origin. In 2019, cancellation of residence permits due to lack of progress in studies (i.e. the completion of the curriculum is less than 50%) occurred most among students from Bangladesh, India, Ukraine and Russia.</p> <p>In addition, a scheme has been detected where residence permit for studies is used as entry, and as soon as possible the next residence permit for settling permanently is applied for. In order to apply for a residence permit for settling permanently, there are no other specific conditions (in addition to the general conditions for temporary residence permit) except for previous residence period in Estonia for 3 years (Aliens Act, Article 210). To obtain a residence permit for settling permanently, the general conditions for temporary residence permit also have to be fulfilled (Aliens Act, Article 117), i.e.:</p> <ol style="list-style-type: none"> 1. the purpose of application for the Estonian temporary residence permit is justified; 2. foreigner's actual place of residence is Estonia; 3. the foreigner has sufficient legal income which would enable him/her and the family members the subsistence in Estonia and;
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			<p>4. the foreigner holds a medical expenses insurance contract in compliance with the requirements provided in Article 120 of the Aliens Act (unless otherwise provided).</p> <p>5. In addition to measures described in questions 2 and 3, the Ministry of the Interior is working on amendments of study migration regulation to prevent misuse of resident permits for study. For example, the Ministry would like to change the legislation so that after studies the next residence permit is not issued for settling permanently in Estonia, but for working or for entrepreneurship. The reason behind this change is that a scheme was detected where residence permit for studies is used as entry, and as soon as possible the next residence permit for settling permanently is applied for. This is because there are no other specific additional conditions for applying except residence period for 3 years. In 2019, 34% of residence permits issued for studying were changed to residence permits for settling permanently.</p> <p>6. No. Even though working next to the studies is allowed, the misuse is rather in the form of working next to the studies to the extent where working takes over studying and the student cannot keep up with the curriculum to the expected extent. Secondly, instead of applying for asylum or a residence permit for work, the students apply for residence permit for settling permanently in Estonia or a residence permit to settle with a close relative.</p>
	<p>EMN NCP Finland</p>	<p>Yes</p>	<p>1. Yes</p> <p>2. Multiple elements, such as the applicant's age, possible forged documentation as well as their funds, have to be considered while assessing their true intentions towards studying in Finland. Regarding their economic assets, officials evaluate where the applicant has obtained them from in order to detect cases where someone else is enabling the applicant's move to Finland by lending large sums of money. This is relevant in order to prevent situations where people are forced to start working instead of studying upon arrival, due to the debt they have acquired. Previous residence permit and visa applications are equally relevant and may reveal the applicant's true intentions. If the applicant has in the past applied for several residence permits based on family</p>

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			<p>ties or work or even applied for asylum, an alternative motive for moving to Finland might be present. Therefore, the application history is weighted against the probability of the applicant truly coming to Finland for study purposes. This is relevant especially in cases where family members already reside in Finland.</p> <p>Another essential criterion is the applicant's proficiency in English or Finnish as it will indicate their ability to successfully take part and graduate from the study programme they have chosen.</p> <p>3. Approximately, 10 percent of the applicants are interviewed per year in order to further determine the reasons motivating them to move to Finland.</p> <p>4. If officials determine that there are indications towards a lack of intention to study, a permit will not be granted. Categorization based on the nationality of the applicants or types of studies cannot be conducted.</p> <p>5. Interviews will be arranged in cases where an alternative motive towards moving to Finland is suspected.</p> <p>6. The Finnish Immigration Service has not detected such misuses.</p>
	<p>EMN NCP France</p>	<p>Yes</p>	<p>1. Yes</p> <p>2. The conditions for issuing or refusing a student residence permit are governed by Article R. 313-7 of the Code on Entry and Residence of Foreign nationals and the Right of Asylum (CESEDA). The Minister in charge of immigration may refuse the mobility of foreign nationals, in particular if there is sufficient evidence to establish that the foreign national would be staying for purposes other than those for which he is seeking admission (article R.313-7-1 of the CESEDA). When a long-stay visa is issued with the mention "student", the foreign national must provide, in particular, "a certificate of registration, enrolment or pre-enrolment in a public or private educational or</p>

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			<p>initial training establishment" (Article R313-6 of the CESEDA). The assessment of the intention to study is thus carried out by the consular services on the basis of the documents and evidence provided and the consistency of the study and professional project (the list of these documents is specified in articles R.311-2-2, R.313-1 and R.313-7 of the CESEDA).</p> <p>When renewing the residence permit, the prefect verifies the real and serious nature of the studies and in particular the number of repetitions, changes of orientation, etc. to assess whether the student is using dilatory procedures (by extending the duration of his studies on the territory) to remain in France.</p> <p>Two cumulative criteria can be taken into account by the administration to assess the real and serious nature of the studies followed by the foreign student:</p> <ul style="list-style-type: none">- Attendance in studies and exams;- the control of a reasonable progression in the chosen university course. <p>In the event of a change of orientation, it is then necessary to assess the coherence of the planned training with the previous curriculum.</p> <p>3. No, the procedures for obtaining a long-stay visa for study purposes are dematerialized. The assessment of the file is made on the basis of the elements produced for the application for a long-stay visa or for the renewal of the residence permit. See Q2.</p> <p>4. Information not available.</p> <p>5. Checks carried out by the prefectures when applying for renewal of a "student" residence permit make it possible to verify the progress of studies and attendance at courses and exams.</p> <p>6. Changes of status to another reason for stay are studied by the prefecture and cannot be made immediately after arrival in France as a student. A change in student status for professional reasons must be justified by a certain number of criteria, in particular a professional project related to the course of study, the obtaining of a diploma, etc.</p>
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	<p>EMN NCP Germany</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Yes 2. Various indicators are examined in order to assess whether the claimed intention to take up studies is genuine and not merely a pretext. Such indicators include repeated visa applications involving erratic changes of subjects to be studied without any reasonable grounds; a lack of knowledge regarding the allegedly intended course of study; evidence indicating the circumvention of rules on family reunification; no discernible effort to acquire an understanding of German in advance; no plausible explanation as to what advantage is seen in a higher-education qualification acquired in Germany; finally, the migratory pressure in the country of origin may receive due consideration in the overall assessment. 3. On applying for a visa, applicants are asked about the reasons why they wish to come to Germany. The scope of these interviews can be adapted to the situation in the country of origin (migratory pressure, experience with frequent fraudulent applications). Curricula vitae (CVs) may also provide pointers indicating that the alleged intention to study is possibly only a pretext. Where it is established in the course of the application process that the applicant lacks the language proficiency required for the course of study concerned, this also clearly indicates the lack of a genuine intention to study. 4. Applicants from a number of countries of origin are frequently found to be using an alleged intention to study solely as a pretext in order to obtain a residence title. First and foremost, these include India and Nigeria, and to a somewhat lesser extent Pakistan. 5. Visa offices serving administrative districts in which alleged intentions to study are frequently used solely as a pretext, conduct in-depth interviews with applicants and scrutinise claims of language proficiency. In such instances it frequently emerges that application documents are forged or their contents are false. Consequently, submitted documents are also subjected to particularly thorough examination. In addition, the closest possible contact is maintained with the higher education institutions in Germany, in order to enable the timely identification of any false claims during the admission procedure, particularly with regard to language proficiency, in liaison with these institutions. 6. No findings.
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	<p>EMN NCP Hungary</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Yes 2. When receiving an application for a residence permit for the purpose of study or for a visa to collect a residence permit, the applicant is interviewed on a regular basis by the competent consular officer, which includes an examination of the applicant's intention to study. In addition, if the residence permit is extended, the client's academic progress will be assessed in terms of the purpose of the stay, including the academic achievements the client has produced during his/her stay so far, whether (s)he has attended their classes/lectures and fulfilled their study obligations. 3. See the answer to question 3. Statistics are not available. 4. Cases are typically specific; in general, no lack of study intention can be established by nationality or specialization. 5. Interviewing students and requesting information from the client and/or educational institutions about their academic progress and fulfillment of their study obligations provides sufficient basis for the examination of their study intent. 6. The issues raised in the question are not typical as a general trend.
	<p>EMN NCP Ireland</p>	<p>No</p>	<p>This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.</p>
	<p>EMN NCP Italy</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. No However, Italy provides a specific procedure in order to assess the existence of requirements needed to study in Italy. In particular: 1) the application for access to degree courses for international

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			<p>students must take place through the submission of a “pre-enrolment application” online on UNIVERSITALY portal (https://www.universitaly.it/index.php/registration/firststep). So, university institutions may select directly candidates for studies through a preliminary assessment by requesting the student a copy of the academic qualifications and testing the proficiency in the Italian language.</p> <p>2) In case of positive assessment, the student – in order to apply for a study visa – has to submit to the Italian consular and diplomatic representation:- the pre-enrolment application validated by the educational institutes;- certification of previous qualifications (The university must always indicate if the procedures of verification of the authenticity of the foreign qualification have been performed, thereby clearly providing such indication to the diplomatic-consular missions. However, the documentation about academic appraisal of foreign qualifications produced by educational institutions has to be considered as a support for the embassy’s assessment but it does not imply the automatic issuance of visa)-certification of the overcoming of the academic tests. 3) For the issue of a study visa, the consular shall also verify a sufficient economic means for the stay, the availability of a sum needed for repatriation, an appropriate accommodation in Italy and an adequate insurance cover for medical care and hospital recovery.4) Once arriving in Italy, within 8 days, the student has to submit to the Immigration Office at the police headquarters the application for the issuing of a residence permit for study reasons, attaching a copy of passport, a copy of the documentation about the degree programmes in Italy validated by the consular and a copy of the health insurance. So the Immigration Office - after verifying the regularity of the visa and of the documentation submitted - issues a residence permit. This one can be renewed only if a student has passed one advancement test during the first year and others two in the following years.</p> <p>comments_and_clarifications_ahq2021.6.docx</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p>
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	EMN NCP Latvia	Yes	<p>1. Yes Yes and no. Please see answers below.</p> <p>2. If this is a first-time residence permit application, usually no special attention is paid to the purpose to study. If a person has been admitted to the educational establishment and an application contains all the necessary information, in most cases a positive decision is made. However, if a person submits repeated application and changes an educational establishment without successful graduation from previous one, more effort is being put into exploring real purpose of stay.</p> <p>3. An interview is carried out by a consular official abroad before issuing a visa. If during this interview consular official assumes that person's real intention is not related to studies, this information is passed on to the migration authority and a residence permit can be denied.</p> <p>4. Yes. India and Uzbekistan are two countries of origin with a rather high rejection rate. Regarding overrepresented studies one can rather mention some educational establishments that are accredited but offers quite low study standard and readily accept students whose purpose to study is not very genuine.</p> <p>5. Immigration Law stipulates that if a student has dropped-out from study process twice during last five years, it is considered an insufficient progress in studies and the next application will be probably denied unless the applicant has not provided justified reasons. Draft amendments to the Immigration Law have been submitted to the Parliament requiring educational establishments to report the absence of students from study process. State Border Guard Office carries out regular checks in order to establish if students are present during a study process (of course, due to the Covid-19 situation this measure is not applicable at the moment as study process is organized mostly virtually).</p>

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			6. No, we have not observed such tendency. There are individual cases but it is certainly not a major tendency.
	EMN NCP Lithuania	Yes	<p>1. No Please see explanation in Q2 and Q3.</p> <p>2. -The foreign national must submit, together with his application for a temporary residence permit on the basis of his studies, inter alia, a letter of mediation from the education institution confirming that the foreign national has been admitted to that institution in the course of his studies (programmes), that the fees imposed by that authority have been paid and that he has sufficient resources to cover his studies and return travel expenses; The name of the specific EU or multilateral programme, which includes mobility measures, or the agreement between two or more study institutions, if the foreigner arrives under this specific programme or arrangement, is also indicated; Consent of the parents, the guardian (guardian) or any other legal representative to the intended residence (studies) in Lithuania, if the foreigner is a minor.</p> <p>-If this is not the first year of study of the foreign national, the mediation letter must additionally include the credits obtained during the previous year of study. In accordance with Article 35(1)(18) of the Law on the Legal Status of Aliens', the issue or renewal of a temporary residence permit shall be refused: - if a foreign national admitted to a higher education institution as part of a study programme/programme has obtained less than 40 study credits during the last year of study and without valid reasons; - if, during the course of study or training, the foreign national does not comply with the limit on working time.</p> <p>-When deciding on the issue of a residence permit, the data contained in the documents submitted to the Migration Department or received by the Migration Department in the exercise of the functions laid down in the legislation, as well as data from registers and state information systems used to carry out the functions of the Migration Department, data provided by other Lithuanian State and municipal institutions, bodies and enterprises, natural or legal persons, and data provided by a foreigner and/or other persons at the time of interview shall be assessed.</p>

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			<p>3. In order to determine whether the foreign national satisfies the grounds for issuing a temporary residence permit and whether there are grounds for refusing a temporary residence permit, the Migration Department shall, where appropriate, organise an interview of the foreigner and request additional documents. The foreign national's refusal to be heard in person constitutes serious grounds for believing that the foreign national may be at risk of irregular migration. Statistics on the surveys carried out are not collected, but the need to interview foreign nationals applying for a temporary residence permit on the basis of studies is rare.</p> <p>4. N/a</p> <p>5. N/a</p> <p>6. No misuse schemes have been observed, but there have been cases where foreigners who have not obtained a temporary residence permit on the basis of a legal activity or after the withdrawal of a temporary residence permit based on legal activity have become students and have applied for a temporary residence permit on the basis of studies.</p>
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. No</p> <p>In Luxembourg, article 56 (1) 1) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law) states that the Student residence permit shall be granted by the Minister for study purposes to a third-country national if he/she fulfils the following conditions:1.</p> <p>he/she has been admitted to an institution of higher education for the purpose of pursuing, as his main activity, a full-time course of study leading to the award of a higher education qualification issued by that institution. In this context, it is the higher education institution which makes the pre-selection and decides to admit the student to their programmes or not. The higher education institution is also responsible to test the language skills and examine the documentation of the third-country national applicant. The lack of intention to study can only be determined once the third-country national arrives on the territory and does not attend classes or does not take them seriously. It is important to mention that the University of Luxembourg will inform the Directorate of</p>

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			<p>Immigration if a third-country national does not attend regularly the classes: in these cases in accordance with article 133 of the Immigration Law, the Minister in charge of Immigration can request the Grand ducal police to make a control of the TCN. According to article 57 (4) of the Immigration Law the residence permit may be withdrawn or refused to be renewed, if the holder: a) does not comply with the limits imposed by article 57 (3) on access to economic activities (maximum 15 hours per week); b) makes insufficient progress in his or her studies and is therefore formally excluded, according to the relevant regulations, from the educational establishment in which he or she is enrolled to follow a course of study leading to a higher education degree.</p> <p>2. N/A. See answer to Q.1.</p> <p>3. N/A. Luxembourg has a very limited diplomatic network so in these cases it will rely on the diplomatic representation of other Member States in the country of origin of the applicant (i.e. Belgium, Netherlands, France, Germany, Spain, Portugal, Hungary or Slovenia). If the Directorate of Immigration has a doubt while examining the application, it can request the diplomatic representation to conduct an interview. If so, approximately how many percent of applicants for residence permits for studies are interviewed per year?</p> <p>n.i.a.</p> <p>If no, how do you determine intention to study?</p> <p>See answer to question 1.</p> <p>4. N/A.</p> <p>5. N/A.</p> <p>6. There have been cases of international students who tried to change their residence permit for a salaried worker residence permit.</p>
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	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>1. No Long answer: Since 1 June 2013, the Netherlands works with recognized sponsors. A recognized sponsor is an educational institution that is interested in the entry of a third-country national. The sponsor procedure entails that the student can express the intention to study in the Netherlands by submitting a request for admission and enrolment at the educational institution of their choice. The educational institution subsequently checks whether the student meets the requirements and submits the residence permit application to the Immigration and Naturalisation Service (IND). Then, the IND assesses the application and makes a decision. The intention to study is currently not assessed. The recognized sponsors have the responsibility to oversee the admission procedure. As part of their admissions procedure, educational institutions can decide to conduct an interview with the third country national. After a positive decision on the residence permit application, most third country nationals need to collect a regular provisional residence permit (mvv) - which is a special entrance visa - to travel to the Netherlands. Then third country nationals need to present themselves to the Dutch representation abroad to get the visa. In rare cases of doubts about the applicant or application, the Dutch representation abroad can conduct a brief interview or facilitate an interview conducted by the IND. Depending on the outcome of the interview, the IND can examine the case file and discuss this with the sponsor. Furthermore, the sponsor monitors whether the students conduct their studies, can provide for themselves financially, obtain sufficient study progress, et cetera. If circumstances change that may affect their legal right to stay in the Netherlands for this purpose, the recognized sponsor is obliged to notify the Immigration authorities. The student is notified about the intended decision and can object if wanted.</p> <p>2. n/a</p> <p>3. n/a</p> <p>4. n/a</p>

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			<p>5. Yes, but on a small scale. For example, educational institutions have witnessed no-shows and early drop-outs among Bengali students.</p> <p>6. n/a</p>
	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. Yes</p> <p>2. The intention to study in Poland is verified on the basis of academy/university certificate. The statement is issued individually by the academy on a specified form. You may find there information on: a field of study, number of semesters, fees for studies, language of study etc. A foreigner applying for residence permit for study purpose has to attach such a form as well as a bank statement on financial resources, health insurance and documents concerning residence and fees for hire an apartment or a flat. Besides the above motioned documents, the foreign student is verified in a national database of students "POL-on" – administrated by the minister of higher education.</p> <p>3. N/a</p> <p>4. Yes, in Poland we observed a specific pattern in 2015-2018 when students from India, Bangladesh and Pakistan, on the basis of on-line recruitment and after paying a registration fee at any academy, were issued Polish long term visa and came to Poland. The most popular fields of studies were: accountant and finance and management on low-budget private colleges or academies. Shortly after coming to Poland, they started the process of legalization of stay on the basis of employment. As a result of this migration phenomena, Polish migration offices with cooperation with Border Guards and consulates abroad have taken actions to prevent the situation like this. One of the actions to mitigate this practice was an amendment in law concerning the academies/colleges that can receive foreign students.</p>

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			<p>5. At the stage of legalization of stay, the competent authorities do not undertake any activity because of lack of law possibilities. As mentioned above, the academies/colleges that can receive the foreign students are being certified by Ministry of Interior</p> <p>6. Yes, we experienced third country students applying for residence permit for work purposes early upon arriving in our country as international students (see answer 4). With regards to the procedure of international protection, we have not observed a phenomenon indicated in the question. Rather the opposite regularity may be noticed: in some cases students whose courses are finished or who no longer have a possibility to continue studies in Poland, choose to lodge applications for international protection to prolong their stay in Poland. It may be worth mentioning that in case of international protection legal work in Poland is only possible if the case is not finished within 6 months and the delay is not due to circumstances caused by an applicant.</p>
	<p>EMN NCP Portugal</p>	<p>Yes</p>	<p>1. Not Applicable According to the Portuguese Law, higher education students with a residence visa issued pursuant to article 62, and meeting the general conditions of article 77, shall be granted residence authorization, provided that they provide proof of the following:a) Enrolment in a higher education institution;b) Payment of tuition, if applicable;c) Means of subsistence as defined in the order referred to in article 52 (1)(d);d) Coverage by the National Health Service or health insurance. Residence authorisation granted pursuant to this article shall be valid for one year, subject to renewal for equal time periods, if the holder continues to meet the initial conditions for its granting. The way to assess is to verify if these conditions are fulfilled.</p> <p>2. NA</p> <p>3. NA</p> <p>4. NA</p>

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			<p>5. NA</p> <p>6. NA</p>
	EMN NCP Slovakia	Yes	<p>1. No When applying for the residence permit for the purpose of study, the applicants already have their school acceptance confirmation (the intention is already present). When applying, they have to provide this confirmation and without it, it is not possible to be granted the residence. According to the Act on Residence of Foreigners, the school whose pupil, listener or student is a third-country national shall, within three working days, notify the police service in writing of the commencement, interruption, abandonment, exclusion from the study or completion of studies of a third-country national who is temporarily resident for the purpose of study. If a foreign student ceases to be a university student and the purpose of their temporary residence ceases, this then justifies the cancellation of their temporary residence by the Foreign Police.</p> <p>2. See 1.</p> <p>When accepting applications for residence for the purpose of study in the Slovak Republic through embassies, an interview is conducted with the student, assessing the foreign national's profile and their intention to pursue the declared purpose of residence in the Slovak Republic, i.e. study. In case of negative findings (e.g. illiteracy, lack of knowledge of the language, lack of awareness of the conditions and purpose of residence, etc.), the Consul advises the Foreign Police not to grant the residence.</p> <p>3. In case of applications submitted at the embassy, it is the consul's duty to interview the foreign national, the questions being general and also specific to the purpose of the stay, i.e. study in this cases.</p> <p>4. Without the proof of purpose, it is not possible to obtain residence in the Slovak Republic. At the same time as already mentioned above the school is required to notify the police department, within</p>

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			<p>three working days, of the commencement of studies, suspension of studies, abandonment of studies, exclusion from studies or completion of studies of a third-country national who is temporarily resident for the purpose of study.</p> <p>According to the Foreign Police Department, there were cases in which the TCNs had been granted residence for the purpose of study because they had submitted a certificate of admission to a language school but did not subsequently study there. In this case, the law was amended, so that a temporary residence is not granted for studying at a language school but studying at a language school is only possible with a national visa issued.</p> <p>According to the Ministry of Foreign and European Affairs of the Slovak Republic responsible for the applications at embassies abroad, this was mainly the case of students from African and Asian countries who were paying their tuition fees themselves (Note: Students studying full time in Slovakia without exceeding the standard length of study do not pay tuition fees, if they study a programme offered <u>in Slovak language</u>).</p> <p>5. See 4.</p> <p>6. No.</p>
	<p>EMN NCP Slovenia</p>	<p>Yes</p>	<p>1. Not Applicable</p> <p>2. Applicant must submit proof of enrolment, issued by an educational organization to which the applicant is admitted as a student. If submitted, the purpose of the actual purpose of the study shall not be further examined, unless there are indications that applicant will not actually reside in the Republic of Slovenia in accordance with this purpose.</p> <p>Circumstances which, having assessed and taking into account other circumstances identified in the procedure for issuing a temporary residence permit for study purposes, may constitute the existence of</p>

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			<p>reasons to believe that a foreigner will not reside in the Republic of Slovenia for the purpose of studying or that he will not reside in the Republic of Slovenia at all, are inter alia:</p> <ul style="list-style-type: none"> - ignorance of the language in which the study or study programme takes place, ignorance of the study programme to which the foreigner is accepted (e.g. foreigner does not know which higher education institution is performing the study programme, does not know where the higher education institution is based, does not know the course of study programme, the volume of lectures, seminar exercises, number of exams, etc.); - the fact that a foreigner in the Republic of Slovenia has already had a temporary residence permit issued in the Republic of Slovenia for the purpose of studying, where the study or study programme has not been successfully completed or completed; - the previous illegal residence of an alien in the Republic of Slovenia or in other States party to the Convention implementing the Schengen Agreement, etc. <p>3. A consular official abroad (when the foreigner lodges an application for the first temporary residence permit at a diplomatic mission or consulate of the Republic of Slovenia abroad) and an official of the competent administrative unit in the Republic of Slovenia (when the foreigner lodges an application for a temporary residence permit for study purposes in the Republic of Slovenia) may conduct an interview with the foreigner in order to verify the truthfulness of the statements on the purpose of residence in the Republic of Slovenia for which the foreigner has applied for the issue of a permit. The interview shall be conducted by the official according to the circumstances at the time of the lodging of the application at his or her own discretion.</p> <p>4. The Republic of Slovenia has not observed in the past that the procedures for issuing temporary residence permits for study purposes would be abused only or above all by nationals of a given or specific country. It also did not detect an increase in abuse of specific or individual study programmes.</p> <p>5. The Foreigners Act, which regulates the issue of a residence permits in the Republic of Slovenia, including temporary residence permit for study purposes, contains a number of legal bases to prevent abuses in obtaining residence permits. A residence permit shall not be issued to the foreigner, inter alia, if the basic condition is not fulfilled, i.e. the purpose (which is also a study) or the reason of</p>
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			<p>residence in the Republic of Slovenia, for which a residence permit is issued. Similarly, a residence permit shall not be issued if there are reasons to believe that the foreigner will not reside in the territory of the Republic of Slovenia. A residence permit shall also not be issued if there are reasons to believe that the foreigner will not comply with the legal order of the Republic of Slovenia.</p> <p>In order to prevent abuses in obtaining residence permits in the Republic of Slovenia, including temporary residence permits for study purposes, cooperation and mutual information between the competent authorities administrative units, diplomatic missions and consulates of the Republic of Slovenia abroad, police and higher education institutions) has been strengthened</p> <p>6. In the past, we have already detected cases of students from third countries who resided in the Republic of Slovenia on the basis of a residence permit for study purposes, and then applied for international protection. Such cases are extremely rare, summed up in the last three years under 10, but we do not keep official statistics on this, so we cannot give an exact figure.</p>
	EMN NCP Spain	Yes	<p>1. Yes</p> <p>2. One of the requirements to be assessed in the authorisations to stay for studies is to have been admitted to an approved educational institution in Spain, for the realisation of a full-time programme, leading to the obtaining of a degree or certificate of study. Therefore, the accreditation of tuition is what is equivalent to the foreigner's "intention" to come to study in Spain.</p> <p>3. The Consular Representations may assess the possible "intention" to study in cases in which the procedure is initiated ex officio at the Consular Office, which may hold an interview with the applicant.</p> <p>For the conduct of interviews with individuals in the Aliens Offices, it would be necessary to have legal provisions.</p> <p>The assessment of the possible extension is carried out through the documentation provided by the interested party certifying the completion of the studies, but never through interviews.</p>

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			<p>4.</p> <p>5.</p> <p>6. The Aliens and Border Brigades of the National Police who process asylums report that it is not a common practice for asylum seekers to be students, only one case, of Syrian nationality. With regard to applications for residence or work in general foreigners, in many cases, students apply for residence permits after their studies (residency authorisation for job search or start a business project, residence permit for internships, modification of stay by studies to a residence permit and work initial employee account), but in all cases we have been shown to have carried out the studies. What is detected, although not to a large extent, is the use of the figure of study stay when the end is another, such as athletes of various minority sports, who apply for study stay, accrediting enrolment in official centers, and subsequently it follows that the first aim was sport. As indicated above, in these cases the accreditation of registration in the official centre is crucial to the granting of this authorisation. In the rest of the possible frauds detected, requests for extensions are detected, in which the minimum use of the studies is verified, although the refusal of the extension on these grounds is in many cases being revoked in court.</p>
	EMN NCP Sweden	Yes	<p>1. Yes</p> <p>2. In Sweden, the Migration Agency looks for relevant indicators from a defined list of indicators when it tries to determine the intention to study, e.g., a person's residence permit history, the applicant's statement in the application form, admission to a large variety of courses with no direct thematic connection, etc. This list of indicators has been drawn up by the Swedish Migration Agency as an interpretation of existing legislation.</p> <p>3. If indications of reasons to doubt an applicant's intention to study are found during case processing, the Swedish Migration Agency may task the Swedish embassy in the designated country to interview the applicant for additional information regarding their planned stay in Sweden. A case officer at the</p>

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			<p>Migration Agency will then re-examine the case based on this additional information. The number of applicants who are interviewed for suspected lack of intention to study is relatively high, approximately 25% per year. Interviews take considerable resources and prolong the processing time for all applicants.</p> <p>4. Sweden has noticed that certain nationalities and certain types of studies (e.g. preparatory English language courses) are overrepresented regarding a suspected lack of intention to study and interviews to clarify this. Within the overall number of interviews conducted, the most frequent nationalities were Pakistan, Nigeria and Bangladesh. We have also noted that some applicants lack sufficient skills to speak English when they arrive at the embassy to collect their residence permit card. As all relevant higher education in Sweden is provided in English, such individuals have no reasonable purpose of studying in Sweden.</p> <p>5. The Swedish Migration Agency collaborates with higher education institutions (HEI) to prevent applications for residence permits for studies by individuals who lack an intention to study. This collaboration concerns, among other things, information to potential students and agents, transparency between the Swedish Migration Agency and the HEI, and notification regarding dropout from studies from the HEIs to the Migration Agency.</p> <p>6. In Sweden we have seen that some third country students apply for asylum or a work permit early upon arriving to Sweden. Such early dropout from studies may show an earlier lack of intention to study in Sweden.</p>
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