



AD HOC QUERY ON 2021.47 EMN inform on misuse of authorisations for study purposes: General Questions (pre- and post-arrival) and prevention of misuse (pre-arrival) (Part 1)

Requested by COM on 27 July 2021

Responses from Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden (24 in Total)

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1. Background information

Part 1:

This is Part 1 of the ad-hoc query launched to gather information for the 2021 EMN inform on “EMN Inform on authorisations for the purpose of study - National policies and approaches on preventing and addressing misuse”, put forward by EMN Estonia and EMN the Netherlands. The 12 questions represent AHQ1 and AHQ2 as indicated in the concept note, but for structural reasons and in order to not overwhelm the experts, we have combined these in one set of questions. However, it will be counted as two ad-hoc queries for reporting purposes. Please consult the attached concept note for relevant background information prior to replying to the questions. In case of any queries, please contact the EMN Service Provider at emn@icf.com.

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2. Questions

- 1. Has your Member State detected the following situations while assessing whether to issue an authorisation to reside for the purpose of study in the pre-arrival phase in the years 2017-2020? Please tick the box for each answer that applies to your Member State. Multiple 'yes'-answers can apply. If yes, please elaborate and provide examples in the comment box in Q2 after the answer possibilities of Q1.**

Available choices: Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study (please provide an example in the comment box of Q2); Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q2); Yes, the HEI concerned was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of the Students Directive for purposes other than study (please provide an example in the comment box of Q2); Yes, other situations which your Member State considers as a misuse of an authorisation for the purpose of study (please describe these situations and explain why this is considered a misuse and constitutes a ground for rejection of the application in accordance with the Students and Researchers Directive in the comment box of Q2); No, no such situations are detected in your Member State.

- 2. Comment box for Q1. For the applicable situations of Q1 please provide your explanations and examples. Please start with copying the applicable situation of the answer possibility and provide your elaboration immediately afterwards, so that it is clear to which situation your explanation applies. Example: Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study; In [your Member State], evidence was found that.... it involved students that [...].**

- 3. For the applicable situations of Q1 please provide, if available, statistics on the numbers of rejections of applications for authorisations for the purpose of study for the years 2017-2020. If possible, please provide a break down by the main underlying reasons explaining the rejection in this context, and the top-3 countries of origin of third-country nationals whose applications for an authorisation for the purpose of study have been rejected. A table showcasing the structure of the requested data has been added to the respective question in the concept note. If no statistics are available, please elaborate on the scale of the problem if possible and explain the evidence base for your assessment of the scale of the problem.**

- 4. Post arrival: Has your Member State detected the following situations in relation to authorisations issued for the purpose of study in the post-arrival phase in the years 2017-2020? Please tick the box for each answer that applies to your Member State. Multiple 'yes'-answers can apply. If yes, please elaborate and provide examples in the comment box of Q5 after the answer possibilities of Q4.**

Available choices: Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5); Yes, documents have been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q5); Yes, the HEI concerned was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of the Students Directive for purposes other than study (please provide an example in the comment box of Q5); Yes, failure to fulfil legal obligations by the HEI relevant for the combat of misuse, (e.g. failure to report on the change/loss of the student status of a third-country national to the authorities where there is a clear obligation to do so, which enabled your Member State to conclude on a misuse linked to the purpose of the authorisation – (please describe these situations and explain

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why this is considered a misuse and constitutes a ground for withdrawal/refusal of renewal of the authorisation in accordance with the Students and Researchers Directive in the comment box of Q5);, Yes, other situations which your Member State considers as misuse linked to an authorisation for the purpose of study. (Please describe these situations and explain why this is considered a misuse and constitutes a ground for withdrawal/refusal of renewal of the authorisation in accordance with the Students and Researchers Directive in the comment box of Q5);, No, no such situations have been detected in your Member State.

5. Comment box for Q4. For the applicable situations of Q4 please provide your explanations and examples. Please start with copying the applicable situation of the answer possibility and provide your elaboration immediately afterwards so that it is clear to which situation your explanation applies. Example: Yes, the HEI concerned was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of the Students Directive for purposes other than study; In [your Member State], evidence was found that .. it involved students that [...].

6. For all the applicable situations of Q4, please provide, if available, statistics on the withdrawal/refusal of renewal of authorisations for the years 2017-2020. If possible, please provide a break down by main underlying reasons explaining the withdrawal/refusal of renewal in this context, and top-3 countries of origin of third-country nationals whose authorisations for study have been withdrawn or renewals refused on this basis. A table showcasing the structure of the requested data has been added to the respective question in the concept note. If no statistics are available, please elaborate on the scale of the issue if possible and explain the evidence base for your assessment of the scale of the problem.

7. Overall strategy : In which phase (if any) are efforts to combat such misuse of authorisations for the purpose of study prioritised by your Member State? Preventing intended misuse in the pre-arrival phase or addressing such misuse in the post-arrival phase - and why is this particular phase prioritised? (e.g. prioritising/focussing on a specific phase because of a cost-benefit analysis, effectiveness, convenience etc.).

8. Prevention of misuse (pre-arrival): 8. What elements/situations trigger Member States to look into specific cases of (potential) misuse (as defined in the concept note) by applicants of an authorisation for the purpose of study and what methods/assessment criteria are used to prevent such potential misuse (please see situations referred to in your response to Q1 and Q3) of authorisations for the purpose of study in the pre-arrival phase? (e.g. interviews, assessing the validity of documents, assessing the fulfilment of relevant requirements by the HEI etc.)

9. What organisations are involved at the pre-arrival phase with the prevention of such potential misuse of authorisations for the purpose of study? (e.g. HEIs, consulates, migration authorities, Public Employment Services, etc.)

10. What are the responsibilities and obligations of the organisations identified in the question above in relation to prevention of such potential misuse at pre-arrival phase?

11. How is the cooperation between HEIs/other organisations/entities/Member States' authorities organised at the pre-arrival phase to prevent such potential misuse?

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12. Are there any good practices / lessons learnt in your Member State for preventing such potential misuse at pre-arrival phase (identified, for example, through desk-based research - studies or evaluation reports - conducted in your Member State)?

We would very much appreciate your responses by **28 September 2021**.

3. Responses

¹

		Wider Dissemination ²	
	EMN NCP Austria	Yes	<p>1. Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q2);</p> <p>2. Yes, settlement and residence authorities, universities and Austrian representation authorities are repeatedly confronted with suspicions of falsification of submitted documents (e.g., degree certificates, admission confirmations or admission documents) during admission to studies and the subsequent application for residence permits for students (cf. EMN Study Attracting and Retaining International Students in Austria, 2019, p. 57).</p> <p>---</p> <p>Source: Ministry of the Interior</p>

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.

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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3. Such statistics are not available. It should also be noted that such statistics would not be very meaningful, especially since the falsifications are getting better and better and are therefore not always detected. As a rule, these individuals are noticed because they do not register at the HEI institution at all or because they are rejected in the renewal procedure due to lack of academic success.

Source: Ministry of the Interior

4. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5);

- Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e.,

exercise of an employment/self-employment activity (please provide an example in the comment box of Q5)-

Yes, documents have been fraudulently acquired, falsified, or were tempered with (please provide an example in the comment box of Q5)

5.

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○ Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e., exercise of an employment/self-employment activity or to be able to enter the country with a visa issued to collect the residence permit, with no intention to collect the residence permit but rather to apply for asylum after arriving in Austria (cf. EMN study Attracting and Retaining International Students in Austria, 2019, p. 57).

○ Yes, settlement and residence authorities and universities are repeatedly confronted with suspected or proven falsifications of submitted documents (e.g., degree certificates, admission confirmations or admission documents) during admission to studies and the subsequent application for residence permits for students (cf. EMN Study Attracting and Retaining International Students in Austria, 2019, p. 57).

Source: Ministry of the Interior

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		<p>6. n/a</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>7. Based on a cost-benefit analysis as well as for reasons of effectiveness and expedience, attempts are made to detect or combat intended abuse already before arrival in Austria. If cases of abuse become known, entry is prevented in advance because exit is not guaranteed.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>8. ad elements/situations - see answer to question 1 and 4.</p> <ul style="list-style-type: none">• Certification procedure: Upon request of the authority, documents and evidence must be submitted in certified form in accordance with the applicable regulations (Art. 6 para 4 Regulation on the Implementation of the Settlement and Residence Act). In doing so, it must be assessed based on the circumstances of the specific individual case whether such a request appears necessary and appropriate. This will certainly be the case if, for example, there are suspicions regarding the authenticity of certain documents. In this case, the circumstances of the case must be investigated with the involvement of the Austrian representation authority in the country of origin, or the certification of documents must be arranged.• Language skills: For applications for admission to studies, knowledge of the German language at least at level A2 of the CEFR is required. The aim of this regulation is to ensure that only those who are genuinely interested in studying and training seek admission to a degree programme. The university is responsible for checking whether the applicant has the appropriate language skills as part of the admission procedure. If the Austrian representation authorities during the certification of foreign documents or the settlement and residence authorities during the application for a residence permit for students have doubts about the authenticity and correctness of the language diploma, the university must be informed by the settlement and residence authority.• Involvement of a lawyer of trust: One possibility of checking the documents submitted from the home
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country is to consult a suitable lawyer of trust. The Austrian representation authorities will work in cooperation with the respective settlement and residence authorities (domestic authorities) according to the available possibilities or arrange for a review of the documents by a suitable lawyer of trust on behalf of a domestic authority.

Source: Ministry of the Interior

9. Higher education institutions, Austrian representation authorities, settlement and residence authorities - cooperation between all agencies is essential here (cf. also answers to question 8).

Source: Ministry of the Interior

10.

- Higher education institutions: issuance of admission confirmations/admission documents; possible support of the settlement and residence authorities.
- Austrian representation authorities: filing for application abroad; initial check/completeness check; forwarding of applications to the domestic authority; after decision by the domestic authority: issuance of a visa to collect the residence permit.
- Settlement and residence authorities (domestic authorities): domestic application; content check; decision to issue the residence permit or reject the application; notification of the decision to the Austrian representation authority, in particular for the purpose of issuing the visa for collecting the residence permit in Austria.

Source: Ministry of the Interior

11.

Initial applications for a residence permit must be submitted personally to the responsible Austrian representation authority before entering Austria from abroad (Art. 21 para 1 Settlement and Residence Act). However, the

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		<p>application for a "student" residence permit can also be submitted personally in Austria after lawful entry and during the lawful stay (Art. 21 para 2 subpara 6 Settlement and Residence Act). Among other things, the application must be accompanied by a confirmation of admission from the higher education institution (Art. 8 para 8 subpara a Settlement and Residence Act). The higher education institution is responsible for issuing this confirmation. The higher education institution is available to support.</p> <p>- (Foreign) application at the responsible Austrian representation authority: After arranging an appointment at the Austrian representation authority, the applicant must submit the application in person at the Austrian representation authority and submit all required documents with the application. The Austrian representation authority generally only checks the application for completeness. An assessment of the content is reserved for the settlement and residence authority (domestic authority). However, in the case of identity and civil status documents, whose harmlessness, authenticity, or correctness is doubted by the Austrian representation authorities, they can initiate a document check on their own initiative. The Austrian representation authority can also notify the domestic authority of content-related inaccuracies, the assessment of which is incumbent on the domestic authority. The Austrian representation authority forwards the application to the competent settlement and residence authority in Austria.</p> <p>The settlement and residence authority checks the content of the application. In the investigation procedure, the settlement and residence authority can, if necessary, consult the Austrian representation authority, for example regarding existing doubts about the harmlessness, authenticity and correctness of documents and doubts that have arisen in the procedure regarding relevant circumstances. The Austrian representation authority can call in a lawyer of trust to obtain information.</p> <p>Since the final evaluation of the documents - and thus also the assessment of whether there is a falsification - is the responsibility of the settlement and residence authority (domestic authority), a corresponding criminal complaint or description of the circumstances would have to be filed with the public prosecutor's office by the latter, if necessary.</p> <p>The Austrian representation authority abroad informs the applicant if the domestic authority wants to approve the residence permit. The applicant must then apply for a visa D to enter Austria within three months of receiving this notification.</p> <p>The applicant must appear in person at the responsible settlement and residence authority in Austria within six months after receipt of the notification by the representation authority to obtain the residence permit. If the residence permit is not claimed at the domestic authority within six months after notification by the responsible Austrian representation authority abroad, the procedure shall be discontinued without further ado. Any previous</p>
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			<p>proceedings are irrelevant (Art. 23 para 3 Settlement and Residence Act).</p> <p>- (Domestic) application at the responsible settlement and residence authority: All third-country nationals may apply for a "student" residence permit in Austria after lawful entry and during their lawful stay (Art. 21 para 2 subpara 6 Settlement and Residence Act). The student must personally submit the application to the authority and submit all necessary documents with the application. The settlement and residence authority checks the content of the application. If there is justified suspicion, it may be necessary in individual cases to have original documents checked for their correctness or authenticity.</p> <p>One possibility of checking documents submitted from the home country is to call in a suitable lawyer of trust. The responsible Austrian representation authority acts in cooperation with the respective responsible settlement and residence authority or instructs the settlement and residence authority to arrange for a review by a suitable lawyer of trust. The latter will draw up a report, but the settlement and residence authority is not bound by it. The domestic authorities' official duties to investigate circumstances located abroad are often in conflict with the possibilities that are actually and legally available to the authorities. Therefore, in relevant cases, the applicant must be required to cooperate (Art. 23 Settlement and Residence Act).</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>12. Yes. The regularly held "Forum Fremdenrecht" (Austrian University Conference) serves to promote exchange between universities and authorities and to raise awareness among all participants.</p> <p>---</p> <p>Source: Ministry of the Interior</p>
	EMN NCP Belgium	Yes	<p>1. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study (please provide an example in the comment box of Q2);</p>

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2. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study.
The students have to answer a questionnaire when applying for a visa, except in certain cases (such as PhD students, students who come on the basis of a bilateral university agreement or who have a Belgian/regional scholarship). When assessing the questionnaire, it sometimes appears that the student cannot sufficiently explain the content of the studies and, therefore, cannot sufficiently motivate what the reasons of his/her stay are.
Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with.
We have noticed that several persons from Cameroon present falsified documents to inscribe for Belgian higher education and to obtain a visa (nonetheless, this is also the case for other nationalities). Most often, they are falsified diplomas or altered exam results from Cameroon (which make them seem to be excellent students).
On the basis of preliminary numbers (definitive numbers will arrive in the upcoming weeks), we established that in 5% of the applications there was a suspicion of fraud. Last year, this amounted to 12%.
Nonetheless, suspicion of fraud only constitutes a first step and we have encountered practical obstacles to obtain the necessary information to move from a suspicion to an actual establishment of fraud. When an application is refused on the basis of suspicion of fraud, this can be appealed at the Council of Alien Law Litigation (CALL).

3.

Number of applications rejected

	2017	2018	2019	2020	Top 3 countries of origin
Total	Total: 2005 Cameroon:956 Morocco:267 Congo:134	Total: 2165 Cameroon:1129 Morocco:313 Congo:96	Total: 2433 Cameroon:1314 Morocco:335 Congo:96	Total: 1967 Cameroon:1099 Morocco:304 Congo:96	Country 1: Country 2: Country 3: Country 1:

Reason 1 Lack of sufficient resources
(General)

Country 1:
Country 2:
Country 3:
Country 1:

Reason 2 Sufficient elements in the visa application

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		<p>(General) that purpose of visa is not study</p> <p>Reason 3 Application was introduced too late, (General) student is no longer allowed to come to Belgium (date of inscription of HEI)</p> <p>4. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5);</p> <p>5. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5);</p> <p>We had cases in which an intermediate person already established working contracts for nurses from India who came to Belgium for purposes of study. The intermediate received large amounts for the signing of the contracts and the specific study-immigration procedure was re-evaluated because of this situation. At the time, incoming students were temporarily not allowed to enter.</p> <p>From the other side, we conducted a follow-up sample of files from Cameroonian who arrived in 2016 and 2017 for study purposes. From the 2016 sample, we learned that 20% of Cameroonian who came to Belgium for reasons of study eventually ended up in a family reunification status. It is not known whether these person continued their studies. Nonetheless, it is hard to deduct a general rule from this sample, as it does not necessarily reflect the situation as it is. The same study was done for people who arrived for study purposes in 2017. However, in this case only 5% of the people had asked for family reunification status and 20% had not asked for any status (which might indicate that some are still going to ask for family reunification status).</p> <p>Yes, documents have been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q5).</p> <p>Fraud: regarding the renewal of residence permits: the student must present new proof of enrollment at the HEI and proof that he/she has accumulated sufficient credits in the previous year(s). The student must present this evidence at the municipality. If there are doubts regarding the presented evidence, the municipalities send the file to the Immigration Office who looks into them. Falsifications occur, but are not widespread.</p> <p>6.</p> <p>Number of applications for renewal of</p>	<p>Country 2: Country 3: Country 1: Country 2: Country 3:</p>
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authorisations withdrawn/refused
2017
Total Total:153

2018 2019 2020 Top 3 countries of origin (2020)

Total: Total: Total:175 Country 1: Cameroon (82)

175 141 Country 2: Morocco: 24

Country 3: Congo: 21

Reasons: The different reasons for refusal/withdrawal are not statistically processed

7.

Each non-EU student is required to answer a questionnaire which is given to them when they submit their 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.

8.

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 reason of visa refusal.

Additional:

In sensitives country, like Cameroon currently, the Immigration Office had added an interview done by an external organization, ViaBel (formerly known as Campus Belgium), which gives a final opinion 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 is available on: <https://cameroon.diplomatie.belgium.be/en/travel-belgium/studying-belgium/information-study-visa>.

For China Belgium uses a APS procedure (example of explanation: <https://www.ugent.be/chinaplatform/en/aps>)

In order to start up the procedure, students need to contact the APS administration in Beijing.

The screening consists of 2 phases:

1. Authenticity screening of documents (diplomas, certificates, exam results...). Either the student's home

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		<p>institution will be contacted, or databases of graduates issued by the Chinese Ministry of Education will be consulted.</p> <p>2. Academic interview*: the plausibility interview aims to identify "authentic, but not truthful" diplomas (or certificates) which were obtained by document fraud, for example.</p> <p>After the plausibility interview has been successfully completed, the APS certificate is drawn up, which refers to the screened diplomas and gives a non-binding indication of the candidate's oral proficiency in English during the interview.</p> <p>The Chinese student with the APS certificate may then apply for a student visa at the Belgian Embassy or the Belgian Consulate-General in China and may effectively enroll at a Belgian institute of higher education.</p> <p>9. Consulates: 'First line': They can deliver the visa (but not refuse to deliver) and they perform a check if all the documents are in order and all the conditions are fulfilled (they receive documents such as a medical certificate and a proof of good conduct, if the student is over 21 years old).</p> <p>Immigration Office: Can refuse to deliver a visa in case not all conditions are fulfilled and they can grant a visa if all conditions are fulfilled.</p> <p>HEI: can 'admit' the student to their study program if certain conditions are met (such as educational requirements and medical insurance, ...)</p> <p>Special procedures: See previous answer.</p> <p>10. (See previous answer)</p> <p>11. This question is nearly impossible to answer given our complicated state structure, the divide between public and private education and the different 'domes' under which certain structures are organised.</p> <p>12. The Immigration Office sends 'officers' to the responsible state structures abroad (consulates) to teach the visa section how to handle visas (amongst others for study purposes). The idea is to educate the people at the consulates, while working with them.</p>
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	EMN NCP Croatia	Yes	<p>1. Yes, other situations which your Member State considers as a misuse of an authorisation for the purpose of study (please describe these situations and explain why this is considered a misuse and constitutes a ground for rejection of the application in accordance with the Students and Researchers Directive in the comment box of Q2);</p> <p>2. In accordance with the legislation of the Republic of Croatia, temporary residence for the purpose of study is granted to a third-country national who meets certain conditions prescribed by the law and who is studying at a higher education institution in the Republic of Croatia and has sufficient funds to return.</p> <p>The Aliens Act also stipulates that a request for temporary residence is rejected if other conditions prescribed by law are not met or if:</p> <ol style="list-style-type: none">1. the attached documentation is fraudulently acquired or forged or;2. there is an evidence or serious and objective reasons for the third-country national to reside in the Republic of Croatia for a purpose other than that for which he / she applies for a temporary residence permit. <p>However, the data within the database are not sorted in the above manner so that the data can be extracted according to the above division.</p> <p>We only have data on rejected requests, without classification by reasons for rejection as mentioned above, so in 2017 2 requests were rejected, in 2018 1, in 2019 2 and in 2020 2.</p> <p>3.</p> <p>4. Yes, other situations which your Member State considers as misuse linked to an authorisation for the purpose of study. (Please describe these situations and explain why this is considered a misuse and constitutes a ground for withdrawal/refusal of renewal of the authorisation in accordance with the Students and Researchers Directive in the comment box of Q5);</p> <p>5. The data within the database are not sorted in the above manner so that the data can be extracted according to the above division.</p> <p>We have only data on rejected applications for extension of temporary residence, without classification by reasons</p>
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for rejection as mentioned above, so in 2017 there are no rejected applications, in 2018 there was 1 rejected application, in 2019 there were no rejected applications and in 2020, 1 request for extension of temporary residence was rejected.

6.

7.

8.

- Ignorance of the language in which the study takes place (Croatian / English) - delivery of a certificate of knowledge of the language;
- Applicant's age or a long period from the completion of education prior to studying - interview, assessment of the applicant's credibility;
- Additional checks, additional collection of information as well as an interview with the applicant will be carried out in the event that a third-country national: submits a damaged travel document; has multiple citizenship and does not use only one travel document or citizenship , and with a slightly different travel document; that the data stated in the application form for temporary residence permit contradict the submitted documents, eg disagreement within the validity of the full document, the requested time of stay in the application is not in accordance with the study time for which the higher education certificate was issued.

Prior to granting a temporary residence for any purpose, including study, a security clearance for a third-country national shall be carried out to determine the eventual reasons for the threat to public policy and national security. The competent police administration or police station will check with the municipal and county court and the Ministry of Justice, and police officers are obliged to check other search records whose jurisdiction is within the competence of this Ministry and if it is determined that the third country national does not meet the requirements temporary residence permit will be denied.

If during the procedure any information is obtained that would indicate possible abuse of temporary residence for the purpose of studying by a third-country national upon residence permit (eg previously illegally residing / working in the Republic of Croatia, attempt to cross the state border illegally, readmission from another state) additional checks will be carried out and only then will the decision on the residence permit be decided.

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			<p>9. Along with the application for a temporary residence permit for the purpose of studying, the third-country national must enclose proof that he / she is studying at a higher education institution in the Republic of Croatia (certificate of enrolment in a higher education institution). The fulfilment of the conditions for enrolment in a higher education institution is carried out by the competent higher education institution in which the third-country national wants to study or in which he / she enrolls in accordance with the regulations within their competence. If during the temporary residence permit for study purposes the authenticity of the attached certificate is doubted, the competent police administration or police station according to the place of residence or intended residence of the third country national who decides on the application for temporary residence permit will contact the higher education institution.</p> <p>10.</p> <p>11.</p> <p>12.</p>
	EMN NCP Cyprus	Yes	<p>1. Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q2);</p> <p>2. Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with. - In the most cases detected, the applicants submit fake/forged documents, i.e. bank statements, health certificates and/or academic qualifications.</p> <p>3. No data available</p> <p>4. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5);</p> <p>5. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of</p>

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		<p>an employed/self-employed activity - There are many cases that the TCNs instead of studying, worked illegally. Also, in many cases TCNs either applied for asylum or married (sham marriage) to a EU citizen, in order to prolong their stay in Cyprus</p> <p>Yes, failure to fulfil legal obligations by the HEI relevant for the combat of misuse, (e.g. failure to report on the change/loss of the student status of a third-country national to the authorities where there is a clear obligation to do so, which enabled your Member State to conclude on a misuse linked to the purpose of the authorisation - The most usual cases concern TCNs that drop out of their studies and/or fail to pass their exams.</p> <p>6. No data available</p> <p>7. In both phases, equally, as both are considered equally important, in order to tackle misuse.</p> <p>8. As during the past years, there was an extensive misuse, general measures were taken. a) Interviews (using skype) with the applicant/TCN will be conducted, as part of the application's examination b) A quota of total 120% of the HEI's capacity shall be enforced to all the registrations for each academic year.</p> <p>9. Civil Registry and Migration Department, Ministry of Foreign Affairs (consulates), Ministry of Education, Culture, Sports and Youth</p> <p>10. Ministry of Foreign Affairs (consulates) issue the necessary visa and facilitate interviews (using skype) Civil Registry and Migration Department examine the application and the migration related documents (financial data, health certificates etc) Ministry of Education, Culture, Sports and Youth examine the academic qualifications.</p> <p>11. Good.</p> <p>12. N/A</p>
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	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<p>1. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study (please provide an example in the comment box of Q2); Please note that we were not able to choose the second situation from the list, which also applies to the Czech Republic. See our answer to Q. 2.</p> <p>2. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study; In the Czech Republic, evidence was found that students do not have information about the study in the Czech Republic (even about the school and the study programme they have chosen) and often they do not even know the language of study (Czech/English). Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with; In the Czech Republic, evidence was found that the most fraudulently acquired, falsified and tampered documents are proofs of funds and documents similar to an extract from the Penal Register.</p> <p>3.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding-bottom: 5px;"></th><th colspan="4" style="text-align: center; font-weight: bold;">Number of applications rejected</th><th rowspan="2" style="vertical-align: middle; font-weight: bold; padding-right: 10px;">Top 3 countries of origin</th></tr> <tr> <th style="text-align: left; padding-top: 5px;"></th><th style="text-align: center; width: 15%;">2017</th><th style="text-align: center; width: 15%;">2018</th><th style="text-align: center; width: 15%;">2019</th><th style="text-align: center; width: 15%;">2020</th><th></th></tr> </thead> <tbody> <tr> <td style="padding-top: 10px;">Total</td><td style="text-align: center;">1 171 / 43</td><td style="text-align: center;">1 299 / 26</td><td style="text-align: center;">1 250 / 33</td><td style="text-align: center;">993 / 32</td><td style="vertical-align: top; padding-top: 10px;">Country 1: India/Ukraine Country 2: Ukraine/Vietnam Country 3: Russia/Russia</td></tr> <tr> <td style="padding-top: 10px;">Long term visa / Long term residence</td><td></td><td></td><td></td><td></td><td></td></tr> <tr> <td style="padding-top: 10px;">Reason 1</td><td style="text-align: center;">-</td><td style="text-align: center;">-</td><td style="text-align: center;">-</td><td style="text-align: center;">-</td><td style="vertical-align: top; padding-top: 10px;">Country 1: Country 2: Country 3:</td></tr> <tr> <td style="padding-top: 10px;">*</td><td></td><td></td><td></td><td></td><td></td></tr> <tr> <td style="padding-top: 10px;">Reason 2 (as described in the second</td><td style="text-align: center;">11 / 0</td><td style="text-align: center;">3 / 0</td><td style="text-align: center;">4 / 0</td><td style="text-align: center;">48 / 1</td><td style="vertical-align: top; padding-top: 10px;">Country 1: China Country 2: Ghana</td></tr> </tbody> </table>		Number of applications rejected				Top 3 countries of origin		2017	2018	2019	2020		Total	1 171 / 43	1 299 / 26	1 250 / 33	993 / 32	Country 1: India/Ukraine Country 2: Ukraine/Vietnam Country 3: Russia/Russia	Long term visa / Long term residence						Reason 1	-	-	-	-	Country 1: Country 2: Country 3:	*						Reason 2 (as described in the second	11 / 0	3 / 0	4 / 0	48 / 1	Country 1: China Country 2: Ghana			
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		<p>situation in Q. 1)</p> <p>Reason 3 - - - - Country 1: Country 2: Country 3:</p> <p>Reason 4 - - - - Country 1: Country 2: Country 3:</p>	Country 3: Russia
* Statistics concerning the rejections of applications for authorisations for the purpose of study in the Czech Republic are divided into several categories and the reason as described in the first situation in Q. 1 can be included in more than one of them. Therefore, it is not possible to give an exact number.			
4. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5);			
5. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity; In the Czech republic a higher education establishment or a higher vocational school is obliged to inform the Ministry of Interior in writing if a holder of a long-term visa for the purpose of studies has not started, has interrupted or finished his/her studies. In these cases, the procedure of annulment of a long-term residence permit is initiated. Misuse of authorisations may result in the rejection of a subsequent application.			
6.			
Number of applications for renewal of authorisations withdrawn/refused			
		2017	2018 2019 2020 Top 3 countries of origin
			Country 1:Russia
		Total 153	150 155 125 Country 2:Ukraine
			Country 3: Kazakhstan

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		<p>Reason 1 (please indicate) - - -</p> <p>Reason 2 (please indicate) - - -</p> <p>Reason 3 (please indicate) - - -</p> <p>Reason 4 (please indicate) - - -</p>	Country 1: Country 2: Country 3:
		<p>7. The main efforts lie in preventing intended misuse in the pre-arrival phase and not allowing persons who intend to misuse the authorisation to enter the territory of the Czech Republic.</p> <p>8. The validity of documents and fulfilment of relevant requirements as stipulated by law are assessed in case of each application and if there is a suspicion of a possible misuse (e.g. higher age, low language skills, suspicious HEI or documents), the applicant is examined more thoroughly, especially during the interviews.</p> <p>9. Mainly consulates and migration authorities, in some cases also HEIs.</p> <p>10. Consulates receive the applications, carry out first assessment of the application (there is a possibility to pass relevant information from personal interaction with the applicant to the migration authorities) and conduct interviews. Migration authorities are responsible for the assessment of the application. HEIs provide additional information if necessary.</p> <p>11. There are established practices, mainly based on electronic communication. Also, regular meetings with HEIs are organized by migration authorities and during these meetings information on the topic (including good practices, challenges, etc.) are shared, exchanged and evaluated.</p> <p>12. Yes and they are mainly based on the experience of workers and cooperation between consulates and</p>	

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			migration authorities.
	EMN NCP Estonia	Yes	<p>1. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study (please provide an example in the comment box of Q2);</p> <p>2.</p> <p class="list-item-l1">1. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study (please provide an example in the comment box of Q2);</p> <p>Yes. During visa application process consuls have detected, that applicant is not able to have a simple discussion in English, although they will start studying in bachelors or Masters level in English. Also, we have seen that prior to applying for a residence permit, the applicant already has found a job in Estonia (mostly currier work).</p> <p class="list-item-l1">1. Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q2);</p> <p>Yes. According to the information obtained from the consulate, we have reasons to believe that certificates of previous education and language knowledge have been fraudulently acquired. Additionally, rising numbers of applicants from Bangladesh has brought forth a problem regarding fraudulent language certificates and university/school diplomas. As in Bangladesh corruption occurs at all levels of society, it allows a large-scale production and trafficking of fraudulent documents. Lack of central registers makes it easier to obtain genuine documents with false information and translations are not always reliable as it is possible to bribe authorized translators to change or delete information on the translated documents. Foreign representations/embassies in Delhi have been struggling with document checks and the percentage of refusals is very high.</p> <p class="list-item-l1">1. Yes, the HEI concerned was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of the Students Directive for purposes other than study (please provide an example in the comment box of Q2);</p> <p>Yes. Ministry of Education and Research launched a national inspection on one private institution of higher education in 2018. The Estonian Quality Agency for Higher and Vocational Education (EKKA) decided not to</p>

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accredit the abovementioned HIE following the institutional accreditation procedure and the Government stripped its license due to repeated violations of higher education regulations in 2019. Results of state supervision indicated serious, systemic and long-standing problems with the instruction, operation and sustainability of the institution. Supervision proceedings discovered that the school accepted students without verifying their previous academic achievements and requirements, such as a high school diploma or bachelor's degree. In one particular case, the academy accepted a student who was in the middle of prerequisite studies.

3.

Number of refusals to issue temporary residence permit for study purposes 2017-2020 (Police and Border Guard Board)

Bases for refusal to issue temporary residence permit for study	2017	2018	2019	2020
the basis for the issue of a residence permit has ceased to exist (Aliens Act § 123 p 1)	-	3	5	3
an alien does not comply with the requirements for the issue of a temporary residence permit (Aliens Act § 123 p 2)	16	-	3	30
the application for the issue of a residence permit is not justified (Aliens Act § 123 p 3)	7	5	4	2
an alien has been punished for an offence (Aliens Act § 124 subsection 1 p 5)	2	-	-	-
an alien has violated the conditions regarding the entry into Estonia, temporary stay in Estonia, residence in Estonia, departure from Estonia, employment in Estonia of aliens or crossing the state border or the temporary control line of aliens (Aliens Act § 124 subsection 1 p 6)	-	-	2	-
there is reason to believe that the actual purpose of the application for temporary residence permit of an alien does not correspond to the alleged purpose (Aliens Act § 124 subsection 1 p 7)	2	1	-	-
there is reason to believe that the entry into or the stay in Estonia of an alien may constitute a threat to public order (Aliens Act § 124 subsection 1 p 1)	1	-	3	1
there is a reason to doubt the trustworthiness of the educational institutions (Aliens Act § 1721)	133	-	12	
Total	161	9	29	36

2017 - Top 3 nationalities

Nigeria 74

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Bangladesh	31
Cameroon	19

2018 - Top 3 nationalities

Nigeria	2
Russia	2

*

*Other nationalities are represented once (Azerbaijan, Ghana, Mongolia, Pakistan, Ukraine)

2019 - Top 3 nationalities

Ukraine	8
Nigeria	7
Russia	5

2020 - Top 3 nationalities

Nigeria	12
Bangladesh	7
Iran	3

4. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5);

5.

1. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5);, Yes, documents have been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q5);

Yes. Purpose of study has been used to gain permanent residence, access to the Schengen area, to start working and to bring family members. There have been cases where residence permit is applied directly for family migration or in combination to work first and then to settle permanently. Most residence permits issued for the purpose of

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			<p>study have been revoked because the student in question has failed to complete the curriculum to the extent required for holding a residence permit for study, has terminated his or her studies or has failed to perform to a significant extent.</p> <p>1. Yes, the HEI concerned was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of the Students Directive for purposes other than study (please provide an example in the comment box of Q5);</p> <p>Yes. Please see above (question 1 c). In case of studying at a private HEI, the risk factors include importance of material profits i.e. business model is built on admitting as many foreign students as possible for entry fees so that some students may be admitted without a thorough background check and their motivation to come to Estonia is not clear.</p> <p>Regarding higher rates of residence permits being revoked, it also occurs in some vocational education institutions where students who have came to acquire a profession are more likely to start working.</p> <p>1. Yes, failure to fulfil legal obligations by the HEI relevant for the combat of misuse, (e.g. failure to report on the change/loss of the student status of a third-country national to the authorities where there is a clear obligation to do so, which enabled your Member State to conclude on a misuse linked to the purpose of the authorisation – (please describe these situations and explain why this is considered a misuse and constitutes a ground for withdrawal/refusal of renewal of the authorisation in accordance with the Students and Researchers Directive in the comment box of Q5);</p> <p>Yes. There have been problems related to another, currently operating private institution of higher education. As a private HEI and its business model, there have been problems with low entry requirements for foreign students and the inability to detect fraudulent documents. However, these problems are acknowledged and the situation has improved after cooperation with migration authorities (specifically Estonian Police and Border Guard Board) – notification obligation is fulfilled i.e. information regarding the interruption of students' studies reach relevant migration authorities.</p> <p>6. Revocation of residence permits 2017-2020 (Police and Border Guard Board)</p> <table><thead><tr><th>Bases for revocation of temporary residence permit</th><th>2017</th><th>2018</th><th>2019</th><th>2020</th></tr></thead><tbody><tr><td>a circumstance which is a prerequisite for the issue of a residence permit to an alien or extension thereof is not complied with (Aliens Act § 135 subsection 2 p 1)</td><td>2</td><td>7</td><td>1</td><td>-</td></tr><tr><td>a basis for refusal to issue or extend the temporary residence permit exists (Aliens Act §135 subsection 2 p 2)</td><td>19</td><td>23</td><td>8</td><td>-</td></tr></tbody></table>	Bases for revocation of temporary residence permit	2017	2018	2019	2020	a circumstance which is a prerequisite for the issue of a residence permit to an alien or extension thereof is not complied with (Aliens Act § 135 subsection 2 p 1)	2	7	1	-	a basis for refusal to issue or extend the temporary residence permit exists (Aliens Act §135 subsection 2 p 2)	19	23	8	-
Bases for revocation of temporary residence permit	2017	2018	2019	2020														
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the activity of an alien constitutes a threat to public order or national security (Aliens Act §135 subsection 2 p 3)	-	1	-	-
an alien submits a personal request (Aliens Act §135 subsection 2 p 5)	2	1	1	1
the basis or grounds for the issue of the residence permit has ceased to exist (Aliens Act § 146 subsection 1 p 1)	2	4	-	-
an alien has failed to complete the curriculum to the extent required for holding a residence permit for study, has terminated his or her studies or has failed to perform to a significant extent (Aliens Act § 173)	77	163	155	88
Total				102 199 165 89

2017 - Top 3 nationalities

Bangladesh	37
Russia	17
Nigeria	14

2018 - Top 3 nationalities

Bangladesh	34
Nepal	33
Ukraine	22

2019 - Top 3 nationalities

Russia	21
Bangladesh	20
Ukraine	18

2020 - Top 3 nationalities

Bangladesh	20
India	12
Russia	10

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7. Preventing misuse in the pre-arrival phase and detecting misuse in the post-arrival phase are equally important from the public order and national security perspective, thus emphasis is on both – prevention (e.g. annual risk analyses in cooperation with relevant authorities, cooperation with HEIs and vocational education institutions for raising awareness and knowledge on risks and detecting fraud) and detection (e.g. cooperation with HEIs and vocational education institutions regarding the notification obligation, assessment of trustworthiness of HEIs and vocational education institutions).

8. Residence permit for study can be applied for either at a foreign representation/embassy of Estonia or at a service office of the Police and Border Guard Board. If the applicant needs a visa first, the list of additional required documents depending on the purpose of stay is non-exhaustive and the application must be submitted in person. Representation/foreign embassy also has the right to call the applicant for an interview. During the application process, relevant authorities verify whether the necessary documents for application have been submitted. In case of any deficiencies or in need for additional information, the applicant will be contacted and may be interviewed (e.g. to check on language proficiency, academic background etc). Regarding document fraud, HEIs as well as authorities use Estonian ENIC/NARIC services in order for the educational qualifications obtained abroad to be recognized. Relevant authorities cooperate on establishing the trustworthiness/reliability on the HEI in question.

When assessing the reliability of an educational institution, Police and Border Guard Board will take into account violations of obligations arising from the Aliens Act as well as other factors that are important from the perspective of reducing the possibility of misuse. Aliens Act § 402 defines the assessment of reliability as follows:
Subsection 1 - The Police and Border Guard Board may provide an assessment of the unreliability of an employer, educational institution, internship provider or other person (hereinafter assessment) if an alien comes to a person or if the obligations of a sponsor provided for in this Act apply to the person (hereinafter in this section sponsor);
Subsection 2 - A consular officer or the Police and Border Guard Board may take into account the assessment of the sponsor with regard to an act to be performed or administrative act issued relating to a future long-stay visa application, application for extension of stay, application for registration of short-term employment, application for residence permit or application for extension of residence permit;

Subsection 3- Violations of obligations imposed on the basis of this Act and other reasons on the basis of which there are reasonable grounds to doubt the reliability of the sponsor shall be taken into account upon providing the assessment.

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		<p>Subsection 4 - An assessment shall be issued for a period of validity of up to one year. If a sponsor is assessed as being unreliable, the assessment will remain valid for one year and will be taken into account during the handling of the sponsor's applications for entry permits for aliens. An educational establishment being categorized as unreliable would directly affect aliens who have or are planning to come to study in Estonia. If a sponsor is declared unreliable, Police and Border Guard Board may refuse granting a long-term visa or residence permit to an alien or declare their long-term visa invalid, making assessments of a sponsor's reliability important information for foreigners as well.</p> <p>9. HEIs, vocational higher education institutions, consulates, Estonian Police and Border Guard Board, Estonian Internal Security Service and to some extent also the non-profit organizations (e.g. Education and Youth Board of Estonia that manages a national guide called Study in Estonia).</p> <p>10. HIE-s: responsibilities and obligations are set in the Aliens Act as follows: § 174 subsection 1 - the educational institution where an alien who was granted a temporary residence permit for study, the institution conducting the traineeship, the international student organization that intermediated the traineeship of an alien in Estonia and an institution or organization within the framework of whose youth project or program an alien was issued a temporary residence permit for voluntary service activities shall have the obligations of a sponsor provided for in this Act. § 287 - An educational institution is required to notify the Police and Border Guard Board of a failure of an alien who has received a temporary residence permit for study and an alien studying in Estonia on the basis of a long-stay visa or residence permit to commence the studies within the prescribed term, of noncompliance with the curriculum to the extent required for holding a residence permit for study, of the exmatriculation from the educational institution, of the discontinuation or disruption of studies or of the entry into the contract of traineeship with an alien or of the discontinuation of the concluded contract of traineeship. §291 subsection 1 - A sponsor is required to verify if an alien who has been invited to Estonia by sponsor has a legal basis for the stay in Estonia. HIE-s must ensure that the language proficiency and academic background of the student meets all necessary requirements. Consulates and Police and Border Guard Board process submitted applications and verify documents presented, also make sure that all necessary requirements are met, conduct additional interviews or require additional information/documents if deficiencies are found.</p>
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			<p>Authorities (Police and Border Guard Board and Internal Security Services) ensure that requirements set also meet the criteria for public order and national security and that issued ground for entry, stay and purpose is not violated. In case (possible) misuse is detected, relevant actions follow (refusal or revocation of residence permit, obligation to leave etc.).</p> <p>Non-profit organizations offer support and guidelines for commencing the studies and settling in Estonia.</p> <p>11. Cooperation include trainings and information days in order to raise awareness of HIEs on possible misuse, high-risk third countries, detecting fraudulent documents etc.</p> <p>HIEs, migration and internal security authorities cooperate on a daily and if necessary, ad-hoc basis, if any questions arise during the pre-arrival phase (clarifying real intentions for applying a visa/residence permit, language proficiency, academic background, submitted documents, background checks, other possible risk factors). Police and Border Guard Board as well as Estonian Internal Security Service provide risk analysis and publications on changes regarding migratory pathways.</p> <p>12. In addition to annual risk analyses in relation to migration, Police and Border Guard Board conducts regular ad-hoc analysis e.g. analysis on educational migration, analysis on legal and illegal migration (and accompanying risks). Studies/research/reports related to educational migration are conducted by the Estonian Statistics, both independently and in cooperation with other authorities e.g. Ministry of Interior has ordered analyses/studies for policy making purposes.</p> <p>Good practices include enhanced cooperation between migration authorities and HIEs for raising awareness on risks regarding foreign students (on misuse, high-risk third countries, detecting fraud etc.) and providing free migration counselling via special consultants by the Police and Border Guard Board for both students and educational establishments. The main function of the consultants is to support foreigners in settling in Estonia and to serve as a partner to employers, business community and education institutions and other parties who invite foreign nationals to Estonia. If necessary, consultants can be invited to trainings and information days.</p>
	EMN NCP Finland	Yes	<p>1. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study (please provide an example in the comment box of Q2);</p>

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		<p>The inform concept note features answers to all the same questions as well as all statistical data. emn_inform_misuse_study_authorisations_concept_note_final_27072021_fi_comments.docx</p> <p>2. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study: There have been occasional cases in Finland, where a person had submitted a residence permit application on the basis of studying, although the actual purpose of stay has been other than studying. In these cases the applicant has had family relations in Finland and submitting a study permit application has been a means of subverting income requirements, which is higher for family residence permits. Also, in some instances upon submitting a residence permit extension it has been revealed that the applicant has no intention to study but merely extend their right to stay. Such cases are, however, very rare and therefore no statistics exist. Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with: Instances of falsified, fake or altered documents are constant. These cases have mostly to do with income attachments, i.e. fake or falsified bank statements or other proof of sufficient funds.</p> <p>3. See concept note attached for statistical data.</p> <p>4. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5);</p> <p>5. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity; The Finnish authorities have detected several cases where persons have worked more hours than their residence permit allows. The residence permit for studies allows to work for an average of 25 hours per week during the academic terms. However, there is generally not sufficient information to deduce whether the main reason for entering the country has been work as opposed to conducting studies. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity; In Finland, there are isolated incidents where persons have applied for asylum or have stayed for work after negative decision to the application to extend the residence permit for studies. Yes, documents have been fraudulently acquired, falsified or were tampered with; In Finland, there is a single incident of a possible case of falsifying documents. This concerns a falsified residence permit document that has been presented to the educational institution.</p>
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		<p>6. See the attached concept note on Q1 for statistical data.</p> <p>7. Monitoring of potential misuses is done in various stages of immigration. Pre-screening of applications is performed in Finnish embassies around the world. Some embassies also have an ILO (Immigration Liaison Officer) posted there to perform risk assessments and gather information regarding irregular migration. Post-arrival, the cases of misuse are usually revealed when a person is submitting an application for an extension of their residence permit.</p> <p>8. Interviewing the applicants in person are one of the key steps in assessing the overall risk of misuse of the application. The applicant is generally asked about how much do they actually know about their enrolled study program, the educational institution they are about to join and about Finland as a country (e.g. cost of living etc.) Aside from interviews, the applicants' documents are scrutinized first by immigration officers in the embassies and, if a further confirmation is required, the officers may consult an ILO (immigration liaison officer) present in the embassy for further authenticity checks, or they may forward the suspicious documents to the Finnish Immigration Service, who makes the ultimate decision. Risk profiling is based on intelligence gathered by the ILOs, as well as accumulated institutional information of the Embassies and their immigration officers.</p> <p>9. The Finnish Embassies play a pivotal role in the pre-arrival prevention as they meet the applicants in person and see the documents in original. The Finnish Immigration Service, who ultimately makes the decisions on the applications, consults the embassies regarding individual applicants and the Embassies consult the Immigration Service when needed.</p> <p>10. See Q9</p> <p>11. N/A</p> <p>12. N/A</p>
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	EMN NCP France	Yes	<p>1. Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q2);</p> <p>2. In France there is no centralisation of data on misuse of student visas. Visas may be refused by consulates if the investigation reveals document fraud or if there is evidence of misuse of the procedure for purposes other than studies. Other criteria may lead to a refusal, such as lack of sufficient resources or public policy criteria.</p> <p>When renewing the residence permit, the prefectures will check the condition relating to the continuation of studies and to continued compliance with the conditions laid down in the rules.</p> <p>3. Visas issued for study purposes : Refusals shall be notified on a case-by-case basis by consulates using a refusal notification form indicating the means and time limits for appeal. There is no basis for compiling the grounds for refusal.</p> <table border="1"><thead><tr><th>Year</th><th>visa applications</th><th>Visas issued</th><th>Visa refused</th></tr></thead><tbody><tr><td>2017</td><td>122,140</td><td>100,024</td><td>19,816</td></tr><tr><td>2018</td><td>131,371</td><td>101,892</td><td>27,456</td></tr><tr><td>2019</td><td>134,491</td><td>101,934</td><td>30,507</td></tr><tr><td>2020</td><td>104,258</td><td>73,115</td><td>30,094</td></tr></tbody></table> <p>4. Yes, other situations which your Member State considers as misuse linked to an authorisation for the purpose of study. (Please describe these situations and explain why this is considered a misuse and constitutes a ground for withdrawal/refusal of renewal of the authorisation in accordance with the Students and Researchers Directive in the comment box of Q5);</p> <p>5. to be answered asap</p> <p>6. to be answered asap</p> <p>7. to be answered asap</p>	Year	visa applications	Visas issued	Visa refused	2017	122,140	100,024	19,816	2018	131,371	101,892	27,456	2019	134,491	101,934	30,507	2020	104,258	73,115	30,094
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			<p>8. The pre-requisites for teaching and knowledge of language are checked prior to the application for registration, as part of the 'study procedure in France 'or at the time of the visa application.</p> <p>9. migration authorities and consulates</p> <p>10. to be answered asap</p> <p>11. to be answered asap</p> <p>12. to be answered asap</p>
	EMN NCP Germany	Yes	<p>1. No, no such situations are detected in your Member State.</p> <p>2. N/A</p> <p>3. No statistical data is available on this, as the reason for refusal of a visa is not recorded. The competent diplomatic mission abroad decides if a visa is granted with the involvement of the competent local foreigners authority. There are no known concrete cases in which a visa for study purposes has been refused due to intended abuse.</p> <p>4. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5);</p> <p>5. Only individual cases are known in which the purpose of residence was other than study. In one case, several third-country nationals with a residence permit for study purposes played for football clubs in lower German football leagues. In other cases, studies were discontinued or not taken up at all in order to pursue another purpose of residence.</p> <p>6. No statistical data is available on this, as the reason for the rejection or withdrawal of a residence permit is not</p>

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			<p>recorded. In Germany decisions on granting or withdrawing a residence permit are made by the local responsible foreigners authorities. If individual cases of abuse become known, they are not recorded on state or federal level.</p> <p>7. Possible reasons for refusal, including a possible intended misuse of the residence permit applied for, are examined by the competent diplomatic mission abroad with the involvement of the competent local foreigners authority in Germany before the residence permit is issued. In addition, the local foreigners authority regularly verifies after entry whether all conditions for issuance continue to be met. If there are indications of possible misuse, they investigate those.</p> <p>8. The plausibility of the purpose of stay is also examined in the context of the visa application. For this purpose, the previous (educational) biography and the existing language skills are taken into account. The diplomatic mission abroad also takes into account specific knowledge about the country of origin (quality of universities, migration pressure, etc.). Reasons for an in-depth examination would be, for example • poor performance at school or unsuccessful studies in the home country, • Long duration of the study-preparatory stay combined with uncertain financing• clear discrepancy between the costs of the studies and the income situation• Submitting several visa applications or erratic and unfounded changes of subjects to be studied• Lack of knowledge about the intended course of the study programme• Indications that give rise to suspicion of circumvention of family reunion regulations (e.g. coinciding with family reunion of close relatives)• Migration pressure in the country of origin or country of residence</p> <p>9. The competent diplomatic mission abroad, the local foreigners authority and, if applicable, security authorities are involved in the examination of granting a visa. In case of doubt, any supervisory authorities that are more relevant in specific cases may also be involved, for example in the examination of the receiving higher education institution. The receiving higher education institution verifies whether the admission requirements for the study programme are met.</p> <p>10. The competent diplomatic mission abroad checks • the plausibility of the purpose of residence on the basis of the previous (educational) biography and language skills,• the general conditions for granting the residence permit (e.g. securing a livelihood),• the receiving higher education institution (it must be a state or state-recognised higher education institution or a comparable educational institution),• admission to study at the receiving higher education institution (this must be provided in order to be entitled to be granted a visa).</p>
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			<p>Otherwise, the issuance of the visa is at the discretion of the competent diplomatic mission),• the existence of reasons for exclusionThe diplomatic mission abroad also decides whether other authorities or the host university should be involved.The local foreigners authority at the student's future place of residence is usually involved in the visa procedure and must also agree to granting the visa. The local foreigners authority may have more detailed information on domestic affairs (e.g. on the host university and the intended degree programme).Before admission, the host university verifies whether the respective study requirements are met (higher education entrance qualification, language skills, etc.).</p> <p>11. The diplomatic mission abroad involves the local foreigners authority and, if necessary, the security authorities and decides whether other authorities or the host university should be involved. In addition, the diplomatic missions in selected countries (China and Vietnam) in cooperation with the German Academic Exchange Service have established an academic inspection office (Akademische Prüfstelle) with the aim of supporting the visa granting process in countries with high demand to study in Germany.. Germany is currently examining the introduction of such academic inspection offices at other locations with a high level of interest in studying in Germany, e.g. India.</p> <p>12. The involvement of various authorities and other institutions increases the likelihood that possible misuse will be detected during the audit.</p>
	EMN NCP Greece	Yes	<ol style="list-style-type: none">1. Yes, other situations which your Member State considers as a misuse of an authorisation for the purpose of study (please describe these situations and explain why this is considered a misuse and constitutes a ground for rejection of the application in accordance with the Students and Researchers Directive in the comment box of Q2);2. No statistical data are kept by the competent services so we cannot have a clear picture of the situation and describe it. The answer in Q1 is selected as the most general one.3. No statistical data are kept in the competent services, so there is no way to have a clear picture.4. No, no such situations have been detected in your Member State.

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		<p>5. no such situations have been detected in Greece</p> <p>6. Rejections of applications for residence permits under the students and researchers Directive and more precisely in the case of students, were mainly related either to the lack of several documents, or to the failure of the studies' finalization within the respective timeframe of the University restrictions. No cases related to major fraud attempts were detected by our migration authorities.</p> <p>7. Due to the fact that the GRC migration system has adopted the two phase control (Consulate for the national visa & Migration Authority for the residence permit), the overall strategy aims at a first screening at the Consulate and then a second one at the Migration Authority in close cooperation with the University.</p> <p>In the pre-arrival phase the following takes place: At the beginning of each academic year (September) the Ministry of Education and Religious Affairs forwards to the Greek consular authorities abroad, a decision ratifying "Lists of aliens graduates of secondary education or of the relevant schools of EU Member States of non-Greek origin admitted in the departments/introductory sections and in higher education schools", including the full names and data of third country nationals, in order to issue the relevant student visas, where appropriate, if the other conditions of entry are fulfilled. As referred to in Articles 31, 32 and 36 Law 4251/2014 (OJ, s. A', 80, 01.04.2014) third-country nationals who have been admitted to a higher education institution (Student: Third-country national admitted to a higher education institution recognised by the national laws, who was allowed to enter into and reside within Greek territory, in order to attend a full-time course of study as primary activity, with the purpose of obtaining a degree, a master's degree or a doctoral degree granted by the institution in question. The term 'student' also includes the preparation cycle, provided that the applicable national laws include it in the studies in question) in the Greek territory to attend a full-time study programme in Greece, following a personal appearance and interview, may be granted a national- long term (D-type visa), with the reference 'D.1.1 Studies', upon procurement to the relevant consular authority of:</p>
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- a Certificate of registration and payment of fees to the relevant educational institution, where required or confirmation that s/he has been accepted for enrollment in a higher education institution in the Greek territory to attend a course of study
 - evidence demonstrating that s/he has sufficient resources to cover the costs of studies and subsistence of a minimum amount of EUR 400 per month, as determined by reference to JMD 41712/2014 (B' 2285). The amount of sufficient resources is evidenced by a deposit account, bank transfer, grant or salary receipt in case the student is part-time employee (on renewal of the residence permit).
 - consent of the parents or the person exercising parental care for the intended stay if they are less than 18 years of age.
 - set out in No F3497.3/AP24245/2014 (B' 1820) Decision of the Minister of Foreign Affairs.
 - a and the general supporting documents:
 - a fully completed and signed application form for a long-stay national visa, accompanied by a recent, colored photograph of the applicant, which shall comply with the relevant ICAO-defined specifications. The application shall be in the form of a solemn statement provided for in the provisions of paragraph 6 of Article 22 of L. 1599/1986 declaring that the included data are true and the supporting documents are not false or falsified.
 - a Passport or other travel document recognized by the competent Greek authorities which meets the following criteria: (a) it shall be valid for at least three months from the date of intended departure from the territory of the Member States of the Schengen enhanced cooperation, or, in the case of more visits, after the last scheduled date of departure from the territory of the Member States, however, in justified cases of urgency, this obligation may be waived; (b) it shall contain at least two blank pages, (c) it has been issued within the previous decade (In the event of non-recognition of the travel document by Greece, the competent diplomatic or consular office may issue a national long-stay visa to the third-country national on a uniform format as laid down in Council Regulation (EC) No 333/2002 of 18 February 2002, Establishing a uniform format for forms for affixing the visa issued by the Member States to holders of travel documents not recognized by the issuing Member State (Article 2(8) of Regulation (EC) No 810/2009 (Visa Code/Official Journal L 53, 23.02.2002). -
 - a certificate of criminal record from the foreign authorities certifying the applicant's criminal record in his country of residence. In cases where it is established that the applicant has resided in a country other than his or her country of origin, for more than one year before the application for a visa, the consular authority may, in addition, request a criminal record from the country of nationality of the alien, if the country of residence does not require a criminal record from the country of nationality to issue a residence permit.

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		<p>In cases where a final judgment exists, whatever the sentence, in order to establish the relevance of the offense to grounds which pose a threat to public policy and security, specific reasons shall be sought and parameters weighted, such as the seriousness of the offense, the recidivism and the general misconduct of the third-country national.</p> <ul style="list-style-type: none">- a medical certificate from a recognized state or private body, showing that the applicant does not suffer from a disease capable of posing a risk to public health in accordance with the international data of the World Health Organization (WHO) and the EU acquis, as well as other infectious, contagious or parasitic diseases, which require measures to protect public health (more information on infectious diseases can be found on the website of the Hellenic National Public Health Organization - EODY).- a travel insurance, with a period of validity equal to the visa issued, as a minimum, which covers the costs that may arise in the event of repatriation for medical reasons, for emergency medical care and/or emergency hospital care. <p>and in addition, the applicant should not to be considered as a threat to public order, internal security, public health or international relations and not be registered as persona non grata (undesirable alien) in national databases.</p> <p>In order to establish that there are no conditions for refusing entry in Article 4 par. (2) of L. 4251/2014, the competent diplomatic mission and consular office may require additional supporting documents.</p> <p><u>The compliance with the above requirements does not prejudge the issue of a national long-stay visa, which is the exclusive competence of the Greek Consular Authority.</u></p> <p>8. Pre-arrival a personal appearance and interview of the third country national at the competent Greek Consular Authority, assessing the validity of the foreign documents by the competent Greek Consular Authority, submission of specific documents</p> <p>9. HEIs, the competent Greek Consular Authority</p> <p>10. see question 7</p> <p>11. There is no cooperation</p>
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			12. No															
	EMN NCP Hungary	Yes	<p>1. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study (please provide an example in the comment box of Q2); Also:Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q2);</p> <p>2. -</p> <p>3.</p> <p>Number of applications rejected</p> <table> <thead> <tr> <th></th> <th>2017</th> <th>2018</th> <th>2019</th> <th>2020</th> </tr> </thead> <tbody> <tr> <td>Total</td> <td>1286</td> <td>2782</td> <td>1439</td> <td>1290</td> </tr> <tr> <td>Top 3 countries of origin</td> <td>1. Pakistan: 346 2. Cameroon: 286 3. Nepal: 147</td> <td>1. Pakistan: 722 2. Bangladesh: 326 3. India: 486</td> <td>1. Bangladesh: 609 2. Pakistan: 326 3. Nigeria: 151</td> <td>1. Algeria: 386 2. Pakistan: 326 3. Nigeria: 210</td> </tr> </tbody> </table> <p>4. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5); Also:Yes, documents have been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q5);</p> <p>5. -</p>		2017	2018	2019	2020	Total	1286	2782	1439	1290	Top 3 countries of origin	1. Pakistan: 346 2. Cameroon: 286 3. Nepal: 147	1. Pakistan: 722 2. Bangladesh: 326 3. India: 486	1. Bangladesh: 609 2. Pakistan: 326 3. Nigeria: 151	1. Algeria: 386 2. Pakistan: 326 3. Nigeria: 210
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6. Number of applications for renewal of authorisations refused

	2017	2018	2019	2020
Total	66	N/A	N/A	59
Top 3 countries of origin	1. Nigeria: 12 2. China: 11	N/A	N/A	1. China: 12 2. Iran: 6 3. Pakistan: 4

7. When examining an application for a residence permit, the aliens policing authority checks if the applicant meets the conditions of entry and residence with due diligence. Once the residence permit has been issued, the aliens policing Authority may check the compliance with the rules laid down in Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals.

8. During the procedure for issuing a residence permit, the aliens policing authority may verify the authenticity of the documents available with regard to the purpose of stay, interview the person concerned in order to verify the client's intention to study, as well as contact the educational institution to check whether the applicant has paid the fees, is enrolled, whether the conditions for starting the course are met, etc. Third-country nationals must enclose to their application for an extension of their 'Residence Permit for the Purpose of Study' a certificate of their academic progress issued by their educational institution. The aliens policing authority may check compliance with the rules laid down in Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals. Higher education institutions shall also inform the aliens policing authority if there is a break of continuity in the studies of a third-country national holding a residence permit for the purpose of studies. For the purposes of the procedures laid down in the applicable act on aliens policing in place, the educational institution shall inform the competent aliens policing authority as per the place where the educational establishment is located on foreign national students who have started, finished, took a break in the continuity of their studies, who have not fulfilled their enrolment obligations, or whose student status has been terminated, within eight working days of the occurrence of these facts, by providing the following information: a) the details of the educational institution (name, address), b) the natural identity data of the third-country national concerned, the number of his/her residence document, c) the type of student status, the date and way of its establishment, suspension and termination, d) the name of the training pursued by the student, the way of its financing and the work schedule, the semesters started, the period of suspension of the student status, the expected date of the completion of the

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			<p>training.</p> <p>9. An application for a residence permit and the visa entitling its holder to receive the residence permit is received by the Hungarian consular service in the country of the applicant's habitual residence or nationality, and the embassy/consulate forwards them to the competent regional directorate as per the applicant's future place of residence in Hungary. In the course of the procedure, the aliens policing authority may make a request to the Constitution Protection Office, the Police, the Counter-Terrorism Centre for public security checks, as well as may request information from the higher education institution concerned.</p> <p>10. The competent consular service (embassy/consulate) is authorised to receive the application, while the regional directorate is responsible for assessing it.</p> <p>11. Written communication between the immigration authority and any other authorities or educational institutions that can be contacted is smooth.</p> <p>12. In our view, the procedures detailed above are appropriate for detecting abuses (e.g. contact with an educational institution, public security check, interview of a third-country national).</p>
	EMN NCP Ireland	Yes	<p>1. No, no such situations are detected in your Member State. Answer to Question 1 is: No information available.</p> <p>2. <u>Background Note on Irish system</u> Ireland does not participate in the Student and Researchers' Directive 2016/801/EC. The procedures followed by non-EEA applicants for authorisation to reside for the purpose of study depend on if the applicant is visa-required or non-visa required. Visa-required applicants must fulfil the conditions necessary before they are granted a visa. Non-visa required applicants are not subject to a pre-arrival assessment by the immigration authorities. Upon arrival, students (visa-required and non-visa required) must register with the Department of Justice Immigration Service Delivery (for Dublin residents) or Garda National Immigration Bureau (GNIB) (rest of country) within 90 days of arrival.</p>

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Non-EEA students who apply for residence in Ireland for the purposes of study in Higher Education Institutions must meet requirements set out for degree programme students set out in the New Immigration Regime for full time non-EEA students – Guidelines for Degree Programme Students which were published in 2011, as updated. This document is available here: <https://www.irishimmigration.ie/wp-content/uploads/2021/08/Guidelines-for-Degree-Programme-Students.pdf>.

General conditions applicable to degree programme students include:

- The course must be included on the Interim List of Eligible Programmes (ILEP). Education providers must apply for their course/degree programme to be included on the ILEP and fulfil a number of criteria. Students can only secure a residence permission if their course/degree is listed on ILEP. The list was introduced to better regulate immigration by identifying and monitoring the higher education and English language programmes for which immigration permissions could be granted. The ILEP is regularly updated and monitored by the Department of Justice.
- A seven-year cap on permission to reside in Ireland as a student and progression must be demonstrated.
- Defined limits on the student work concession. Students are permitted to work 20 hours per week during term time and 40 hours outside of term time. The reforms defined this latter period as 40 hours in June, July, August and September, and from 15th December to 15th January inclusive. The specification of months was introduced to facilitate monitoring of this work concession.
- An obligation to attend courses, which must be evidenced when renewing a permission. Education providers should communicate non-attendance to the immigration authorities.
- Introduction of an enhanced inspection regime, including a greater inspection function for the Immigration Service (ISD) and GNIB to review attendance management systems and student immigration permission compliance.
- Learner protections were introduced to ensure that where a college or school closes, protections are in place for the affected students, such as a plan for the replacement of courses free of charge or some form of insurance or bond arrangement with a financial institution to refund the student. A learner protection regime is one of the conditions required for the inclusion of a course on the ILEP.

Visa-required nationals

Degree programme students who are visa-required nationals must apply for a Long Stay 'D' visa – Study. An application may be made up to 3 months before the date of travel to Ireland. The visa application is made online. Ireland does not conduct visa interviews.

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The following supporting documentation must be provided. Failure to provide all the documentation can result in visa refusal on the basis of insufficient documentation.

- Passport and passport photos.
- Signed letter stating the applicant's reason for travelling to Ireland, family members in Ireland or other EU Member States, an undertaking to comply with the conditions of the visa and, where the course the applicant wishes to study does not naturally follow on or relate to their educational/employment history, giving valid reasons, supported by documentary evidence (where available), for this change.
- Letter of Acceptance from the college/school, which must confirm that the student has been accepted and enrolled in a full-time course and stating the fee total that has been paid in full or at least €6000 paid if fees are higher. The course must be listed on the Interim List of Eligible Programmes (ILEP). A higher education (HE) programme must have an associated workload of at least 60 ECTS (or equivalent) credits per academic year and be at least one full-time academic year in duration.
- Evidence of payment of fees, either in the form of a copy of an Electronic Transfer of Funds (ETF) or a receipt.
- Evidence accounting for any gaps in their educational history (e.g., time spent in employment).
- Evidence of academic ability to follow the chosen course.
- Evidence of level of English (or Irish).
- Evidence that they have sufficient funds to support their stay in Ireland.
- Evidence of private medical insurance.
- Details of any previous visa refusals.

Prospective students are warned not to include false or misleading information or documents in their application. The application may be refused, and, in some circumstances, it may not be possible to appeal the visa decision. Additionally, the individual may be prohibited from getting an Irish visa for 5 years.

For further information see: <https://www.irishimmigration.ie/coming-to-study-in-ireland/what-are-my-study-visa-options/how-to-apply-for-long-term-study-visa/>.

Registration for residence permit:

a) Visa required students:

Once students have secured a visa, they can travel to Ireland and must register with the Department of Justice Immigration Service Delivery (for Dublin residents) or Garda National Immigration Bureau (GNIB) (rest of country) within 90 days of arrival. At the registration appointment, the student must provide their passport, the original

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Letter of Acceptance from a college or school that is listed on the Interim List of Eligible Programmes (ILEP). The ILEP lists all education programmes that are eligible for immigration permission. Proof that the college/school provides learner protection, that the has paid their fees and that they have private medical insurance must also be provided.

b) Non-visa required students:

Students from non-EEA countries who do not require a visa must register within 90 days of arrival in Ireland. These students must provide the same documentation as visa required students presenting at Immigration Service Delivery or GNIB, listed in the paragraph above. They must also prove they can support themselves financially. They must prove they have direct access to €3000 if they are staying for more than six months, and if they are staying for six months or less that they have direct access to at least €500 per month or €3,000 (in total). Depending on the course or programme of study, the validity of the residence permission issued following registration can vary. Degree students receive a permission valid for 12 months.

Specific Response to Question 2

No information available.

3. Number of visa applications rejected

	2017	2018	2019	2020	Top 3 countries of origin
Total	1953 refused 7781 granted	2009 refused 10275 granted	2220 refused 12303 granted	1069 refused 7203 granted	Country 1: India Country 2: Nigeria Country 3: Pakistan

Explanatory Note

The data in the table above are in respect of long stay study visa applications. The number granted has been also included to give a context of the refusal rate. Note the countries were ranked on the basis of the number of refusals (not the refusal rate). Refusal reasons are not captured in the Visa Division IT system in a way which is amenable to analysis. Due to the dispersed nature of the decision making on visas (80 different centres between Visa Offices and Embassies) there is no further information available on visas.

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4. No, no such situations have been detected in your Member State.
Answer to Question 4 is: No information available.

5. Not applicable.
6. Not applicable.

7. **Background Note on student immigration reform in Ireland**

Before 2011, non-EEA student immigration in Ireland was less regulated than today. In 2009, the Government launched a review of the student immigration framework which according to the then Minister for Justice, Equality & Law Reform related to tackling misuse: "The vast majority of our service providers offer a quality product and it is everyone's interest to root out those who do not or who engage in abuses of the system. From an immigration perspective we also have to be satisfied that people coming to Ireland do so for a genuine purpose and comply with any conditions applicable to their stay" [1].

After a public consultation, the Inter-Departmental Committee on Non-EEA Student Immigration which had been formed to manage the review, published recommendations in 2010 which became the foundation of the new immigration regime which was introduced in January 2011. This new regime included the creation of a differentiated approach to immigration for the purpose of study, divided between 'degree programme' non-EEA students and 'language or non-degree programme' non-EEA students. The reforms also saw the introduction of restrictions in the time that a non-EEA student can spend in Ireland and stricter criteria for students applying for, and renewing, a residence permit. Since 2011, the non-EEA student education and immigration framework has seen further regulatory reforms, particularly in the period between 2014 and 2015 which saw the introduction of several reforms to the student immigration regime. Ireland's most recent international education strategy, [Irish educated, globally connected: An international education strategy for Ireland 2016–2020](#) expanded on progress made following the first strategy and set out strategic actions to advance the internationalization of education in Ireland over a five-year period. These actions included a more restrictive list of eligible programmes for student immigration purposes, an enhanced inspection and compliance regime and revised terms of the student work concession.

For more information, see the EMN Ireland study (2019) '[Attracting and Retaining International Higher Education Students: Ireland](#)' which provides a detailed review of the development of policy measures in place to tackle misuse of authorisations for study purposes.

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Specific Answer to Question 7:

Ireland has measures in place to combat potential misuse/abuse of student immigration permissions in the visa application process and in the registration process. In addition, a broader approach is undertaken in relation to ensuring the quality of the sector through the ILEP and the inspection regime.

[1] Department of Justice and Equality, 'Ahern to overhaul student immigration regime', press release, 1 September 2009, available at <http://www.justice.ie/en/JELR/Pages/Ahern%20to%20overhaul%20student%20immigration%20regime.aspx>.

8. Interviews to determine intention to study are not conducted. To register for a residence permit as a student, the applicant must present proof to support their application. Visa required students must fulfil the visa criteria and provide full back-up documentation. Visa applications without the full documentation may be refused. Applicants without the required back up documentation will be refused registration. See answer to Question 2 to see the requirements for both visa-required and non-visa required students in Ireland.

Students can only secure a residence permission if their course/degree is listed on ILEP. Education providers must apply to have their courses included on the ILEP. The ILEP is regularly updated and monitored by the Department of Justice. Education providers must apply for their course/degree programme to be included on the ILEP and fulfil a number of criteria.

9. Department of Justice Immigration Service Delivery Visa Division (including visa missions abroad): Visa-required students.

Department of Justice Registration Office (Dublin only) and Garda National Immigration Bureau (rest of country): First-time registration for both visa-required and non-visa-required students.

Department of Justice: Management of the Interim List of Eligible Programmes (ILEP).

10. Department of Justice Immigration Service Delivery Visa Division is responsible for assessing certain visa applications. The division also sets the policy to be followed by Missions overseas when they are assessing study visa applications. These overseas Missions include 7 Visa Offices and a number of Embassies.

Department of Justice Registration Office (Dublin residents only) and the Garda National Immigration Bureau (rest of country), as applicable, are responsible for assessing that registration requirements are met before finalising registration.

Department of Justice is responsible for assessment of applications from education providers for inclusion of programmes on the Interim List of Eligible Programmes (ILEP), following the ILEP criteria.

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			<p>11. As part of reform measures in the student immigration sector introduced post- 2011 (see Question 7 for detail) an official Interim List of Eligible Programmes (ILEP) was developed. This list is regularly updated and monitored by the Department of Justice. Education providers cooperate with these measures as they must apply for their course/degree programme to be included on the ILEP and fulfil a number of criteria. Students cannot secure a residence permit if their course is not on the ILEP.</p> <p>12. No information available.</p>
	EMN NCP Italy	Yes	<p>1. No, no such situations are detected in your Member State.</p> <p>2.</p> <p>3.</p> <p>4. No, no such situations have been detected in your Member State. The phenomenon is not quantifiable because the first time a student enters the country with a visa for study purposes, he or she obtains the relative residence permit. Only upon renewal can abnormal situations occur (e.g. university exams not given). The phenomenon is not quantifiable also because in the database of residence permits a refusal or revocation of a residence permit is not further "qualified". This means that it is not possible to know the reason for the refusal and therefore whether the refusal is the result of fraudulent acquisition of the visa, a false visa or a tampered visa.</p> <p>5.</p> <p>6. The statistical data only refers to revocations, but we do not have data on the reason for the revocations. Here is the data requested: 2017 (5), 2018 (5) 2019 (8) 2020 (7).</p> <p>7.</p>

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			<p>8.</p> <p>9.</p> <p>10.</p> <p>11.</p> <p>12.</p>
=	EMN NCP Latvia	Yes	<p>1. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study (please provide an example in the comment box of Q2);</p> <p>2. 1. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study. It is often established that a foreigner requests a residence permit in the Republic of Latvia in connection with studies, but when interviewing this person at the embassy, doubts arise about the person's intentions. Most often, a residence permit is required for studies, but the goal is an employment contract in Latvia or another European Union member state. It is established that a foreigner does not know anything about Latvia, about his or her next university and sometimes does not even know the language in which studies will take place (eg English).European Union member state. It is established that a foreigner does not know anything about Latvia, about his or her next university and sometimes does not even know the language in which studies will take place (eg English).</p> <p>2. Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with In some cases, it is established that a third-country national submits documents that do not stipulate the identity of himself, for example, year of birth, surname, first name. There are cases when documents regarding the third-country national's previous education have been corrected or the document has been fully forged (the respective educational establishment does not exist). Sometimes third-country national submit forged financial documents.</p>

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		<p>Consequently, there are grounds to conclude that the purpose of the alien does not correspond to what is stated in the documents, but is the intention to enter a Member State of the European Union.</p> <p>3. There are basically three grounds for refusal for foreigners who apply for a residence permit due to their studies:</p> <ul style="list-style-type: none">1) Firstly, not all the necessary documents have been submitted (financial statement, duly certified or legalized documents),2) Secondly, the purpose of entry does not correspond to the information provided in the submitted documents,3) Thirdly, the documents are forged. In most cases, these grounds for refusal are accompanied by the risk of illegal immigration. <p>Statistics. Type of decision: refusal of the right of residence Students 486, master/doctors 41. Total refusals for students in 2017-2020. 527. There is data only about total number of rejection by country and no data about rejections by type of application. Most probably the most popular countries would be India, Uzbekistan and Pakistan.</p> <p>4. Yes, documents have been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q5);</p> <p>5. Yes, documents have been fraudulently acquired, falsified or were tampered with.</p> <p>In some cases, after entering Latvia, foreigners who have applied for a residence permit in connection with their studies are found to have forged documents. However, there are not many such cases, because usually all documents are checked and their validity is determined before a foreigner enters Latvia. For example, a foreigner indicates a bank account printout and a bank statement on the account status, in which the IBAN digits do not match. Documents on educational institutions where the foreigner has not studied before are also submitted.</p> <p>Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity.</p> <p>According to the Immigration Law, students have the right to employment depending on the chosen study program (master's students have the right to work 40 hours per week and first-level students have the right to work no</p>
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more than 20 hours per week). Thus, students have the opportunity to combine studies with work. But in some cases it is established that the student has not attended university, has not settled debts, but has worked.

6. The three main grounds for refusing to re-issue a residence permit to third-country students are, firstly, that not all the documents required by law have been submitted. Secondly, a foreigner has no financial resources. On the other hand, the reason for revoking a student's residence permit is often that the circumstances on the basis of which the student has received a residence permit no longer exist or have changed, ie the student has received a residence permit due to studies but does not attend and is expelled; it is often established that the real purpose of requesting a residence permit from a foreigner does not correspond to that indicated in the submitted documents. Most of them are third-country nationals who have been issued residence permits due to studies, who have come from Pakistan, India and the Republic of Uzbekistan.

7. The competent authorities of the Republic of Latvia take all possible preventive measures so that all documents submitted by a foreigner requesting a residence permit and possible third-country nationals are detected before the decision is made. Before arriving in Latvia, foreigners are interviewed at the embassy and in case there is a possible risk that the foreigner is not going to study but for a different purpose, a report is prepared. After that the documents submitted by foreigners are checked by an officials of the Office of Citizenship and Migration Affairs. If the grounds have been established, the residence permit is not issued to the foreigner in question. If a foreigner resides abroad, he or she has no grounds to enter Latvia. If a foreigner resides in Latvia, he or she is either given an order to leave.

8.

See the answer to Q7.

9. In order to prevent possible misuse of residence permits, the following organizations are involved in the risk assessment: the Embassy of the Republic of Latvia in the specific country where the documents according to the competence have been submitted; Citizenship and Migration Affairs; State Security Service; Academic Education Center.

10. First, the respective HEI evaluates the candidate for a studies (carries out an interview). The purpose of the interview is evaluation of the seriousness of the intention to study. Many HEIs have concluded an agreement with

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a Ministry of Education and Science and Ministry of Foreign Affairs on cooperation in the student's admission procedure (on the later stage the agreements were turned into a Memorandum). A detailed interview is one of the cornerstones of this agreement. . Afterwards an interview is carried out with this foreigner at the Embassy, documents are reviewed so that they comply with the requirements of regulatory enactments. Academic Education Center evaluates the previous education (diploma) of a third-country citizen. State Security Service makes an assessment of the potential risk of terrorism (only for citizens from increased risk of terrorism countries). The duties of these organizations are to prevent the possible illegal entry of foreigners who apply for a residence permit in connection with studies into the Republic of Latvia and to prevent the risks of illegal immigration.

11. If a foreigner enters from a country that is on the relevant list as a country whose citizens must be checked by the state security authorities, then after all the immigration risk, the embassy sends the documents to the Office of Citizenship and Migration Affairs, which is obliged to send the submitted documents to the State Security Service. In case the State Security Service needs additional information, it requests the Office of Citizenship and Migration Affairs to obtain additional information about the foreigner or to request documents. If the State Security Service provides an opinion that a residence permit cannot be issued to a particular foreigner, the Office has grounds to refuse to issue a residence permit. In case of suspicion, the Office of Citizenship and Migration Affairs is also entitled to forward to this authority the documents of those foreigners who are not obliged to check.

12. During last 5-7 years Ministry of Foreign Affairs as well as the Office of Citizenship and Migration Affairs have tried to increase the level of responsibility of HEI's as well as their awareness of the potential risks and misuses. Every year an informative seminar is organized by MFA where all HEI's operating in Latvia are invited to participate. During these seminars an information on changes in legislation are explained as well as various problems discussed. HEI's have an opportunity to inform on their problems regarding cooperation with state institutions and vice versa. The memorandum, mentioned in the Q10 is a good example as well:

<https://www.izm.gov.lv/en/agreement-good-practice-attracting-foreign-students>

HEI's are held responsible for misuse of migration legislation (for example, if a student is not studying and starts working in some other EU country from which s/he is returned to Latvia, HEI who invited this particular student, has to cover the expenses of return procedure). Reporting on students who are not attending lectures is one of the duties HEI's have to fulfill.

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	EMN NCP Lithuania	Yes	<p>1. No, no such situations are detected in your Member State.</p> <p>2. N/A</p> <p>3. There is no statistical data on this issue.</p> <p>4. Yes, other situations which your Member State considers as misuse linked to an authorisation for the purpose of study. (Please describe these situations and explain why this is considered a misuse and constitutes a ground for withdrawal/refusal of renewal of the authorisation in accordance with the Students and Researchers Directive in the comment box of Q5);</p> <p>5. It was determined that a foreigner who had been issued several residence permits for study purposes was characterized by the receiving higher education institution as a failing student (he had failed several exams and had not shown up for some others) and that his poor performance was not justified by objective reasons such as illness, unplanned changes in personal life circumstances, etc. The totality of circumstances allowed the authorities to reach a conclusion that the student did not seek to obtain a university education in Lithuania but was merely interested in obtaining a residence permit and enjoying the associated rights. Therefore, a decision was made to refuse to reissue him a temporary residence permit.</p> <p>6. The case described in question 5 involved a national of Georgia who was refused a reissue of a temporary residence permit. There is no statistical data on temporary residence permits refused for such reasons. In general, temporary residence permits are withdrawn from foreign students when it is determined that they do not fulfil the requirements for the permit issued for the purpose of studies or when they terminate their studies or if they do not arrive to study. Temporary residence permits can also be withdrawn from those students who, once enrolled in a study program at a higher education institution, fail to earn 40 academic credits per year for no justifiable reason, as well as those who violate work restrictions (no more than 20 a week, except during the summer holidays and during the internship as part of the study program). Furthermore, it should be noted that, in practice, higher education institutions occasionally neglect to inform the Migration Department under the Ministry of the Interior about cases when foreign students who have been issued a temporary residence permit terminate or fail to commence their studies. The fact that a higher education</p>
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institution has not informed about a foreigner's termination or non-arrival is not by itself a sufficient reason to withdraw that foreigner's temporary residence permit. Rather, it is the foreigner's termination of studies or non-arrival that provides the basis for the withdrawal of the temporary residence permit. The decision to withdraw the temporary residence permit is taken only after the Migration Department itself determines that the foreigner has indeed terminated his/her studies or did not arrive to start their studies.

7. The efforts to combat the misuse of authorizations issued for the purpose of study focus on both pre-arrival prevention and post-arrival control. Efforts to control after arrival are more effective because it is easier to identify cases of potential misuse once the foreigner is within the country. For example, during the post-arrival phase, it can be investigated whether the foreigner attends lectures and actually studies or whether the true purpose of his/her arrival is other than the one officially declared.

8. When examining each application for a temporary residence permit, the Migration Department carries out an investigation, which aims to determine whether the foreigner fulfils the requirements and the grounds for the temporary residence permit and whether there are any grounds for refusing to issue the temporary residence permit. In the course of this investigation, the Migration Department checks the documents submitted by the foreigner, verifies in the state registries and information systems the data on the foreigner and the higher education institution, as well as sends inquiries to other state institutions (e.g., the State Border Guard Service under the Ministry of the Interior to find out whether the foreigner poses a risk of illegal migration). In case of issues with the information submitted by the foreigner, the Migration Department may contact both the intermediating higher education institution and other legal and natural persons for additional information. The Migration Department may also carry out an interview with the foreigner, during which the foreigner may be requested to provide supplementary documents.

9. Higher education institutions, diplomatic missions or consular institutions of the Republic of Lithuania, the Migration Department, and the State Border Guard Service.

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

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			<p>foreigner arrives under an EU mobility program or agreement, then the receiving institution must also indicate the relevant EU or multilateral program or the agreement between two or more institutions of higher education. If the foreigner is a minor, then the documents sent by the receiving institution must also contain the consent of at least one parent or a guardian or other legal representative regarding the intended residence (studies) in Lithuania. If the Migration Department has doubts regarding the veracity of the information provided in the letter of intermediation, it may contact the institution of higher education for clarifications.</p> <p>The diplomatic missions or consular institutions of the Republic of Lithuania decide on issuing or not issuing visas for entering Lithuania. If needed, they may consult the Migration Department, the State Border Guard Service, and other institutions.</p> <p>The Migration Department examines applications to issue temporary residence permits and carries out investigations of whether a foreigner fulfils the requirements and the grounds for issuing the permit, as well as whether there are grounds for refusing the permit. The investigation is conducted by making inquiries to the higher education institutions, state institutions and agencies, and other natural or legal persons, by evaluating the information received, and by taking other actions during the examination of applications.</p> <p>The State Border Guard Service submits to the Migration Department its findings on whether there are reasonable grounds to believe that a foreigner poses a threat of irregular migration.</p> <p>11. As described in the answer to question 10.</p> <p>12. No special methods that always work have been found. An investigation is carried out in case of each individual application for a temporary residence permit, during which it is determined whether a foreigner fulfils the requirements of the permit and whether there are any grounds for refusing to issue a temporary residence permit (see the answer to question 8).</p>
	EMN NCP Luxembourg	Yes	<p>1. Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q2);</p> <p>2.</p> <p>1. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that</p>

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the third-country national concerned would reside for a purpose other than for study;

In Luxembourg evidence was found that even though the third-country national was admitted to the higher education institution for an academic programme in accordance with article 56 (1) 1) of the amended law of 29 August 2008 on free movement of persons and immigration (hereafter Immigration Law), the agent of the Directorate of Immigration realized that the third-country national had already applied to come to Luxembourg either as a salaried worker, independent worker or any other available temporary authorisation of stay and his/her application had already been rejected and as the new application was a follow-up to the previous, there were objective grounds which indicate that the applicant did not have any intention to reside in Luxembourg for the purpose of study.

Often, 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.

1. Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with.

In Luxembourg, one of the requirements the third-country national applicant for a temporary authorisation of stay has to fulfil as a student is proof of sufficient resources to cover for living expenses and return-travel costs. The monthly resources must amount to at least 80 % of the current social inclusion income, which from 1st January 2020, amounts to 1.201,00 EUR. The following may be used as proof:

- the original document of the certificate of scholarship or student loan stating the amount and its duration;
- an original bank certificate and a bank statement for the past 6 months;
- attesting that the student has enough financial resources on his/her own account; or
- in case the student is supported by the parents: attesting that the student's parents have enough financial resources and that they are financially solvent and capable to cover subsistence costs, medical and study cost for at least one year (12 months) as well as return travel costs;
- the original financial statement of support for the intention of the Luxembourg State and the student, signed by a sponsor of Luxembourgish nationality or staying legally in Luxembourg, and regarding subsistence costs, medical and study costs for at least one academic school year as well as return travel

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		<p>costs.</p> <p>One of the typical false or tampered documents that the agents of the Foreigners Department of the Directorate of Immigration are confronted with is the proof of financial statement of support. There have been cases where the applicant had falsified an acceptance letter of the University of Luxembourg, but this is very rare.</p> <p>In addition, article 56 (1) 1 of the Immigration Law states that the Student's residence permit shall be granted by the Minister for study purposes to a third-country national if he/she has been admitted to an institution of higher education for the purpose of pursuing, as his/her main activity, a full-time course of study leading to the award of a higher education qualification issued by that institution.</p> <p>In this context, the higher education institution 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.</p> <p>However, the University of Luxembourg is confronted in approximately 30% of the international students' applications with false documents (e.g. false diplomas, falsification of apostilles, the person who took the language exam is not the person who is applying or tampering with language results – using official results in the Goethe Zertifikat of another person and amending them with the information of the applicant) and in consequence they are rejected.</p> <p>3. See table in the attached document for question 3. In the case of the University of Luxembourg, which is the public and largest higher education institution in the country, we mentioned that approximately 30% of the applications of international students are accompanied with false or tampered documents. As the admission to the University of Luxembourg is a condition sine qua non for the granting of the temporary authorisation of stay, the third country national will not be able to file his/her application without it. lu_emn_ncp_answer_to_nl_ee_ahq_on_misuse_of_international_student_residence_permit_part_1_2.docx</p> <p>4. Yes, other situations which your Member State considers as misuse linked to an authorisation for the purpose of study. (Please describe these situations and explain why this is considered a misuse and constitutes a ground for withdrawal/refusal of renewal of the authorisation in accordance with the Students and Researchers Directive in</p>
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			<p>the comment box of Q5);</p> <p>5.</p> <p class="list-item-l1">1. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity</p> <p>There have been cases in which the third-country national applicant for a student residence permit obtains his/her residence permit and enrolls in the university but does not attend the courses regularly and is working more than the 15 hours per week allowed by article 57 (3) of the Immigration Law. However, in this case, the Directorate of Immigration will send a letter to the third-country national indicating that if he/she persists in doing so, the residence permit will be withdrawn or revoked.</p> <p>It is important to mention that the student residence permit does not allow the change of status to salaried worker or independent if the student has not obtained a university diploma in accordance with article 59 of the Immigration Law.</p> <p class="list-item-l1">1. Yes, other situations which your Member State considers as misuse linked to an authorisation for the purpose of study.</p> <p>The most common example is that of a third-country national who obtained a temporary authorisation of stay as an international student, enters the Schengen area, arrives in Luxembourg, applies for the student residence permit and then does not show up to classes at the HEI.</p> <p>In most of the cases, the third-country national has applied to obtain a temporary authorisation of stay to enter the Schengen area and once they obtained the residence permit they disappear to another Member State. In those cases, the University of Luxembourg (Service des Etudes et Vie Etudiante - SEVE) once that they realized that the third country national has not shown up for classes, notifies the Foreigners Department of the Directorate of Immigration which will request the Grand ducal police to verify in the address provided by the third-country national if he/she remains in the country. After verifying that the third-country national has disappeared the Foreigners Department proceeds to revoke the residence permit.</p> <p class="list-item-l1">6. See table in attached document for question 6.</p> <p>The amount of residence permits that are withdrawn or refused to renew are not significant. It is important to mention that the amount required as proof of financial support (14.412 EUR) is quite high in comparison with the</p>
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		<p>other Member States so this makes it more difficult to obtain the residence permit.</p> <p>7. As it was mentioned in the answer to Q.2 the main concerns in the pre-arrival phase are centered on the documents that the third-country national has to provide.</p> <p>The first line of control is the HEI which processes all the documents for the admission in the HEI. Here the university administration examines the documents related to the scholarly, linguistic capabilities, diplomas, etc. As it was mentioned before, in at least 30% of the applications the SEVE determines that the applicant submitted false or tampered documents so its application for admission is rejected.</p> <p>From the remaining applicants that were admitted they have to submit a list of documents in which one of the most important is the proof of substantial resources. Here is where the Foreigners Department detects that some of the documents submitted are false. In this case the application for temporary authorisation of stay is rejected. Also, the Foreigners Department places attention to the fact if the applicant has already filed in the past other applications for another type of authorisation of stay.</p> <p>Afterwards the Directorate of Immigration will review the status in accordance with the information that the HEI can provide if the student did not show up to courses. In those cases the Directorate of Immigration can proceed to withdraw the residence permit.</p> <p>Moreover, at the time of application for renewal of the residence permit, the Directorate of Immigration, Foreigners Department, checks whether the conditions for obtaining the student's residence permit are still fulfilled.</p> <p>8. HEI</p> <p>As we mentioned in answer to Q.1, the HEI has the obligation to assessing if all the academic requirements are fulfilled for granting admission as this is a condition sine-qua-non that has to be fulfilled for applying for the temporary authorisation of stay as international student.</p> <p>At the University of Luxembourg and according to the study regulations, course directors are responsible for the establishment of the eligibility criteria for each study programme as well as for the selection and recruitment of students.^[i] In case of approval of a student application, an official letter of admission is issued by the University</p>
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		<p>and sent to the student. This document is used as a proof of acceptance and must be sent with the other required documents to the competent authority.</p> <p>Language skills</p> <p>The University of Luxembourg defines itself as a multilingual and international university.[ii] This feature is a central part of the pedagogical approach promoted by the University of Luxembourg in its pedagogical Charter.[iii] Therefore, most of study programmes are bilingual and are taught in either French/English or French/German:</p> <ul style="list-style-type: none">• 100 % of Bachelor programmes are taught in two or more languages• 59 % of the Master programmes are taught in two or more languages• 36 % of the Master programmes courses are taught in English exclusively <p>Within this framework and according to the law, each course director is in charge of defining the eligibility criteria of his/her study program, which includes specific requirements related to the language skills of the candidate.[iv] The required level of knowledge of the language depends on the study program, but a B2 level is usually required in most of cases.[v] It will depend on the Director of the programme or the Evaluation Committee (composed by the director of the programme and professors) to request the type of certificate needed to enter into the programme.</p> <p>If the student carried out his/her previous studies in a country where one of the official language is English, French or German, the University of Luxembourg will accept the fact that the student masters the language of the country where he/she had studied.</p> <p>For the institutions awarding a 'BTS', a proof of sufficient knowledge of language (French/German) is not required, but some exams can/must take place depending on the field of specialisation.</p> <p>Consulates</p> <p>As Luxembourg has a very limited diplomatic network, it relies on other Member States such as Belgium, the Netherlands, France, Germany, Spain, Hungary and Slovenia, which represent Luxembourg's interests in the country of origin of the applicants for handling the applications.</p> <p>In some cases, the agents of the diplomatic representations who receive the applications inform the Directorate of Immigration that something is wrong with the applicant triggered by information or intelligence that the diplomatic representation has collected. This will generate a more detailed examination of the application by the agents of</p>
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the Directorate of Immigration. In those cases, the Directorate of Immigration can request the diplomatic representation (this also can be done in the countries in which Luxembourg has a diplomatic representation) to conduct an interview.

Directorate of Immigration

As the applications for temporary authorisation of stay are examined by the Directorate of Immigration (Foreigners Department) there is a specific focus on the documents provided by the applicant, especially concerning the proof of financial support as it was mentioned before, and the certificates and diplomas of the studies conducted. The information of these documents is verified by the agent of the Directorate of Immigration (this can be done on request by the diplomatic mission, by the police, ...) and in case of doubt of the validity of the documents, they will be sent to the Central Unit of the Airport Police which has the expertise to determine if the document is false or tampered.

[ii] Article 69 (3) point 4 of the study regulations of the University of Luxembourg, as approved the ministerial decree of 13 September 2018.

[iii] See URL: https://wwwen.uni.lu/university/about_the_university (last accessed on 8 November 2018).

[iii] University of Luxembourg, 'Charte Pédagogique' – Educational Mission Statement of the University of Luxembourg, 2018. See URL:

https://wwwen.uni.lu/content/download/112590/1326264/file/UL_chartep%C3%A9dagogique_v1_appr_en.pdf.

[iv] Article 35 (3) point 6 a) of amended Law of 27 June 2018.

[v] Information provided by the Student Department of the University of Luxembourg on 28 July 2021.

9. As it was mentioned in answer to Q.8, the organization that are involved in the pre-arrival phase are:

1. the HEI (see answer to Q.1, Q.2 and Q.8);
2. the agent of the Foreigners Department of the Directorate of Immigration;
3. the diplomatic mission (normally the consulate officer) of Luxembourg or representing Luxembourg interests; and
4. the Grand ducal police, especially the Central Unit of the Airport Police (UCPA) in case of false or tampered documents.

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			<p>10. See answers to Q.1, Q.2 and Q.8. 11. See answer to Q.8. As it was explained before, the HEI examines if the student fulfils all the academic criteria. In case there is a doubt the HEI can reject the application of the candidate.</p> <p>12. No.</p>
	EMN NCP Malta	Yes	<p>1. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study (please provide an example in the comment box of Q2);</p> <p>2. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study; In Malta, evidence was found that many persons who had a students residence permit were working more hours than they were entitled to and not attending classes, it involved students that were in Malta studying courses such as English studies.</p> <p>3. N/A</p> <p>4. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5);</p> <p>5. Students Directive for purposes other than study; In [your Member State], evidence was found that .. it involved students that [...].</p> <p>See Q2</p> <p>6. N/A</p>

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			<p>7. Identity Malta Agency does systematic background checks, before issuing a residence permit on the basis of study, to ensure that the school has really enrolled such student. Following the issuance of the residence permit on the basis of study the Agency does call the institute to ensure that the students are really attending classes regularly.</p> <p>8. Assessing the validity of documents, confirming with the institute, ensuring that the level of studies is level 5 upwards.</p> <p>9. Identity Malta Agency, Higher Education Institutes</p> <p>10. Ensuring that all documents are in order and the student has really enrolled in such institute</p> <p>11. Identity Malta Agency consults with the HEI when an application is submitted</p> <p>12. N/A</p>
	EMN NCP Netherland s	Yes	<p>1. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study (please provide an example in the comment box of Q2);</p> <p>2. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study; In the Netherlands, it sometimes occurred that unexpected number of third-country nationals from certain countries wanted to study in the Netherlands. The IND checked these applications more extensively instead of applying the regular procedure for recognized sponsors (as explained in AHQ1 Q7).[1]</p> <p>[1] Information provided by an expert of the Ministry of Foreign Affairs on 17 September 2021.</p> <p>3. No such specific statistics in this categorisation are available. However, there have been doubts about the</p>

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intention to study of certain applicants. The numbers are unknown.^[1]

[1] Information provided by an expert of the Ministry of Foreign Affairs on 17 September 2021.

4. Yes, other situations which your Member State considers as misuse linked to an authorisation for the purpose of study. (Please describe these situations and explain why this is considered a misuse and constitutes a ground for withdrawal/refusal of renewal of the authorisation in accordance with the Students and Researchers Directive in the comment box of Q5);

5. In the Netherlands, there are cases of usage of the study permit for another purpose (1) and where there was a failure to fulfil legal obligations by the HEI (4). However, it is not possible to provide explanations and examples. For other situations (5) which your Member State considers as misuse linked to an authorisation for the purpose of study, there are the following examples. In the Netherlands, it was found that on a small scale educational institutions have witnessed no-shows and early drop-outs among Bengali students.^[1] Additionally, no show of students happened, where students that have travelled to the Netherlands with a regular provisional residence permit (mvv) and applied for a visa for study purposes, but have not reported themselves to the HEI. In this case, it is not known where the student resides.^[2]

^[1] AHQ 2021.6 Intention to Study for international students requested on 3 February 2021.

^[2] Antwoord op schriftelijke vragen van Van der Molen en Van Toorenburg, [antwoord-op-kamervragen-inzake-het-bericht-slecht-engels-sprekende-internationale-studenten-verdwijnen-mogelijk-in-illegaliteit \(2\).pdf](#), last accessed on 6 September 2021.

6. No such specific statistics in this categorisation are available in the Netherlands. In general, are almost no signals of international students who intentionally misuse the residence permit and disappear in illegal stay are found in the Netherlands.^[1] This was mentioned in the response of the Ministry of Education, Culture and Science to questions of the Parliament in 2021.

^[1] Response of the Ministry of Education, Culture and Science to questions of the Parliament, [antwoord-op-kamervragen-inzake-het-bericht-slecht-engels-sprekende-internationale-studenten-verdwijnen-mogelijk-in-illegaliteit \(2\).pdf](#), last accessed on 6 September 2021.

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7. In the Netherlands, the post-arrival phase is prioritized. The Netherlands works with "erkend referenten" (recognized sponsors, see AHQ 2 Q8). These sponsors are checked by the Dutch government and are therefore trusted with the application of students in the pre-arrival phase. The Immigration and Naturalisation service (IND) relies on statements of the sponsor about fulfilment of the criteria of the residence permit by the migrant. This system (that also applies to highly skilled migrants for instance) aims to facilitate easy and fast access to the Netherlands. Therefore, relatively more time is spent on addressing misuse in the post-arrival phase.[1]

[1] Information provided by experts of the IND on 3 June 2021.

8. Triggers for HEIs to look into specific cases of (potential) misuse because of doubts on the motive to study:

- Uncertainty about the objective of staying in the Netherlands
- Doubt about motivation to study in the Netherlands
- Unexpected high number of applications for study residence permits from certain countries

Methods/assessment criteria to prevent potential misuse:

1. Potential misuse is prevented by means of a check of fulfillment of the admission criteria, for which the HEI is responsible as a recognized sponsor: 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 recognized sponsor). The educational institution has the responsibility to oversee the admission procedure and subsequently checks whether the student meets the requirements for the admittance to the HEI and the requirements to reside in the Netherlands.
2. A check of the IND on the final application: The IND checks the application, and takes into account previous residence applications if relevant and if known. The requirements that the student needs to fulfil in order to enter the Netherlands for study purposes can be of importance in the prevention of misuse:
 - Enrolled in an accredited study with a HEI that is recognized as a sponsor;
 - Enrolled for a fulltime education that takes place during the day (this could be relevant in the relation to preventing no-show, see AHQ 1 Q5);
 - Have sufficient resources to be able to maintain themselves for at least one year. There is a monthly

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		<p>amount based on the standard amount for higher education students living on their own , excluding tuition fees (this could be relevant in relation to the prevention of working more hours than allowed, see AHQ1 Q5);</p> <ul style="list-style-type: none">• Have a valid passport.1. Interviews: the HEI can decide to conduct an additional interview. The Dutch representation can, in rare cases of doubts, also conduct a brief interview or facilitate an interview conducted by the IND. Third country nationals namely need to present themselves to the Dutch representation abroad to get a visa after a positive decision on their application. Depending on the outcome of the interview, the IND can examine the case filed and discuss this with the sponsor. If the third national presented forged documents, the application can be rejected immediately.[1] <p>[1] Information provided by an expert of IND on 3 September 2021.</p> <p>9.</p> <ul style="list-style-type: none">• HEIs (the recognised sponsor).• The Immigration and Naturalisation Service (IND)• Visa Service of the Ministry of Foreign Affairs (part of the IND).[1]• The Landelijke Gedragscode Commissie ('the national code of conduct commission')[2] <p>[1] EMN, 'Study on the Immigration of International Students to the Netherlands', 2012, https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/19a_netherlands_national_report_immigration_of_international_students_dec2012_en_version_en.pdf, last accessed on 29 July 2021.</p> <p>[2] Information provided by an expert of IND on 3 September 2021.</p> <p>10.</p> <p>The HEI/recognised sponsor has the responsibility to submit an application for admission to the IND on behalf of the student. The HEI that acts as a sponsor also verifies whether the student complies with all requirements for studying in the Netherlands (see AHQ 3 Q1)[1] and whether the third-country national complies with the requirements of the Aliens Act. When there are doubts whether someone complies with the requirements of the</p>
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Alien Act, the sponsor should not send in the application to the IND. The third-country national should also be made aware of the relevant rules and regulations during the recruitment and selection.^[2] The HEIs also gather all necessary information of the applicant. If the HEI submits an application, they submit their own declarations (eigen verklaringen).. These are statements about whether or not the applicant fulfils the requirements. No additional documents are needed.^[3]

The Landelijke Gedragscode Commissie oversees whether the recruitment and selection by HEIs takes place in the appropriate way and whether HEIs comply with the Gedragscode internationale student hoger onderwijs (Code of Conduct international students higher education, see AHQ2 Q8).^[4] The Landelijke Gedragscode Commissie handles petitions about a HEI and their actions with regard to the Code of Conduct. These petitions can be submitted to the Commission by anyone that has a direct interest. The Commission can also set up an investigation into a HEI that did not act according to the Code of Conduct. The Commission will set up hearings with the HEI and afterwards takes a decision whether the HEI acted according to the Code of Conduct. If they decide that a HEI did not act according to the Code, they can impose measures, such as reporting or research requirements or a (conditional or provisional) deletion from the register.^[5]

To prevent potential misuse, the IND will check the application and will make a decision within 60 days. When the applicant and/or HEI does not meet the conditions, a negative decision will follow. The applicants can register an objection against this decision.^[6] In case of a positive decision, the applicant needs to collect a provisional residence permit (mvv). The mvv procedure is another measure of control before the student travels to the Netherlands. The IND will authorise the diplomatic post in the country of origin in the country of permanent residence to issue a mvv with reservation. The sponsor will be informed of this positive advice, who in turn informs the student. The HEI also informs if the student has to contact the diplomatic post in the country of origin or the country of permanent residence to obtain the mvv personally. The diplomatic post will inform the student as to which documents are required. ^[7]

The Visa Service of the Ministry of Foreign Affairs (part of the IND), must authorize the mvv. The student must collect the authorisation within 90 days,^[8] otherwise they will have to apply for a mvv again. ^[9] The applicant needs to collect the mvv in person and needs to provide their biometric information upon collecting the mvv.^[10] From the moment of collection, the student has 90 days to travel to the Netherlands. ^[11]

^[1] EMN, 'Study on the Immigration of International Students to the Netherlands', 2012, https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/immigration

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[students/19a_netherlands_national_report_immigration_of_international_students_dec2012_en_version_en.pdf](#), last accessed on 29 July 2021.

[2] Article 1.8 of the Aliens Decree 2000.

[3] EMN, 'Attracting and retaining international students in the EU, 2019, https://ec.europa.eu/home-affairs/sites/default/files/00_eu_international_students_2018_synthesis_report.pdf', last accessed on 29 July 2021.

[4] Information provided by an expert of the IND on 8 September 2021.

[5] VSNU, 'Gedragscode internationale student hoger onderwijs, herziene 1 september 2017', last accessed on 20 September 2021.

[6] IND, 'Study at university or university of applied sciences', [Study at university or university of applied sciences | Immigration and Naturalisation Service \(IND\)](#), last accessed on 7 September 2021.

[7] EMN, 'Study on the Immigration of International Students to the Netherlands', 2012, https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/immigration

[students/19a_netherlands_national_report_immigration_of_international_students_dec2012_en_version_en.pdf](#), last accessed on 29 July 2021.

[8] Article 2r Vreemdelingenwet

[9] EMN, 'Study on the Immigration of International Students to the Netherlands', 2012, https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/immigration

[students/19a_netherlands_national_report_immigration_of_international_students_dec2012_en_version_en.pdf](#), last accessed on 29 July 2021.

[10] IND, 'Study at university or university of applied sciences', [Study at university or university of applied sciences | Immigration and Naturalisation Service \(IND\)](#), last accessed on 7 September 2021.

[11] B1 3.3.4 Vreemdelingencirculaire

11. In the Gedragscode internationale student hoger onderwijs (Code of Conduct international students higher education), agreements are laid down with regard to recruiting and caring for international students. This is a joint initiative of the HEIs with the Dutch government. HEIs are committed to provide accessible information about study programs, admission conditions, rules and procedures for international students. A complaint procedure is also part of this agreement. Only institutions that have signed the Code of Conduct are considered recognized

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sponsors and are able to recruit and select international students. [1]

When the HEI tasks an agent to recruit international students, the HEI will supervise that the agent acts according to the Code of Conduct as explained above. The HEI stays responsible for the access of international students. The agent should have sufficient knowledge about the Dutch higher education system. The HEI should not use an agent when there are doubts about their honesty or integrity. When the HEI finds out that an agent behaves negligently, carelessly or incompetently or is involved in false, misleading or unethical advertising and solicitation, including activities that damage the reputation of Dutch higher education, the HEIs take immediate corrective measures.[2]

The recognised sponsorship has led to a formal relationship between the IND and HEIs. They have established the network Mobstacles that is managed by Nuffic. Mobstacles focuses on people that support international students and interns. This network has a gathering every two years to exchange knowledge about current developments of mobility and formal procedures. The IND and HEIs are preparing a special board meeting to support a close partnership between the IND and HEIs and to streamline procedures, determine obstacles and find solutions for those obstacles.[3] Since the outbreak of the COVID-19 pandemic, the collaboration and exchange of information has intensified.

In the Netherlands, there are no organizations that specifically focus on prevention of misuse. The Ministry of Education and Work does have meetings with other organizations about the developments of international students that come to the Netherlands. If certain patterns arise, these partners will share signals with each other and will discuss potential steps to take.[4]

[1] EMN, 'Attracting and retaining international students in the EU, 2019, https://ec.europa.eu/home-affairs/sites/default/files/00_eu_international_students_2018_synthesis_report.pdf, last accessed on 29 July 2021.

[2] "Gedragscode internationale student hoger onderwijs", 1 september 2017

[3] EMN, 'Attracting and retaining international students in the EU, 2019, https://ec.europa.eu/home-affairs/sites/default/files/00_eu_international_students_2018_synthesis_report.pdf, last accessed on 29 July 2021.

[4] Information provided by an expert of the Ministry of Education and Work on 17 September 2021.

12. The following lesson is learned for preventing potential misuse in the pre-arrival phase:

- According to an evaluation of the Act on modern migration policy by the University of Leiden, the check of

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			<p>copies of passports is seen as a task for which the sponsor has no expertise. It is unclear which entity is responsible.^[1]</p> <p>The following good practices are found in the Netherlands to preventing potential misuse in the pre-arrival phase:</p> <ul style="list-style-type: none">• The mvv procedure (provisional residence permit) provides the opportunity to see an applicant in person abroad, to conduct further research and to possibly deny the access to the Netherlands.• Through MOMI and the recognized sponsor, there is a close cooperation between the IND and HEIs. HEIs are able to test study motives in an early stage. If there are reasonable doubts, no application is being submitted.^[2] <p>^[1] University of Leiden and Institute for immigration commissioned by WODC, 'Selectief naast restrictief. Evaluatie van de Wet modern migratiebeleid' 2019, tk-bijlage-evaluatie-van-de-wet-modern-migratiebeleid.pdf, last accessed on 27 July 2021.</p> <p>^[2] Information provided by experts of the IND on 8 September 2021.</p>
	EMN NCP Poland	Yes	<p>1. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study (please provide an example in the comment box of Q2); Additional:(2) Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q2);, (3) Yes, the HEI concerned was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of the Students Directive for purposes other than study (please provide an example in the comment box of Q2);,</p> <p>2. (1) Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study (please provide an example in the comment box of Q2); Polish consular services have tools to establish whether or not a purpose of entry is different than the declared one (i.e. studying). It does happen that applicants try to obtain Polish national student visas while the real entry</p>

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purpose is quite different (mainly: work in Poland or getting into the EU/Schengen area to travel further, to another MS).

(2) Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q2);

In the indicated period of time (2017-2020) consulates of the Republic of Poland regularly encountered problems with all: fraudulently acquired, falsified and tampered documents from universities / HEI. These would be used in national visa (student visa) procedures.

(3) Yes, the HEI concerned was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of the Students Directive for purposes other than study (please provide an example in the comment box of Q2);

There have been cases that HEIs got established in Poland mainly for a purpose of facilitating the entry of third-country nationals for purposes other than study and with no real intention of providing them with study programs. These entities are always private; foreigners have to pay students fees but are not required to attend classes or the material scope is so limited that participants can easily spend their time working – also illegally.

3. Refusal to issue national visas for the purpose of studying:

In the 2017-2020 period Polish consular services issued over 13 thousands (13.876) negative decisions for applicants trying to obtain Polish national student visas. It was 6,43% of all visa refusals (C+D) in the given period of time (9% of refusals for national visas – type D). Countries with the highest percentage of refusals were: India (5.220; 37,6%), Nepal (1.915; 13,8%) and Ukraine (1.755; 12,6%).

Refusal to issue a temporary residence permit for the purpose of studying:

Table 1. Applicants for the temporary resident permit for the purpose of study in the period 2017-2020 rejected due to existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study.

2017	2018	2019	2020	Total
7	29	53	3	92

Table 2. Applicants for the temporary resident permit for the purpose of study in the period 2017-2020 rejected due to fraudulently acquired, falsified

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tampered documents.*

2017	2018	2019	2020	Total
665	505	577	368	2 115

* data cover rejections on all rejected applications volume, not only on study purpose

Table 3. Applicants for the temporary resident permit for the purpose of study in the period 2017-2020 rejected due to the fact, that HEI concerned was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of the Students Directive for purposes other than study

2017	2018	2019	2020	Total
-	1	-	-	1

4. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5);
Additional:(2) Yes, documents have been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q5);, (5)Yes, other situations which your Member State considers as misuse linked to an authorisation for the purpose of study. (Please describe these situations and explain why this is considered a misuse and constitutes a ground for withdrawal/refusal of renewal of the authorisation in accordance with the Students and Researchers Directive in the comment box of Q5);

5.

(1) Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5);

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Example: refusal to issue another permit. The foreigner did not pass the 1st and 2nd. semester of studies; after 3 years of studies, he continued his studies in the 2nd semester. It was recognized that a foreigner does not make progress in learning, and treats studies instrumentally as an easy way to obtain a temporary stay with access to the labor market.

(2) Yes, documents have been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q5);

Example: refusal to issue another permit. The foreigner made a false attestation in order to conceal the use of a falsified residence permit issued by the authorities of another country and that he was banned from entering the Schengen states.

(5) Yes, other situations which your Member State considers as misuse linked to an authorisation for the purpose of study. (Please describe these situations and explain why this is considered a misuse and constitutes a ground for withdrawal/refusal of renewal of the authorisation in accordance with the Students and Researchers Directive in the comment box of Q5);

Example: refusal to issue another permit. The foreigner does not make progress in learning and the circumstances referred to in the application do not justify his stay in the territory of the Polish (5 years after the start of study, he remains in the 3rd year of study).

6.

Information from the Border Guards:

- 1 student visa withdrawn in 2019 for the reason that:
 - the purpose of the stay which was the reason for issuing the visa ceased to exist
 - the foreigner no longer meets the requirements for issuing a visa due to the declared purpose of stay
- 2 student visas withdrawn for the reason that the foreigner no longer meets the requirements for issuing a visa due to the declared purpose of stay

Information from the Office for Foreigners:

Table 4. Applicants for the temporary resident permit for the purpose of study in the period 2017-2020 rejected due to authorization issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity

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2017	2018	2019	2020	Total
-	-	2	1	3

7. Efforts to combat misuse of authorisations for the purpose of study are focused on both phases the pre – arrival and post – arrival phase.

In the pre-arrival phase, the approval of the university for the purpose of admitting foreigners in order to undertake or continue studies and administrative proceedings regarding the admission of a foreigner for the purpose of studying are carried out, including documents presented by the foreigner. It is possible to conduct visa consultations at the request of the consul. The application for a visa, temporary residence permit for a foreigner should be accompanied by a certificate of the unit conducting studies on admission to studies containing, m.in, information about the field of study and in which language the studies take place, and the level of language proficiency required to complete them.

In the post-arrival phase, if the certificate from the university concerns the continuation of studies – it should contain information on the foreigner's previous implementation of the course of studies and the completion of the subjects required by the study program.

The unit conducting studies, when issuing a certificate regarding the continuation of studies, is obliged to attach a printout of the student's periodic achievements card, referred to in the regulations issued pursuant to Article 81 of the Act of 20 July 2018 - Law on Higher Education and Science, or a copy of this card confirmed for compliance with the original, showing the current course of the foreigner's education process in this unit.

The rector of the herd or the head of another unit conducting studies is obliged to immediately notify in writing the voivode who granted the foreigner a temporary residence permit for the purpose of studies about the deletion of the foreigner from the list of students or doctoral students.

The Voivode is obliged to check the data of foreigners to whom he has granted temporary residence permits for the purpose of studying, in the list of students referred to in Article 344(1) of the Act of 20 July 2018 - Law on Higher Education and Science, or in the list of persons applying for a doctoral degree referred to in Article 345(1) of this Act, in each year of the period of validity of the authorisation for the period immediately following 1 March and 1 June. The list of students includes, m.in, information about the admission of an adulter to studies and their completion and the number of ECTS points obtained by the student at university. The list of persons applying for a doctoral degree contains, m.in, information on admission to and education in a doctoral school.

The Voivode conducting the procedure for granting (another) permit for the purpose of studying at university or

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withdrawing a permit for a foreigner in order to study at university is obliged to check the foreigner's data in the list of students or in the list of persons applying for the doctoral degree referred to above.

In accordance with Article 113 sec. 1 of the Act of 12 December 2013 on foreigners (Journal of Laws of 2020, item 35, as amended), a foreigner who has been granted a temporary residence permit notifies the voivode who granted this permit, within 15 working days, of the cessation of the reason for granting the permit.

Pursuant to Article 100(2) of the aisle Act, a foreigner may be refused another temporary residence permit in the event of non-compliance with the obligation referred to in Article 113, if the application for another temporary residence permit was submitted within 1 year from the expiry of the validity period of the preceding permit or from the date on which the decision to withdraw the temporary residence permit became final.

As far as an HEI is concerned, it is possible to withdraw approval for the purpose of admitting foreigners for the purpose of taking up or continuing studies or to refuse to extend the approval, m.in," when the HEI is subject to liquidation or does not conduct a real activity consisting in conducting studies, justifying the admission of foreigners for the purpose of undertaking or continuing studies or acting mainly to facilitate unlawful entry or stay of students or doctoral students in the territory of the Property. or does not perform the obligation to notify the foreigner from the list of students or doctoral students.

8.

In pre-arrival phase the consul consult the issuance of visa with other authorities e.g. Border Guard.

Moreover the student visa or residence permit for students may be issued only to persons who have enrolled to the study in the high education entities listed on the special list kept by the minister competent for internal affairs or in the public high education entity.

The unit conducting the studies is approved by the Ministry of Internal Affairs for the purposes of admitting foreigners for study in Poland, by way of a decision, at the request of this unit, if the following conditions are met jointly:

- 1) the unit conducting the studies has existed for at least 5 years before submitting the application and during that time it conducted activities consisting in conducting studies;
- 2) it is not opposed by considerations of state defence or security or the protection of public safety and order;
- 3) it is not contrary to the interests of the Republic of Poland.

In addition, special attention should also be paid to:

- invalid documents provided during visa processes,

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- lack of information received from visa applicants during interviews,
- enormous popularity of rather unknown private HEIs (the status of the university) among visa applicants in one country (i.e. a lot of applicants from one country suddenly provide documentation only from one entity and they all plan to study in the same field of study)
- the certificate of the unit conducting studies on admission to studies contains, m.in, information about the field of study as well as in which language the studies take place, and about the level of language proficiency required to complete them (lack of knowledge of the language).

Moreover, in the course of the administrative procedure, an evidentiary procedure is taken to confirm that the abuse in law is taking place.

9. Procedure for the approval of HEIs: An HEI subject to the approval obligation submits an application for approval for the purpose of admitting foreigners in order to undertake or continue studies to the minister competent for internal affairs. Before issuing a decision on the approval of the unit conducting studies, the minister competent for internal affairs asks the Commander-in-Chief of the Border Guard, the Chief of Police, the Head of the Internal Security Agency and the minister competent for foreign affairs, and if necessary also to other authorities, to provide information on whether there are circumstances relevant to the assessment or approval are not opposed by reasons of defense or security of the state or security security and public order or the interest of the Republic of Poland. In addition, before issuing a decision on the approval of the unit conducting studies, the minister competent for internal affairs asks the minister competent for higher education and science for an opinion on this matter.

Admission procedure: national visas for the purpose of study:

The university issues a certificate of admission to studies, in accordance with the model certificate set out in the implementing regulation to the Act on Foreigners by the minister competent for higher education and science in consultation with the minister competent for internal affairs. The certificate contains, m.in, information about the field of study as well as in which language the studies take place, and about the level of language proficiency required to complete them.

The foreigner attaches a certificate from the university to the visa application. As part of visa consultations, the consul may ask the Head of the Office for Foreigners to provide information on whether there are circumstances justifying the refusal to issue a national visa to a foreigner for the purpose of studying, because the foreigner has not justified the purpose or conditions of the planned stay or the unit conducting studies acts mainly to facilitate students or doctoral students unlawful entry or stay on the territory of the Republic of Poland. Before providing

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		<p>information, the Head of the Office shall consult the Commander-in-Chief of the Border Guard, the Chief of Police, the Head of the Internal Security Agency, the Head of the Foreign Intelligence Agency, the Minister competent for foreign affairs, or another body if necessary.</p> <p>Admission procedure: temporary residence permit for the purpose of study:</p> <p>To the application for a permit, the foreigner attaches a certificate of the unit conducting studies on admission to studies or on the continuation of studies. If the certificate from the university concerns the continuation of studies, it should also contain information on the current implementation by the foreigner of the course of studies and the completion of the subjects required by the study program. The unit conducting studies, when issuing a certificate regarding the continuation of studies, attaches a printout of the student's periodic achievements card or a copy of this card confirmed for compliance with the original, illustrating the current course of the foreigner's education process in this unit.</p> <p>Before issuing a decision on granting a temporary residence permit to a foreigner, the voivode shall apply to the commander of the Border Guard branch, the provincial police commander, the Head of the Internal Security Agency, and if necessary, also to the consul competent for the last place of residence of the foreigner abroad or to other authorities with a request to provide information whether the foreigner's entry into the territory of the Republic of Poland and his stay on this territory may constitute threatening for the defence or security of the State or the protection of security and public order.</p> <p>The Border Guard authorities are engaged in the pre- arrival phase in the consultation process with consulates when providing information to the consul on potential obstacles for issuance of visas or confirming the fact that the person enrolled for the study on the basis of e.g. cooperation with HEIs).</p> <p>The Polish National Agency for Academic Exchange (NAWA) was established to support the international academic mobility and does not have the legal background to identify or verify the purpose of migration. However, at the pre-arrival stage scholarship applicants must fulfil the requirements, both general (established at the state level) and detailed ones (announced in the scholarship programme regulations) which determine their entry and stay in Poland.</p> <p>10. The answer to this question is contained in the answer to question no 9.</p> <p>Furthermore in relation to the NAWA scholarship programmes, an applicant has to present a scan of valid travel document, apply for a visa and meet the visa requirements. Moreover, has to submit a certificate/confirmation of knowledge of the language, provide the Agency with a certificate issued by the HEIs confirming admission to the studies in a given field as well as indicating the period of studies implementation.</p>
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In the case of detection of potential misuse of authorisations for study in the pre-arrival phase, NAWA would reject the application to the scholarship programme.

11. The answer to this question is contained in the answer to question no 9.

Furthermore, The Polish National Agency for Academic Exchange NAWA informs Polish consulates about the scholarship status of candidates.

Additional, Polish consular offices cooperate closely and on regular basis with Polish Border Guard. A system of national consultations is in place. Consular services also use reports and recommendations provided by the Ministry of Education to establish lists of trusted HEIs.

12. The student visa or residence permit for students may be issued only to persons who have enrolled to the study in the high education entities listed on the special list kept by the minister competent for internal affairs. The unit conducting the studies is approved by the Ministry of Internal affairs for the purposes of admitting third-country students for study in Poland, by way of a decision, at the request of this unit, if the following conditions are fulfilled:

- 1) the unit conducting the studies has existed for at least 5 years before submitting the application and during that time it conducted activities consisting in conducting studies;
- 2) it is not opposed by considerations of state defence or security or the protection of public safety and order;
- 3) it is not contrary to the interests of the Republic of Poland.

Only public education entities are exempt from the obligation to seek such an approval.

The minister competent for internal affairs, may withdraw high education entity from the list for reasons related to the national defence, protection of public safety and order, or for reasons related to functioning of such high education entity including e.g. failing to inform about removing persons from the student list or acting mainly to facilitate unlawful entry or stay in the territory of the Republic of Poland for students.

In addition, a good solution is to specify a detailed template of a certificate of admission of the third-country student to studies or on the continuation of studies, issued by the unit conducting studies, which the third-country student is obliged to join the application for a national visa or temporary residence permit for the purpose of study. The model of such a certificate was specified in the implementing regulation to the Act on Foreigners by the minister competent for higher education and science in consultation with the minister competent for internal affairs. The certificate contains, m.in, information about the field of study as well as in which language the studies take place, and about the level of language proficiency required to complete them. If the certificate from the

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			<p>university concerns the continuation of studies – it must contain information on the current implementation by the third-country student of the course of studies and the completion of the subjects required by the study program.</p>
	EMN NCP Portugal	Yes	<p>1. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study (please provide an example in the comment box of Q2);</p> <p>2. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study</p> <ul style="list-style-type: none"> • Adult foreign citizens, sometimes with spouses and children, or that stopped studying several years ago, often enrolling in more than one higher education institution or with sponsorship from relatives living very far from the schools where they enrolled. • The residence visas/permits are issued for study purposes but when arrived to Member State territory the TC citizen does not attend school and works full time. • In PT evidence was found that the alleged third-country national students have not unequivocally proven that they intend to come to study in PT, and there are indications that this was not their real motivation. An example is the easiness with which many students change course after a previous denial of their student visa application, including a change of HEI which may imply a substantial change in the geographical area of destination. <p>Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with</p> <ul style="list-style-type: none"> • In PT evidence was found that the alleged students, third-country nationals, submitted: <ol style="list-style-type: none"> 1. forged academic certificates, many using forged stamps to certify the document (PRT; 2. forged academic registration documents or false high school certificates from the countries of origin. 3. documents related to means of subsistence. <p>Yes, other situations which your Member State considers as a misuse of an authorisation for the purpose of study</p>

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			<ul style="list-style-type: none">• In PT evidence was found that the alleged students, third-country nationals, intended to come to work as they were already working in their country of origin and/or had completed their studies some years earlier <p>3. No data available</p> <p>4. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5);</p> <p>5. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity</p> <ul style="list-style-type: none">• Many third-country nationals with student visas never start or abandon immediately their studies in Portugal, applying upon arrival for an exceptional residence permit allowing them to work. Some others, even if they enroll in an HEI, often request a permit to work and, in most situations, the professional activity becomes their main activity. Quite often, alleged students are registered in an HEI but their declared home address can be 300 or 400 km away. <p>Yes, failure to fulfil legal obligations by the HEI relevant for the combat of misuse, which enabled your Member State to conclude on a misuse linked to the purpose of the authorisation</p> <ul style="list-style-type: none">• Very few HEI report loss of the student status of a third-country national to the authorities (but there is no clear obligation to do so).• No submission, among other documents, of the proof of the HEI enrolment and the payment of university fees.• Documents are fraudulently acquired, falsified or were tampered with• Fake proof of Enrolment of the HEI Document; <p>Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study (please provide an example in the comment box of Q2);</p> <ul style="list-style-type: none">• The residence visas/permits are issued for study purposes but when arriving at PT territory the TC citizen does not attend school and works full time.
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		<p>Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q2);</p> <ul style="list-style-type: none">• Documents are mainly related to work conditions and criminal records. <p>6. No data available</p> <p>7.</p> <ul style="list-style-type: none">• Mostly at the stage of applying for a study visa.• The deployment of Immigration Liaison Officers in the countries of origin of important flows of international students should be noted as a key element in combating the misuse of study for travel to national territory <p>8.</p> <ul style="list-style-type: none">• Interviews• Assessment of the validity of the documentation, and the fulfilment of the requirements from the applicant.• Lack if requirements for the purpose of stay <p>9.</p> <ul style="list-style-type: none">• SEF – Immigration and Borders Service• Consulates and Embassies <p>10.</p> <ul style="list-style-type: none">• Checking the documentation submitted/conducting verification interviews/conducting in-country due diligence• Consulates receive the requests and , in a first stage, assess the fulfilment of the requirements• Migration services assess compliance with requirements and assess the security component and the validity of the information provided, issuing the respective opinion
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			<p>11.</p> <ul style="list-style-type: none"> • The documentation submitted is checked, communicated and verified by the issuing entity and if it is in compliance, an opinion is sent to the consular post. • Cooperation through several channels including common information system <p>12. Cooperation between several departments, for example, visa unit, inspections units and criminal investigation unit</p>
	EMN NCP Slovakia	Yes	<p>1. Yes, other situations which your Member State considers as a misuse of an authorisation for the purpose of study (please describe these situations and explain why this is considered a misuse and constitutes a ground for rejection of the application in accordance with the Students and Researchers Directive in the comment box of Q2);</p> <p>2. In relation to the temporary residence for the purpose of study in the Slovak Republic and measures applied in the pre-arrival phase it is important to provide basic information:</p> <ol style="list-style-type: none"> 1. The residence is not required for up to 90 days from the beginning of the stay in Slovakia if the applicant stays in the country legally and reported the beginning of his/her stay at the Foreign Police within 3 working days from entering the country. In this case the application for residence is submitted directly in Slovakia, so any measures in the pre-arrival phase are not applicable in these cases. 2. The third-country national (TCN) who needs a visa to enter the Slovak Republic (SR) and is already not in Slovakia based on a different permit, can at the Diplomatic Mission (DM) of the SR abroad: <ol style="list-style-type: none"> 1. Apply for a temporary residence for the purpose of study. Following the decision on granting the residence, he/she can apply for the national visa at the DM of the SR abroad, travel to Slovakia based on this visa and take over the decision on granting the residence. 2. Apply for the national visa, while to the application for this national visa the same documents as to the application for the temporary residence are submitted. Consequently, after being granted the national visa, he/she can travel to Slovakia and submit the application for temporary residence for the purpose of study at the relevant Foreign Police Department. In these cases, the national visa is normally granted for 90 days. <p>Temporary residence for the purpose of study is granted for the foreseen duration of studies, for a maximum</p>

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period of 6 years. In practice it can however happen that the police authority issues the residence for the period shorter than 6 years.

1. Special category are the students – TCN of language education at language schools (in the amount of at least 25 hours/week), who are not entitled to temporary residence for the purpose of study, but they can be granted national visa, following Article 15, paragraph 1 letter b) of the Act on Residence of Foreigners. National visa is in this case granted for the duration of language education at the language school, maximum until 31 July of the relevant school year.

In line with the above stated information the measures in pre-arrival phase can be described only in cases under points 2 and 3.

Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study (please provide an example in the comment box of Q2):

As examples which prove or indicate other purpose of stay in the SR as study, we can provide the following:

- Interview with the applicant while submitting the application for the residence or visa at the DM of the SR abroad. The interview can reveal that the applicant has no clear information on where he/she is going to study, to which school or field of study or he/she does not know exactly to which country he/she is going, etc. In these cases, the DM has the possibility to refuse the application for the visa or provide negative opinion to the application for residence and not recommend its granting.
- Organisation of admission tests to schools, which are not organised in a standard manner, e.g. they are organised only online, i.e. the applicant does not have to be present in person.
- Increased interest of TCN from less traditional countries of origin present in the SR for study in the SR. This can prove to be problematic or non-standard. As an example, we can provide a situation where the Foreign Police registered increased number of applications for residence for the purpose of study from students from Bangladesh. Their confirmation for the admission to studies was in order, but the police found out that after arriving to Slovakia they were consequently leaving for another EU countries. After revealing this fact, the Foreign Police introduced measures to avoid such misuse. These cases were consulted with the relevant school which was admitting these students. Other example we can provide is

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interest in studies in particular (inadequate) field of study (e.g. 50 years old Russian citizen, who wanted to study in the SR Russian language and literature).

Yes, the third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q2):

These cases are detected in Slovakia, and it mainly concerns falsified documents proving the highest achieved education from the country of origin or falsified decisions on admission to school in the SR, which are the necessary documents to be provided with the application for the residence for the purpose of study.

Yes, other situations which your Member State considers as a misuse of an authorisation for the purpose of study (please describe these situations and explain why this is considered a misuse and constitutes a ground for rejection of the application in accordance with the Students and Researchers Directive in the comment box of Q2):

In this regard we can mention the following situations, which are not to be considered definitely as misuse from the side of educational institution or fraudulent functioning, they are rather to be considered as cases exploiting the system in the SR.

- Admission of any students for the university studies in the SR without defining qualitative criteria of admission. In the SR public universities receive subsidies from state budget, while based on the Act on Universities No. 131/2002 Article 89 par. 4 in defining the subsidies for implementation of accredited study programmes among others also the number of students is crucial. In this way it is in the interest of the school to admit maximum number of students also from among foreign students.
- Similar problem is the purposeful creation of fields of studies, where also foreign students are admitted regardless of fulfilling the qualitative criteria. The school in this way receives funds from state budget or from foreign students themselves who pay for their studies in case the study programme is conducted in other than Slovak language. The same problem occurs while admitting students for specialised language preparation at the university.

It is important to state that from the legal point of view are documents submitted with the application for residence for the purpose of study in line with the law. But the above described cases have consequences to further residence and movement of the TCN in the Schengen area, which is considered problematic from the side of the police.

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		<p>DM of the SR in Beirut (representing Lebanon, Syria, Iraq and Jordan) registers in this regard already for a longer period of time efforts of Syrian and Iraq citizens to misuse legal ways to enter the EU, mainly via institutions or organisations providing lifelong education (e.g. Slovak University of Technology in Bratislava, University of Economics Bratislava, University of Zilina in Zilina). The applicants often do not fulfil basic vocational or language criteria for university studies, they were not able to graduate from university in their home country or they graduated from other universities in other countries via correspondence courses online. The profile of applicants shows that the education system in the SR does not verify or verifies only marginally the competencies of applicants for university studies. Number of such "students" already applied for asylum in western European countries. During the meeting at the EU Delegation – SR, CZ and PL informed about considerable increase of applicants for students' visa for the purpose of language studies at the universities, this in principle serves to them as the opportunity to enter the Schengen area.</p> <p>Another fact to mention in this regard is that until 2017 the SR registered frequent misuse of residences for the purpose of study in connection to then existing legal provisions and functioning of language schools. Applicant for studies at the language school was entitled to temporary residence for the purpose of study. It was proved that in that period number of new language schools were established purposefully, which after signing an agreement with already existing language schools received accreditation and could start to admit students and receive funds from them for their studies. The mere fact that the TCN used this system only as a mean to migrate to Europe was not dealt with by the language schools. As a consequence, new amendment to the Act on Residence of Foreigners (No. 179/2017 from 14 June 2017) was enacted in 2017, where the possibility to grant the temporary residence for the purpose of study for students at the language schools was cancelled. The aim of the amendment was to prevent the misuse of temporary residence for the purpose of study for other purposes, which are connected with e.g. migration of TCN to Schengen area and illegal work which represent security risk. In practice there were registered number of cases of misuse of this type of temporary residence. From when this amendment entered into force the students at language schools are issued national visa, which entails less possibilities to move through the Schengen area for the TCN as it was the case with the temporary residence. The same amendment introduced also the obligation to study at the language school for at least 25 lecturing hours/week. Before the amendment the number of lessons was not regulated and there were cases when the TCN had a temporary residence for the purpose of study and took only 5 lessons or less per week at the language school. The practice showed that after introducing these changes the number of granted temporary residences for the purposes of study in connection with the language education at the language schools decreased and the number</p>
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			<p>of issued national visa for this purpose (studies at language schools) was not at all that high. Exact statistical data are not available, but the information is provided based on the experiences from police authorities.</p> <p>3.</p> <table border="1"> <thead> <tr> <th></th><th colspan="4">Number of applications rejected</th><th rowspan="2">Top 3 countries of origin</th></tr> <tr> <th></th><th>2017</th><th>2018</th><th>2019</th><th>2020</th></tr> </thead> <tbody> <tr> <td>Total</td><td>73</td><td>20</td><td>17</td><td>29</td><td>Country 1: Vietnam Country 2: Ukraine Country 3: Iran</td></tr> <tr> <td>Reason 1 (please indicate)</td><td colspan="2">does not fulfil criteria for granting residence</td><td>represents danger for state security, public order or public health</td><td>does not fulfil criteria for granting residence</td><td>Country 1: Vietnam Country 2: Ukraine Country 3: Iran</td></tr> <tr> <td>Reason 2 (please indicate)</td><td colspan="2"></td><td></td><td>represents danger for state security, public order or public health</td><td>Country 1: Vietnam Country 2: Ukraine Country 3: Iran</td></tr> <tr> <td>Reason 3 (please indicate)</td><td colspan="2"></td><td>states false or misleading data or submits falsified or altered documents or documents of another person</td><td></td><td>Country 1: Vietnam Country 2: Ukraine Country 3: Iran</td></tr> <tr> <td>Reason 4</td><td colspan="2"></td><td></td><td></td><td>Country 1: Vietnam</td></tr> </tbody> </table>		Number of applications rejected				Top 3 countries of origin		2017	2018	2019	2020	Total	73	20	17	29	Country 1: Vietnam Country 2: Ukraine Country 3: Iran	Reason 1 (please indicate)	does not fulfil criteria for granting residence		represents danger for state security, public order or public health	does not fulfil criteria for granting residence	Country 1: Vietnam Country 2: Ukraine Country 3: Iran	Reason 2 (please indicate)				represents danger for state security, public order or public health	Country 1: Vietnam Country 2: Ukraine Country 3: Iran	Reason 3 (please indicate)			states false or misleading data or submits falsified or altered documents or documents of another person		Country 1: Vietnam Country 2: Ukraine Country 3: Iran	Reason 4					Country 1: Vietnam
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		(please indicate)		Country 2: Country 3:

Note: This is the only way the SR is able to provide requested statistical data.

4. Yes, other situations which your Member State considers as misuse linked to an authorisation for the purpose of study. (Please describe these situations and explain why this is considered a misuse and constitutes a ground for withdrawal/refusal of renewal of the authorisation in accordance with the Students and Researchers Directive in the comment box of Q5);

5. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5);
No, these are not cases which would occur in the SR. With the temporary residence for the purpose of study in the SR it is possible to conduct business activities or work without any further permits or without changing the purpose of stay (10 hours/week or the corresponding number of days or months per year and in case of a university student 20 hours/week or corresponding number of days or months per year).
In this context the SR has rather following cases:

1. When the arrival to the SR is used as a mean to further migrate to another EU Member States (e.g. using the residence as a mean of visa free entry into another EU Member States),
2. When right after entering the SR, the TCN is trying to change his/her purpose of stay.

Yes, documents have been fraudulently acquired, falsified or were tampered with (please provide an example in the comment box of Q5)
This can be found out in the post-arrival phase only in case the TCN does not need a visa to enter the SR and he/she applies for the residence directly in the SR. As it was stated in question 2, this can concern submission of falsified documents proving the highest achieved education or falsified decisions on admission to school in the SR. Other cases of falsification are detected in the pre-arrival phase when the application for residence/visa is submitted outside of the Slovak territory.

Yes, the HEI concerned was established or operates for the main purpose of facilitating the entry of third-country nationals falling under the scope of the Students Directive for purposes other than study (please provide an

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			<p><u>example in the comment box of Q5)</u></p> <p>These cases do not occur in the SR. However, cases to be mentioned are when schools with the aim to avoid their closure or with the aim to gain subsidies from state budget for each admitted student, are accepting students without setting qualitative criteria, in other words are accepting anyone who applies (as an example we can provide cases of accepting students with final exams from secondary schools to secondary schools which were to be closed down). From the legal point of view this is not an illegal activity, this is rather exploitation of the existing system, which is from the side of the police addressed to the Ministry of Education, Science, Research and Sports of the SR.</p> <p><u>Yes, failure to fulfil legal obligations by the HEI relevant for the combat of misuse, (e.g. failure to report on the change/loss of the student status of a third-country national to the authorities where there is a clear obligation to do so, which enabled your Member State to conclude on a misuse linked to the purpose of the authorisation – (please describe these situations and explain why this is considered a misuse and constitutes a ground for withdrawal/refusal of renewal of the authorisation in accordance with the Students and Researchers Directive in the comment box of Q5)</u></p> <p>The residence for the purpose of study is in the SR granted for the foreseen duration of studies for a maximum period of 6 years. The police during the year verifies residences e.g., by means of random controls, controls of enrolment books, control of students' enrolment to relevant study year at the beginning of the school year, etc. At the same time the school has the obligation to report the start of the student – TCN of the school year as well as his/her falling out of the studies or conclusion of the studies. The schools do not always fulfil this obligation, however in number of cases this is more of an omission than an intention. Eventually, if for whatever reason it is necessary to renew the residence permit also in that case the control of residence and all the relevant documents is undertaken.</p> <p><u>Yes, other situations which your Member State considers as misuse linked to an authorisation for the purpose of study. (Please describe these situations and explain why this is considered a misuse and constitutes a ground for withdrawal/refusal of renewal of the authorisation in accordance with the Students and Researchers Directive in the comment box of Q5)</u></p> <p>As the biggest problem in this regard seems the fact that the school accepts student – TCN, who applies for residence for the purpose of study with documentation which is from the legal point of view in order, however consequently this TCN does not start the study or studies only for few weeks and then migrates further within the</p>
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			EU. The schools are not very active in these cases, while controlling and reporting the frequent absence of these students in school to the relevant police department.	
		6.		
			Number of cancelled residences/number of refused applications for renewal of residences	
			2017	2018 2019 2020
	Total	78/ 29	108/ 111/ 156/ 2	Top 3 countries of origin
			12 11	Country 1: Ukraine
	Reason 1 (please indicate)		not fulfilling the purpose of temporary stay from the side of the TCN which was found out by own controlling activity of the police authority	Country 2: Vietnam
	Reason 2 (please indicate)		report from the educational institution that the TCN concluded his/her study at the university	Country 3: India
	Reason 3 (please indicate)		Conducting activities other than those for which the temporary residence was granted	Country 1: Country 2: Country 3:
	Reason 4 (please indicate)			

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indicate)

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7.

In the SR in the area of combating misuse of residence for the purpose of study the priority is given to the pre-arrival phase. This is a more economically favourable and effective solution, when it is consequently not necessary e.g., to invest means to measures connected to return, etc.

8. Information on potential misuse of residence for the purpose of study in the pre-arrival phase are gained from number of sources and based on number of assessments, e.g.:

1. Indication and information from other state institutions gained e.g., via DM, police attaches, within local Schengen or consular cooperation, etc.
2. Activities of intelligence services
3. Own control and analytical activities of Foreign Police Departments (e.g., experiences with certain countries of origin, non-typical and non-standard emerging trends, analysis of statistical data – e.g., too high number of accepted students in a concrete study field, frequently repeated country of origin, analytical activity of the Central Visa Authority (CVO)),
4. Denouncing or information provided by other schools or institutions.

9. Involved institutions are e.g., Diplomatic Missions, police authorities, intelligence services. In the pre-arrival phase in the area of prevention are schools involved only marginally and if only based on their own initiative in case they are launching study programmes for foreign students and proactively contact police authority with the aim to receive information on possibilities, obligations and challenges connected to admission of foreign students. The aim is to set up the processes in a way that they will work in orderly manner.

10. Diplomatic Missions – conducting interview with the applicant for temporary residence (if the application is submitted at the DM) and consequent issuance of recommendation for (non)granting of the residence, taking decision on (non)issuance of national visa and the relevant examination of the submitted documentation. Police authority – control of documents submitted with the application for temporary residence, taking decision on (non)granting the residence based on the submitted documentation and taking into consideration the migratory

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			<p>risks Intelligence services – considering the security risks, analytical activity, etc.</p> <p>11. Cooperation with HEI in the pre-arrival phase is only on the level of rather ad-hoc consultations and counselling from the side of the police authority. This mainly concerns own initiative of schools in case they are accepting higher number of foreign students and they are interested in getting further information, they are contacting the police authority and consult the admission mechanism of international students and the related opportunities, risks and challenges.</p> <p>12. As an example of good practice from the side of police in this area cooperation with schools can be mentioned. Representatives from the Bureau of Border and Foreign Police are regularly taking part in the meetings of prorectors of universities for international relations. Good practice is the cooperation with particular universities or faculties, where higher number of international students are admitted – during the meetings concrete cases, risks and challenges related to the admission of international students are discussed. Good practice is also the activity of some faculties, where their representatives travel to countries of origin and interviews with applicants are conducted directly there. There were no research or evaluation reports conducted on this topic in the SR.</p>
	EMN NCP Slovenia	Yes	<p>1. No, no such situations are detected in your Member State.</p> <p>2. We do not have this information. The Register of foreigners does not contain information on the reason for refusing to issue a residence permit, which also applies to the first temporary residence permit for the study purposes.</p> <p>3. We do not have this information. As already explained in the answer to question 1, the Register of foreigners does not contain information on the reason for refusing to issue a residence permit, which also applies to the first temporary residence permit for the study purposes.</p>

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4. No, no such situations have been detected in your Member State.

5. We do not have this information.

The Register of foreigners does not keep information on the reason for refusing to issue a residence permit, which also applies to refusing to renew a temporary residence permit and refusing to issue a temporary residence permit for the study purposes as a further temporary residence permit.

Also, the Register do not contain information on the reason for the revocation of the residence permit, which also applies to the temporary residence permit for the study purposes.

6. We do not have this information.

As already explained, the records on residence permits kept in the Register of foreigners do not contain information on the reason for refusing to issue a residence permit, which also applies to refusing to renew a temporary residence permit for the purpose of study.

Also, there is no reason in this record for the revocation of the temporary residence permit, which also applies to the revocation of the temporary residence permit for the purpose of study.

7. /

8. 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 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:

- 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 a foreigner in the Republic of Slovenia or in other States party to the

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			<p>Convention implementing the Schengen Agreement, etc.</p> <p>9. Diplomatic missions and consulates of the Republic of Slovenia abroad, Administrative Units, Police.</p> <p>10. 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.</p> <p>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. On the basis of the circumstances identified in the individual case, the official of the Administrative unit conducting the procedure then assesses whether the reasons for refusing to issue a residence permit are given.</p> <p>If grounds exist for the suspicion that a criminal offence prosecutable ex officio has been committed (e. g. documents have been fraudulently acquired, falsified or were tampered with), the police shall take the necessary steps to trace the perpetrator of the criminal offence, to prevent the perpetrator or participant in the criminal offence going into hiding or fleeing, to detect and secure the traces of the criminal offence and objects which may be of value as evidence, and to collect all information that might be useful for the successful conduct of criminal proceedings.</p> <p>11. In the performance of tasks within their competences, the authorities specified shall be obliged to cooperate with each other, provide each other with legal aid, and exchange, free of charge, all personal and other data and information required to exercise their competences in accordance with the Foreigners Act.</p> <p>12. There are no examples of good practice.</p>
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	EMN NCP Spain	Yes	<p>1. No, no such situations are detected in your Member State.</p> <p>2. The existence of such evidence would most probably be detected by Foreign Affairs and not by this ministry. Normally these applications are denied by the consulate when requesting a Visa.</p> <p>3.</p> <p>Number of initial applications rejected</p> <table><thead><tr><th></th><th>2017</th><th>2018</th><th>2019</th><th>2020</th><th>3 países de origen (con más denegaciones)</th></tr></thead><tbody><tr><td>Total</td><td>1</td><td>0</td><td>14</td><td>10</td><td>País 1: MARRUECOS País 2: EEUU País 3: UCRANIA</td></tr><tr><td>Razón 1</td><td>0</td><td>0</td><td>0</td><td>0</td><td>País 1 País 2 País 3</td></tr><tr><td>Razón 2</td><td>0</td><td>0</td><td>0</td><td>0</td><td>País 1 País 2 País 3</td></tr><tr><td>Razón 3</td><td>0</td><td>0</td><td>0</td><td>0</td><td>País 1 País 2 País 3</td></tr><tr><td>Razón 4</td><td>1</td><td>0</td><td>14</td><td>10</td><td>País 1: MARRUECOS País 2: EEUU País 3: UCRANIA</td></tr></tbody></table> <p>4. No, no such situations have been detected in your Member State.</p> <p>5. No such studies have been carried out at a large scale that enable us to determine the existence of fraud in relation to this type of authorisations.</p>		2017	2018	2019	2020	3 países de origen (con más denegaciones)	Total	1	0	14	10	País 1: MARRUECOS País 2: EEUU País 3: UCRANIA	Razón 1	0	0	0	0	País 1 País 2 País 3	Razón 2	0	0	0	0	País 1 País 2 País 3	Razón 3	0	0	0	0	País 1 País 2 País 3	Razón 4	1	0	14	10	País 1: MARRUECOS País 2: EEUU País 3: UCRANIA
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6.

Number of rejected renewals

	2017	2018	2019	2020	3 países de origen (con más denegaciones)
Total	4	4	8	9	País 1: Marruecos País 2: Guatemala País 3: Guinea Ecuatorial
Razón 1	3	4	6	4	País 1: Marruecos País 2: EEUU País 3
Razón 2					País 1 País 2 País 3
Razón 3					País 1 País 2 País 3
Razón 4	1	0	2	5	País 1: Marruecos País 2: Guatemala País 3: Guinea Ecuatorial

7. Normally it is the Ministry of Foreign Affairs, since they are the ones who first analyze the application to study the possibility of Fraud. In the applications submitted by people already living in Spain no evidence of fraud has been detected in general. Nevertheless no study has been conducted in this sense, and the data regarding the refusals is not disaggregated according to that reason for denial, so it is currently impossible to see the real number of denials that are due to the possibility of fraud.

Initial authorizations submitted in Spain (instead of submitted in the consulate) are still and most (practically all) are denied due to the health insurance, financial means or the nature of the studies (some are not high education or are not taught by authorized centers) or are inadmissible, mainly due to administrative deadlines.

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			<p>8. Most authorisations that could more probably be related to fraud are submitted in relation to language studies or non-labor practices, and those are normally denied because they are not taught by authorized centers or other reasons. Not being able to prove enough resources during those studies can also be related to other purposes of the application.</p> <p>9. Mainly consulates.</p> <p>10. Consulates are in charge of the visa processing and the first evaluation of the application.</p> <p>11. Consulates are in charge of the visa processing and the first evaluation of the application at the pre-arrival phase.</p> <p>12. No relevant studies have been developed in this field.</p>
	EMN NCP Sweden	Yes	<p>1. Yes, existence of evidence or serious and objective grounds enabling your Member State to establish that the third-country national concerned would reside for a purpose other than for study (please provide an example in the comment box of Q2);</p> <p>2. There were no boxes to tick for Question 1. Several situations were identified in Sweden. The Swedish Migration Agency has seen evidence or serious and objective grounds enabling the Agency to establish that a third-country national would reside for a purpose other than for study. This concerns situations in which an applicant claims to have worked for an employer but this proves wrong during the interview for the residence permit; an applicant provides contradictory information on previous studies in other countries; and situations where an applicant has previously lodged an application for a residence permit, which was rejected. The Swedish Migration Agency has also detected cases in which a third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with. This concerns situations where an applicant uses another person's attestation of admission to studies; makes false claims of educational achievements/merits; makes exaggerated claims of assets in bank accounts or provides false bank statements; provides false identification documents; or makes fraudulent use of credit cards for payments of tuition fees (such as, use of</p>

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stolen cards or provision of fake bank receipts).
The Swedish Migration Agency has also seen other situations which it considers as a misuse of an authorisation for the purpose of study. Some of these concern the post-arrival phase and are therefore also mentioned under Questions 4 and 5, such as situations where a residence permit is issued but the applicant does not arrive in Sweden (or arrives in another Schengen country); the third-country national uses the residence permit to enter and reside in Sweden but uses the stay in Sweden for other purposes than studies (this could include criminal activities); a person admitted for study reasons makes an early "status change" after arrival and applies for asylum or a work permit; a person studies in Sweden but based on false information.

3.

		Number of applications rejected			
		2017	2018	2019	2020
Total		n/i	926	1,926	883
Reason: Lack of intention to study	n/i		n/i	1,104	278
Reason: False/fraudulent documents	n/i		n/i	18	41

Top 3 countries of origin
Country 1: Bangladesh
Country 2: Pakistan
Country 3: Nigeria

Country 1: Bangladesh
Country 2: Pakistan
Country 3: Nigeria

Country 1: Cameroon
Country 2: India
Country 3: Nigeria

4. Yes, the authorisation issued for the purpose of study was used for a purpose other than study, i.e. exercise of an employed/self-employed activity (please provide an example in the comment box of Q5);

5. There were no boxes to tick for Question 4. Several situations have been detected in Sweden.
The Swedish Migration Agency has seen situations where an authorisation issued for the purpose of study was used for a purpose other than study, such as: a residence permit has been issued but the applicant does not arrive in Sweden (or arrives in another Schengen country); the third-country national uses the residence permit to enter and reside in Sweden but uses the stay in Sweden for other purposes than studies; a person admitted for study

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reasons makes an early "status change" after arrival and applies for asylum or a work permit; a person studies in Sweden but based on false information.

The Swedish Migration Agency has also detected cases in which a third-country national has provided documents that had been fraudulently acquired, falsified or were tampered with. This concerns situations where an applicant uses another person's attestation of admission to studies; makes false claims of educational achievements/merits; makes exaggerated claims of assets in bank accounts or provides false bank statements; provides false identification documents; or makes fraudulent use of credit cards for payments of tuition fees (such as use of stolen cards or provision of fake bank receipts).

As regards the obligations of HEIs, they are obliged by government ordinance to report cases in which they suspect that a student has dropped out of their studies to the Swedish Migration Agency. There are various forms of, and reasons for, drop-outs, such as:

- A student withdraws from studies before they actually start;
- A student does not withdraw but does not in practice start studying;
- A student applies for a break in the studies or to be released from studies;
- A higher education institution informs the Migration Agency of a suspected drop-out.
- An application for a residence permit extension is rejected.

There are examples of higher education institutions not reporting all of the above-mentioned situations to the Migration Agency. Only information on cases of breaks in, or interrupted, studies are transferred automatically to the Migration Agency via a joint system.

6. The Table below only includes statistical data about rejected applications for **renewed** residence permits.
Rejections are not necessarily a consequence of misuse.

	2017	2018	2019	2020	Top 3 countries of origin
Total	n/i	401	469	509	Country 1: India Country 2: China Country 3: Bangladesh
Reason: No admission	n/i	n/i	8	11	Country 1: China Country 2: Bangladesh Country 3: India
Reason: False/fraudulent documents	n/i	n/i	0	2	
Reason: Lack of intention to study	n/i	n/i	11	8	Country 1: India

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			Reason: Not full time studies	n/i	n/i	101	263	Country 2: China Country 3: Bangladesh Country 1: India Country 2: China Country 3: Bangladesh
<p>7. As part of the processing of applications for residence permits for studies, the Swedish Migration Agency is responsible for examining whether an applicant really intends to study. The Migration Agency is involved in a pilot project with five higher education institutions. The aim of this pilot is to work together regarding the clarification of applicants' intention to study and means that information of all of the above-mentioned case constellations regarding drop-outs (see last paragraph of the answer to Question 5) are reported to the Migration Agency.</p>								
<p>8. The case officers of the Swedish Migration Agency use a list of indicators to determine whether the responsible Swedish mission abroad should or should not conduct an examination of an applicant's intention to study.</p>								
<p>9. The Swedish Migration Agency and the Swedish consular missions abroad. In addition, a number of higher education institutions work towards reducing the number of abusive admissions to studies (for example, by refining the criteria for admission to courses).</p>								
<p>10. According to the law, the Swedish Migration Agency can reject an application for a residence permit for studies if the applicant does not intend to use the permit for studies in Sweden.</p>								
<p>11. There is no formalised cooperation, but the Swedish Migration Agency and some higher education institutions cooperate in the framework of a pilot project (see answer to Question 7) and in other fora.</p>								
<p>12. According to experts within the Swedish Migration Agency, the following lessons could be learned: - Platforms or fora for cooperation and coordination among all relevant actors in the process are useful and can help to prevent situations in which some actors might unilaterally make changes in the relevant processes, which then might lead to new types of misuses of the admission system. All changes in admission procedures have to be coordinated with a view to prevent possible misuse and to be able to act proactively.</p>								

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			<ul style="list-style-type: none">- Tougher language requirements for admission to studies have proven to be effective against possible misuse.- It can be important to make sure that applicants, who have to prove that they can support themselves while studying in Sweden, actually have access to, and can use, the money in their bank accounts.- To make sure that the responsible actors have a complete picture of potential misuses of the admission system, it is important that higher education institutions report all cases of drop-outs from studies. The above-mentioned pilot-project (answer to Question 7) is an example of how progress in this area could be made.- Improved monitoring of the recruitment of third-country national students to higher education institutions could reduce the number of untrustworthy applicants.- Improvements of the systems in place to detect false or manipulated documentation could be made.- Development and use of a list of indicators to determine whether an applicant's intention to study needs further investigation.- Development of an inventory of the various admission criteria used by higher education institutions for similar study programmes.- Stricter rules regarding the payment of tuition fees.- Higher requirements for extensions of residence permits regarding sufficient progress of studies.
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