



**AD HOC QUERY ON 2021.48 EMN inform on misuse of authorisations for study purposes: AHQ 2: Prevention of misuse (pre-arrival)**

**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 2:**

This is Part 2 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 AHQ3 and AHQ4 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](mailto:emn@icf.com).

**2. Questions**

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1. **MONITORING, COMPLIANCE AND DETECTION (POST-ARRIVAL):** What is your Member State's general approach to monitor whether third-country students continue to comply with the requirements related to the purpose of their authorisation at the post-arrival phase (please see situations referred to in your response to Part 1)? (e.g. reacting to indicators, only check upon renewal etc.?)
2. What elements / situations alert your Member State at the post-arrival phase to investigate certain cases that could indicate such potential misuse by holders of an authorisation for the purpose of study?
3. What methods does your Member States use to monitor whether third-country students continue to meet the requirements related to the purpose of the authorisation?
4. What organisations are involved at the post-arrival phase in the monitoring and detection of cases of such misuse of authorisations for the purpose of study? (e.g. HEIs, immigration authorities, Public Employment Services, etc.).
5. What are the tasks/obligations of these organisations outlined in the question above in relation to monitoring and detection of such misuse at the post-arrival phase?
6. Are there any good practices / lessons learnt in your Member State for monitoring and detecting such misuse at post-arrival phase (identified, for example, through desk-based research - studies or evaluation reports - conducted in your Member State)?
7. **ACTIONS FOLLOWING DETECTION OF MISUSE:** What are the policies and practices after detection of potential misuse of authorisations for study in the pre-arrival phase (please see situations referred to in your response to Part 1 AHQ1) from the perspective of the authorities in your Member State? (e.g. a warning, rejection of the application) - please see situations referred to in your response to Part 1.
8. What are the legal possibilities to react to the policies and practices in Q1 above for the third-country national (e.g. appeal process)? In practice, do third-country nationals exercise their legal possibilities? If yes, why? / If no, why not?
9. What are the policies and practices after detection of misuse of authorisations for the purpose of study (please see situations referred to in your response to Part 1) in the post-arrival phase from the perspective of the authorities in your Member State? Please indicate all that apply:  
*Available choices: withdrawal of the authorisation from the third-country national; refusal to renew the authorisation of the third-country national; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with); sanctions against the HEIs that fail to fulfil their legal obligations or whose main purpose is to facilitate the entry of third-country nationals; other (please elaborate).*

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**10. What are the legal possibilities to react to the policies and practices indicated above for the third-country nationals (e.g. appeal process)? In practice, do third-country nationals exercise their legal possibilities? If yes, why? / If no, why not?**

**11. Are there recent (2017-2020) or planned changes in policy and legislation to address misuse of authorisations for the purpose of study (please see situations referred to in your response to Part 1)? If yes, please elaborate (e.g. the situation before and after the change, the aim of the development, the date it became/ will become effective etc.).**

**12. If you answered the above question with yes, has your Member State witnessed a change in the trends of identified misuse of authorisations for the purpose of study as a consequence of these legislative/policy changes? Y/N. If yes, please elaborate on the witnessed change (e.g. in the scale, types of misuse).**

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

**3. Responses**

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|   |                 | Wider Dissemination <sup>2</sup> |   |
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|  | EMN NCP Austria | Yes                              | 1.<br>The issuance of a "student" residence permit is linked to the existence of general and special requirements and is only issued if the applicant is enrolled at the specified higher education |

<sup>1</sup> 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.

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

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|  |  |  | <p>institution (Art. 64 Settlement and Residence Act).<br/>The "student" residence permit is generally issued for a period of twelve months (Art. 20 para 1 Settlement and Residence Act) and can be renewed. The review of whether the requirements regarding the purpose of the residence permit continue to be fulfilled is carried out after an application for renewal within the framework of a renewal procedure. An essential prerequisite for the renewal of the residence permit is academic success, which must be proven in the procedure and is also checked by the authorities.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>2.</p> <ul style="list-style-type: none"><li>- If the entry to Austria is made with a visa issued for the collection of the residence permit, but the residence permit is not collected (within 6 months of notification from the Austrian representation authority - Art. 23 para 3 Settlement and Residence Act).</li><li>- The suspicion of falsified admission documents is justified, for example, if no enrolment can be proven to the settlement and residence authority during the current enrolment period.</li></ul> <p>---</p> <p>Source: Ministry of the Interior</p> <p>3.</p> <ul style="list-style-type: none"><li>- Consultation of national databases or the national aliens register.</li><li>- Basically, the verification of whether the requirements regarding the purpose of the residence permit continue to be fulfilled is carried out after an application for renewal within the framework of a renewal procedure for the residence permit. For this purpose, the renewal application must be accompanied by all documents proving that the general and special conditions for issuing the residence permit pursuant to Art. 64 Settlement and Residence Act continue to be fulfilled. The most important requirement in the given context is proof of academic success.</li></ul> |
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|  |  |  | <p>- Contacting the settlement and residence authority with the respective higher education institution/university in cases of suspicion.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>4.</p> <p>- The settlement and residence authorities are primarily responsible for monitoring and detecting cases of abuse regarding residence permits for study purposes. In cases of abuse, the authorities withdraw the right of residence or refuse to renew it. If the person concerned does not leave the country voluntarily, the Federal Office for Immigration and Asylum is responsible for the termination of residence.</p> <p>- Austrian representation authorities and higher education institutions are involved in a supporting capacity if necessary.</p> <p>- In addition to the settlement and residence authorities, the Federal Office for Immigration and Asylum is also involved in monitoring and detecting cases of abuse related to asylum applications.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>5.</p> <p>The settlement and residence authorities are responsible for checking the content of the submitted applications. In the investigation procedure, the domestic authority may, if necessary, consult the responsible Austrian representation authority abroad, for example with regard to existing doubts about the harmlessness, authenticity and correctness of documents and doubts that have arisen in the procedure regarding relevant circumstances. The responsible Austrian representation authority abroad can call in a lawyer of trust to obtain information.</p> <p>Withdrawal of the residence permit (Art. 28 Settlement and Residence Act): If the residence permit has already been issued after arrival, but the special conditions for issuance are no longer fulfilled, it</p> |
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|  |  |  | <p>is possible to withdraw the residence permit (Art. 28 Settlement and Residence Act). In any case, the special conditions for issuing the certificate do not/no longer apply if the third-country national is not/no longer studying.</p> <p>Reopening of the procedure (Art. 69 General Administrative Procedures Act 1991) by the settlement and residence authority: If doubts about the correctness of the issuance of a residence permit arise only after the arrival and collection of a residence permit, the existence of the prerequisites for a reopening of the procedure pursuant to Art. 69 para 3 General Administrative Procedures Act 1991 is examined officially - i.e. by the settlement and residence authority that issued the residence permit. This is an order of the settlement and residence authority to carry out the procedure again because the correctness of the substantive decision taken (issuance of the residence title) is questionable for special reasons.</p> <p>One reason for reopening the procedure is, for example, fraud. This is the case if the residence title was obtained by falsifying a document, a false testimony or another criminal offence. If the residence permit was obtained by fraud, the settlement and residence authority can resume the procedure more than three years after the residence permit was issued (Art. 69 para 3 General Administrative Procedures Act 1991).</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>6.</p> <p>According to the Federal Ministry of the Interior, the focus regarding the immigration of international students has not been on the recruitment for several years now, but on the prevention of misuse of residence permits for study purposes (cf. EMN Study on Attracting and Retaining International Students in Austria, 2019, p. 30).</p> <p>The regularly held "Forum Fremdenrecht" (Austrian University Conference) serves to promote the exchange between universities and authorities and to raise the awareness of all participants, also with regard to the monitoring and detection of misuse of residence permits for study purposes.</p> |
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|  |  |  | <p>---</p> <p>Source: Ministry of the Interior</p> <p>7. Refusal to issue a student residence permit</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>8.</p> <p>What are the legal possibilities to react to the policies and practices in Q1 above for the third-country national (e.g. appeal process)?</p> <p>In general, official decisions in Austria can be contested by filing a complaint with the responsible administrative court. Under certain circumstances it is also possible to appeal the decision of the administrative court before the Supreme Administrative Court or the Constitutional Court.</p> <p>In practice, do third-country nationals exercise their legal possibilities?</p> <p>Yes.</p> <p>If yes, why? / If no, why not?</p> <ul style="list-style-type: none"><li>- For example, because the decision is subjectively deemed to be unlawful; or</li><li>- in order to gain time and still be able to prove academic success; or</li><li>- to accumulate years of lawful residence and subsequently be able to refer to an intensive private and family life (Art. 8 ECHR) in the context of the examination of a procedure for measures terminating residence; or</li><li>- to gain time and be able to continue to be gainfully employed (employment while studying is permissible).</li></ul> <p>---</p> <p>Source: Ministry of the Interior</p> |
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|  |  |  | <p>9. withdrawal of the authorisation from the third-country national;; refusal to renew the authorisation of the third-country national;; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with);</p> <p>10.<br/>In general, official decisions in Austria can be contested by filing a complaint with the responsible administrative court. Under certain circumstances it is also possible to appeal the decision of the administrative court before the Supreme Administrative Court or the Constitutional Court. See also answer to question 8.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>11.<br/>Yes. For applications for admission to a study programme from the summer semester 2019 onwards, admission to the pre-study course requires knowledge of the German language at least at the level A2 of the CEFR (exception: artistic studies, if a different form has been determined here by decree of the Rectorate). The university is responsible for checking whether the applicant has the appropriate language skills as part of the admission procedure. Generally recognised language diplomas, which are to be determined by ordinance of the rectorate and may not be older than two years at the time of submission, are considered as proof of these language skills.<br/>The aim of this regulation is to ensure that only those who are genuinely interested in studying and training are admitted to a regular degree programme. Should the Austrian representation authorities abroad (embassies or consulates) during the certification of foreign documents or also the settlement and residence authorities in the course of the application for a "student" residence permit have doubts about the authenticity and correctness of the language diploma, this must be reported to the authority responsible for the admission procedure (university/college).</p> <p>---</p> |
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|   |                            |            | <p>Source: Ministry of the Interior</p> <p>12. Yes. The effects of the German language skills requirement prior to admission, as explained in question 11, are mainly noticeable at universities, as the number of applications for admission of potential students who are obviously unsuited due to the language barrier decreases, but at the same time the number of successful completions in the pre-study course increases.</p> <p>---</p> <p>Source: Ministry of the Interior</p>   |
|  | <p>EMN NCP<br/>Belgium</p> | <p>Yes</p> | <p>1. When the student renews his/her residence permit, the student must prove to have obtained a certain number of credits to prove his/her study progress. The number of credits to be obtained depends on the number of years as a student and depends on the program that he/she follows (master or bachelor). Municipalities are responsible to check whether a sufficient number of credits is obtained and, if not or in case this is unclear, to send the file to the Immigration Office.</p> <p>In addition, the student must prove that he/she still has sufficient means of support and has a new certificate of registration as a student (checked by the municipalities). The student has to be enrolled at a HEI for at least 54 credits. The student's study program may be allowed to enroll for fewer credits if this is for reasons beyond his/her control. If that is the case, the assessment of the reasons is done individually.</p> <p>2. The immigration office does not have the time nor resources to conduct such investigations. They mostly use legal means to end the stay: the study progress remains the main element in this regard.</p> <p>3. See question 1.</p> <p>4. <u>HEI</u>: Looks at whether the student has sufficient chances of success to continue studying in the field of study. If the student cannot re-enroll in one HEI, he/she can – in principle – ask to be admitted to another HEI.</p> <p><u>Municipalities</u>: 'first line' check (whether the student still fulfills the conditions when asking for renewal of residence permit).</p> |

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|  |  |  | <p><u>Immigration Office:</u> Checks whether the student is still fulfilling the conditions. The IO receives information from both the municipalities and the PPS.</p> <p><u>PPS Social Integration:</u> is the responsible federal entity for reimbursing local CPAS/OCMWs (Social Welfare Centers) for living expenses granted to certain categories of people, such as students.</p> <p>5. Every year, the TCN must inscribe in the HEI. However, if the TCN has not earned enough credits in a specific field of study for a few years, the HEI can block him/her from being re-enrolled in that field of study. Nonetheless, the TCN can choose to enroll in another field of study or at another HEI, if the HEI accepts him/her. The <u>admission/re-enrollment to a field of study</u> is a responsibility of the HEI's and the general education policy is enacted at the level of the Communities (Belgium has three Communities: French speaking, Flemish and German speaking). Given that not every school and Community imposes the same conditions, the Immigration Office imposed its own criteria regarding study progress. These criteria are generally not more stringent than the criteria imposed by the Communities.</p> <p>Thus, in addition to the credit requirements imposed by the schools, the student must also meet the credit requirements of the Immigration Office.</p> <p>The foreigner <u>applies for the renewal of the residence permit at the municipality</u>. If the file is complete and the conditions are fulfilled, the residence permit is automatically renewed. If there are any doubts, if the dossier is incomplete or if the conditions are not met, it is forwarded to the Immigration Department, which takes the final decision.</p> <p>In addition, the Immigration Office receives information from the <u>PPS Social Integration</u> regarding students who place an unreasonable burden on the social assistance system. This information can be taken into account in the assessment of the student's file by the Immigration Office. However, the Immigration Office does not regularly use this information, due to a lack of time. Experience shows that there are few cases of people lacking sufficient resources (apart from force majeure COVID-19), since students can always work extra and, thereby, obtain sufficient resources.</p> <p>In conclusion: first the schools/HEI, then the municipality and/or the Immigration Office. Additional information can – sometimes – be obtained from the PPS Social Integration.</p> <p>6. No, lack of time/resources to do such investigations.</p> <p>7. Art. 61/1/3 Immigration Law.</p> |
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|  |  |  | <p>1 § 1. The Minister or his authorized representative shall refuse an application submitted [...] if:</p> <ul style="list-style-type: none"><li>1° the conditions set forth in Article 60 are not met;</li><li>2° the third-country national is deemed to pose a threat to public order, national security or public health;</li><li>3° the third-country national has used false or misleading information or false or falsified documents or committed fraud or used other unlawful means to obtain the residence.</li></ul> <p>If there is abuse, the application may be refused/rejected on the basis of 3°.</p> <p>8. A refusal decision can be appealed at the CALL (Council of Alien Law Litigation).</p> <p>9. withdrawal of the authorisation from the third-country national;; refusal to renew the authorisation of the third-country national;; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with);</p> <p>10. Art. 61/1/4 Immigration Law.</p> <p>1 § 1. The Minister or his designee shall terminate the authorization to reside in the capacity of a student or refuse an application for renewal of such authorization submitted pursuant to Article 61/1/2 in the following cases:</p> <ul style="list-style-type: none"><li>1° the student no longer meets the specified conditions, [...];</li><li>2° the student's stay serves purposes other than studies.</li></ul> <p>The Minister or his authorized representative shall withdraw the residence permit in the capacity of student if the student has used false or misleading information or false or forged documents, or has committed fraud or used other illegal means that have contributed to obtaining the residence.</p> <p>A refusal or withdrawal can be appealed at the CALL. Yes, sometimes appeals are lodged if there are great difficulties in obtaining sufficient proof of misuse .</p> <p>11. Procedural changes will be introduced by the Law of 11/07/2021: Implementation of Directive 2016/801, which has force of law since 15/08/2021.<br/>A Royal Decree will implement this law.</p> <p>12. Too early for evaluations.</p> |
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|  | <p>EMN NCP<br/>Croatia</p> | <p>Yes</p> | <p>1.</p> <p>2. Higher education institution in the Republic of Croatia, for which a third-country national has been granted temporary residence, shall inform the police administration or station that the third-country national has not attended the higher education institution for a certain period of time and that they have information that s/he has left the Republic of Croatia.</p> <p>Information on third-country nationals or their absence from a registered address or absence from the same will be provided by either: the landlord with whom the third-country national has a registered residence; dormitory; other persons from the dormitory if s/he is in a dormitory, as well as information that the third-country national works illegally in the Republic of Croatia.</p> <p>If the competent police administration or station according to the place of residence of the third country national finds out that the third country national is in any way using the institute of approved temporary residence for study purposes, it will request checks to determine the conditions for termination of temporary residence.</p> <p>3.</p> <p>4. The Ministry of Foreign and European Affairs, through diplomatic missions or consular posts, since before issuing a short-stay visa, a diplomatic mission or consular post must, in cases specified by by-laws, seek the prior consent of the ministry responsible for foreign affairs related jobs.</p> <p>The Ministry of the Interior, through the competent police administration or station according to the place of residence of the third-country national (related to residence, illegal crossing of the state border, illegal residence, readmission), higher education institution for which the third-country national is granted temporary residence.</p> <p>State Inspectorate (illegal work) or any other body or organization that notices in its work the possible abuse of the approved temporary residence for studying in the Republic of Croatia.</p> <p>5.</p> |
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|  |                   |     | <p>6.</p> <p>7.</p> <p>8.</p> <p>9.</p> <p>10. A decision on the application for a temporary stay permit shall be made by the Ministry through a police administration or a police station according to the location of temporary residence or place of intended stay of a third-country national.<br/>No appeal shall be admissible against the mentioned decision, however, an administrative dispute may be instituted.</p> <p>11.</p> <p>12.</p>  |
|  | EMN NCP<br>Cyprus | Yes | <p>1. Monitor may happen in the following three ways: a) during the yearly renewal of the residence permit b) through inspection of the HEIs, carried out by the Ministry of Education, Culture, Sports and Youth c) on an ad-hoc basis, following information provided by the HEIs about specific students.</p> <p>2. Cases are usually investigated based on information provided by the HEIs about specific students.</p> <p>3. see Q1</p> <p>4. HEIs,<br/>Ministry of Education, Culture, Sports and Youth,<br/>Civil Registry and Migration Department</p> |

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|  |  |  | <p>5. HEIs are obliged to report any misuse case, especially those concerning drop out and/or failing to meet academic obligations<br/>Ministry of Education, Culture, Sports and Youth conducts inspections to the HEIs<br/>Civil Registry and Migration Department renews TCNs residence permit yearly</p> <p>6. N/A</p> <p>7. Rejection of application</p> <p>8. They can appeal to the Administrative Court, but they almost never do.</p> <p>9. refusal to renew the authorisation of the third-country national;</p> <p>10. They can appeal to the Administrative Court, which happens rarely, as they usually apply for asylum, in order to prolong their stay in Cyprus.</p> <p>11. In June 2020, a series of measures were taken in order to tackle misuse:</p> <ul style="list-style-type: none"><li>- submission of a bank certificate to certify the ability to pay the tuition fees of the first year of study.</li><li>• a statement by the TCN that s/he is not traveling to Cyprus because his/her life is in danger,</li><li>• certification of good knowledge of English either by presenting internationally recognized certificates or by taking an oral examination</li><li>• the right to work will be limited to internships in the curriculum or in a related field, while,</li><li>• the number of enrollments in the same academic year in total will not exceed the 120% of the maximum number of allowed positions that the Ministry of Education grants.</li></ul> <p>In addition to that, measures were taken in order to tackle sham marriages. The main one is the obligation for all TCNs to obtain a non-impedement certificate by the Civil Registry and Migration Department in Cyprus</p> <p>12. The number of asylum applications and sham marriages, as the result of the misuse of a student's residence permit, has significantly decreased</p> |
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|  | <p>EMN NCP<br/>Czech<br/>Republic</p> | <p>Yes</p> | <ol style="list-style-type: none"> <li>1. The main source of information are HEIs which are obliged to inform the Ministry of Interior if the holder of a long-term visa for the purpose of studies has not started, has interrupted or finished his/her studies.</li> <li>2. Mainly information about not starting, interrupting or finishing his/her studies provided by HEIs. If there is a suspicion, a residence control can be performed to investigate the potential misuse by holders of an authorisation for the purpose of study or a control of the school institution on the fulfilment of its legal obligation can be used.</li> <li>3. Mainly information about not starting, interrupting or finishing his/her studies provided by HEIs. This is checked again upon renewal.</li> <li>4. HEIs and immigration authorities.</li> <li>5. HEIs are 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.<br/>Immigration authorities are obliged to check potential cases of misuse and initiate the procedure of annulment of a long-term residence permit if it is necessary.</li> <li>6. It is mainly based on cooperation with HEIs.</li> <li>7. If an error in the application or an error in the additional materials required by law is discovered during the proceedings, the applicant is called on to eliminate such error or is invited for an interview. If the error or suspicion is not eliminated, the application is rejected.</li> <li>8. If the applicant is not granted a long-term visa, he or she can ask the MOI for a new appraisal of the reasons for not granting the visa within the period of 15 days since receiving the notification of not being granted a long-term visa.</li> </ol> <p>In the case of a negative appraisal of an application for a long-term residence permit, applicant can make use of an appeal process.<br/>Third-country nationals do exercise their legal possibilities, but the Czech Republic does not have relevant</p> |
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|   |                            |            | <p>statistics available regarding that matter.</p> <p>9. withdrawal of the authorisation from the third-country national; refusal to renew the authorisation of the third-country national; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with);</p> <p>10. In these cases, the third-country nationals can make use of an appeal process. Third-country nationals do exercise their legal possibilities, but the Czech Republic does not have relevant statistics available regarding that matter.</p> <p>11. No.</p> <p>12.</p>   |
|  | <p>EMN NCP<br/>Estonia</p> | <p>Yes</p> | <p>1. Article 451 of the Aliens Act stipulates that the educational institution in which an alien commenced studies in Estonia on the basis of a long-stay visa or residence permit issued by a competent agency of another member state of the European Union specified in clause 43 (1) 10) of this Act shall have the obligations of a sponsor provided for in this Act.</p> <p>According to Article 291 of the Aliens Act the obligations of sponsor are as follows:</p> <p>(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.</p> <p>(2) A sponsor is required to host an alien in Estonia, guarantee his or her accommodation and bear the costs of the stay of an alien in Estonia and of his or her departure from Estonia.</p> <p>(3) If an alien does not bear the proceeding costs or the costs of the compulsory enforcement of the obligation to leave or of the stay in the detention centre or police detention houses, the sponsor is obligated to compensate for the specified costs, but not more than 32,000 euros.</p> <p>(4) A sponsor is required to certify the compliance with the conditions set with regard to the sponsor. Additionally, the educational institution is required to notify the Police and Border Guard Board of a failure</p> |

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|  |  |  | <p>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.</p> <p>The 04.12.2015 Regulation number 68 of the minister of the interior stipulates the rules for notification obligation for the educational institutions. According to the Regulation, the educational institution has to notify the PBGB in two weeks after the above-mentioned circumstances take place.</p> <p>Additionally, according to Article 20 of the Aliens Act, an alien and other person concerned have the obligation to notify an administrative authority of the change in and cessation of the facts relevant to granting, possession, extension and revocation of the legal basis for temporary stay, residence and employment in Estonia of an alien.</p> <p>In case of failure to fulfill the obligation to notify, there are sanctions in place.</p> <p>Hence, the monitoring of the compliance with the requirements related to the purpose of their stay is performed through the notification obligation imposed on the TCN and on the educational institution as well as by checking the compliance with the requirements by the PBGB throughout the stay of the TCN.</p> <p>2. The PBGB composes periodic risk assessments according to which the risk factors are identified and the activities are planned accordingly.</p> <p>3. Please see Q1.</p> <p>4. The monitoring is done by the PBGB as well as the educational institutions who act as sponsors described in Q1.</p> <p>5. Please see Q1.</p> <p>6. N/A</p> |
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|  |  |  | <p>7. Before issuing a legal basis for stay in Estonia, the PBGB checks if the TCN as well as the sponsor (educational institution) comply with the requirements enacted in the Aliens Act. In case they do not comply with the requirements, a refusal decision is done.<br/>Letter of formal notice have been issued to educational institutions. An assessment of reliability was performed to one of the educational institution. As a result of the assessment the PBGB refused to issue a legal basis for stay to students from that institution. By now the educational institution has been liquidated.</p> <p>8. TCNs have the right to submit a challenge and/or file a complaint to the court against the decision to refuse a visa by the PBGB or the embassy. Usually TCNs file a complaint against refusals and revocations of issuing a visa or a residence permit as they wish to enter the Schengen area or do not wish to leave Estonia and the Schengen area.</p> <p>9. withdrawal of the authorisation from the third-country national,; refusal to renew the authorisation of the third-country national,; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with);, sanctions against the HEIs that fail to fulfil their legal obligations or whose main purpose is to facilitate the entry of third-country nationals.<br/>If the alien or the inviting educational institution no longer meets the conditions provided for in the Aliens Act, the PBGB shall withdraw the basis for stay. If a TCN applies for a new visa or residence permit, it will be processed in accordance with the general procedure, in accordance with the requirements of the Aliens Act. If signs of any criminal offense are identified in the proceedings, the PBGB, in co-operation with the public prosecutor, decides whether to initiate criminal proceedings, but the case with signs of criminal offenses is dealt with separately. At the same time the established circumstances are taken into account in the procedures of the legal basis to stay.</p> <p>10. Please see Q8.</p> <p>11. In 2020 the instrument for assessment of reliability of educational institution was added to the legislation. If the educational institution is assessed as unreliable by Police and Border guard Board, it will be considered in processing of authorizations for study. See also answer of Q 8 of Part One.<br/>A debate about the problem of misuse of authorizations for the purpose of study continued in 2020. As result there might be some changes in regulation of annulment of authorizations for purpose of study, but nothing is</p> |
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|   |                    |     | <p>certain yet. For example, it is planned that the resident permit for study will become annulled 30 days after the student failed to complete the curriculum or terminated his or her studies. The aim of the change is to give to a student time perspective to make travel and other arrangements for leaving the country and to avoid the situation, when it is possible after termination of studies continue non-purposeful residency, due to time consuming procedure of annulment.</p> <p>12. As the possibility for assessment of reliability was implemented only in 2020, it is not possible to evaluate the effectiveness of the measure.</p>  |
|  | EMN NCP<br>Finland | Yes | <p>1. The main means of controlling compliance at the moment is upon examining the applicant's residence permit extension application. When an applicant submits an application for permit extension, his student status is re-reviewed and the general application conditions are assessed. The government is currently drafting an amendment in legislation, which would enable granting a residence permit to the applicant for the whole duration of their studies at one go, without the need to renew one's study permit in the middle of their studies. This policy, however, would come with more systematic monitoring of international students' compliance with the conditions of their residence permits.<br/>emn_inform_misuse_study_authorisations_concept_note_final_27072021_fi_comments.docx</p> <p>2. The educational institutions report to immigration authorities about students who fail to begin their studies or drop out in the middle of their studies.</p> <p>3. See Q1</p> <p>4. The Finnish Immigration Service, the Police, educational institutions.</p> <p>5. The Finnish Aliens Act section 129a stipulates that the Finnish Immigration has the obligation to monitor compliance of immigration regulations. The Finnish Police monitor general adherence to the Aliens Act and regulations based on it. When the police encounter a person in their duties who, upon</p> |

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|  |  |  | <p>verification of their identity, proves to be a foreign national, the police will verify their right of residence. Furthermore, supervision of foreign nationals can also be carried out as thematic monitoring based on analysis. The police organise both national and regional monitoring operations directed at locations identified through analysis. Information about locations where foreign nationals may be residing or working illegally is collected through advance analysis.</p> <p>The educational institutions observe the attendance of their international students and the overall progress of their studies. If there are discrepancies in their studies or other suspicions of a potential misuse of student permit, they will report to the Finnish Immigration Service.</p> <p>A student who has been granted a residence permit for studies may engage in gainful employment without restrictions if the employment consists of practical training (internship) or diploma work as part of a degree. During terms when lessons are given, the student is allowed to do an average of 25 hours of part-time work per week. The number of working hours is not restricted weekly, but the restriction concerns each term. In other words, students can work periodically according to the current situation. During holidays, that is, during summer and Christmas holidays, students can work full-time without hourly restrictions. The employers are legally responsible for the monitoring that the maximum hours are not exceeded.</p> <p>6. N/A</p> <p>7. The applicant is questioned for the potential revocation of their student permit. After the applicant has been heard on the matter, the Finnish Immigration Service decides whether their permit is revoked or not. The applicant has the right to appeal on a revocation decision to the administrative court. Furthermore, if there is evidence of a misuse of a student residence permit, the permit extension may be denied.</p> <p>If the permit is revoked, the applicant is ordered to be deported from Finland.</p> <p>8. The applicant has the right to appeal to the administrative court, which shall review their case. Negative decisions or revocations of permits are often appealed to courts, as it is a way to delay deportation as well.</p> |
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|   |                   |     | <p>9. withdrawal of the authorisation from the third-country national; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with);</p> <p>10. See Q8.</p> <p>11. See Q1.</p> <p>12. N/A</p>   |
|  | EMN NCP<br>France | Yes | <p>1. When renewing a student residence permit, the Prefect verifies the real and serious nature of the studies and notably the number of repeated years, changes in orientation, etc. to assess whether the student uses delaying procedures (by extending the duration of his/her studies in the country) to remain in France. Two cumulative criteria may be taken into account by the administration to assess the real and serious nature of the studies followed by the foreign national:</p> <ul style="list-style-type: none"> <li>- attendance in the study course and exams;</li> <li>- the control of reasonable progress in the chosen university course.</li> </ul> <p>2. As mentioned in the Circular of 7 October 2008 on assessing the real and serious nature of the study, the prefectures examine the following criteria when renewing a student residence permit:</p> <ul style="list-style-type: none"> <li>- attendance in the study course and exams;</li> <li>- control of reasonable progress in the chosen university course;</li> <li>- control of the seriousness of the studies in case of changes in orientation.</li> </ul> <p>The Prefect is responsible for assessing, in view of all the elements provided by the foreign national, if a renewal refusal is justified. In particular, the following cases may alert the prefecture and be a ground of refusal to renew the residence permit: no proof of attendance provided, no exams registration and attendance, successive failures in exams and no progress in the study (absence of validation of the diploma), numerous changes in orientation, except for legitimate grounds.</p> <p>Repeating a year does not call in itself into question the serious nature of the studies. In the event of a change in orientation, the prefectures assess the coherence between the envisaged and previous courses.</p> |

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|  |  |  | <p>3. The real and serious nature of the study is checked by the prefectures upon renewal. Students have to demonstrate the serious nature of their studies in France by providing proof of attendance, exam results, diplomas obtained, explanations in the event of change of course, etc.</p> <p>4. The immigration authorities (prefectures).</p> <p>5. The prefectures are in charge of assessing the real and serious nature of the study upon renewal and during a posteriori checks. A renewal application may be refused if the above-mentioned criteria are not fulfilled (see Q3).</p> <p>6. To our knowledge, there are no studies or evaluation reports on this topic.</p> <p>7. Withdrawal of the residence permit.</p> <p>8. If the French consular authorities in the foreign students' country of residence reject the request for a visa, they can ask them to review their decision or appeal to the Commission in charge of visa refusal appeals (Commission de Recours contre les décisions de Refus de Visa d'entrée en France (CRRV). Since November 1st, 2016, the French consular authorities have to justify their decisions to refuse visas for foreign students. Foreign students can file informal appeal with the French Consul in order to learn the reasons for the refusal and to request that the decision be overturned. If the informal appeal is not accepted, the foreign student can appeal to the Commission in charge of visa refusal appeals. This procedure is a mandatory preliminary before any appeal to an administrative judge and should occur within two months of the express or implicit refusal of the visa. The CRRV may recommend that the Minister of Foreign Affairs and the Minister of the Interior grant the foreign student's visa. They may also expressly (in writing) or implicitly (by not responding within two months) reject the appeal. If the CRRV rejects the appeal or if the Ministers confirm the visa refusal despite the recommendation of the Commission, the foreign student can, within the next two months, lodge an annulment appeal with the administrative tribunal of Nantes. Yes, third-country nationals exercise their legal possibilities. However, there is no available information on the numbers of appeals and the type of decisions.</p> |
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|   |                            |            | <p>9. withdrawal of the authorisation from the third-country national;; refusal to renew the authorisation of the third-country national;; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with);, sanctions against the HEIs that fail to fulfil their legal obligations or whose main purpose is to facilitate the entry of third-country nationals.</p> <p>10. The prefecture's decision to refuse to renew the student residence permit may be appealed before the administrative court. Yes Third-country nationals do exercise this right. However, there is no available information on the numbers of appeals and the type of decisions.</p> <p>11. No.</p> <p>12. N/A</p>  |
|  | <p>EMN NCP<br/>Germany</p> | <p>Yes</p> | <p>1. After entry, the local foreigners authority regularly checks (also independently of the extension of a residence permit) whether all requirements for granting the residence permit continue to be met. In addition, it follows up on incoming indications from other institutions or authorities (e.g. host university or the authority responsible for combating undeclared work/illicit work) of potential misuse.</p> <p>2. Suspicious circumstances are e.g.</p> <ul style="list-style-type: none"> <li>• No progress in studies (no exams taken)</li> <li>• Permanent place of residence does not correspond to the place of study</li> <li>• Gainful employment in excess of the permitted amount of time</li> </ul> <p>3.</p> <ul style="list-style-type: none"> <li>• Regular summoning</li> <li>• Review of study progress and compliance with the standard period of study</li> </ul> <p>4. Responsibility for issuing, extending and withdrawing a residence permit in Germany lies with the competent local foreigners authority. Any indications of possible misuse of the residence permit are reported to them.</p> |

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|  |  |  | <p>Other institutions that may become aware of misuse are, for example, the higher educational institution, the Federal Employment Agency and the competent customs office responsible for combating illicit work.</p> <p>5. The foreigners authority investigates indications of possible misuse that come to the attention of the above-mentioned authorities during the performance of their own duties and, if necessary, decides on the withdrawal of the title. Any decision in regards to the residence permit rests within the responsibility of the competent local foreigners authority. If any other authority, for example the above mentioned, identify potential misuse during the performance of their duties, they will report it to the competent local foreigners authority.</p> <p>6. By reporting relevant information to the competent local foreigners authority, other authorities and institutions can contribute to the detection of misuse.</p> <p>7. In the event of evidence of misuse or concrete indications thereof, the competent diplomatic mission will reject the visa application. The considerations made in such a case are part of the case file and outlined in the rejection decision.</p> <p>8. It is possible to file an appeal against a rejection decision. However, this is rarely the case. When deciding on a visa application, the competent diplomatic missions abroad have a broad margin of appreciation, which can be reviewed by the courts only to a limited extent. If the residence permit is withdrawn for reasons for which the student is not responsible (e.g. misuse by the university), the student can apply for admission at another educational institution.</p> <p>9. withdrawal of the authorisation from the third-country national,; refusal to renew the authorisation of the third-country national,; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with);, sanctions against the HEIs that fail to fulfil their legal obligations or whose main purpose is to facilitate the entry of third-country nationals., other (please elaborate).<br/>to OTHER: Where student mobility to another Member State takes place or is planned, the other Member State shall be notified of the withdrawal in accordance with Art. 31(9) of Directive (EU) 2016/801.</p> <p>10. It is possible to file an appeal against a rejection decision. However, this is rarely the case.</p> |
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|   |                   |     | <p>11. No, there are no plans for such a change in legislation. The requirements of Directive (EU) 2016/801 were merely implemented (e.g. unconditional necessity of admission at the receiving higher education institution).</p> <p>12. N/A</p>  |
|  | EMN NCP<br>Greece | Yes | <p>1.</p> <ul style="list-style-type: none"> <li>• Assessment of the validity of documents in close cooperation with the respective University, while examining the application.</li> <li>• Assessment of the progress of the student with relevant reporting by the respective University (on an annual basis), specially in case the students has applied and has granted for a 4-year residence permit</li> <li>• Controls during renewal process</li> </ul> <p>2. Lack of the (annual) progress report submitted by the student</p> <p>3. Close cooperation of the Migration Authority with the respective University</p> <p>4.</p> <ul style="list-style-type: none"> <li>• Migration authorities</li> <li>• Students' office in the Universities</li> <li>• Employment inspectors</li> </ul> <p>5. Migration authorities: monitoring of the overall process / control of all documentation / coordination with universities on the progress report / control of the prerequisites during renewal process. Students' office in the Universities (progress report).<br/>Employment inspectors (issues related to work).</p> <p>6. No</p> |

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|  |                            |            | <p>7. the rejection of the visa application by the competent Greek Consular Authority.</p> <p>8. In most of the rejection / withdrawal cases, the TCN exercises his / her legal options according to the Directive and the GRC national legislation on procedural safeguards.</p> <p>9. withdrawal of the authorisation from the third-country national,; refusal to renew the authorisation of the third-country national,; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with),; sanctions against the HEIs that fail to fulfil their legal obligations or whose main purpose is to facilitate the entry of third-country nationals.</p> <p>10. In most of the rejection / withdrawal cases, the TCN exercises his / her legal options according to the Directive and the GRC national legislation on procedural safeguards.</p> <p>11. No</p> <p>12.</p> |
|  | <p>EMN NCP<br/>Hungary</p> | <p>Yes</p> | <p>1. 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. In this context, the authority may carry out on-the-spot checks, request the third-country national to appear in front of the authority, or request him/her to submit documents (e.g. a student status certificate, etc.).</p> <p>2. If the aliens policing authority becomes aware that a third-country national has temporarily suspended or definitively abandoned his/her studies, it may verify the applicant's right of residence.</p> <p>3. The aliens policing authority may carry out on-the-spot checks, contact the educational institution, request the third-country national to appear in front of the authority, or request him/her to submit documents (e.g. a student status certificate, etc.).</p>   |

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|   |                            |            | <p>4. The competent regional directorate – depending on the client's place of residence in Hungary - of the National Directorate-General for Aliens Policing is authorised to review clients' right of residence, which may make a request of assistance to the educational institution concerned and other state bodies (e.g. the police).</p> <p>5. The competent regional directorate of the National Directorate-General for Aliens Policing as per the client's place of residence in Hungary shall review the right of residence.</p> <p>6. 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> <p>7. If, in the procedure for issuing a residence permit and the visa entitling the holder to obtain it, the aliens policing authority finds that an entry and residence condition is not met, it shall reject the application.</p> <p>8. The applicant may appeal against a negative decision.</p> <p>9. withdrawal of the authorisation from the third-country national; refusal to renew the authorisation of the third-country national;</p> <p>10. The applicant may appeal against a negative/revocation decision.</p> <p>11. Rules of the DIRECTIVE (EU) 2016/801 of the European Parliament and of the Council were transposed into the Hungarian national legislation on aliens policing as of 1 January 2018.</p> <p>12. -</p> |
|  | <p>EMN NCP<br/>Ireland</p> | <p>Yes</p> | <p>1. From 2011, Ireland undertook extensive reforms of the student immigration sector (see AHQ 2021.47 Question 7). These included defining clear immigration pathways for third country nationals entering Ireland as higher education students and as English language students and aimed to tackle abuses in the sector.</p>  |

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|  |  |  | <ul style="list-style-type: none"><li>• One of the measures introduced in the reforms was an enhanced inspection regime. In this scheme, education providers must ensure they remain in compliance with the criteria in order to retain a listing on the ILEP and be able to recruit third country nationals. The inspection regime focuses mainly on English language providers.</li><li>• Students must <u>demonstrate progression when renewing registration</u>. A degree programme student is granted immigration permission for the purposes of genuine study. This is on the basis that they should have the academic capability of completing the course for which they are enrolled and that they will attend classes, sit exams, and complete the assignments necessary for their course. The student's choice of course is very important because if they are unable to make academic progress their immigration permission may not be extended. Colleges also have a responsibility not to accept students on courses for which they are not suitable. There are specific rules around requests to change courses or extending immigration permission if the student fails exams. For further information see: <a href="https://www.irishimmigration.ie/coming-to-study-in-ireland/frequently-asked-questions-for-students/">https://www.irishimmigration.ie/coming-to-study-in-ireland/frequently-asked-questions-for-students/</a> .</li></ul> <p>2. The following elements/situations may indicate potential for misuse of by holders of an immigration permission for the purpose of study. If a student:</p> <ul style="list-style-type: none"><li>• fails to demonstrate progress (e.g. failing exams, etc.);</li><li>• demonstrates non-attendance or cannot produce evidence of attendance;</li><li>• is found to be working more than the allocated maximum hours of work per week (20 hours per week during term time and 40 hours outside of term time).</li></ul> <p>3. On-site inspections of education providers enrolling third county students focus primarily on the responsibilities of providers. However, interviews with individual students during an inspection can include discussion of the student's progress, attendance and working hours.</p> <p>4.</p> |
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|  |  |  | <ul style="list-style-type: none"><li>• Department of Justice Immigration Service Delivery.</li><li>• The Garda National Immigration Bureau (GNIB).</li></ul> <p>5. Department of Justice Immigration Service and the Garda National Immigration Bureau (GNIB):</p> <ul style="list-style-type: none"><li>• Inspection functions which allow them to review attendance management systems and student immigration permission compliance. Function to register immigration permission which allows checks to be conducted for compliance with the conditions of immigration permission (e.g. proof of passing exams; proof of attendance; holding of medical insurance) at renewal of immigration permission.</li></ul> <p>6. The following example is not a good practice or lesson learnt from detecting or monitoring misuse. However, it is one of the consequences which resulted from the reforms to the student immigration sector.</p> <p>The introduction of the new rules in the 2011 reforms of the student immigration sector (see AHQ 2021.47 Question 7) resulted in many third country nationals who had previously held permissions as students in Ireland no longer meeting the conditions for immigration permission and thus falling into irregularity.<a href="#">[1]</a> Two timebound schemes were introduced to allow persons in this situation apply to regularise their situation.</p> <p>The Department of Justice and Equality developed the Student Probationary Extension<a href="#">[2]</a> which was a two-year extension available for students who were resident in the state and registered as students before 1st January 2005. Under certain conditions, at the end of the two-year probationary period, the student could be eligible to apply for more permanent residence status. During the two-year probationary period, the student was not required to be registered in a course of study and was permitted to work up to 40 hours per week.</p> <p>The Department of Justice and Equality introduced a further scheme between October 2018 and January 2019 which was available to non-EEA students who held a valid student residence permission between 1 January 2005 and 31 December 2010 and who, apart from student-type permissions, had not held another immigration permission.<a href="#">[3]</a> Successful applicants gained a Stamp</p> |
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|  |  |  | <p>45 permission which gives permission to live and work for two years in Ireland without an employment permit, following this, applicants were granted a Stamp 4 permission for one year and renewable.</p> <p>[1] Arnold, S., S. Whelan and E. Quinn (2017). Illegal employment of non-EU nationals in Ireland, European Migration Network, ESRI Research Series No. 64, Dublin: Economic and Social Research Institute.</p> <p>[2] More information on the Student Probationary Extension is available in the 2012 EMN Ireland Report 'Immigration of International Students to the EU: Ireland. Available at: <a href="http://www.emn.ie">www.emn.ie</a>. Statutory Instrument S.I. No. 133/2015 Immigration Act 2004 (Student Probationary Extension) (Giving of Permission) (Fee) Regulations 2015 set out the fee applicable to the scheme. Available at: <a href="http://www.irishstatutebook.ie">www.irishstatutebook.ie</a>.</p> <p>[3] Details of this scheme are available at: <a href="http://www.inis.gov.ie/en/inis/pages/special-scheme-for-non-eea-national...">http://www.inis.gov.ie/en/inis/pages/special-scheme-for-non-eea-national...</a></p> <p>7. <u>Visa-required applicants</u><br/>If relevant documentation is not provided in the visa application the reason for refusal is insufficient documentation and the applicant may be able to appeal the decision. However, if false or misleading information is provided in the visa application, the letter of refusal will include that it is not possible to appeal a visa decision and the applicant may be blocked from future visa applications for up to five years.</p> <p><u>Non-visa required applicants:</u><br/>If relevant documentation is not provided at registration, the individual will be refused immigration permission.</p> <p>8. <u>Visa applications</u><br/>If a visa application is refused, the applicant will receive a letter from the visa office explaining why the visa has been refused and if it is possible to appeal the decision. There are steps to follow when making an appeal and certain conditions may apply. There is no fee when appealing a visa decision. The appeal must arrive to the Visa Appeals Officer within 2 months of the date on the letter of refusal. If the appeal is late, the original visa decision cannot be changed. However, it is possible to</p> |
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|   |                          |            | <p>submit and pay for a new visa application. In some circumstances, it is not possible to appeal a visa decision and the applicant may be blocked from applying for a visa for up to 5 years. This may happen if false or misleading information was submitted with the original application. The letter of refusal will state if this applies to the applicant. One appeal is permitted for an application, so if the refusal decision was on an appeal, it is not possible to appeal that decision. For more information, refer to: <a href="https://www.irishimmigration.ie/appeal-a-negative-decision/">https://www.irishimmigration.ie/appeal-a-negative-decision/</a>.</p> <p><u>First-time registration applications</u></p> <p>There is no appeals process. However, applicants who are refused immigration permission may resubmit their application with the relevant documentation.</p> <p>9. withdrawal of the authorisation from the third-country national,; refusal to renew the authorisation of the third-country national,; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with);</p> <p>10. There is no appeals process. However, applicants who are refused immigration permission may resubmit their application with the relevant documentation.</p> <p>11. No recent or planned policy or legislative changes.</p> <p>12. Not applicable.</p> |
|  | <p>EMN NCP<br/>Italy</p> | <p>Yes</p> | <p>1. During the initial entry and issuance of the residence permit, no checks are carried out since the stay is issued in accordance with the visa. Only in the renewal phase are specific requirements requested, from which the improper use of the stay for study reasons for "other purposes" may emerge.</p> <p>2.</p>   |

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|  |  |  | <p>In the event that they do not meet the requirements for renewal for study reasons e.g. passing university exams etc.</p> <p>3. At the time of renewal, a photocopy of the school attendance certificate with the history of the exams taken is required; a photocopy of the documentation certifying the availability of adequate financial resources for the period of the duration of the residence permit, a photocopy of the insurance policy, valid in the national territory for the period of the duration of the residence permit, against the risk of illness and accidents.</p> <p>4. For the issuance of the first residence permit and its renewal, the competent authority is the Immigration Office.</p> <p>5. Immigration Offices check the documentation required for issuing and renewing residence permits.</p> <p>6. No data available.</p> <p>7.</p> <p>8. During the issuance and renewal of the residence permit, the foreigner whose permit is refused or revoked is given notice in accordance with Law 241/90 and after notification of the act the foreigner is entitled to submit additional documentation or justifications. If the Immigration Office proceeds with the refusal/withdrawal, the foreigner is notified of the refusal/withdrawal decree and is given the opportunity to appeal within 60 days of notification of the act to the competent administrative court.</p> <p>9. other (please elaborate).<br/>In the event of the use of an illegal act to obtain a residence permit, a report will be made to the competent judicial authority and the foreigner will be notified of the refusal/withdrawal of the residence permit.</p> |
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|   |                   |     | <p>10. During the issuance and renewal of the residence permit, the foreigner whose permit is refused or revoked is given notice in accordance with Law 241/90 and after notification of the act the foreigner is entitled to submit additional documentation or justifications. In the event that the Immigration Office proceeds with the refusal/withdrawal, the foreigner is notified of the refusal/withdrawal decree and is given the opportunity to appeal within 60 days of notification of the act to the competent administrative court.</p> <p>11. No</p> <p>12.</p>  |
|  | EMN NCP<br>Latvia | Yes | <p>1. Checks are most often carried out when the third-country students submit documents for requesting / registering a temporary residence permit. In particularly suspicious cases or in cases where information is received from other competent authorities or other persons, checks can also be carried out during the period of validity of the residence permit.</p> <p>2. The most common situations are when third-country students work a full-time job rather than attend their studies; students make no progress in their studies; they often change study programs or even HEIs; they leave the country for another EU member state.</p> <p>3. Asking documents (from the student or from HEI) confirming that students are still studying and making progress in their studies; State border guard checking.</p> <p>4. Immigration authorities, such as Office of Citizenship and Migration Affairs and State Border Guard; HEIs.</p> <p>5. HEIs are responsible for making sure their students use their residence permits for the reason of studies and they should inform the Office of Citizenship and Migration Affairs in case if the third-country student doesn't meet this requirement. If necessary, State Border Guard officials do checks in HEIs, make inspections in companies where a mass of students is employed to check whether they don't exceed permitted working hours,</p> |

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|  |  |  | <p>organize interviews with the student. The task of the Office of Citizenship and Migration Affairs is to check submitted documents, to assess whether the student is making progress in his/her studies, to cancel or refuse issuing of residence permits if misuse by holders of an authorisation for the purpose of study is detected.</p> <p>6. There has been only one report on the problematic issues in this field. The report was drafted by Ministry of Education and Science together with Ministry of Interior, Office of Citizenship and Migration Affairs and state security institutions. The report was submitted to the Cabinet of Ministers and as result amendments to the Immigration Law were adopted establishing the necessity to report on students who do not attend lectures.</p> <p>7. If the potential misuse of authorizations for study in the pre-arrival phase is detected, issuance of the residence permit in most cases will be rejected. In some cases, the term of examination of documents may be prolonged in order to ask the foreign national to submit additional documents or to make additional checking.ation Affairs and state security institutions. The report was submitted to the Cabinet of Ministers and as result amendments to the Immigration Law were adopted establishing the necessity to report on students who do not attend lectures.</p> <p>8. Students have no right to appeal. However, appeals can be made by HEIs.</p> <p>9. withdrawal of the authorisation from the third-country national, sanctions against the HEIs that fail to fulfil their legal obligations or whose main purpose is to facilitate the entry of third-country nationals. If misuse of authorisations for the purpose of study is detected, residence permit will be rejected or cancelled. If many cases of misuse of authorisations for the purpose of study are detected in the same HEI, information will be forwarded to the State Security service for investigation about this issue.</p> <p>10. No, students have no right to appeal. However, appeals can be made by HEIs.</p> <p>11. The Immigration law of Latvia to detect misuse of authorizations for the purpose of study was changed in 2018. The ability to deal with the situation after the change became more effective and now our member state has legal basis to refuse issuing the residence permit if the foreigner requests or registers a temporary residence permit in the status of a student and has not attained sufficient progress in studies as evidenced by one or several of the following conditions, unless the circumstances, non-dependent on the foreigner, serve as</p> |
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|   |         |     | <p>grounds for the aforementioned:</p> <p>a) during the last five years before submitting the application for a residence permit the foreigner has at least twice been suspended from the study programme due to educational underachievement or non-fulfilment of the conditions contained in the study contract.</p> <p>b) during the last five years before submitting the application for a residence permit the foreigner has at least twice started studies in a study programme and has discontinued studies prior to successful completion of the study programme.</p> <p>c) studies in one study programme exceed the study period specified in the study contract by more than one year if the study period does not exceed three years or exceed the study period specified in the study contract by more than two years if the study period is longer than three years.</p> <p>The same applies also for possibility to cancel the residence permit if the foreigner who has received the temporary residence permit in the status of a student and has not attained sufficient progress in studies, and studies in one study programme exceed the study period specified in the study contract by more than one year if the study period does not exceed three years or exceed the study period specified in the study contract by more than two years if the study period is longer than three years, unless the circumstances, non-dependent on the foreigner, serve as grounds for the aforementioned.</p> <p>Amendments to Immigration Law made in 2021 stipulates that HEI is responsible for informing the State Border Guard in case if student does not attend lectures for 14 consecutive days. In that case State Border Guard will start performing checks to establish the whereabouts of the student and the possible violations of the employment/visa regulation.</p> <p>12. Regarding the amendment on the progress criteria – number of cancelled/ refused residence permits due to this reason has slightly increased. Regarding the amendment on reporting – no evaluation yet as the amendment was adopted recently on 2nd September 2021 (in force from 14th September 2021).</p> |
|  | EMN NCP | Yes | 1. When a foreigner applies for a reissue of the temporary residence permit for study purposes, the Migration   |

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|  | Lithuania |  | <p>Department always assesses whether the foreigner fulfills the requirements and the grounds of the permit and whether there are grounds to refuse to reissue the permit. If it is not the foreigner's first study year and to determine whether the foreigner is actually studying and intends to continue studying in Lithuania, the Migration Department reviews data about the study credits accumulated by the foreigner in the past year. Whenever the Migration Department receives information that may be relevant for its decision on whether to withdraw a temporary residence permit, it always carries an investigation that aims to establish whether there are grounds to cancel a temporary residence permit that has been issued. The Migration Department also performs periodical checks of whether the foreigners continue to fulfil the requirements and the grounds of their temporary residence permits.</p> <p>2. The Migration Department is alerted to investigate potential misuse when it receives information from higher education institutions or other sources. The Migration Department monitors closer those institutions that have a record of failing to inform when foreigners terminate or do not commence their studies.</p> <p>3. The Migration Department performs investigations by checking data on the foreigner and the receiving higher education institutions in state registries and information systems, sending inquiries to other state institutions and agencies, or contacting the intermediating higher education institution and other natural or legal persons.</p> <p>4. Institutions of higher education, the Migration Department, and the State Border Guard Service</p> <p>5. When applying for a reissue of the temporary residence permit, the foreigner must submit to the Migration Department a letter of intermediation by the receiving higher education institution. The letter confirms that the foreigner has been accepted by the institution to study under a study program or for doctoral studies, that the foreigner has paid all the required fees to the institution, that s/he has sufficient funds to cover the living expenses, and to buy a return ticket. If the foreigner arrives under a specific EU mobility program or interinstitutional agreement, the letter must also indicate the said program or agreement. If the foreigner is a minor, the documents must also include the consent of (one of) the parents or the guardian or another legal representative regarding the intended life (studies) in Lithuania. If the Migration Department has doubts regarding the veracity of the information provided in the intermediation letter, it may contact the higher education institution for clarifications.</p> <p>The higher education institution must inform the Migration Department within 7 days when the foreign student</p> |
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|  |  |  | <p>who has been issued a temporary residence permit terminates his/her studies or fails to show up at the institution within 10 days from the date appointed by the institution.</p> <p>The Migration Department examines applications to reissue temporary residence permits and performs investigations of whether the foreigner fulfills the requirements and the grounds for the reissue of permits, as well as whether there are grounds to refuse a reissue or to withdraw the permit. The investigation involves making inquiries in higher education institutions, state institutions and agencies, and other natural and legal persons, assessing the information received and performing other actions of examining applications and verifying information.</p> <p>The State Border Guard Service submits its conclusion to the Migration Department on whether the foreigner poses a substantial risk of illegal migration.</p> <p>6. No special practices can be singled out. When examining applications for a reissue of a temporary residence permit, the Migration Department performs an investigation that determines whether the applicant fulfills the requirements and grounds for the permit, as well as whether there are grounds to refuse to reissue a temporary residence permit. When information about potential misuse is received, the Migration Department conducts an investigation on whether there are grounds for canceling the temporary residence permit. The Migration Department undertakes such control measures regularly and at its own initiative.</p> <p>7. If it is determined that a foreigner is misusing the procedure of issuing temporary residence permits for study purposes (e.g., submits false data or illegally acquired or forged documents, etc.), the Migration Department decides to refuse to reissue a temporary residence permit. In extreme cases of misuse, the Migration Department can also decide to forbid entry to the Republic of Lithuania or enter a warning regarding the foreigner's ban into the Schengen information system.</p> <p>8. The Migration Department's decision to refuse to reissue a temporary residence permit, forbid entry to the Republic of Lithuania or enter a warning regarding the foreigner's banned entry into the Schengen information system may be appealed against at a regional administrative court. The decision of a regional administrative court may be appealed at the Supreme Administrative Court of Lithuania, the decisions of which are final and not subject to appeals. Some foreigners appeal decisions of the Migration Department; however, in the absence of a survey, it is not possible to state why and when they choose to exercise or not exercise their legal rights.</p> |
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|  |  |  | <p>9. withdrawal of the authorisation from the third-country national;; refusal to renew the authorisation of the third-country national;; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with);, sanctions against the HEIs that fail to fulfil their legal obligations or whose main purpose is to facilitate the entry of third-country nationals. The Migration Department, having established that a foreigner has submitted documents that had potentially been illegally acquired or forged, notifies law enforcement institutions about the circumstances. According to the Administrative Offenses Code of the Republic of Lithuania, the head of a higher education institution may be punished in administrative procedure for failing to duly inform the Migration Department that a foreigner who has a national visa or temporary residence permit terminated or did not commence his/her studies.</p> <p>10. Foreigners can appeal against the Migration Department's decision to refuse to reissue or to withdraw a temporary residence permit at a regional administrative court. The decision of a regional administrative course can be further appealed against at the Supreme Administrative Court of Lithuania, the decisions of which are final and not subject to appeal. Some foreigners do appeal against the Migration Department's decisions. Since no survey has been conducted, it is not possible to clearly state when and why foreigners choose to exercise the right of appeal; however, the foreigners' primary motivation for appeals is probably to extend the validity of the temporary residence permit in their possession for as long as possible. In some cases, the Migration Department notifies law enforcement institutions about the potentially illegally acquired or forged documents submitted by a foreigner. According to the Law on Public Administration, all persons have the right to appeal against administrative decisions or actions, inaction or delays in performing actions by an administrative subject; appeals can be submitted to the Migration Department itself or the Ministry of the Interior. Other laws that regulate the examination of disputes arising from administrative legal relations specify procedures for preliminary dispute resolution outside courts or lodging an appeal with an administrative court. The Migration Department's decision to impose a fine on the head of a higher education institution may also be appealed; however, the Migration Department has never made such decisions yet.</p> <p>11. Amendments to the Law on the Legal Status of Aliens came into effect on 1 September 2019, which introduced a new ground for refusing to issue or reissue a temporary residence permit and a new ground to withdraw a temporary residence permit: foreigners who have been accepted to study under a study program at a higher education institution must accumulate at least 40 study credits per year. If a foreigner accumulates</p> |
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|   |                               |            | <p>fewer than 40 credits and the Migration Department, following consultations with the hosting institution of higher education, does not establish any justifiable reasons for this can now be grounds for refusing to reissue a permit or for withdrawing a permit. This rule seeks to ensure that foreigners who are in possession of a temporary residence permit for study purposes actually participate in the study process. The provision aims at preventing fake studies that represent a misuse of procedures for the issue of temporary residence permits and take unfair advantage of intra-EU mobility.</p> <p>12. Given that the above-mentioned amendments to the law came into effect fairly recently (1 September 2019) and taking into account the COVID 19 pandemic-related restrictions both on entries and on studies, it is not yet possible to identify changes in trends. It is not yet clear whether the amendments had any impact on helping to identify and reducing the misuse of temporary residence permits for studies.</p>   |
|  | <p>EMN NCP<br/>Luxembourg</p> | <p>Yes</p> | <p>1. The Immigration Law does not foresee a monitoring system of what the international students are doing. The Immigration Law is based as any law in Luxembourg on the principle that individuals are law abiding individuals and that they act in good faith.</p> <p>Nevertheless, the Immigration Law foresees that the Minister in charge of Immigration and Asylum may carry out checks or have them carried out in order to verify whether the conditions laid down for the entry and residence of foreigners are met (article 133 (1)). However, this disposition is applicable to all type of residence permits issued to third country nationals (e.g. family reasons, economic reasons, students, investors, etc.) and not only to students as well to EU citizens residing on the territory.</p> <p>According to the Immigration Law the Minister may at any time carry out specific checks or have them carried out in cases of suspected fraud relating to entry and stay in Luxembourg (article 133 (3)).</p> <p>These controls are carried out by the Grand ducal police at the request of the Directorate of</p> |

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|  |  |  | <p>Immigration, which is responsible for the surveillance and control of foreigners (article 134) in accordance with the instructions of the Minister of Immigration and Asylum.</p> <p>2. As it was mentioned in answers to Q.1 and Q.2 of Part 1, elements that can trigger an investigation is that the student does not show up to classes or the student has disappeared after s/he arrived on the territory or s/he attends the classes irregularly and is working more hours than authorized (beware that during the holiday seasons the student can work up to 40 hours per week).</p> <p>Also, during the renewal of the student residence permit, the financial support documents may trigger the doubt of their validity and generate an investigation.</p> <p>3. See answer to Q.1 of Part 2.</p> <p>4. The organization that are involved at the post-arrival phase in the detection and monitoring are:</p> <ol style="list-style-type: none"><li>1. HEI;</li><li>2. Foreigners Department of the Directorate of Immigration;</li><li>3. Grand ducal police;</li><li>4. Inspectorate of Labour and Mines (ITM).</li></ol> <p>5. The tasks carried out by these organisations are as follows:</p> <ol style="list-style-type: none"><li>1. HEI : informs the Directorate of Immigration of any incident related to the third country national especially if the third country national has not attended any lectures or suddenly disappears;</li><li>2. Foreigners Department of the Directorate of Immigration: is in charge of evaluating the accuracy of the data relating to the conditions of entry and stay, and can determine the need to check them in case of doubt. Also during the renewal of the student's residence permit, they verify if the conditions for obtaining the residence permit are still fulfilled.</li></ol> |
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|  |  |  | <p>3. Grand ducal police : is responsible for carrying out the verifications requested by the Directorate of Immigration.</p> <p>4. The Inspectorate of Labour and Mines (ITM) : they can detect a student working illegally (more than the 15 hours per week) and can inform the Directorate of Immigration.</p> <p>6. NO. There have not been any evaluation or studies carried out in this sense in Luxembourg.</p> <p>7. If the third country national provides false documents or the Luxembourgish authorities determine that the intention of the third country national is not to come to study, the Foreigners Department will issue a refusal to the application.<br/>There are not warnings foreseeing as the third country national is not acting in good faith.</p> <p>8. Against the decisions of the University of Luxembourg, the third-country national has the right to appeal the decision of rejecting their admission before the Litigation Committee and this can be made by e-mail. This mechanism is used but the rejection rate of the appeal is very high and in most cases the Litigation Committee upholds the decision of the Director of the Programme. However, during this appeal the third country national does not obtain the admission letter so s/he cannot launch the application for the temporary authorisation of stay.</p> <p>Against the decisions issued by the Minister in charge of Immigration, which is duly motivated (article 101 (1) in accordance with article 109 (1) of the Immigration Law) the third country national has the right to file an appeal before the First instance Administrative Court in a three months period after the notification of the decision. Against a negative decision of the First instance Administrative Court the applicant can file appeal before the Administrative Court, 40 days after the notification of the decision (article 113). However, these appeals do not have suspensive effect.</p> <p>In practice, a third country national whose application has been rejected does not exercise the legal possibilities for the following reasons: 1) the appeal does not have a suspensive effect so the third country national cannot enter the country (in Luxembourg third country nationals have to apply for</p> |
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|  |  |  | <p>the temporary authorisation of stay from their country of origin otherwise the applications be declared inadmissible); 2) the appeal has to be filed by an attorney at law registered in the Luxembourgish Bar Association. As the third country national has not the right to apply for legal aid as he/she does not reside in the country and cannot prove that he/she has not sufficient resources in order to apply for legal aid, this means that the third country national has to pay the legal fees by himself/herself which is quite expensive; 3) the duration of the appeal procedure is long.</p> <p>9. withdrawal of the authorisation from the third-country national; refusal to renew the authorisation of the third-country national; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with);</p> <p>10. As mentioned in the answer to Q.9, against the decisions of withdrawal or refusal to renew of a residence permit issued by the Minister in charge of Immigration, which is duly motivated (article 101 (1) in accordance with article 109 (1) of the Immigration Law) the third country national has the right to file an appeal before the First instance Administrative Court in a three months period after the notification of the decision. Against a negative decision of the First instance Administrative Court the applicant can file appeal before the Administrative Court, 40 days after the notification of the decision (article 113). However, these appeals do not have suspensive effect.</p> <p>However, in the case of a renewal of the residence permit, article 101 (3) of the Immigration Law states that as long as it is pending, an application for renewal of a residence permit is an obstacle to the taking of a return decision.</p> <p>In practice, third country national whose application has been rejected do not exercise the legal possibilities for the following reasons: 1) the appeal does not have a suspensive effect so the return decision can be executed in case of withdrawal of the residence permit; 2) the appeal has to be filed by an attorney at law registered in the Luxembourgish Bar Association. Even if the third country national is entitled to legal aid, as the residence permit is no longer valid the student cannot work so there is no source of income, especially taking into consideration that the duration of the appeal</p> |
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|   |                          |            | <p>procedure is long (in first instance and before the Administrative Court).</p> <p>11. No.</p> <p>12. N/A.</p>  |
|  | <p>EMN NCP<br/>Malta</p> | <p>Yes</p> | <p>1. Identity Malta Agency checks with HEI whether the student is still enrolled in the course, and if they are regularly attending.</p> <p>2. Situations such as a report that a person resident in Malta on the basis of study is working full time.</p> <p>3. Communication with HEI</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p> <p>7.<br/>Rejection of the application</p> <p>8. Third country nationals may appeal the decision of a rejected application. Some third country nationals do appeal such decision.</p> <p>9. withdrawal of the authorisation from the third-country national;</p> <p>10. Third country nationals may appeal the decision of a withdrawn application. Most third country nationals do appeal such decision as they are granted the possibility of residing in Malta until a decision is granted.</p> |

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|   |                                |            | <p>11. Third country nationals may appeal the decision of a withdrawn application. Most third country nationals do appeal such decision as they are granted the possibility of residing in Malta until a decision is granted.</p> <p>12. Third country nationals may appeal the decision of a withdrawn application. Most third country nationals do appeal such decision as they are granted the possibility of residing in Malta until a decision is granted.</p>  |
|  | <p>EMN NCP<br/>Netherlands</p> | <p>Yes</p> | <p>1. The focus of the approach lies on monitoring whether the third-country national continues to comply with the requirements during the term of the student residence permit, as the residence permit can be granted for a maximum duration of five years.[1]<br/>The following strategy applies:</p> <ol style="list-style-type: none"> <li>1. The HEI and/or IND looks in to a case if certain indicators/signals occur. The HEI has an information- and administration obligation (see AHQ3 Q5). The HEI has, among others the obligation to inform the IND if the student no longer fulfils the requirements of the residence permit.[2]</li> <li>2. The IND performs administrative checks, which are based on regular supervision of the HEI or based on signals. In that case, the IND requests relevant documents from the recognized sponsor.</li> </ol> <p>[1] EMN Study on Attracting and Retaining International Students (2018)<br/>[2] Art. 4.20 en 4.21 VV.</p> <p>2. The HEI needs to inform the IND about certain changes in students' situation. Elements that could indicate potential misuse and alert the HEIs to look into a case:</p> <ul style="list-style-type: none"> <li>• Insufficient study progress;[1]</li> <li>• The third country national does not study full time at an institution anymore;</li> <li>• The third country national has stopped or finished the study before the planned end date;</li> <li>• At the start of a new academic year, the third country national does not have sufficient means of subsistence;[2]</li> <li>• Signals from the HEI of circumstances that seem unusual and result in suspicion by the HEIs;</li> <li>• Students work more than allowed.[3]</li> </ul> |

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|  |  |  | <p>[1] EMN Study on Attracting and Retaining International Students (2018)<br/>[2] Voorschrift Vreemdelingen 2000 article 4.20<br/>[3] Information provided by an expert of the Directorate of Migration Policy on 15 September 2021.</p> <p>3. The IND does not actively monitor whether the third-country nationals continue to meet the requirements, but rather monitors the HEIs in relation to their responsibilities. The HEI checks the study progress of the student at the end of every year. If the student did not manage to obtain at least half of the required study points, the HEI can report this insufficient progress to the IND in case there is no excusable ground. If there is an excusable ground, the HEI will not inform the IND the insufficient progress. The HEI will only register this reason in their administration. The IND can see this administration.[1]<br/>It is also possible that the IND receives signals from third parties.[2] For example, the Labour Inspectorate can inform the IND about students who work more hours than allowed. It is also possible for third parties to report signals or suspicion about potential misuse via the IND website.[3]</p> <p>[1] IND, 'Naar Nederland komen om te studeren', <a href="https://ind.nl/Formulieren/3078.pdf">https://ind.nl/Formulieren/3078.pdf</a><br/>[2] Information provided by an expert of IND on 8 September 2021.<br/>[3] <a href="#">Fraude, misbruik of vertrouwelijke informatie melden   Immigratie- en Naturalisatiedienst (IND)</a>, last accessed on 9 September 2021.</p> <p>4. The primary responsible organisations are:</p> <ul style="list-style-type: none"><li>• The IND</li><li>• The HEI</li></ul> <p>Next to these organisations, it is possible that certain other authorities detect misuse. For example, the Labour Inspectorate could encounter students that work to many hours and reside in the Netherlands for other purposes than study. Nevertheless, this is not a specific responsibility in relation to monitoring compliance with the requirements of the student residence permit. This also applies to the Secretariat of the Code of Conduct on Recruitment of International Students. They monitor the HEIs concerning their compliance with the Code of Conduct.[1]</p> <p>[1] Information provided by an expert of the Directorate of Migration Policy on 15 September 2021.</p> |
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|  |  |  | <p>5. The IND can look into a case the indicators as mentioned under AHQ 3 Q2 apply. The IND can take into account signals from HEIs and decide to take further actions under AHQ 4. HEIs have the obligation to deliver certain information to the IND on the circumstances that are relevant for the residence of the student. For example:</p> <ul style="list-style-type: none"><li>• The HEI should report insufficient study progress to the IND in case there is no excusable ground for this.</li><li>• The HEI is obliged to report to the IND in case a student terminates his studies within two months.</li><li>• The HEI should inform the IND in case the student makes use of his/her mobility rights within the EU.</li><li>• The HEI has to report to the IND case the student is no longer studying full time.</li></ul> <p>The HEIs also have a responsibility in relation to their administration. They are obliged to gather relevant information and retain this data for several years. It relates to information on study results, copies of passports, proof of registration, data on addresses etc. The Inspection monitors the working hours by students. The Secretariat monitors the HEIs concerning their compliance with the Code of Conduct.[1]</p> <p>[1] Information provided by an expert of the Directorate of Migration Policy on 15 September 2021.</p> <p>6. The following lesson was learned in relation to monitoring/detecting misuse at the post-arrival phase: In 2019, an evaluation of the Modern Migration policy Act took place by the University of Leiden, commissioned by the Research and Documentation Centre (WODC). Different organizations were interviewed (of which HEIs and the IND). Certain respondents stated that the measure that HEIs need to check the study progress of the student every year, does not work as a tool to prevent misuse of the student residence permit. The number of students that will be unsubscribed of the university because of insufficient study progress is apparently quite low. According to those respondents, it often concerns cases of students who for example conclude that the study was not right for her/him, rather than misuse cases.</p> <p>7. When there are doubts about the applicant for a student visa, Dutch authorities on a post abroad can hold an interview with the applicant or set up an interview between the applicant and the IND. Depending on the outcome of the interview, the IND can examine the case and discuss it with the sponsor. When there are signs</p> |
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|  |  |  | <p>of possible misuse, the IND can also do a full review (integrale toetsing) of certain applications. After detection of potential misuse in the pre-arrival phase, the IND can reject the application for a student residence permit. The student is notified about the decision on their application and they (or the HEI) can object to the decision. This often takes place during the combined application procedure of the visa and residence permit, before the third-country national travels to the Netherlands.[1]</p> <p>[1] AHQ2021.6 Intention to study for international students</p> <p>8. A student can object to the negative decision on their application for a student residence permit by submitting an application for review (bezwaarschrift) to the IND per mail. The HEI can also submit this application in name of the student.[1] The IND will then review the application. [2] In case the IND decides that the application for review is unfounded, the student can appeal that decision before a court within four weeks after the decision on the application for review.[3] Third-country nationals do exercise this right, but numbers are unknown.[4]</p> <p>[1] IND, 'Studeren aan hbo of universiteit', <a href="#">Verblijfsvergunning voor studie hbo of universiteit (ind.nl)</a>, last accessed on 5 August 2021.</p> <p>[2] IND, 'Bezwaar maken of in beroep gaan tegen beslissing IND', <a href="https://ind.nl/Paginas/Bezwaar-en-beroep.aspx">https://ind.nl/Paginas/Bezwaar-en-beroep.aspx</a>, last accessed on 5 August 2021.</p> <p>[3] De Rechtspraak, 'Beroepsprocedure verblijfsvergunning', <a href="#">Stappen beroepsprocedure verblijfsvergunning   Rechtspraak</a>, last accessed on 5 August 2021.</p> <p>[4] Information provided by experts of the IND on 8 September 2021.</p> <p>9. withdrawal of the authorisation from the third-country national; refusal to renew the authorisation of the third-country national; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with); sanctions against the HEIs that fail to fulfil their legal obligations or whose main purpose is to facilitate the entry of third-country nationals.</p> <p>10. The student can <u>sometimes</u> appeal the judgement of the HEI about insufficient study progress in the withdrawal procedure or in case of refusal of renewal of the residence permit. This differs per HEI. The student can <u>always</u> submit an application for review in relation to the withdrawal decision of the IND. The IND needs to</p> |
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|   |                           |            | <p>address the arguments of the student on the study progress. In case the IND decides that the application for review is unfounded, the student can appeal that decision before a court. The student can await the appeal decision on the territory of the Netherlands. In the Netherlands, it is also possible for students with insufficient study progress to enrol in a different study. In that case, they will not lose their right of residence. Third-country nationals do exercise this right. However, numbers are unknown.[1]</p> <p>[1] Information provided by experts of the IND on 8 September 2021.</p> <p>11. No.</p> <p>12. N/A</p>  |
|  | <p>EMN NCP<br/>Poland</p> | <p>Yes</p> | <p>1. In the post-arrival phase, the most important thing is to determine whether the third-country student actually pursues studies in the territory of Polish.</p> <p>It should be pointed out that in accordance with Polish regulations, third-country students who are full-time students or participants of full-time doctoral studies held in the Republic of Poland have full access to the labor market. Holders of a temporary residence permit for the purpose of studying also have the right to take up and pursue business activity in the territory of the Polish including activities on their own account. Therefore, the performance of gainful activity by a third-country student– a student in Poland does not constitute an abuse, as long as the third-country student actually pursues his studies.</p> <p>Polish regulations provide for a number of measures aimed at monitoring the implementation of studies by a third-country student in the post-arrival phase.</p> <p>If the certificate from the university concerns the continuation of studies – it should contain information on the third-country student’s previous implementation of the course of studies and the completion of the subjects required by the study program.</p> <p>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 on the basis of 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 third-country student’s education process in</p> |

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|  |  |  | <p>this unit.</p> <p>A temporary residence permit for the purpose of study granted to a third-country student studying in the first year of study is always granted for a period of validity of up to 15 months (if the studies are not covered by an EU programme or a multilateral programme including mobility measures or an agreement between at least two higher education institutions providing for intra-EU mobility). This allows for the assessment of the third-country student's implementation of studies in Poland. Another permit is issued for a period of validity of up to 3 years, like other temporary residence permits, if the third-country student passes the first year of study. If, after 15 months, the third-country student continues to study in the first year of study or starts new studies, another permit will also be granted for a validity period of up to 15 months.</p> <p>The rector of an HEI or the head of another unit conducting studies is obliged to immediately notify in writing the voivode who granted the third-country student a temporary residence permit for the purpose of studies about the third-country student's removal from the list of students or doctoral students via the POLON system, providing name and surname, date of birth, address of permanent residence.</p> <p>In addition, such information is also usually additionally sent to the nearest Border Guard post. The Border Guard conduct necessary actions to monitor whether the person left Poland after the decision of voivode on withdrawal of the residence permit and if not initiates the return procedure. In case of persons staying in Poland on visa the Border Guard unit after undertaking control of legalisation of stay is competent to withdraw the visa for the reason that the purpose of stay has ceased.</p> <p>Moreover there are undertaken random controls of legalisation of stay and legality of employment. In case of students their factual status may be verified in POL-ON system.</p> <p>If, during such inspection, the third-country student presents a valid certificate of starting education at a new university (in accordance with the purpose of stay indicated in the visa) this information is also verified in POL-ON system. If he meets also other conditions for entry and stay, there should be no grounds for withdrawing the visa and issuing decision on return.</p> <p>Otherwise (i.e. not taking up education in another school in accordance with the purpose indicated in the visa, i.e. studying) the third-country student should immediately leave the territory of the Republic of Poland or his visa will be revoked and the decision on return will be issued.</p> <p>The voivode who issued the residence permit is obliged to withdraw the residence permit if the reason for issuance of the residence permit has ceased.</p> <p>A third-country student is obliged to leave the territory of the Republic of Poland within 30 days from the date on which the decision to withdraw his residence permit becomes final.</p> |
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|  |  |  | <p>In addition the Voivode is obliged to check the data of third-country students 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 contains, m.in, information on the admission of a third-country student 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.</p> <p>The Voivode conducting the procedure for granting (another) permit for the purpose of studying at university or withdrawing a permit for a third-country student in order to study at university is obliged to check the third-country student's data in the list of students or in the list of persons applying for the doctoral degree referred to above.</p> <p>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 third-country student 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 aforementioned Act, a third-country student may be refused a further 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.</p> <p>Additional NAWA is monitoring the programme scholarship holder status of their beneficiaries by keeping direct and indirect contact with the host HEIs and students as well. They may be asked to submit the certificate issued by the HEIs confirming admission to the studies or the confirmation of student status, to submit the annual beneficiary report or present, at the request of the Agency or the HEIs, a document confirming the legalization of stay in the territory of the Republic of Poland. Moreover, every semester of the academic year the host HEIs provides NAWA with the study information about the scholarship holders – their student status, the exchange mobility status, a student leave (or a justified break of a similar nature).</p> <p>NAWA scholarship holder undertakes in particular to comply with the provisions of programme regulations as well as the rules for the implementation of the preparatory course or studies in accordance with the provisions in force at the HEIs conducting the course or the studies.</p> |
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|  |  |  | <p>2.</p> <ul style="list-style-type: none"><li>- mandatory checking of third-country students by the voivode in the list of students when applying for a temporary residence permit for the purpose of studying (a third-country student could start studies on the basis of a national visa for the purpose of study) or for granting another such permit, as well as after granting a temporary residence permit for the purpose of studying,</li><li>- notification from the university about the removal of a third-country student from the list of students,</li><li>- the content of the certificate from the university concerning the continuation of studies, attached to the application for granting another national visa for the purpose of studies or (another) temporary residence permit for the purpose of studies, which should contain information on the current implementation by the third-country student of the course of studies and passing the subjects required by the study program;</li><li>- controls of legality of stay or controls of legality of employment.</li></ul> <p>3. The answer to this question is contained in the answer to question no 1.<br/>There are also realised controls of legality of stay and controls of legality of employment.<br/>At the request of authorities responsible for issuance of residence permit there are realized checks and interviews in the place of stay of third-country student.<br/>In case of NAWA, scholarship holder undertakes in particular to comply with the provisions of programme regulations, as well as the rules for the implementation of the preparatory course or studies in accordance with the provisions in force at the HEIs conducting the course or the studies.</p> <p>4. universities, Border Guard, voivods, The Office for Foreigners, NAWA</p> <p>5. The answer to this question is contained in the answer to question no 1.<br/>In addition, the Department of Legalization of Stay, within the scope of the competence of the Head of the Office for Foreigners, considers appeals against decisions and appeals against decisions issued in the first instance, as well as reminders for the inaction of the first instance authority and notifications of leaving the application unexamined.<br/>Moreover, NAWA might inform the HEIs having obtained any kind of information suggesting that the scholarship holder does not fulfil the rules of the scholarship programme.</p> <p>6. If the certificate from the university concerns the continuation of studies by the third-country student – it</p> |
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|  |  |  | <p>should contain information on the current implementation by the third-country student of the course of studies and the completion by him of the subjects required by the study program.</p> <p>A temporary residence permit for the purpose of study granted to a third-country student studying in the first year of study is always granted for a period of validity of up to 15 months (if the studies are not covered by an EU programme or a multilateral programme including mobility measures or an agreement between at least two higher education institutions providing for intra-EU mobility). This allows for the assessment of the third-country student's implementation of studies in Poland. Another permit is issued for a period of validity of up to 3 years, like other temporary residence permits, if the third-country student passes the first year of study. If, after 15 months, the third-country student continues to study in the first year of study or starts new studies, another permit will also be granted for a validity period of up to 15 months.</p> <p>In addition, there is a continuous exchange of information between different entities engaged and use of IT systems (POL-ON system in case of Poland).</p> <p>7. Refusal to issue a national visa for the purpose of studying or granting a temporary residence permit for the purpose of study.</p> <p>8. A decision refusing to issue a national visa issued by a consul may be requested to have the case reconsidered by that authority. In the event of refusal to grant a temporary residence permit for the purpose of studies, an appeal may be lodged with the Head of the Office for Foreigners and against the decision of the Head – with the Provincial Administrative Court, and then with the Supreme Administrative Court (judicial review).</p> <p>Yes, third-country students use the above possibilities – it happens that the decision taken in the first instance is overturned.</p> <p>9. withdrawal of the authorisation from the third-country national,; refusal to renew the authorisation of the third-country national,; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with);, sanctions against the HEIs that fail to fulfil their legal obligations or whose main purpose is to facilitate the entry of third-country nationals.</p> <p>10. The decision to revoke a national visa issued by a consul may be requested to reconsider the case by this authority, and in the case of a decision to revoke a national visa issued by the commander of the Border Guard</p> |
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|  |  |  | <p>branch or the commander of the Border Guard post, an appeal may be lodged with the Commander-in-Chief of the Border Guard.</p> <p>In the event of withdrawal of a temporary residence permit for the purpose of studies or refusal to grant another temporary residence permit for the purpose of studies, an appeal may be lodged with the Head of the Office for Foreigners and the Decision of the Head – with the Provincial Administrative Court, and then with the Supreme Administrative Court (judicial review).</p> <p>Yes, third-country students use the above possibilities – it happens that the decision taken in the first instance is overturned.</p> <p>11. On 27 April 2019, the provisions of Directive (EU) 2016/801 of the European Parliament and of the Council were implemented into Polish national law, including provisions on the approval of Higher Education Institutions for the purpose of admitting third-country students for the purpose of taking up or continuing studies, with the exception of HEIs exempt from this requirement. There is also an obligation to include in the certificate of admission to studies, issued by universities, the obligation to provide information in which language the studies take place, and the level of language proficiency required to complete them, as well as, if the certificate concerns the continuation of studies - information on the current implementation of the course of studies and the completion by the third-country student of the subjects required by the study program. In the case of issuing a certificate regarding the continuation of studies, the unit conducting studies is also obliged to attach a printout of the student's periodic achievements card, referred to in the regulations issued on the basis of Article 81 of the Act of 20 July 2018 - Law on Higher Education and Science, or a copy of this card confirmed its compliance with the original, showing the previous course of the third-country student's education process in this unit.</p> <p>On that date, the obligation to check the data of third-country students to whom they have granted temporary residence permits for the purpose of studying was also introduced for voivodes 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 that 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 contains, m.in, information on the admission of a third-country student 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.</p> <p>The Voivode conducting the procedure for granting (subsequent) permit for the purpose of studying at</p> |
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|  |  |  | <p>university or withdrawing a permit for a third-country student in order to study at university is also obliged to check the third-country student's data in the list of students or in the list of persons applying for the doctoral degree referred to above. The above solutions were aimed at increasing control over the process of admitting third-country students from third countries for the purpose of study by units conducting studies in Poland and monitoring the actual implementation by third-country students of the declared purpose of stay in Poland, i.e. completing or continuing studies. These solutions prevent potential abuse of the path of admission of third-country students from third countries for the purpose of studying for Polish.</p> <p>In the near future is planned to introduce a change in regards to the appeal procedure for foreigners applying for student visas (a possibility of submitting a complaint to the Provincial Administrative Court.</p> <p>12. Yes</p> <p>The effect of the introduced changes is to increase the awareness of universities about the possible abuses in the process of admitting students from third countries for the purpose of studying and that this process is monitored by the Polish immigration authorities. The procedure for approving higher education institutions for the purpose of admitting third-country students in order to undertake or continue their studies, the possibility of visiting for a shorter period of time, the possibility of refusing to extend the approval or withdrawing this approval for reasons such as acting mainly to facilitate unlawful entry or stay on the territory of the Republic of Poland for students or doctoral students or failure to comply with the obligations provided for by law, in this obligation to immediately notify the voivode who granted the fore a temporary residence permit for the purpose of study, about the removal of the third-country student from the list of students or doctoral students, motivate universities to comply with the established rules in this respect. With regard to Higher Education Institutions exempt from the approval requirement, which applies primarily to academic HEIs, including universities, it is possible to issue a decision on the periodic ban on the admission of third-country students by a given unit conducting studies for the above reasons.</p> <p>A similar effect is caused by the need for universities to issue a certificate of admission to studies containing information about the language in which studies take place, and about the level of language proficiency required to complete them, as well as, if the certificate concerns the continuation of studies - information on the current implementation of the course of studies and passing by the third-country student the subjects required by the study program, as well as attaching a printout of the student's periodic achievements card, illustrating the current course of the process of educating a third-country student in this unit.</p> |
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|  | <p>EMN NCP<br/>Portugal</p> | <p>Yes</p> | <ol style="list-style-type: none"> <li>1. <ul style="list-style-type: none"> <li>• The assessment of the resident permits for study, as a general rule, takes place at the time of renewal of the residence permit where interested parties must prove that they continue to meet the requirements. It is not perceptible an adequate monitoring effort at the end of the study cycle, and in most cases the return of third-country nationals to their country of origin is not materialized. The legislation allows the change of status and the consequent permanence in national territory</li> <li>• Cooperation with universities to receive information on students` attendance.</li> </ul> </li> <li>2. <ul style="list-style-type: none"> <li>• The development of the training programmes/ online training, short language courses, unusual backgrounds, etc.</li> <li>• Lack of attendance or lack of achievement and a full time work schedule</li> </ul> </li> <li>3. <ul style="list-style-type: none"> <li>• The assessment of academic performance for the renewal of the residence permits</li> <li>• Through the annual renewal of the residence permit where interested parties must prove that they continue to meet the requirements</li> <li>• Cooperation with universities to receive information on students` attendance</li> </ul> </li> <li>4. <ul style="list-style-type: none"> <li>• SEF (Immigration and Borders Service)/HEIs, /Ministry of Education and Science</li> </ul> </li> <li>5. <ul style="list-style-type: none"> <li>• It's part of Portuguese immigration authority mission and tasks to monitor and prevent illegal immigration and visas or residence permits misuse.</li> <li>• To monitor, inspect and investigate the institutions</li> </ul> </li> <li>6. NA</li> <li>7.</li> </ol> |
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|   |                             |            | <ul style="list-style-type: none"> <li>• The practice/policy is to check whether the TCN is covered by the legislative contents provided for in the REPSAE (Legal regime for the entry, stay, exit and expulsion of foreigners) and issue an opinion on visa applications in accordance with the analysis.</li> <li>• As a rule, the visa application is refused</li> <li>• Rejection of application or cancellation of residence permit</li> </ul> <p>8. Applicants can appeal from the administrative decision, including judicially</p> <p>9. withdrawal of the authorisation from the third-country national; refusal to renew the authorisation of the third-country national; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with); sanctions against the HEIs that fail to fulfil their legal obligations or whose main purpose is to facilitate the entry of third-country nationals.</p> <p>10. Applicants can appeal from the administrative decision, including judicially</p> <p>11. NA</p> <p>12.</p> |
|  | <p>EMN NCP<br/>Slovakia</p> | <p>Yes</p> | <p>1. In the SR the residence for the purpose of study is granted for the foreseen duration of studies (for maximum period of 6 years). Control is thus carried out during the stay itself by means of ad-hoc controls from the side of the police, based on information received from third parties or based on received complaints, as well as based on own analytical information and activities. Police also controls every year at the beginning of the school year the start of the school year by the foreign students. 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>2. Among the indicators we can list e.g. information received from statistical evaluation and related analytical activities (e.g. issuance of higher number of residences to students -TCN from the same country of origin for</p>  |

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|  |  |  | <p>the same study field, non-continuation of high number of students at the concrete school), but also suspicion and information received from Diplomatic Missions, alerts to suspicious trends, as well as complaints received from competitive institutions.</p> <p>3. Among methods we can list e.g., ad-hoc visits to schools, control of the students' presence in the educational process on ad-hoc or regular basis, monitoring of schools' activities, interviewing, analysis of received information, etc.</p> <p>4.<br/>Police authority – controlling and analytical activities<br/>Schools – obligation to report the presence of the student in the educational process or his/her interruption or discontinuance of studies<br/>Intelligence services – analysis of the security threats and risks, review of the current situation, etc.</p> <p>5. See question above (4)</p> <p>6. Good practice example from the side of the police in this area is the work with respective schools, concrete universities, or faculties which are accepting higher number of foreign students. During the meetings concrete cases are being solved, risks and challenges related to acceptance of foreign students are draw to attention, etc. One of the recommendations of the Foreign Police in this regard is that the schools themselves should have such amount and quality of information as regards the residence issues so that the school should represent the student who then will be not forced to pay for an agent or mediator who is dealing with issues related to his/her residence.</p> <p>7. In these cases, the visa or application for residence permit is rejected (if the application is not submitted in the SR). Also, preventive measures are taken e.g., inserting alert to the Central Visa Authority (pertaining to the name of the person or institution).</p> <p>8. Neither special regulation nor general regulation on administrative proceeding applies to the national visa granting process and to the national visa cancellation process. It means that it is not possible to appeal the decision within administrative proceeding. The decision however can be reviewed by administrative court.</p> |
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|  |  |  | <p>9. withdrawal of the authorisation from the third-country national;; refusal to renew the authorisation of the third-country national;; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with);, sanctions against the HEIs that fail to fulfil their legal obligations or whose main purpose is to facilitate the entry of third-country nationals., other (please elaborate).</p> <p>As for the public prosecutor in the SR the law enforcement authority is informed, and the prosecutor only surveys the case. As for sanctions against HEIs: In this case in the SR this is an administrative delict. As for category others: After cancellation of the residence the TCN has 30 days to leave the country, however the police can decide directly on administrative expulsion (e.g., for reasons of residence misuse for another purpose).</p> <p>10. Each decision can be appealed at the appealing authority (in this case this is the relevant Directorate of Border and Foreign Police) and consequently at the court (in two instances – Regional Court and consequently Supreme Court).</p> <p>11. Until 2017 the SR was granting temporary residence for the purpose of study to students of language education at the language schools. Amendment to the Act on Residence of Foreigners (No. 179/2017 from 14 June 2017) cancelled the possibility to grant temporary residence for the purpose of study to students at language schools. The aim of the amendment was to prevent the misuse of temporary residence for the purpose of study for other purposes, which relate to 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 students at language schools are issued national visa, which entails less possibilities to move through the Schengen area for TCN as it was the case with the temporary residence.[1]</p> <p>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.</p> <p>In relation to this amendment the number of granted temporary residences for the purposes of study in connection with language education at language schools decreased and the number of issued national visa for</p> |
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|   |                             |            | <p>this purpose (studies at language schools) was not at all that high.</p> <p>[1] Explanatory report to the Act No. 179/2017</p> <p>12. The changes in legislation described in question above caused decrease in numbers of persons interested in study at language schools from thousands to single individuals. The exact statistical data is not available, however the information is based on the experiences of the police authority.</p>  |
|  | <p>EMN NCP<br/>Slovenia</p> | <p>Yes</p> | <p>1. In general, Administrative units are mainly reacting to indicators detected by themselves or by other authorities (e. g. Police, Labour Inspectorate, Employment Service), who must, without delay, notify the police of any foreigner illegally staying in the Republic of Slovenia, and also notify the administrative unit in the area where the foreigner resides of any foreigner regarding whom grounds for termination of residence exist.</p> <p>2. A foreigner must meet the conditions for the issuance of a temporary residence permit not only when issuing a temporary residence permit, but also throughout the validity of the permit. If the foreigner no longer meets one of these conditions this is the reason for revoking the temporary residence permit. If the educational institution to which the foreigner is admitted to study in the Republic of Slovenia informs the administrative unit that the foreigner is not studying or that he/she is not performing study obligations, the administrative unit must ex officio initiate a procedure for revoking the temporary residence permit. The administrative unit must also ex officio initiate the procedure for revoking a temporary residence if it is informed by the police or another law enforcement agency that any of the evidence provided by the foreigner was altered or forged.</p> <p>3. The administrative unit may at any time during the period of validity of the residence permit check whether the alien still meets the conditions for issuing the permit and if he resides in accordance with the purpose for which the permit was issued.</p> <p>Cooperation between competent authorities is important, e.g. as explained in the answer to the previous question, that educational institutions to which foreigners are admitted to study in the Republic of Slovenia also inform the administrative units about foreigners who do not study or do not perform study obligations.</p> |

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|  |  |  | <p>4. Administrative units, Police, Labour Inspectorate, Employment Service, educational institutions, Financial Administration.</p> <p>5. Administrative units are responsible for refusing to issue or renew residence permit and for withdrawal of the residence permit.<br/>The police is responsible for supervising the implementation of the provisions of the Foreigners Act, violations of which shall be considered minor offences (e. g. if a foreigner resides in the Republic of Slovenia contrary to the purpose of authorised stay).<br/>The Labour Inspectorate supervises inter alia the implementation of laws, regulations, collective agreements and general acts governing employment relationships, salaries and other income deriving from employment relationships, the employment of workers at home and abroad.</p> <p>6. There are no examples of good practice.</p> <p>7. The administrative unit must correctly and completely establish the factual situation regarding the existence of a possible reason for refusing to issue residence permit. If the existence of a reason for refusing to issue a residence permit is established, the administrative unit first informs the foreigner (the principle of hearing the client), and after that refuses to issue the temporary residence permit if the existence of a reason for refusing to issue a residence permit is established.</p> <p>8. A foreigner may appeal to the Ministry of the Interior against a decision of the Administrative unit refusing to issue or renewing or revoking a temporary residence permit for study purposes and may bring an action against the negative decision of the Ministry of the Interior before the Administrative Court.</p> <p>9. withdrawal of the authorisation from the third-country national,; refusal to renew the authorisation of the third-country national,; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with);</p> <p>10. See answer on question 8.</p> <p>11. No.</p> |
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|  | EMN NCP Spain | Yes | <p>1. Only check upon renewal, mainly</p> <p>2. Normally the lack of compliance with the main requirements leads to a deeper study of the application.</p> <p>3. The requirements are:</p> <ul style="list-style-type: none"> <li>• Not be a citizen of a State of the European Union, the European Economic Area or Switzerland, or a family member of citizens of these countries to which the Union citizen regime applies.</li> <li>• Lack of criminal records in Spain and in their previous countries of residence for crimes under Spanish law.</li> <li>• Not being prohibited from entering Spain and not appearing as objectionable in the territorial space of countries with which Spain has signed an agreement in this regard.</li> <li>• Have sufficient financial means to cover the expenses of stay and return to their country and, where appropriate, those of their relatives, in accordance with the following amounts: <ul style="list-style-type: none"> <li>○ For its support, 100% of the IPREM monthly.</li> <li>○ For the support of their relatives, monthly, 75% of the IPREM for the first relative and 50% of the IPREM for each of the remaining persons.</li> </ul> </li> <li>• Have a public or private health insurance that covers the risks normally insured to Spanish citizens.</li> <li>• In the case of minor students who are not accompanied by their parents or guardians, their authorization.</li> <li>• Prove that the specific requirements regarding the activity for which you were authorized to remain in Spain continue to be met (see the corresponding information sheet).</li> <li>• Have passed the tests to continue their studies, or continue with non-work practices or continue volunteering services. This requirement may be accredited through studies or research in the territory of another Member State of the European Union, within the framework of temporary programs promoted by the Union itself.</li> </ul> <p>4. Immigration authorities. If fraud is detected, Labour Authorities (Inspección de Trabajo), Ministry of Interior.</p> |

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|   |                           |            | <p>5. If Immigration authorities detected a possible case of fraud regarding employment contracts, Labour Authorities would be informed, so they may carry out the relevant inspections. If necessary, the Ministry of Interior would also be informed so they can investigate and/or prosecute any possible criminal/illegal activities.</p> <p>6. No relevant studies have been developed in this field.</p> <p>7. The competence of this Ministry would finish after the denial of the authorisation.</p> <p>8. The administrative procedures allows applicants to appeal the denials. No relevant studies have been developed in relation to the number of appeals in this field, nor regarding the results of these appeals.</p> <p>9. withdrawal of the authorisation from the third-country national,; refusal to renew the authorisation of the third-country national,; inform the public prosecutor if necessary (e.g. in cases where documents presented have been fraudulently acquired or falsified or tampered with);</p> <p>10. The administrative procedures allows applicants to appeal the denials. No relevant studies have been developed in relation to the number of appeals in this field, nor regarding the results of these appeals.</p> <p>11. No relevant initiatives have been planned to address misuse of authorisations for the purpose of study.</p> <p>12.</p> |
|  | <p>EMN NCP<br/>Sweden</p> | <p>Yes</p> | <p>1. When a third-country national applies for an extension of the residence permit for studies, the Migration Agency checks whether the person has made sufficient progress in their studies. A residence permit is normally granted for one year at a time. According to a government ordinance, higher education institutions are required to inform the Migration Agency if a student drops out from studies.</p> <p>2. Higher education institutions inform the Migration Agency about students who drop out of their studies. The</p>  |

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|  |  |  | <p>Migration Agency may also receive tips from individuals.</p> <p>3. As mentioned above, the higher education institutions report cases of drop-outs to the Swedish Migration Agency. This is done via the electronic system "Ladok". However, such reports mainly concern cases in which students themselves ask for an interruption of their studies (or release from studies). To also be able to capture other cases of students dropping out of their studies, there is an ongoing pilot project involving the Swedish Migration Agency and a number of HEIs.</p> <p>4. The Swedish Migration Agency and the higher education institutions.</p> <p>5. According to the law (in this case a government ordinance), the higher education institutions are responsible for reporting cases of students dropping out of their studies to the Migration Agency. It is then the responsibility of the Migration Agency to determine any consequences for the respective individuals' residence permits.</p> <p>6. Please see the Swedish answer to Question 7 of part I of the ad-hoc query as well as the answer to Question 3 above regarding a pilot project between the Migration Agency and higher education institutions.</p> <p>7. If a lack of intention to study is detected before a residence permit is granted, the application for a residence permit is rejected. If the Migration Agency has already granted a residence permit and the individual concerned has not arrived in Sweden, the residence permit is withdrawn and the residence permit card is blocked. If the person is already in Sweden, he or she is issued an order to leave.</p> <p>8. If an application for a residence permit for studies is rejected, this decision can be appealed. Appeals occur but there is no systematic information on the various possible reasons invoked in appeal procedures.</p> <p>9. withdrawal of the authorisation from the third-country national; refusal to renew the authorisation of the third-country national;</p> <p>10. Rejected applications for residence permits for studies can be appealed.</p> <p>11. No.</p> |
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