



Recast researchers and students Directives (Directive (EU) 2016/81)

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Legal migration and integration**

EU legal instruments on migration

- Family reunification – Directive 2003/86/EC
- Long-term residents – Directive 2003/109/EC
- Students - 2004/114/EC
- Researchers - 2005/71/EC
- Highly-qualified employment – Directive 2009/50/EC ('Blue Card')
- Single Permit – Directive 2011/98/EU
- Seasonal workers – Directive 2014/36/EU
- Intra-corporate transferees – Directive 2014/66/EU
- Students and Researchers – Directive (EU) 2016/801



Proposal to reform Students and Researchers Directives (March 2013)

Rationale: Make the EU more attractive for talented/highly-skilled third-country nationals (in particular researchers and students), by

- facilitating their admission to the EU
- improving their rights during their stay, and
- increasing retention rates.

Final adoption and subsequent publication in the Official Journal: May 2016: Directive (EU) 2016/801

What does the new Directive regulate?

- Recast of the existing Students Directive and Researchers Directive
- Conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing
- For stays above 90 days
- Transposition deadline was 24 May 2018

Different groups covered by the Directive

- Rules for researchers and students continue to be mandatory
- Rules for volunteers under the EVS and trainees (including remunerated trainees) mandatory for first time
- Newly added group: au-pairs
- Having different categories in one instruments does not make any difference to the individual groups concerned (transposition into national law of Member States)

Main improvements of the recast

- Procedures (incl approval procedures for research organizations)
- Authorisations (permits, long-stay visa and entry visa)
- Rights (incl intra-EU mobility, family reunification, access to job-seeking)

Procedures

- Approval procedure for host entities
Member States may decide to provide or not for an approval procedure. If so, facilitated and quicker procedure
- Processing time of application: maximum of 90 days (60 days if approved host entity)
- Admission conditions
- Duration of authorisations

Authorisations

Existing Directive: Permits only, "facility" to obtain requisite visa (for entry)

New Directive:

- Permits and long-stay visa possible (long-stay visa for one year max., in case of renewal a permit has to be given).
- The rights granted during the stay must be the same under a long-stay visa as they are for permits.
- Once the conditions to get the permit/long-stay visa are fulfilled, MS shall grant entry visa

Rights during the stay

- Researchers may teach
- Students have access to the labour market
 - Employed / self-employment
 - Allowed to work minimum of 15 hours a week
 - Member States may take into account the situation of their labour market in exceptional circumstances
- Equal treatment with nationals in line with the Single Permit

Rights: Family reunification for researchers' family members

Existing Dir.: No mandatory provisions, although in practice many MSs allowed family reunification

New Directive:

- Immediate family reunification for family members of TCN researchers
- Access to the labour market
- Intra-EU mobility

Intra-EU mobility

- Researchers (and their family members)
 - mobility for up to 6 months per Member State: no procedure or notification
 - mobility for more than 6 months per Member State: notification or application (or no procedure)
- Students
 - Students under programmes or agreements between higher education institutions: up to 360 days per Member State through a notification
 - Other students: new application

Job-searching or entrepreneurship

- Stay in the Member State for a period of **9 months** following the completion of research or studies
- Member State may require job-searching / entrepreneurship to correspond to the level completed
- No automatic right to get a work permit



More information

DG Migration and Home Affairs – European Commission
http://ec.europa.eu/dgs/home-affairs/index_en.html

European Migration Network
www.emn.europa.eu

EU Immigration Portal
<http://ec.europa.eu/immigration>