



**EMN Ad-Hoc Query on Implementation of the Directive (EU) 2016/801 (research, studies, training)**

Requested by Heiko HECHT on 26th July 2017

**Students**

Responses from Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovak Republic, Sweden, United Kingdom (21 in total)

*Disclaimer:*

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

### **Background information:**

On 11 May 2016 the European Parliament and the Council of the European Union approved the directive 2016/801 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

In preparation of the transposition of Directive 2016/801 into German law, this query intends to learn about the state of implementation of this directive in the other Member States.

In Germany, the implementation of the directive will come into effect on 1 August 2017. On residence permits within the scope of the directive, the term “Student” will be used for students while “Forscher” will be entered for researchers.

In accordance with the directive, each Member State has to set up a national contact point. The German national contact point will be located in Unit 221 of the Federal Office for Migration and Refugees. The contact person for this new responsibility will be:

Ms. Mirjam Monteiro, Unit 221


+49 911 943 24406





rest@bamf.bund.de or mirjam.monteiro@bamf.bund.de




### **Questions**





1. Has the directive already been implemented in your Member State? If not, when is the expected date of implementation?
2. In accordance with Art. 17 of the directive, which terms will be entered on the residence permits for researchers and students?
3. If the directive has already been implemented, what are the contact details of your national contact point?





### **Responses**




	<b>Country</b>	<b>Wider Dissemination</b>	<b>Response</b>
	Austria	No	


	Belgium	Yes	<p><b>1.</b> No. The implementation of Directive 2016/801 is expected to take place by May 2018 (deadline for the transposition of the Directive).</p> <p><b>2.</b> The terms that will be used on the residence permits will be those listed in article 17 of the Directive. Depending on the Belgian municipality that will deliver the residence card, the term will be in Dutch, French or German.</p> <p><b>3.</b> N/A</p>
	Croatia	Yes	<p><b>1.</b> 1. No. The Directive has not been implemented yet. The implementation of Directive 2016/801 is expected to take place in May 2018 as defined by the Croatian Ministry of Science and Education in the new adopted Action Plan for the Mobility of Researchers for the period 2017 – 2020.</p> <p><b>2.</b> 2. N/A</p> <p><b>3.</b> 3. N/A</p>
	Cyprus	Yes	<p><b>1.</b> The Directive has not yet been transposed into the Cypriot national legislation. It is expected to be transposed in May 2018.</p> <p><b>2.</b> The terms expected to be used for researcher and student, in GREEK, are «ερευνητής» and «σπουδαστής».</p> <p><b>3.</b> n/a</p>
	Czech Republic	Yes	<p><b>1.</b> Not yet. Hopefully that will be done by the middle of the next year.</p> <p><b>2.</b> Still in the process of the draft.</p> <p><b>3.</b> N/A</p>

	Estonia	Yes	<ol style="list-style-type: none"> <li>1. The directive has not yet been implemented and currently the Draft Law is in the coordination process between the ministries. According to plans it will come into force on the date of harmonization of the Directive in May 2018 due to the need for developments in IT systems.</li> <li>2. Estonia is planning to add relevant remarks in Estonian: „üliõpilane“ in the case of students and „teadlane“ for the researchers. The relevant remarks will be duplicated in English on the field of remarks on residence permit.</li> <li>3. The national contact point will be the Migration Bureau of the Police and Border Guard Board.</li> </ol>
	Finland	Yes	<ol style="list-style-type: none"> <li>1. The Directive has not been implemented yet. A Government proposal is expected on the issue at the latest in the spring of 2018.</li> <li>2. Information not yet available.</li> <li>3. N/a</li> </ol>
	France	Yes	<ol style="list-style-type: none"> <li>1. The directive has not been implemented yet. The implementation is planned for the first half of 2018.</li> <li>2. The residence permit issued to researchers uses the term "Passeport talent - chercheur", which means "talent passport – researcher". The residence permit issued to students uses the term "Étudiant", which means "student". For researchers and students coming to the Union in the framework of a specific Union or multilateral program that comprises mobility measures, or an agreement between two or more recognized higher education institutions, the residence permits will use the terms "Passeport talent – chercheur – programme de mobilité" ("talent passport – researcher – mobility program") and "Étudiant – programme de mobilité" ("student – mobility program").</li> <li>3. n/a</li> </ol>

	Germany	Yes	<p><b>1.</b> Yes, in Germany, the implementation of the directive will come into effect on 1 August 2017.</p> <p><b>2.</b> On residence permits within the scope of the directive, the term “Student” will be used for students while “Forscher” will be entered for researchers.</p> <p><b>3.</b> The German national contact point will be located in Unit 221 of the Federal Office for Migration and Refugees. The contact person for this new responsibility will be: Ms. Mirjam Monteiro, Unit 221 +49 911 943 24406 rest@bamf.bund.de or mirjam.monteiro@bamf.bund.de</p>
	Hungary	Yes	<p><b>1.</b> No. The official deadline for the transposition of the Directive is 23 May 2018. The planned day of implementation is 1 May 2018.</p> <p><b>2.</b> It is projected that the terms will be „kutató” (researcher), „hallgató” (student), „tanuló” (school pupil), „gyakornok” (trainee), „önkéntes” (volunteer) and „au pair” (same) but this may vary in the future (the Parliament will decide on the transposition in October 2017).</p> <p><b>3.</b> N/A</p>
	Ireland	Yes	<p><b>1.</b> Ireland does not participate in the Directive 2016/801. Ireland will continue to operate the original Researchers' Directive 2005/71/EC.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/A</p>
	Italy	Yes	<p><b>1.</b> No, the directive has not been implemented yet. At the moment, the Italian Parliament is debating on its implementation. For this reason, it is not possible to define a date of implementation.</p> <p><b>2.</b> n/a</p> <p><b>3.</b> n/a</p>

	Latvia	Yes	<p><b>1.</b> Directive has not been implemented yet. It is planned to adopt the respective legislative acts until the official deadline of implementation.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/A</p>
	Lithuania	Yes	<p><b>1.</b> No, the Directive 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing has not yet been implemented. The amendments needed to implement this directive are being prepared and the implementation projected before the deadline.</p> <p><b>2.</b> It is projected that the terms used on the residence permits should be the same as listed in the article 17 of the Directive.</p> <p><b>3.</b> The contact person, working on the process of implementation: Danutė Petrauskienė, Senior Specialist, Ministry of Interior, Department of Migration Affairs. Email: danute.petrauskiene@vrm.lt</p>
	Luxembourg	Yes	<p><b>1.</b> No. In accordance with article 40 of the Directive 2016/801, the deadline for the transposition of the Directive is 23 May 2018. On 20 July 2017, the Government council approved the draft bill for the transposition of the Directive but it has not been presented to Parliament yet.</p> <p><b>2.</b> N/A. The bill has not been introduced yet to Parliament.</p> <p><b>3.</b> N/A.</p>
	Malta	Yes	<p><b>1.</b> The directive has not yet been implemented. However, it will be implemented by end May 2018.</p> <p><b>2.</b> The provision transposing Article 17 of Directive is currently being discussed internally.</p>

			3. N/A
	Netherlands	Yes	<p>1. No, it has not. The Netherlands are on course to implement the directive on the 23rd of May 2018.</p> <p>2. The terms “researcher in the context of directive (EU) 2016/801” and “student” will be used in accordance with sections 1 and 2 of the directive. If a specific unial / multilateral program with mobility measures or an agreement between two or more recognized institutions for higher education is known, then the residence permit will refer to it.</p> <p>3. This is not applicable at this moment due to the fact the Netherlands are still in the process of implementing this directive. Therefore, no national contact point has been appointed yet.</p>
	Portugal	Yes	<p>1. No. The expected date is this year.</p> <p>2. The terms will be, students and researchers.</p> <p>3. N/A.</p>
	Slovak Republic	Yes	<p>1. No, the implementation is expected for May 2018. It is still undergoing the legislative process.</p> <p>2. The residence permit will include the following terms: researcher (“výskumný pracovník”), student (“študent”), pupil (“žiak”), intern (“stážista”), volunteer (“dobrovoľník”) or aupair (“aupair”).</p> <p>3. N/A The expert for the Bureau of the Border and Alien Police of the Police Force Presidium will be designated later.</p>
	Sweden	Yes	<p>1. No. According to the government offices of Sweden, the directive is expected to be implemented in May 2018.</p> <p>2. The directive has not yet been implemented in Sweden.</p>

			<b>3.</b> The directive has not yet been implemented in Sweden.
	United Kingdom	Yes	<b>1.</b> The UK has opted out of this directive and so the question is not applicable. <b>2.</b> N/A <b>3.</b> N/A