



Ad-Hoc Query on EMPLOYMENT FOR THIRD COUNTRY STUDENTS

Requested by SE EMN NCP on 25th January 2011

Compilation produced on 28th April 2011

Responses from Belgium, Cyprus, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Sweden, United Kingdom and Norway (20 in Total)

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1. Background Information

The Swedish committee for circular migration and development are looking at ways to make it easier for migrants to move between Sweden and their countries of origin, this in order to facilitate development. The committee has identified students as a key group regarding development in both country of destination and country of origin. The international students are potential labour immigrants and future circular migrants. One of the issues that the committee is discussing is the possibility for international students to remain in Sweden for a period after they have finished their studies to apply for jobs. Answers would very much be appreciated as soon as possible, preferably before 15 February.

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2. Responses

		Wider Dissemination?	Can an international student (from third country) stay to apply for a job after the studies? For how long after the studies finished can the student remain in the country to apply for jobs?
	Belgium	Yes	In Belgium, at the end of study the student has to leave the country. A student cannot be entitled to a residence permit of unlimited duration. However, a student can request, during his legal stay as a student, to change his status into the status of employee.
	Cyprus	Yes	International students are not allowed to stay in Cyprus and apply for employment permit after they finish their studies
	Estonia	Yes	An international student who has studied in Estonia may apply for a residence permit for employment directly from the Police and Border Guard Board only if he or she has lived on the basis of a residence permit for studying for two consecutive years at an upper secondary school, vocational educational institution, institution of professional higher education or university. In all other cases an international student will have to submit his or her application for a residence permit for employment to an Estonian consular post.
	Finland	Yes	In Finland a foreigner who has received a degree in Finland can also get a residence permit for search for work. The permit can be granted as an extended permit for six (6) months.
	France	Yes	In France, a foreign student must return to his country of origin after completing his studies. However, a student can apply for a temporary residence permit to be able to work or to undertake a commercial, trade or industry activity. Students, who do not hold a degree equivalent to master, can apply for a temporary residence permit according to common law with a strict appreciation of the employment situation. Since the Act of July 24 th 2006, a student: <ul style="list-style-type: none"> - who has successfully completed in a higher education institution a course leading to a degree equivalent to master - and wishing, in the prospect of returning to his home country, to complete his training by a first professional experience, participating directly or indirectly to the economic development of France and his country of origin, may obtain a temporary residence authorization of six months not renewable. During this period, the student is authorized to seek and hold an employment in relation with his training up to 60% of the legal duration of work and for a remuneration that must be equal to or exceeding one and half times the minimum wage full time. After 6 months, the foreigner who has obtained a job or a promise of employment under the same conditions is allowed to stay in France to work as an employee. He then obtains a temporary residence permit "employee" or "temporary worker". This provision does not apply to Algerian students.
	Germany	Yes	After the successful completion of university studies, the residence permit for a third country national may be extended by up to one year to give him/her the chance to search for suitable employment (Section 16, paragraph 4 of the Residence Act). The general legal conditions for residence must be observed when filling the position. During the search for employment the foreigner is allowed to be gainfully employed to the same extent as he/she was during the course of his/her studies.
	Hungary	Yes	According to the Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals the third-country nationals with a long-term visa or residence permit issued on grounds of pursuit of studies may engage in gainful employment during their term-time for

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			<p>maximum 24 hours weekly, and outside their term-time or for a maximum period of 90 days or 66 working days. He/she has to renew his/her permit before 30 days expiry of the validity period, and it is required to fill a application for the change the status, as well as it is required to attach work permit and employment contract or official corporate/business documents to aim to engage in any gainful activity in the capacity of being the owner or director of a business association, cooperative or some other legal entity formed to engage in gainful employment, or is a member of the executive, representative or supervisory board of such entity.</p>
	<p>Ireland</p>	<p>Yes</p>	<p>It may be possible to stay in Ireland after you complete your studies for the purpose of seeking employment under the Irish Third Level Graduate Scheme. This scheme exists to allow legally resident non-EEA third level graduates to remain in Ireland for the purpose of seeking employment and applying for a green card or work permit.</p> <p>During the period of permission under the Irish Third Level Graduate Scheme a student can work full time (up to 40hrs per week).</p> <p>The permission the student will have will remain that of student.</p> <p>The permission under the Irish Third Level Graduate Scheme is non renewable.</p> <p>A student can only avail of the Third Level Graduate Scheme once.</p> <p>Once a student has availed of the Irish Third Level Graduate Scheme they are not permitted to re-enter full time education and to be registered as a student at the end of this period.</p> <p><u>One Year Permission under the Third Level Graduate Scheme Permission</u></p> <p>To be eligible for a one year permission under the third level graduate scheme a student is required to have</p> <ul style="list-style-type: none"> • studied in Ireland and completed a qualification at Level National Framework of Qualifications 8-10, • an award granted by a recognised Irish awarding body (overseas accreditation will not be accepted), i.e. <ul style="list-style-type: none"> ○ Dublin Institute of Technology ○ Higher Education Training and Awards Council ○ Institutes of Technology with delegated authority ○ Royal College of Surgeons in Ireland ○ Universities ○ Other bodies that have statutory award-making powers in Irish law <p><u>Six Month Permission under the Third Level Graduate Scheme</u></p> <p>A six month permission under the Irish Third Level Graduate Scheme is available to students who have graduated a course at Level 7 of the National Framework of Qualifications.</p>

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	Italy	Yes	<p>The residence permit for study reasons has got an annual validity. The transformation to a residence permit for subordinate or autonomous work has to be requested before its expiration and is subject to ad hoc quotas within annual entry plans.</p> <p>With the exception of TC nationals who have obtained in Italy one of the following qualifications: University degree (3 years), University specialist degree (3 + 2 years), Specialist Diploma, PhD, master of the first level. It's important to take in consideration that residence permit for study reasons allows the exercise of any paid employment to a maximum of 20 hours per week and a maximum of 1040 hours per year.</p>
	Latvia	Yes	<p>International student (from third country) can not stay in Latvia to apply for a job after his/her residence permit issued for the studies expires. As stated by the Immigration Law paragraph 4 Section 32 pupils of educational institutions and students during the term of validity of their residence permits are not entitled to request from the Office of Citizenship and Migration Affairs a residence permit in relation to another reason for residence. This provision shall not apply to foreigners who have acquired higher education in the Republic of Latvia and to whom a residence permit has been issued for acquiring such education. However, in practice residence permits for students have been issued for a 1 year period and in case of students who are graduating, the study year ends in June-July but their residence permits end only in August/September. In these cases students actually have a possibility to look for a job. In some cases students even before a graduation already know where they will take up an employment and manages to submit documents for a residence permit without leaving territory of Latvia.</p> <p>The documents necessary for requesting of a residence permit shall be submitted to the Office not later than 30 days prior to the expiry of the term of the previous temporary residence permit. In some cases there could be permission to submit documents 10 or 5 working days prior to the expiry of the previous residence permit.</p>
	Lithuania	Yes	<p>No. According to the existing legislation international students from third countries who had completed their studies cannot remain in the country and apply for jobs. They must leave the country and follow general procedures in order to apply for jobs in Lithuania.</p> <p>Additional info: in 2010 the working group has been established with an aim to provide changes to the existing law and allow third country students to stay after completion of studies for additional time and apply for jobs. In particular the working group is considering the following proposals:</p> <ul style="list-style-type: none"> - to allow third-country students to work 20 hours beginning with the first year of studies (now third country students can start working only in the second year of their studies); - to allow third-country students in the second (Master's degree) and third (Doctor's degree) studies cycles to work at the institution of higher education or research in question (without limitations); - in the last year of studies, students may request a residence permit to be issued for a period exceeding the duration of studies by 3 months (that is, the students will have an opportunity to stay in the Republic of Lithuania for 3 months in order to search for a job).
	Luxembourg	Yes	<p>According to Article 59 of the Law of 29 August 2008 on Free Movement of Persons and Immigration, an authorization to stay for salaried employees ('autorisation de séjour pour travailleur salarié') can be issued by the Luxembourg Directorate for Immigration at the Ministry of Foreign Affairs to third-country national students if the following conditions are met:</p> <ol style="list-style-type: none"> 1. he or she successfully finished a study cycle in the Grand-Duchy of Luxembourg and obtained a higher education degree; 2. he or she wishes, in the perspective of return to the origin country, to complement one's academic studies with first-time work experience that serves the economic interests of the Grand-Duchy of Luxembourg and his or her country of origin;

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			<p>3. the salaried activity that he or she intends to exercise is in direct relation to his or her academic education;</p> <p>4. he or she is in possession of a work contract for a position that has been announced vacant at the National Employment Office ('Administration de l'Emploi').</p> <p>Students have to secure such a work contract and apply for an authorization to stay for salaried employees before the authorization to stay for students ('autorisation de séjour de l'étudiant') expires, which is usually with the end of the respective academic semester. The current national legislation does not allow third-country national university graduates to stay in the territory of Luxembourg in order to search for work after the expiration of their authorization to stay as students.</p> <p>The authorization to stay for salaried employees for former students is valid for a maximum period of 2 years and cannot be renewed.</p>
	Malta	Yes	<p>Only TCN students holding a residence permit issued under Legal Notice 29 of 2008 are entitled to take up employment, for a maximum period of ten hours each week as long as they are in possession of an Employment Licence. Students are not granted licences to take up self-employment.</p> <p>TCN students in Malta to study English do not fall under the above legal notice and therefore the Corporation will not accept applications for issue of an Employment Licence.</p> <p>Applications for employment licences for students are received from the employer seeking to recruit the student.</p> <p>Applications are not accepted in respect of students who are still in their first year of residence in Malta or who do not have a copy of a student's residence permit issued by the Department of Citizenship and Expatriate Affairs.</p> <p>The expiry date of the Employment Licence will correspond to the date of commencement of the following academic year. Students are expected to leave the Schengen area upon completion of their studies. Applications from employers in respect of students who have not left Malta for a destination outside the Schengen area for at least three months following completion of their studies will not be accepted, except in exceptional circumstance where required by public policy.</p>
	Netherlands	Yes	<p>After completing a study at a higher education institution or university in the Netherlands, former students can obtain a residence permit for a so called 'search year' directly following their legal stay based on their study. This enables them during a maximum of one year to look for a position as a high skilled worker. The former student must be able to provide for himself during that year and is free to work without a work permit.</p> <p>Besides this arrangement, a student can also apply for a residence permit for work straight away after completing his studies if he has found an employer who has successfully applied for a work permit for him, or if he has found a position as a high skilled migrant.</p>
	Poland	Yes	<p>In general, Polish provisions do not let graduated foreign students to stay in the territory of Poland in order to apply for a job. However, it is important to notify that on the ground of the § 2 (26a) of the Regulation of the Minister of Labour and Social Policy on work performing by foreigners without the obligation to obtain the work permit graduates from the Polish secondary schools or graduates from the full-time studies or doctoral studies at the Polish universities and other entities may perform work in Poland without being granted the work permit (this permit is in general obligatory for foreigners – with exceptions- and only an employee may apply for the</p>

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			<p>abovementioned work permit to be issued to a foreigner).</p> <p>Apart from that and with regard to the art. 53.1(16) of the Act of 2003 on Foreigners and the art. 87.2(1) of the Act of 2004 on promotion of employment and the labour market institutions, third country students are authorized to stay in Poland (on the basis of the residence permit for a fixed period – up to 2 years) and work without the work permit. So the foreign student may use this time to apply for a job in the territory of Poland.</p>
	Portugal	Yes	<p>In Portugal, once third-country students complete their studies they are not allowed to remain in the Country to apply for jobs. However, if these students accessorially carry out with a work activity during their studies, once such studies are completed they may exceptionally apply for a residence permit for work purposes, in case there are extremely important reasons of national interest and if the residence permit for purposes of studies has not been issued on the scope of cooperation agreements with third countries.”</p>
	Slovak Republic	Yes	<p>Generally, an international student (third country national) does not need a work permit if he/she is granted a temporary residence permit for the purpose of study and his/her employment in the territory of the Slovak Republic does not exceed 10 hours per week or the corresponding number of days/months per year.</p> <p>After finishing his/her studies there is no adaptation period. The student needs to search for an employment opportunity in sufficient advance in order to find an employer willing to employ him/her (who will confirm his intention to employ the foreign national directly in the work permit application) at least 4 months before the expiration of his/her temporary residence permit for the purpose of study.</p> <p>The student (in case he/she does not fall under the categories of foreign nationals who are not required to apply for a work permit) needs to submit a written application for work permit to a locally competent Office of Labour, Social Affairs and Family. The Office will issue its decision within 30 days from the application submission. In case the student is granted a work permit, he/she needs to apply for a temporary residence permit for the purpose of employment, granted by the Alien Police Department of the Police Corps of the Slovak Republic within 90 days from the application submission. Therefore the student should apply for a work permit at least 4 months prior to expiration of his/her current temporary residence permit for the purpose of study and subsequently apply for temporary residence permit for the purpose of employment no later than 90 days prior to expiration of his/her current temporary residence permit for the purpose of study. Students holding a temporary residence permit for the purpose of study who completed their studies may apply for a temporary residence permit for the purpose of employment at the competent Alien Police Department in the territory of the Slovak Republic. The work permit and temporary residence permit for the purpose of employment may be granted for a maximum period of two years and may be further extended.</p>
	Sweden	Yes	<p>Under certain conditions a student can apply for a work permit while still in Sweden. The student must have been offered a job in Sweden, furthermore he/she must have fulfilled courses comprising of 30 ETCS and have a valid student visa to be able to apply for a work permit.</p> <p>At the moment the student visa covers the period while the student are still studying, and another week or two to get organised for the trip back. Hence, there is currently virtually no possibility to stay in Sweden after the studies finished if the student has not yet found a job.</p>
	United Kingdom	Yes	<p>Under current rules Third Country Nationals that enter the UK to study, and who are awarded a:</p> <ul style="list-style-type: none"> · A Higher National Diploma from a Scottish institution; · A recognised UK bachelors or postgraduate degree;

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			<ul style="list-style-type: none"> · A post graduate certificate in Education; or · A post graduate diploma of education <p>are able to apply for a Post-Study Work visa within a year of their graduation from a UK-based university. This special visa category is administered under Tier 1 for <i>Highly-Skilled</i> migrants and as such does not require sponsorship by an employer. Tier 1 Post Study Work migrants are able to work in the UK for up to two years. However, they are expected to “switch” into Tier 1 (General) or Tier 2, the skilled workers tier, once they have found a job that allows them to meet the entry criteria of these categories.</p> <p>The UK Government is currently reviewing the legislation in this area as part of the review of the student immigration system; a recent Government report found that the majority of international graduates who responded to a survey were not undertaking highly-skilled employment during their period of leave. Graduate unemployment rates amongst UK graduates are increasing, and so the Government is considering whether it is right to give unrestricted access to (in 2009 approximately 38,000 migrants were granted leave under the Tier 1 Post Study Work category).</p>
	Norway	Yes	<p>Under current rules Third Country Nationals in Norway who qualify as skilled workers, and have a valid residence permit for:</p> <ul style="list-style-type: none"> · Study - Norwegian language course for skilled worker - Additional education in order for the students education to be recognized in Norway - Researcher with own funds - Cultural purposes <p>may be granted a residence permit for a six months period. They are allowed to work full time in this period.</p>
