



WORKING PAPER SERIES

Temporary versus Permanent Migration

Inventory of programs aimed at attracting international students and academics to the EU

LAMA KABBANJI, MÉLANIE JOLIVET-GUETTA,
ERICA CONSTERDINE AND AMPARO GONZÁLEZ-FERRER



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Website:
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Facebook:
www.facebook.com/temperproject.eu
Email:
info@temperproject.eu

Inventory of programs aimed at attracting international students and academics to the EU

Lama Kabbanji, Melanie Jolivet-Guetta, Erica Consterdine, and Amparo González-Ferrer

Abstract: This report aims at examining main political debates and legislations targeting foreign students and academics in France, Italy, Spain and the United Kingdom since 2000. Several changes in migration policies have occurred these recent years in the UK, France and Spain that affected the conditions of entry and stay of foreign students and academics coming to these countries. While in the UK migration policies became more restrictive since 2010, France adopted a more selective approach with the aim to diversify the geographical origin of students and academics and select more thoroughly those who are allowed to stay in France after the completion of their post-graduates studies. Spain is trying to promote the internationalisation of its higher education and research system with the adoption in 2008 of the “*Estrategia Universidad 2015*” - which includes measures to attract more foreign students and academics – while coping with the limited resources due to the effects of the economic crisis. These legal reforms and policy efforts to affect the internationalization level of the university system at its lower and higher ranks, from undergrad students to researchers and academic positions, are hard to evaluate in the short term, as it will be shown in Working Paper 3.

Keywords: International students and academics, policies, France, Spain, UK.

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1. Introduction

This report aims at examining main political debates and legislations targeting foreign students and academics in France, Spain and the United Kingdom since 2000. The conditions of entry, stay and circularity for this specific population is both regulated by national laws, bilateral agreements, regional laws (EU) and soft-law instruments (circulars, instructions...) as well as instruments related to the higher education system at origin and destination (scholarships and fellowships programs, exchange programs, *cotutelle* agreements...). Therefore, in addition to information related to migration policies and legislations, we will have to take into account other kinds of policies and programs related to the higher education systems in each of these European countries. We will be particularly focusing on specific programs targeting PhD Students and academics (post-docs, researchers, professors) from Argentina, Senegal and Romania.

Recent decades have been characterized by an increase in the volume of international students and scientists' migrations as well as a diversification of dynamics and patterns. According to OECD and UNESCO data, the number of students enrolled outside their country of citizenship arose from 0,8 million in 1975 to 4,1 million in 2010. Countries like the USA, UK, France, Germany, Russia, Japan and Australia still attract significant numbers of foreign "talents", and others, like China, India and Brazil have recently become important poles of attraction for the same category of migrants (Freitas & Pécoud, 2012).

In order to understand the logics behind the internationalisation of higher education and the attractiveness of certain countries compared to others, it is interesting to rely on a centre-periphery analysis, where, according to Marginson (2008), the United States occupy the centre for several reasons, among other: the weight of its national economy; the size of the country; the important budget dedicated to higher education; the number of universities cited in the Shanghai ranking; the number of researchers cited worldwide. Another reason explaining the academic hegemony of the USA is the use of English as the first language worldwide in higher education and research. This position allows the USA to attract the best and brightest foreign students and academics, through the implementation of fellowship

and assistantship programs. Other higher education national systems are at varying distance of the centre: the closer being relatively advanced national systems of the world semi-periphery such as the UK and France. We should then expect that these countries develop much more strategies to compete with the hegemony of the USA, in comparison with Italy and Spain.

The Commission of the European Union recognised in 2000¹ that

“(European) Research institutes do not have the same magnetic attraction on researchers from all over the world that American laboratories, companies and universities do. Europe does not offer researchers from third countries particularly advantageous (material and administrative) conditions. To attract the best researchers from all over the world to European laboratories a European system of grants for scientists from third countries might be set up. National and European research programmes could also be more open to researchers and teams from countries outside the Union. In the case of developing countries, to guarantee the development of local research potential, this system should be such as to encourage the beneficiaries to return to their countries in order to take advantage of their experience and to spread the knowledge they have acquired. Finally, it is especially necessary to improve appreciably the environment provided for researchers in Europe. An effort should be made in particular to simplify and harmonise regulations and administrative conditions more. Rules have recently been adopted in France, for example, to shorten the procedures for granting visas to researchers from third countries.”

Then in 2005, the European Commission issued a directive aiming at defining common rules on the conditions of entry and stay of skilled workers, inspired by the French model (European Directive 2005/71/CE). Among the measures listed as a way to limit the brain

¹ Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions of 18 January 2000: Towards a European research area, **COM/2000/0006 final**.

drain, figure the promotion of circular migration through the issuance of long term and multiple entry visas. This directive sets up a specific admission procedure for citizens from third countries for the purpose of scientific research (researchers and teacher-researchers).

Even though, as outlined by other researchers (see for example (King & Raghuram, 2013), there is still a contradiction among main destination countries of foreign students and academics (including EU countries) between the openness suggested by the needs of the higher education systems in these countries (both for financial and academic reasons) and the restrictiveness of immigration policies after 2000. This tendency can be outlined by some debates in destination countries about the mobility of foreign students with regards to the “real” aim of this mobility (studies or work reasons) or the length of this mobility (temporary or permanent residence). In this report, we will be examining first the evolution of migration policies targeting foreign students and academics in France, Spain and the UK since 2000. We will then analyse the evolution of specific legislations and the changes introduced by the different laws implemented since 2000 with a specific attention to the implementation of European directives. We will finally provide an overview of programs targeting foreign students and academics, particularly from Argentina, Romania and Senegal.

2. Evolution of migration policies targeting foreign students and academics in France, Spain and the UK

2.1. UK: towards a restriction of migration policies targeting students and academics

Migration policies targeting foreign students and academics have substantially changed since the election of the current Conservative led Coalition government in 2010 in the UK. While the former Labour government (1997-2010) has adopted an expansionary approach to student migration, actively encouraging it, the Conservative led Coalition pursue a net migration target, which includes international students.

In a bid to generate money for the higher education sector, the Labour government committed to doubling the number of international students studying in UK further and higher education institutions. In 1999, Prime Minister Blair made this pledge under the Prime Minister's Initiative for International Education (PMI1), which initially ran for six years. This commitment was then extended in April 2006 for a further five years (PMI2). The PMI scheme was established to 'secure the UK's position as a leader in international education and to sustain the growth of UK international education both in the UK and overseas' (DTZ 2011, i). Targets to be achieved by 2011 under PMI2 included: an additional 70,000 international (non-EU) students in UK higher education, and 30,000 in further education; doubling the number of countries sending more than 10,000 students per year to the UK; demonstrable student satisfaction ratings given by international students; and significant growth in the number of educational partnerships between the UK and other countries. An evaluation of PMI2 in 2011 concluded that the higher education admission target was 'likely to be met' and that 'international student satisfaction has increased on average by between 8 and 10 per cent' (DTZ 2011, 8-10).

The government also removed the requirement of students to be granted permission to work part time during their studies in 1999, enabling international students to support themselves and thus making the UK 'a far more attractive destination' (UKCISA 2008, 25). Between 2004 and 2009, the total number of persons admitted to the UK for the purposes of study (including their dependants) increased by almost 60 per cent (Home Office 2010, 21). The lasting effects of this specific policy are clear, with student immigration now being the largest stream into Britain overtaking 'work' since 2009 (ONS 2012c).

For the Labour governments, student immigration was not just a lucrative market for higher education². This pool of soon to be skilled workers represented an opportunity to capitalize on the training and higher education of British institutions to fill skill shortages. In 2005 the Scottish government had secured agreement with the Home Office to establish the Fresh

² Fee income from non-EU students rose from £672 million to more than £1,725 million between 1999 and 2004. International students contribution to the UK economy was estimated at £2.5 billion per annum in tuition fees and an estimated £8.5 billion in total in 2003/04 (Consterdine & Everton 2012).

Talent: working for Scotland scheme, allowing non-EEA graduates from Scottish institutions to work in Scotland for up to two years after their studies (Scottish Executive 2005). The British government adopted a modified version of this programme under the Science and Engineering Graduates Scheme, which allowed graduates with science and engineering skills to remain to work in the UK for 12 months, without a job offer, and with no restrictions on the type of work. The Labour government then extended this to all graduates in 2007, easing the transitioning between visas, and allowing international students to apply for a work permit post-study under the points-based system (PBS). Dubbed ‘one of the most generous schemes of its type in the world’ (MAC 2009), student policy was intricately linked with the UK labour market for the first time. The government went so far as to establish a separate type of visa for such post-study work under the PBS – Tier 1 Post-study Work (PSW). The PSW visa was mutually beneficial, as it was (rightly) assumed that many international students would be pulled to the UK if they had the opportunity to work after their studies. Thus the establishment of the PSW also opportunely attracted more international students. Amongst other benefits, this new visa meant that post-study immigrants would not need to pass the resident labour market test (Consterdine 2014, 58-9).

2.1.1. Since 2010, changes to TI: the closure of the post-study work route

In a bid to cut net migration down to the tens of thousands, immediately upon taking office in 2010 the Coalition government placed an annual limit on the number of non-EU workers employers are allowed to bring in to the UK. This has been the most significant change to economic immigration policy. The annual limit came into force in April 2011 and is set at 20,700 workers under the Tier 2 (skilled) bracket³. Tier 1 of the PBS has been closed altogether. In terms of student immigration, which now represents the largest immigration stream to Britain, the government have invested much time and resources into tackling so-called ‘abuses and misuses’ of the student route. This has included closing down ‘bogus colleges’ (almost exclusively privately funded further education institutions) and an increase

³ Visa fees for a Tier 2 visa have also been increased from April 2013. The government have also tightened work-related migration further by making the shortage-occupation list graduate-level only.

in scrutiny of educational institutions that have a Tier 4 sponsor licence⁴. While the government insist that their policies will not dissuade ‘genuine students’ from coming to study in the UK, there have been measures that have made it harder to obtain a student visa⁵. Furthermore, the government are keen to make student immigration exclusively temporary immigration⁶ (Consterdine 2014, 199).

As a result of so-called misuse and abuse of the student routes, coupled somewhat implicitly with the Coalition’s aspirational net migration target, the student route has seen some significant curtailing of eligibility and in-country rights, although this process began at the end of the final term of the former Labour administration when restrictions on work were placed. However, these measures mostly affect prospective undergraduate international students, as opposed to postgraduate. Perhaps the most significant change has been the closure of the Tier 1 post-study work route, which was introduced by Labour and enabled students to stay to work in the UK after graduating with limited restrictions. Recent policy changes (since 2010) include:

- Limiting dependant rights to postgraduate and government sponsored students;
- Limiting working rights;
- Higher English language requirements within a minimum of B1 CEFR for NQF 3 study;
- Higher maintenance fund requirements;
- Having a maximum duration of stay as a student in the UK;
- Introducing requirement of academic progression; and
- Requiring T4 sponsors to obtain Highly Trusted Sponsor status and educational oversight (Consterdine & Everton, 2012, p. 5).

⁴ The focus of this scrutiny has been on language colleges and private sector institutions where much of the abuse was deemed to be taking place. However, in August 2012 the Government, somewhat controversially, took the decision to suspend the London Metropolitan University’s sponsor licence for failure to comply with monitoring of foreign students (it has since been reinstated).

⁵ These include: an increase in the financial and language requirements for overseas students, placing significant limits to working rights whilst studying and greatly limiting the right to bring dependents on a student visa.

⁶ The government has abolished the Tier 1 post-study work route, and introduced new rules which require overseas students who wish to stay in the UK to work after graduating to acquire a skilled job offer from an employer.

2.2. France: towards a selective policy targeting the best and brightest

French migration policy directed towards foreign students and academics has gone through several changes since the 60's. During the early 60's most of the foreign students were coming from recently decolonized French territories and belonged in their vast majority to economic and political elites of their countries of origin. They were seen as future ambassadors of French cultural, political and economic interests and, as such, their reception was facilitated and encouraged through several administrative measures (Borgogno & Streiff-Fénart, 1999). The economic crisis of the 70's will put a halt to labour immigration to France that will also affect foreign students' flows. During this period, these flows have risen quite substantively and their characteristics have changed: student migration is not anymore the sole privilege of elites. Migration policy will become more restrictive for "Third world" students – now seen as a burden for French universities - giving the priority to students coming from Europe or other developed countries. Among restrictive measures taken, return is imposed upon the completion of studies. A new phase in French policy begins in the 80's in line with changes occurring at the international level pertaining to the internationalisation and commodification of higher education and highly skilled labour. Two opposite objectives are pursued by the French government since the 80's: proving the competitiveness of the French training market (particularly in comparison to the USA and UK competitors) and thus attracting foreign students; and, at the same time, restricting all other forms of undesired migration. On the one hand, the reception of students from developed countries or emerging economies in Asia and Latin America is encouraged while students coming from ancient colonies are facing more restrictive measures (to the exception of those belonging to upper social class families). On the other hand, the conditions of employment and settlement of the best and brightest are facilitated while the others are urged to go back to their origin countries.

Several changes in immigration legislation have occurred these recent years in France and have concerned also foreign students and academics (Beaujeu & Jolivet, 2014). In 1998, new procedures aiming at facilitating the entry and stay of foreign researchers and researchers-teachers are implemented under the law 98-349. Then, under the Sarkozy government, a

new policy on immigration is inaugurated in 2006, introducing the distinction between the so-called “*immigration choisie*” (chosen immigration, the one in line with the needs of the French economy, i.e. selected labour migrants), and “*immigration subie*” (imposed immigration, meaning family reunification and asylum seekers). A new law on immigration and integration is adopted the 24th of July 2006 which aims mostly at fighting against illegal migration and facilitating the entry and stay of skilled workers, among them students and academics, through two main measures: the creation of the “skills and talents” residence permit and authorisation for temporary stay for post-graduate students. France will also be the first country to implement in 2011 the European directive 2009/50/CE of the 25 May 2009 introducing the creation of the EU blue card, a residence permit issued to highly skilled workers.

An attempt to restrict the employment conditions of students is implemented in 2011, by the circular of the 31 May 2011, known as the “*Circulaire Guéant*”. This Circular aimed at restricting the possibility for students to apply for a work permit at the end of their studies. This *Circulaire* has been criticized by the academic community in France as well as leftist organisations, and will be abrogated the 31 May 2012 under the Hollande socialist government (Réseau européen des migrations (REM), 2013).

2.3. Spain: looking for a policy to promote internationalization of the tertiary education and research system

Spanish authorities have been concerned with the internationalization of the tertiary education system for a long time already. Different documents and reports have identified some of the main factors underlying the lack of a proper internationalization policy for the university system in Spain; among the most frequently mentioned are probably: 1) first, the absence of a previous tradition of strategic planning in the public administration in general, and in the educational system in particular, and 2) the difficulties derived from the existence of multiple actors with different goals and often weakly coordinated among them (universities, the regional governments often with different priorities abroad, and different

ministries of the central government, also lacking of the desirable coordination to promote a real and unified Global Strategy for the Spanish University System). In fact, the high degree of decentralization of the Spanish Education System has repeatedly referred as an additional difficulty in designing common, consistent and efficient strategies for internationalization of the tertiary education as a whole, in particular with regard to the attraction of foreign talent. Under the inspiration of the EU Agenda for Modernization of the Universities launched by the EU Commission in 2006, the Socialist Spanish Government and its Ministry for Science and Innovation designed in 2008 the “*Estrategia Universidad 2015*” (EU2015), which was formally approved at the beginning of 2009. The overall goal of the new Strategy consisted of transforming the university system into a new system of high quality, internationally well known, and accepted as a bridge between other global knowledge networks already at work within the European Higher Education Area, Ibero-American Knowledge Space (EIC), the Mediterranean area and the emergent countries.

Internationalization has, therefore, always been a crucial line of action inspiring the whole “*Estrategia Universidad 2015*”, in order to improve the training, research and transfer of knowledge within an increasingly globalized and competitive educational environment. Internationalization had to be understood in all of its dimensions: the number of Spanish students and researchers going to study abroad, the number of foreign students and researchers being attracted to the Spanish university system, the internationalization even of the university staff, crucial for efficient and satisfactory recruitment, and the international presence of Spanish universities abroad through campus of excellence in foreign countries. The main goals of internationalization of the tertiary education and research system in Spain were summarized as follows in the defining document of the new policy approach:

1. Increase internationalization of university teaching supply

- Promote training and teaching in foreign languages (English and French)
- Enhance the positive evaluation and returns to international activity in processes of individual academic quality assessment developed by ANECA, CNEAI and others
- Hiring international university professors
- Offering international and inter-university Master Programs
- Promote International Institutes and International Postgraduate and Doctoral Schools, by enhancing the call for the International Excellence Program Campus by identifying priority areas, attracting international talent and creating transnational campus

2. Consolidate a new university system highly internationalized

- Encourage training and skills to be able to work in a open international environment by reinforcing financial support programs of short stays such as Erasmus and Erasmus Mundus and support measures for long duration stays with guarantee of scholarships' portability
- Incorporate administrative staff with international experience who support students' internationalization
- Promote educational training in priority areas/fields using English and other foreign languages
- Increase the number of foreign professors, researchers and students

3. Increase the international attractiveness of Spanish universities

- Improve the international visibility of the best campus as attractive places to live, study and work in through “Fundación Universidad.es”
- Offer supportive international offices that help organizing coming and leaving of foreign students and visiting scholars
- Participate in international networks, projects and educational and research programs
 - Indicators: funding from VII FP, H2020, ERC, etc., participation in international excellence networks and IT platforms, etc.
- Improve international ranking of teaching and research done in Spanish universities.
 - Indicators: increase number of Spanish universities in Top-100 of European ones, by improving our ranking in international indicators such as number of high impact publications, % of SCI impact of the publications, etc.

4. Promote the global social dimension and responsibility of the universities

- Consolidate a multicultural university community and society
- Equity in access to tertiary education
- Promote adequate transfer of knowledge to respond social needs and big social challenges

In any case, the lack of, or at least limited, internationalization of the Spanish system does not affect all its dimensions in the same extent. The international mobility of the Spanish undergraduate students, especially in the framework of the Erasmus Program, as well as the admission of foreign students to the Spanish university system for short periods within the same program, or even longer ones for Latin American students, have traditionally been the strongest aspects of the Spanish university system, largely due to the increasing influence of the Spanish language worldwide.

In contrast, our weakest point has always been related to the international dimensions of teaching and research training. Undergraduate programs remain designed as largely local: teaching is offered almost exclusively in Spanish, which restricts its potential international interest within the Latin American area; and a very low number of Master Programs offer the possibility to be taken in English. The main reason behind both limitations of the current system has to do with the low degree of internationalization of the faculty members and, to a lesser extent, of the research staff. The access to the university faculty remains extremely closed to foreign professionals, and those who managed to get a position in the more recent years usually did it through researchers recruitment programs rather than university teaching and faculty staff recruitment. In addition, a dimension largely neglected and crucial for the effective internationalization of the entire system has to do with the better international training of the administrative staff.

Advancing in the internationalization of the entire system became more difficult after the reorganization of the ministries working in the area after the victory of the Conservative Party in 2001: the previous Ministry of Science and Innovation that concentrated all the competencies in the area of university education, research and innovation, disappeared and everything related to university education returned to the Ministry of Education, while areas dealing with research and innovation were moved to the Ministry of Economy and Competitiveness. This separation of university and research has disconnected even more two areas intrinsically connected by the very nature of their activities.

However, the main factor underlying the relatively little progress made towards the aforementioned goals remains the severe economic crisis that started right at the same time “*Estrategia Universidad 2015*” was launched. Budget cuts seriously hampered achieving many of those initial goals in the expected period of time and, in general, has definitely slowed down the pace of the reforms, especially of those that required of larger investments like hiring foreign professors and researchers, creating international and transnational campus, or reinforcing the funding for mobility programs.

In contrast, other actions more related with better access to information or legal changes have been partially achieved. Among them, one of the very first ones was the creation of “*Fundación Universidad.es*” (<http://www.universidad.es/>), as early as of December 2008, in coordination with the regions (Autonomous Communities) and universities with, among others, the following goals:

- 1) To achieve a larger presence in strategic markets, fairs, conferences and international forums in the educational sector. “*Fundación Universidad.es*”, in cooperation with Spanish universities, participates often in strategic events such as NAFA, EAIE, *EuroPosgrados*, *Forum International de l'Étudiant*, China Education Expo, etc. These activities are carried out in collaboration with the External Network of the Ministry of Education, Culture and Sport, which is present in over 40 countries, with Diplomatic Missions and other public bodies such as the Spanish Foreign Trade Institute (ICEX) and the *Instituto Cervantes* (EMN 2012).
- 2) to facilitate the signature of collaboration agreements between Spanish universities and foreign and international ones, and between equivalent agencies in the area, as well as launch and manage scholarships and fellowships for students.

The activity of the “*Fundación Universidad.es*” has not stopped since its creation, however it remains difficult to assess properly its real impact. In any case, it is a bit disturbing to realize that many of the scholarship calls or even some of the information documents uploaded are not available in English or only partially, which obviously hamper proper access to the information from non-Spanish speakers.

Apart from the creation and maintenance of the “*Fundación Universidad.es*”, the Ministry of Education has also invested time and effort in passing major reforms affecting both the organization of the tertiary education system to facilitate full convergence with the majority of other EU countries regarding the distribution of teaching between graduate studies and Master Programs, as well as to reform the PhD. Studies through the creation of the so called Doctoral Schools.

Spain initially opted for a rigid model 4 + 1 (4 years of undergraduate studies plus Master of only 1 year duration), while most of the European countries had chosen a more flexible system in which a Bachelor of 180 ECTS credits and a Master of 120 ECTS credits was not only possible but the most frequent combination. Such a difference had generated, according to the Ministry, significant dysfunctions in the mutual recognition of diplomas in both directions: for Spanish students coming back to Spain after studying abroad, and for foreign studies going abroad after having got a degree or a Master in Spain. Aware of this, the Ministry of Education partly justified its latest reform of the university system passed at the beginning of 2015 by referring to the need of facilitating access of foreign students to Spanish universities, and the establishment of arrangements for obtaining double degrees (undergraduate or Masters) between a Spanish university and a European university⁷.

3. Legal framework targeting students and academics in the four Temper countries

3.1. UK

3.1.1. Tier 4, the primary route for international students

Since 2008 the UK has operated a Points-Based System (PBS) to manage entry of third country nationals for the purposes of work and study. The principle of responsible

⁷ The reform modified both the Royal Decree 1393/2007, of 29 October, establishing the management of universities, and the Royal Decree 99/2011, of 28 January, by which the PhD system is regulated.

<http://www.mecd.gob.es/prensa-mecd/actualidad/2015/01/20150130-universidades.html>

sponsorship is at the heart of the PBS. The PBS consolidated the previously 80 legal routes of entry into one system, which is comprised of five Tiers and is the primary non-visit visa route for migrants coming to the UK. Previously a third country national would either need a work permit to work in the UK or a temporary visa to study in the UK; there was no specific student visa, rather applicants would obtain a generic temporary visa, albeit one with many specific caveats and conditions outlined in the immigration rules.

Tier 4 (T4) was introduced in March 2008 and is the primary route for international students. All international students undertaking post-compulsory courses that last longer than six months must obtain a T4 (general) visa, including PhD students. International students undertaking short courses (six months or less) may enter the UK under a student visitor visa. To acquire a Tier 4 general visa, the applicant must be planning on studying full-time programme which either: leads to a level 6 or above qualification on the National Qualification Framework (NQF); an overseas course of degree level study that is recognised as being equivalent to a UK higher education course and is being provided by an overseas Higher Education Institute (HEI); a full time course involving a minimum of 15 hours per week organised daytime study and (except in case of pre-sessional course) leading to a qualification below degree level but which must be a minimum of NQF level 3 or its equivalents; undertaking a recognised Foundation Programme as a postgraduate doctor or dentist; or undertaking work as a student union sabbatical officer at the applicant's T4 sponsor institution.

A Tier 4 (T4) applicant must have a T4 sponsor and obtain a Confirmation of Acceptance for Study (CAS) from the sponsor, which is proof that the applicant has been accepted onto the course stated. The applicant must also register their biometric data (fingerprints and facial image) at a visa application centre overseas to obtain their biometric residence permit. To qualify for a T4 visa the student must be able to speak English at level B2 of the Common European Framework of References for Languages (CEFR) if studying degree level and above.

At the time of writing (October 2014), in order to qualify a student migrant must obtain 40 points in the point assessment. A student can obtain 30 points for having a valid

Confirmation of Acceptance for Study (CAS), which an applicant gets for studying a course at an acceptable level with an approved education provider (also known as a 'T4 sponsor'), and for having acceptable English language skills. The other ten points needed for obtaining a T4 (general) student visa are acquired through access to sufficient funds (also known as maintenance or funds) to cover the student's course fees and living costs for a defined period of time. The amount needed varies depending on the length of course and where the applicant is planning to study⁸. In addition, the applicant must speak English at an appropriate level, and the Entry Clearance Officer assessing the application must be satisfied that s/he is a genuine student (UK Visas & Immigration, 2014a).

The CAS is a virtual document similar to a database record. Each CAS has a unique reference number and contains information about the course of study for which it has been issued and the student's personal details. The Tier 4 sponsor (usually universities and colleges) is responsible for issuing a CAS.

Some students may need to apply for an Academic Technology Approval Scheme certificate (ATAS). The ATAS is a mandatory entry clearance requirement for those intending to undertake postgraduate studies in certain designated subjects that are of weapons of mass destruction proliferation concern. Once granted a T4 (general) visa, some international students may need to register with the police if this is required under paragraph 326 of the Immigration Rules.

The method of visa application depends on the location of the applicant; this could be done either online or by filling out a form available on the UKBA website. In-country applications can be made for a T4 (general) student visa if the applicant is legally switching from certain Tiers or immigration categories and if their last leave to remain is still valid when applying. In-country applications cannot be made for any visitor visa, including a student visitor visa.

⁸ The money an applicant needs to show must be enough to cover the course fees for the first period of study or, if continuing a course, for the next period of study, and living costs for up to a maximum of nine months. Living costs must include payments towards cost of accommodation or purchasing study materials. A maximum of £1,020 paid to your sponsor in advance for the applicant's accommodation can be deducted from the overall maintenance needed to show; £1,020 per month for living costs if the applicant is studying in inner London, £820 per month for living costs studying in outer London or elsewhere.

Students who come to the UK to study for six months or less (or 11 months on an English language course) may be eligible to enter the UK under a student visitor visa. This route requires fewer documents, lower entry requirements and visa applications are less costly than a T4 (general) visa. For example, a student visitor does not require a formal CAS. The same conditions for a T4 (general) visa apply except for any language requirement. The student is not permitted to work or bring dependants, and cannot apply for further leave to remain.

In-country rights on Tier 4 visa

The duration permitted on a T4 visa varies depending on the type of course studying. For courses lasting 12 months or more, the student can come to the UK for the full duration of the course plus four months after the end of the course. The time a non-EEA student can study in the UK is a maximum of five years overall, except with certain exceptions⁹. In any case, if an applicant has completed a PhD in the UK, the grant of leave must not lead to the applicant spending more than eight years as a T4 student. From 1 October 2012, all applications for further leave to remain will fall for refusal if a student has overstayed for more than 28 days, unless there were exceptional circumstances.

Only new students sponsored by a HEI on a course at NQF level 7 (masters) or above lasting 12 months or more, new Government sponsored students following a course that is longer than six months, and Doctorate Extension Scheme students, are able to bring their dependants to the UK with them. Dependants with existing permission wishing to extend their stay in the UK are permitted to extend provided that they apply at the same time as the primary applicant applies to undertake a course of study that is longer than six months in duration. Any dependants must make an application under the PBS dependants' rules. Spouses may work and may take up any employment including self-employment.

⁹ Architecture; Medicine; Dentistry; Veterinary Medicine & Science; Music at a music college which is a member of Conservatoires UK (CUK); Law where the applicant has completed a course at degree level in the UK and is progressing to a law convention course (subject to certain accreditations); studying for a master's degree at a recognized body or HEI following successful completion of undergraduate degree whether the duration of the degree was four or five academic years, this will then be maximum of six years; on the Doctorate Extension Scheme.

Dependants of applicants on a T4 (general) student visa have no recourse to public funds or state benefits. If the dependant wishes to study in the UK they must make a separate application for a T4 (general) student visa. Dependants, including children, have access to most services of the NHS, provided that the student and the dependant are in the UK for at least six months and that the UK is currently their main home. If the child of a dependant is aged 16 or under and the student and child dependant will be in the UK for at least six months, then the child is entitled to attend a state primary or secondary school free of charge.

A Tier 4 student following a course at NQF 6 (Bachelors degree) with a UK HEI can work part-time during term time (no more than 20 hours per week), full-time during vacations, on a work placement as part of the course, as a postgraduate doctor or dentist on a recognized Foundation programme or as a student union sabbatical officer. The work must not be self-employed, unless the candidate is on the Doctorate Extension Scheme and has completed their studies. The student must not take-up a permanent full-time vacancy. The student may work full-time after their studies providing the conditions of stay permit work during term time and the applicant has leave to stay in the UK. The period at the end of the course is considered vacation time.

T4 visa holders have no recourse to public funds or state benefits, but have access to National Health Service (NHS). If the student has the right to work under a T4 general student visa, they are protected by the same legislation in relation to employers' legal duties as EU nationals¹⁰.

Tier 4 applicants can no longer appeal a refused decision. Refused applications made on or before 9 October 2014 can submit an appeal if the applicant wishes to challenge the decision. Refused applications made after October 2014 can be challenged through the 'administrative review decision'

¹⁰ Legal duties that employers must comply with include: anti-discrimination measures; health and safety requirements; the obligation to pay the minimum wage; compliance with laws relating to maximum working hours and breaks; paying national insurance contributions; and providing wage slips.

A third country national can switch to a Tier 4 general visa in country if he/she has or was last given permission to stay in any of the following categories: Tier 4 general students¹¹; Tier 4 child student; Tier 1 (post study work); Tier 2; Participant in the International Graduates Scheme (or its predecessor, the Science and Engineering Graduates Scheme; Participant in the Fresh Talent Working in Scotland Scheme; Postgraduate Doctor or Dentist; Prospective Student; Student; Student Nurse; Student re-sitting an examination; student writing-up a thesis; student union sabbatical officer; work permit holder.

3.1.2. Post-studies: Academics and Working after studies

Whilst Tier 4 is the only route for masters and PhD students, a variety of other visa types exist for academics, post-doctoral researchers and short-stay academic visits. Academics may apply for a Tier 2 or Tier 1 visa depending on the particular job, the skill level, whether the occupation is on the shortage occupation list, and/or whether the resident labour market test has been passed. This varies from case-to-case.

Doctorate Extension Scheme

A PhD student with a T4 Sponsor can apply for the Doctorate Extension Scheme to stay in the UK for up to 12 months after the course has ended. Once the applicant has successfully completed their PhD there will be fewer restrictions on the work the applicant can do, and the applicant can use the 12 months granted to gain further experience in their chosen field. The applicant is expected to meet the specified criteria for a T4 visa, including having a valid CAS, thus the sponsor institution must agree to continue sponsoring the applicant.

Tier 1 (Exceptional talent)

The exceptional talent category is for those who are internationally recognized as world leaders or potential world-leading talent in the fields of science and the arts and who wish to

¹¹ If an applicant has a CAS and previously had permission to stay as a student or a T4 general student then the T4 sponsor can only give the applicant a new CAS for a new course if the new course represents academic progression from previous studies.

come and work in the UK. Exceptional talent workers do not need to be sponsored by a HEI but do need to be endorsed by an accredited competent body.

Tier 1 (Graduate entrepreneur)

The Graduate Entrepreneur scheme came into force on 6 April 2012. This category allows students who have been identified by UK HEIs as having developed world class innovative ideas or entrepreneurial skills but who are not yet in a position to meet the full requirements of the Tier 1 (Entrepreneur) route to stay in the UK to develop their businesses. It is aimed at recent graduates, and postdoctoral researchers who have Tier 2 immigration permission, who have "genuine and credible business ideas and entrepreneurial skills" and whose UK college or university is prepared to endorse them under this scheme to help them develop these ideas. There is a quota of 2,000 places a year under this category.

Since 6 April 2014, it has been possible to be endorsed by an institution other than the one at which an international student studied. If a candidate is a Tier 2 postdoctoral researcher, the relevant HEI (the endorsing body) must be the employer, but need not be the same institution that awarded the UK degree.

Graduate entrepreneurs are expected to spend the majority of their time developing their businesses, but may also undertake other work. The number of hours a week a T1 graduate entrepreneur can work is unrestricted if they applied on or after 6 April 2013. If the candidate applied before 6 April 2013, they must not be employed for more than 20 hours a week. They are not allowed to work as a doctor or dentist in training or as a professional sportsperson (including work as a sports coach)¹². Graduate entrepreneur visa holders can bring dependants providing they meet maintenance requirements. There is no recourse to public funds under this route

A T1 graduate entrepreneur can apply for leave (permission to stay in the UK) for an initial period of one year. If the endorsing body agrees to sponsor the candidate after this they can

¹² <http://www.ukcisa.org.uk/International-Students/The-next-stage/Working-after-your-studies/Entrepreneurs-high-value-migrants/Tier-1-Graduate-Entrepreneur/Working-/>

apply again and may be granted further leave for another year. The candidate is only allowed a maximum of two years under this route and should apply one month before his current permission to stay expires (UK Visas & Immigration, 2014).

Tier 5: Sponsored Researchers and Visiting Academics

Though not exhaustive, the definition for Sponsored Researchers is currently:

- Someone who has a job overseas, who is still being paid for that job, has come to the UK to undertake a period of research at an employer/host organization and the funding for the research remains overseas
- Someone who has a job overseas, who is still being paid for that job has come to the UK to undertake a period of research at an employer/host organization, but the funding is arranged and paid by the UK employer or host
- Someone who has a job overseas, who is still being paid for that job, has come to the UK to undertake a period of research at an employer/host organization, but the funding is arranged and paid by the UK employer or host
- Someone who is on paid sabbatical, comes to the UK to undertake research at a UK employer/host organization, funding is arranged and paid by the UK employer or host
- Someone who is on unpaid sabbatical but receives funding from the UK employer or host.

The Tier 5 Government Authorised Exchange (GAE) arrangements allow HEIs to recruit a Visiting Academic (as distinct from an Academic Visitor) who will be paid to give lectures, act as an examiner or work on a supernumerary research collaboration and who is required to be in the country for more than one month.

Sponsored researchers and visiting academics are not 'employed' by the HEI. Sponsored researchers must not fill advertised job vacancies but can fill a research post and work under the full or partial control of the HEI which will benefit from the research. They are normally invited to come to the UK to lead or to take part in a formal research project which is hosted but not necessarily funded by the HEI, can be funded from sources in the UK or overseas and paid by either the HEI or by their employing organisation.

Sponsored researchers and visiting academics must have a valid Certificate of Sponsorship

(CoS) from the HEI and pass a points based assessment in order to obtain permission to work in the UK. A CoS can only be issued for non-EEA nationals who have qualifications equivalent to N/SVQ level 3 or above.

Student internships *may* be covered by tier 5, if the following criteria are met:

- The work experience is supernumerary and involves taking part in a research project
- The student receives remuneration in line with the national minimum wage. Unpaid internships cannot be covered through this route

Tier 5 internships, work experience/exchanges and youth exchanges are limited to one-off stays of a maximum of 12 months.

All other GAE schemes (sponsored researchers, fellowships and training schemes in the fields of science and medicine) will continue to attract up to a maximum 24 months' leave.

Academic visitors: visitor visas

Business visitor

Until November 2008 those wishing to conduct business in UK entered as an ordinary visitor and the range of permissible activities was not defined. New rules were then inserted under HC 1113, creating separate General and Business Visitor categories.

To qualify as a business visitor, the applicant must, in addition to meeting most of the requirements of a General Visitor be intending to carry out one or more of a range of activities. These are now all listed in the rule itself. In all cases, the visitor must not take employment or be paid by a UK source.

Permitted paid engagements

This new category of visitors was created in response to complaints by those working in the new cultural sector that Tier 5 was too complex for small organizations wanting to bring in an artist or others for occasional paid engagements (Clayton 2014). Academic Visitors, or Visiting Academics in the country for less than one month can thus enter the UK via a new permitted paid engagements route. The UK Visas & Immigration have created a route for

permitted paid engagements under the visitor rules for a limited group of professionals who are invited to come to the UK because of their particular skill or expertise. Permitted activities will include visiting to give a lecture, examining students and participation in or chairing selection panels. Entry will be restricted to one month. Visits of longer than one month to undertake paid activity will require sponsorship under Tier 2 or 5.

Academic Visitors do not require a CoS but do require an Academic Visitor visa which allows them to work/stay in the UK for up to a maximum of 12 months. Academic Visitors are generally Academics on sabbatical leave (paid or unpaid) from an overseas academic institution who come to the HEI to undertake their own research. They can also include Academics (including doctors) taking part in formal exchange arrangements with United Kingdom counterparts and eminent senior doctors and dentists coming to take part in research, teaching or clinical practice. Academic Visitors are not 'employed' by the HEI and must not be paid or funded by the HEI. Payment of expenses to cover their needs whilst in the UK may however be made. Departments/Divisions wishing to host an Academic Visitor should provide them with a formal letter of invitation that has been arranged in advance.

For a visitor opportunities to enter as a visitor and obtain further leave under a different immigration rule have almost vanished. The only exceptions within the rules now are Prospective Entrepreneurs (Clayton, 2014).

3.2. France: Legal framework regulating the entry and stay of foreign students and academics

In France, at the national level, 3 Ministries are in charge of developing immigration policies targeting foreign students and academics: the Ministry of Interior, the Ministry of Foreign Affairs, and the Ministry of Higher education Research. This inter-ministerial collaboration represents a French specificity.

The Immigration Department (DIMM¹³) is part of the Directorate-General of Foreigners in France (DGEF¹⁴), which is itself part of the Ministry of Interior. The DIMM implements the entry, stay and work policies relative to foreigners in France, including foreign students and researchers. The DIMM has two missions. The Visa Division defines visa regulations in partnership with the Ministry of Foreign Affairs and insures its implementation through the French consular network. The Stay and Work Division develops regulations regarding student immigration, within the «Office of the community law and the particular regimes». This division works in close collaboration with the Police, the prefectures, the Ministry of Employment and the French office for immigration and integration (OFII¹⁵).

The three above-mentioned ministries also define policies of mobility and attractiveness of the French higher education system and establish priorities regarding student migration by geographical regions, disciplines and students' education levels. According to the EMN (2012), the main areas where France intends to develop student and scientific partnerships are South America (Brazil), Africa (South Africa), India, China and Russia. Master and PhD students and students in specific scientific disciplines (engineering, economics, administration and law) are the main targeted population.

Developing organized mobility, through university agreements with origin countries is also a priority for the French government. The three ministries are also in charge of defining the guidelines and promoting programs of scholarships or university cooperation agreements. Students coming within exchange programs represent only a small part of foreign student flows in France; the proportion was 20 % in 2012 (EMN, 2012), the remaining 80% being students coming on their own ("individual" mobility) outside of any specific programs of mobility. The quantitative aim is to increase the share of supervised mobility from 20% to 50% 3 or 5 years later¹⁶.

¹³ Direction de l'Immigration

¹⁴ Direction Générale des Etrangers en France

¹⁵ Office Français de l'Immigration et de l'Intégration

¹⁶ Réunion sur l'attractivité de l'enseignement supérieur organisée à l'occasion de la présidence française du G 20 et du G8, le 10 mai 2011

Campus France

Campus France, created in 2007, has the aim "to promote the French higher education abroad, to manage the admission and the international mobility of students and researchers, the scholarships, the internships and other programs of international mobility of the students and the foreign researchers" (EMN,2012). Campus France is responsible for the whole chain of reception and integration of foreign students. This agency promotes international mobility by providing information on Higher Education in France and entry and stay procedures¹⁷.

To facilitate the arrival of targeted population (students and researchers), Campus France simplified the procedure of admission through the creation of a "single window" for these groups. This allows making numerous administrative procedures for the issuing of residence permits, housing assistance, work authorizations, social welfare and transport tickets at the same place. Campus France is supported by a French diplomatic and consular network, distributed in 110 countries, among which 31 adopted the dematerialized procedure of admission of foreign students (the procedure CEF¹⁸), including in Argentina, Lebanon and Senegal.

The Direction of Cultural and University cooperation and Research (DCUR¹⁹) develops and implements the programs and projects of the Head office, in particular regarding cooperation and exchanges between universities, institutions of higher education. The Division of the higher education (DCUR-ES) and the Division of research and scientific exchanges (DCUR-RECH) lead respectively the programs of cooperation in these domains and the policies of mobility and attractiveness of the territory, such as the university scholarships between France and foreign countries.

The analysis of the role of the various ministerial entities regarding the reception and stay of the foreign students and researchers allows understanding that the main managers of these

¹⁷ The Campus France website regroups all this information : <http://www.campusfrance.org/fr/>.

¹⁸ *Centre pour les Études en France*

¹⁹ *Direction de la coopération culturelle, universitaire et de la recherche*

migration flows are the Ministry of Foreign Affairs and the Ministry of Higher Education and Research through the unique Campus France agency.

To better understand the national policies and procedures designed for the admission and stay of foreign students and researchers in France, it is important to have in mind another French specificity: the organization of the higher education system.

3.2.1. A two-speed higher education system

The higher education system in France is divided into two main channels: universities and “Grandes Écoles”²⁰. 3/4 of foreign students study at university (MESR 2014). Procedures for the issuing of visas and residence permits for all students are the same. Only the recruitment of foreign students in higher education institutions differs. Table 1 describes both systems:

Table 1. The higher education system in France

	Selection at the entry	Conditions for the first year entry	Funding of the university or “Grande École”	Issued diploma
Universities	No	French Bachelor degree or degree of end of secondary studies	The French State	National diploma, recognized by the State
« Grandes écoles »	Yes (through dossier, competitions or interviews)	2 years of preparatory classes	Public or private; public or private; under supervision of a ministry according their specialty field (Engineer, Business and Management, <i>Ecole Normale Supérieure</i> , veterinarian Schools, Political Science Institutes, ...)	Public: National diploma recognized by the State
				Private: National diploma recognized by the State (Engineer or Business and management) or not recognized at the National Level

Source: EMN 2012

²⁰ Definition in the decision of August 27th, 1992

All higher education institutions in France are merged in poles of research and higher education (PRES²¹) since the Law n° 2006-450 of April 18th of 2006 on Research Program. PRES regroup universities, *Grandes Écoles*, specialized schools and research organisms and allows developing a common strategy, particularly regarding the international development of the members. The law n°2007-1199 of August 10th of 2007 on freedom and responsibilities of universities ("*Loi Pécresse*") also moves in this direction: it set the framework for a more independent management of the universities' budget and human resources, as well as a faster recruitment procedure for teacher-researchers.

3.2.2. The entry and stay of foreign students

Foreign students are admitted on French territory with a student visa²². This document has a validity period of 3 months (minimum) to 12 months (maximum). The conditions for the issuing of the visa are:

- the foreigner must be registered as student in a HEI in France;
- the foreigner must give proof of sufficient financial resources (this amount corresponds to the one amount of scholarships given by the French government, i.e. 615 euros in 2013)²³.

If the student remains in France for more than a year, he must apply for the renewal of the residence permit. If the conditions are met (same as for student visa: registration, financial resources), he/she will be issued a temporary residence permit²⁴ "student" valid for one year if the level of the targeted studies is inferior to the Master degree. Since the Law of July 22nd of 2013, students at the level of Master or PhD are issued a multi-year permit (from 1 to 4 years). The duration of the latter corresponds to the remaining years to obtain the targeted diploma in France (Master or PhD).

²¹ *Pôle de recherche et d'enseignement supérieur*

²² *Visa Long Séjour Valant Titre de Séjour (VLS TS)*

²³ The conditions for the issue of the visa are fixed in the Law of July 24th, 2006 in application of the Directive 2004/114/CE (source : EMN, 2012). The visa can be refused as if the student fulfills the conditions mentioned in the directive: for example if the foreigner constitutes a threat to the public order, the security or the public health. The inconsistency of the study project in France relative to his/her situation in the origin country is a common reason to refuse the visa (EMN, 2012).

²⁴ *Carte de séjour temporaire*

During his/her stay, the foreign student is covered by the student social security regime (it is paid for upon registration at the HEI). Grant holders from the French Government are exempted from paying for Social Security. Foreign and national students have access to the housing allowance issued by the national Family Allowance Fund²⁵.

The student can work within the limit of 964 hours per year (this corresponds to 60% of the annual statutory working time) and doesn't need to apply for a work permit. The student status (residence permit or long stay visa equivalent to residence permit) is worth work authorization²⁶. The conditions of work of foreign students are the same as French students: they are covered by the social security for students and have access to health care.

3.2.3 Post-studies

Students may change their legal status to stay in France to work or for family reasons. The majority of the changes of statuses, in the short term, are from student to employee whereas in the long term the changes of status are made toward a family status (EMN, 2012). In 2012, 7 500 foreigners holding a « student » residence permit renewed their right to residence as an « employee » (in 2011 there were 6 800 situations; 9,4 %).

If a student marries a third country national, the couple will need to go through the family reunification procedure. If the foreigner marries a French national, then the admission procedure "Family of French" applies. In both cases, s/he receives a temporary residence permit "Private and Family life" (Art L 314-11 of the CESEDA), that will be renewed as long as the union between the two spouses exists. S/he will be able to acquire an independent status after a certain residence duration has been met.

Before the Law of July 24th of 2006 on immigration and integration, the change of status to work occurred in the conditions of the common Law. The student could then obtain the permit "employee" (or "temporary worker") if he was holding a labour contract of minimum

²⁵ Caisse d'Allocations Familiales.

²⁶ Prior to 2009 students had to apply for a work authorization.

a year (or a contract from 3 to 12 months) after examination of the employment situation in France²⁷.

The 2006 Law eased the entry and stay of foreign workers which profiles correspond to the French recruitment needs (EMN, 2013). In this framework, the Law introduced a new regime of authorization for temporary stay (APS²⁸) for students holding a Master degree (minimum), which offers advantages for the transition into the French labour market. The APS has a validity period of 6 months during which the former student is authorized to:

- look for a first job in France corresponding to his/her qualifications, or
- work within the limits of 60% of the annual statutory working time, or
- work full-time if the wages is at least 1,5 times the current minimum monthly wage in France. In this case, he/she must request a change of status in the 15 days following the signature of the labour contract, and the prefect does not examine the employment situation in France.

This new temporary permit is designed in a global aim of win-win perspective between the origin country of the student and France i.e. the student is supposed to return in the origin country after his/her first professional experience in France and the chosen occupation should participate in the economic development of France or the origin country.

After these 6 months, if the student finds a job or has a confirmation of engagement from an employer for a job in his/her field of study and the offered wages is equivalent to 1,5 times the current minimum monthly wage in France, the foreigner is issued a residence permit “employee” (if the contract lasts 12 months or more) or “temporary worker” (if the contract lasts less than 12 months)²⁹ without examination of the employment situation in France³⁰. The other existing conditions for the issuing of a work permit in France remain applicable: the wages must be equivalent to the one of a French employee occupying a similar post and

²⁷ The notion of applicability of the employment situation in France to recruit a foreign worker was introduced in the decree n° 84-1079 of December 4th, 1984. In practice, the prefects can issue or refuse a working permit according to the employment situation in the geographical zone considered by the applicant.

²⁸ *Autorisation provisoire de séjour*

²⁹ Article L. 313-10 1° of the Labour Code

³⁰ Article L. 341-2 of the Labour Code

the job has to be in line with the diploma or the qualifications of the interested. The duration of the residence permits “employee” or “temporary worker” are equivalent to the duration of the labour contract. If the offered wages are less than 1,5 times the minimum wage, the change of status is examined by the prefectures under the common law (as described above).

The circular of May 31st, 2011, known as the Guéant circular, introduced some obstacles in the pursuit of the route of students in France. Indeed, this regulation asks prefects to examine the cases of change of statuses from students to employee with rigor. In May 2012³¹ a softening is felt in the stay rules and pursuit of professional carrier of foreign students in France. Indeed, the examination of the employment situation in France during the common law procedure to change status must last 3 weeks instead of 2 months. The reduction symbolizes a shorter period of competitiveness between the foreign candidate and national ones.

Parliamentary and ministerial debates regarding the stay of student after their studies resulted in a new law on July 22nd, 2013 (2013-660) on the of stay of the students (of level upper or equal to the Master's degree) and foreign scientists-researchers. We shall analyse the modifications brought by the latter in the light of the circular of July 30th, 2013, indicating the main changes in the modalities of the APS:

- The duration of the APS is extended from 6 to 12 months;
- The notion of "prospect of return" and of "economic development" of the origin country or France no longer needs to appear in the professional project of the former student and these elements no longer condition the acquisition of the APS after the studies;
- The employment following this APS is not necessarily the first work experience from the beginning of the studies and the student can have been employed firstly by this employer (which was not the case previously).

Some difficulties were met in the application of this law. The change the APS validity from 6 to 12 months was not simultaneous in all prefectures in France. The application procedure

³¹ With the circular NOR INTV 1224696C of May 31st of 2012 on the access to the labor market for foreign students.

for the APS remains vague and the practice is heterogeneous across the territory. Some specificities regarding the duration of the APS and the required diploma remain for nationals of the signatory countries of a bilateral agreement with France (Benin, Maurice, Tunisia, Republic of the Congo, Gabon, Senegal, Cape Verde, Burkina Faso, Macedonia, Montenegro, Serbia, Lebanon, Russia). Nationals from Benin, Mauritius, Tunisia are issued an APS for 6 months only, renewable once; nationals from Congo and Gabon are issued an APS for 9 months only, renewable once for Gabonese; nationals from Senegal are issued an APS for 12 months, not renewable.

3.2.4 Academics: conditions of entry, stay and work

To briefly chart the historical framework of the specific procedure for the entry of foreign researchers, it is essential to mention the Law 98-349 of May, 11th of 1998 on the entry and stay of foreigners in France and right of asylum. This “Law RESEDA” implemented a policy of attractiveness of foreign researchers and teacher-researchers in France. A procedure called “researcher” was created to ease and accelerate the administrative steps for the entry of foreigners employed in public institutions of the French Ministry of Higher Education and Research.

The French model inspired the European Directive 2005/71/CE that sets up a specific admission procedure for citizens from third countries for the purpose of scientific research (researchers and teacher-researchers). The application of this Directive in the French legislation (Law of July 24th, 2006 n°2006-911 on Immigration and Integration and following decrees and circulars³²) offered some few modifications to the already existing disposals (CJC, 2010), among which the accessibility of the procedure to foreign doctorate students.

This directive defines researchers as “a third-country national holding an appropriate higher education qualification, which gives access to doctoral programmes, who is selected by a research organization for carrying out a research project for which the above qualification is

³² Decree N°2007-373 of March 21st of 2007; Circular DPM/DMI2/2007/323 of August 22nd of 2007

normally required”(Directive 2005/71/CE; art 2 d). As holders of a Master degree, doctorate students can now apply for the status of scientific. The French Law specifies that doctorate students can apply only if they are holders of a labour contract (art R 313-11 CESEDA³³). It can be a doctoral contract, an Industrial Agreement for Training through Research³⁴, a trainee research assistant contract³⁵ or a contract of temporary research and teaching assistant³⁶. Doctorate students without labour contract may only apply for the student status.

The specific procedure “researcher” is valid for the above mentioned researchers of third countries, whatever the field of research, and the conditions to apply for the specific visa and residence permit “scientific-researcher” are the followings:

1. Being holder of a Master Degree
2. Coming in France to exercise research works and/or teach at the university level
3. Coming in France to work temporarily for a public and private research or higher education organisms certified by the Higher Education and Research Ministry (defined by the decree of December 24th of 2007) (MESR, 2014; CJC 2010):
 - Public scientific and technological research Agency (EPST): CNRS, Inserm, Inra, INRIA, CEMAGREF, INED, IRD, IFSTTAR);
 - Public Industrial and Commercial Research Agency (EPIC): CEA, ADEME, IFREMER, INERIS...;
 - Higher Education and Research Institution Groups (EPCS);
 - Public Institutions for scientific, cultural and vocational education (EPSCP);

³³ Article R 313-11 CESEDA, defined by decree 2007-373 of March 21st of 2007.

“La carte de séjour mention “scientifique-chercheur” est délivrée à l'étranger titulaire d'un diplôme au moins équivalent au master ayant souscrit une convention d'accueil avec un organisme public ou privé ayant une mission de recherche ou d'enseignement supérieur, agréé à cet effet, attestant de sa qualité de scientifique ainsi que de l'objet et de la durée de son séjour en France. Lorsque cet étranger envisage de s'inscrire ou s'est inscrit dans un établissement d'enseignement pour y préparer une thèse de doctorat dont le sujet est prévu par la convention d'accueil, il complète sa demande de carte de séjour par la production du contrat souscrit auprès de l'organisme mentionné dans ladite convention pour l'exercice de la mission de recherche ou d'enseignement qu'elle prévoit ».

³⁴ Convention CIFRE

³⁵ Contrat d'Allocataire de Recherche

³⁶ Attaché Temporaire d'enseignement et de Recherche.

- Specialized Higher Education Institutions;
- Institutions authorized to issue the diploma of engineer and Business and Commercial Schools;
- University Hospitals (CHU);
- Institutions recognized as public interest (foundations...);
- Public interest group in the research sector (GIP);
- Organisms created by international Agreement.

4. For doctorate students only: a labour contract.

If those criteria are satisfied, the foreigner is issued a Visa long stay equivalent to residence permit “scientific-researcher” (VLS-TS) to exercise research works or teach in a higher education institution in France for 12 months maximum. If the foreigner stays beyond this period, the foreigner can apply for a residence permit “scientific-researcher”. The latter has a period of validity of 1 to 4 years, according to the duration of the research works scheduled in the hosting agreement (the pluri-annual permit is active from the circular of June 10th of 2013).

The scientific procedure offers some advantages firstly because researchers only need the hosting agreement to ask for the visa “scientific- researcher”. Not only the agreement prevents them from presenting a labour contract (except doctorate students) and asking for a work authorization but the situation of the labour market in France is thus not applicable. The hosting agreement can be produced only by research institutions certified by the Higher Education and Research Ministry. The agreement is compiled by the host institution and contains a description of the research activities developed in France, a certification of his/her available resources to live in France. Also, the host institution verifies that the researcher subscribed to a health insurance for the whole duration of stay in France. The institution is finally responsible for the return of the foreigner. The procedure puts then the host institution at the centre of the entry and stay procedure (EMN, 2013).

Researchers coming to work in an institution which is not certified by the French Ministry of Higher Education and Research (and cannot produce the hosting agreement) must follow the common law procedure for the entry and stay of employees in France³⁷.

A second major advantage is the administrative procedure and rights granted to the family of the researcher. They can join him/her in France without waiting for 18 months, as it the case for the classic procedure of family reunification. Spouses and minors can come at the same time as the scientist-researcher. They obtain by full right a temporary residence “private and family life” of the same duration as the residence permit of the researcher. This permit allows them to work in France (EMN, 2013).

Scientists (as holders of a Master degree and highly skilled migrants) may also apply for the permits “skills and talents” or “Blue card”:

- Residence permit “Skills and talents”
 - Exceptional professional project in a specific field (salaried, industrial, commercial, liberal or artistic activity);
 - Being able to earn your living with the project;
 - Demonstrate your skills and talents (sports activity; international reputation; publications or research works; significant professional experience...)
- Residence permit “Blue card”
 - Labour contract aimed to highly skilled persons of minimum 1 year;
 - Minimum wages: 1,5 times the current minimum monthly wage in France;
 - 3 years of studies in a Higher Education Institute recognized by the State (where it was obtained)
 - Service offerings to firms established in several Member states.

³⁷ This will be documented in the inventory of the WP5 of TEMPER, as we consider this population as highly qualified migrants.

The recruitment of foreign researchers

According to the Directive 2005/71/CE, the recruitment of a foreign researcher is conditioned by the signature of the hosting agreement by a host institution of research. The research project is accepted and the agreement signed according to:

- “the purpose and duration of the research, and the availability of the necessary financial resources for it to be carried out;
- the researcher’s qualifications in the light of the research objectives.”

In France, neither advices nor regulation define the way to accept an agreement. Since the Law n°2007-1199 of August 10th of 2007 on freedom and responsibilities of universities, the latter are more independent on the definition of their own policies and practices of recruitment (CJC, 2010). Foreign researchers or teacher-researchers directly coming to work in public universities in France may have 3 types of statuses (Jaillet, 2009; MESR & CPU, 2007):

- **Visiting professor –the employer remains the higher education institution in the origin country.**

The candidate must be working in a higher education institution in his/her origin country. The foreigner is selected by a local commission of experts and the decision is taken by the Administrative Board of the University. This can occur through exchange programs (such as Erasmus Mundus, Marie Curie scholarships...) or through agreements between universities (bilateral or multilateral agreements)³⁸.

- **Temporary recruitment - as Associate Senior Lecturer or Associate University Lecturer and Professor (does not award the status of public officer)**

The recruitment is for a fixed term period; the foreigner may have 3 different statuses:

³⁸ A following section of the report is dedicated to exchange programs and agreements between universities.

- Associate Senior Lecturer or Associate Professor

- a. Full time recruitment

- i. The eligibility criteria are the followings:

- Working as teacher or researcher in a Higher education Institute in a foreign country and being Holder of a PhD or Research Supervision accreditation (HDR)
 - Working in the aimed field for 7 years to apply for a post of Senior Lecturer and 9 years to apply for a post of University Professor and Lecturer

- ii. Associate Senior Lecturer are recruited for a period of 6 months (minimum) to 3 years (maximum) by the President of the University after recommendation of the Scientific and Administrative Board.

Associate University Lecturer and Professor are recruited for the same period by decree of the President of the Republic.

- b. Part time recruitment

- i. The eligibility criteria is the following: working (main activity) in line with the aimed field of teaching

- iii. Associate Senior Lecturer are recruited for a period of 6 months (minimum) to 3 years (maximum) by the President of the University after recommendation of the Scientific and Administrative Board.

Associate University Lecturer and Professor are recruited for a period of 3 years (minimum) to 9 years (maximum) by decree of the President of the Republic after recommendation of the Scientific and Administrative Board.

- Visiting Senior Lecturer or Visiting Professor

- c. The eligibility criteria is the following: working as teacher or researcher in a Higher education Institute in a foreign country and being Holder of a PhD or Research Supervision accreditation (HDR)

- d. They can be invited during an academic year for a period of 1 month or more by the President of the University after recommendation of the Scientific and Administrative Board. The following years they can be invited for a duration between 3 and 6 years

- Contract public employee³⁹

It can be fixed term or permanent contract.

The foreigners are employed by the university and may occupy research or teaching posts, or both. They are recruited after recommendation of the Selection Committee (composed by teacher-researchers of the same level)..

- **Permanent recruitment- as Senior Lecturer or University Professor and Lecturer (awards the status of public officer)**

To apply for this post, there are several steps. The first one is the registration on a list of qualification for the post University Professor and Lecturer, defined by the National University Council (CNU).

- To be candidate on this list, the eligibility criteria are the followings:
 - Being Holder of a PhD (or 3 years of professional experience in the past 6 years to apply for a post of Senior Lecturer)
 - Holder of an Research Supervision accreditation (HDR) (or 5 years of professional experience in the past 8 years to apply for a post of University Professor and Lecturer)
- The examination of the dossier is based on the following criteria
 - The interest of the initial training
 - The quality of the PhD thesis
 - The quality of the post-doctoral publications
 - The teaching experience

³⁹ *Contractuel*

- iii. Senior Lecturer or University Professor and Lecturer working in a Higher Education Institution in a foreign country on these posts are exempt from having to be registered in the list. Their application is directly examined by the Scientific Board of the institution, then the Selection Board and finally the Administrative Board.
 - iv. In the juridical, political, economic and management fields there is no need to be registered on the list to apply for a post of University Professor and Lecturer. They must apply directly for the national higher-education entry exam⁴⁰
 - v. In the medical and in some pharmaceutical fields, job offers are published in an inter-ministerial decree. Candidates must apply at the Education and Research Unit (UFR) of the University hospitals in which jobs were published.
2. The second step is a competitive exam, according to the profile of the candidates (except for candidates mentioned in iii.; iv. and v.). There are 2 types of exams:
- i. Open to candidates having obtained their registration on the list and have the adequate diploma
 - ii. Open to candidates having obtained their registration on the list and have an adequate professional experience

The recruitment of researchers and teacher-researchers in all other public and private research or higher education organisms certified by the Higher Education and Research Ministry (EPST; EPIC; EPSCP; Specialized Higher Education Institutions; Institutions authorized to issue the diploma of engineer and Business and Commercial Schools; Institutions recognized as public interest Public interest group in the research sector

⁴⁰ *Concours national d'aggregation de l'enseignement supérieur*

(GIP);Organisms created by international Agreement) occur through the classic procedure of recruitment of a highly skilled foreign worker: the employment situation in France is not applicable.

Social benefits issued to foreign researchers

The directive 2005/71CE (art 12) establishes the main principle regarding the social benefits granted to foreign researchers and teacher researchers coming to work in France: the equality of treatment between foreign researchers and national researchers (for recruitment, dismissal, wage and social security).

Regarding the social security, foreign researchers, teacher-researchers recruited in a French university and their dependents must subscribe to the Social Security (Art. L211-1 of the CESEDA ; CJC, 2010). They are ipso facto entitled to the social coverage for employees (Health insurance, retirement provision, unemployment...). Visiting professors (whom employer keeps being the Institution in the origin country) must be covered by a hosting agreement which allows the coverage of work incidents.

The foreign researcher can apply for the employment insurance under 3 conditions (Article R 5221-48 of the Labour Code):

1. He/she contributed enough;
2. The contract is interrupted for reasons beyond his/her will (dismissal, legitimate resignation);
3. Is holder of a valid residence permit.

In practice, holders of a residence permit “scientific-researcher” may be unemployed the day of the expiry of the hosting agreement, which corresponds to the date of expiry of the permit. They cannot benefit from the employment insurance and services of the National Employment Agency⁴¹. Doctorate students’ holders of the same residence permit are submitted to the rules. Nevertheless, once finished their doctorate and expired their hosting

⁴¹ Pôle Emploi

agreement (and residence permit), they can apply for the authorization for temporary stay (APS) valid for 12 months, described in the section 3.3. It allows them to have a first professional experience, in the same conditions as mentioned above (in the section 3.3 and in the table 10). The French Labour Code (Art R5225-48) doesn't mention however the APS as a valid residence permit authorizing the registration of the job seekers list of the National Employment Agency. They can neither benefit from the unemployment insurance and the inherent services (CJC, 2010).

3.3. Legal framework targeting students and academics in Spain

3.3.1. Students (Undergraduates, Master and PhDs)

Admission to the University: For undergraduates programs

Until recently (1 Jan, 2014), access to official university undergraduate courses and the admission procedure to Spanish public universities was regulated by RD 1892/2008 (<http://www.boe.es/boe/dias/2008/11/24/pdfs/A46932-46946.pdf>), which distinguished two major groups:

- EU students, and students from non-EU countries with a relevant educational agreement with Spain (Iceland, Norway, Lichtenstein, Switzerland, Andorra, China, those with International Baccalaureate), according to the list in Annex I of Instruction from the Ministry of Education titled EDU/1161/2010 (<http://www.boe.es/boe/dias/2010/05/07/pdfs/BOE-A-2010-7253.pdf>), later modified by Resolution from the Universities General Secretariat (<https://www.boe.es/boe/dias/2014/03/10/pdfs/BOE-A-2014-2522.pdf>). We will call them foreign students with privileged access.
- The rest of foreign student applicants will be labelled foreign students with non-privileged access.

The former – students with privileged access - were exempted from taking the exam to access the Spanish University System, as far as they meet the requirements to be admitted to their countries universities, without needing even to prove the equivalence of their

secondary school qualifications. The Spanish Open University (University at a Distanced known as UNED in Spanish) is the one in charge of checking they meet the requirement after receiving the foreign student's application for the 'credential', could be filed through this online interface:

http://portal.uned.es/portal/page?_pageid=93,932663&_dad=portal&_schema=PORTAL

In order to obtain the credential, foreign students have to pay approximately 100 Euros, and mail to the UNED a copy of their passport, of their diploma or certificate that allow them to access the university in their respective country of origin/secondary school, and transcript record of their school qualifications for the latest two courses of secondary level.

The obtained credential, if UNED checked everything was correct, provided foreign students with a secondary school qualification between 5 and 10, which was considered equivalent to the general phase/text of the Spanish test to access the University (*Prueba de Acceso a la Universidad*, PAU, in Spanish). In addition to this credential, students who wished to improve their qualification, calculated with basis on the equivalence tables included in the Annex IV of the norms previously cited, were allowed to take the specific test, which permitted to improve such qualification calculated according to the qualifications' equivalence tables with their countries of origin's qualification systems. They could obtain up to 4 additional points to the maximum 10 of the credential by taking the test for maximum of 4 subjects/fields.

The entire duration of this whole process for obtaining the 'credential' was 6 months. In addition, the webpage with all the information, oddly, was only available in Spanish with some additional instructions in Chinese.

Once the credential was obtained, foreign students could participate in any pre-registration processes of any Spanish university, public or private, with which they should also establish some contact before hand to know the relevant deadlines.

In contrast to the previous group of foreign students, most non-EU students (unless they came from countries with which Spain had a relevant bilateral agreement on education) had

to take the test to access the Spanish University, generally in the premises of the UNED abroad (*Orden* EDU/473/2010). To prepare the exam they usually had to take preparatory courses for subjects that were not included in their degrees in their countries of origin, or prepare them on their own. In most cases, the results of the test implied a lower overall qualification than the one they would have obtained in case of having access to the privileged procedure with equivalence tables.

Finally, foreign students should have an adequate knowledge of the graduate studies language of teaching (generally Spanish). The universities are allowed to take exams to assess their language level, as well assessing it through their previous CV.

This system of accessing the Spanish university had been strongly criticized as one of the main obstacles facing Spanish universities to recruit more foreign students⁴². The recent reform implemented in the entire educational system has established a transitory period to eliminate it, which will be fully applied in the academic year 2016-2017 but which is already largely in function. Since January 2014, the new LOMCE jointly with the RD 412/2014 from June 6th, established that Universities could admit to graduate studies students who have obtained their Bacalaureate or equivalent diploma paying attention exclusively to their qualification they obtained in it. Thus, the entire responsibility moves now to each University, the requirement of the 'credential' is suppressed for those who could apply for it in the previous system; the rest of students (the ones without privileged access in the previous legislation, that is, most of the students coming from non-EU secondary school systems) will have to 'homologate' their diploma through the procedure established by the Spanish Ministry of Education⁴³ but the University is allowed to admit these students to their undergraduate programs if they prove that have initiated the procedure, even if it is not solved yet⁴⁴.

⁴² http://sociedad.elpais.com/sociedad/2014/06/18/actualidad/1403117685_884980.html

⁴³ <http://www.mecd.gob.es/dms/sede/catalogo-tramites/gestion-titulos/estudios-no-universitarios/titulos-extranjeros/solicitud-homologacion.pdf>

⁴⁴ <https://www.boe.es/boe/dias/2014/06/07/pdfs/BOE-A-2014-6008.pdf>

In the new system, universities are exceptionally allowed to carry out specific exams to evaluate specific knowledge for some subjects or skills. But in any case the qualification from the Baccalaureate will count at least 60% of the total punctuation of the admission procedure. Apart from the Baccalaureate qualification, Spanish universities may also consider which were the subjects realized by the student, in relation to the undergraduate program chosen in Spain, qualifications obtained for some specific subjects, and other complementary training and educational courses completed by the applicant.

During the transitory period, foreign students are still allowed to take the general part of the national exam to access the university, which will be still available for them through the UNED. And the universities could use the qualification obtained in the specific part of the test as an additional criteria to attribute the final qualification for admission jointly with the *Baccalauréat* qualification.

Special conditions apply to students who wish to study for specialised healthcare training courses in Spain, as defined in Law 44/2003 of 21 November, on the regulation of medical professions (doctors, pharmacists, veterinary surgeons, nurses, physiotherapists, speech therapists, etc. and any other professional activity that is formally declared as a qualified and regulated medical profession).⁴⁵

Admission for Master and PhD programs

Foreign students who wish to take up Master or PhD. Programs in Spain can apply directly to the Spanish University offering the program they want to enrol in. In contrast to undergraduate students, they do not need to apply for the homologation of their *Baccalauréat* diploma, although they have to meet other requirements:

⁴⁵They must be in possession of the corresponding University Diploma or Bachelor's Degree, and must take the entrance exam for specialized medical courses, which is held annually in Spain (Order SPI/2549/2011 of 19 September, which approves the 2011 selection process for 2012 admissions to specialized medical courses). Passing these exams will lead to gaining a place on a specialized medical course in the residency system in accredited centers. They will compete directly in the national entrance exams for specialized healthcare training courses under the same conditions as Spanish students, although they must hold either a Spanish Bachelor's degree or Diploma qualification or a foreign qualification that has been duly recognized or officially validated as equivalent to the corresponding Spanish qualification. Once the entrance exam has been held and all the places that were offered in the annual selection process have been allocated according to the scores of each candidate in decreasing order, international students will be subject to the residency system provided for in Article 33 of the LOEX on admission for study purposes, student exchanges, unpaid work experience or volunteering (EMN 2012).

1. to access a Master program they need either a graduate diploma obtained from a Spanish university or one from the EHEA, or a graduate diploma from other country and the Spanish university green light after checking that that diploma is from studies equivalent to the graduate diploma in Spain
2. to access a PhD. Program will be necessary also to have completed at least 60 ECTS, which can have been part of the training period of the PhD program or from a previous Master.

These rules applicable to Master and PhD students have not recently changed, in contrast to the regulation for undergrads.

Visa application: requirements and procedure – the same apply for both undergraduate students and students accessing Master and PhD.

Programs Requirements:

Economic resources

Foreign students will need economic resources sufficient to pay all the expenses associated with their stay in Spain and, if it applies, also that of their relatives, reaching the following amounts:

- a. Monthly, 100% of the Multipurpose Public Income Indicator (IPREM in Spanish), which was set to 532,21 Euros in 2012 per month, unless the applicant proves to have pre-paid accommodation for entire duration of the studies period.
- b. For the relatives, monthly, 75% of IPREM if the student brings with him/her only one relative (399, 38€) and 50% for each of the rest of relatives, unless the applicant proves to have pre-paid accommodation for entire duration of the studies period.

Medical Insurance

Foreign students will need to prove they count with a public or private health medical insurance:

- a. **Citizens of the countries of the European Economic Area** (the 27 countries of the European Union plus Iceland, Liechtenstein and Norway) who entitled to Social Security in their country of origin should obtain [the European health card](#).
- b. **Citizens from countries outside the European Economic Area** must verify the existence of bilateral agreements and conventions between their country and Spain on Social Security and health care. Currently, these kinds of agreements are valid only with certain Latin American countries such as Bolivia, Brazil, Chile, Ecuador, Paraguay and Peru, and Andorra. If there is any agreement in this matter between their country and Spain, it is necessary to contact the public health authorities of the country of origin to obtain the corresponding document that proves the coverage for the applicant.
- c. **Non-EU citizens from countries that have not signed an agreement with Spain in this regard** are **required to take out private health insurance** and cannot legally access the public health care system. This health insurance is a **precondition for the application and granting of student visas** in the Spanish consular offices, as well as the subsequent application and granting of a "residence permit for studies" once already in Spain. The insurance must be valid throughout the person's stay in Spain. This insurance may be Spanish or foreign and cover also the cost of repatriation costs in case of death.

Other requirements

- a. The admission to the Spanish University to attend full-time studies leading to obtaining of a qualification of studies diploma, or the admission to centre officially recognised to carry out research or training activities in the case of PhD. Students.
- b. In accordance with Article 43 of the Immigration Regulations on the *special system for specialised studies in the medical field*, the Consulate in the place of residence may issue the study visa only after verifying that a place on a specialised medical course has been offered.
- c. Proof that the applicant is not banished from entering Spain,
- d. If the applicant is a minor who does not come with their parents or legal tutors, their authorization

If the stay in Spain for the completion of the studies will last more than six months, it will be necessary in addition:

- a. Certificate proving the applicant has no criminal record in previous countries of residence during the last five years affecting actions considered crimes in the Spanish legal system (only applies to applicants of legal age).
- b. Proof the applicant has no illness or disease that could have serious impact in public health according to WHO International Regulations 2005.

For all, also a valid passport with a minimum expiry time covering at least the period of stay requested by the student, and translation into Spanish of all the documents previously legalized in the corresponding Spanish Consulate Office of their country of origin, unless the documents already count with The Hague stamp.

Procedure

In the case of visas for studies, the visa also includes the stay permit for study in Spain. In other words, there is only one unique application procedure for both the (entry) visa and the stay permit, and the entire procedure is carried out before entering the Spanish territory through the Spanish Consulate abroad.

The applicant must present personally the application to the Consulate, with all the documents proving all the requirements listed above, and pay the fee for visa processing (approximately 60€). The Consulate will make a preliminary evaluation of the visa granting. If that preliminary evaluation is positive, then the Consulate will communicate electronically with the Foreign Office in Spain (generally that of the province where the University of research/training centre is located), so the Foreign Office checks the validity of the admission to the University/research centre document, as well as the lack of criminal record, when it applies. Within 7 days, the Foreign Office may reject the permit to stay and communicate this decision to the Consulate; otherwise, the silence will be considered as a positive answer to the Consulate to continue with the visa granting procedure. The Consulate will double-check all the documents, and it may also request a personal interview with the applicant.

The period for the Consulate to solve the application is one month since the moment all documents were submitted to the Consulate. No answer within a month means a negative response. The applicant must pick up the visa from the Consulate in the period of two months following the official communication of the visa granting; after these two months, the procedure is closed and the visa is not valid any longer.

The maximum duration of the visa will be of one year, or the duration of the studies to be taken if they are shorter than a year. If the duration is longer than 6 months, the student will need also to obtain a Foreigner Identity Card within the first month after entering Spain.

3.3.2. Stay in Spain and Rights

Duration of stay and renewals:

The maximum duration of the visa will be of one year, or the duration of the studies to be taken if they are shorter than a year. It can be extended annually as long as the requirements to meet the visa remain, including now also proof that they passed the exams or other relevant test to continue their studies or, in the case of PhD. Students, that they are making progress with their research.

Note that foreigners may be in Spain either with permission to stay, or as residents. International students in Spain are here obtaining a stay status, not a resident status. This time for stay to study does not give the student the right to accumulate time spent in Spain in order to consolidate a legal status and, therefore, neither is it taken into consideration for purposes of acquiring Spanish nationality by being resident in Spain.

However, in line with Directive 2003/109/EC, and with the purpose of being granted long-term EU residency status, article 152 of the Immigration Regulations states that for periods of studies-related stay, student mobility or unpaid work experience, 50% of the period of stay shall be taken into account, as long as when the request is made once the foreigner is already a resident in Spain.

Right to work:

International students with stay permits for study may be permitted to work, whether as an employee or as self-employed, as long as it is part-time job, or full-time but only for a period shorter than 3 months and which does not overlap with studies period. In addition, the resulting wage is not needed by the student to cover their own maintenance expenses, and will not be considered in applications for extensions or renewal of the stay.

It seems relevant to highlight that the hiring of international students shall not be subject to the requirement concerning the national employment situation. However, the application for the work permit must be presented by the employer, unless it is a self-employment activity. In addition, the contract must be a written one.

Right to bring relatives:

International students may bring their spouse, unmarried partner and children under 18, or who are disabled or who cannot look after themselves due to health reasons. These relatives may apply for a stay visa in the corresponding Consulate after the student is already in Spain, but the application for both the student and his/her relatives may also be submitted jointly.

Family members who have been granted this visa may remain legally in Spanish territory for the same period of time and under the same conditions as the main visa holder. Their stay will always be connected to the stay status of the student and are not allowed to work in Spain

Post-studies

International students who wish to remain in Spain once they have completed their studies may do so either for work, for research reasons, or as highly qualified professionals.

In order to obtain residence and/or a work permit as employee, a visa is not required, the permit application must be presented by the employer, and applicants must meet the requirements stipulated in article 64 of the Immigration Regulations, except Section 3 a) on checking the national employment situation as regards hiring, and additionally they must

prove the following:

- That they have remained in Spain for at least the last three years with a residence permit, although this requirement may be reduced as an exception on the basis of a previous report from the General Secretariat for Immigration and Emigration, on the grounds of exceptional proven professional and scientific merit.
- That they have passed their studies, or finished their research work, training or experience successfully.
- They did not receive grants or scholarships from public or private organisations that are part of cooperation and development programmes in Spain or the international student's country of origin.

International students must request the change to a residence and work permit while their student stay permit is still valid. This new request for a residence and work permit shall extend the validity of the stay permit for study, should that have expired, until the decision about the residence and work permit has been communicated. International students may also request a residence permit for family reunification when they request to change from student status to residence and work status.

3.3.3. Academics and researchers

The legislation regulating the entry and activity of foreign academics and researchers in Spain was recently modified by Law 14/2013, on support of entrepreneurs and their internationalization, which explicitly include highly skilled professionals and activities of training, research, innovation and development as part of its focus.

Even the previous legislation regulating their entry in the Immigration Law and Regulations has not been suppressed, we will focus on the latest reform introduced by Law 14/2013, since it clearly offers easier requirements to meet and facilitate procedures, and in most cases will be the road chosen by both universities, firms and individuals to bring/come to Spain for training, research and innovation activities. The Law 14/2013 regulates the hiring of foreign

highly skilled professionals, as well as the visa and residence permit needed to carry out training/teaching, research, innovation and development activities in Spain in arts. 71 and 72 respectively (see Table 4 in Appendix for details).

Art 71 establishes that firms that need hiring foreign directives and highly skilled professionals to develop a firm project that entails a relevant contribution to scientific or technological innovation for the general interest –certified as such by the General Directorate of International Trade-, or professionals with graduate or postgraduate diplomas from business schools and universities of highly acknowledged prestige, may apply for their residence permits.

Art. 72 establishes a new type of visa and residence permit for carrying out activities of teaching/training, research, innovation and development in private or public institutions, which the following type of foreigners will be allowed to apply for:

- Researchers, as defined in Science Law 14/2011, art.13 including the university professors among whose activities is included to develop academic research (Universities Law 6/2001)
- Scientific and technological staff who carry out activities of scientific research, innovation and development in firms or R+D centres established in Spain.
- Researchers hosted by research centres, public or private, in the framework of collaboration agreements
- Professors hired by universities, tertiary education and research institutions, or business schools established in Spain.

4. Programmes implemented to attract foreign students and academics

4.1. UK

While funding for non-European Economic Area (EEA) students is limited, some HEIs run their own funding schemes, which have varying levels of criteria and conditions. These tend to be competitive, such as the Rhodes scholarship at the University of Oxford. Most funded

places are offered on postgraduate courses rather than undergraduate studies, and often involve some combination of financing from research councils, the private sector or charities. The criteria and amount of funding varies widely according to institution, discipline, and level of study. UK-based expenditure on scholarships for overseas students was estimated at £49.9 million in 2009/10 (Departments for Business, Innovation and Skills, 2011, p. 26). Some examples of funding programmes available for non-EEA students are presented below.

4.1.1. Government funded programmes

Not available information at this point

4.1.2. Non-Government fellowships

Newton International Fellowship Schemes

The Newton International Fellowship Scheme is delivered by the British Academy and the Royal Society, and began in 2008. The scheme was established to select the best early stage post-doctoral researchers from all over the world to enable them to work at UK research institutions for a period of two years. The scheme covers researchers in all disciplines covered by the two academies – physical, natural and social sciences, and the humanities. Applicants must have a PhD, have no more than seven years of active full time postdoctoral experience, be working outside the UK, not hold UK citizenship and have a clearly defined and mutually beneficial research proposal agreed with a UK host researcher. The funding consists of £24,000 per annum for subsistence costs and up to £8,000 per annum research expenses. Approximately 40 Newton International Fellowships are offered each year.

There are a number of fellowships for early career/postdoctoral researchers in the natural sciences and medicine of which applicants from any nationality can apply. These include: the BBSRC David Phillip Fellowships, Medical Research Council (MRC) Career Development Award, the MRC Senior Non-Clinical Fellowship, Human Frontier Science Programme (HSFP)

long-term fellowships, HSFP cross-disciplinary fellowships, the Engineering and Physical Science Research Council (EPSRC) fellowships, Cancer Research UK career Development Fellowships, Age UK Research Fellowships.

There are also a number of privately funded, EU based (not necessarily UK), scholarships and fellowships specifically for Latin American students. These have various eligibility requirements and often for specific disciplines such as engineering. These include: Roberto Rocca Education Fellowships and the Alban Scholarship award.

4.1.3. Funding schemes from UK universities

A number of universities offer postgraduate funding for international students, none of these are specifically for Romanians or Argentineans.

Bilateral/Multilateral Agreements

The UK participates in different bilateral agreements involving the mobility of international students (*UK-India Education and Research Initiative (UKIERI); UK-China Partners in Education; Science without borders targeting Brazilian students and researchers; Fullbright Scholarship for USA students; Indonesia-UK DIKTI Scholarship Programme; Kazakhstan International Scholarships; with Turkey*). There are no specific agreements for scholarship/fellowship programmes between the UK government and the Romanian or Argentina governments.

4.2. France: General and specific scholarship / fellowship programmes

Several types of grants exist for the admission of postgraduate students, post-docs, researchers and professors, foreigners willing to come in France to study, research and/or teach in a higher education institution in France.

This section will provide an overview of the available scholarships and fellowships programmes, by main funding institution⁴⁶. In a first part, we will analyse the grants awarded by France in cooperation with the European Union and multilateral organisms; we will then focus on French but also Argentinian, Senegalese and Romanian Government scholarships; finally we will focus on non-government scholarships for our specific populations.

Tables included in sections 5 of D4.2 contain a detailed description of all the programmes and awarded scholarships mentioned (types of requirements to apply; duration and amount; types of rights provided; number of beneficiaries...).

4.2.1. European and international scholarships

The University Agency of the Francophony

At the international level, the University Agency of the Francophony, the world network of 779 institutions of higher education and research supports the cooperation and the solidarity between university institutions working in French and contributes to the development of the higher education and the research in the French-speaking space. It is mainly founded by France.

The program encourages the mobility of Master and doctorate students of the South towards institutions of the South or the North, as well as the flows of Northern candidates towards institutions of the South. For the candidates of the South admitted in the North, scholarships are awarded with the prospect of the return of the grant holder in his/her region of origin at the end of the period of mobility.

The Erasmus Mundus program

At the European level, the Erasmus Mundus program, founded by the European Union, is intended to strengthen the European cooperation and the international links in the field of the higher education by supporting Master's degrees and European doctorates and by allowing the students of the whole world to study in at least two European institutions of

⁴⁶ Only the scholarship involving a significant number of students will be described in the report.

higher education. These programs of studies and research lead to the obtaining of a double, multiple or joint diploma. They are associated to a program of scholarships, aimed at financing highly qualified people who follow Master's degrees or programs of doctorate Erasmus Mundus (Campus France).

Students under these programmes benefit from simplified formalities and are exempt from visa fees. In the 31 countries using the CEF procedure (among which Argentina), Erasmus Mundus students are exempt from the CEF interview requirement and payment of the CEF fees.

From the launch of the programme in 2004 until 2011, France coordinated the highest number of Erasmus Mundus masters courses (32), ahead of Spain and Belgium (14), the Netherlands (13) and Germany (10). At doctoral level, France and Italy were the top two European countries in 2010 and 2011 for coordination of Erasmus Mundus doctoral programmes: with nine programmes coordinated by France and seven programmes coordinated by Italy. (EMN, 2012; information from the Agency for Education and Professional Training in Europe (2E2F)). In 2012-2013, 248 foreign scholarship students at Master level and 29 foreign doctorate students integrated French Higher Education Institutions (EMN, 2012).

French Government scholarships

At the national level, the Ministry of Foreign Affairs under the management of Campus France and the Centre for Studies in France set up in the partner State facilitate the entry and stay of the student and researchers by implementing promotional activities. These are mainly aimed to students with “high potential” and increasingly to nationals from developing countries. The status of French Government grant holder exempts the student from the payment of the university and social security fees, and simplifies the administrative procedure for the issuing of the visa (Decree of December 27th, 1983).

4.2.2. General scholarships

- **The Excellence Program Eiffel**

Eiffel was launched in 1999 by the Ministry of Foreign Affairs in the aim of supporting the international recruitment of the French institutions of higher education. The plan allows to fund:

- a training of Master's degree, or
- a mobility of ten months within the framework of a guardianship or a joint-management of a PhD thesis.

The objectives of this grant are to train, in the French institutions of higher education, the future foreign decision-makers of the private and the public sectors, in three main fields (sciences, economy-management, law and political sciences). The priority target are the students from emerging countries, first and foremost Asia, Latin America, Europe(Eastern), Middle East and the new Member states of the European Union, but also, for the level Doctorate, industrialized countries. (Campus France)

- **The Excellence Major Program of the AEFÉ (Agency For French Education Abroad) and the Ministry of Foreign Affairs**

The program is jointly founded by the AEFÉ and the Ministry of Foreign Affairs and of the international Development. It is awarded to holders of high school diploma stemming from the network of the French high schools of the world who come in France to pursue high-level studies in France. The grant is awarded on the basis of criteria of excellence (Campus France).

- **The Post-Doc research program Fernand Braudel—IFER (International Fellowships for Experienced Researchers)**

The House foundation of the human sciences offers post-doctoral research grants in human and social sciences of a duration of 9 months within the framework of the program "Fernand Braudel-IFER". The hosting institutions are chosen by the researchers. All the disciplines of the human and social sciences are eligible.

At the local level, 2 types of scholarships are awarded for foreign students in France:

- **The “Master Ile de France” scholarship**

The scholarship “Master’s degree Ile-de-France” aims at supporting the action of international recruitment of the Ile de France Higher Education institutions. The targeted population are the foreign newcomers students of 30-year-old maximum, wishing to prepare a diploma of Master's degree in initial training in an institution of higher education in Ile-de-France, whatever the field of study.

- **The Programme "Research in Paris" of the city of Paris**

« Research in Paris” is a selective program of admission of the foreign researchers (post-docs students or senior researchers) in the Parisian public research laboratories. It is designed to support the international attractiveness of the Parisian research.

4.2.3. Specific scholarships

Government grants are also awarded through the Department for Cultural Action and Co-operation of the French embassies, depending on the French Ministry of Foreign Affairs. Please refer to the table at the end of the section 6.2.2 for a detailed description of each program mentioned.

- **Argentina**

- The Saint-Exupéry Program

One of the programs issued by the Embassies of France in Argentina is the program of scholarships Saint-Exupéry. The aim is the training of the teachers, researchers and Argentine PhD students, in order to encourage and to support the link between Argentinian and French universities. The program implements doctorates in guardianship (10 scholarships founded in 2010), encourages the admission of Argentinian researchers in French research centres and supports the training of trainers (Embassy of France in Argentina).

- The Bernardo Houssay Programme

This program was created in 2009 to promote the exchanges of young PhD students in both directions France-Argentina and of French PhD students in Argentina. The aim is mainly to strengthen the existing binational scientific projects of cooperation (Embassy of France in Argentina).

- **Romania**

From the 90s, the Embassy of France in Romania supports the student mobility to encourage the training of highly qualified French-speaking Rumanian executives. The aim is to promote and to value the training of young French-speaking Rumanian talents in very sharp domains. To date, more than 2000 Rumanian students benefited from it. In 2013-2014, about 60 Rumanian doctorate or Master students of several fields (Human and social Sciences, Letters, Law and Political sciences, Exact sciences, Economy and management, etc.) received it. Several programs exist (Embassy of France in Argentina).

- **Senegal**

The Embassy of France in Senegal provides few information regarding the scholarships. (The one awarded to doctorate students is described in the table below).

4.2.4. Co-supervision programs and other exchange programs

- **Argentina**

French and Latin American universities developed 722 actions of cooperation, of which 95 are with Argentina. 35 French universities collaborate with Argentina, on 3 main fields:

- Student exchanges of Master and PhD level; exchanges of teacher-researchers and organization of conferences in all disciplinary fields;
- Training supports : joint diplomas, double diplomas and relocation of diplomas;
- Common scientific collaborations and research projects, sometimes associated to a joint supervision of thesis.

(Survey on university relationships with developing countries, HCCI and CPU, sept. 2007)

Scientific collaborations are structured around 4 main types of partnerships:

- The French-Argentinian Centre of High Studies of the University of Buenos Aires (UBA)

Created in 1997 and implanted within the UBA and the French-Argentinian Centre (CFA) is the main tool of cooperation in the field of the human and social sciences in the south cone. Today, the CFA is also implanted in province, at the University of Córdoba and Mendoza. The institute mainly trains PhD students through the implementation of programs of academic and scientific cooperation between the CFA and the EHESS. (Source: French Senate)

- The Program ECOS (*Evaluation Orientation de la Coopération scientifique*)

Created in 1997 within the framework of technical and scientific agreement of October 3rd, 1964, the ECOS program allows financing every year about fifty research projects of three years.

In 2010, it founded 75 missions of French researchers in Argentina and 83 missions of Argentinian researchers in France. From 1997, 1 092 projects were submitted by French and Argentinian research teams and 241 projects were financed. All the Argentinian universities participate in it. Tripartite projects can be held (France-Argentina-Chile for example). (Source: French Senate)

- Regional Programs

The regional program " STIC-AMSUD " is a French initiative to strengthen the regional cooperation in the field of the sciences and technologies and communication with Latin America. Argentina, Brazil, Chile, Uruguay, Paraguay and Peru participate in it. Laboratories of at least two South American countries must join the research projects co-founded by the French side by the CNRS, the INRIA, the Telecom institute. 5 on 16 bring in Argentine teams. A similar program in the field of the mathematics "Math Amsud" was launched in 2007. On 9 current projects, 5 involve Argentine teams. (Source: French Senate)

- Partnerships between the CONICET and French research organisms

Scientific cooperation between France and Argentina is reflected also in the partnerships between the CNRS, INRIA, INSERM, CEA and CNES and their Argentinian homologs. In the framework of the agreement CNRS-CONICET (*Consejo Nacional de Investigaciones Científicas y Técnicas*), 15 joint projects were co-founded: 62 PhD students and 22 post-doc Argentinian students are working in the CNRS. (Source: French Senate)

- **Senegal**

French universities developed 44 actions of cooperation with the Senegalese University of Dakar and Saint Louis. These agreements regards mainly:

- Elaborations of training (Master and PhD): mainly in Law, economics and management;
 - Training of trainers

- Students exchanges
- Teacher-researchers exchanges
- Relocation, creation of diplomas
- Skill building at university;
 - Professional skills
 - Job-seeking
 - Technical and educational assistance in technologies
 - PhD training and local skill building
- Cooperation in the medical sector.
 - Training
 - Cooperation in medical care
 - Cooperation in research

(Source : HCCI & CPU, sept. 2007). Please refer to this publication for a complete list of French universities cooperating with Dakar and Saint-Louis , by topic.

- **Romania**

At the scientific level, France and Romania collaborate through a major research project: Extreme Light Infrastructure Nuclear Physics. The project is directed by the National Institute of Physics and nuclear engineering «*Horia-Hulubei* » and founded by France. It involves several training programmes (Master and PhD level particularly) at the Romania national institute, the Polytechnic University of Bucharest, THALES University, THALES Systems Romania.

Beside this project, scientific collaborations occur with the CNRS, the French National Agency for Research (ANR), The French Alternative Energies and Atomic Energy Commission (CEA), the French Research Institute for Exploitation of the Sea (Ifremer), the National Agency for Radioactive Waste Management (ANDRA), The *Collège de France*.

At the university level, francophone trainings are the first vector of student exchanges. Several Romanian universities (Polytechnic University of Bucharest, technical University of construction of Bucharest, University of Bucharest, University of Craiova, University of Iasi)

offer francophone courses and the French Agency of Francophony counts more than a hundred courses in French in Romania; of which 25 present a joint diploma of Master degree.

Other joint diplomas exist, mainly in scientific fields: Economics and of management, political and legal sciences, fundamental sciences and engineering sciences, human and social sciences, medicine and care.

French universities are the first partners of Romanian universities, with 600 Erasmus cooperation agreements. The number of exchange students in this program is constantly increasing, but since 2012 the first hosting countries of Romanian Erasmus students are Italia and the United Kingdom (Campus France).

French and Romanian universities also established prestigious university partnerships, such as:

- French- Romanian *Collège juridique* of European studies (founded in 1994). It is a relocated higher education courses of the University La Sorbonne Paris 1 in the University of Bucharest, specialized in European Business Law. Courses are at Graduate and Master level; the training issues a French diploma.
- The consortium of universities in Francophone social sciences (University of Bucharest, New Europe College, New Bulgarian university) founded by the French Embassy in Romania, called CEREFREA. The consortium cooperates in France with the Higher School of Social Sciences (EHESS), the *École Pratiques Hautes Études* (EPHE), the University Paris 1, and the Direction Human and Social Sciences of the CNRS to define research projects and create scientific networks. Two Francophone Masters were created at the University of Bucharest through this agreement.

(Source: Campus France – Fiches pays based on Ministry of Foreign Affairs)

4.3. Spain: Programmes implemented to attract foreign students and academics

4.3.1. Government scholarships and funded programs

FPI & FPU

Financial Aids for Training of Research Staff (*Ayudas para la formación de personal investigador*, FPI) and for Training of University Professors (*Ayudas para la formación de profesorado universitario*, FPU) are the two largest general national programs for training of university human resources promoted by the Spanish Ministry of Education. The main objective in both cases is to support participation in doctoral programs and completion of dissertations of those graduated students with high potential to become researchers and university personal. One of the common features of both programs is the length of the fellowship (4 years). However, the procedure to apply and granting the scholarships is different. FPI are fellowships granted to research groups for a specific research project, which has been selected and funded under by the National Research & Innovation Program, annually launched by the Ministry. The fellow is selected by the Principal Investigator of the research project awarded with the possibility to have FPI fellow assigned, as part of the staff collaborating in the project, from a list of potential candidates previously selected by the Ministry (Royal Decree 13/2006, Ministry of Education and Science).

In contrast, in the case of FPU fellowships, the applicant is the student, who has to present also his/her own research project thesis previously agreed with the director. The academic record of the applicant and the CV are relevant, although directors' CV and the CV of the research group also play a significant role in the selection process. Table X summarizes the total number of FPU fellowships granted between 2008 and 2013, the latest available year, by region of origin of the fellow. Note these are two of the most relevant indicators to evaluate the training capacity of the university departments., but they are strongly to attract national students instead of potential foreign researchers. In the last call we had access to, EU27 is the region that most concentrate both FPI and FPU fellows although FPU percentage is slightly higher reaching almost 7%. The second region of origin is Latin America and Caribe with 4.6% in the case of FPU fellowships and 1 percentage lower in the case of FPI.

Ramón y Cajal program

Ramón y Cajal program, a program launched for the first time in 2001 that aims to promote the incorporation of national and foreign senior researchers with an outstanding trajectory in research and development centres. The contracts have a five-year length and include, on one hand, an extra funding for the implementation of research activities (40.000 euros for each fellow) and on the other, a tenure track position for the fellow. In the last call (2014), the program counted on 175 fellowships, each one of them granted with 33.720 euros per year. It must be highlighted the reduction of the number of these fellowships which decreased from 700-800 in the first call to less than 200 in the last call in 2014.

The results of the survey conducted by the National Research Agency (Spain) in 2010 aimed to assess Ramón y Cajal program, pointed out the following: in order to convert this program into an attractive one for international researchers, the remuneration must increase and become similar to programs developed by other European countries. A second obstacle in the internationalization of this program and to the access of foreign researchers to the Spanish academia is linked to the language in which the documentation for the call, publication of the resolution, etc. are presented. Limiting to Spanish, the application represents a misguided strategy. In this regard, the findings of the survey highlighted the necessity to facilitate the access to foreign researchers throughout English translation of the key aspects of the call, FAQs in English, publishing the call in European webs etc. Summing up, it underlines the need in adopting a better strategy to advertise the call. Finally, the report suggests the urgency in launching a specific office of the program that could target and attract foreign researchers.

ICREA

ICREA (Catalan Institution on Research and Advanced Studies) is a foundation launched in 2001 by the Catalan government. Through a selection process based on scientific talent, this program attracts senior researchers (Spaniards trained overseas and foreigners from all around the world) in order to work in Catalan universities and research centres. The last call in 2014 offered 10 senior research positions. The requirements were: Ph.D. degree obtained

preferably before 2010, with at least four years of international exposure at pre-doctoral and/or post-doctoral level. Only very strong candidates with an outstanding research record and excellent leadership capabilities will be considered. In successive years (2015 onwards), as it is expected that number of positions will be similar, there will be one call in odd years (2015, 2017...) for the areas: Experimental Sciences & Mathematics and Technology & Engineering; and another call in even years (2016, 2018...) for the areas: Life & Medical Sciences, Social & Behavioural Sciences and Humanities.

In 2007 the Basque Government promoted Ikerbasque to contribute to the development of scientific research by attracting top researchers and restoring talent. Thus, the mission of Ikerbasque is to contribute to the reinforcement of science in the Basque Country, establishing itself as a European reference of excellence in the field of research. The last call (2014) offered five year research positions that can lead to a permanent Professorship. The Scientific Advisory Committee has selected 25 applications (7,8%) using the following criteria: scientific merit and research track, relevance of research topic and latest publications, concordance with Basque research capabilities and added value to research group/organisation and Basque Science Systems.

4.3.2 Non-Government fellowships and programs

Pre-doc and Teaching Assistants

Carolina Foundation launched a bilateral program aiming to attract researchers from Latin-American countries.

The PhD and Master program led by this foundation allow students from Latin America and Portugal to enrol in postgraduate programs -including all knowledge areas-in those universities affiliated to Carolina Foundation. The Spanish partners are: *Universidad de Alcalá de Henares (Madrid), Universidad de Cádiz, Universidad de Castilla La Mancha, Universidad de Las Palmas de Gran Canaria, Universidad de Lérida, Universidad de Málaga, Universidad Miguel Hernández (Alicante), Universidad Politécnica de Madrid, Universidad Politécnica de Valencia, Universidad Rovira i Virgili (Tarragona), Universidad de Salamanca,*

Universidad de Sevilla, Universidad de Valladolid, Universidad de Valencia and Universidad de Zaragoza.

In all cases, is the university the one that presents the application at the foundation, as the fellowship cannot be accessed directly by the applicants. The PhD program establishes a number of fellowships for postgraduate studies, for short postdoctoral stays or mobility of Brazilian professors. One of the most relevant requirement is that beneficiaries must own a Master degree and teach or develop administrative tasks in a Latin-American country. Other criteria is not being Spanish resident and counting on a PhD acceptance letter from a Spanish university. Once the doctoral studies are over, the student must return to the country of origin. According to the last data available online on the webs' Foundation, for the academic course 2013-14 the foundation offered 18 new PhD fellowships and 88 renewals from previous calls.

Postdoc

Carolina Foundation launched a bilateral program aiming to attract researchers from Latin-American countries.

Becas Santander Iberoamérica. Jóvenes Profesores e Investigadores. Uruguay/Mexico: It is a program addressed to professors and researchers from Uruguayan/Mexican universities interested in developing academics stays (at least 2 months) in some of the Latin-American universities or Spanish universities. The applicants must be under 35 years old and have a contractual affiliation to a Uruguayan/Mexican university during the fellowship.

Becas Santander – FIMPES: It is a program for postgraduate students and researchers from one of the Mexican institutions belonging to the network of Santander Universities from Mexico (140 Universities) and who want to spend a trimester or a semester in one university in Spain. This university or institution must be part of the Santander University network.

Bolsa Santander Ibero-americanas. Jovens Professores e Pesquisadores. Brasil: Regarding the Fellowship for Permanent Training addressed to Brazilian professors, it aims to promote the

cultural and scientific cooperation between Brazil and Spain on the basis of professional exchange. These fellowships are addressed to university professors and researchers in order to spend a maximum of 3 months in a Spanish research centre or Spanish university. The last call 2015 offers 29 mobility fellowships and the requirements are: to be Brazilian citizen, to count on university degree, to be a teacher (preferably full time), researcher or PhD student at a Brazilian university, to count on the acceptance of one of the following Spanish institutions (*Junta de Andalucía, la Universidad de Málaga, la Universidad de Sevilla, la Universidad de Cádiz, la Universidad Politécnica de Madrid and la Universitat Rovira i Virgili*); not be a Spanish resident. Nevertheless, González-Ramos (2011) highlights the lack of success of these programs in attracting researchers, as highly skilled professionals in this field do not use institutional programs to move from other countries to Spain. On the contrary, their mobility patterns are usually the result of the self-promotion or the promotion shaped by the science market through specific job offers.

4.3.3 Funding schemes from Spanish universities

Master

Becas Jade y Jade Plus de la Universitat de Lleida: It is addressed to Mexican students who during six months will have the opportunity to complement their graduate or postgraduate training at this Catalan University.

Becas de la Universidad de Deusto para Doctorandos (fellowships offered by University of Deusto for PhD students): Fellowships “*Cátedra UNESCO*” are addressed to young Latin-Americans who are developing the PhD thesis in their country of origin. Especially for those whose research topic is linked to areas related to cooperation, development, professional training and human rights. More than 180 PhD students gained this fellowships that consist in three up to nine months in a Spanish university.

Becas Santander para Estudios de Postgrado Máster y Doctorado, Universidad Politécnica de Madrid: Cooperation program with different Latin-American universities aiming to support

students from these universities to develop PhD thesis and Oficial Master programs at Universidad Politécnica de Madrid (7.500 € for PhD and 2.000 € for Master programs).

Becas Miguel de Cervantes de la Universidad de Alcalá: Each year 300 students proceeding from American continent are enrolled in Postgraduate programs at Universidad de Alcalá. The scholarship program Miguel de Cervantes is an initiative promoted by this Spanish institution in collaboration with the Spanish Agency of International Cooperation for the Development (AECID), Carolina Foundation and Santander Bank. It was launched in 2004 and more than 1.000 students benefit this scholarships.

Becas para doctorandos Latinoamericanos de la Universidad de Zaragoza: This programs is addressed to PhD students from Latin-American countries that are interested in developing their research at Universidad de Zaragoza during a maximum of 24 months.

Becas Santander de la Universidad de Salamanca: Offer the opportunity to study a graduate or postgraduate at Universidad de Salamanca for citizens from the following countries: Argentina, Bolivia, Brasil, Chile, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, México, Nicaragua, Panamá, Paraguay, Perú, Puerto Rico, República Dominicana, Uruguay y Venezuela.

Becas de Cooperación Interuniversitaria de la Universitat Jaume I: Annual call for students proceeding from Latin-American countries that want to achieve a master degree at Universidad Jaume I during one academic course.

European and international scholarships

Between 2004 and 2014, under the Erasmus Mundus programme, over 8,000 students and staff from Latin America benefitted from grant support from the EU to study in European universities. European students are also increasingly choosing Latin American countries as a destination for their Erasmus programme exchanges. Students wishing to study in Europe for up to 12 months can apply through their university for a 'credit mobility' grant. In the period

2014-2020, €36.5 million will fund about 6,200 exchanges mostly for Latin American and Caribbean students and staff coming to Europe. Erasmus+ scholarships are also available for students on full-time joint Master's programmes, delivered by three or more universities. Between 2014 and 2020, around 3,500 Erasmus+ scholarships will be given to Latin American and Caribbean students.

- Doctoral candidates from Latin America can apply for three-year fellowships funded by the EU's Marie Skłodowska-Curie Actions (15,000 in total worldwide). Over 3,000 Latin American researchers have received funding from this scheme since 2004.

- With a budget of €6.16bn, the Marie Skłodowska-Curie Actions will finance around 65,000 researchers between 2014 and 2020, including 25,000 doctoral candidates. The Actions will enable around 15,000 non-EU researchers to start or pursue their careers in Europe.

Bilateral/Multilateral Agreements, Specific scholarships

Becas Santander Iberoamérica. Docentes e Investigadores: Argentina This program is addressed to teachers and researchers from the participant universities interested in developing an academic stay for at least two months in a University from Spain. Applicants preferably under 35 years old and counting on affiliation at the university of origin during the stay in Spain (5.000 euros).

El Fondo para el Mejoramiento de la Calidad Universitaria (FOMEC) funded fellowships for Argentinian researchers. During the existence of the program, were offered 1.215 fellowships 55% of them in Argentina and 45% of them overseas. Generally speaking the length of the fellowships were 2 years although it could vary (Castro, 2003). Regarding the amount funded, according to Oszlak et al (2003) the quantity was symbolic. Among those fellowship destined to foreign countries the destination prefer by the beneficiaries were Spanish universities and research centres as 40% of them arrived to Spain. The distribution points out a high concentration in Community of Madrid (39%) and Cataluña (26%). This geographic concentration reflects in the high institutional concentration. Complutense University received 25% of the overall fellowships from Community of Madrid, Autonomous

University of Madrid 24%, Polytechnic of Madrid 20% and Carlos III 10%. In Cataluña, Polytechnic university was the destination of 38% of those who arrived at this community, Autonomous University of Barcelona 27% and University of Barcelona 22%. Excepting University Carlos III, the rest of them were also identified by Sebastián et al (2010) as main focus that attracted Argentinian researchers. Another feature of the fellows in Spain is that 9% of them arrived from University of Buenos Aires.

Centro de Estudios Hispánicos de la Universidad de Heidelberg Developed by this German university in collaboration with *Banco Santander*, the Centre for Hispanic Studies aims to intensify and enlarge contacts between Germany and academic centres from the Hispanic region. The cooperation between universities from Germany, Spain and Latin America will contribute to the development of researchers' networks and academic cooperation that promotes scientific, social and cultural dialogue. It is addressed to students from Spanish and Latin American universities and the country of destination is Spain.

5 Conclusion: a comparison of policies aimed at attracting international students and academics to France, Spain and the UK

5.1 Changes in migration and higher education/research policies

Several changes in migration policies have occurred these recent years in the UK, France and Spain that affected the conditions of entry and stay of foreign students and academics coming to these countries. While in the UK migration policies became more restrictive since 2010, France adopted a more selective approach with the aim to diversify the geographical origin of students and academics and select more thoroughly those who are allowed to stay in France after the completion of their post-graduates studies. Spain is trying to promote the internationalisation of its higher education and research system with the adoption in 2008 of the "*Estrategia Universidad 2015*" - which includes measures to attract more foreign students and academics – while coping with the limited resources due to the effects of the economic crisis. Table 2 summarizes main changes noticed in the three countries during the recent years and gives some examples of the legal measures taken by each of them.

Table 2. Main changes in policy and legislations in the UK, France and Spain

United Kingdom			
1997-2010		2010-2015	
<p>The objective is to increase the number of international students and highly skilled workers; recognize students contributions to the UK economy (payment of tuition fees and the constitution of a pool of highly skilled workers)</p> <ul style="list-style-type: none">Easier entry conditions for students and academics: implementation of the Point based systemEasier stay conditions : easier for students to work during their studies; Implementation of the Tier 1 Post-study work which allow students to apply for a work permit + no need to pass the residence labour market test		<p>Cut net migration to the UK including international students : tackling so-called abuses and misuses of the student route and consider student migration as exclusively a temporary form of migration</p> <ul style="list-style-type: none">Tougher entry conditions : Increase in the financial and language requirements for students; More control on T4 sponsors for studentsTougher stay conditions: Limits to working rights whilst studying; Limits the right to bring dependents; Limit the duration of stay as a student; Introduce requirements of academic progression; Abolish the Tier 1 post-study work	
France			
Law of 1998 (RESEDA)	Law of 2006	Circular Guéant of 2011	Law of 2013
<p>Policy of attractiveness of foreign researchers and teacher-researchers:</p> <ul style="list-style-type: none">Implementation of the “researcher” procedure, created to ease and accelerate the administrative steps for the entry of foreign academicsEasier Administrative procedure and rights granted to the family of the researcher	<p>Easier entry and stay conditions for students:</p> <ul style="list-style-type: none">Students coming for more than 3 months receive a long-stay visa equivalent to a residenceStudent status is worth work authorizationEasier transition from study to workIssuance of a “scientific-researcher” residence permit that can be renewed every year (up to 4 years)Foreign doctorate students, holders of a labour contract, can	<p>Tougher stay conditions for students:</p> <ul style="list-style-type: none">Limit transition from study to work	<p>Easier stay conditions for students and academics:</p> <ul style="list-style-type: none">Masters and higher degree students are issued a multi-year permitEasier transition from study to work: authorization for temporary stay is raised to 1 yearImplementation of a pluri-annual “scientific-researcher” residence permit

	apply for the “scientific researcher” residence permit		
Spain			
<i>Adoption in 2009 of the ‘Estrategia Universidad 2015’</i>			
Promotion of a policy of internationalisation of the higher education and research system			
<ul style="list-style-type: none"> • Law of 2013 (Academics): New type of visa and residence permit for academics • Since January 2014: Reform of the system of admission in Spanish universities and easier entry conditions for undergraduate foreign students 			

Source: Own elaboration

5.2 Legal definition of students and academics

France and the UK have designed several legal tools to manage the entry and stay of students and academics during the past two decades. The legal framework in Spain is much more simple.

There is one legal route for students entering the Temper countries (UK : T4 visa, France: student visa; Spain: student visa). The only exception being that since 2006 some students enrolled in a PhD programme in France can apply for a scientific-researcher residence permit if they hold a labour contract and thus won't appear anymore in the “student” category.

On the contrary, the definition of who is legally considered as an academic in the Temper countries (in particular in France and the UK) is much more heterogeneous and, in many cases, encompass holders of masters and PhD diplomas. In the three countries, academics are also included in the broader category of highly skilled workers. In the UK, 5 different legal routes exist for masters and PhD holders: Doctorate extension scheme, Tier 1, Tier 2 and Tier 5 and visitor visas. And thus, an academic could be a PhD student who just finished his PhD and stayed with a doctorate extension scheme; an internationally recognized academic who entered with a Tier 1 visa; a post-doctoral researcher who obtained a graduate entrepreneur status under the Tier 1 visa; a sponsored researcher or a visiting academics under the Tier 5 visa; or an academic visitor coming to the UK for less than a month who obtained a visitor visa.

In France, since 1998, a procedure called “researcher” is created. Then, the directive of 2006 defines researchers as “a third-country national holding an appropriate higher education qualification, which gives access to doctoral programmes, who is selected by a research organization for carrying out a research project for which the above qualification is normally required”. As holders of a Master degree doctorate students can also apply for the status of scientific if they are holders of a labour contract. The scientific procedure offers some advantages firstly because researchers only need the hosting agreement to ask for the visa “scientific- researcher”. Not only the agreement prevents them from presenting a labour contract (except doctorate students) and asking for a work authorization but the situation of the labour market in France is thus not applicable. Scientists (as holders of a Master degree and highly skilled migrants) can also apply for the permits “skills and talents” or “Blue card”. Some of them might be holders of a work permit. Finally, foreign researchers and researchers-teachers may be hired directly by research and higher education institutions as temporary or permanent staff.

In Spain, the law of 2013 that modified the legislation regulating the entry and activity of foreign academics and researchers considers academics within the broader category of highly skilled workers. A new type of visa and residence permit is implemented by this law for those carrying out activities of teaching/training, research, innovation and development in private or public institutions and concerns the following categories of foreigners: researchers, professors, and scientific and technological staff.

In the three countries, distinct legislations have been designed to regulate the entry and stay of students and academics. The definition of foreign students is much more homogenous than academics who are targeted by legislations regulating the broader category of highly skilled workers. According to the analysis of the legislations in the three countries, two main criteria are used to define academics: education level (master or Phd level) and the type of activity undertaken. The variety of legal routes that exist for academics entering the Temper countries thus makes it sometimes difficult to distinguish this population from other highly skilled workers and in certain cases from PhD students. This heterogeneity in defining academics will also have an impact on data collection as we will see in the data report D4.2.

5.3 Strengths and weaknesses of migration and higher education/research policies in Temper countries

According to the QS international surveys⁴⁷, a top priority factor for students when deciding where to study is ‘international recognition of qualifications’. This item was selected by 71.6% of respondents in 2008-9, and 70.3% in 2012-13; and followed by ‘cultural interest and lifestyle’, ‘scholarship and financial aid availability’ and ‘possibilities to work there afterwards’.

Table 3. Top 10 reasons for choosing a study destination⁴⁸

Reasons	Percentage of grad school applicants citing this as a motivation	
	2008-9	2012-13
International recognition of qualifications	71.6%	70.3%
Cultural interest and lifestyle	61.9%	59.1%
Scholarship / financial aid availability	55.2%	54.7%
Would like to work there afterwards	39.6%	48.2%
Location of target institution	33.3%	41.7%
Improve language skills	46.6%	40.7%
Create a network	34.0%	30.5%
Family connections	13.5%	11.4%
It is (or is near to) the country I currently work in	8.1%	9.6%
Visa situation	9.3%	9.0%

Source: <http://www.topuniversities.com/>

Efforts towards an increasing harmonisation of the French higher education system have been noticed these recent years in line with the Bologna process initiated in 1998 by France, Germany, Italy and the UK have (Serbanescu-Lestrade, 2009). Several reforms have been implemented, including the institution of the LMD (*Licence-Master-Doctorat*), with the aim to facilitate the international recognition of qualifications. Very low tuition fees (the same as for nationals) as well the existence of several funding schemes are key factors explaining the

⁴⁷ <http://www.topuniversities.com/>.

⁴⁸ Based on responses to QS's international surveys of grad school applicants. Respondents were able to select as many countries and reasons as applied to them. The surveys gained more than 4,000 responses in 2012-13, and more than 3,000 responses in 2008-9.

attractiveness of France for graduate students and foreign academics. According to QS surveys, France, along with Sweden, Denmark, Finland and Norway, all European destinations similarly known for having comparatively low tuition fees, gained in popularity between 2008 and 2013. Nevertheless, despite the change in legislation that occurred these recent years in order to facilitate the entry and stay of foreign students and academics, foreign graduates are still facing difficulties to obtain work residence permits given the complexity of the administrative procedures in this country⁴⁹. Hosting higher education and research institutions that were given more prerogatives in the hiring process of foreign academics, don't always have the know-how and the capacity to accompany them in their legal procedures. Prefectures and public administrations are facing budget and human resources and thus slowing down the whole legal process.

In the Spanish case, larger convergence with other educational systems within the European Higher Education Area, as well as making the cost of studies more affordable with scholarships and/or loans and offering post-graduation employment prospects might be a successful strategy in order to open up Spanish universities to the global environment, and becoming a more attractive destination for a greater number of international students and researchers. However, progress in the latter aspect (making the cost of studies more affordable with scholarships and/or loans and offering post-graduation employment prospects) has not been observed during the latest years, rather the opposite. In fact, universities have identified the scarcity of funding as one of the main obstacles to achieve the goals initially set by EU2015, along with the limited international experience of the staff and their limited knowledge of foreign language –which is difficult to reduce without proper budget and economic and career incentives for those who decide to invest in additional training⁵⁰.

UK, despite the restrictive migration policy adopted since the election of the Conservative government, benefits from the hegemonic predominance of English language in higher education and research.

⁴⁹ In-depth interviews conducted in 2014 by Lama Kabbanji with foreign academics working in Paris highlighted the administrative barriers to pursue an academic career in France.

⁵⁰ <http://www.iau-aiu.net/sites/all/files/IAU-4th-GLOBAL-SURVEY-EXECUTIVE-SUMMARY.pdf>

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Ile de France Region : <http://www.iledefrance.fr/>

Légifrance: <http://www.legifrance.gouv.fr/>

A large, faint watermark of the 'temper' logo is centered on the page. It consists of the word 'temper' in a light grey font, overlaid by a large, light blue circular arc that forms part of the logo's 'P' shape. A light green arc is also visible behind the blue one.

Appendix

Table 1. Changes in regulation of hiring of foreign academics and researchers.

INVESTIGADORES		
	Ley 14/2013	Ley Orgánica 4/2000 y Real Decreto 557/2011
	Residencia para formación o investigación	Residencia y trabajo para investigación
Supuestos	<ol style="list-style-type: none"> 1. Personal investigador artículo 13 y la DA1ª de la Ley 14/2011, de la Ciencia, la Tecnología y la Innovación. 2. Personal científico y técnico que lleve a cabo trabajos de investigación científica, desarrollo e innovación tecnológica, en entidades empresariales o centros de I+D+i establecidos en España. 3. Investigadores acogidos en el marco de un convenio por organismos de investigación públicos o privados, en las condiciones que se establezcan reglamentariamente. 4. Profesores contratados por universidades, órganos o centros de educación superior e investigación, o escuelas de negocios establecidos en España, de acuerdo con los criterios que se establezcan reglamentariamente. 	<p>Extranjero cuya permanencia en España tiene como fin único o principal realizar proyectos de investigación, en el marco de un convenio de acogida firmado con un organismo de investigación (listado de organismos del MINECO).</p>
Requisitos	<ul style="list-style-type: none"> o Medios de vida. o Cumplimiento de los requisitos de seguridad. o Seguro público o privado de enfermedad con una Entidad aseguradora autorizada a operar en España. 	<ul style="list-style-type: none"> o Cumplimiento de los requisitos de seguridad. o Firma de un Convenio de acogida con un organismo autorizado para ello.
Plazos y silencio admvo	<p>Entrada: 10 días hábiles.</p> <p>Obtención desde dentro de España o renovación: 20 días hábiles. Silencio positivo.</p>	<p>Entrada: 75 días (1 mes consulado + 45 días Oficina Extranjería/Generalitat). Tramitación UGE: 40 días (10 días hábiles consulado + 1 mes UGE). Todos silencio negativo.</p> <p>Renovación: 3 meses. Silencio positivo.</p>

INVESTIGADORES		
	Ley 14/2013	Ley Orgánica 4/2000 y Real Decreto 557/2011
	Residencia para formación o investigación	Residencia y trabajo para investigación
Supuestos	<ol style="list-style-type: none"> 1. Personal investigador artículo 13 y la DA1ª de la Ley 14/2011, de la Ciencia, la Tecnología y la Innovación. 2. Personal científico y técnico que lleve a cabo trabajos de investigación científica, desarrollo e innovación tecnológica, en entidades empresariales o centros de I+D+i establecidos en España. 3. Investigadores acogidos en el marco de un convenio por organismos de investigación públicos o privados, en las condiciones que se establezcan reglamentariamente. 4. Profesores contratados por universidades, órganos o centros de educación superior e investigación, o escuelas de negocios establecidos en España, de acuerdo con los criterios que se establezcan reglamentariamente. 	<p>Extranjero cuya permanencia en España tiene como fin único o principal realizar proyectos de investigación, en el marco de un convenio de acogida firmado con un organismo de investigación (listado de organismos del MINECO).</p>
Requisitos	<ul style="list-style-type: none"> o Medios de vida. o Cumplimiento de los requisitos de seguridad. o Seguro público o privado de enfermedad con una Entidad aseguradora autorizada a operar en España. 	<ul style="list-style-type: none"> o Cumplimiento de los requisitos de seguridad. o Firma de un Convenio de acogida con un organismo autorizado para ello.
Plazos y silencio admvo	<p>Entrada: 10 días hábiles.</p> <p>Obtención desde dentro de España o renovación: 20 días hábiles. Silencio positivo.</p>	<p>Entrada: 75 días (1 mes consulado + 45 días Oficina Extranjería/Generalitat). Tramitación UGE: 40 días (10 días hábiles consulado + 1 mes UGE). Todos silencio negativo.</p> <p>Renovación: 3 meses. Silencio positivo.</p>

Source: Ministerio de Empleo y Seguridad Social (2015) *Informe sobre la aplicación de la Sección de Movilidad Internacional de la Ley 14/2013, de 27 de septiembre, de apoyo a los emprendedores y su internacionalización.*