



EMN Ad-Hoc Query on AHQ on Retaining TCN Students

Requested by EE EMN NCP on 26th May 2017

Students

Responses from [Austria](#), [Belgium](#), [Croatia](#), [Cyprus](#), [Czech Republic](#), [Estonia](#), [Finland](#), [France](#), [Germany](#), [Hungary](#), [Ireland](#), [Italy](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Netherlands](#), [Portugal](#), [Slovak Republic](#), [Sweden](#), [United Kingdom](#) (20 in total)

Disclaimer:

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

Background information:

As pointed out in the introduction of the recast Directive 2016/801 TCN students and researchers play an important role in forming the European Union's key asset, human capital, and in ensuring smart, sustainable and inclusive growth, and therefore contribute to the achievement of the objectives of the Europe 2020 Strategy.

It is expected that this query on policies and practices of student retention in the EU and Norway will gather information for an EMN Inform that will be presented in the EMN Annual Conference held in the framework of Estonian EU Presidency in September 2017. This query builds on the 2012 study of EMN on Immigration of International Students to the EU. As for the scope, due to the short format of EMN Ad Hoc Queries this query does not touch upon several issues relevant to integration and retention of TCN students (e.g. their rights during their studies, nor does it include issues around EU-mobility of TCN students and their family members). Please note whether TCN doctoral students are counted as students or as researchers in your response.

Questions

1. How many residence permits were granted to TCNs for the purpose of study in your MS in 2015 and 2016?
2. How many former TCN students remained in the country legally after the completion of their studies? What were their top 3 purposes for stay in your MS? Please provide numerical data for 2015 and 2016.
3. Are there special incentives in place to encourage former TCN students to remain in your MS and to enter your MS's labour market? If yes, please describe those special conditions (e.g. transition period, simplified application procedures, exemptions from the standard remuneration threshold or the immigration quota etc).
4. Do former TCN students have unconditional access to the labour market after concluding their studies or does your MS establish certain restrictions (i.e. limited access to certain jobs, labour market test etc.) for their employment?
5. If a former TCN student has been granted residence permit for the purpose of employment or entrepreneurship, does your MS require them to prove that the residence permit is used for its new main purpose and that it is not misused for other purposes? If yes, when and how?
6. Which institutions in your MS are responsible for facilitating the retention of TCN students? If available in English, please refer to development plans, action plans, websites, other significant governmental or non-governmental initiatives etc. focussing on the international student sector including stay back opportunities for graduates and the retention of TCN students in your MS.

Responses

	Country	Wider Dissemination	Response
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	<p>1. INTRODUCTION: Economic and student migration is subject to an institutional reform in Belgium. The Law on the sixth state reform – which was approved in January 2014 and entered into force on 1 July 2014 - transferred a large set of competences from the federal level to the Belgian Communities and Regions. The Regions (Brussels-Capital, Flanders and Wallonia) and the German-speaking Community are now responsible for the development of an economic migration policy tailored to the needs of their labour market and economy. This includes competence for the legislation, application, control and maintenance of work permits (type A and B) and professional cards. The Communities (Flemish, French and German-speaking) now have the possibility to develop their own policies on so-called 'student permits', which will be needed to obtain a residence permit. This student permit does not yet exist in any of the Communities. The Federal State remains competent for issuing residence permits to economic migrants and students. First residence cards or documents issued to students (non-EU): 2015: 6.345 2016: 6.894 (provisional data, not yet published in Eurostat) The methodology followed for these statistics is the one defined by Eurostat in the framework of its collection of data on 'residence permits'. Source: Federal Public Service Home Affairs – National Register and Immigration Office.</p> <p>2. 1,464 former TCN students remained in Belgium legally after the completion of their studies and a change of status granted in 2016. 680 persons remained in Belgium after the grant of a permission for family reasons (Eurostat definition), 678 after the grant of a permission for remunerated activities (Eurostat definition) and 106 after the grant of a permission for other reasons (Eurostat definition, more precisely: 55 refugees, 1 subsidiary protection, 37 humanitarian reasons [9bis, 9ter, 9.3] and 13 other reasons). NB: detailed statistics (by citizenship) were transmitted to Eurostat in the framework of the data collection on residence permits (article 6 of regulation 862/2007).</p>

			<p>3. No, there are no special incentives in place in Belgium to encourage former third country national (TCN) students to remain in Belgium. TCN students are not granted a transition period. They cannot stay in Belgium to look for a job after their residence permit expires. This will change with the transposition of Directive 2016/801. However, students can request, prior to the termination of their studies (i.e. during their legal stay) to change to another immigration status. A switch is possible to many other immigration categories in Belgium. TCN students may apply for a new residence permit on the basis of, for example, family ties, employment, self-employment, research, etc. If TCN students want to change to the status of employee, they have to obtain a work permit prior to the end of their studies. But there is no facilitated application procedure for students or exemptions from the standard remuneration thresholds. They do not have unconditional access to the labour market (see answer to question 4).</p> <p>4. TCN students do not have unconditional access to the Belgian labour market. They are only eligible for the categories under the current labour migration scheme. This concerns in reality mainly highly-skilled jobs (certain requirements need to be met, such as a minimum salary threshold and a bachelor degree) and/or “bottleneck vacancies” (i.e. jobs for which there is a qualitative and/or quantitative shortage of workers). Regarding occupations with labour shortages, in the Brussels-Capital Region, former students only benefit from a facilitated access to the nursing profession: the Minister for Employment waives the labour market test condition (which should take place prior to the issuance of a work permit).</p> <p>5. Belgium does not have a single permit yet. A separate work permit/professional card and residence permit are issued to TCNs. The Immigration Office is competent to check if the conditions for granting a residence permit are respected. The Regions check whether the conditions for granting a work permit are respected, when an application for a work permit is submitted or when a request for the extension or renewal of the permit is submitted (e.g. verification of pay slips, labour agreement, declared work regime, place of employment, etc.). They also check whether the conditions for granting a professional card are respected when an application for a professional card is submitted or when a request for the renewal of the card is submitted (e.g. check whether they still fulfil the criteria of “economic usefulness”, i.e. they meet a need related to the economy, job-creation, useful investments, economic impact on companies in the concerned Region, etc.).</p>
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			6. No information available at this time.
	Croatia	Yes	<p>1. First residence permits issued for the purpose of studies: 2015 - 387 temporary residence permits 2016 - 526 temporary residence permits (first temporary residence granted for the purpose of education and study, under Eurostat rules).</p> <p>2. Croatia does not have a statistical data on exact number of TCN students remained in Croatia after completion of the studies.</p> <p>3. There are no special incentives for TCN students. In Croatia switching grounds for residing in the country is possible between all categories under Foreigners Act (Official Gazette no. 130/2011, 74/2013). A person residing in the Republic of Croatia with a residence permit issued for the purpose of studies, when applying for extending of temporary residence, can before the rendering of the first instance decision, change their purpose of stay into any other purpose (research, blue card, employee, self-employed, business owner, seasonal worker, ICT, investor, victim of trafficking). The requirements for issuing a new residence permit are prescribed under Foreigners Act.</p> <p>4. TCNs do not have unconditional access to the labour market. Former TCN student after concluding their studies can apply for residence and work permit under rules prescribed by Foreigner Act.</p> <p>5. Yes, in case of the employment the TCN has to submit all relevant documents confirming the new purpose of residence, and enclose work contract.</p> <p>6. There is not a single body that is responsible for facilitating the retention of TCN students. The activities are carried out across many institutions e.g. Ministry of the Interior, Ministry of Science and Education, Ministry of Labour and Pension System and Croatian Employment Service that are responsible for the implementation of the Law on Employment Incentives.</p>
	Cyprus	Yes	1. In 2015, 3178 residence permits were granted and in 2016, 5903 residence permits.

			<p>2. According to the legislation in Cyprus, students who complete their studies are obliged to leave the country. If they want to come back for employment, they have to submit an application for entry permit for the purpose of employment while they are abroad.</p> <p>3. Please see above</p> <p>4. If a TCN student returns to Cyprus for employment purposes, he/she will fall into the general policy for the employment of TCN, i.e. labour market test.</p> <p>5. n/a</p> <p>6. n/a</p>
	<p>Czech Republic</p>	<p>Yes</p>	<p>1. For the purpose of study in 2015 there were granted 1 914 long term residence permits for the purpose of study and 6 839 long term visa for the purpose of study. In 2016 there were granted 1 269 long term residence permits for the purpose of study and 7 564 long term visa for the purpose of study.</p> <p>2. In the case of changing purpose of stay we are do not track if the studies were completed or not. Therefore, we are not able to submit the data requested.</p> <p>3. No.</p> <p>4. When TCN successfully graduate from their studies they do not need any work permit and can access the labour market without any restrictions.</p> <p>5. A person who applies for residence permit for the purpose of employment or entrepreneurship is required to prove in particular the purpose of stay as specified in the Act No. 326/1999 Coll., On the residence of foreigners in the Czech Republic and amending certain Acts. The fulfilment of the purpose of stay is verified by Alien Police under its stay controls.</p> <p>6. No information available.</p>

	Estonia	Yes	<ol style="list-style-type: none"> 1. First residence permits issued to TCNs for the purposes of study: In 2015 – 1144 In 2016 – 1297 2. First residence permits issued to TCNs for the purposes of study: In 2015 – 1144 In 2016 – 1297 3. In 2015 Previous legal basis study – new legal basis family reasons 27 Previous legal basis study – new legal basis remunerated activities – 78 Previous legal basis study – new legal basis other reasons – 1 In 2016 Previous legal basis study – new legal basis family reasons – 41 Previous legal basis study – new legal basis remunerated activities – 59 Previous legal basis study – new legal basis other reasons – 108 4. In 2015 Previous legal basis study – new legal basis family reasons 27 Previous legal basis study – new legal basis remunerated activities – 78 Previous legal basis study – new legal basis other reasons – 1 In 2016 Previous legal basis study – new legal basis family reasons – 41 Previous legal basis study – new legal basis remunerated activities – 59 Previous legal basis study – new legal basis other reasons – 108 5. Yes, a temporary residence permit for employment may be issued without meeting the requirement for permission of the Estonian Unemployment Insurance Fund and without meeting the requirement for the amount of remuneration to be paid to a third-country national in case the TCN has acquired vocational education in Estonia at the fourth or fifth level of vocational training or a higher education in professional higher education or Bachelor’s studies, in the studies based on integrated curricula of Bachelor’s and Master’s studies, in Master’s or Doctoral studies. Also the law foresees that in case a third-country national was issued a temporary residence permit for study and if the period of validity of the residence permit terminated on the date of expiry, the TCN has the right to stay in Estonia within the following 183 days as of the day of expiry of the period of validity of the temporary residence permit. In case the TCN needs to travel outside of Estonia during the 183 days, it is possible to get a visa-sticker for that period. Additionally, in case a TCN has acquired higher education in Estonia in the studies based in the integrated curricula of the Bachelor’s and Master’s studies or in the Master’s or Doctoral studies, they have the possibility to apply for a temporary residence permit issued for settling permanently in Estonia without fulfilling the requirement of residing in Estonia for at least 3 years during five consecutive years. A temporary residence permit for settling permanently in Estonia may be issued also to a TCN, who holds a doctorate degree (acquired also in countries other than Estonia),
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			<p>without applying the additional conditions (e.g the requirements for previous residency, adaptation or activities) provided that the compliance of the document attesting higher education of an alien with the doctorate degree has been assessed according to Education Act and pursuant to the conditions and procedure established by a regulation of the Government of the Republic for the assessment and academic recognition of documents attesting education completed in a foreign state and for the use of a title of qualification acquired in the educational system of a foreign state by an agency competent to assess foreign and cross-border qualifications that enable access to higher education and attestation thereof.</p> <p>6. Yes, a temporary residence permit for employment may be issued without meeting the requirement for permission of the Estonian Unemployment Insurance Fund and without meeting the requirement for the amount of remuneration to be paid to a third-country national in case the TCN has acquired vocational education in Estonia at the fourth or fifth level of vocational training or a higher education in professional higher education or Bachelor's studies, in the studies based on integrated curricula of Bachelor's and Master's studies, in Master's or Doctoral studies. Also the law foresees that in case a third-country national was issued a temporary residence permit for study and if the period of validity of the residence permit terminated on the date of expiry, the TCN has the right to stay in Estonia within the following 183 days as of the day of expiry of the period of validity of the temporary residence permit. In case the TCN needs to travel outside of Estonia during the 183 days, it is possible to get a visa-sticker for that period. Additionally, in case a TCN has acquired higher education in Estonia in the studies based in the integrated curricula of the Bachelor's and Master's studies or in the Master's or Doctoral studies, they have the possibility to apply for a temporary residence permit issued for settling permanently in Estonia without fulfilling the requirement of residing in Estonia for at least 3 years during five consecutive years. A temporary residence permit for settling permanently in Estonia may be issued also to a TCN, who holds a doctorate degree (acquired also in countries other than Estonia), without applying the additional conditions (e.g the requirements for previous residency, adaptation or activities) provided that the compliance of the document attesting higher education of an alien with the doctorate degree has been assessed according to Education Act and pursuant to the conditions and procedure established by a regulation of the Government of the Republic for the assessment and academic recognition of documents attesting education completed in a foreign state and for the use of a title of qualification acquired in the educational system of a foreign state by an agency competent to</p>
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			<p>assess foreign and cross-border qualifications that enable access to higher education and attestation thereof.</p> <p>7. Yes, in general the former TCN students have unconditional access to the labour market. There is no need for the permission from the Estonian Unemployment Insurance Fund in case the TCN has acquired vocational education in Estonia at the fourth or fifth level of vocational training or a higher education in professional higher education or Bachelor's studies, in the studies based on integrated curricula of Bachelor's and Master's studies, in Master's or Doctoral studies. The residence permit for employment does not have to be connected to the same field as were the former studies of the TCN. There can be some restrictions concerning the jobs (e.g. state officials) that can be fulfilled with only Estonian or EU citizens. In practice the main obstacle for former students to qualify for a specific job, has been their insufficient language level.</p> <p>8. Yes, in general the former TCN students have unconditional access to the labour market. There is no need for the permission from the Estonian Unemployment Insurance Fund in case the TCN has acquired vocational education in Estonia at the fourth or fifth level of vocational training or a higher education in professional higher education or Bachelor's studies, in the studies based on integrated curricula of Bachelor's and Master's studies, in Master's or Doctoral studies. The residence permit for employment does not have to be connected to the same field as were the former studies of the TCN. There can be some restrictions concerning the jobs (e.g. state officials) that can be fulfilled with only Estonian or EU citizens. In practice the main obstacle for former students to qualify for a specific job, has been their insufficient language level.</p> <p>9. The evaluation is done before issuing the residence permit for employment or entrepreneurship and also when a TCN has applied for an extension of the residence permit. In some cases additional inspections are done based on the risk analysis.</p> <p>10. The evaluation is done before issuing the residence permit for employment or entrepreneurship and also when a TCN has applied for an extension of the residence permit. In some cases additional inspections are done based on the risk analysis.</p>
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			graduating from university, including improving the provision of placements and jobs for foreign students. https://riigikantselei.ee/sites/default/files/elfinder/article_files/eesti_2020_en.pdf
	Finland	Yes	<p>1. 2015: 5 869 2016: 6 348 Doctoral students are counted as students, if they finance their doctoral studies by themselves, and do not receive a grant or a salary for this purpose.</p> <p>2. The Finnish National Agency for Education has compiled data (from Statistics Finland) on the status of international students in 2015, one and five years after their graduation from an Finnish education institution. 1 year from graduation (graduated in 2014): Total: 2 976 TCN graduates: 36% employed, 5% full-time students, 6% unemployed, 16% other, 37% moved from Finland 5 years from graduation (graduated in 2010) Total: 1200 TCN graduates: 36% employed, 3% full-time students, 7% unemployed, 18% other, 36% moved from Finland</p> <p>3. It is possible for third-country nationals to apply for a residence permit for seeking employment after graduating (granted as an extended residence permit) from a Finnish education institution. The residence permit is granted for a maximum of one year. If the graduate finds employment during this time, he/she then must apply for a residence permit for employment. The process for applying for a residence permit for employment in this case is easier because the labour market needs assessment is not applied and there are no restrictions regarding the sector of employment. The same conditions apply even if the TCN graduate has spent some time away from Finland after graduating.</p> <p>4. Yes, if they fulfil all the necessary criteria for being granted a residence permit according to the Aliens' Act and relating to employment see also responses to Q. 3 and 5.</p> <p>5. Yes, the TCN has to fulfil the criteria for being granted a residence permit for employment or self-employment; e.g. a valid employment contract according to the normal conditions for employment (i.e. collective agreements for the sector) or in the case of self-employment a viable business plan that is approved by the relevant employment authorities. There is no systematic monitoring, although if the Finnish Immigration becomes aware of wrongdoings or if the reason for stay has ended, a withdrawal of the residence permit can be considered.</p>

			<p>6. There is not a stated institution specifically for retaining TCN graduate students, but the Ministry for Employment and the Economy is the main actor in integration and has also mentioned the harnessing of the potential of international graduate students for Finland in the Talent Boost programme: http://tem.fi/en/article/-/asset_publisher/kasvua-kansainvalisista-osaajista There are also several regional and local initiatives, where different actors cooperate (cities, municipalities, educational institutions and representatives for businesses) in order to aid the employment of also international students. E.g. Talent Tampere: https://talent tampere.fi/</p>
	France	Yes	<p>1. In 2015, 70,023 TCN students were issued residence permits as students and in 2016 70,250 (estimate). Source: AGDREF/DSED, Department of statistics, studies and documentation, General Directorate of Foreign Nationals in France, Ministry of Interior</p> <p>2. We cannot determine exactly how many TCN students completed their studies and remained in France, however, as indicated in the FR NCP study on the change of status (2015), see attached the table related to the change of status by reason (2013-2014). According to this table, TCN Students changed mainly to the "employee", then to "family" reasons and then to "scientist-researcher" status. Data regarding 2015 and 2016 may be available in the next following days. I will forward them to you when published. In a study published last week by the Department of studies and statistics of the French Ministry of the interior and related to the 'pathway of TCN students arrived in France between 2002 and 2016' (only available in FR as of today, an EN version should be available by the end of this month), we can see that : - the part of TCN students who left France one year after their arrival is more and more important (37% in average before 2010, 41% between 2010 and 2015) ; - The change of status from student to remunerated activity is less important that to family reason however it has become more and more frequent.</p> <p>3. The law of 7 March 2016 on the rights of foreign nationals in France has implemented particular several measures aimed at attracting international talents and foreign students: - by improving access to the job market after studies: the criteria for the change in status from student to employee were modified, by broadening the temporary residence authorization (APS) for job seeking. - by creating a new residence permit to reinforce France's attractiveness for international talents: the "talent passport".</p>

			<p>This residence permit, valid for up to four years from its first issue, is aimed at foreign nationals likely to contribute to France's competitiveness and outreach.</p> <p>4. The criteria for the change in status from student to employee were modified, by broadening the temporary residence authorisation (APS) for job seeking - currently reserved for master-graduate students - to other degrees such as level I degrees labelled by the Conférence des grandes écoles (mastère and "master of sciences") and professional bachelor degree. The APS is also available to students that wish to create their own companies after their studies in a sector that corresponds to their education, and not just to students that wish to enter salaried employment. The prospects of entry for stay for students benefiting from an APS have also been broadened: previously limited to "employee" and "temporary worker" residence permits, the foreign student can now request a residence permit for a salaried or commercial activity and obtain a "talent passport" residence permit as a young graduate employee or an employee of an innovative start-up, a highly qualified worker, researcher or artist. This temporary residence authorization (autorisation provisoire de séjour – APS) allowing them to remain on French territory for 12 months in order to seek employment relating to their training. During this 12-month period, they can work on the same terms as those during studies (i.e. 964 hours / 60 % of full time work). If they find a job, they may start to work full time, provided it is relevant to their studies and that the salary is at least equivalent to 1.5 times the minimum wage (SMIC). Moreover within 15 days after the conclusion of this work contract, they need to apply for the appropriate residence permit at the competent prefecture. They may also be allowed to remain on French territory for 12 months if they intend to start a business in a field relating to your training. Once the business is set up and duly registered, they need to apply for the appropriate residence permit at the competent Prefecture. They must apply for this 12-month temporary residence authorization with the prefecture at their place of residence no later than two months before the expiry of the residence permit. Students that have received a hiring promise after their studies in line with their education and subject to having obtained a diploma at least equal to a master (or level 1 labelled by the Conférence des grandes écoles or a professional bachelor degree) can benefit from the same conditions of access to the job market as students holding an APS, i.e. regardless of their employment situation and without having previously requested a temporary residence authorisation. He/she must, however, prove employment in coherence with the education followed and have a salary at least equal to 1.5 times the minimum wage. This measure harmonises the change of status conditions for foreign students holding certain diplomas.</p>
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	Germany	Yes	<p>1. While in 2015 in total 45.774 residence permits for the purpose of study were granted to TCNs, in 2016 this number was almost doubled with 90.503 issuances.</p> <p>2. In 2015, a total of 16.134 former students remained in Germany. The top 3 purposes were: - employment (5.611) - further studies/education (5.608) - family-related reasons (4.147) In 2016, the number of TCN remaining in Germany after their studies increased to 20.141. The top 3 purposes stayed the same: - employment (7.418) - further studies/education (7.387) - family-related reasons (4.492)</p> <p>3. After successful completion of the studies, the temporary residence permit may be extended by up to 18 months for the purpose of seeking a job commensurate with this qualification. The temporary residence permit shall entitle the holder to pursue an economic activity in this period (Section 16 subsection 4 of the Residence Act (Aufenthaltsgesetz). A foreigner who has successfully completed his or her studies at a state or state-recognised university or a comparable educational establishment in the federal territory shall be granted a permanent settlement permit after two years rather than the generally required five years if they meet additional conditions. (Section 18b of the Residence Act).</p> <p>4. The employment or self-employment must be commensurate with the higher education qualifications. In this event, the work permit does not require the approval of the Federal Employment Agency, meaning that there is no need to carry out a labour market examination. (Section 2 of the</p>

			<p>Ordinance on the Admission of Newly-Arrived Foreigners for the Purpose of Taking up Employment (Beschäftigungsverordnung).</p> <p>5. Extension of the temporary residence permit shall be subject to the same regulations as apply to issuance. (Section 8 subsection 1 of the Residence Act).</p> <p>6. There are several initiatives which pursue the main objective of bringing international specialists to Germany. They have an online presence but their printed brochures can be also found at fairs and universities. German Academic Exchange Service (Deutscher Akademischer Austauschdienst – DAAD): https://www.daad.de/deutschland/en/ DAAD is a private, federally funded and state-funded, self-governing national agency of the institutions of higher education in Germany. article: Embarking on your career after studying “Study in Germany – Land of ideas” campaign: https://www.study-in.de/en/ Make it in Germany: http://www.make-it-in-germany.com/en/for-qualified-professionals/training-learning/study Make it in Germany is the official multilingual information portal for international qualified professionals. The website is part of the governmental Qualified Professionals Initiative of the Ministry for Economic Affairs and Energy, the Ministry of Labour and Social Affairs and the Employment Agency in collaboration with the Foreign Office, the Ministry of the Interior, the Ministry of Education and Research, the Office for Migration and Refugees as well as several other institutions like DAAD, GIZ, Goethe Institute and the Association of Chambers of Industry and Commerce. Article: Studying in Germany – And after? Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge – BAMF): http://www.bamf.de/EN/Migration/Studieren/studieren-node.html brochure: Studying and Working in Germany</p>
	Hungary	Yes	<p>1. In 2015 10574, in 2016 12272 TCNs were given residence permits for the purpose of study in Hungary (including first permits and prolongations).</p> <p>2. In 2015 319, in 2016 466 TCNs changed their immigration status from education and study to other reasons for stay. The main purposes in both years were remunerated activities. We have no statistical data on the completion of their studies, hence we do not know if these TCNs effectively completed their studies or just finished them.</p>

			<p>3. According to the Hungarian law there are no special rules to encourage former TCN students to remain in Hungary to enter the labour market. However, a residence permit for unspecified purposes may be issued to a third-country national who plans to stay in the territory of Hungary for a reason other than those specified in Articles 19–29 of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals (such as family reunification, employment, gainful activity, pursuit of studies, research, official visit, medical treatment, visit, volunteer activities), and fulfils the requirements for the right of residence in Hungary in other respects (e.g. plans to attend a higher education institution other than a state-recognized institution, or a foreign higher education institution authorised to operate in the territory of Hungary, or for the purpose of language learning, etc.).The applicant shall fulfill additionally all of the general conditions stated in the law in Subartical 1, Article 13 of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals.</p> <p>4. The access to the Hungarian labour market for TCN students who concluded their studies are the same as other TCNs. The rules are laid down in Government Decree 445/2013 on the employment of third-country nationals in Hungary.</p> <p>5. The third country nationals are obliged to inform the immigration authority after finishing their studies, and their residence permit for the purpose of studies shall be revoked. However, at least thirty days before the validity of their residence permit ends, they have the right to submit application for residence permit for other purposes mentioned in the law. Regardless of the type of purpose of the residence permit, during the submission TCNs shall prove that they would like to stay in Hungary for the submitted purpose. TCNs willing to stay in Hungary for the purpose of employment shall submit application for residence permit for the purpose of employment. Those, who would like to be an entrepreneur, shall submit application for residence permit for the purpose of gainful activity. The immigration authority has the right of inspection to check if TCNs use their residence permit for the permitted purpose or not.</p> <p>6. The Ministry for National Economy, the Ministry of Human Capacities and the Ministry of Interior are mainly responsible for facilitating the retention of TCN students. A project is planned - financed by the Asylum, Migration and Integration Fund (AMIF) - which aims at facilitating the integration of TCN students into the Hungarian labour market. The project is expected to launch in the second half of 2017.</p>
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	Ireland	Yes	<p>1. Data not available.</p> <p>2. Data not available.</p> <p>3. Yes. The Third Level Graduate Scheme is intended to allow non-EEA national graduates to continue to access a work concession entitlement while remaining in Ireland to seek employment and to apply for an employment permit. The conditions of the Graduate Scheme are that graduates with an honours bachelors degree can work for up to 40 hours per week for 12 months and graduates with an ordinary level bachelors degree can work for up to 40 hours per week for 6 months upon receipt of their final college exams. On 1 June 2017 a revised Third Level Graduate Programme was announced which will apply to the graduating classes of 2017. Qualifying persons under this Scheme may work full time in accordance with the law for the duration of their residence permission under the Scheme. These new rules will not apply to a person who graduated prior to 1 January 2017. Third Level Graduate Programme will be open to graduates at Level 8 or above of the National Framework of Qualifications - i.e. with an honours level bachelors degree, or above, awarded by a recognised Irish awarding body. Graduates at Level 8 can avail of a period of residence in the State of up to 12 months or such shorter period which would bring their overall time spent in the State as both a student and on this Scheme to a total limit of 7 years. Graduates at Level 9 (postgraduate qualifications) can avail of a period of up to 24 months residence permission or such shorter period that would bring the limit of their total time in the State (as a student and on this scheme) to a total of 8 years. This residence permission will be granted for 12 months initially. It will be renewed for a further 12 months (subject to the 8 year limit) when the graduate satisfies the immigration authorities that s/he has taken appropriate steps to access suitable employment at a graduate level. Transitional arrangements will apply for graduates at Level 7 of the National Framework of Qualifications - i.e. with ordinary level bachelors degrees - who could avail of a 6 month residence permission under the previous scheme. The Stamp 1G immigration stamp for graduates on the Third Level Graduate Scheme was introduced from 1 February 2016. Previously beneficiaries of the Graduate Scheme held an Immigration Stamp 2 like other non-EEA students. The Stamp 1G was introduced for the purpose of clarity, to help employers to differentiate graduates from other non-EEA students, as beneficiaries of the Graduate Scheme have different work concession entitlements. After the expiry of the Graduate Programme, non-EEA graduates need to have obtained</p>
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			<p>an employment permit, in accordance with normal employment permit conditions, in order to remain employed in Ireland.</p> <p>4. See answer to question 3 above regarding the Graduate Scheme/Programme. On expiry of the Graduate Scheme, students need to have obtained an employment permit in line with the usual employment permit conditions. There are no specific labour market restrictions applicable to former non-EEA national students.</p> <p>5. All third-country nationals are required to show that they meet the conditions of the relevant immigration scheme (e.g. via having an employment permit or other authorisation to work) when registering for a residence permit. This applies to first time registrations and at renewal stage.</p> <p>6. There are a number of relevant institutions. Policy regarding international students is the responsibility of the Department of Education and Skills. On 7 October 2016, the Minister for Education and Skills published the International Education Strategy for Ireland 2016 - 2020. Immigration rules regarding non-EEA national students, including the Graduate Programme, are the responsibility of the Department of Justice and Equality - Irish Naturalisation and Immigration Service. The implementation of reforms to the student immigration sector is interlinked with the objectives of the International Strategy 2016 - 2020. The Departments of Education and Skills and Justice and Equality have worked closely on a reform agenda aimed at ensuring that the international education sector operates to a set of agreed standards, including in student protection and in immigration compliance. Labour market policy regarding non-EEA nationals and the employment permit schemes are the responsibility of the Department of Jobs, Enterprise and Innovation.</p>
	Italy	Yes	<p>1. Italy granted 22.870 residence permits for the purpose of study in 2015, and 17.399 in 2016.</p> <p>2. The authorization to extend the stay of TCN students after the completion of studies in order to search or hire a job is not automatic. Indeed, the number of TCN students who can legally remain in Italy after the completion of studies is annually prescribed by the government through the so-called “flow decree”, by which the government defines and sets out the share of non-EU citizens allowed getting in Italy for study or work reasons. Starting by saying that TCN students who have completed their studies may request the conversion of their residence permit only in the case of non-seasonal employment or self-</p>

			<p>employment, we state below the annual "shares" set for the 2015 and 2016: Year 2015: foreseen the conversion of 7.050 residence permits for study purposes into residence permits for self-employment or non-seasonal employment work (in particular, 6.000 into residence permits for non-seasonal employment work reasons and 1.050 into residence permits for self-employment work reasons). Year 2016: foreseen the conversion of 8.000 residence permits for study purposes into residence permits for self-employment or non-seasonal employment work (in particular, 6.500 into residence permits for non-seasonal employment work and 1.500 into residence permits for self-employment work).</p> <p>3. As part of special incentives to encourage TCN students to remain and enter Italian labour market, Italy contemplates the possibility to easily transform, residence permits granted for study purposes into residence permits for self-employment or non-seasonal employment work, with due respect for the conversation shares defined by the annual flow decree.</p> <p>4. TCN students do not have unconditional access to the labour market after concluding their studies. Indeed, the possibility for TCN students to remain in Italy depends on the conversion shares, contemplated by the annual flow decree, from residence permits for study purposes into residence permits for non-seasonal employment and self-employment work reasons. We point out that the conversion concerns only non-seasonal employment and self-employment work. Furthermore, Italy has reserved to Italian citizens all activities concerning the field of public administration, involving the exercise of public powers or attentive to the protection of national interest, as well as all functions involving the elaboration, decision and execution of authorizations, coercive measures, legitimacy and merit control activities.</p> <p>5. The renewal of the residence permit for work reasons, obtained after the conversion of residence permits for study purposes, requires the check that the TNC citizen, at the time of the renewal request, is really/still carrying on the activity.</p> <p>6. The institutions responsible for facilitating the retention of TCN students are Italian Ministry of Interior and Italian Ministry of Labour, which are responsible for the definition of flow decree's contents and resident permits' conversion rates.</p>
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	Latvia	Yes	<ol style="list-style-type: none"> 1. 2015 – 1106, 2016 – 1251 (first-time issued permits). 2. 2015 – 97 (49 – family reunification, 37 – remunerated activities, 14 – other reasons). Data for year 2016 is not available yet. 3. Students who have graduated from the educational establishment are entitled to change their immigration status without leaving a territory of Latvia. After completion of studies it is possible to obtain a temporary residence permit for 6 months for job seeking purpose. 4. No special procedure is applied in case of former TCN students, they do not have unconditional access to labour market. 5. Yes, the residence permit shall be used for the main purpose by fulfilling some criteria stipulated in the Immigration Law. For self-employed persons and persons, involved in the business activities, the certain amount of tax payments into the state budget shall be paid. All tax payments shall be carried out also in case of work agreement. 6. There is no state institution that would be directly responsible for the retention of TCN students however several institutions are carrying out some activities in this regard, e.g., Ministry of Education and Science, Ministry of Economics, Ministry of the Interior (Office of Citizenship and Migration Affairs). Educational establishments are advocating the interests of students to stay in the country. Some amendments to the Immigration Law have been adopted, providing that students have unconditional access to labour market during their last study year in master or doctoral programmes and 6 months permit after graduation is another measure in this regard.
	Lithuania	Yes	<ol style="list-style-type: none"> 1. Residence permits issued for the purpose of studies: 2015 - 1983 temporary residence permits 2016 - 2439 temporary residence permits 2. Lithuania does not collect precise statistical data. It can be estimated from the Foreigners' register how many temporary residence permits were issued for the period of 6 months or shorter because these are mainly issued to students who have completed their education in Lithuanian. 2015 - 284 2016 - 484

			<p>3. The Law foresees a possibility for students to apply for the renewal of the temporary residence permit for additional 6 months in the last study year. During this period the students can look and apply for employment and if successful can request the temporary residence permit on the ground of work. Students who have completed their education in Lithuania do not need to prove that they possess one year qualification in the job there are applying. All other foreigners have to prove their professional qualification.</p> <p>4. They have unconditional access to labour market. They are exempt from the assessment of needs of the Lithuanian labour market and are able to commence employment immediately.</p> <p>5. Yes, in case of employment a work contract needs to be submitted. In case of legal activity (starting a company) a company needs to be operation at least for 6 months before applying for the residence permit.</p> <p>6. Ministry of the Interior is responsible for migration policy and Migration department is responsible for issuance of residence permits. Ministry of Economy is responsible inter alia for the development of human resources policies.</p>
	Luxembourg	Yes	<p>1. During 2015 the Luxembourgish authorities delivered 217 first student residence permits of more than 3 months and during 2016, 208. In total, the Luxembourgish authorities issued 414 student resident permits (first issuances and renewals) in 2015 and 381 during 2016.</p> <p>2. Before the amendment of the law in 2017 (see answer question 3) Article 59 of the amended law of 29 August 2008 on free movement of persons and immigration establishes that an authorisation of stay for salaried worker valid for a maximum duration of two years. This authorization was non-renewable and could only be issued to a third-country national, who: 1) had successfully accomplished a formation cycle that allows the individual to obtain a higher education diploma in Luxembourg; and 2) wishes to complete, his/her academic training with a first professional experience, with the perspective to return to his/her country of origin, which serves the economic interests of the Grand-Duchy of Luxembourg and his/her country of origin. This salaried activity that the third-country national wants to do must be directly related with his/her academic training and the applicant must have to have a working contract</p>

			<p>In 2015, 45 residence permits (renewals included) were issued in application of article 59. The number was of 56 in 2016.</p> <p>3. Yes. The amended law of 29 August 2008 on free movement of persons and immigration was recently modified in order to simplify the possibility that former TCN remain in Luxembourg after the conclusion of the studies. One of the principal amendments is to allow the TCN students to apply as salaried workers or independent workers without leaving the territory and to integrate the labour market on a permanent basis. Before the amendment, the law allowed a first professional experience for a maximum of 2 years within a simplified procedure (not subject to the labour market test). After this period, the residence permit could not be renewed so the former student had to leave the country. Article 59 of the amended law of 29 August 2008 on free movement of persons and immigration as modified by article II.27 of the law of 8 March 2017, establishes that an authorisation of stay for salaried worker or for independent worker can be granted to the third-country national who fulfils the following conditions: 1. He has successfully approved in the Grand Duchy of Luxembourg the last year of former education of a higher education diploma or university cycle of a minimum duration of 5 years, or he has approved his/her dissertation of doctoral thesis based on research work done in the Grand Duchy of Luxembourg. 2. S/he fulfils the conditions established by article 42 (1) points 1 to 4 (1. Must pass the labour market test; 2. The economic activity serves the economic interests of Luxembourg; 3. The applicant has the required professional qualifications and 4. The applicant has a work contract of a position that was declared vacant at the Agency for the Development of Employment) for a salaried worker authorisation of stay or the conditions laid down by article 51 for an independent worker; 3. The salaried activity the applicant foresees to exercise is related to the academic formation s/he has received.</p> <p>4. Former TCN students as any third country national do not have access to positions in the Public sector. In accordance with article 59 (2) (see above) they have to pass the labour market test (article L. 622-4 (4) of the Labour Code) and the first salaried worker residence permit is issued for a maximum duration of one year (article 43 (1) paragraph 1)) and during this period it is limited to a single sector and a single profession (article 43 (2)). After the residence permit is renewed it is not limited to a single sector (article 43 (5)).</p> <p>5. The residence permit is issued under the conditions laid down by article 59 (2). As it is mentioned in article 59 (2) 3 the salaried activity has to be related to the academic training the TCN has received. In</p>
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			<p>accordance with article 133 (1) the Minister in charge of Immigration can order controls to verify if the conditions for granting the residence permit are still being fulfilled. If the authorities find out that the residence permit is being misused or that the TCN does not fulfil the conditions for granting the residence permit, it will be revoked or not renewed (article 101 (1) in regards with articles 43 (4) and 52 (2).</p> <p>6. N/A.</p>																		
	<p>Netherlands</p>	<p>Yes</p>	<p>1.</p> <table border="1" data-bbox="712 580 1935 794"> <thead> <tr> <th><u>What type</u></th> <th><u>2016</u></th> <th><u>2017, first 4 months</u></th> </tr> </thead> <tbody> <tr> <td>VVR TEV</td> <td>2020</td> <td>530</td> </tr> <tr> <td>VVR Extension</td> <td>1790</td> <td>530</td> </tr> <tr> <td>VVR Change Constraint</td> <td>470</td> <td>100</td> </tr> <tr> <td>VVR without MVV</td> <td>510</td> <td>170</td> </tr> <tr> <td>Total</td> <td>4780</td> <td>1330</td> </tr> </tbody> </table> <p>Source: INDiGO/METiS, rounded off on 10</p> <p>VVR = Regular Residence Permits TEV = Admission and Stay MVV = Authorization Provisional Stay</p> <p>2. No data available</p> <p>3. TNC researchers are allowed to teach if that is part of their job, and they are allowed to work as a self-employed alongside their research project. For other work an employment permit is required.</p> <p>4. After finishing a research project the researcher has the right to stay in the Netherlands to look for another job during one year. During this year he is free on the labour market but he is not entitled to social assistance. If he finds a job as highly skilled worker, he is entitled to a new residence permit.</p> <p>5. There is no broader definition of family members.</p>	<u>What type</u>	<u>2016</u>	<u>2017, first 4 months</u>	VVR TEV	2020	530	VVR Extension	1790	530	VVR Change Constraint	470	100	VVR without MVV	510	170	Total	4780	1330
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EMN Ad-Hoc Query on AHQ on Retaining TCN Students

			<p>In practise almost all family members can use a fast track admission procedure. The TCN researcher must have an approved sponsor who apply for a residence permit on behalf of him. Because of this approved sponsorship the application procedure is very easy and fast (in general the Immigration and naturalisation Service will take a decision within 14 days). When family members apply at the same time as the TNC researcher, they can also use this very fast procedure.</p> <p>6. Contrary to labour migrants family members of TCN researchers have free access to the labour market.</p>
	Portugal	Yes	<p>1. Portugal granted 5262 residence permits in 2015 and 20165, as follows: 2015 – 2.277 2016 – 2.985</p> <p>2. The information and data disaggregation not available.</p> <p>3. Yes. Cf. Article 91 no. 3 of Act 23/2007 of July 4 (“Foreigners’ Act”), residence permits for study purposes in a higher education establishment may be exceptionally granted even if the TCN does not hold a valid visa, providing that he/she has legally entered and has legally stayed in Portugal and meets all the other requirements.</p> <p>4. There are no restrictions. TCNs may even work while studying, preventing that work is not their main occupation and with SEF’s authorization. The law also previews that higher education students may stay in the Portuguese Territory for one year after completing their studies to find employment (See Articles 97 no. 2 and 122 no. 1 o) and p) of Act 23/2007 of July 4 (“Foreigners’ Act”).</p> <p>5. No.</p> <p>6. TCN students’ retention is previewed in Act 23/2007 of July 4 (“Foreigners’ Act”) , and is directed especially to higher education establishments’ teachers and researchers (who are considered students, as they continue pursuing their specialized studies) and Blue Card holders. Please see articles 90 and 121-A.</p>
	Slovak Republic	Yes	<p>1. 2015: 1507 2016: 1507</p> <p>2. N/A – this data is not available in the Slovak Republic.</p>

			<p>3. There is a transition period of 30 days since passing the final exam for students in order to change their resident status. Moreover, there is also a simplified labour market entry – please see the question no. 4.</p> <p>4. According to the Slovak legislation, the TCN who has graduated from Slovak High School or Slovak University, has more favourable and simplified conditions for labour market entry. The employer can employ such a TCN without the need to apply for a work permit, confirmation of the possibility of filling a vacancy corresponding to a highly qualified job, or confirmation of the possibility of filling a vacancy.</p> <p>5. Yes. In case of change of residence status, the TCN has to submit all the documents confirming the new purpose of residence. The Single Permit (joint residence and work permit) is issued only after the TCN meets all prerequisites. Once the employment is initiated, the inspectorates (labour inspectorates and labour offices) carry out checks on compliance with the conditions regarding the employment of TCN, as well as assessing the fulfilment of working conditions under the Labour Code.</p> <p>6. The Ministry of Labour, Social Affairs and Family of the Slovak Republic creates provisions for facilitated entry of TCN students or former TCN students to labour market. Based on Employment Services Act no. 5/2004 Coll. as amended, the student – TCN who has granted residence permit for the purpose of study (besides the student of language school) can work in total 10 hours per week and in case of University studies 20 hours per week (or the corresponding number of days or months per year).</p>
	Sweden	Yes	<p>1. In 2015, 9 076 residence permits were granted for the purpose of studies in Sweden. This figure includes 1 202 residence permits that were granted for the purpose of studies at doctoral level. In 2016, 9 026 residence permits were granted for study purposes, including 928 residence permits for doctoral studies. These figures do not include accompanying family members nor extensions of residence permits.</p> <p>2. The exact number of TCN students that legally remain in Sweden after their studies is unknown. What is known, however, is the number of former students that have been granted residence permits for the purpose of looking for a job in Sweden (“job-seeker permit”). In 2015, a total of 334 former students were granted such a permit, and 445 in 2016. In addition, 419 former students have made a</p>

			<p>direct transition from a residence permit for study reasons to a residence permit for employment reasons in 2015, and 394 in 2016. These figures can provide a rough estimate of the overall number of those remaining in Sweden after their studies, although former students may also remain in the country on the basis of family reunification/family formation or on other grounds for legal residence.</p> <p>3. Upon completion of their studies, international students can apply for a residence permit to look for work in Sweden. Such permits are normally valid for six months. It is also important to note that TCN students have full access to the Swedish labour market already during their studies, which can facilitate their later transition to a residence permit for work reasons once their studies are completed. Other than that, there are no particular incentives.</p> <p>4. Yes, access to the labour market is unlimited and unconditional.</p> <p>5. To be granted a residence permit for work reasons, applicants need to provide a job offer or an employment contract. In case they want to start their own business, they must submit a business plan (among other documentation). It is possible that there are cases of misuse, but in principle, these documentary requirements ensure that the residence permits granted are used for the intended purpose. Residence permits that are granted for such purposes are temporary at the beginning, which means that when a former student applies for an extension, authorities have a possibility to check again if the conditions are still fulfilled.</p> <p>6. The legislator has made it easier for international students to remain in Sweden after their studies by introducing a job-seeker residence permit and by making it possible for students to work during their studies and to change their residence permit from a study-based permit to work-based permit. Apart from that, there is no specific political strategy at national level to retain international students. Some higher education institutions may pursue their own activities in this regard, however, e.g. by trying to establish contacts between students and employers. The Swedish Institute promotes Sweden as a destination for studies. Among other things, it informs about scholarships and study as well as living conditions in Sweden. The website “Study in Sweden” (https://studyinsweden.se/) also informs about possibilities to stay in Sweden and work after academic studies.</p>
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	United Kingdom	Yes	<p>1. There were 229,097 resident permits for the purpose of study in 2015. 2016 data is not yet available.</p> <p>2. In 2015, an estimated 7,226 former students (main applicants) were granted an extension for work, 3,141 for family reasons and 777 for other (non study-related) reasons. In 2016, an estimated 6,037 former students (main applicants) were granted an extension for work, 2,345 for family, and 444 other (non study-related) reasons.</p> <p>3. The UK has a number of provisions in place to facilitate TCN students taking up skilled work after their studies: • Those with an offer of a graduate-level job, paying an appropriate salary, may take up sponsored employment through Tier 2 (the main skilled work route for TCNs). If graduates apply from within the UK, the usual requirements for employers to carry out a resident labour market test and pay an Immigration Skills Charge are waived. Such applicants are also subject to lower salary requirements and are exempt from the annual limit on Tier 2 numbers. • A bespoke Tier 1 route for graduate entrepreneurs enables graduates endorsed by their higher education institution or the Department for International Trade to stay on for up to two years to develop their business ideas in the UK before switching into Tier 2 or the main Tier 1 (Entrepreneur) route. • We have also made provisions to switch into Tier 5 for those graduates wishing to undertake a period of professional training or a corporate internship related to their qualifications, before pursuing a career overseas. Tier 5 schemes do not have the same skill/salary requirements as Tier 2, but cannot be used to fill UK job vacancies. • PhD students can stay in the UK for an extra year, under the Tier 4 Doctorate Extension Scheme, to look for work or start their own business.</p> <p>4. TCN students studying a course of 12 months or more have 4 months post-study in which they have unconditional access to the labour market. Those who switch into Tier 2 and Tier 5 are restricted to working in the role they are being sponsored to do. Tier 1 graduate entrepreneurs may take any jobs, providing they spend the majority of time developing their business ventures. Those on the Tier 4 Doctorate Extension Scheme may take any jobs.</p> <p>5. In each of the above routes, applicants must have a sponsor or an endorsing higher education institution, which has responsibility for maintaining contact with successful applicants and reporting any breaches of immigration laws or significant changes in their circumstances.</p>
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