



EMN Ad-Hoc Query on 2019.21 FI Urgent AHQ on international students seeking employment after graduating

Requested by Rafael BÄRLUND on 7 February 2019

Protection

Responses from EMN NCP Norway, EMN NCP Luxembourg, EMN NCP Austria, EMN NCP Hungary, EMN NCP Slovakia, EMN NCP Lithuania, EMN NCP Estonia, EMN NCP Poland, EMN NCP Germany, EMN NCP Spain, EMN NCP Greece (11 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:

Background information According to the article 25(1) of the Directive (EU) 2016/801, after the completion of research or studies, researchers and students shall have the possibility to stay on the territory of the Member State that issued an authorization under Article 17, on the basis of the residence permit referred to in paragraph 3 of this Article, for a period of at least nine months in order to seek employment or set up a business. Finland would like to ask from Member States few questions related to this article. Finland is aware that Q. 14 a. in the Study on Attracting and Retaining International Students also addresses the questions, but this information is not yet available, and it is requested urgently by the Ministry of the Interior and the Prime Minister's Office.

Questions

- 1. For how long can a person from a third country who has graduated from a higher education institution in your country stay in the country to search for a job? For how long can he/she get a residence permit for this purpose?**
- 2. Are there any exemptions in the conditions of the graduate's residence permit for job searching that makes it easier for them to stay in the country (e.g. lower level of sufficient resources to cover subsistence costs compared to other residence permits)?**
- 3. Can this residence permit be renewed?**
- 4. Are there any exemptions of criteria for granting a residence permit for employment when the TCN finds a job and applies for residence permit based on that job? For which duration will this residence permit be granted?**

Responses

EMN NCP Norway

Wider Dissemination: Yes

Anonymous,

1. you can be granted a residence permit as a jobseeker or to study Norwegian for a total of one year after graduating from a Norwegian higher education institution? Your purpose must be to seek employment as a skilled worker or specialist in Norway.
2. Requirements An applicant must pay an application fee. An applicant must be a job seeker and look for employment as a skilled worker in Norway. The work cannot be as a religious leader/teacher or an ethnic cook. An applicant must fulfill one of these requirements: An applicant must have a residence permit as a student at university college or university, student at a vocational school or student at upper secondary school, and apply for a residence permit as a job seeker before your permit expires. You must have completed your degree/education in Norway. An applicant must have a residence permit for additional education in order for your education to be recognised in Norway, and apply for a residence permit as a job seeker before your permit expires. Your education must have been recognized, or be about to be recognized. An applicant must have a residence permit as a researcher with own funds and apply before this permit expires. An applicant must have a residence permit as a skilled worker with an employer in Norway for being a researcher at a university, university college or research

institute. You must apply before this permit expires. An applicant must have enough money to live on during the period you intend to stay in Norway. You must have at least NOK 20 248 per month, i.e. NOK 242 966 per year. This must be your own money, and must normally be in a Norwegian bank account. If an applicant has a job offer in Norway while you are searching for a relevant skilled job, the income from this job can be included in this sum. Requirements relating to education/qualifications An applicant must have one of the following types of education/qualifications a completed vocational training programme of at least three years at upper secondary school level, for example as a carpenter or health worker. There must be a corresponding vocational training programme in Norway. completed education or degree from a university/ university college, for example a bachelor's degree as an engineer or nurse special qualifications that you have obtained through long work experience, if relevant in combination with courses etc. A permit is only granted in such cases in exceptional circumstances. An applicant's qualifications must be equivalent to those of someone who has completed vocational training in Norway. Rights and obligations An applicant can work full-time or part-time while he/she looks for relevant employment as a skilled worker, including in jobs that do not require skilled workers. An applicant can be granted a residence permit for a maximum of one year. The period an applicant has this residence permit does not count if he/she later wishes to apply for a permanent residence permit. If family members already have a family immigration permit and are living with an applicant in Norway, they can apply to renew their permit. If family members apply at the same time as the applicant, the applicant will receive the answer to his/her application at the same time.

3. Job seeking permit is not renewable. A new permit as a jobseeker cannot be granted until the applicant has stayed outside Norway for one year.

4. They must have landed a job in keeping with their professional qualifications, at a comparable salary to others in similar positions. Permits are normally granted for one year at a time and are usually renewable if employment is continued.

EMN NCP Luxembourg

Wider Dissemination: Yes

Adolfo SOMMARRIBAS, EMN statelessness platform

1. For how long can a person from a third country who has graduated from a higher education institution in your country stay in the country to search for a job? For how long can he/she get a residence permit for this purpose? * In accordance with article 67-4 of the amended law of 29 August 2008 on free movement of persons and immigration the third-country national who has graduated from a higher education institution can stay 9 months on the territory to search for a job or create an company (start-up). In order to obtain a residence permit for this purpose the third-country national must apply 30 days before the expiration of his/her valid residence permit. The applicant must fulfil the following criteria: a) have obtained a Master or a PhD; b) have sufficient resources to stay in the country (it has to prove that at least has 80% of the REVIS (minimum guaranteed income)) c) Have healthcare coverage. If the Minister in charge of Immigration and Asylum approves the application it grants a resident permit for private reasons for 9 months.

2. The level of sufficient resources to be proven is the same as for students which is lower than the level of requested resources for most of the other residence permits. The Directorate of Immigration is flexible in regard to the proof of the diploma of the degree because it can be issued months after the student obtains its degree.

3. No.

4. No there are no exemptions formally foreseen. The length of validity of the residence permit depends on the category, but the general rules as foreseen by the law are applicable.

EMN NCP Austria

Wider Dissemination: Yes

Martin Stiller, Wider Group

1. Third-country nationals who have successfully completed a course of study or training can renew their students' residence permits to allow them to seek employment or start a business. Renewal in this case is possible for one additional 12-month period, provided that the applicant continues to meet the general requirements for a residence title (Art. 64 para 4 Settlement and Residence Act).
2. In general, foreigners must, inter alia, receive a specified minimum level of remuneration in order to obtain a residence title allowing them to take up employment. For international graduates this is based on the monthly gross minimum salary for Austrian graduates (entry-level professionals) (Art. 12b subpara 2 Act Governing the Employment of Foreign Nationals). However, the minimum level of remuneration required for university graduates from third countries is lower than that specified for other foreigners applying for residence titles (cf. Art. 12 Act Governing the Employment of Foreign Nationals). Furthermore, student applicants are, in general, exempt from one of the requirements, namely to provide evidence of suitable accommodation (Art 64 para 1 subpara 1, Art. 11 para 2 subpara 2 Settlement and Residence Act). This exemption also applies to graduates who renew their students' residence permits for job seeking purposes (§ 64 para 4 Settlement and Residence Act).
3. No, a renewal of this residence permit is not possible, as the law stipulates that renewal of students' residence permits for job seeking purposes is possible for one additional 12-month period.
4. No. Where an international graduate has their residence permit renewed in order to seek employment or start a business and does in fact find suitable employment, the person can change to a residence title for qualified third country workers (Art. 64 para 5 Settlement and Residence Act). Depending on the specific residence permit, such residence permit is granted for two or three years (Art. 41 para 5, Art 42 para 4, Art 43 c para 5, Art. 20 para 1a in conjunction with Art 8 para 1 subpara 8 Settlement and Residence Act).

EMN NCP Hungary

Wider Dissemination: Yes

Gabor Veto, Practitioners (Government Officials only)

1. Such students can stay on the territory to carry out these activities for 9 months. This kind of residence permit cannot be renewed, but can be replaced with an other kind of permit.
2. No
3. This kind of residence permit cannot be renewed, but can be replaced with an other kind of permit.
4. Basically there are no exemptions, however, it can be mentioned that in such cases the - by a way of derogation from the general rule - the application for the residence permit can be made on the territory of Hungary. Regarding duration, the general rules apply: The validity period of a residence permit granted for the purpose of employment may not exceed the term specified in the specialist labour authority's assessment (max 2 years).

EMN NCP Slovakia

Wider Dissemination: Yes

Simona MESZAROSOVA, EMN NCP Slovakia

1. In line with the Act on Residence of Aliens, a third country national, who after graduation or after finishing the study or research activity in the Slovak Republic wants to remain in the territory of the SR in order to seek for job or start a business can have his/her residence prolonged by the Police Unit. The Police Unit can prolong his/her temporary residence for this purpose for 9 months. S/he has to apply for renewal of his/her residence for the purpose of study with the aim to seek for job or for to start a business and has to declare this purpose by attaching a diploma, confirmation of finishing the study or confirmation of finishing the research activity.

2. No.

3. See Q1

4. If a TCN has found a job within the period of 9 months, s/he has to apply for a temporary residence for the purpose of employment and has to attach the necessary documentation. In general, these are: valid travel document, proof of purpose of stay, proof of financial coverage and proof of accommodation, clean criminal registry, for business activity also the business plan and related documents, consent of the municipality that the property in which the TCN will live fulfils certain standard and conditions according to specific legal regulation. For the change of purpose of the residence the conditions are similar as for the first application for temporary residence with the exception of declaring the clean criminal registry if it has been already declared with the first application and no need to submit a medical certificate that s/he does not suffer any medical condition that would endanger public health.

EMN NCP Lithuania

Wider Dissemination: Yes

Vytautas EŽERSKIS, EMN NCP Lithuania

1. After the completion of research or studies third-country graduate may apply for a residence permit and stay in Lithuania up to 12 months to seek employment.

2. Yes. A third-country graduate has to provide proof for lower level of sufficient resources to cover subsistence costs (half of the minimum wage) compared to other residence permits (one minimum wage). Moreover, the decision to issue temporary residence permits for third-country graduates is made one month faster compared to the regular process.

3. No. During the one year post-studies/research period a graduate has to find employment, set up a business or request a new permit according to other grounds.

4. Unlike other applicants for a temporary residence permit for employment, third-country graduates are exempted from the obligation to have work experience (1 year in a field related to their qualification acquired in the past 2 years) if they completed their studies in Lithuania and intend to work in a related occupation. In addition, they are not required to pass the labor market test, i. e. to receive a confirmation from the Labour Exchange that the work of the TCN meets the needs of the Lithuanian labor market. A temporary residence permit is issued for 1 to 3 years, depending on the grounds for the permit.

EMN NCP Estonia

Wider Dissemination: Yes

Marion PAJUMETS, EMN General

1. Foreigners who have obtained a residence permit for studying are allowed to stay in Estonia for up to 270 days after the expiry of the validity of their residence permit in order to seek employment and apply for a residence permit on new grounds.
2. Estonia does not issue to TCN graduates a special residence permit for seeking employment. They are allowed to stay in Estonia without applying for any permission from the authorities. If needed, it is possible to check via databases whether they have a right to stay in Estonia based on 270 days right to stay. In case they need to travel, graduates may apply Estonian long stay visa.
3. As Estonia does not issue a special residence permit for graduates of Estonian HEIs for seeking employment the relevant permit cannot be prolonged.
4. If the foreigner finds work during the above mentioned period of stay in order to seek employment in Estonia and submits an application for a residence permit, he or she does not have to leave the country and can stay in Estonia until a decision is made on the residence permit application. The residence permit is issued for the duration of planned stay or with the period of validity of up to five years. TCN graduates of Estonian HEIs may commence their employment under the same conditions as Estonian inhabitants (i.e. without any requirement for the minimum income established for foreigners nor a permission from the Unemployment Fund. Furthermore, the potential fulfillment of the immigration quota has no effect on employing TCN graduates.

EMN NCP Poland

Wider Dissemination: Yes

Marcin WRONA,

1. According to the Art. 187(2) of the Act on the foreigners, a temporary residence permit due to other circumstances shall be granted to a foreigner if he/she: is a graduate from the Polish university and is seeking employment in the territory of the Republic of Poland. This permit is granted for a period of 1 year - once, directly after graduation. In addition to abovementioned, according to § 1 (15) of the Ordinance of the Minister of Labor and Social Policy of April 21, 2015 on cases in which it is permissible to entrust work to a foreigner on the territory of the Republic of Poland without the need to obtain a work permit, entrusting work to a foreigner on the territory of the Republic of Poland without the need to obtain a work permit is allowed in the case of foreigners: graduates from the Polish upper secondary schools, full-time studies or full-time doctoral studies at Polish universities, at scientific institutes of the Polish Academy of Sciences or research institutes operating on the basis of regulations on research institutes. After finding a job, a foreigner should apply for a temporary residence and a work permit or a visa for the purpose of work. It should be added that according to the Art. 4 (2)(1)(h) of the Act of March 6, 2018 on the rules of the participation of foreign entrepreneurs and other foreign persons in the in the economic turnover / business transactions on the territory of the Republic of Poland, citizens of countries other than Member States who have a temporary residence permit in the Republic of Poland for the purpose of conducting business activities, granted due to the continuation of the business activity already carried out on the basis of an entry in the Central Register and Information on Economic Activity (starting a business activity in this form could take place, for example, in connection with a previously held temporary residence permit for study purposes), may undertake and perform economic activity on the territory of the Republic of Poland on the same terms as Polish citizens.
2. No – there are the same conditions as residence permit for any other activities: - health insurance within the meaning of the Act of 27 August 2004 on health care services financed from public funds, or a document certifying that the costs of treatment in the territory of the Republic of Poland will be covered by the insurer

- a source of steady and regular income sufficient to cover the costs of subsistence for himself/herself and family members dependent on him/her - a guaranteed place of residence in the territory of the Republic of Poland

3. No, the permit after graduation is granted for one year only.

4. No, there aren't any exemptions of these criteria. A temporary residence and work permit is granted for 3 months up to 3 years, where the purpose of the foreigner's stay in the territory of the Republic of Poland is to perform work. A permanent residence permit is granted to a foreigner for an indefinite time but a residence card which confirms the foreigner's identity during his/her stay in the territory of the Republic of Poland and entitles him/her, together with a travel document, to multiple border crossing without having to obtain a visa is granted for 10 years and after the period should be replaced.

EMN NCP Germany

Wider Dissemination: Yes

Heiko HECHT, EMN NCP Germany

1. The residence permit may be extended for a period of up to 18 months in order to search for work commensurate with the degree (§ 16 (5) AufenthG(Residence Act)).

2. While seeking a job commensurate with the degree, the person concerned is entitled to any gainful employment, including employment with lower skill requirements or self-employment.

3. An extension is only possible up to the total duration of 18 months, if the initial award was initially made for a shorter validity.

4. The general conditions for granting a residence for gainful employment apply. The granting of a residence permit for gainful employment usually takes place for two years, if this period is covered by the validity of the travel document and the employment contract.

EMN NCP Spain

Wider Dissemination: Yes

Gladys Roy Chicharro, EMN NCP Spain

1. Any foreign student holding a residence permit for studies, who has completed studies at a higher education institution in Spain (at least Level 6 according to the European Qualifications Framework) can apply for a residence permit to search for a job or to start a business. The residence permit will have a maximum and non-extendable duration of twelve months, from the day following the expiry of the residence permit for studies.

2. Yes. As long as they accredit the completion of the corresponding studies as well as having a medical insurance and sufficient resources. As for the accreditation of sufficient resources, it is enough to provide an affidavit.

3. No, it can't.

4. No. He/she will have to fulfill the requirements for the new permit (with the exception of the visa). The permit is granted for one year or two, in the case of highly qualified professionals.

EMN NCP Greece

Wider Dissemination: Yes

Athena BALOPOULOU, Practitioners (Government Officials only)

1. First of all, please note that the adoption of the Directive 2016/801/EU into the Greek legislation has not been completed yet. Currently, according to Article 7 (par. 4) of Law No.4251/2014: "Holders of residence permits for the reason of studies in Greece (Articles 31 to 42) are not allowed to change the purpose of their residence permits". However, these provisions will be adjusted to Article 25 (1) of the Directive 2016/801/EU. In addition to the above mentioned Article, Article 41 "Rights and obligations" (par. 1) stipulates that: "Unless otherwise specifically stipulated, holders of residence permits for the purposes of studies or voluntary service may not change the relevant purposes". In this regard, if a third country national has entered Greece with a Student Visa and therefore has been a holder of a residence permit for studies, once he/she has completed his/her studies, he/she is not allowed to change the purpose of his/her permit (e.g. in order to stay in the country and search for a job). As mentioned above, Directive 2016/801/EU is pending to be transposed into national legislation. As a result of the upcoming transposition of Directive 2016/801/EU, after the completion of their studies, students shall have the possibility to stay in Greece, on the basis of the residence permit referred to in Article 17 (par. 3) of Directive 2016/801/EU, "for a period of at least nine months in order to seek employment or set up a business".

2. See answer to Question 1.

3. See answer to Question 1.

4. See answer to Question 1.