



MIGRATION OF INTERNATIONAL STUDENTS TO BELGIUM, 2000-2012.

STRIKING A BALANCE BETWEEN MIGRATION MANAGEMENT AND ACTIVELY ATTRACTING STUDENTS FROM THIRD COUNTRIES
FOR THE PURPOSES OF STUDY AND RESEARCH.

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INTRODUCTION

This research conducted with the assistance of Tess Poppe¹, Marie Godin² and Carla Mascia³ is a short research project (3 months for one FET) and has two aims. First of all we investigate the policy towards international students and the extent in which third-country nationals have made use of opportunities to study in Belgium in the last decade. The opportunities for third-country nationals to study at Belgian institutions of higher education have vastly increased in the last decade. In the wake of the adaptation of the Bachelor-Master structure, Belgian higher education has opened itself to international students. At the same time, also in Belgium, international mobility has been increasingly valued as a positive element within the curriculum of students of higher education. The need felt for the internationalization of scientific research in Belgium has also entailed an explicit openness to foreign students. Secondly, we address the issues whether third country nationals use the “student route” to migrate to Belgium for other purposes than study. We outline Belgian policies to combat the “misuse” of the student route, but also to attract those international students most valued by policy makers. We assess the impact of these policies on the migration to Belgium of third-country nationals. By combining developments in immigration and educational policies, this report can be of interest to people active in both policy domains.

In this report we follow the EMN-model from chapter 3 onwards, while for chapter 2 EMN did not propose a blueprint of the structure of the report. However due to chapter 2 being a chronological overview of policy towards international students and chapter 3 the actual policy towards international students and a policy overview which had to follow the EMN-model there is some repetition, for which we apologize.

We owe special thanks to the people of the IO, in particular the department of international students Marijke Sterckx and Bernard Baillieux but also Salmon Geert, Benedikt Vulsteke, Caroline L’hoir and Nicolas Perrin for sharing their insights in this most interesting and complex part of migration management. Also all the people at institutions of higher education, civil servants in education and labor department but also foreign affairs (in particular Kevin Guillaume, Erwin Malfroy, Bernard Delhousse, Henri Roman, Wouter Bouciqué) who assisted us in this short project made the result possible.. This is not the final contribution to the migration of international students. Numerous issues remain open, but time constraints forced us to finalize this report. Of course all mistakes are ours.

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1.1 DEFINITIONS

For the purpose of this study, "*International student*" refers to "*a third-country national⁴ arriving in the EU from a third country for the purposes of study.*" The study focuses mainly on international students on two levels, according to the International Standard Classification of Education (ISCED)⁵ i.e. level 5 (first stage of tertiary education) and level 6 (second stage of tertiary education):

- Level 5 (First stage of tertiary education) is defined as Bachelor and Master degree level in Belgium.
- Level 6 (Second stage of tertiary education) is defined as Doctorate Degree level (PhD) in Belgium with this level typically requiring the submission of a thesis or dissertation of publishable quality which is the produce of original research and represents a significant contribution to knowledge. To distinguish the students of level 6 from students of level 5 we call the students of level 6 international doctoral students.

International students migrating to Belgium for the purposes of Level 4 study can only do so for one year to prepare themselves for studies at institutions of higher education. These students are registered for the seventh year of secondary education, in math and science or are registered for language training.⁶ These international students are listed in the ISCED category Level 4 (Post-secondary non-tertiary education), which captures programs that cross the boundary between upper secondary and post secondary education, from an international perspective, but which in terms of content, cannot be regarded as tertiary. These programs are designed to prepare students for studies at level 5. Due to time constraints and due to the absence of research available on this immigration route, these students and the issues they evoke are not part of this report.

1.2. METHODOLOGY

This study is undertaken partly through secondary, desk-based research in Belgium. This Belgian report had few studies to benefit from. Caestecker & Rea (2009) gave an overview of policy developments in Belgium until 2005, but was most interested in international students' motivations and trajectories. ECOOM, an expertise center of the Flemish authorities and the Flemish universities monitors research in Flanders and paid attention to the foreign researchers, including third country nationals in Flanders. Their publications among others Vandevelde & Leyman (2009 and 2012) and Leyman, Groenvynck, Vandevelde, Van Rossem (2012) have provided interesting material on the doctoral international students.⁷ The IO's own research yields some insight in the « misuse » of student routes of migration.

For this report we undertook additional research work to generate new information which was not yet available. We asked the agencies that maintain databases which centralize information on students at institutions of higher education whether they could provide us with information on third country nationals who had immigrated to Belgium for purpose of study. The difficulty was that the educational institutions do not structure their information on the basis of the immigration background of third country nationals. Nationality is the main identifier of a student, but the third country nationality of a student at an institution of higher education in Belgium does not imply that (s)he is an international student as defined in this study (*arriving from a third country for the purposes of study*). "Our" international students could be delineated to a certain degree through them having a third country nationality and having a non-Belgian qualification of secondary education.

⁴Note that, in accordance with the EMN Glossary, a "*third-country national*" is "*any person who is not a citizen of the European Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union and who is not a person enjoying the Union right to freedom of movement, as defined in Article 2(5) of the Schengen Borders Code.*" This definition means that nationals of Norway, Iceland, Liechtenstein and Switzerland are not considered to be third-country nationals. The definition of third-country nationals refers to the EER (European Economic Area).

⁵ Available at <http://www.uis.unesco.org/Library/Documents/isced97-en.pdf>. The new classification of ISCED adopted by UNESCO in 2011 is not being used in this document, as ISCED 1997 was the classification EMN adopted in its project description. The levels of ISCED 2011 regarding higher education correspond with EQF for LLL and EHEA (5 short-cycle tertiary; 6 Bachelor or equivalent; 7 Master or equivalent; 8 Doctoral or equivalent) and do thus better reflect the structure of higher education. The new level HB05 in Flanders, which corresponds with level 5 ISCED 2011, a level not existing in ISCED 1997 will therefore not be discussed in this paper.

⁶ Art. 59.4 of the alien law of 15.12.1980.

⁷ <http://www.ecoom.be/en>, 21.7.2012.

Another method used to collect information on international students in Belgium was through semi-structured interviews with the international offices of institutions of higher education (cf. annex 3). The difficulty here was that the institutional position of the international office varied. At times the international office only competence was maintaining the international relations of the institution without having much relation with international students. If international students were their competence, it was mostly a shared one with the admissions office. The issues raised by this research demanded that numerous persons had to be interviewed within one institution of higher education in order to acquire a detailed insight in different kinds of student mobility. The programs for exchange students, students with (Belgian) scholarships and free movers are treated by different persons, at times also divided up by region of origin and type of program. Matters related to international students are also mostly very decentralised as faculties, even departments had an important input in the admission of international students. On top of that not all information on international students at institutes of higher education is in this highly competitive domain considered public information. Last but not least numerous persons were interviewed at governmental offices whose competence was dealing with matters related to international students. Civil servants of the immigration office and the Federal Public Service Foreign Affairs in particular were interviewed, as well as officers competent in matters of education at the community authorities (Flemish authorities and the authorities of French speaking Belgium). The main difficulty in accessing information was the dispersed competence in this matter with most actors having only very partial information on the issues related to international students. All factual information provided on the present policy refers to the situation for academic year 2011-2012.

2. THE NATIONAL EDUCATION SYSTEM AND INTERNATIONAL STUDENTS

This section examines the Belgian education system (Levels 5 and 6) and the measures in place in Belgium to regulate entry of international students.

2.1. STRUCTURE OF THE NATIONAL EDUCATION SYSTEM

The Belgian constitution (art. 24 §1) provides for freedom of education so anybody can found an educational institution, even an institution of higher education. These educational services can be self-financed, through students' fees or through other means. Educational services in higher education in Belgium do exist as a solely private enterprise, but most higher education in Belgium is state-funded. Although all students in higher education are charged admission fees, even in a statutory-registered-institution these fees do not come near covering the expenses. The basic tuition fee for one year of study in the statutory-registered-higher education for the academic year 2011-2012 amounts to 835 euro for any higher education program in the French-speaking part of Belgium and 578 euro for any higher education in Flanders.

The Belgian constitution of 1831 also provided for state financial support for educational institutions run by private organizations. This caused that Belgium has state run institutions of higher education, but also private (denominational) run institutions of higher education. The latter have considerable autonomy, although they are largely subsidized by the authorities. One could call these mainly Catholic institutions as quasi-public institutions as they are supervised by the authorities. These public and quasi-public institutions are the statutory-registered-institutions. Statutory-registered-higher education in Belgium has two large groups of institutions, the universities and university colleges (*hogescholen* or *hautes écoles*).⁸ The university colleges provide mostly shorter and more vocationally oriented courses. Some of these *hogescholen* (or *hautes écoles*) also provided longer, 4 years courses and were called the longer type. After the Second World War they received a confirmation of their higher status by being called academic, but not university institutions of higher education.

The adoption of the Bachelor-Masterstructure in September 2004 in Belgium meant that the *hogescholen* or *hautes écoles* (of the shorter type) provide professional oriented programs leading to a Bachelor-degrees, while the *hogescholen* or *hautes écoles* which provided education of the longer type are qualified to grant Master degrees.

In 1988, education became the competence of the three Belgian communities (French, Flemish and German-speaking communities) and this made it possible to develop distinct educational policies in the three Belgian communities. The policy in the German-speaking community, which has only one statutory-registered-institution of higher education (*Autonomen Hochschule* in Eupen), will not be addressed in this report as it has quantitatively little relevance for the immigration of international students. The French and Flemish community offer, due to the language of instruction very different opportunities for international students.⁹

The difference between the statutory-registered-higher education system in the two communities goes, however, beyond the use of the Dutch or French language as teaching language. The federalization of Belgium made it possible

⁸ Higher education in the Arts has some art programs of one cycle that were converted into professionally oriented Bachelor's degrees. The programs with two cycles in the field of the audio-visual and visual arts, and music and performing arts are being converted to academically oriented Bachelor-masters programs.

⁹ We mention French Community as education is a competence of the communities and not of the regions. The Fédération Wallonie-Bruxelles, the recent biregional construction in which the French speaking Community, the Walloon region and the Commission Communautaire Française (a French-speaking institution of Brussels-Capital Region) are cooperating is mentioned when its agencies are involved in student migration. The change from *Communauté française* to *Fédération Wallonie-Bruxelles* concerns only the name of the French Community or Brussels/Walloon region. There is no implication on the competences of the French Community (or the regions).

for both communities to each go their own separate way when developing their system of higher education. Different sensibilities in the North and South of the country, but also the resources available in each of the communities (Flanders is an economically more prosperous region) explain this divergence.

2.1.1. SOCIAL ADVANCEMENT HIGHER EDUCATION IN THE FRENCH COMMUNITY

In 1970 social advancement education was created as a mean to give adults a second chance to acquire a qualification. While in Flanders this program remained limited to ISCED-level 4, in the French community social advancement programs were also developed in higher education. Seen the target group the courses are mostly modular in structure and given in the evening and the weekends. The courses are also relatively cheap so as to remain accessible to their target group. Social advancement education offers also part-time education leading to a Bachelor or Master degree. Mostly these Bachelor and Master degrees (in nursing, industrial engineering, electro-mechanics...) are also provided by *hautes écoles* and therefore legally correspondent to those degrees awarded in full-time higher education. However there are also study programs (for example in optician/optometry) leading to a Bachelor degree which are only available in the social advancement higher education of the French community. In 2009-2010 about 3000 Bachelor and Master Degrees have been granted which are equivalent to degrees issued by other institutes of higher education. Social advancement higher education has about 30.000 students (stock in 2008).¹⁰

2.1.2. BELGIUM 3+2, BUT FLEMISH HUMANITIES 3+1 AND ALSO FLEXIBLE

In line with the Bologna Declaration Belgium has adopted the Bachelor-Master system with a three-year undergraduate cycle (Bachelor's degree) and a one-year or two-year graduate cycle (Master's degree).¹¹ Before the Bologna process most Belgian university degrees required four years of study, but some programs required five years of study. There were also some specialization study programs of mostly one year. The adoption of the Bachelor-Master structure in September 2004 caused the lengthening of the duration of study as most Bachelor-Master programs adopted the 3+2 structure.¹² The one-year specialization study programs, including the International Course Programs developed in the framework of the cooperation & development were to a large extent integrated in the new "3+2" as the study duration increased with one year. In Flanders this 3+2 was adopted in sciences, while the humanities adopted the 3+1 structure. Flanders has thus, in (continental) Europe, a rather exceptional situation with its one-year masters in the humanities. Since 2008, the institutions of higher education in Flanders, in agreement with the authorities, have worked out plans to align the Flemish system of higher education in the humanities to the continental European model of "3+2". A decision on this extension of the study time in the humanities, however, was postponed in June 2012. Thus the humanities in Flanders will retain their 3+1 structure at least until 2015.

In the wake of the adaptation of the Bachelor-Master structure in September 2004 the "academic" programs of the *hogescholen-hautes écoles* (university colleges) in Flanders as well as in the French community are being integrated in the universities. In the French community this process had already begun in 2004 and several "academic" programs of the *hautes écoles* have merged with or have been integrated in universities. In 2009, this transfer to the

¹⁰ Reliable data are not available on the student population. ETNIC, Centre de Compétences Business Intelligence, fichiers de la collecte promotion sociale has only data until 2008. In this report we are only dealing with ISCED 1997, in ISCED 2011 the level 5 referring to short-cycle tertiary education will not be dealt with in this report. Social advancement higher education in the French community, but also in Flanders offers such programs. The Flemish decree of 23.6.2007, article 11 has introduced this offer leading to an Associate Degree. This so-called Flemish HBO5 is not accepted by the IO as qualifying for a stay in Belgium as international student.

¹¹ To improve the legibility of the text we refer to "years" although study programs are now counted in credits or ECTS, 60 credits stands for a year program.

¹² There are also longer studies for example Master degrees in veterinary medicine require during the second cycle of studies a minimum of three years (180 credits) while those who study medicine have to study a minimum of four years (240 credits) to become a master.

universities was decided for all institutions of higher education in architecture in the French community, but in that region it was mostly done on a case by case basis.¹³ In Flanders this integration of the “academic” programs of the *hogescholen* will be done with a big bang in September 2013. This process simplifies the organizational structure of (statutory) higher education in Belgium.

Once a student holds a Master’s degree (s)he can pursue his/her education at a statutory institution of higher education in Belgium with a mostly one-year advanced master’s program (60 credits), but exceptional such a Master can be a two-year program. These advanced masters are called in Flanders a Master-after-Master program and a Complementary Master’s program in the French community. In Flanders students participating in these courses are not financed by the authorities, while in French-speaking Belgium they are. The last stage for a student is the doctorate, also reserved to students who hold a Master degree.

Also as a result of the Bologna declaration the ECTS-compatible credit (accumulation) system is gradual being introduced. The credit system has to promote student mobility and contribute to the flexibility of education systems. This flexibilization of student trajectories is an important innovation in Belgian education. The credit system which gives students more flexibility in how they earn their diploma is eroding the old model of year trajectories. It offers more choices to students in study tempo, and enables them to follow a study program of own choosing. The innovation collided with the requirement in the alien law that stipulates that international students should attend full-time day courses. Until now the immigration policy has not taken into account (the flexibility of) the new credit-system.

2.1.3. THE EVALUATION (AND ACCREDITATION) OF STUDY PROGRAMS HIGHER EDUCATION

In the French community the *Agence pour l'Evaluation de la Qualité de l'Enseignement Supérieur* (AEQES) is responsible for assessing the quality of higher education. The Agency autonomously develops its procedures used to assess the quality of teaching in Bachelor and masters programs in the statutory-registered institutions. These programs are monitored on a 10-year basis. AEQES is now *reorienting* its assessment procedure by introducing a stronger follow-up program and to provide a permanent assessment. The residing community government has considered introducing a public system for accrediting programs of higher education. This was considered one of the possible mechanisms to effectively protect students against counterfeit degrees and against private institutions of higher education that award degrees with no legal value. No progress has been made, however, and other mechanisms for a more transparent landscape of higher education, public and private, are under study. Only statutory-registered institutions can confer the title of Bachelier, Master, or Doctor, but in French-speaking Belgium private institutions of higher education can promote themselves by offering the title of Bachelor.

In Flanders in 2004 the Higher Education Act of 2004 initiated a procedure by which the institutions of higher education can only award recognised degrees if the programs are accredited. Thus only people who have been conferred the title of Graduaat, Bachelor, Master or Doctor by institutions which are accredited in Flanders may carry the corresponding (Flemish) title of Graduaat, Bachelor, Master or Doctor and the legally protected abbreviations “Dr” and “PhD”.¹⁴

From July 2005 onwards, NVAO (*Nederlands-Vlaamse accreditatieorganisatie*) is in charge of granting accreditation to Bachelor and master’s programs in Flanders (and the Netherlands) by treaty between the Flemish and the Dutch governments. The aim of accreditation is to establish whether a program complies with generic quality standards. Accreditation is the precondition for registering a program in the Flemish Higher Education Register.¹⁵

¹³ Le décret du 30 avril 2009 (MB 15/09/2009)

¹⁴ Article 25 § 7 and 8 of the Flemish decree on the restructuration of higher education in Flanders, 4.4.2003. Concerning Graduaat, translated as Associate Degree see Article 25, §5, 3° of this law.

¹⁵ <http://www.highereducation.be>. Until 2007 an application for accreditation entailed a registration in the Flemish Higher Education Register. An institution of higher education who ultimately did not get their accreditation abused of the fact that it was listed in the Higher Education Register. From 2008 onwards a registration is only granted when at least one program is accredited. A positive accreditation decision by the NVAO results in the recognition of the program which will be listed in the Higher Education Register for 8 years.

Only programs that are registered in the Higher Education Register are eligible for funding.¹⁶ However, accreditation and thus registration in the Flemish Higher Education Register does not imply funding as in the Flemish Act of 2004 it is stated that besides the statutory-registered-institutions also other (non-statutory, thus fully private) institutions of higher education can be registered. This accreditation of their programs enables these (non-statutory) institutions of higher education to award Bachelor and Master's degrees recognized by the Flemish authorities.

Programs of (non-statutory) institutions of higher education have been accredited in the last years. Among them institutions of higher education which are affiliates of foreign institutions of higher education, as well of European as American institutions. NVAO can grant accreditation based on an "accreditation abroad" already obtained by the program, if – at the discretion of NVAO – this accreditation abroad was granted using a comparable methodological approach. Even in the case of the European institution which was accredited in its country and had an affiliate in Belgium the methodology was considered not comparable. Thus this institute in Belgium had to go through the same procedure of quality assessment as Flemish (statutory) institutions of higher education. Private institutions of higher education which obtained accreditation in this manner are institutions of higher education to a large extent funded by the Belgian authorities as the Von Karman Institute for Fluid Dynamics and the College of Europe, but also private institutions as Vesalius College and the Brussels School of International Studies and even a research institution of a private company inno.com.

Accreditation as a state sanctioning the quality of a program of higher education on its territory has considerable advantages for non statutory-registered-institutions. Although for an affiliate of an European institution of higher education -an institution accredited in the state of the mother institution, an European member state- such a Flemish accreditation should hardly confer benefits, it does yield advantages which go far beyond the mere recognition of their degree by the Flemish authorities. Public servants in other EU countries as well as in EU accession countries have a more positive attitude towards institution of higher education which are accredited in the country that they are located than towards those which are not. In some countries students who want to qualify for student loans or scholarships for studying abroad have to be registered at locally accredited educational institutions. Last but not least, only accredited institutions qualify for the fast track procedure of visa granting and also the local authorities are authorized to renew autonomously their annual residence permit (cf. 3.1.4).

2.2. NATIONAL POLICY FRAMEWORK REGARDING INTERNATIONAL STUDENTS

The main actors involved in the development of Belgian policy regarding international students are the Ministries of Education at the community level. Due to the division of competences in Belgium the federal level has little or no input in the matters related to education. There seems also to be little interest in international students as future highly skilled workers. The Ministry of Labour, as well at the federal as at the level of the communities plays only a marginal role in this policy. However international students constitute a very important recruitment source for doctoral and post-doctoral research at universities. The community authorities, together with federal authorities competent for scientific policy have some input in the decisions related to those third country nationals who are in-between being a student and being a researcher. At the federal level the Ministry of Interior (IO) has, given its competence in immigration policy also some input. The Ministry of Foreign Affairs plays also a role in this policy with its competence to grant visa and the possibilities it has through embassies and consulates to promote Belgian higher education. Also Development Cooperation, which is still (in practice) a federal competence and is integrated in the federal Ministry of Foreign Affairs is another public policy important for international students. The federal authorities fund the cooperation between Belgian universities and universities in the South and its mobility program. This budget is managed by the VLIR-UOS (the Flemish Interuniversity Council - University Development Cooperation) and CIUF-CUD (the Interuniversity Council of the French Community of Belgium - University Commission for Development). For the academic year 2011-2012 about 500 international students from the 40 poorest countries (OECD-DAC list) are studying at Belgian institutions of higher education with Belgian scholarships funded by 65

¹⁶ The statutory registered institutions of higher education are all registered. Other registered institutions which have support of the Flemish government are the Faculty of Protestant Theology Brussels, the Faculty of Evangelical Theology Heverlee, Vlerick Leuven Gent Management School, Antwerp Management School and Institute of Tropical Medicine. These institutions are not statutory registered institutions of higher education financed by the Flemish authorities, but institutions financed by annual allocations decided by Flemish decrees.

million euro out of the federal budget of 2012. This migration flow has a long tradition and is strongly institutionalized (Caestecker & Rea 2009). Due to the political ambition to further federalize the country, there is strong pressure to pass the financing of these international students on to the community authorities.

Debates in relation to the migration of international students have mainly dealt with the “misuse” of student migration route. In particular the private offer of higher education as an attraction pole for “fake students” has received considerable media attention. Lately there has been strong support for the student migration flow in the framework of development cooperation. This discussion was, however, mainly related to the federalization of the development cooperation and the need for a cut in the budget of the Belgian governments.

The issue of international students is mainly an issue for the institutions of higher education and the governmental departments involved. An initiative of the Federation of Enterprises in Belgium shows that the interests involved are however broader. In 2012 this important Belgian employers’ organization promoted Belgian higher education programs taught in English. Particular business schools and major research centers are highlighted in this initiative. The Belgian employers’ organization strongly underlines the opportunities to work in Belgium after the studies.¹⁷

2.2.1. POLICY OBJECTIVES

Belgium hardly has a national strategy towards international students, as the federal government has little competence in the field of education. Education policy is decided at the community level, however, immigration policy is the competence of the federal government. Thus at the Belgian level, the primary aim is to manage student immigration and, in particular, to control the “misuse” of the student route.¹⁸

The communities who are competent in the field of education are important actors in the new strategy of internationalization. The communities mobilized in particular the federal Ministry of Foreign Affairs to support their recruitment campaigns. Belgian embassies and consulates are now increasingly integrated in this internationalization strategy.

The main actors stimulating international students to study in Belgium are the institutions of higher education. The VLIR (the Flemish Interuniversity Council) and the CIUF (the Interuniversity Council of the French Community of Belgium) who act as a bridgehead between the universities and administration play a role in this cooperation with the administration. The administration in cooperation with respectively the CIUF and the VLIR has created an information and promotion agency in each Community: Wallonia-Brussels Campus and Flamenco.¹⁹ However it seems mainly individual institutions are behind the recruitment drive.

The institutions of higher education of the two Belgian language communities exercise an attraction to very different international students. While the study offer of the French speaking institutions of higher education have by their mere language of instruction a global appeal, in particular in Africa, the institutions of higher education where the language of instruction is Dutch have to make an extra-effort i.e. providing courses in English to attract a sizable number of international students.

Some Flemish institutions of higher education have invested heavily in opening up opportunities for international students. The authorities of the Flemish community have encouraged this recruitment of students outside of the European Union through the funding of English programs and providing scholarships for doctoral students. The main objective of the Flemish community in this domain is to recruit talented researchers from abroad and to increase the critical mass necessary for the knowledge economy.²⁰

¹⁷ http://vbo-feb.be/media/uploads/public/custom/publication_free_of_charge/TopStudyBelgium_Highereducation2011.pdf

See also their website: <http://www.topstudybelgium.be>

¹⁸ The federal authorities have still some competence in the field of scientific research, see further.

¹⁹ Flamenco is now an agency of the VLUHR, the organization representing all higher education institutions.

²⁰ De Vlaamse Regering 2009-2014, een Daadkrachtig Vlaanderen in beslissende tijden, Voor een vernieuwende, duurzame, en warme samenleving. http://iv.vlaanderen.be/nlapps/data/docattachments/Regeerakkoord_2009_NL.pdf, 15.5.2012; “We have an active policy to attract (temporarily) foreign researchers to conduct research here and exchange knowledge”. De Vlaamse regering 2004-2009. Vertrouwen geven, verantwoordelijkheid nemen.

<http://www4wvg.vlaanderen.be/wvg/vipa/pps/Documents/Vlaams%20Regeerakkoord%202004-2009.pdf>

The authorities of the French Community share this ambition as they want explicitly to attract post-doctoral researchers from abroad. However, this government also wants to continue its tradition of attracting students from the South in order to assist in the development of their countries of origin and to foster intercultural competences. This government also underlines that access to their higher education for the students from the South should not be limited, due to financial barriers to the wealthy students from the South.²¹

2.2.2. OVERVIEW OF THE POLICY IN RELATION TO INTERNATIONAL STUDENTS IN BELGIUM

In 1980 the Belgian policy makers opened up the student route as a specific admission channel to Belgian territory. It enabled international students to be admitted to a statutory-registered-higher education institution in Belgium if they had the right qualifications -similar to nationals, an equivalence which had to be verified by the Belgian authorities²²- and were registered for full-time day courses and could cover their sojourn financially. If these international students met the criteria and were admitted at an institution of higher education they received a residence permit for a full year. This permit could be extended year after year if they are readmitted to the same or another institution of higher education. In addition a preparatory course for higher education in Belgium, be it a language course or another course (mainly math or science) was possible, but at most for one academic year. In 1984, students of private institutions also obtained access to the student migration route through article 9 of the alien law.

Using the student route to immigrate to Belgium became a more popular immigration option for third country nationals in the first decade of the 21st century. While in 2002 only 3749 student visas were granted, this number rose each year to amount to 7270 visa in 2008, nearly doubling the figure of 2002. Since 2009 the number of visas has declined somewhat to reach 6346 visas in 2011.

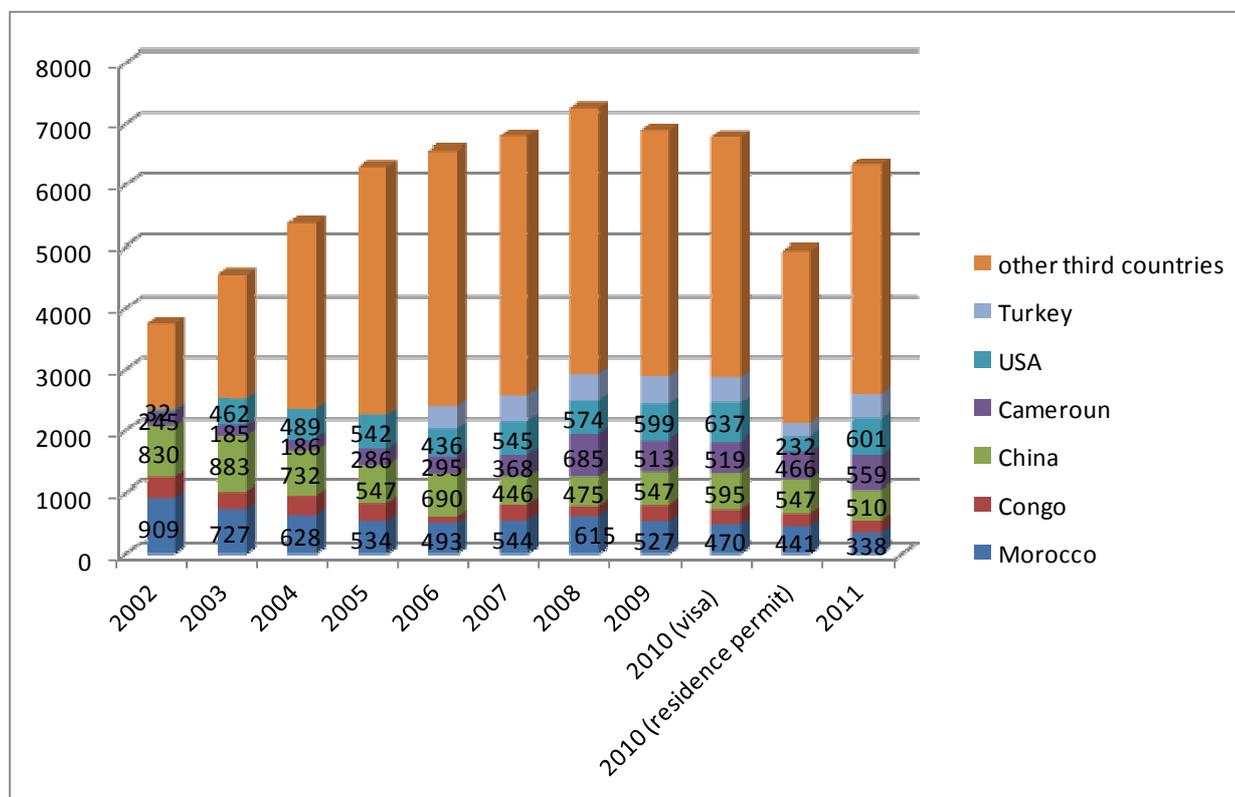
This spectacular rise in the number of visas for international students has modified the composition of this student population. Congolese and Moroccan students have not benefitted from these greater opportunities, not only has their percentage in the overall international students' population decreased, their absolute numbers have even declined. Their share dropped from 33% in 2002 to 8% in 2011 of student visa holders. Students from the USA only made up 1% of the international students in 2002, but their percentage has been increasing steadily since then to reach 10% in 2011. Most important is that the list of countries from which international student originate has expanded considerably (cf. 2.3).

This increase in number of international students and the diversity of their home countries has been the result of an active policy of creating opportunities for third country nationals to study in Belgium.

²¹ Projet de déclaration de politique communautaire 2009-2014. Une énergie partagée pour une société durable, humaine et solidaire » http://easi.wallonie.be/servlet/Repository/DPR_communautaire_2009.PDF?IDR=9297, 15.6.2012. http://easi.wallonie.be/servlet/Repository/DPR_wallonie_2009.PDF?IDR=9295, 15.6.2012. In the previous declaration it mentioned stronger the promotion of their higher education abroad in order to attract foreign students. Projet de déclaration de politique communautaire 2004-2009 <http://www.provincedeliege.be/mieuxetrealecole/medias/31.pdf>, 15.6.2012

²² Royal Decree 20.7.1971 déterminant les conditions et la procédure d'octroi de l'équivalence des diplômes et certificats d'études étrangers. BG, 05/08/1971

Graph 1: Student Visa for Belgian higher education, 2002-2011²³ 2.2.2.1. Statutory-registered-institutions of higher education create opportunities, by times in tandem with the authorities



²³ This graph on number of visa issued is based on the figures of Ministry of Foreign Affairs. Not all students of third countries do need a visa of the Ministry of Foreign Affairs, some can come with a tourist visa and regularise their stay in Belgium. For 2010 we integrated also the number of new residence permits granted to students of third countries. The discrepancy between the number of visa issued and the number of residence permits is due to third country nationals who come to Belgium for a period shorter than three months or who did not use their visa and for both categories of third country nationals no residency permit has been issued. There are also students who do not apply for a resident permit although they study for a longer time in Belgium than three months and should carry a residency permit (cf. 3.1.4). The discrepancy between the two figures of 2010 is minimal for China, Morocco and Cameroun as the number of residence permits granted is only at most 10% lower than the visa granted. For Congo this is 14% lower, for the other third countries 71%, the discrepancy is the highest for the USA, the country which since 2007 sends out most students to Belgium: the number of residence permits granted to American students is only 36% of the number of visa granted. American students are mostly exchange students who come to Belgium for often for only one semester. This is also the case for Canadian students: the number of residence permits granted to Canadian students in 2010 is only 54% of the number of visa granted. See also Caestecker & Rea 2009: 154.

2.2.2.1. STATUTORY-REGISTERED-INSTITUTIONS OF HIGHER EDUCATION CREATE OPPORTUNITIES, BY TIMES IN TANDEM WITH THE AUTHORITIES

The study offer and the promotion of this offer is a crucial element for attracting international students. In this chapter we give an overview of how this study offer was set up, promoted and financed.

2.2.2.1.1 Fees at the statutory-registered-higher education institutions

In 1971 the Belgian authorities agreed to put a limit to financing the study costs of international students. In 1976 the quota was set at 2% of the population of Belgian students in an institution of higher education. Students invited with a scholarship within the framework of development cooperation were considered a category apart. As the Belgian authorities desisted from paying for international students –free movers- above the quota the institutes of higher education were free to ask higher fees for these international students to cover the costs of a study program.

Fees in Flanders

Following the federalisation of higher education the regulation in Flanders did not change: the Flemish authorities conceded to finance up to a 2% share of students for every institution of higher education to cover the costs for international students.²⁴ Only one Flemish institution of higher education is close to reaching this limit, thus all international students in Bachelor and Master programs are still financed by the Flemish authorities and, due to the way students are financed the earliest in 2013-2014 some international students perhaps will no longer be financed by the state. In Flanders the fee of basic studies –Bachelor or Master Studies for which all students are still financed by the authorities- can be at most 5.400 euro (2004).²⁵ However few institutions of higher education charge international students attending English Bachelor or Master programs this maximum fee. It are mostly business schools which charge these maximum fees. Most institutions ask only the basic fee for a year program (578 euro in 2011).

For Master after Master or Bachelor after Bachelor programs higher fees can be asked in Flanders up to 24.790 euro (2004). These students are not financed by the authorities and additional fees are much more common. Although the institutions of higher education are absolutely autonomous in setting up these programs –there is no state funding involved- these higher fees have to be accounted for.²⁶ The Flemish authorities intended to co-finance some Master after Master or Bachelor after Bachelor programs and therefore they wanted to retain some oversight over the price-setting. Until now there has been no decision of the authorities to co-finance these programs. The Flemish authorities consider that until today these higher fees are not exuberant, all well below 24.790 euro and well motivated. The fee is mostly a decision of the faculties and is dependent on where they want to recruit students and what kind of students to recruit. By times the fees has to cover the costs, but sometimes faculties are willing to co-finance these studies. The (Master and) Master after Master programs are by times designed to provide a first screening of potential doctoral students and faculties are therefore willing to co-finance these studies (Leyman and Vandeveldel 2009: 38-39).

By times the fees have to yield a profit for the institutions. The highest fees are mostly for studies which target companies. These study programs are then part of a company training and the private sector pays the fees for their employees. In particular Master after Master in business and management training are relatively expensive programs and run up to 15.000/20.000 euro. The university which attracts most international students in Flanders charges for its Master after Master either 1400, 2800 or 5600 euro.

Fees in the French Community

In French-speaking Belgium where the number of international students was always much higher –due to the language- and where the state budget was in a dire situation the authorities were less ready to pay for international

²⁴ Art.7 and 8 of decree on the financing of higher education. BG, 26.6.2008, p.32822.

²⁵ Art.64 of the decree on the flexibility of higher education, 30.4.2004. BG, 12.10.2004.

²⁶ Art.62 of the decree on the flexibility of higher education, 30.4.2004. BG, 12.10.2004.

students. In the 1990s it was decided to finance international students up to a 1% share of the Belgian student population in the universities and only 0,5 % in other institutions of higher education. By 2011 this quota was homogenized to 1% of the Belgian student population.²⁷

Since the 1970s each university in French speaking Belgium had developed different schemes for imposing additional fees, depending on the level and costs of studies and taking into account the origin of students. Mostly students from the poorest countries had to pay slightly more than the basic fee. Some institutions exempted students from Congo, a poor country but also a former colony from these additional fees. Some universities demanded only a higher fee for the first inscription, while others demanded an additional fee every year, but sometimes exempted students who passed the exams (Caestecker & Rea 2009: 89-96).

This competition between universities in French speaking Belgium in matters of fee was considered a nuisance when the universities started to elaborate a common strategy to promote university education abroad. A strong international profile of higher education in French speaking Belgium demanded common fees which were simple and transparent. An agreement between the universities in the French community was concluded in September 2010 to harmonize the fees.²⁸ Only two kinds of additional fees remained: the fee for developing countries (1923 euro) and a higher fee for industrialized countries (3845 euro). This was implemented for the first time for the admissions in September 2011. The exception rules were also harmonized. With every registration the student has to pay the fee, except if they pass their exams, then they only need to pay the basic fee (835 euro). This exception has an obvious pedagogical objective. This decision had little impact on the inflow of international students.²⁹

In the French community for a complementary Master, programs which are financed – in contrast to Flanders- by the community authorities, students from developing countries only pay the basic fee, while those of industrialized third countries pay the additional fee (3845 euro).

The *hautes écoles* are institutions of higher education which are less autonomous and the authorities have decided in 1985 to impose an additional fee for international students. The fees amounted to 992 euro for a professional oriented program leading to a Bachelor, 1487 euro for a Bachelor studies and 1984 euro for Master studies, while in social advancement for Bachelor studies international students are demanded the additional fee of 238 euro. In order to make the student inflow not more socially selective it was decided to keep these fees stable and not to adapt them to inflation (and costs of living).³⁰

Fees for doctorates

In Flanders as well as in the French-speaking part of Belgium only the basic fee is asked when an international student registers for a doctorate.

2.2.2.1.2. Study programs in Belgium taught in French, Dutch and English

Training in the Belgian statutory-registered institutes of higher education is mandatory in the languages of each of the three Belgian communities (French, Flemish and German communities).³¹ Private institutions with no state funding at all can offer study programs in the language they wish. For the public and quasi-public institutions the

²⁷ Circulaire n° 4046 DU 14/06/2012 du Vice-président et Ministre de l'Enseignement supérieur, Jean-Claude Marcourt, Circulaire de rentrée académique 2012-2013 – calendrier pour l'année académique 2012-2013. http://www.gallilex.cfwb.be/document/pdf/37546_000.pdf, 22.7.2012.

²⁸ See the annual reports since 2007 of the CIRI (Commission Interuniversitaire des Relations Internationales) du Conseil Interuniversitaire de la Communauté française (CIUF); <http://www.ciuf.be/cms/publications.html>, 9.6.2012.

²⁹ In this first year of implementation the new regulation had only serious repercussions for Congolese students registering for the first time. The impact of this decision will be more generally felt among international students at the university with the most international student population in the basic programs (ULB). From the start of academic year 2012-2013 onwards for the first time in its history all international students at the ULB who fail their exam will have to pay the additional fee.

³⁰ This additional fee of international students is called the droit d'inscription spécifique or DIS. Arrêté de l'Exécutif de la Communauté française portant exécution des articles 59, 60 et 61 de la loi du 21 juin 1985 concernant l'enseignement. A.E. 25-09-1991 M.B. 11-12-1991, changed by A.Gt. 08.11.2001. M.B. 12.12.2001. See also Circulaire n° 4046 DU 14/06/2012 du Vice-président et Ministre de l'Enseignement supérieur, Jean-Claude Marcourt, Circulaire de rentrée académique 2012-2013 – calendrier pour l'année académique 2012-2013. http://www.gallilex.cfwb.be/document/pdf/37546_000.pdf, 22.7.2012.

³¹ As mentioned before the German community, which has only one statutory-registered-institution of higher education (*Autonomen Hochschule* in Eupen), will not be dealt with.

study offer of those teaching solely in French has a global appeal, while the Dutch study offer has much less attraction abroad. Therefore some Flemish institutes of higher education wanted to recruit students abroad by offering programs in English, the Flemish authorities did not want this internationalization to endanger Dutch as the language of instruction for its citizens in any way. This concern of the Flemish authorities about state-subsidized English teaching was broader than the mere offering of English programs to international students. Important fractions of the political class frowned upon exposing Flemish students to English programs too early and to programs of a poor linguistic quality. The struggle for Flemish emancipation in a French-dominated country which lasted for most of the 20th century explains this preoccupation. Too much English in higher education, it was argued would have a negative impact on the quality of teaching and would make higher education less accessible. This concern had important repercussions on the opportunities to attract international students. Until 2003 English as language of instruction was limited to specialized study programs which were nearly the only English programs which could be state-subsidized. After the introduction of the Bachelor-Master structures most of these specialized studies were integrated in the basic courses (two years masters). In 2003 the Flemish authorities decided that the students attending a Bachelor or Master program in English (independent of their citizenship) would only be eligible for financial support by the Flemish authorities if this program was agreed upon by the authorities and had an equivalent in Dutch at the provincial level.³² In this manner there was no danger of displacing Dutch as the language of instruction. The Flemish authorities thwarted the plans of the advocates of an accelerated internationalization of higher education. If the organizers wanted their programs in English for third country nationals to be subsidized by the Flemish authorities they could not be tailor-made, but had to be replicas of programs in Dutch (Caestecker & Rea 2009: 90-91).

Table 1 illustrates that notwithstanding the stringent criteria the number of English programs (and students who attend these programs, not necessarily international students) has increased considerably. Universities hardly provide Bachelor programs in English. During the eight years that this requirement exists English Bachelor program at university level have been limited to two core programs offered in the Catholic University of Leuven i.e. BA in Philosophy and BA in Theology and Religious Studies. Some university colleges have been very active in this field, but the élan with which they started offering English Bachelor programs has not continued. By 2011 rather Master programs have increased in number. These programs have attracted a large number of students, among them a considerable number of international students.

From 2004-2005 onwards the student registration for Flemish higher education yields information on the language of instruction (cf. annex 2). During the period 2004-2006 28% of the international students in the basic program (and 36% in the specialized programs) at Flemish universities attended an English program. This share of international students attending English programs increased strongly. Of the 4478 registered international Master students at the Flemish universities (2008-2011) only 398 were registered in a program with Dutch as language of instruction.³³ This was much more common in the Bachelor programs as the small number of international Bachelor students attend for 72% Dutch programs.

In 2012 the Flemish government has agreed to liberalize the requirement that for each English program an equivalent in Dutch had to be provided at the provincial level. In a bill on higher education put before Parliament in June 2012 they propose that it is sufficient to have one equivalent in Dutch in Flanders for each English program. At the same time, the authorities introduced an upper limit that cannot be broken: only 6% of the Bachelor programs and 35% of the Master programs may be in English.³⁴

³² Flanders has 5 provinces. In 1991 non-Dutch programs were nearly only accepted for foreign students and for advanced masters with a considerable share of non-Dutch speakers. Article 61 of the Decree of 12.6.1991 on universities in Flanders. BG, 4.7.1991.

³³ The advanced master program which international students attend is only for 72% in English, while in the master programs this is for 92% the case.

³⁴ <http://www.onderwijs.vlaanderen.be/hogeronderwijs/integratie/>, 1.6.2012.

1: Offer of Bachelor- en Master programs in English at statutory-registered-institutions in Flanders³⁵

	Bachelorprograms	Master programs	Advanced Master programs	Non-Dutch speaking students in basic (and advanced) programs
Flanders (2004-2005)	2 in universities and 6 in hogescholen	2 in universities and 7 in hogescholen		
Flanders (2005-2006)	3 in universities and 4 in hogescholen	3 in universities and 4 in hogescholen	86 in universities and 6 in hogescholen	334 (and 1644)
Flanders 2006-2007	3 in universities and 4 in hogescholen	4 in universities and 4 in hogescholen	101 in universities and 7 in hogescholen	414 (and 1550)
Flanders 2007-2008	2 in universities and 7 in hogescholen	36 in universities and 4 in hogescholen	82 in universities and 6 in hogescholen	931 (and 1356)
Flanders 2008-2009	2 in universities and 5 in hogescholen	40 in universities and 8 in hogescholen	63 in universities and 3 in hogescholen	1237 (and 861)
Flanders 2011-2012 (approx.)	2 in universities and 6 in hogescholen	65 in universities and 9 in hogescholen	67 in universities	
French Community (2011-2012)		19 in French-speaking universities and 2 in hautes-écoles	10 in universities	

As table 1 indicates also institutions of higher education in French-speaking Belgium offer English programs. These programs are concentrated in computer science, engineering, business and management. In the French community there is also the obligation for study programs in higher education to be in French. To offer study programs in another language than French the institution of higher education must legitimize the need for such a course and to provide an equivalent program in French.

2.2.2.1.3. Public policies in tandem with private policies (2007-2012)

By 2005 the Flemish authorities, in cooperation with the universities, started a concerted campaign to develop a more pro-active recruitment policy. The VLIR is an agency embedded in the Ministry of the Flemish Community which functions as an umbrella-organization for Flemish universities. This agency was charged with the organizational tasks for Flanders related to the federally funded student migration in the framework of development cooperation (VLIR-UOS). From 2006 onwards all English programs in Flemish higher education were also promoted within the framework of the already existing VLIR-UOS whose purpose was to promote Flemish higher education

³⁵ These programs in other languages than Dutch in Flemish institutions of higher education are nearly always English programs. Exceptions are the Master en Estudios Ibericos e libroamericanos, Master en langue et literature françaises (KUL). European Masters, Erasmus Mundus programs and International Course programs are not included in this overview as they are exempted from the Flemish regulation of English teaching. Also the Antwerp Maritime Academy, a Flemish university college is an exception as it offers bilingual education (French-Dutch). *Jaarlijks verslag verantwoording van het gebruik van een andere onderwijstaal dan het Nederlands*. (<http://www.ond.vlaanderen.be/hogeronderwijs/publicaties>). The report of 2010-2011 has of 18.9.2012 not been published yet. The data for 2011-2012 for Flemish institutes of higher education have been collected during the interviews. For the English offer in the French-speaking part of Belgium we used the overview provided by Wallonia-Brussels Campus. The 28 partly in English taught programs in French-speaking Belgium are programs rather meant for local students to expose them to English.

among students from developing countries.³⁶ As this promotion was in fact meant for a broader audience, the VLIR and VLHORA, with support of the Flemish authorities founded in October 2008 a new agency to address the global demand for education: Flamenco, 'Flanders Agency for Mobility and Cooperation in Higher Education'. Flamenco is now part of VLUHR, the organization representing all higher education institutions and remains a rather small agency within the Ministry of Education with an annual budget of € 122.000 and 2 FTE (2011).

A similar agency is founded by *Wallonie-Bruxelles International* (WBI). WBI is charged by Fédération Wallonie-Bruxelles (the French speaking Community, the Walloon region and the Commission Communautaire Française (a French-speaking institution of Brussels-Capital Region)) with its international relations. WBI founded the agency Wallonia-Brussels Campus in 2010 which offers information on study opportunities in French and in English in the higher education institutions of the French community. Being institutionally more embedded in economic competences than educational issues WBI focuses strongly on research as an innovative potential for the economy. Therefore most attention of this agency goes to attracting doctoral students and researchers also with the aim of establishing strong global research networks on the long term. This agency has 2,5 FTE (2011) and an annual budget of € 200.000.

Wallonia-Brussels Campus works mainly through the WBI-agencies which had been created by the French community in the past. The French community has a cultural and educational competence and its network is therefore mainly based in French-speaking countries or countries which have been exposed to French influence. Agencies of Wallonia-Brussels, under the authority of WBI are thus based in Tunis, Hanoi, Rabat, Kinshasa, Dakar and Algiers. There is also an agency in Santiago de Chili as historically there have been strong relations between French-speaking Belgium and Chili. These historical relations are partly the result of an inflow of students from Chili. The Christian-democratic governments in the 1960s sent numerous students to the Catholic University of Belgium (now split in a French-speaking (UCL) and French university (KUL)) and this inflow has continued during the following decades. The new orientation of the French community of which the WBI is an expression has opened the network to economic interests. The network is being expanded, so is recently an agency was opened in China. At about the same time that the WBI was designing a strategy in the field of higher education, the universities in French-speaking Belgium slowly started a concerted campaign to recruit international students for Master programs and doctorates. Wallonia-Brussels Campus, in cooperation with the institutes of higher education, seem to have been developing most in Tunisia, Vietnam and China and will maybe result in a future more selective migration inflow of students to the institutes of higher education of the French community in Belgium.³⁷

An even more important public initiative for increasing the opportunities of the international students is the Lisbon Recognition Convention. This Convention has diminished the autonomy of institutions of higher education to decide whether to admit European (non EER) and North American students and under which conditions. Belgium proceeded with ratification of the Lisbon Recognition Convention in July 2009. It came into effect on 1 September 2009. The Flemish decree of 1.7.2011 stipulated that the recognition of foreign higher-education degrees in Flanders follows the principles of the Lisbon Recognition Convention of 1997 laid down by the Council of Europe and UNESCO for all higher education degrees of countries who had ratified this convention. The Lisbon Recognition Convention has not yet been integrated in community law through a decree of the French community.

2.2.2.2. Private schools and international students

In 1984, students of private institutions of higher education also obtained access to the student migration route through article 9 of the alien law. Each year a list of private institutions of higher education open to international students was published. The authorities wanted a greater control over these international students not attending statutory-registered higher education institutions and therefore these students receive only a visa after the IO gives its advice. These students are not permitted to change to another institution of higher education. This can only be conceded in exceptional circumstances and with due motivation.

In 2005 this list was dispensed with as the Council of State ruled that excluding educational institutions from this list was unconstitutional. The constitution guaranteed freedom of education and no state organized discrimination of

³⁶ The VLIR is an umbrella organization of universities in Flanders. The VLHORA is a similar organization for the hogescholen. Following Decree XIX on Flemish higher education (2010) a new umbrella organization has been created covering all universities and hogescholen, the so-called VLUHR (*Vlaamse Universiteiten en Hogescholen Raad*).

³⁷ Esprit Libre, magazine de l'ULB, 2002, 22, p. 13.

educational institutions could be accepted (Hubert 2009: 210-211). The IO adjusted its policy and no longer controlled the private institutions, but increased its control of the students of these institutions. All private schools of higher education are permitted to attract international students, but the IO decides whether the applicants for these schools are genuine students by assessing their educational project and whether it fits with their educational background. The courses these private schools offer are in the field of the humanities, international relations and mainly business. The number of student applications for private schools has strongly increased. The fees charged by these private schools are for Belgian standards high. Some only charge 1000 euro pro year, while other private institutions charge tuition fees pro semester oscillating between 6000 and 8000. As totally private schools they are completely free to charge whatever they wish. Most of the private institutions which attract large number of international students in 2011 have been active in this field in Belgium for more than a decade. While until 2008 the number of visa-demands for those private schools oscillated around 400, it rose to 650 in 2009, 711 in 2010 and 798 in 2011. These applications have a high rejection rate (70%) and only a small number of students are granted admission to Belgian territory to attend these private schools. The number of accorded visa reached 200 in 2009, and increased slightly to 232 in 2010 and 235 in 2011 (annual reports IO). According to a director of a private school his candidate students are totally at the whim of the IO.

The rising number of visa granted is mainly due to two private schools, affiliates of foreign universities which started or increased their activities at the end of the decade. Since 2004 accreditation of Bachelor and Master programs have been possible in Flanders for private schools (cf. 2.1.3). Several programs of (non-statutory) institutions of higher education have been accredited in the meantime. Some private schools in Flanders, located in Brussels have thus received an official (minimum) quality label. This implies that their international students qualify for the fast track procedure of visa granting and also the local authorities are authorized to renew their annual residence permit.³⁸ These applicants for these accredited private schools will no longer need an authorization of the IO to receive a student visa and if no new developments occur the number of applicants but certainly the number of granted student visa for private schools will drop.

2.2.2.3. The policy of institutes of higher education in relation to international students gains momentum (1998-2007)

At the turn of the 20th century, in a period of economic prosperity, the labor market in Belgium was opened up to international students as well as to students who had graduated (in Belgium). These decisions had little to do with the policy towards international students, but were rather results of developments in other policy domains. In 1999 it became much easier for highly skilled third country nationals to be employed in Belgium as the wage level at which a labor market test was dispensed with was lowered considerably. Initially these workers were only temporarily tolerated. They could be hired for no longer than four years, but from 2003 onwards these highly skilled workers, be they former students of Belgian institutes of higher education could be employed long enough to acquire a permanent residence permit.³⁹ In that same year, international students could apply for a labor permit, which enabled them, just like local students to work during the holidays. Outside the holiday period the employment of students may not exceed 20 hours a week.⁴⁰

By that time the policy in relation to international students had gained momentum. From the end of the 1990s onwards some institutions of higher education strongly invested in recruiting international students. Even some institutions of social advancement higher education succeeded in attracting large numbers of third country nationals (cf. graph 1).

The institutions of higher education were the motor in this process. In the 1990s the Flemish institutions of higher education had acquired considerable autonomy in the domain of recognizing the foreign degrees of their candidate students. The equivalence of degrees within the EU became increasingly a matter of European legislation and for the

³⁸ The visa of these students care no longer granted on the basis of article 9 of the alien law, but on the basis of article 58-59. Cf. 3.1.3.

³⁹ Royal Decree 30.4.1999 and 15.2.2000. BG, 26.6.1999 and 26.2.2000.

⁴⁰ It was also part of a campaign of administrative simplification by aligning labor permits to residence permits. Royal Decree of 6.2.2003. BG, 27.2.2003, 9583-9590.

degrees of third countries the competence in this field was passed on to the universities (and later university colleges).⁴¹ By the end of the 1990s Flemish institutions of higher education enjoyed considerable autonomy in deciding whether holders of degrees from third countries had access to Bachelor, Master or doctoral studies.⁴² The decision made by the higher education institutions regarding admission to their studies for holders of foreign degrees can be appealed against at the Council for disputes about decisions on study progress.⁴³

In French speaking Belgium the institutions of higher education acquired the competence to assess whether the degrees of higher education issued in third countries gave access to their programs.⁴⁴ The public authorities in the French speaking part of Belgium only qualified the admission criteria by the number of credits a student has to have.⁴⁵ The community authorities still decide about degrees of secondary education which enable admission to Bachelor studies in the French community. The secondary school completion certificate of candidate international students has to be recognized by the authorities as equivalent to the certificate of higher secondary education issued in Wallonia-Brussels in order to be able to gain access to the Bachelor's degree programs. The Equivalences Department of the French Community has to assess these high school diplomas and issue the international students with a certificate enabling them to gain admission to study for a Bachelor degree, either unrestricted or limited to certain programs. Such an assessment is relatively straightforward in countries which have a centralized administration of high school diplomas and/or where access to higher education is dependent on an admission exam. For example numerous African countries, former French colonies have a nationwide *baccalauréat* and the central authorities have an overview of those who passed these exams. The degrees which the applicants submit can easily be verified with the aid of the authorities of the country of origin. However with failed states or countries in turmoil due to war or other reasons such an assessment is much more difficult. For example, since 1993, in most cases Congolese diplomas are not or only partially considered equivalent as the community authorities have been informed about rampant corruption in the institutes of higher education. The Congolese authorities were also unable to pass the criteria of evaluation for issuing diplomas or information to authenticate them. This implied that students with Congolese high school diplomas were not granted admission to Belgian French-speaking higher education. They only could do so after attending one (or two) year of Belgian secondary education and then to pass the exams. However no student visa were granted for such a study trajectory.⁴⁶ This policy to deny equivalence to the Congolese diplomas blocked to a large extent student migration from DR Congo to Belgium.

At the end of the 1990s however numerous other third country nationals, mainly from China and Africa found their way to Belgium to study and this with the support of institutions of higher education. International students even found their way to social advancement higher education of the French community. A large number of these students were not considered genuine students. In 2002 the Minister of Education of the French community had started regulating the admission of international students to this branch of higher education. International students could only be admitted to about ten different programs which had duration of at least three years. Also had international

⁴¹ Article 60 of the Decree of 12.6.1991 on universities in Flanders. BG, 4.7.1991; Article 8 of the Decision Flemish Government 14-10-1992. BG 31.12.1992. This autonomy was implicitly extended to the university colleges.

⁴² Article 69.3 of the decree on higher education of 4.4.2004 stipulated that for qualifications from outside the European Union on which no legal norm, European directive or international agreement decided about whether they qualified the holder for a Bachelor study the institutions themselves could grant admission if that qualification gives access to higher education in the country where the qualification was issued. For the other higher education programs little qualification was written in the law: for master studies a Bachelor degree was necessary and for Doctoral studies a Master degree. Although not explicitly stipulated it means that for Master and Doctoral studies the degree which gave access to these study levels in the country where the degree was issued are sufficient. GB, 12.10.2004.

⁴³ Article 69.3 of the decree on higher education of 30.4.2003.

⁴⁴ A.GT. 30.9.1997 gave competence to university colleges (*hautes écoles*) to assess the value of degrees of higher education in third countries. BG, 18.3.1998.

⁴⁵ For master studies a Bachelor degree of 180 credits was necessary and for doctoral studies the student had to have a total of 300 credits (three years for Bachelor and two years for Master degree). These stringent criteria implied that for example British master students could not have access to doctoral studies in French-speaking Belgium. The policy makers adjusted that in 2012 by introducing the possibility for gaining admission to Master and Doctoral studies in the French community by a personal application on the basis of a degree which gives access to these study levels in the country where the degree was issued. Article 49-62 of the decree of 31.3.2004 définissant l'enseignement supérieur, favorisant son intégration à l'espace économique européen de l'enseignement supérieur et refinançant les universités.

⁴⁶ Parlement de la Communauté française, 31.5.2010, p.93. <http://archive.pfwb.be/10000001060013>, 25.5.2012; Annales Parlementaires Sénat de Belgique, 22.3.2007

students to attend at least classes for at least 480 units of teaching which meant at least 10 hours a week during the school terms.⁴⁷

The latter condition was difficult to satisfy for adult education with a modular system in the evening and weekends. So only few schools offered this teaching schedule. This rather stringent condition, given the nature of this kind of education, aimed at limiting the inflow of international students and directing international students to more traditional forms of higher education. Most programs could also be attended at university colleges anyway.

The possibility of recruiting students in China, Bachelor students as well as more advanced students was the most visible expression of the pro-active internationalization campaign by institutes of higher education in Belgium. However, the tradition of students from North-Africa and the former Belgian colonies spontaneously enrolling at institutions of higher education made that the need was less felt in the French-speaking part of Belgium for a pro-active internationalization policy to attract international students. This student migration mainly from French-speaking Africa was largely a self-sustaining migration process heavily dependent on the migrant communities established in Belgium. In Flanders no such inflow existed and by providing English programs some higher education institutions were willing to respond to the large demand for educational programs in China. After September 11, 2001, the USA developed a much more restrictive admission policy and the pent-up Chinese demand for higher education was eager to make use of opportunities to study in Belgium. Hundreds of Chinese students left to study in Belgium, some received scholarships, but the new phenomenon was mainly a matter of free movers with a Chinese sponsor who signed an affidavit of support (graph 1).

2.2.2.4. The recruitment of Chinese students, a trigger for a more selective student immigration policy (2006-2007)

The substantial immigration of Chinese students at the very beginning of the 21st century –according to the visa-data nearly eight hundred each year (2002-2006), 20% of the international students to Belgium – stirred up considerable commotion. There were complaints in 2004-2005 about Chinese students who had been admitted to institutes of higher education, but who were working illegally in Chinese restaurants, others had handed in forged affidavits of support. The presence of so-called fake students among them caused the Belgian authorities to intervene. In order to curb Chinese immigration or to prevent non-students from joining student migration from China to Belgium the Belgian authorities, federal and community authorities, devised new manners to ensure that an immigrant taking the student route was really a student.

2006: the federal authorities decide no more Chinese sponsors

While before 2006 all Chinese free movers could, just as other free movers among the international student population, immigrate to study in Belgium when they had a guarantee through a sponsor that they would not be in financial need during their studies in Belgium. From 2006 onwards a sponsor living in China who signed an affidavit of support for a Chinese student was not longer accepted. The Chinese students had to prove their means by signing a contract with a Belgian bank in China and by opening a bank account in that bank. They had to deposit enough money to cover financially their stay in Belgium for one year (in 2011 that was 7.056 euro). That money was then transferred to Belgium and allocated to them in monthly allotments.

In 2006, 800 Chinese students gave proof to the Belgian consulate in Beijing that they had opened a bank account and transferred money to Belgium which would cover financially their stay in Belgium for one year. Nearly half of these free movers (46%) came to Belgium to study in a Master program at a university. A very small percentage of

⁴⁷Interview Thierry Meunier and François Lemaire, Ministère de la Fédération Wallonie-Bruxelles Enseignement et Recherche Scientifique (Promotion sociale), 27.6.2012 Bruxelles. The authorities are discussing updating the circular letter of 2002. In the last decade many more study programs have been developed in social advancement higher education. They have adopted the Bachelor/master structure and programs are no longer calculated in terms of units of teaching, but in credits. Circular letter of A.Duquesne, Minister of Home Affairs, 23.9.2002.

them enrolled at a private school (3%).⁴⁸ Slightly more than half (51%) registered for a Bachelor degree at a university colleges. In 2007, the number of free movers dropped spectacularly to 358 persons and it would decrease with a hundred in 2008. A recovery in 2009 (330), only 265 in 2010, in 2011 again a slight recovery to 312. While their number decreased the pattern of choice of educational institution of these free movers also changed in these five years (2007-2011). By 2011, 68% came to Belgium to study in a Master program at a university (half of these free movers went to one university), only a third of the free movers (32%) joined a Bachelor program at a university college and only a handful joined a private school (0,3 %).⁴⁹ The two latter kind of institutions which had 54% of the Belgian market share for Chinese students in Belgium in 2006, had by 2011 only 32% left of the educational market for Chinese students in Belgium, a market which by 2011 was half the size of the market of 2006.

The authorities verify the authenticity of degrees: APS-procedure

Also the community authorities intervened in the modalities of immigration of Chinese students. The Flemish authorities imposed from January first, 2007 onwards a screening of these Chinese students. The screening was done through the German APS-procedure (*Akademische Prüfstelle*) which verifies the authenticity of the degrees. The Flemish authorities obtained the competence to intervene in the selection of Chinese students by inserting in 2007 in the decree on higher education that international students were only to be admitted to Flemish Institutes of higher education when, in the cases that the Flemish authorities had provided measures to do so, their decree had been authenticated.⁵⁰ In April 2007, the authorities in the French Community also imposed an APS-screening on most Chinese students. Chinese students at any Chinese institute of higher education can apply for admission to an institute of higher education in the French community, but they have to pass through APS. The APS-interview is also used to verify the candidates' knowledge of French at least if they are enlisted for programs in French.⁵¹

However Chinese students who have only a high school qualification and whose first higher education study would be in French-speaking Belgium do not have to pass the APS-procedure. As the authorities in the French community have their own procedure to verify the authenticity of high school diplomas an APS procedure is considered redundant. A Chinese high school qualification which is considered the equivalent of a Belgian qualification of secondary education gives access to Bachelor studies at an institute of higher education in the French community.

Flemish authorities impose a selective admission to the APS procedure

The Flemish authorities went beyond verifying the authenticity of the degrees by inserting in the new article 9 of the decree of higher education that only those student with a degree from a third country which gave them access to Bachelor studies in their country similar to the Flemish Bachelor could be admitted to a Flemish institute of higher education. The Flemish authorities considered that only students who had passed the central university admission exam (*gaokao*) and had gained admission to the universities of international level the so-called project 2-1-1 and successfully had attended a semester at such an institution could apply through APS for an admission to a Flemish institute of higher education. For those students attending other universities in China they can only apply for Flemish APS screening if they had finished successfully three semesters or if they graduated from a university college. This new regulation had to assure a more selective student migration under state supervision. This regulation excluded Chinese students who had finished high school and who wanted to start Bachelor studies, eventually with a preparatory year, from doing so in Flanders. The German (and Austrian) regulation, and also the Belgian regulation for the French community is more liberal as Chinese students with less preparation can be admitted to institutions of higher education. Chinese art students for whom a specific procedure exists at APS through which they can be admitted to Germany (and Austria) are also excluded from the student migration route to Flanders. This selective access to the APS-procedure to verify the authenticity of the degree fits in with the policy objective of the Flemish authorities to go for a selective student migration aimed at recruiting (post)doctoral researchers. The Flemish authorities are not so keen to provide opportunities for international students to attend Bachelor programs. This policy stance also motivated Flemish policy towards English programs.

⁴⁸ We refer hereby to CERIS, EFAP, FVG, IFCAD, ULI.

⁴⁹ The information on the opening of bank accounts by Chinese students in a Belgian bank in Beijing and their choice of educational institution since 2006 was provided by IO.

⁵⁰ Decree concerning education XVII, article V.23. BG, 21.08.2007.

⁵¹ The French community is preparing a decree to legalize the competence they acquired in April 2007 to decide about the authenticity of the higher education degrees of Chinese students. Interview Kevin Guillaume, Ministère de la Fédération Wallonie-Bruxelles Enseignement et Recherche Scientifique (Internationalization), 27.6.2012 Bruxelles.

APS in numbers

Table 2 is referring to APS-applicants for Belgium, but we have hardly any data on those not selected. Between 2007 and 2010 about 10% of the applicants were unsuccessful. We have only information on reasons why the candidates were rejected in 2011: of the 799 candidates for Flanders twelve applied but did not complete their application, while for those who had to be interviewed 6 did not appear and 40 were not successful, as their documents were not considered genuine so in 2011 7% were not successful candidates.

Table 2: Number of Chinese applicants to study in Belgium at APS, 2007-2011⁵²

	2006	2007	2008	2009	2010	2011
Flanders						
APS light		4	95	109	242	391?
APS full		267	249	232	211	408?
French community						
APS light		43	81	59	53	+66
APS full				27	17	
Total for Belgium		318	425	432	535	min.865?
Belgian bank accounts opened by students in China	600	358	258	330	265	312
B.Visa for Chinese students	690	446	475	547	595	510

The APS-screening is not without negative side-effects. It causes costs for the Chinese students (travel to the APS-center and 225 euro fee) and for the Belgian institutions of higher education.⁵³ Some Belgian institutions of higher education consider it bad for their prestige that Chinese students have to address themselves to an institution of the German federal republic to be selected for Belgium. Also would the German federal republic not direct the most interesting students to its own institutions of higher education? The Chinese authorities consider it discriminatory and at high diplomatic level it caused frictions. The APS-procedure is also vexing Chinese institutes of higher education. Those universities which are not part of the so-called project 2-1-1 considered in particular the Flemish procedure humiliating. Therefore Belgian institutes of higher education try to limit the damage by insisting upon a APS-light procedure for the students of universities with which they have concluded a bilateral agreement. A regular APS-procedure has two stages, i.e. a verification of the authenticity of the degree submitted and an individual interview to assess whether the individual applicant masters the competence expected from a student with such a degree. From the beginning of the Belgian APS-procedure in 2007 the students whom applied to study in Belgium in the framework of a bilateral agreement or had an official scholarship (e.g. China Scholarship Council, bilateral cultural agreement and Erasmus Mundus) were exempted from this individual interview if they registered for a Master or doctoral degree in an Flemish institution of higher education. The French community granted APS-light also when this student was registered for a Bachelor degree in the framework of a bilateral agreement. This implied that the fee was only 120 euro and the Chinese student did not have to present himself in person. From 2010 onwards also Bachelor students whom applied to study in Flanders in the framework of a bilateral agreement were exempted from this individual interview on the condition however that the Flemish institute of higher education interviewed them either in person or by phone and submitted a transcript of the interview to the Flemish authorities of the Ministry of Education. The doctoral students with a scholarship of the China Scholarship Council to study in the French community are exempted altogether from this APS-procedure. This is however until now only an abstract

⁵² Flanders had also 5 applications in 2009 and 2 in 2010 for the C-procedure (?) which accounts for the difference between the two procedures and the total (and probably 4 in 2007). Verslag van de Botschaft der Bundesrepublik Deutschland, Akademische Prüfstelle, pp.10-12. We mention +66 applicants for French speaking Belgium in 2011 as 66 refers to the successful candidates. The figures are based on the data provided by APS to the community authorities and provided to us by Erwin Malfroy and Kevin Guillaume. The figures for 2011 Flanders seem to be very high and are not corroborated by our other sources. The increase in free movers who opened a bank account is limited, but Erasmus Mundus enabled universities to attract in 2010 and 2011 a considerable number of Chinese students (for example UA 40 and UGhent 43) who only have to submit to APS-light. The visa granted to Chinese declined from 595 in 2010 to 510 in 2011. Maybe not all Chinese students who applied to study in Flanders and who were selected did travel finally to Flanders to study.

⁵³ Some institutes of higher education reimburse their Chinese students the 225 euro APS-fee.

provision as no Chinese students of the China Scholarship Council have been selected for institutes of higher education in the French community of Belgium.⁵⁴

In the following chapters we will dwell further on the Chinese students as we have information on the gender, the procedure and the educational background of 2621 Chinese students who passed the APS test (2007-2011).⁵⁵

APS-light

While in the first year, the students for Belgium screened for the academic year 2007-2008 and thus checked before October 2007 were nearly all interviewed (the French community had only the documents checked for 12 students), this was no longer the case in the following years. Between 1.10.2007 and 30.9.2008 24% of the Chinese students (i.e. Master students for Flanders within an exchange agreement) who passed the document-test were not interviewed, in the following years this increased to 39% and even 58% for the students screened for the academic year 2009-2010. In 2011 it remained above half as 52% of the students had only their documents verified. The share of those students of whom only their documents were screened increased thus considerable thanks to the expansion of the bilateral agreements between Belgian and Chinese institutes of higher education as well as the mobility induced by scholarships offered to Chinese students (most important Erasmus Mundus). Also the concession in Flanders to the main providers of Bachelor trainings that they could interview the students themselves and report on this interview to the Flemish authorities caused APS light to increase in importance. At the same time the absolute number of Chinese free movers applying for a student stay in Flanders increased considerable. The increasing study offer in English (cf. table 1) attracted an ever increasing number of Chinese students.

Gender

Among the 2621 Chinese students who passed the test there is throughout the whole time period a female dominance, slightly in Flanders (54%), but much more pronounced in the French community (71%). The dominance of female Chinese students in the French part of Belgium is largely thanks to the predominance of women studying the French language.

Educational Background

For Flanders only 37% of the Chinese students who passed the APS-screening had not yet any higher education degree, while in French speaking Belgium this reached 49%. In Belgium all of these students who had not graduated yet had at least one semester of Bachelor studies –we ignore how many Chinese students started their higher studies in French speaking Belgium immediately after finishing high school as the APS figures do not refer to those students- but as well in French speaking Belgium as in Flanders very few had only finished one or two semesters Bachelor studies (4%). In French speaking Belgium 25% of the Chinese students had finished 3 semesters Bachelor studies, in Flanders in total only 13% of the selected students had less than 6 semesters. The remaining 24% was close to a Bachelor degree as they had finished 6 or 7 semesters of their Bachelor studies. Flanders attracted thus more advanced Bachelor students than the French-speaking part of Belgium.

For those with a degree: for the whole of Belgium 2% had finished a junior college and only 1% had already a doctorate. Flanders had a higher share of holders of Bachelor or Master Degrees: nearly half had already a Bachelor degree (47% versus 42%) and students with a Master degree amounted to 13% versus 8%. Between 2007 and 2011 the quality of the Chinese students in Flanders, measured by the academic degree attained has increased. That is not the case for the French speaking part of Belgium, where the educational background of the incoming students from China has remained stable. In Flanders the share of Bachelor students has declined in the first three years to the advantage of Master students. While only 7% of those admitted for academic year 2007-2008 had a Master degree,

⁵⁴ By 2012 Flemish institutes of higher education have recruited Chinese students with scholarships of the CSC in an informal manner, two universities have even concluded an agreement with the CSC.

⁵⁵ 2291 for Flanders and 330 for the French speaking institutions of higher education in Belgium.

their share increased each year to reach 16% among those of academic year 2011-2012. On the other side the share of those with only at most four semester Bachelor training in Flanders decreased from 17% to 9%.

Another indicator of the quality of students recruited from China is the share of the students who were enrolled at the universities of the 2.1.1 list. Among the students selected for Flanders for academic year 2007-2008 50% had been enrolled for such a top level Chinese university, their share increased in the following years (66%, 67%, 72% and the students selected for academic year 2011-2012: 71%). The institutions of higher education in French speaking Belgium also appeal to students of the top level Chinese universities as 60% of the 330 students came from these universities, a share which remained stable throughout the whole period under investigation (2007-2011).

Study domain

The fluctuations in profile of the Chinese students in Flanders throughout time is not to be seen in the chosen domains. The preferences are stable: Chinese students study mainly engineering (33%), humanities (21%, mainly languages and law) and business and management (20%). Science takes a share of 10%, also math and computer sciences together attract one out of ten of the Chinese students who pass the (“Flemish”) APS test. At the institutions of higher education in French speaking Belgium the fewer Chinese students are to be found in similar departments, but the humanities are much more dominant with a share of 58%, a dominance largely due to Chinese, mainly female students who study French (41%) at Chinese universities, universities which are only for 48% part of the 2-1-1 project. Nine per cent of the Chinese students are pursuing art studies in French speaking Belgium, mostly music (only 1% in Flanders) and also among the art students the 2.1.1 universities are underrepresented (36%). The latter two domains explain the slightly lower share of students from 2.1.1 universities in the French speaking institutions of higher education than in the Flemish institutions.

The dramatic change in the Chinese inflow since 2007 is the result of policy choices of governments which constrained some opportunities in Belgium with a new design of immigration control. The Belgian authorities are all interested to use this selection system also in other countries. The institutes of higher education, because of the costs involved, organizational problems and maybe also loss of autonomy and resulting loss of prestige have no interest in expanding this system to other countries.

The APS-center underline that they do not assess the academic quality of applicants. It is only meant to detect fraud with educational documents. Still the APS offers its services to Belgian institutes of higher education to assess the academic quality of Chinese applications. There does not seem to be any interest among the Belgian universities and other institutions to use the APS infrastructure. Several Belgian institutes of higher education have erected their proper evaluation center in China.

2.2.2.5. Doctoral student-researcher

Work and study at institutes of higher education are fluid categories. This is in particular the case for doctoral students who are engaged in research, while at the same time studying. Therefore we call these students, student-researchers.

In the beginning of the 21th century steps have been taken to change the status of doctoral student. From 2003 onwards the costs of a doctoral researcher in Belgium have diminished considerably as institutions of higher education and other public institutions of research were exempted of considerable fiscal costs. The professional withholding tax (*bedrijfsvoorheffing*) adds 32 points to the wage bill. An immediate exemption of 50% was granted in 2003, this increased to 70% in 2005, 75% in 2009.⁵⁶ From July first, 2003 onwards most third-country nationals employed by the universities as doctoral student-researcher only have to pay in partially for social security and also the university as the employer pays in less than for other employees. Social security implies for the employer 34,36 % additional costs to the wage bill, the employers of Chinese, Russian... “researchers” have only to pay only 23,23%.

⁵⁶ Wetboek van de inkomstenbelasting WIB 1992 art.275³.

Also for these researchers themselves there is only a partial social security payment: instead of 13,07% of their wage, they only have to pay 4,7 % of their wage for social security coverage.⁵⁷

The only partial payment of social security contributions for certain third country researcher is motivated by the fact that these third country researchers do not qualify for benefits upon return to their country of origin due to the absence of a bilateral agreement. In principle all third country nationals working in Belgium have to pay full social security contributions. This does not imply that these workers benefit from these payments to the same extent as Belgian workers. Third country nationals who have worked in Belgium and who continue residing in the European Union have the full benefits of their membership of the Belgian welfare community, if they however move to their country of origin and there is no bilateral agreement between Belgium and their country they forfeit their benefits. Third country nationals working as doctoral (or postdoctoral) researchers only pay social security contributions for health insurance, insurance against work accidents and child allowances so advantages possible granted to them while they work/study and reside in Belgium. They are exempted for contributions for old age insurance and unemployment as these researchers are considered to be only for a stint in Belgium and thus will not benefit from their pension or unemployment benefits in Belgium. Due to the absence of a bilateral agreement these benefits are also not exportable. This arrangement to exempt these researchers for full social security contributions makes Chinese, Russian... researchers thus cheaper than European researchers or researchers from other third countries with whom a bilateral agreement on social security was concluded. The advantage of this arrangement is mainly of benefit to the employers. While it can be considered fair not to make these researchers pay for benefits most of them will not be able to enjoy, it only benefits the employers. It also hinders their permanent settlement in Belgium as their years of work as doctoral (or postdoctoral) researcher at a university does not count for unemployment benefits or their pension in Belgium as they had been excluded from the Belgian welfare community.

Only if a third country concludes a bilateral agreement with Belgium can its citizens who had worked in Belgium claim in their country of origin the benefits they accrued while working in Belgium.⁵⁸ Belgium has concluded bilateral agreements on social security with Turkey, Yugoslavia and most North African countries in the early 1970s because of labor shortages. More recently Belgium has concluded for macro-economic reasons agreements with the United States (1982), Canada (1984) and Japan (2005), but also with South Korea (2005) and India (2006).⁵⁹ Agreements with Brazil and Argentina are pending.⁶⁰ For the Belgian universities which employ Indian, South Korean, American, Canadian... doctoral or postdoctoral researchers this bilateral agreement implies an extra cost in comparison to

⁵⁷ Royal Decree 26.3.2003 that changed article 3bis and article 15 of the Royal Decree to implement the law of 27 June 1969 to amend the law of December 28, 1944 concerning social security of workers. B.G., 28.4.2003

⁵⁸ Such a bilateral agreement will only be concluded if Belgium considers it beneficial to do so. Concluding such an agreement depends on the existence of a social security system in both countries and on the willingness of the countries involved to conclude a treaty. Belgium can consider its national interests strictly by comparing the number of beneficiaries in both countries or can have a more global consideration by including diplomatic and/or macro-economic advantages to do so. A macro-economic consideration to conclude a bilateral agreement on social security can be that it stimulates foreign investment in Belgium. For Belgian companies investing abroad an agreement has similar advantages.

When the foreign worker working in Belgium is an employee of a company based in his/her country of origin and social security contributions for this employee are paid in his/her country of origin, the Belgian authorities can agree to exempt these workers from payment of social security contributions in Belgium although (s)he is working in Belgium. This exemption from the rule that one pays social security contributions where one works is only valid for a limited period of time, 2 years for workers with the citizenship of another European state and five years for citizens from countries overseas. During this period these employees are considered on an assignment and are excused from making social security contributions in Belgium seen that they continue to make social security contributions elsewhere. Such a possibility is only possible on the basis of a bilateral agreement. Concluding such a treaty has obvious advantages for companies working abroad with their own personnel. These expats are less expensive if a treaty agrees they only have to pay social security in the country of origin. Interview Hendrik Hermans, Adviseur-coördinator FOD Sociale Zekerheid, 28.8.2012 Brussels.

⁵⁹ The bilateral agreement on social security concluded with India implied a profound innovation for Indian social policy. While India had only a social security system for rather poor workers, the possibility to conclude an agreement with European countries and Belgium in particular enticed the Indian authorities to open its social security system for its highly skilled emigrant workers. All Indian workers leaving for abroad have mandatory to pay for Indian social security and this for their whole career, also when they return to India. This implies that for example Indian IT-workers which had been privately insured by their employer based in India are now insured by the state against old age and member of the Indian welfare community. This bilateral agreement between India and Belgium (and other European countries) made it less expensive for Indian companies to send their workers abroad as it is sufficient if they pay for their Indian social security.

⁶⁰ https://www.socialsecurity.be/CMS/fr/coming_to_belgium/content/coming_to_belgium/themas/spfssfodsz/FODSZ_Convention.xml, 4.7.2012

Russian, Chinese, Sub-Saharan African...researchers as for the former the universities have to pay full social security contributions. For the Indian researchers employed by a Belgian university for example this bilateral agreement has the advantage that upon return to India these researchers do not forfeit their benefits. These doctoral and postdoctoral researchers paying full social security contributions in Belgium (as well as their employers in Belgium) can 'export' the benefits to India.⁶¹

In particular because of the exceptional fiscal situation of researchers their income is not called a wage, but a grant. Another innovation introduced in 2003 was that doctoral students from third countries were exempted from the work permit obligation. The income of doctoral student-researchers in Belgium are considered to be competitive in a global market (Vandeveldde and Leyman 2009: 31). Doctoral students from third country do not complain at all about the grant level. Even their exclusion from the advantages of Belgian social security is not criticized (Vandeveldde and Leyman 2009). Anyhow at this stage of their career these student-researchers are rather "knowledge" migrants than "economic" migrants. These students are still heavily investing in the knowledge field and the height of their income is considered of less importance (Ackers 2005; Meyer, Kaplan & Charum 2001).

Most institutions of higher education have invested the savings in the wage costs in the recruitment of more researchers.⁶² The exact and applied sciences could not recruit enough qualified candidates among their own students for doctoral research. The number of students in the sciences did not follow the explosion of students in other disciplines, while the demand for knowledge workers in these disciplines rose. The university with its increasing offer of doctoral grants could not outbid the industry in its search for qualified candidates (Vandeveldde and Leyman 2009: 22ff.). Therefore many more doctoral student-researchers from abroad, also from third countries have been recruited (see further).

Doctoral students are partly internally recruited after finishing their Master or advanced Master program at a Belgian university, other students are recruited through international contacts within the research community. For those graduate students for whom no reliable screening has been possible, they are by times registered as students at a so-called pre-doctoral training and can be granted a pre-doctoral scholarship. This pre-doctoral training enables the institute of higher education to screen the student during one month, one year... and then, if considered enough qualified to offer them a doctoral research position. These pre-doctoral students have however no clear-cut administrative status and find themselves in a legal limbo (Leyman and Vandeveldde 2009: 39-40).⁶³

2.2.2.6. "Researcher", a new category in Belgian alien policy (2007).

In 2003 postdoctoral researchers could also benefit from the exemption of professional withholding tax and were exempted for the labor permit for the duration of three years⁶⁴, but in 2005 it became even easier to recruit a foreign researcher. The recruitment in third countries was facilitated with the European directive 2005/71, known as the "scientific visa directive".⁶⁵ This directive has now been fully transposed to Belgian law. Researchers became a new category in the Belgian aliens Act.⁶⁶ The public or private research organizations that wish to qualify for attracting researchers from third countries with a scientific research visa must submit an application for approval to the Federal Science Policy Office. Once a Research Organization has been approved, it can sign hosting agreements with researchers and the duration of the hosting can vary between some months and five years.⁶⁷ The procedure for

⁶¹ There are negotiations going on with Russia and China for an agreement on social security, but no results yet. Both countries have national social security schemes and thus qualify for a social security agreement. With China negotiations started recently. Interview Hendrik Hermans, Adviseur-coördinator FOD Sociale Zekerheid, 28.8.2012 Brussels.

⁶² The savings due to the exemption from the professional withholding tax were no savings for the federal state, but allocated to the university for R&D.

⁶³ http://www.kuleuven.be/admissions/statuses/f_predoc_eea.html

⁶⁴ Royal Decree 6.2.2003

⁶⁵ Article 2d of the Council Directive 2007/71 defines a 'researcher' as a person who holds an appropriate higher education degree, which gives access to doctoral programs. Official Journal of the European Union, L 289/18-22.

⁶⁶ The Law of April 21, 2007, modifying the Law on the Access of Aliens to the Territory, their Residence, Establishment and Removal, 15.12.1980 (Law of 1980) and the Royal Decree on the Access of Aliens to the Territory, their Residence, Establishment and Removal, 8.10.1981. BG, 26.4.2007.

⁶⁷ BG, 3.7.2007, pp.36300-36308.

obtaining a visa and residence permit for any third-country researcher who has signed a hosting agreement with a previously- approved research organization has been simplified.⁶⁸

Initially (2005-2010) there was in Belgium no uniform interpretation to what a “researcher” exactly stood for. Notwithstanding that the directive 2005/71 explicitly states in its preamble that doctoral students carrying out research as student should be excluded from the scope of this Directive, some universities in Belgium considered them as early-stage researchers eligible for a hosting agreement. This latter interpretation has not been accepted. The IO, but also some Belgian consulates considered that only postdoctoral researchers qualify as researchers and doctoral researchers are considered students who do not qualify for the scientific research visa.

It is claimed that ever less postdoctoral researchers at institutes of higher education have a work contract as the grants granted through hosting agreements are financially much more interesting for institutes of higher education. However the duration of a hosting agreement is limited to five years and beyond that period work contracts have to be used. The IO does not disqualify postdoctoral researchers from third countries from the benefit of the scientific research visa and hosting agreement because of the discrimination in the field of social security. . The IO only checks whether these researchers earn more than the minimum monthly wage in Belgium which in 2011 amounted to 1.443,54 euro /month.⁶⁹

For postdoctoral students a stay abroad is considered a necessary part of their career, in Belgium and elsewhere. The global knowledge economy needs knowledge workers and in order to be at the spearhead of research in this highly competitive environment a global recruitment is considered beneficial. We have no information to which extent doctoral students finish their Ph.D. and continue as postdoctoral researchers in Belgium and stay put. The postdoctoral researchers from third countries under host agreements stay mostly for two years.⁷⁰ For Flanders the temporality of their research stay is partly due to limited work opportunities in Flemish higher education as teaching has to be done largely in Dutch (Leymand and Vandeveld 2009).⁷¹ These researchers do mostly not stay put. Their temporary migration to Belgium can promote, if they return to their country of origin the transfer of know-how and technology to their country of origin. This is also intended by the countries of origin as student grants allocated by these countries have return clauses. The granting of only a temporary residence permit to student-researchers contributes to the return movement, only a work contract can yield a permanent residence permit.

⁶⁸ Royal Decree 12.9.2007 (Royal Decree amending, for researchers and executives, the Royal Decree dated 9 June 1999 executing the law of 30 April 1999 on the employment of foreign workers). BG, 28.7.2007, pp.50527-50532. We have no quantitative information on the number of researchers with a hosting agreement or at institutes of higher education as the FPS Foreign Affairs provides data on all scientific research visa which were granted (and applied for): 2006 116 (134); 2007 146(171); 2008 195(213); 2009 222(251); 2010 218 (243). 2011 312. On the hosting agreements see BG, 3.7.2007, 36300-36308, <http://www.belspo.be/belspo/visa/regl/ARbelspo7juin07.pdf>, 25.7.2012 mentioning in article 4 that the research organization is financially liable for the (possible) detention and removal incurred by public funds of the researcher who is staying illegally in Belgium and this until six months after the termination of the hosting agreement.

⁶⁹ This Belgian minimum monthly wage is yearly adapted to inflation, see <http://www.belspo.be/belspo/visa/regl/ARbelspo7juin07.pdf> The main avenue for postdoctoral researcher to enter Belgium is through a hosting agreement. However there are also postdoctoral researchers who enter Belgium with a scholarship of their country of origin or through other means. For them, although the Belgian legislation does not stipulate any requirement concerning their income, IO requires that they have at their disposal at least 1000 euro monthly.

⁷⁰ Unpublished report of Belspo put at our disposal by Bernard Delhousse.

⁷¹ For work opportunities beyond the institutes of higher education cf. 3.3.

2.3. AN OVERVIEW IN NUMBERS OF THE INTERNATIONAL STUDENTS IN BELGIUM

In the overview of the policy in relation to international students in Belgium we have outlined the policies developed in Flanders and the French community. A pro-active policy to attract international students has been developed in Belgium in the last decade. Institutes of higher education were the motor in this process: private schools, but mainly universities, university colleges and even some institutions of social advancement were active in this field. The authorities gave these institutions of higher education considerable leeway to do so. Only when the student route was being abused of (or maybe rather when the recruitment campaign in China was too successful and some teething troubles occurred) the authorities intervened and curtailed this recruitment in China.

In this chapter we present the data on the inflow of international students or on the stock of international students. Graph one has depicted the inflow of international students (2002-2011) based on the number of visa being granted and for 2010 on the number of first residence permits granted to students, for the stock of students we have a snapshot in 2010 of all residence permits of international students as well as data on the registration of international students at institutions of higher education. We will also position the 2010 snapshot with dynamic data covering the evolution in the decade before.

A small inflow of international students is common to both communities i.e. those students attending international course programs (Master programs) in the framework of cooperation & development. These students originate from the 40 poorest countries (OECD-DAC list), but the students from these countries with a Belgian scholarship, at least in Flanders never constitute more than 1/3 of the international students of those countries at the Flemish institutions of higher education (except for Palestine from where 66% of students in 2010 had a Belgian scholarship in the framework of cooperation & development). Even the international course programs accept free movers.

Another common feature for Belgium is that some institutions of higher education and in particular business schools expect a return in their investment in these study programs, mostly in English. These programs are promoted abroad and in order to recover their investments the fees are raised for the international students. These programs are thus more expensive, but in general a common feature of the study offer for international students is that the programs in Belgium, even those offered in English are relatively cheap.

The institutions of higher education of the two Belgian language communities exercise an attraction to very different international students. In Flanders where the language of instruction is Dutch the institutions of higher education made an extra-effort i.e. providing courses in English to attract a sizable number of international students. Flanders can attract international students to its higher education on the basis of its still low student fees and the for Europe unique possibility for students with a bachelor degree to acquire a master degree in one year, but the investments in higher education for international students are directed to advanced students mainly in business but also in the sciences where acquiring a master degree takes two years. The Flemish institutes of higher education have developed a specific policy to attract international students. Most institutions, in particular the universities have preferred to attract students to the Master programs, a policy choice which had the support of the Flemish authorities through the funding of English programs. The main objective of the Flemish community in this domain is to recruit talented researchers from abroad and to increase the critical mass necessary for the knowledge economy. Therefore they support to a certain extent a selective immigration of advanced students. This enabled the institutes of higher education not to raise the fees for international students and to select their students only on the basis of merit. To subsidize only the direct cost for a post-graduate education program may mean a free ride in basic higher education. As Ides Nicaise (2011) pointed out this raises ethical issues about brain drain from peripheral to central economies. However Flemish (and Belgian) policy does not aim at retaining these brains. The researchers, who came to Belgium as (advanced) master students, doctoral students or postdoctoral students are only meant to be a highly qualified, but temporary workforce. This objective is also to be seen by the social security design for Chinese, Russian... researchers. Here one touches upon a basic principle of migration management: international researchers should be hired at the same conditions as local researchers, however in the field of social security the non-discrimination principle does not seem to apply.

The French community shares this ambition for a selective immigration, but does not want to block the spontaneous immigration of good students from third countries. This spontaneous immigration is the result of the global appeal of French programs and is largely underpinned by migrant communities in Belgium. Even among the Chinese students French as a teaching language is the main attraction factor. The training of students from poor countries is also seen as a contribution to the development of the underdeveloped countries. Therefore universities waive the

fees for international students who pass the exams and some of these students do not have to pay an additional fee for complementary Masters. Still the higher fees for international students became a hindrance for the spontaneous inflow of students. The inflow is also more regulated as the public authorities play still an important role in deciding which degrees of secondary education enable admission to Bachelor studies in the French community. In the following chapter we will assess the quantitative results of these policies.

These international students are dispersed among all the institutes of higher education in Belgium, private and statutory-registered-higher education institutions. Only for the latter we have figures at our disposal on the stock (Flemish institutes of higher education, university and social advancement higher education of the French Community) or the inflow (university colleges of the French community). In the figures of the institutes of higher education there is an important group of international students for which we have no figures on: the exchange students. Most if not all institutes of higher education have exchange students from third countries. Only if they want to acquire a degree in Belgium they are counted among the official student population.⁷² We have also no figures on the evolution in the number of students at the private institutes of higher education, but all these students are included in table 3 which provides in the first column an overview of all international students in Belgium based on their students' residence permits extracted in 2010 from the national register.⁷³

Table 3: Belgian residence permits of international students (stock on 31.12.2010) and registered students at universities in Belgium in 2010.

	Residence permits, Belgium	Flemish institutes of higher education	Universities of French community (without doctoral students)		Residence permits, Belgium	Flemish institutes of higher education	Universities of French community (without doctoral students)
Russia	230	155	63	Cameroon	1.940	191	658
Turkey	415	205	46	DR Congo	1.127	54	662
Other European non EER countries	346	399	126	Morocco	2.195	62	965
China	1.252	620	110	Other African countries	2.309	974	1.155
India	374	260	34	Brazil	251	78	86
Iran	258	242	56	Canada	206	61	55
Vietnam	272	189	107	United States of America	380	171	20
Other Asian countries	1.274	631	285	Other American countries	829	522	323
Algeria	312	20	229	Total International Students	13.985	5042	5.007

Table 3 points out that the French community has probably slightly more international students than the Flemish institutes of higher education as the figures in table 3 do not list the doctoral students and also not the students registered at the university colleges and social advancement higher education of the French community. The more crucial difference is that institutes of higher education of the French community attracts mainly international students from Africa while Flemish institutes attract mainly international students from Asia, non EER-Europe and America.

The state of affairs in 2010 is the result of a long process during which the institutes of higher education of the French community lost many of its international students, while those in Flanders attracted many more

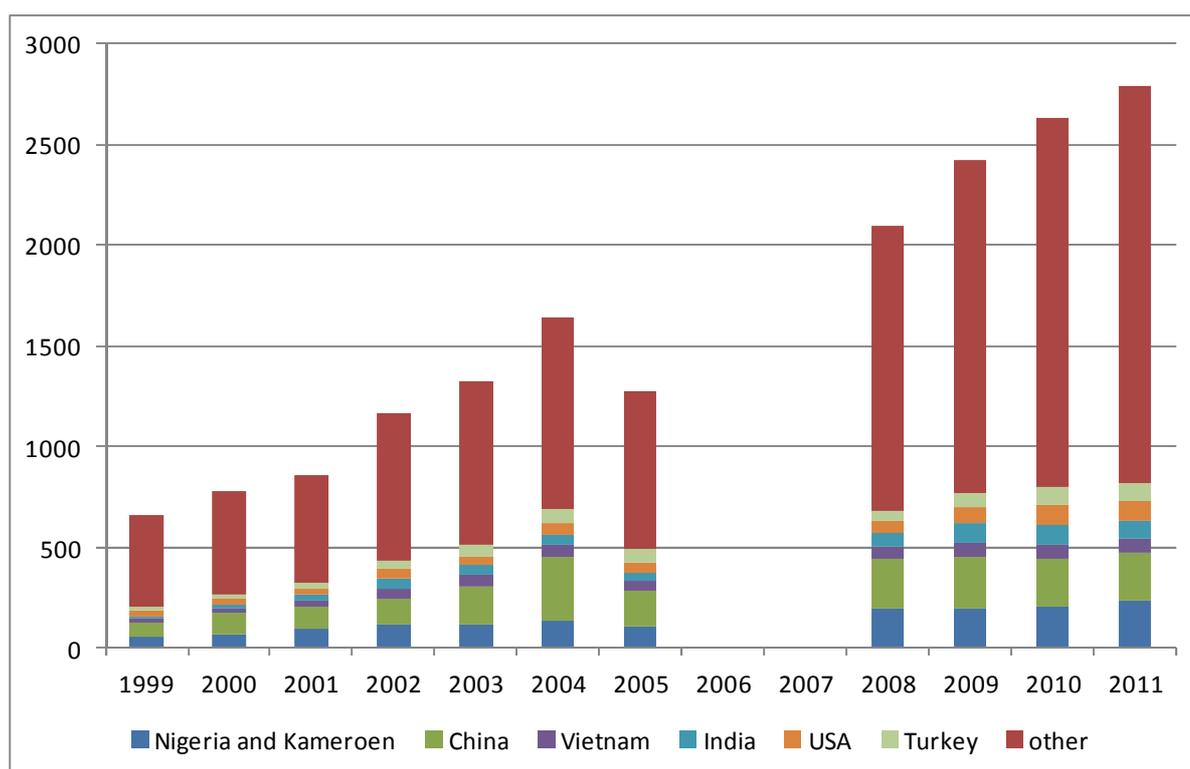
⁷² The institutes of higher education have their own figures, but the few institutes which passed us their data had no data on the evolution throughout time or the structure of their data on exchange students did not distinguish between international and European students. Therefore we were obliged to work with the figures of the administration in which only the official students are registered.

⁷³ For these figures see footnote 23.

international students. We will look closer into this process in the following chapters where we distinguish between international students studying a basic program and the doctoral students.

2.3.1. THE INTERNATIONAL STUDENTS AT INSTITUTES OF HIGHER EDUCATION IN FLANDERS

Between 1999 and 2011 the number of international students at Flemish institutes of higher education grew spectacularly: 836 in 1999 to 3562 in 2011. This more than fourfold increase of international students is mainly to be situated in Flemish universities where their number increased from 659 to 2793 in 2011. The same dynamic is to be seen in the Flemish university colleges (*hogescholen*) where the number of international students increased from 177 in 1999 to 769 in 2011. Graph 2 is illustrating the origin of the stock international students in Flemish universities.



Graph 2 : Stock of international students in Flemish universities by citizenship, 1999-2011 (without doctoral students)⁷⁴

The Chinese are the most important group within the international students at the Flemish Institutes of higher education. Their number has risen spectacularly until they reached 19% of the international students in 2004. After 2004 their share dropped to reach only 8% in 2011. The Chinese are followed by students from Cameroon (and Nigeria) who oscillated throughout the whole period around 8% what implies their absolute number has increased four fold (from 52 to 235). Students from India have increased their share from 1 to 3%, while the American, Vietnamese and Turkish students have increased their absolute number so to retain their share around 3%.

Turkey as a candidate member state of the European Union is part of the Erasmus programs and Turkish students find their way to Flemish higher education this way. This inflow is also supported by the large Turkish community in Flanders. Turkish students are one of important national groups among the relatively small number of international

⁷⁴ The figures are based on the DTO and DHO-data of the Flemish community. For more details see annex 2 and Caestecker & Rea 2010 : 191-192. We have no figures for 2006 and 2007 as this was a period of transition from registering students in the *Database Tertiair Onderwijs* (DTO) to the *Databank Hoger Onderwijs* (DHO). The definition of international student changed slightly. While until 2005 we could define them as third country nationals without a Belgian qualification of secondary education, from 2008 onwards the international students are third country nationals who have no Flemish qualification of secondary education. Cf. annex 2.

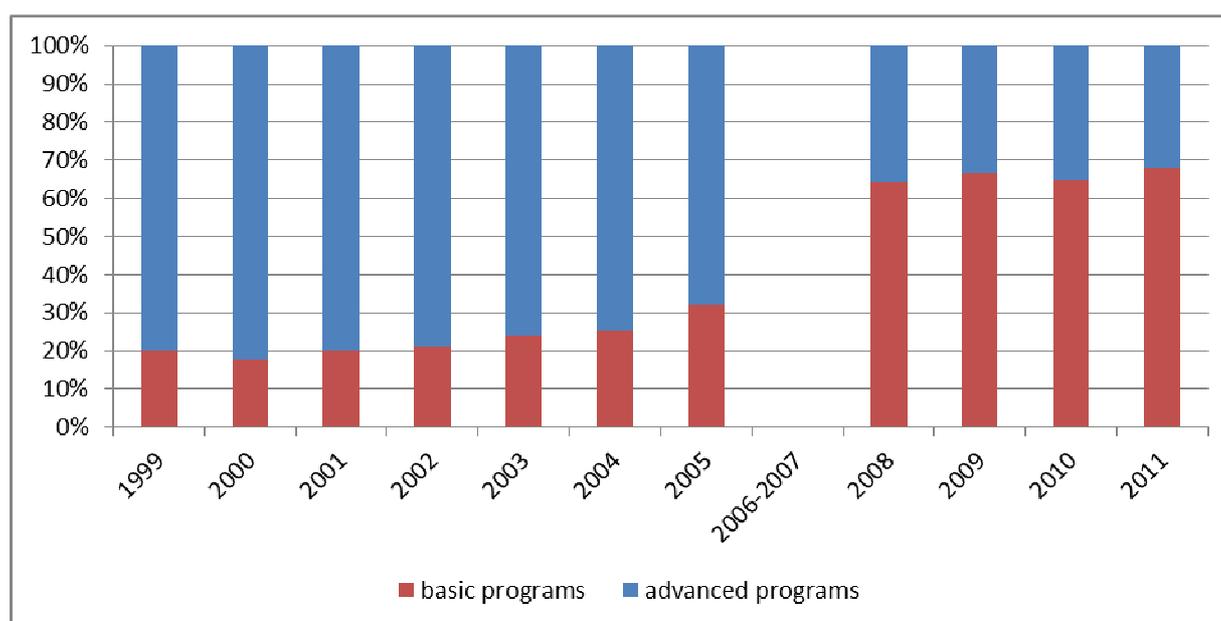
students in the university colleges (*hogescholen*). The most important national group at the hogescholen are also the Chinese but in the second half of the decade their number has decreased (118 in 2004 and only 70 in 2011).

The gender balance of the international students at the universities has throughout the whole time period a slight male dominance (2011 : 44% female), while at the university colleges there were always slightly more women (2011 : 56% female).

While around the turn of the century about 80% of the international students at Flemish universities were registered for a specialized study program, in 2011 only 32% of the registered students are studying at what is being called an advanced Master programs. International students at the universities are increasingly to be found in the Master programs. Between 2008 and 2011 only 12% of the international students at the universities were registered for Bachelor studies.⁷⁵ The concentration of international students in Master programs is a result of the lengthening of the duration of the basic programs (3+2) in sciences which caused numerous specialized programs to be integrated in basic programs. The universities also made an effort to attract international students by providing English programs in the Master studies of which many programs are programs of 120 ects thus two-years programs. The international students registered for Bachelor studies have mostly to master Dutch as 72% of them have Dutch as language of instruction (2008-2011).

Still the attraction of the Master programs seems to be different than the advanced Master programs as can be seen through the national profile of the international students. While at Flemish universities the basic programs attract mainly students from Vietnam (12%), Cameroon (10%), the United States (9) and Nigeria (7%), among the advanced Masters there are mainly Chinese students (19%), but also students from India (7%), Turkey and the US (both 6%). This different profile is partly due to the students from Vietnam, Cameroon and Nigeria who are concentrated in the Master programs called International Course Programs which have been developed in the framework of the cooperation & development. Most, but not all of these students have scholarships granted by the Belgian authorities.

Overall there is clear-cut evolution towards a higher share of exact and applied sciences in the study domains of international students. About half of the international students are to be found in engineering and exact sciences.



Graph 3 : Distribution of international students among basic (Master-Bachelor) and advanced Master programs in Flemish universities, 1999-2011 (n : 15.420, stock). (DTO and DHO-data)

⁷⁵ One has also to take into account that Bachelor programs are three year programs and thus these students are counted more times than students in one year or two year master programs.

2.3.2. THE INTERNATIONAL STUDENTS AT INSTITUTES OF HIGHER EDUCATION IN THE FRENCH COMMUNITY

Few international students do attend programs in the university colleges of the French community. The annual inflow of newcomers, holders of foreign degrees in the university colleges of the French community oscillated between 380 and 500 (2004-2011). The academic year 2008-2009 had only 1,4 % international students among the total student population of these institutions. Interesting is the strong fluctuation in the different nationalities who start at such an institution every year. While the number of Congolese, Moroccan and especially Chinese students knew a spectacular decline in the second half of the decade, the Cameroonian student population who had only a share of 18% in 2004-2005 increased its share to slightly more than half (52% in 2010-2011) and thus also an increase in their absolute numbers .

Table 4: Newcomers in the university colleges of the French community with a foreign high school degree, 2004-2011 (inflow)⁷⁶

	Cameroon	Morocco	DR Congo	China	other	total
2004-2005	87	105	75	16	205	488
2005-2006	118	32	31	22	178	381
2006-2007	123	31	34	14	203	405
2007-2008	147	42	17	13	197	416
2008-2009	278	32	22	1	156	489
2009-2010	201	31	14	0	144	390
2010-2011	262	29	10	0	203	504

Students from Cameroon were initially only to be found in economics', technical and paramedical programs. By 2011 the students from Cameroon are dispersed over all domains of study. From 2009 onwards the disciplines of social work, agriculture and pedagogy also registered some students from Cameroon and since then 10 to 15% of the inflow from Cameroon in university colleges is heading to these study domains. The Moroccans had a share of 22% of the inflow of students from third countries in 2004-2005 with a concentration in pedagogy. Their share diminished to 5% and this is mainly concentrated in economics' and technical programs. The Congolese students had a share of 15% of the inflow of students from third countries in 2004-2005 but this dropped to a mere 2% of the inflow in 2010-2011. The Congolese students are mainly studying paramedical programs and a minority in economics. During the first two years of our overview the Chinese students constituted respectively 12% and 18% of the inflow, they only studied economics, but their number dropped spectacularly and in the last years no more Chinese students have been registered.

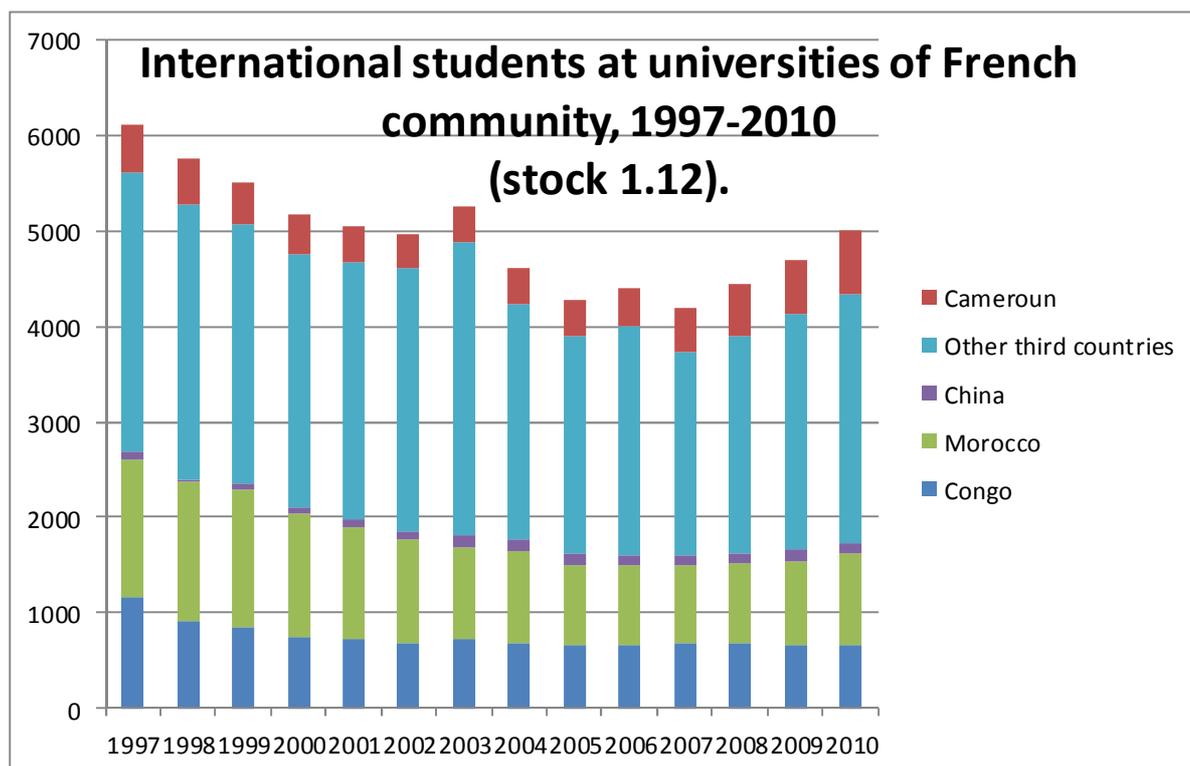
As graph 4 and table 5 illustrate the number of international students at the universities of the French community has been declining for at least a decade (1997-2007) and only recently the number of international students is on the rise. Still the increase in international students during the last few years did not compensate for the global increase in students at these universities. While in December 1995 there were 6157 international students among a total student population of 62533 (10%), the population of university students has increased since then. Ten years later in December 2005 there were 66.963 university students and their number has increased the last five years to reach 83.977 students in December 2010, partly due to the integration of *hautes écoles* in the universities. The share of international students in the university population has in these fifteen years diminished from 10% in 1995 to 6,4% in 2005 and to 5,9% in 2010.

⁷⁶The data was provided by ETNIC, Centre de Compétences Business Intelligence, fichiers de la collecte SATURN (university colleges). The figures for pedagogy in 2005-2006 where the year before the Moroccans were concentrated were missing.

The late upswing in absolute numbers is not due to a recovery of the inflow of the traditional international students of French-speaking Belgium. The students from the Maghreb and the former African colonies of Belgium (DR Congo, Ruanda and Burundi) who made up more than half of the international students in Belgium (55% in 1997) have even seen their share diminish to 40% in 2010. The Congolese student population reached 1400 students in 1995, but had dropped in the 1990s and stabilized in the first decade of the 21th century around 800. These Congolese students were good for 20% of the international students population in 1997, 16% in 2005 and their share slowly dropped to 13% to 2010. Most important are the students from Morocco who constituted nearly 30% of the international student population in the 1990s. Their number dropped in the first decade of the 21th century to about 20% and oscillated around 850 students. Chinese students hardly find their way to these universities. The number has been oscillating around hundred since the 1990s. They constitute about 2 % of the international student body. Numerous other countries such as Lebanon, Vietnam, Benin, Tunisia oscillate also around hundred students a year. Former Belgian colonies such as Ruanda and Burundi, but also Algeria have slightly more nationals studying in Belgium (about 150 Algerians are registered every year). The origin of the international student body at the French speaking universities in Belgium is thus very heterogeneous. A remarkable very recent upswing is to be noted among the students from Cameroon. Since 1997 when they constituted 9% of the international student body they first lost ground to 7% but from 2004 onwards they increased their percentage each year and in December 2010 amounted to 13% of the international student population. In absolute numbers in 1997 there were 500 of them, this dropped to 358 in 2002 and then went steadily up to reach 658 students from Cameroon in 2010. However the recent rise in international students at the universities of the French community is mainly due to an increase in the heterogeneity of the international student body. These international students at the universities of the French community (2005-2010) study mainly medical science (23%), economics and management (15%), engineering (14%) and exact sciences (13%).

Table 5: Registration of third country nationals with a foreign degree of secondary education at the universities of the French speaking community, 2005-2011 (stock on 1.12). (source : Etnic)

	2005	2006	2007	2008	2009	2010
China	108	90	103	105	113	110
Cameroon	379	393	469	534	574	658
DR Congo	669	668	681	680	668	662
Morocco	836	839	825	829	876	965
Other third countries	2.294	2.404	2.124	2.294	2.475	2.612
Total	4.286	4.394	4.202	4.442	4.706	5.007



Graph 4 : Stock of international students in universities of the French Community by citizenship, 1997-2011 (source : Ethnic)

The social advancement institutions of education is the third rang of institutions in the French community which provides opportunities for international students. Although there are no reliable data available on the student population, the administration provided us with two snapshots of third country nationals at these institutions based on the fees to be paid by third country nationals not residing in Belgium. For 2009-2010 the registration yields at most 200 international students who attend these classes.⁷⁷ The figures for the next academic year (2010-2011) based on citizenship show that foreign students are heavily concentrated in the Bachelor optician/optometry and Bachelor nursing.⁷⁸ In the three institutions which offer a Bachelor nursing there are 270 third country nationals on 670 students. The Bachelor optician/optometry is even more dominated by third country nationals as the three institutions which offer this program attract 123 third country nationals on a total student body of 177 students.⁷⁹ Among these students internationals students are dominant. Most of the students originate from the Maghreb. Their presence is not the result of an active recruitment drive, but rather the result of members of the local migrant community who mediate between these schools with an economic study opportunity in Belgium and their kith and kin in the country of origin.⁸⁰

2.3.3. THE NUMBER OF INTERNATIONAL POSTDOCTORAL RESEARCHERS AND DOCTORAL STUDENTS

As mentioned before work and studies in higher education are fluid categories. The doctoral and postdoctoral students are engaged in research, while at the same time studying. Due to methodological problems to distinguish in the available data between these two categories we also present a short overview of the presence of postdoctoral students in Belgian institutes of higher education.

⁷⁷ Also some third country nationals who have a residence permit in the EU have to pay this additional fee. Circulaire 3898. Direction de l'Enseignement de Promotion sociale.

⁷⁸ These figures are less appropriate for covering our target population than the figures on those who have to pay an additional fee as also foreigners residing in Belgium are included.

⁷⁹ Information provided by Thierry Meunier and François Lemaire, Ministère de la Fédération Wallonie-Bruxelles Enseignement et Recherche Scientifique (Promotion sociale).

⁸⁰ CM Interview Declerck, directrice du CESOA (haute école de type court en optométrie), 10.5.2012 Brussels.

A snapshot of the number of (postdoctoral) researchers from third countries under hosting agreement in January 2010 for all of Belgium indicates that there were 1003 of them working in Belgium under Directive 2005/71. Nearly half of the researchers come from Asia (43.9%). Among the Asian students Chinese students (39.2%) and Indian students (25.2%) dominate, with only a small share for Japanese students (8.1%). The Flemish institutes of higher education took the lion share of these postdoctoral researchers: 77% and while the African researchers were neatly divided between the institutions of the two Belgian language communities, only 16% of the Chinese were doing postdoctoral research in the institutes of higher education of the French-speaking community.⁸¹ Third-country nationals who carry out postdoctoral research are mostly registered as students, except if they have a regular work contract and ever fewer third country postdoctoral researchers have a work contract. The data on students in higher education provides thus further information on those researchers, be they doctoral or postdoctoral students.

French community

We have little information on postdoctoral and doctoral students from third countries in the institutes of the French community. The doctoral students from third countries at the universities of the French community have diminished strongly between 1994 and 2005. While there were 1272 doctoral students from third countries registered in the universities of the French community in 1994, their number declined to 857 in 2005. This decline was the strongest among the African students, while the decline in the number of Asian and Latin American doctoral students was less spectacular (Caestecker & Rea 2009: 63-64).⁸²

Flanders

The database students Higher Education Flanders (DHO, cf. annex 2) had between 2008 and 2011 8361 registrations of doctoral or postdoctoral students from third countries. The most important nationalities are the Chinese (12%). Students from India (7%), Iran (6%) and Vietnam (5%) are also strongly represented. The doctoral and postdoctoral students are for about a third working in applied sciences (35%), but also exact (19%) and medical sciences (16%) are strongly represented. Human sciences have a share of 30%.

Table 6: International researchers registered as doctoral and postdoctoral students or paid researchers in Flemish institutes of higher education, 2008-2012 (DHO and VLIR)

	Registered as doctoral or postdoctoral students (DHO) ⁸³	On the pay list of the universities, either with a grant or a work contract (VLIR)
1.2.2007		842
2008-2009	1.827	
2009-2010	2.027	
2010-2011, resp.1.2.2011	2.214	1.109
2011-2012	2.293	

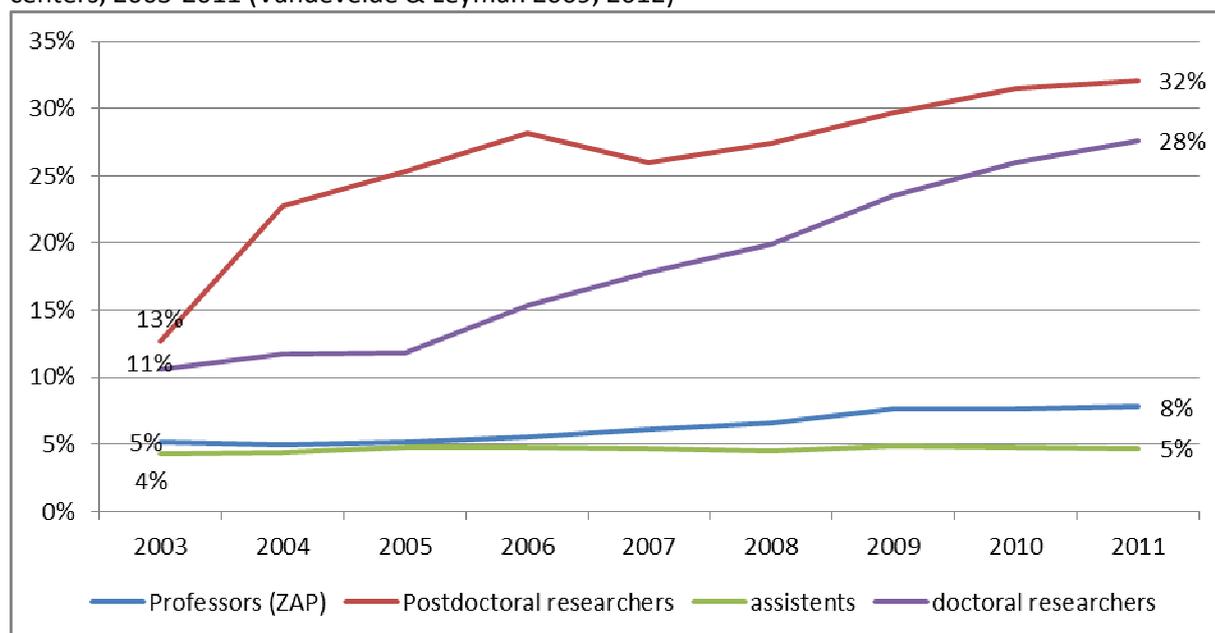
Another survey of third country nationals who do research at Flemish universities is based on the VLIR-figures. These figures count the researchers on the pay list of the Flemish institutes of higher education and research centers, be it through a work contract, scholarships eventually through a hosting agreement. These figures refer to (postdoctoral) researchers, but also to doctoral students/researchers who do research in Belgium with a doctoral grant. The VLIR-figures are not completely covering researchers as those researchers without Belgian financial aid are not listed. The number of foreign nationals, including citizens of other EU-member states working in Flemish institutes of higher education, have risen considerable in this decade (from 8% of the staff to 20%). Graph 5 shows clearly that this increase is mainly the result of a growing share of foreign nationals in doctoral and postdoctoral positions.

⁸¹ Unpublished report of Belspo put at our disposal by Bernard Delhousse.

⁸² We applied for more recent data on doctoral students at Etnic in august 2012, but due to high demands on them at the start of the academic year the data has not arrived yet.

⁸³ Third country nationals who have no Flemish qualification of secondary education.

Graph 5: Evolution of share of non-Belgian researchers at Flemish institutes of higher education and research centers, 2003-2011 (Vandeveldel & Leyman 2009, 2012)



Third country nationals are becoming an ever more important part of the researchers' population of Flanders. A snapshot taken at 1.2.2007 shows that nearly 6% of the researchers at Flemish institutions of higher education or 842 persons have a nationality of a third country.⁸⁴ These researchers are mostly male (1/3 female) and nearly exclusively doctoral and postdoctoral students. Nine per cent of the doctoral and postdoctoral students on the pay list of Flemish institutes of higher education and research centers were third-country nationals in 2007. The strongest representation of third country researchers comes from Asia with 418 researchers, 145 from European countries outside of the EU, 114 from Africa, 112 from Latin America and 43 from North America. The largest share of Asian researchers, respectively 62 and 18% originate from China and India. The Asian, Latin American and African researchers in Flemish universities are heavily concentrated among the doctoral students. Contrary to the overall doctoral student population these doctoral and postdoctoral students from third countries paid by the institutes of higher education are heavily concentrated in the exact and applied sciences. In 2007 nearly 10% of the researchers in those domains came from a third country (Leyman, Vandeveldel, Van Rossem en Groenvynck 2011, 12-16; Vandeveldel & Leyman 2012).

Five years later, a snapshot taken at 1.2.2011 of doctoral and postdoctoral students shows that 14% of them or 1483 persons have a nationality of a third country. The strongest representation of these third country researchers comes from Asia with 848 researchers, 213 from European countries outside of the EU, 156 from Africa, 183 from Latin America and 83 from North America. The Asian, African and Latin American researchers in Flemish universities are still heavily concentrated among the doctoral students.⁸⁵ While African and Asian researchers constitute respectively 12 and 60% of the doctoral students from third countries, they are 7 and 50% of the postdoctoral researchers. Their slightly less important representation among postdoctoral researchers is at the advantage of the North American and European (non-EER) students who have a share of 35% among the postdoctoral students and only 16% among the doctoral students. The third country nationals are strongly concentrated in chemistry, electro-mechanics and technology of materials where they constitute nearly a third of the doctoral students and a bit less than a fourth of the postdoctoral students.

⁸⁴ These figures include only two of the four Flemish Strategic Research centers. The staff of IMEC (Instituut voor Micro-elektronica/institute for microelectronics active mainly in nano-electronics and nano-technology) and VIB (Vlaams Instituut voor Biotechnologie/Flemish Institute for Biotechnology) are included, but the staff of VITO (Vlaams Instituut voor Technologisch Onderzoek) and IBBT (Instituut voor Breedbandtechnologie) are not included.

⁸⁵ These figures have been communicated to us by Annik Leyman (ECOOM) and do include the staff of all four Flemish Strategic Research centers.

3. LEGAL AND PRACTICAL CONDITIONS AT NATIONAL LEVEL THAT APPLY TO INTERNATIONAL STUDENTS

From this chapter onwards we follow the structure imposed by the EMN-blueprint to integrate our findings. The previous chapter of this report is a chronological overview of policy towards international students. This chapter and the two following ones are the actual policy towards international students. There is some overlap between these two parts of the report for which we apologize.

3.1. ADMISSION

3.1.1. INFORMATION ON STUDY OPPORTUNITIES IN BELGIUM

3.1.1.1. Study programs

The Flemish and French-speaking communities of Belgium have put in place specific measures to encourage third-country nationals to pursue study opportunities in Belgian higher education.

Flamenco is promoting non-Dutch (English) higher education programs in Flanders on the global education market through participation in Higher Education fairs worldwide (e.g. EAIE Information Market) and through a website. Their 'Study in Flanders' website provides information on study opportunities in Flanders and offers detailed information on courses in languages other than Dutch, as well Bachelor as (advanced) Master programs.⁸⁶ Wallonie Bruxelles International-campus uses tools similar to that of Flamenco. Their website 'Study in Belgium' is promoting only study programs from the Master level onwards. The Master and advanced Master programs they promote mainly use French as the language of instruction, but also English programs are highlighted.⁸⁷

Besides these governmental agencies which provide information to international students on the terms and conditions of study at educational establishments in Belgium, the institutions of higher education promote their own study offer themselves through their website and the use of brochures. The brochures are being distributed at education fairs and through the regular diplomatic channels. The use of commercial websites (studyportals.co, mastersstudies.com, google, ...) is common in Flanders, less so in the French speaking part of Belgium. European Campus is a website of the European Union that is used by some institutes of Higher Education institutions in Belgium. Euraxess seems to be more widely used, but mainly to recruit doctoral students (and researchers). Some (Flemish) institutions have used brokers (in China), but it seems that this way of recruiting has been considered too risky as far as the quality of the students is concerned.

Exchange agreements with institutions of higher education in third countries are an important avenue for informing third country nationals on the study opportunities. However the number of international students directly involved is mostly limited as exchange agreements mostly have a reciprocal character (see further).

3.1.1.2. Funding of studies for foreign students

There is a whole range of possibilities to find funding, but it is a very dispersed offer. A centralised offer are the funding opportunities available to third-country nationals who are invited in the framework of development cooperation. A few hundred students obtain scholarship in this way each year. These scholarships are nearly exclusively granted for Master and advanced Master programs. There are 17 programs at the universities in the French Community, mainly in French and 15 programs at the Flemish universities, mainly in English. These mostly one year, exceptionally two year programs are adapted to the needs of their countries of origin. The scholarships

⁸⁶ <http://www.studyinlanders.be/>. The official website of higher education in Flanders offering information regarding the higher education system, the registered institutions and offered accredited programs is www.highereducation.be

⁸⁷ <http://www.studyinbelgium.be/>

include complete Belgian social security coverage, and thus also health insurance. The students must originate from one of the 41 poorest country, according to the list of OECD-Development Assistance Committee and must have some professional experience. Some of the scholarships are granted to Master students who pursue a doctoral degree in their country of origin and who can do research in Belgium for at most two years (sandwich scholarships). Master students wishing to pursue a doctoral degree can apply for scholarships at different other institutions. The institutions of higher education have their proper means to grant scholarships. Several universities admit 15 to 25 doctoral students each year for a four year doctoral program with using the universities' funding. Also the community and federal authorities provide scholarships. Most scholarships are granted to postdoctoral researchers. For example for Flanders, the Flemish Ministry of Education and Training has bilateral agreements with 24 countries regarding the exchange of students at Master and Doctoral level, while the French community grants 18 scholarships a year to outstanding researchers from anywhere in the world. The federal authorities grants each year about 30 postdoc-scholarships (1900 euro net) for third-country nationals for six months up to one year.⁸⁸ Other opportunities are scholarships provided by l'Agence universitaire de la Francophonie, Erasmus Mundus, NATO...

3.1.1.3. Information on the terms and conditions of the study stay

Belgium does provide information to international students on the terms and conditions of their study at educational establishments in Belgium through both agencies mentioned above (Flamenco and Wallonia-Brussels Campus). There is no specific legal requirement to do so. Flamenco and Wallonia-Brussels Campus advise that the international student get in touch with the educational establishment where they want to study for detailed information on terms and conditions of admission. As relatively new agencies this information contact points are not yet fully institutionalized. The Ministry of Foreign Affairs advises the would-be-international student to contact the Belgian embassy or consulate in their country of origin or refers them to the Immigration office in Belgium.

3.1.2. *THE PROCESS FOR THE ISSUANCE OF VISA AND RESIDENCE PERMITS*

The permission to enter Belgium as an international student is dependent on the consent of the Belgian authorities and the institutes of higher education.

3.1.2.1. Admission to an institute of higher education

In the French community all international students, who want to attend a Bachelor course at a statutory public institution of higher education need their high school degree which authorizes access to this first cycle of higher education to be confirmed of equivalence by the authorities. Only the more advanced students from the People's Republic of China who want to study in Belgium need an additional authorization imposed by the community authorities. They must obtain an academic evaluation certificate issued by the *Akademische Prüfstelle*, the German Academic Assessment Center (APS) before they can be admitted to a higher education institution. This examination consists of a technical assessment of the diploma and in most cases also an interview to check whether they master the expertise their degree assumes. The costs of this procedure are at the student's expense (250 euro) and the institutes of higher education (sending of an interviewer to China for several months).

3.1.2.2. Admission by an institute of higher education

All international students have to have an institution of higher education to admit him or her. It is these institutions which have to assess the academic readiness of the students. A language test can be part of this procedure. Twice a year such tests are being organized by the universities in French speaking Belgium. In Flanders, most institutions demand their potential students to do an English language test in their country of origin, results of which are sent directly to them.⁸⁹ A more difficult task for the institutions of higher studies is assessing the quality (and authenticity) of the degree of the applicants. Since 2005 for most Chinese students this is done by the community authorities at the APS-centers. In particular, in the French speaking part of Belgium, as they are flooded with large number of applicants to assess the quality of the students poses problem. The screening of applications is a difficult challenge

⁸⁸ <http://www.belspo.be>

⁸⁹ Tests being used: TOEFL (Test of English as a Foreign Language) and IELTS (International English Language Testing System).

everywhere (Leyman and Vandeveldel 2009: 41). At times some institutions use commercial services to assess the value of a degree. One university has acquired some competence in this field and employs four credit evaluators for this purpose. These regional specialists screen the applications of would be-students by verifying the authenticity of the degrees and assessing the quality of universities in specific domains. In this manner, they can judge, to a certain extent, the scientific preparation of the candidate. This expertise center is consulted increasingly by the international offices of related university colleges.

Without having expert knowledge about fraud and lacking insight in the educational systems worldwide, most institutions of higher education in Belgium assume this responsibility and they learn by trial and error. For example the increase in the number of applicants from Cameroon (and Nigeria) all over Belgium and an awareness in the last years of possible fraud made several institutions decide to accept only diploma's directly sent to them by the issuing Cameroonian (and Nigerian) universities.

The internationalization drive of ever more institutions of higher education causes this learning process not to be linear. In order to show resolve in the matter of fraudulent documents several institutions of higher education have suspended degrees earned at their institution by several students who had obtained admission on the basis of a fake document. By heavily publicizing this sanction they hope to deter future fraud.

Candidate students, holders of a foreign qualification can appeal the decisions of the Flemish institutes of higher education regarding access to their studies (Bachelor and Master) at the Council for disputes about decisions on study progress.⁹⁰

In all institutions of higher education the final judgment on the application is still left to the academic authorities. The internal administrative preparation is only one step in the screening process. Several institutions, in particular in Flanders claim that they have become or intend to become more selective in terms of the formal assessment of linguistic and academic levels in order to relieve the academic evaluators.

For most international students the admission letter to an institute of higher education, be it a public, accredited or non-accredited private school is an autonomous decision of the institute of higher education. Admission is mostly being decided by the department in which the international student wants to study, however some institutions of higher education decide at a central level on the admission of first years Bachelor students.

The Lisbon Recognition Convention has diminished the autonomy of institutions of higher education to decide whether to admit European (non EER) and North American students and under which conditions. As a result of the consent to ratification by the Flemish Community in 2006, by the French speaking Community in 2007, by the Federal Government in 2008 and the consent of the German-speaking Community in 2009, Belgium proceeded with ratification of the Lisbon Recognition Convention in July 2009. It came into effect on 1 September 2009. The Flemish decree of 1.7.2011 stipulated that the recognition of foreign higher-education degrees in Flanders follows the principles of the Lisbon Recognition Convention of 1997 laid down by the Council of Europe and UNESCO for all higher education degrees of countries who had ratified this convention. The Lisbon Recognition Convention has not yet been integrated in community law through a decree of the French community.

3.1.2.3. Fees

As mentioned in the overview of the policy in relation to international students there has been no increase (since 2006) in the fees relevant for admission to Belgian educational establishment (cf. 2.2.2.1.1). There has been a homogenization of the fees for admission to universities in the French community which entailed an increase in fees for specific, limited categories. This did not seem to have had an impact on the number of applications from third country nationals. Higher education in Flanders and non university higher education in the French speaking part of Belgium charge international students mostly the same fee as local students.

3.1.3. THE GRANTING OF STUDENT VISA

The international student who wish to pursue their studies in Belgium need to apply for a visa in order to enter the country and then for a residence permit to stay for longer than four months in the country. The price of a long-term visa amounts to 180 Euro (per person). The students need to appear in person at the first stage of the application

⁹⁰ Article 69, §3 Decree 4 April 2003, see <http://www.ond.vlaanderen.be/hogeronderwijs/raad/>

process in the consulate. (S)he has to have all documents and if an appointment has been made (s)he can be interviewed the same day. When the decision is positive the applicant can pick the visa up himself/herself or (s)he can ask to have the passport with visa being sent or picked up by somebody else. Students are not able to apply in consulates of other (Member) States.

In order to apply for a visa a third-country national who applies to be admitted for the purpose of study shall submit the following documents: the admission letter of an institute of higher education, a valid passport, a medical certificate, a (clean) criminal record (the latter not for minors). The period of validity of the travel document has to cover one year (for refugees 15 months).

The student shall provide the evidence requested that during his/her stay (s)he will have sufficient resources to cover his/her subsistence (including health insurance), study and return travel costs. For the academic year 2011-2012 foreign students in Belgium should have minimum monthly resources of 588 €. ⁹¹

The student has to submit a proof of solvency, stating that (s)he has sufficient means of support. This is made either by:

- (a) presenting a certificate showing that (s)he has received a grant or loan that is sufficient to cover his/her health care, subsistence, studies and repatriation expenses.
- (b) Having a sponsor who signs an affidavit of support and proves a personal and regular income by three salary sheets or the last tax declaration (if he is a Belgian national or a permanent resident in Belgium). The sponsor must have enough means to support his own family (860 euro and 150 pro person in charge) and monthly (s)he should have 588 eur at his/her disposal to support the student. The sponsor must sign an «Agreement of Acceptance of Financial Responsibility » form, in which the sponsor agrees to finance the students' health care, subsistence, studies and repatriation expenses. The sponsor has only to cofinance the repatriation of a student if the student is removed from Belgian territory within three months after his or her residence permit has expired .
- (c) Since 2006 Chinese students can no longer make use of an affidavit of support (cf. 2.2.2.4). The only manner for Chinese students to prove their solvency is to put a deposit at a designated bank of a minimum amount of 7.056 EUR per year. This bank transfers the money to Belgium and put the funds at the disposal of the student in monthly allotments. This system exists also for other third country nationals, but in those cases the students have to transfer the funds to a Belgian bank account of the institute of higher education which has accepted them. It is thus the institute of higher education which pays the student his or her monthly allotments. This creates not only an administrative burden for the institutes of higher education, but also conflicts of interests can arise between students and the institute of higher education who is paying out his/her money. Therefore not all institutes of higher education provide this service. Some institutes only provide this service to their students after the first year when they know the student personally.

The admission policy is the sole competence of the Ministry of Home Affairs and in particular the IO. ⁹² The Ministry of Foreign Affairs has however an important input in the decisions. For international students general rules of visa granting apply. This implies that the consulate can grant visa autonomously for a temporary stay of four months. In 2008 and 2010 this implied that the Ministry of Foreign Affairs granted autonomously about respectively 71 and 73% of the student visa (Annual report IO 2008: 75, 2010: 79).

For incomplete applications or applications with a doubt (for example no good conduct certificate or with a passport which is not valid for at least one year) as well as for all applications of students for private institutions the Ministry of

⁹¹ This amount is adapted to inflation each year. For the academic year 2012-2013 it has been increased to monthly 604 euro (or 7248 euro per year).

⁹² Articles 1-3 of the aliens act of December 15, 1980. See also the jurisprudence of the Council of State (decisions no. 98231 of 9.8.2001 and no. 86808 of 18.4.2000) and of Aliens Litigation Council (decision no. 66 218 of 5.9.2011).

Foreign Affairs has to ask Home Affairs for a binding advice. In these sensitive applications Home Affairs decides on the basis of all documents, including the interview by the consular employee of the applicant.⁹³

Deciding in Brussels on individual visa applications entails that the procedure takes considerable longer. According to the annual reports of the IO it took on average between 2008 and 2010 two weeks for processing an application in Brussels, but in addition correspondence between Brussels and the country of application has to be taken into account (Annual report IO 2006: 66; 2008:77, 2010: 78). Institutions of Higher Education assess the time period to be considerable longer. While for those international students for whom the consulate can decide themselves granting a visa is a matter of days, if Brussels has to be consulted they consider it takes in average 2 to 3 months (and by times even 6 months).

To speed up the processing time in certain migration sensitive countries the Ministry of Home Affairs therefore sends off a delegate on a short-term mission in the high season for student visa to assist consular personnel in processing the visa applications. This has been a common procedure for Morocco and DR Congo since several years, by times also Belgian consulates in other countries where a backlog or other problems have occurred have been assisted in this manner (China in 2007, Cameroon in 2010 and 2011). By sending a delegate of the IO the consular post can handle all applications and profit directly from the experience of the IO.

There are specific measures to facilitate the admission of international students with a scholarship granted by Belgian authorities, including those who participate in EU Programs which aim to enhance student mobility. The consulates have to grant these international students as soon as their file is complete a visa which covers their stay in Belgium during four months. Also for Researchers there exists a similar accelerated procedure. At the Immigration Office and the Minister of Foreign Affairs procedures and units have been created to handle these files with urgency: "Smedem" ("Service Migration Economique") at the Immigration Office and "Fast Track" at the Ministry of Foreign Affairs. If the application is addressed to a Belgian diplomatic post, the post can automatically deliver the visa (type D), without intervention of the immigration office.

There is hardly any relationship between being an international student from a signatory country of the Lisbon Recognition Convention and eligibility for a visa or a residence permit.⁹⁴ This category of international students experience only a facilitated process for admission at the Flemish institutes of higher education as their degrees are considered equivalent to Flemish decrees.

Decisions taken by the administration concerning a visa application can be appealed before the Aliens Litigation Council (specialized administrative jurisdiction) within 30 days. There is suspending effect but a request for suspension is possible.

3.1.4. THE GRANTING OF A RESIDENCE PERMIT

In case the student is in possession of a D-visa (s)he can register directly at the municipality in order to get his residence permit. The electronic residence permit A is issued after control of the student's residence by a police officer. This annual residence permit for international students expires in most cases on October 31th. As an academic year starts in October and ends in September the residence permit for study purpose enables the student after (s)he finishes their studies to leave Belgium without rush. The costs of a residence permit oscillate between 12 and 20 euro, depending on the municipal taxes. The two steps are thus combined in one application procedure at the consulate which the municipal authorities have to execute. However mostly these are two distinct procedures as most students are only conditionally accepted by the institutions of higher education and are thus not granted a D-visa. Students who still have to pay part of the fee or who have to submit some more documents or who have to pass an entrance exam or other selection tests are granted, upon arrival only a temporary residence permit of four months. Only after final acceptance by the institutions of higher education can a student an annual residence permit valid until 31.10 be issued to the student. The consent of the Immigration Office is mandatory when the student registers at another institute of higher education than the one he initially applied for and for which he got a temporary residence permit of four months in order to complete the application process.

⁹³ General instructions for temporary residence permits for study reasons.

⁹⁴ Lisbon Recognition Convention or The Convention on the Recognition of Qualifications concerning Higher Education in the European Region, 1997 (ETS No. 165)

The residence permits of students of private institutions of higher education are only valid until September 30. Belgium issues third-country nationals also a residence permit only valid until September 30 when the student registers for a preparatory, seventh year of secondary education, in advance of formally starting their studies in an institute of higher education.

The average timeframe between the initial registration at the commune and the actual issuing of the residence permit is fluctuating according to the commune. In average it will be a couple of weeks. However, in some communes (mainly Brussels area) with high immigration population it can easily take some months. The main reason for a delay is that the police has to check the residence of every person who has newly arrived. The police in big cities is overburdened with these administrative tasks and it is also difficult to find the students at home. Several institutes of higher education have specific arrangements with the local authorities in order to speed up the applications for residence permits of their students. In Antwerp for example an agency of the university even centralizes all students' applications and figures as intermediary for the appointments with the local authorities to pick up the residence permit.

Not having a residence permit does not make one residing illegally, but it creates practical problems. An opening of a bank account as well as joining a sickness fund becomes much more difficult. Also travelling outside of Belgium is not easy. Numerous international students complain that they were not able to return home for Christmas due to this administrative problem. Still there are mainly North American exchange students who do not bother about the residence permit procedure as they stay in Belgium for only a semester and do not see the benefit of this administrative regularization.⁹⁵

With this procedure the conditions of Articles 6-7 of Council Directive 2004/114/EC are met and the students who fulfil these conditions are automatically issued a visa and later a residence permit. The duration of studies (whether it is one or more years of study) is not taken into account taken when determining the relevant authorisations. Annual residence permits which can be renewed are granted.

We have no data on the most common grounds for the rejection of relevant authorisations to study in Belgium. However the IO refers to the following grounds for refusal: too late applications, admission document of institution of higher education formally not in order, applicant has not the necessary degrees to be admitted to Belgian higher education, financial means insufficient and for those applying for private education continuity of the studies is not established. We do not know which elements, if any, lead to successful appeals. However the IO refers to inadequate motivation of a negative decision as a cause of successful appeals.

Statistics on Admission: See Graph 1: Student Visa for Belgian higher education, 2002-2011

3.2 STAY

3.2.1 INTERNATIONAL STUDENTS

The residence permit of an international student is valid for one year and expires on October 31st, but the residence permit can be renewed by the local authorities if the student is again admitted to the same kind of institute of higher education. Exceptions are all residence permits for a preparatory year and also those for private education. The first cannot be extended as the authorization to attend a preparatory year is only valid for at most a year. Students who continue their studies at a private school as well as all students who transfer from a statutory-registered-institution to a (non-accredited) private institution of higher education or inverse and apply to extend the duration of their stay in Belgium need the consent of the IO. The residence permits of the students of private institutions of higher education are only valid until September 30 and renewal is dependent on the consent of the IO. Also for a renewal of the residence permits of students who finished a preparatory year at a secondary school and who start their studies at an institute of higher education the consent of the IO is necessary.

The decision of the IO is dependent on the consistence of the study trajectory, the progress rate and marks received during their studies. However the local authorities do not know always what kind of institution of higher education

⁹⁵ See graph 1 Student Visa for Belgian higher education. The American students who obtained a visa are only to be found for a third (637 versus 232) among those who applied (and obtained) a first residence permit See footnote 23 and Caestecker & Rea 2009:154.

their student is attending and in a lot of cases the local authorities when the student submits a letter of (re-)admission of any kind of institution of higher education prolong the residence permit for another year.⁹⁶

We have scant information on whether the international students are successful in completing their study program. The very heterogeneous nature of the student trajectories and the newly adopted credit system makes it difficult to give a global assessment. The Flemish data referring to 1999-2003 indicate that 56% of the international students passed their year.

If international students stay at the same statutory-registered-higher education institution and fail both exam sessions of their first year study and want to be re-inscribed, most institutes of higher education consent to that, just as they do for any other student. Although some institutions have been more stringent for international students in the past, lately it seems they dropped this attitude. A more homogenous policy in this respect is part of the process to decide more in consultation with other institutions of higher education, mainly because of the integration of programs at *hogescholen/hautes écoles* in the universities. The decision to readmit an international student is accepted by the local (and eventual central) authorities who issue a new residence permit for a year. Anyhow most institutions of higher education deny readmission to students who did not attend the courses and/or take part in the exams. A few institutions even inform the local authorities of any student who does not attend at all the courses. One institution stipulates in the study contract they conclude with international students that they will inform the authorities about not attendance at classes. While the student fails his exams again in the second year of his/her studies in Belgium without acceptable excuses (s) (s)he is, as most local students mostly not readmitted.

The authorities are strongly dependent on the attitude of the institutions of higher education as the international student can appeal their refusal to prolong his/her residence permit. For those appeals the student has more chances to win the case if there is no negative academic advice of the institute of higher education.

Access to labor market during the studies

Since 2003 International students who attend a full time study program are permitted to engage in employment during their studies. During the holidays, students, be they local or third country nationals can work freely. They can just like local students also work outside the holiday period. This employment of students may not exceed 20 hours a week. Third country nationals should apply for a labor permit which is a mere formality. They get such a permit as of right. From April 8, 2011 international students do no longer have to attend a full time study program to qualify for a labor permit, however –probably due to a oblivion of the lawmaker- for working during the school holidays they still do.⁹⁷ Anyhow for the agencies who have to implement this law it is difficult to establish whether or not the international student attends a full time study program.

There is no reliable information available on the most common sectors for work, the skills required and/or the average duration of the contract. The international students should be treated in terms of working and other conditions (e.g. social security) in the same way as own nationals.

The statutory-registered institutions of higher education discourage their students from taking on paid employment. On their website they do not advertise this possibility. Working and studying are not considered compatible in particular for Master students. Privileged observers consider that those free movers who (have to) work, underperform in their studies. The IO accepts income out of this limited work opportunity as adding to the students' income from their second year in Belgium onwards. For those who had a sponsor upon arrival in Belgium this income can then be deducted from the income the sponsors have to guarantee.

3.2.2 INTERNATIONAL STUDENTS' FAMILY MEMBERS

Family members are allowed to join international students after their entry. As for any immigrant, family members who endanger public order, national security, public health can be refused entrance to the country.

Until 2007 the student had to have sufficient means to be able to support his family members and to have sufficient room to house them. IO agreed to the follow-on migration of family members if the student had enough means at

⁹⁶ Reports on student trajectories, Morocco (2007) and Cameroon (2011). IO, Diplomatic and Consular Posts Monitoring Division.

⁹⁷ Royal Decree of March 13, 2011. BG, 29/03/2011, n°96, p. 20974.

his/her disposal or if the sponsor was able and agreed to cover the family members too. On a case by case basis it was evaluated what the needs of the students and his/her family members were and what their income was. In this way a decision was taken with the aim of preventing them from becoming a public burden.

Family members was understood as the spouse and children until 21 years of age, with an exception for older, not abled-bodied children. Only in exceptional situations could a third country national residing (temporarily) legally in Belgium apply for a change of status as a spouse or child of a third country national whose stay in Belgium was justified by studies.

The conditions imposed on the students caused mainly an administrative delay. Many students are housed in student housing and as the student had only one private room the IO did not consider this sufficient housing for the partner to join the student. The student has to rent thus a place before his/her family members arrive, which implies a considerable administrative delay as their registration at the local authorities upon arrival at the student housing had to be renewed. The administrative formalities to apply for a visa for their family members was very much dependent on the diligence of the local authorities to get them a residence permit.

3.2.2.1. The law of 15.9.2006

The law of 15.9.2006 modified the alien law of 1980 and changed the conditions of family reunion of students. From 1.6.2007 onwards, non-married partners of students with whom they have a registered stable and lasting partnership and who both are at least 22 years of age were also able to qualify for family reunion.⁹⁸ Also any unmarried, minor-aged⁹⁹ child of any of the partners (student and his/her spouse or partner) can join the student (the age limit of 17 can still be cancelled for not abled-bodied children).

Change in conditions

The student has to have not only sufficient, but also stable and regular means to be able to support his/her family members. The student and his family has also to have medical insurance. For students who are invited by the Belgian authorities in the framework of cooperation & development, as well as doctoral students with a Belgium grant, these students are insured by Belgian social security so this is a mere administrative formality as their family members are, upon arrival in Belgium insured too. The other students have to prove that their family members are medically insured by a document from a private insurance agency. The latter students can also join the Belgian medical insurance by paying about 200 euro a year. The latter procedure, which is in general cheaper than a private insurance can however create administrative problems as prior to being registered in the public medical insurance they should be registered at the local authorities. This caused international students to acquire private medical insurance prior to their registration at the local authorities (cf. 3.1.4).

The condition to have sufficient room to house his family members has been maintained, but the law provided the possibility for the King to define this. The Royal Decree of 27.4.2007 formalized a central administration whether the student had sufficient housing as the IO ordered the municipal authorities to check this and they were instructed to issue a document certifying that housing for family members was sufficient.¹⁰⁰ The policy of the municipal authorities was very heterogeneous, depending very much on the regional norms concerning housing. A circular letter of June 2007 of the IO aimed at homogenizing this policy, by pointing out that the regional norms should not be taken into account and that only had to be checked whether sufficient housing was available was to no avail. The decision of the Council of State (no. 201.375) of February 26, 2010 overruled the whole endeavor. The royal decree of 26.8.2010 redefined the condition of sufficient housing.¹⁰¹ From 26 October 2010 onwards the housing condition is largely a mere administrative requirement: the student has to give the proof of a registered lease or his/her title deed. The local authorities approve this document when the competent authorities have not declared that housing unsanitary.

⁹⁸ An exception is provided for those students aged between 18 and 21 who have a registered partnership or a marriage prior to their immigration, the partner of such a student also qualifies for immigration. If the registered partnership is not considered equivalent to a marriage the couple must have lived together for at least one year.

⁹⁹ Minor –aged refers to under 18 years of age.

¹⁰⁰ BG, 21.5.2007, p.27246.

¹⁰¹ BG, 28.9.2010, pp. 59151 – 59158.

The registered rental contract for third country nationals who want family members to join them had some repercussion on the immigration of family members, while the previous step from 2006 onwards towards a more restrictive family reunification policy seem to have had little bearing on the immigration of international students' family members.¹⁰²

At the same time the law of 15.9.2006 made the procedure for family reunion of (some) international students easier. Family members of students from third countries for whom the visa-obligation for short stays is waived could more easily join their partner studying in Belgium. Third country nationals who reside (temporarily) in a legal manner in Belgium can apply without special justification for a change of status as spouse or child of a third country national whose stay in Belgium is justified by studies.¹⁰³ For all other nationalities it became more difficult to regularize their stay in Belgium as a partner/child of a citizen of a third country studying in Belgium. These third country nationals can only apply from abroad for such a permission.

3.2.2.2. The law of 28.6.2011

The law of 28.6.2011, implemented from September 22, 2011 has maintained the conditions for family reunification but has provided set standards for the means the student has to have. The student has to have her/himself at least 120% of the level of welfare benefits at his/her disposal (2012: 1256 euro a month) to qualify for family reunification. The means of the students are evaluated by taking into account the nature of his/her income and the regularity.¹⁰⁴ Whereas previously sponsors, whether residing in Belgium or abroad, could also guarantee the livelihood of the partner and children of a student this is no longer the case. This makes it much more difficult for students to have their family join them. Still even if the means are below 120% of the level of welfare benefits the IO assesses on a case by case basis the needs of the students and his/her family members and a positive decision can still be taken. A negative decision is taken whenever there is a risk that the family members will become a public burden.

Not only the international students whose financial means are not considered sufficient to keep up their family in Belgium, according to the Belgian authorities are affected by this change in policy. The family reunion of all international students has become much more difficult since September 2011 because the applications for family-reunification are no longer scrutinized by the students' or researchers' department of the IO, but are processed together with all other cases for family reunification. While before 2011 the family reunion of students, including student-researchers had a specific (more restrictive) regulation this is no longer the case. Now all family reunion of third country nationals (and Belgians) is contingent on their means and thus it was considered no longer necessary to provide a specific service for students in the IO.

For those third country nationals who are exempted from a visa requirement this poses less of a problem as their family members can stay in Belgium for three months as tourists and try to legalize their papers. For the other third-country nationals most important is that a bureaucratic backlog causes long administrative delays. International offices of higher education institutions point out that their students, including doctoral and postdoctoral students or researchers, are coping with great difficulties to have their family members join them. There are even cases of students/researchers returning to their country of origin because the arrival of family members takes too long. The right to be accompanied by family members and the conditions in relation to this right are important factors for international students/researchers to come to Belgium.

Family members of international students, also third country nationals cannot access the labor market. Some institutions of higher education consider this prohibition as impeding the recruiting of researchers in third countries as partners of these highly qualified researchers are doomed to being passive which makes these researchers reluctant to make use of opportunities in Belgium. It also diminishes the income of the couple. Others point out that

¹⁰² FC, Interview Helke Baeyens, UGent, Ghent 29.5.2012

¹⁰³ The law of April 25, 2007 simplified the procedure for students and family members of third country nationals who have already a long term residence permit in another member state and who come to Belgium for studies, they are treated as regular European students. If the family members were already covered by the students' long term residence permit in another member state, the income of the family members is taken into account when assessing the means available and the student does not have to prove that (s)he has sufficient room to house his family members.

¹⁰⁴ Child allowances are not taken into account.

the institutions of higher education want the best of both worlds. If they want the partners of their (doctoral or postdoctoral) researchers to be able to work they should hire them with a labor contract. For a researcher with a work contract his or her family members have free access to the labor market.

Table 7: Visa for International students' family members, 2010-2011 (main nationalities)

	2010	2011
India	12	18
China	19	15
Brasil	18	5
Ethiopia	27	15
Iran	31	13
Vietnam	17	31
Burundi	18	5
Syria	14	10
Palestina	4	12
South Korea	8	3
Total	266	242

Source: FPS Foreign Affairs⁽¹⁰⁵⁾

3.3 Period following the completion of study for international students

Following their studies, students are obliged to leave the country. Up and until 2006, students who wished to legally remain in Belgium after they had completed their studies essentially had to leave the country first and reapply for a residence permit at a Belgian diplomatic post abroad on grounds other than educational ones. This time-consuming procedure could be avoided if the former student could demonstrate that he or she was unable to take the necessary administrative steps for reasons beyond his or her control.¹⁰⁶ This was the route graduates tended to take if they wished to economically integrate themselves into Belgium. Since the 2006 amendment to the Alien Act the chances of students who are legally residing in the country being granted a change in status have improved significantly (art. 9.2 Aliens Act).

The institutes of higher education do not pursue a proactive policy in terms of supporting their job-seeking international students. The most active institutes of higher education offer their international students an information session on the rights and obligations of third-country nationals on the Belgian labour market. Individual placement services are not provided. A (anonymized) satisfaction survey amongst international students of one university shows that this is an important sticking point. One major work opportunity for students is that the institutes of higher education select candidates for doctoral research grants from amongst international students following their master's and advanced master's programs. The exact percentage of this internal recruitment within the overall recruitment of third-country doctorate students is not clear however.

A change in status can also be granted on the basis of a licence to practise a particular profession in the capacity of a self-employed person, but this is a laborious procedure that is rarely resorted to. A change in status following the granting of a work permit is more common.

Since 1999, a period of impending labor-market shortages in the highest segments of the labor market, the salary level that had been imposed in terms of the labor-market test was lowered significantly. Third-country international students who had successfully completed their course of study and whose employer was willing to remunerate them in accordance with Belgian standards could start working in Belgium. This change of course was not adopted to stimulate the economic integration of third-country nationals who had studied in Belgium but it does however

¹⁰⁵ The IO decided positively 233 in 2010 and 166 until 1.10.2011. Annual report IO: 2006 (160), 2008 (139).

¹⁰⁶ Unofficial coordination of the Act of 15 December 1980 regarding access to the territory, stay, residency and deportation of non-nationals, 27 February 2006, article 9 paragraph 3 – cf. https://dofi.ibz.be/sites/dvzoe/NL/Documents/19801215_n.pdf, as consulted on 23 May 2012.

indirectly allow these international students to reap the benefits of the liberalisation of the access to the Belgian labor market for the highly educated. In respect of highly educated foreign nationals who were hired and offered a university-trained employee starting salary that labor-market shortage no longer needed to be examined. Although less pronounced than in the neighbouring countries where foreign students were deemed to be the highly educated workers of the future, Belgium also liberalized access to the labor market for graduated international students at the start of the 21st century (Caestecker & Rea 2009: 104 and ff.).

One restriction regarding this substantial drop in salary level for foreign employees who no longer needed to pass the labor market test was built in however. Employment contracts for these highly educated workers from third countries could not exceed a period of four years. Neither could these foreign workers build up any rights that might ultimately lead to a permanent right of residence. In 2003, the Federal Government doubled this period of employment. Highly skilled third-country nationals, so also international students who had graduated in Belgium and who were being remunerated in accordance with Belgian standards could work in Belgium for a period of eight years without having to pass the labor market test. The issuance of a work permit B implies that municipalities are free to issue a residence permit. Since the IO grants in principle permanent residence permits to people who have been legally residing in the country for five years, these regulations imply access to unconditional residency.¹⁰⁷

It transpires from a random sample survey of 48 decisions taken in 1999 and 2006 regarding the change of status from student to worker that mainly applied science and medical science students tend to avail of this opportunity.

Table 8: Foreign workers, ex-international students by area of study (Caestecker & Rea 2009:201)

	Change in legal status through work (n=48), 1999 and 2006
Human sciences	10.4
Exact sciences	12.5
Applied sciences	47.9
Medical sciences	20.8
Art and architecture (university colleges)	4.2
Unknown	4.2
Total	100.0

International students who obtained a change in legal status on the basis of work, mainly did so between the fourth and eighth year of their stay in Belgium. This type of change in status during the first three years of a student's stay in Belgium is a highly unusual occurrence. It is only after their studies that this group integrated into Belgium economically. In the main, it was the Chinese and Cameroonian students in the sample survey who exchanged their student status for a worker status. An investigation into Cameroonian students who arrived in Belgium in 2006 indicated that 4% of these students obtained the status of worker after having been in Belgium for four to five years. The Cameroonian students in question had all obtained a diploma of nursing, the most popular course of study amongst this group of international students, in Belgium (Caestecker 2012).

¹⁰⁷ Royal Decree laying down the implementation of the Act of 30 April 1999 on the employment of foreign workers (BG, 26-06-1999), amended as per decree of 15 February 2000 (BG, 26-02-2000). The 2000 Belgian legislation provided that companies seeking permission to employ a highly skilled third-country national had to pay the worker in question a gross annual salary of BEF 1.147 million (28,433 euro). This amount is adjusted on an annual basis and published in the BG. In 2012, this amount rose to 37,721 euro. The salary levels are based on the Contracts of Employment Act of 3.7.1978 and more specifically on art. 67 and art. 133 of this Act. 2000 Annual report of the Flemish Community's Migration Cell: 29, 36, 39, 66 ff., interview with Henri Roman Flemish Community Migration Cell, 4.7.2012.

As mentioned before for doctoral and postdoctoral researchers at the institutes of higher education the liberalization of the labor market went even beyond that by excepting numerous third country nationals from paying full social security contributions. During a period of maximum 9 years a Chinese, Russian... researchers can be employed by an institute of higher education, first as a doctoral student (4 years) and then as a postdoctoral student (5 years), only then, when the institute of higher education was to retain the researcher a work contract, including full social security contributions is required. Those doctoral or postdoctoral students who paid only partial social security contributions are not entitled to any unemployment benefits. Researchers with a work contract can benefit from all NSSO [National Social Security Office] contributions in the European Union. If their country of origin has concluded a bilateral or multilateral agreement regarding social security with Belgium they even can export their benefits (cf. 2.2.2.5).

4. “MISUSE” OF THE STUDENT ROUTE

We have little information on the visa-applications to study in Belgium which are considered not genuine (table 9). The IO, in collaboration with Foreign Affairs is the tail end in the admission procedure. As mentioned before insufficient financial means and for those choosing a private educational institute an incoherent educational trajectory are the main reasons for refusals of a visa (cf. 3.1.3). While in 2006 84% of the visa applicants received a visa in 2011 this dropped to a mere 68%, a considerable increase due among others to the increase in applicants for private schools (cf. 2.2.2.2).

Table 9: Visa-applications to study in Belgium (visa granted), 2006-2011¹⁰⁸

	Total	Morocco	Cameroon	RD Congo	China	USA
2006	8109 (6795)	1398 (493)	657 (295)	381 (202)	942 (690)	453 (436)
2009	8886 (6896)	1023 (527)	1176 (511)	620 (268)	... (547)	628 (599)
2010	9517 (6775)	1006 (470)	1131 (519) ¹⁰⁹	657 (252)	628 (595)	666 (637)
2011	9285 (6346)	902(338)	1267 (559)	428 (206)	549 (510)	638 (601)

The misuse of the student route can be combatted through preventive and repressive action of the executive authorities. Through amendments to the alien law of 1980 the executive authorities have obtained in the last decades more leeway in the alien law to end the residence of (no longer wanted) students (Derrick 1996). This power has to be used circumspectly as students have the possibility to appeal this decision and courts are not in favor of what gives the impression of arbitrary decisions. The alien law provides two procedures with different motivations to order a student to leave the country:

The IO can advise the Minister of the Interiors to order the student to leave the country

- if the student has an economic activities which impedes the normal course of his or her studies
- if the student does not participate in the exams without any valid reason
- if the student prolongs extensively the time of studies (since 1984)

The IO can decide to order a student to leave the country if the student

- does not have enough financial means to continue the studies (since 1996)
- (or his/her family members) become a burden on public welfare (since 1996)
- prolongs his stay beyond the period of his/her studies while he or she have no longer a residence permit

Each of these provisions are a manner to combat a specific form of misuse of the student route. The number of orders to leave the country for third country nationals who had been students in Belgium has been fluctuating: in 2008 336, 2009 226 and in 2010 138.¹¹⁰

In very few cases, if any the sponsors can be considered liable for the repatriation of students (cf. 3.1.3). A difficulty is that a forced repatriation takes considerable time and that the sponsors are only liable for the period that the

¹⁰⁸ For applications we used the annual reports IO and for the granted visa we refer to the figures of Foreign Affairs (cf. graph 1). IO also gives figures on granted visa, but this do not always match those of Foreign Affairs. Concerning the number of granted visa the figures of IO are slightly higher in 2006 than those of Foreign Affairs (Morocco 528, Cameroon 327, DR Congo 190). For China IO refers for 2006 to only 320 applicants and 287 visa granted, while Foreign Affairs counts 690 visa granted. The latter number corresponds more closely with the 800 free movers who opened a bank account in China in that year (cf. 2.2.2.4).

¹⁰⁹ IO, annual report 2010, p.83 only 472 granted and 101 not yet decided, see however p.79 with 157 more visa-applications. IO, annual report 2010, p.83 mentions that in 2010 24% of the refusals were motivated by a late application, however this had more to do with the administrative backlog in the consulate and these 120 cases should be added up to the 101 not yet decided applications.

¹¹⁰ Annual reports IO.

foreigner has a residence permit and the three months after his or her residence permit has expired. For students who receive welfare the authorities can try to recoup their expenses from the sponsors or order the student to leave the country.

International students can in exceptional circumstances apply at the local authorities for welfare. The local authorities will in first instance refer the student in financial need to his/her sponsor. The student can also claim financial support from the sponsor by appealing to the court as the affidavit is a private contract between the sponsor and the student. However if the sponsor is not (longer) able to meet his engagements or for any other reason the local authorities consider that the international student is in need and support is appropriate the student can receive welfare. The local authorities can even recoup, if well justified this support from the federal authorities. On their turn the federal authorities can try to recoup these expenses from the sponsor. This liability can be enforced for the sponsors residing in Belgium, it is much more difficult for the authorities to start a legal procedure in order to be reimbursed for these expenses by the sponsors who reside abroad.¹¹¹ Still the majority of international students seem to be supported by a sponsor residing abroad. A sample of international students (n=305) who studied in Belgium in 1999 and 2006 indicated that only 20% of these students had a sponsor in Belgium, while 61% had a sponsor abroad.¹¹²

The IO has always been informed about international students on welfare, but in the very near future the IO will be informed instantly of every international student on welfare and will be able to take appropriate action. The law provides from some tolerance in this field. Article 61§2,3° of the alien law states that international students (or a member of his/her family) can be ordered to leave the country if they have received three months basic benefit rate (*leefloon*) during the period of twelve months and if they did not reimburse this benefits within six months after the last monthly hand out.

The experience of a deposit with the Chinese students and the difficulties to recoup costs have made that one of the recent proposals circulating to reform immigration policy is to impose on all free movers a deposit that covers the stay to study in Belgium. The alien law provides already such a possibility, but it has never been implemented.¹¹³

4.1. RATHER LABOR MIGRANTS THAN STUDENT MIGRANTS

In the late 20th century it was a common problem that international students worked at times as illegal workers. In the period 2000-2005 this was also the case of Chinese students who worked illegally in Chinese restaurants. As there is hardly an impediment since 2003 to the international students' (limited) insertion on the labor market illegal working has become less the case. Still the international students work sometimes outside the terms of their permission.

The practical measures undertaken by Belgium to prevent this 'misuse' has been to fight illegal work through inspecting the labor market and dressing up legal complaints. Recently the IO has taken an important step in documenting work done outside the terms of workers' permission. The IO has acquired access to information on (regular) labor input as being provided by the federal database DIMONA. Through DIMONA all employers have to notify the authorities who work for them under what kind of contract. Some international students turn out to work full-time and are thus rather to be considered as labor migrants. These labor migrants are in particular to be found among those students who attend evening courses (at private schools, cf. 2.2.2.2) or a preparatory year language

¹¹¹ Interview Fabienne Crauwels, Vereniging van Vlaamse Steden en Gemeenten, 31.8.2012; Email Wim Pierlé, Inspection service POD Maatschappelijke Integratie, 20.8.2012.

¹¹² This share of sponsors abroad was even greater among the part of the sample (n=55) that was representative for the five most important nationalities arriving of 1999 where only 11% had a sponsor in Belgium and 64% had a sponsor abroad. 20% had a scholarship and of 6% their sources of study financing were unknown (Caestecker e.a. 2007: 239-241).

¹¹³ Article 60 of the alien law of 1980 had been adjusted, probably at the end of the 1990s by inserting the possibility to provide a proof of solvency by a bank guarantee or by a deposit at the Caisse des depots et consignations/Deposito- en Consignatiekas. Having necessary funds on a bank account to proof ones solvency is not considered a watertight guarantee as the holder of the bank account can transfer the money immediately after it has been used to proof his/her solvency.

training which is in general not a full-time program. This IO uses this information to document a case against students who extensively prolong their studies or for those at private schools whose main activity does not seem to be studying.

The IO also prevents presumed labor migrants from making use of the student route through refusing them visa, but also by refusing labor migrants a change in residency status. For example South-American, Filipino and Thai au pairs who can only stay one year in Belgium as an au pair try to use the student route to extend their stay. They apply mostly for a preparatory year. Seen that it is only a part-time study program they can continue looking after the children of the family who called upon them. However seen that few au pairs have finished high school and that they had the chance to follow a language training as an au pair, they are mostly barred from the student route.

4.2. WEAK PERFORMANCES OF INTERNATIONAL STUDENTS

Working outside the terms of their permission (during the study) correlates mostly with non-attendance at class and limited or no progression in their studies. The Belgian authorities delegate the competence to prevent this 'misuse' partly to the institutions of higher education. When a student at an institute of higher education fails two years in a row his exams without acceptable excuse the institute of higher education mostly not readmits the student (cf. 3.2.1). When students are not readmitted they can try to change institution of education, but if this implies a different kind of institution this demands the consent of the IO, which is not eager to grant a residence permit for another study project to students with such weak performances.

According to the IO the international students' limited progression in the studies is covered up by some institutes of higher education by calling the exam postponed. Therefor the IO asks from 2011 onwards of all students whose exams had been postponed a detailed overview of all their marks. Students who extend their studies excessively can be told to leave the country, but if the IO wants the student to leave the country they have to have the consent of the Minister of Interior and the motivation has to be amply documented. Not taking part in exams without valid reason and extensively prolonging the studies, confirmed by the academic authorities is necessary to take such a decision. This makes that the institutions of higher education have a large input in the potential for repressive action of the IO. Their collaboration is also in this field a *conditio sine qua non* for IO-policy.

Concerning licensing and inspection regimes for institutions of education cf.2.1.3.

4.3. USE OF FORGED DEGREES / DOCUMENTATION AS PART OF THE APPLICATION PROCESS

The use of forged documentation as part of the application process is not uncommon in the student route. This was the case for the Chinese fake students in the period 2000-2005, but is also not rare for African applicants, in particular from Nigeria and Cameroon. Among the latter embellishing the marks and fake recommendation letters are not uncommon.

The Belgian authorities delegate the screening of the documents partly to the institutions of higher education and for the Chinese students, the German APS-centers in China. The regional authorities, at least in the French community assume also some competence in this field (cf. 3.1.2.1 and 2).

The practical measures undertaken in Belgium to *check degrees* as part of examining the application for admission to an institute of higher education is engaging specialised personnel and/or demanding the institutions which issue the declarations to send their degrees, recommendation letters directly (cf. 3.1.2.2). The Belgian authorities have engaged several employees at their consulates to check the documents locally. This is for example the case since 2009 in Yaoundé (Cameroon) where an employee verifies the documents and in cases of doubt contacts the universities to check degrees and marks.¹¹⁴

¹¹⁴ IO annual report 2010: 84.

4.4. RESIDENCE-PERMIT APPLICATIONS ON GROUNDS OTHER THAN FOR STUDY PURPOSES

These applications may be a possible indication of “misuse”. The granting of a residence permit within the framework of employment is not categorized as “misuse” (cf. 3.3).

4.4.1. STATE OF AFFAIRS WITH RESPECT TO CHANGES IN LEGAL STATUS

Thanks to an extraction on 1.1.2006 of the national register we have an overview of the number of international students (i.e. foreigners whose first residence permit expired on 30.9 or 31.10) who came to Belgium since 1994 and have remained in the country until 2006. As to the exact numbers of international students who travelled to Belgium between 1994 and 2005, we do not have any univocal data at our disposal: a rough estimate gives us a minimum figure of 50.000.¹¹⁵ The data on hand hence do not allow us to determine what percentage of this student population is entitled to settle in Belgium, but we are able to indicate however how many years it took international students (of a specific nationality) to obtain the permanent right of abode. Of the 2,546 third-country nationals registered in the national register as having obtained a permanent residence permit by 2006 and who came to Belgium between 1994 and 2005 as international students and in respect of whom we know the year in which their legal status was upgraded, we specify – without mentioning their year of immigration – after how many years they exchanged their temporary for a permanent residence status.¹¹⁶

As illustrated by graph 6, 221 students, or 9% of our overall group of beneficiaries of the right of residence, were granted a permanent residence permit during the first year of their stay.¹¹⁷ During the second year of their stay, 493 international students (or 19% of our overall group of beneficiaries of the right of residence) were granted a permanent residence permit. It is during their third year in Belgium that the largest number of international students sees their residence status upgraded: 22% of the 2,546 persons obtained a permanent residence permit in that year. During the fourth (18%) and the fifth year’s stay (12%), the percentage of international students that is granted permission to settle in Belgium decreases. Following a 5-year stay, 4/5 of these status upgrades are already a fait accompli. During the subsequent years, the percentage of international students that still manages to obtain a permanent residence permit decreases significantly. Still 8% during the sixth year, 6% during the following year, and then 3%, 2% and 1% and 0.5% during the eleventh year. After a 12-year stay in Belgium, only two international students who arrived in Belgium in October 1994 obtained a permanent residence permit in the course of 2006.

The distribution by nationality of the international students who are granted permission to settle in Belgium shows a marked dominance of Moroccan students. While only 15% of all international students have the Moroccan nationality, their share within the group of international students who obtain a permanent residence permit is many times greater (67% or 1,697 persons). Of the other nationalities who were given permission to settle in Belgium for good, the Congolese accounted for 5%, the Chinese for 4%, the Cameroonians for 2% and the Americans for 0.5%, while the (1994-2004) university statistics show that the Congolese accounted for 10%, the Chinese for between 2

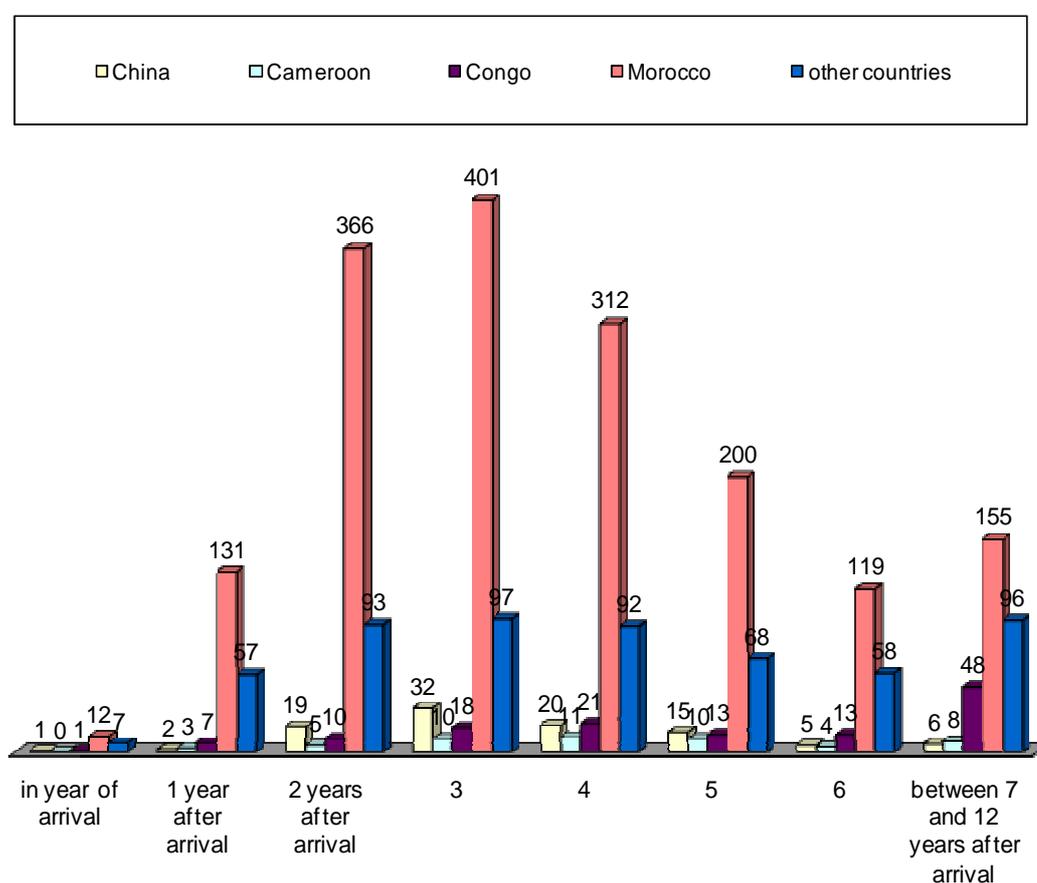
¹¹⁵ This is a conservative estimate only. We do not have any univocal figures at our disposal: 20,000 student visas were issued between 2002 and 2006 while, in the period prior to 2002, some ten thousand international students were registered at Belgian universities every year, which is more than during the period from 2002 to 2006. Before 2002 a larger share of the international students did register for a full (university) program with the result that they were also studying in Belgium for longer.

¹¹⁶ We are unable to specify what percentage of any cohort from a specific year obtained a residence permit in Belgium for the simple reason that we do not know the overall population. In 2006, 2,877 persons from this population had been granted the right of residence in Belgium. In respect of 331 students we were unable to ascertain the exact year they were granted the right of residence. The data does not permit us to explain on the basis of which ground this permanent residency permit had been obtained. For more details on the sample see Caestecker & Rea 2009: 189-190.

¹¹⁷ 21 students received already the permanent right of abode between 1.10 and 31.12 in the year of their arrival. The data are structured not along the academic year, but along the calendar year.

and 6%, the Cameroonians for 5% and the Americans for 2% of all international students in Belgium during the 1995-2001 period. Students from the United States are therefore clearly underrepresented amongst the group of international students who (are given permission to) settle in Belgium, while their Moroccan counterparts are overrepresented.

Not only are Moroccan students overrepresented in the group that were given permission to settle in Belgium for good but their status also seems to get upgraded more rapidly in comparison to that of the other nationalities. No less than 54% of Moroccan students who obtain a permanent residence permit do so during the first three years of their stay in Belgium, while the same applies to 43% of all the other nationalities combined. The other nationalities, especially the Congolese, are more strongly represented among the international students who are granted permission to settle in Belgium after having studied in this country for 7 to 12 years. While the Congolese only account for 4% of all international students who obtain a permanent residence permit during the first six years of their stay, that percentage rises to 15% of all the international students who are granted a permanent residence permit from the seventh (to the twelfth year) of their stay. The same applies to the Cameroonians who only account for 2% during the first six years and for a slightly higher share of 3% after 6 years.



4.4.2. GROUNDS FOR STATUS CHANGES

The individual pathways international students follow may give rise to their settling in Belgium. However, these choices must also be accepted by the Belgian Government in order to be registered as a change of status in the national register. To gain an insight into the manner in which international students can change their residence

status with the approval of the Belgian Government, we conducted a random sample survey at the IO of 146 personal files of international students from five selected nationalities who were granted a status change in 1999 and in 2006. The results offer a number of relative indications as to the granting of the various types of status changes by the IO. Students may be granted various types of status changes: they may extend their residence in Belgium as an asylum seeker, as a worker and as a partner of a person residing in Belgium. International students may also seek to have their status regularized or apply for naturalisation.

A change in status does not necessarily imply that they also obtain the right of residence. A student may for instance apply for asylum or a work permit and once again be granted a temporary status. The survey conducted at the IO brings to light that there are only very few cases where the status of foreign student is changed into the status of asylum seeker. 4% of third-country nationals in the sample survey who obtained a change in status sought to have their status changed into that of asylum seeker. The status of asylum seeker may eventually lead to a permanent right of residence as a recognised refugee.¹¹⁸ Also the status of foreign worker is only temporary in nature, but, after 4 years, the right of residence is granted to people who have been officially working in the country for that period of time (cf. 3.3).

The sample survey showed that 6% of third-country nationals who obtained a change in status did so by obtaining the Belgian nationality through naturalisation. The 1999 regularisation operation and the use of article 9 of the 1980 Aliens Act (personal regularisation) resulted in 12% of third-country nationals in the sample survey having been granted permanent right of residence (cf. 4.4.4). A change of status on the basis of the residence status of a partner residing in Belgium is the most common reason why third-country nationals who originally came to Belgium to study are granted the right of residence in Belgium. Almost half of all status changes (43%) in the status-change sample survey at the IO are granted on that basis. An extension to the right of residence is only rarely obtained through cohabitation with an EU citizen or third country national (2%) but a change of status is more commonly obtained as a result of marriage to a third-country national (10%) or to a Belgian or EU citizen (31%). The number of foreign students who can change their residence status to that of worker after having been granted a work permit is also significant (33%).

Table 10: Change in legal status among international students, by nationality in 1999 and 2006 (n=146)

	Total number of changes in legal status ¹¹⁹	Change in legal status through marriage or cohabitation	Change in legal status through work (cf. 3.3)	Change in legal status through regularisation	Naturalisation
Congo	30	7	8	7	1
China	14	3	9	2	0
Morocco	85	49	22	7	6
United States	3	1	2	0	0
Cameroon	14	2	7	2	2
Total	146	62	48	18	9

¹¹⁸ International students, who following their studies only derive their residence status from an asylum application, disappear as of 1995 – the year in which the waiting list for asylum seekers came into effect – from the national register with the result that their arrival as international students becomes difficult to trace. In other words, our data from the national register underestimate the settling of international students but data from the personal files at the IO indicate that this would only result in a minor correction.

¹¹⁹ The sum is greater than the total of the four columns because a small number of international students obtain a residence permit in a different manner (e.g. asylum).

4.4.3. CHOICE OF PARTNER

In view of most international students' young age it comes as no surprise that these third-country nationals end up finding their spouse in the course of their studies. The choice of partner may nonetheless have far-reaching consequences for their personal pathway. Marriage to a partner residing in the country of origin has different implications than marriage to a partner who is already residing in Belgium.

As illustrated in 4.4.1 and 2, students of Moroccan nationality obtain the right of residence in larger numbers and somewhat earlier and this mainly on the basis of marriage to a partner who is already residing in Belgium. This is confirmed by a study on the basis of a random sample survey of 471 Moroccan nationals who were granted a student visa in September 2005. Two years later, 83 or 18% of these Moroccan students applied to have their status upgraded on the basis of their marriage to a Belgian national.¹²⁰ As to the Cameroonian students, 20% have obtained the right of residence following marriage to (or cohabitation with = 2%) either an autochthonous or allochthonous resident of Belgium of either Belgian or non-Belgian nationality five years after they first immigrated (Caestecker 2012).

Belgian partners of Moroccan students are mostly of Moroccan origin (Caestecker & Rea 2009: 199-120). As indicated by studies on family formation, homogamy among the Moroccan migrant community is pronounced (Lodewyckx, Timmermans and Wets, 2011).¹²¹ Members of the Moroccan migrant community in Belgium mainly tend to look for a partner within their own ethnic group on the basis of social, family and religious factors. Moroccan students are therefore strongly interwoven with the choice of partner within this numerically significant migrant community. As a result, some of these international students can be deemed to be partner migrants who immigrate to Belgium via the student route. Up and until 2011 at least, the prevailing regulations hardly necessitated the immigration policy on partner immigration to be circumvented in this manner. Arriving by the student route did offer the partner migrant the opportunity of gaining a first impression of what life in Belgium might be like and of getting a higher level of education in Belgium. The other international students do not really have a marriage market within their own ethnic community and tend to look beyond the confines of their own ethnic group. Marriages to "autochthonous" Belgians are quantitatively more significant amongst the other international students (Caestecker & Rea 2009: 199-120).

4.4.4 REGULARISATION

A third route by which one's right of residence can be consolidated, aside from work and choice of partner, is through regularisation. A number of international students had the opportunity to regularise their stay in Belgium and this mainly as a result of the 1999 Regularisation Act and the regularisations ensuing from art. 9 of the Aliens Act. We do not have any exhaustive data on hand regarding the number of (ex-)students who were able to avail of these regularisation procedures. One study tells us however that a number of students who temporarily lost their student status did effectively avail of this opportunity (Marx, Rea, Gerlinde, Godin & Corluy 2008: 30, 57). A random sample survey of Cameroonian students who came to Belgium during 2006 and 2007 (n: 77) shows that 11% of these students tried to regularise their stay but that only 6% of them were successful in this endeavour (Caestecker 2012).

¹²⁰ IO, Diplomatic and Consular Posts Monitoring Division – Analysis of the follow-up of Moroccan students 2005-2007, p 5.

¹²¹ Recent research has shown that this homogamy has decreased over the past decade among second-generation Moroccans. Lievens, Caestecker & Vandeputte (in press)

5. TRANS-NATIONAL COOPERATION IN THE AREA OF INTERNATIONAL STUDENTS

5.1 BILATERAL/MULTILATERAL AGREEMENTS INCLUDING MOBILITY PARTNERSHIPS

We are not aware that Belgium has signed (or is expected to sign in the near future) bilateral or multilateral agreements including mobility partnerships with third countries which focus on, or cover, the migration of third-country nationals to study in Belgium.

Annex 1 lists an incomplete number of agreements signed between Flemish universities in Belgium and universities in third countries which relate among others to student mobility. These agreements refer to only few exchange students and mostly not every year is use being made of this opportunity. For example a Belgian university which has 174 bilateral agreements with mobility clauses received in 2010-2011 only 34 exchange students.

5.2 COOPERATION WITH EU (AND EU-FINANCED MOBILITY PROGRAMS) OR INTERNATIONAL ORGANIZATIONS

Belgium has not introduced specific measures to facilitate the admission of international students who participate in EU Programs which aim to enhance student mobility (Article 6 (2) and 8 of the Directive).

- a) In the context of intra-EU mobility, Erasmus Mundus students may move to and stay in Belgium from another (Member) State if they have still a valid residence permit in the latter country and this for a period of 3 months. During this period Erasmus Mundus students can apply at the commune for a residence permit on the basis of article 9.2 and 58 of the alien law of 1980. So (s)he can submit a residence permit application in Belgium after (s)he has moved into Belgium. This regularisation can take several months (cf.3.1.4). This administrative backlog can cause a problem when the student has to move on to another country and is only granted a visa to enter that country if (s)he has a Belgian residence permit.

Erasmus Mundus students can also apply for a Belgian visa at the first (Member) State they studied, but seen the short study period mostly the visa, although Erasmus Mundus students qualify for the fast-track procedures, will not be ready by the time the student moves on.

A major difficulty for Erasmus Mundus students studying in Belgium who come from a study program in another (Member) State is that they have to submit a recent (clean) criminal record relating to the last five years. Recent means that the document may not be older than 6 months, what causes a problem for those students who had left their country more than 6 months ago. In addition a recent (clean) criminal record has also to be provided from the countries where the student has studied previously.

It has been argued that the Erasmus Mundus student or the first country of study should hand in an overview of his study trajectory and indicate all countries the student envisages to study. This could indeed improve the communication with the administrations concerned as they would understand better the arrival and departure of the student, but it is unlikely that the practical results would be better.

- b) We are not aware of any measures in Belgium which facilitate students' mobility for international students who wish to continue or complement their studies in different (Member) States.

5.3 OTHER FORMS OF (NON-LEGISLATIVE) COOPERATION WITH COUNTRIES

The activities of the Belgian institutes of higher education outside of Europe only have a legal basis in Flanders. Article 53bis of the Flemish Mini Decree for Higher Education (ratified on 31 May 2006) provided a legal basis for the

conferral of Flemish diplomas abroad.¹²² One important prerequisite for the conferral of Flemish diplomas abroad is that the institute is already qualified to teach the program in question, that the program has been accredited and that it is not financed by the Flemish Community. These Flemish educational institutions operating abroad must therefore operate as private organisations within the free market of international higher education.

Even though several Belgian business schools do have a department outside of Europe (Russia, Vietnam, China...), the European University College Brussels (EHSAL) is the only business school with a campus outside of the EU authorized to confer Belgian, in casu Flemish, diplomas. EHSAL collaborated with the Institute for European Education in Dubai in the United Arab Emirates on foot of an agreement concluded for the 2004-2009 period. In February 2005, EHSAL opened its campus in Knowledge Village (Dubai) with an International MBA (iMBA), which was an advanced program. In October of that same year the Bachelor of Business Administration (BBA) program was launched. The International MBA with broad entrance criteria expired in 2009 and was followed up by an initial Master of Business Administration program as an advanced BBA program. All the educational activities took place in Dubai. In 2008, EHSAL decided not to extend the agreement with the Institute for European Education because the successful completion of the academisation process in the short term and with own funds (parallel to the process in Flanders) could not be guaranteed. In an additional agreement (2009-2011) the necessary arrangements were made with regard to transition measures which gave registered students ample opportunities to finish their course in situ. A number of options have been provided for students who took longer to complete the program – or who interrupted their studies for a while – and who still want to obtain their diploma, among which the option of completing their studies in Brussels. The Dubai project has meanwhile come to an end.

6. IMPACT OF INTERNATIONAL STUDENTS IN BELGIUM

Seen the lack of research in the field of migration of international students to assess the impact of those migration movements more research is necessary; consequently we can only point out some obvious elements.

Belgium's experiences regarding competition for study places have resulted in installing a quota for subsidized international students. The relatively modest –seen the global education market- increase in fees for non-subsidized international students together with a selective admission policy by the authorities and some institutes of higher education has not caused an increase in the inflow of international students to such an extent as to have important implications on Belgian or other EU students in Belgium. Financial implications for the institutes of higher education are limited as the educational institutions in Belgium, except for business and private schools, hardly generate any revenues from the fees paid by international students and as the authorities are willing to subsidize the study costs of a small quota students from third countries, the relatively moderate fees are mainly meant to cover the additional costs.

In the field of research in (applied and exact) sciences the input of international students –mainly doctoral students- is very important. In Flanders in 2011 third country nationals constitute 14% of postdoctoral and doctoral researchers at institutes of higher education. These third country nationals are strongly concentrated in chemistry, electro-mechanics and technology of materials. Concerning the impact of international students on the labor market one should also point out that less-skilled fields in which there is a shortage of local workers can profit from the readiness of international students to acquire skills. A case in point is nursing, a less specialized occupation, but not bereft of skills.

¹²² Flemish Decree 16-6-2006; Decree 4-7-2008.

7. CONCLUSIONS

The conclusions to be drawn from our findings is that Belgium has vastly increased the opportunities for third-country nationals to study at Belgian institutions of higher education in the last decade, but that only limited use has been made of these opportunities. Overall, the impact of the migration of international students on Belgium has been limited, although in the field of research in the sciences international students play an ever more important role.

1. The increased opportunities for international students

The transparency of the Belgian education market, in the wake mainly of EU-initiatives has been strongly improved. The Belgian institutions of higher education became more legible for international students. Degree levels have been adapted to the European standards, recognition of foreign degrees has been improved, common quality standards were developed etc. Also the increase in scale of higher education and even harmonization of fees added to the transparency.

From the 1990 onwards institutes of higher education in Belgium felt the need for an accelerated internationalization of research and education. Since the 1960s, those who we call today third-country nationals have been coming to Belgium to study. After the decolonization of Congo, Belgium had granted scholarships to Congolese students as there was a great need of higher education and Belgium wanted to keep some influence over the future elite of this new state. Later, this was expanded to other countries in the South in the framework of cooperation & development. Congolese students came in the 1970s also as free movers who registered on their own initiatives at institutes of higher education. In this they were joined by students for North Africa. Congolese and North African, mainly Moroccan students found their way to Belgian higher education through support of kith and kin, who were part of a co-ethnic migrant community in Belgium.

In the 1990s personal experience with other societies and languages and the flexibility necessary for international mobility were considered positive elements within the curriculum of students of higher education. Studying abroad was strongly promoted. Even more so, research was to benefit from a global orientation. The global knowledge economy needs knowledge workers and in order to be at the spearhead of research in this highly competitive environment a global recruitment is considered beneficial. Doctoral and postdoctoral students from third countries were the main beneficiaries of this strategy.

As a result student mobility increased strongly, mostly intra-European as this was state-organized and subsidized (Erasmus), but also more global as many more bilateral agreements were concluded with third countries. Free movers added to this student population as a global market for higher education came into being and some Belgian institutions of higher education saw advantages in catering for this need. They saw advantages in terms of economic profit, but also in screening high potentials among their international students. Doctoral student-researchers in the (applied) sciences were partly recruited among these students, but also a direct recruitment outside the European Union took place.

All statutory-registered institutes of higher education in Belgium were affected by this ambition to actively internationalize: universities more so than other institutes of higher education, Flemish universities more so than universities in which French was the teaching language, quasi-public institutes more so than fully public

institutions.¹²³ For these new students it was necessary, certainly in Flanders where the language of instruction was Dutch, to develop English programs. Offering a study program (eventually in English) for international students resulted also from a mere profit motive. The economic profit motive is dominant for the study offer for international students at business and private schools in Belgium. Higher tuition fees -still relatively modest on a global scale- was the hallmark of these initiatives. There are hardly any restrictions for such entrepreneurs on the education markets in Belgium and wholly private initiatives in higher education were developed. In Flanders these wholly private initiatives can receive, after a quality check, a Flemish quality label.¹²⁴ This accreditation can enhance the competitiveness of these institutions on the global educational market.

The institutions of higher education of the two Belgian language communities exercise an attraction to very different international students. While the study offer of the French speaking institutions of higher education have by their mere language of instruction a global appeal, in particular in West and Central Africa, the institutions of higher education where the language of instruction is Dutch provide by their specially designed English study program a study program directed to carefully selected international students.

Partly due to the need for a more active policy in Flanders, the regional authorities in Flanders have been more supportive of increasing the opportunities for international students than the authorities in French-speaking Belgium. With some reservations the Flemish authorities supported the endeavour by subsidizing the English programs being developed for international students. The authorities also have a hand in the recruitment effort by financing a platform to do so and most importantly by giving the institutes of higher education broad leeway to experiment in this field. The regional authorities in French-speaking Belgium, however, are trying to catch up in this field. The institutions of higher education in this region also seem to be reorienting their policy in this field by more actively targeting and selecting international students.

The Belgian institutions of higher education have also received support from the Belgian authorities in this endeavor. Most importantly are the monies put at the disposal of these institutions to recruit also in third countries researchers/doctoral students with grants. The increased opportunities for international students have been buttressed by giving the student the possibility of supplementing their income through work during their stay in Belgium and easing their economic integration after they finish their studies. Retaining a flexible manner for submitting proof of solvency has also facilitated the immigration of international students. Some argue that admission policy of the IO has been overall tightened, but there is no positive proof of this except for the case of the Chinese students. That since 2006 Chinese students have to prove their solvency up front is an obvious example where admission policy has become more restrictive. For Flanders the regional authorities added to this restrictive policy by only qualifying advanced students for a student visa. Still legal requirements have remained largely the same and there is no research that has scrutinized fully administrative practice. The increase in the refusal rate can also be due to the quality of the applicants. The institutes of higher education are as important as a gatekeeper and it could be argued that the IO only tries to bring in line institutions of higher education, mainly private ones but also public ones with a less performing and less selective admission procedure. Once the international students are in Belgium the IO is legally bound hands and foot to the academic authorities. The Belgian Parliament has given the executive authorities more leeway in the alien law to end the legal stay of (no longer wanted) students. Still the

¹²³The structure of this report dividing the Belgian experience with international students along the Belgian language border is giving maybe undue influence to the public policy of these authorities. This division of the Belgian experience is partly due to the format of the quantitative data provided by each of the regional authorities. One could thus criticize this report as giving not enough attention to the heterogeneous nature of the policy of the different institutes of higher education in each language community. However as the teaching language is a crucial variable for the opportunities of international students we chose this variable for structuring the different Belgian experiences. Other variables could have been chosen as is shown by the stronger recruitment drive for advanced international students among quasi-public institutes than among fully public institutions.

¹²⁴ Flemish statutory-registered institutes of higher education can also receive this label for their private activities abroad.

institutions of higher education decide autonomously which students to (re)admit and for those students the IO wants to disqualify as the length of their studies is considered excessive an advice of the academic authorities is necessary. Only when the studies are finalized and the international student remains unauthorized in Belgium has the IO full capacity to act, as long as the international student has not succeeded to qualify for another legal status. The use of the student route for other purposes is very difficult to substantiate and to prevent arbitrary decision the IO is also very careful to take action against these “misuses”.

Although the inflow of international students doubled in the last decade at the same time a more selective recruitment policy of institutes of higher education, buttressed by regional and federal authorities can be discerned. Some recruitment strategies of institutes of higher education have been thwarted by the federal and/or regional authorities. Also international students themselves played a role in this migration flow. Some would-be international students were thwarted in their endeavour, but some spontaneous decisions of the students themselves were condoned by the institutes of higher education, regional authorities (education) and the federal authorities (IO and foreign affairs). A case in point are the Cameroonian students.

2. International students and the opportunities to study in Belgium

The differences between Flemish and French institutes of higher education in their study offer has important repercussions on the kind of students which are attracted. The different study programs of Chinese students in the North and the South of Belgium are a case in point. While in Flanders these students are mainly advanced students in engineering, in French speaking Belgium these are mainly early students studying French.

The increasing opportunities for international students have not only caused an increase in the number of international students since 2000, but even more important, it has modified the composition of this student population. Africa and in particular Congo and Morocco, the two traditional providers of international students to Belgium have not benefitted from these greater opportunities. The Congolese and Moroccan students have found their way to the Belgian institutes of higher education since the 1970s because of the common language (of instruction) and the (material and other) support they received from the co-ethnic community or kin in Belgium. In the last decade not only has their percentage in the overall international students' population decreased, their absolute numbers have even declined and this notwithstanding a stronger grounding of their co-ethnic communities in Belgium which are by now largely composed of Belgian nationals. These students who had the ambition to attend a whole basic study have been disqualified by higher tuition fees and maybe by restrictive admission policies which wanted to forestall settlement in Belgium by eternal students or partner migrants in disguise. The Congolese students have been excluded by war and increasing poverty, but also by the collapse of their educational system which denied them access to Belgian institutions of higher education. They have been supplanted recently by Cameroonian students who qualify for admission because of a relatively well functioning Cameroonian state and who are supported by their kith and kin all over in Europe. They chose Belgium for the common language (of instruction): French but increasingly also English (in Flanders). They are the pioneering migrants, similar to the Congolese students in the 1970s. The latter students had mostly received scholarships from the former colonial power and after finishing their studies were expected to return. Some returned, but many remained among others reasons because they had extended their studies due to their inadequate performance in an unfamiliar educational system and a foreign environment but probably mainly because of the deteriorating situation in Congo. The Congolese students of the 1970s who stayed were pioneering migrants who were followed by relatives or friends who emigrated or fled Congo while it collapsed. These students laid the foundation of the Congolese community in Belgium now numbering nearly 50.000 members. The Cameroonian students are mostly self-funded students and mostly they co-finance their studies by working (legally) in Belgium. Also the push, pull and intermediary factors of this Cameroonian student migration are very different from the Congolese students. We ignore why Belgian higher education became a more attractive destination in the last decade, but what is the objective these students (and their family) set upon departure and whether these objectives change during the stay in Belgium? Is their aim to

acquire a right of abode in Belgium and to stay put or is a successful return to their country of origin their aim? What does it mean to be successful? The Cameroonian students are partly advanced students, but also early students of higher education who want to acquire a basic bachelor and Master degree in Belgium. Chinese early students of higher education had applied in large numbers for the English training Flemish institutes of higher education have provided, but the Flemish authorities considered, also due to what was considered Chinese misuse of this student route, that the (English) higher education they subsidized should not be of benefit to early students. The main objective of the Flemish community in this domain is to recruit talented researchers from abroad and to increase the critical mass necessary for the knowledge economy.

The dramatic change in the Chinese inflow in 2007 by halving the number of students admitted and an inflow from China which subsequently only slowly recovered is the result of policy choices of institutions of higher education and of governments. The students from China from 2007 onwards are, in contrast to their predecessors, advanced students who registered for a Master or advanced Master program or even a doctoral program. Belgian institutes of higher education and the regional and federal authorities offer scholarships to hundreds of doctoral student from third countries and mainly from Asia to solve bottlenecks in the local high-skilled labor market. Asian students constitute in 2011 9% of the Flemish doctoral students and among postdoctoral students 7%. Most of these Asian student-researchers are cheaper than other researchers as for these researchers social security coverage is only partial what implies that the social security payment of 19,50 % of their wages is not due. These highly qualified researchers are seemingly only a solution to a temporary need of our knowledge economy as their permanent settlement in Belgium is precluded by their exclusion from the Belgian welfare community.

The increasing opportunities for international students have modified the composition of the international student body in Belgium at the advantage of the advanced students from Asia, but the early students of higher education from North America as exchange students have been able to make most use of these new opportunities.

6. ANNEX 1: INTERNATIONAL EXCHANGE PROGRAMS BETWEEN INSTITUTES OF HIGHER EDUCATION IN BELGIUM AND IN THIRD COUNTRIES

We have found no centralized information on the situation in this domain in the French Community, but the Flemish Government asks the institutes of higher education to record the placement of students within the framework of exchange programs in the Database Higher Education (DHO). The Flemish Government does not exercise any quality control over this register of exchange programs and the institutes are not obliged to provide this information. These data are therefore incomplete and purely directional in nature.

1.1. Exchange programs with institutes of higher education in third countries within the framework of international exchange programs.¹²⁵

Table 11: Exchange programs with institutes of higher education in third countries within the framework of international exchange programs

Erasmus	91 agreements with Turkish institutes of higher education
Tempus	5 agreements with Russian institutes of higher education
Asia Link	Agreements with institutes of higher education in China (2), Malaysia (1), Thailand (3) and Vietnam
Erasmus Mundus	46 agreements with institutes of higher education in China (5), Russia (2), the United States (3), Brazil (3), Japan (1) and Australia (1)
Erasmus Mundus External Cooperation Window	Albania (2), Bosnia (1), Brazil (10), Chile (10), Egypt (3), Israel (2), Kosovo (1), Macedonia (3), Montenegro (1), Palestine (2), Serbia (4), Japan (3)
EU USA	15
EU Canada	4

1.2: Bilateral agreements between Flemish institutes of higher education with institutes located outside of the European Union (/EEA).

¹²⁵ <http://www.ond.vlaanderen.be/hogeronderwijs/databank/Documenten/> document: draft of categories with values for use case registrations 20120515 V03.14 (25.5.2012)

In the Flemish register on bilateral agreements especially the institutes of the KU Leuven Association are markedly underrepresented. KU Leuven did not register a single bilateral exchange agreement, while Groep T only entered 2 even though the latter lists 55 bilateral agreements with institutes of higher education outside of the EEA on its website. These data from the DHO are therefore incomplete and purely directional in nature.

These bilateral agreements are not always active. For example UGent (Ghent University) has concluded 174 bilateral agreements with non-EEA countries, 62 of which have been listed in the database set up for this purpose by the Flemish authorities.

Table 12: Bilateral agreements concluded by Flemish institutes of higher education¹²⁶

HoWest, University College West Flanders	2
KHM, University College Mechelen	1
UGent, Ghent University	62 (a. o. US: 10, China: 11)
VUB, Free University of Brussels	20 (a. o. 3 US)
Uhasselt/tUL, Hasselt University/Transnational University Limburg	3 (2 Canada)
WENK, University College for Sciences and Arts	4
UA, University of Antwerp	113 (5 South Africa, 5 Mexico, 23 US, 8 Canada, 8 Australia, 6 China, 5 India)
HUB-EHSAL, University College Brussels	16
Lessius	9 (3 Russia)
KU Leuven, Catholic University of Leuven	Not listed
PHL, Provincial College Limburg	11
Karel de Grote	7
HUB-KUB, University College Brussels	1
KaHo Sint-Lieven, Catholic University College Ghent	3 South Africa
ALFA	4
HoGent, University College Ghent	21 (US: 4, Russia: 6)
Plantijn	5
Magellan exchange	2
Groep T – International University College	2 (however its website ¹²⁷ lists 34 in China since

¹²⁶ <http://www.ond.vlaanderen.be/hogeronderwijs/databank/Documenten/> document: draft of categories with values for use case registrations 20120515 V03.14 (25.5.2012)

Leuven	1998, 11 in Thailand since 2002 and 4 in other Southeast Asian countries, 3 in India since 2010 and 4 in Ethiopia since 2011)
Artesis	6
EHB, Erasmus University College Brussels	15

ANNEX 2: EDUCATION STATISTICS

1 Flemish higher education statistics

An annual overview of third-country nationals¹²⁸ availing of Higher Education was obtained from the DHO.¹²⁹ For the four academic years since September 2008 we have **25,254** student registrations, where one student with one degree contract can be registered up to four times.¹³⁰ Quadruple registrations like these tend to be an exception to the rule since very few international students follow the classic initial bachelor-master programs. For accuracy sake, we use the term 25,254 student registrations instead of 25,254 students.

Delineating international students in Flemish education statistics, a methodological overview

The target group international students was delineated in a previous study on the basis of their foreign secondary-education diploma and the nationality of a non-EEA country (Caestecker & Rea 2009:191-192). The criterion ‘non-Belgian diploma’ was open to debate as third-country nationals with a diploma of another (a. o. European) country were not necessarily international students but could have another migration history. The non-Belgian diploma is no longer a mandatory field in the DHO but is still completed in respect of many third-country nationals. In 34% of the registration details about third-country nationals (or 8,667 students hailing from third countries) this field was completed with the mention ‘N/A’.

The 2008 Financing Decree offers new criteria to delineate the target group international students. In accordance with the instructions on how to input student details on the basis of the so-called ten nationality types, which refer to the 2008 Financing Decree¹³¹, international students (qualifying for subsidies) should be classified under 3 denominators, i.e. “Others” (10,476), or “Nationaal Krediet Ontwikkelingssamenwerking [National Credit Foreign Development Aid]”(2,944), or “Studiebeurs Ministerie Vlaamse Gemeenschap cultureel akkoord [Scholarship Ministry of the Flemish Community Cultural Agreement] “(12)¹³²; this brings us to a total of 13,432 students. The category “Student verblijf bepaalde duur [Fixed-Term Residence Student]” refers to people who enjoy subsidiary protection¹³³ and cannot be included in the category student migrants as their residence permit is based on the need for protection and is not granted on the basis of the study project. Nonetheless, 6,893 of the 25,254 third-country students following education in Flanders come under this denominator. More than half of these third-country nationals from various nationalities studying at UGent (4,057), but even the mere 315 students KU Leuven classified under this category do not have the nationalities (even South-American citizens come under this category) that qualify for subsidiary protection. It is therefore unclear why these students have been classified in this group. It seems to us that, if they did not receive a foreign development aid scholarship, they should be classified under the

¹²⁸Other than EU and EEA.

¹²⁹ This DHO is a sequel to the DTO which saw its structure brought into line with the 2008 Financing Decree.

¹³⁰ Students with a credit or exam contract can notably be registered several times per academic year, though only 2% of registrations amongst the group of international students (cf. below) refer to credit contracts.

¹³¹BG, 26.6.2008, p 32822.

¹³² The latter category only accounts for 0.1%: i.e. 12 students (3 Israel, 5 American Continent, 1 Japan, 1 Turkey, 1 South Africa and 1 Croatia) at four institutes of higher education.

¹³³ Art. 7. § 1d) of the 2008 Financing Decree refers to students of foreign nationality who were admitted or authorized to stay in Belgium for a fixed period of time on foot of article 48/4 of the Act of 15 December 1980 regarding access to the territory, stay, residency and deportation of non-nationals Art.48/4 of the Aliens Act or the Act of 15 December 1980: <Inserted as per W 2006-09-15/72, art. 26; Entry into force: 01-06-2007> § 1. The subsidiary protection status is granted to non-nationals who do not qualify for the status of refugee and who cannot invoke article 9ter, and in respect of whom there are serious grounds to assume that, when they return to their country of origin, or in the case of stateless individuals, to the country where they used to habitually reside, they would be at serious risk of grave prejudice as defined under paragraph 2 and who are unable or, on account of that risk, do not wish to seek the protection of that country and who do not qualify under the exclusion criteria set forth under article 55/4. § 2. Grave prejudice shall be construed to mean: a) death penalty or execution; or, b) torture or inhuman or degrading treatment or punishment of an applicant in his/her country of origin; or, c) serious threat to the life or the person of a civilian as a result of indiscriminate violence in the case of an international or national armed conflict.

group “Others”, but since also international students receive a fixed-term residence permit, the people inputting the information have chosen this category in preference to the category “Others”. Yet the erroneous inputting of international students creates problems for the financing of Flemish education since the category “Fixed-Term Residence Student” (4) does qualify for subsidies while the category “Others” (9) only qualifies for limited subsidies and the category “Foreign Development Aid” (category 10) does not qualify for any subsidies from Education.

These four categories combined add up to a total of 20,325 student registrations. This entry accounts for 80% of all the third-country nationals in the DHO and can be deemed to be the maximum estimate of the number of international students.

One way of delineating the target group even further would be to only retain students with a third-country nationality if they embark on third-level education with a non-Flemish diploma of secondary education (therefore Other and not ASO [General Secondary Education], BSO [Vocational Secondary Education], TSO [Technical Secondary Education], GSO [Mainstream Secondary Education], KSO [Artistic Secondary Education], HBO [Higher Vocational Education]). International students are allowed to come to Belgium for one preparatory year but they cannot register for Flemish secondary education in order to obtain a diploma of Flemish secondary education. Of the alleged international students who have a Flemish secondary-education diploma, the category “Fixed-Term Residence” numbers 682 registrations, the category “Others” 606, the category “National Credit Foreign Development Aid” 71. This group of 1,359 registrations, 35% of whom are holders of a diploma of technical education, 15% of a diploma of vocational education and 46% of a diploma of general secondary education are almost exclusively following an initial program in Dutch, either at a university college or at a university. The 1,359 registrations which, on the basis of their residence status and nationality, seemed to be international students (6% of this group) do not belong in the group ‘international students’ because their Flemish diploma points to a different migration pathway.¹³⁴

Not all registrations from third-country nationals that mention a secondary-education diploma other than a Flemish secondary-education diploma refer to international students. Residents of Belgium who are third-country nationals can also embark on tertiary education in Flanders with a secondary-education diploma issued by the French-speaking Community of Belgium with the result that these registrations do not necessarily only include international students who have a non-Flemish diploma.¹³⁵ The variable “Belgian diploma” could refine the target group “international students” even further. Logically, the 1,359 registrations of third-country nationals, holders of a Flemish secondary-education diploma, all have a Belgian diploma. Only 34 of them have been registered as holding a diploma other than a Belgian diploma.

Of the 18,966 registrations of third-country nationals in Flemish higher education who do not have a Flemish secondary-education diploma, there are nevertheless 2,074 registrations listed as having another Belgian diploma, be it a secondary-education diploma issued by the French-speaking Community of Belgium or another Belgian secondary-education diploma. These 2,074 registrations almost exclusively apply to university education (only 315 to university-college education); 62% of these have been registered as following a post-graduate program (of which 76% a doctoral program) while the remainder are registered for master’s programs. These advanced higher-education programs explain why these students are registered as not being in possession of a Flemish secondary-education diploma, as their Belgian, probably Flemish, higher-education diploma is more relevant to this study cycle. Their wide-ranging origins with a strong Chinese representation (18%) points to the fact that they possibly came to Belgium as international students and that they continue their studies once they have obtained their Belgian master’s degree and, to a lesser extent, their bachelor’s degree. Holders of a Belgian diploma other than a Flemish secondary-education diploma are retained in the category “international students”, which brings us to 18,966 registrations of students in Flemish higher education.

The group “international students” in Flemish higher education is further defined as the group of third-country nationals who do not hold a Flemish secondary-education diploma and who have been registered under the categories “Fixed-Term Residence”, “Others”, “National Credit Foreign Development Aid” and “Scholarship Flemish Community Cultural Agreement”.

¹³⁴ These would mainly be students of Russian (14%), Moroccan (8%), Iranian (8%), Kazakh (8%) and Armenian nationality (7%).

¹³⁵ In respect of the group of third-country nationals as a whole: 13% of the 25,254 third-country nationals, i.e. 3,408 persons, are holders of a Flemish secondary-education diploma.

When inputting their student details, the institutions must also enter the program their students are following. They may choose among others between “doctoral program” and the “academic degree of doctor”. The data entered on third-country nationals seemed to vary strongly from institution to institution. One university entered 2,362 doctoral programs and 412 “academic degree of doctor” for the 2008-2011 period which seems to tally with the distribution between doctoral students and post-doctoral assistants in the third-country nationals group (cf. 2.2.2.5). Another institution entered 442 doctoral programs and 950 “academic degree of doctor” for the 2008-2011 period, another institution 1337 and 1725, and another one 157 and 754. As no uniform pattern could be found in these figures, it was decided not to differentiate these registrations under 2.2.2.5 and to classify this particular group of registrations under the denominator doctorate and post-doctorate students. It is also unclear what the position is of predoctoral students.

2.2. Education statistics by the French-speaking Community of Belgium

As far as university colleges organised by the French-speaking Community of Belgium is concerned, we do have an overview of the number of third-country nationals who were registered for the first time with a non-Belgian diploma of secondary or higher education from the 2004-2005 academic year up to and including the 2010-2011 academic year (cf. table 4). These figures do not only include international students, as immigrants who came to Belgium for other reasons (e.g. refugees and partner migrants) can also register at a university college with their foreign diploma. However, international students more than likely constitute a significant percentage of these first registrations with a foreign diploma.

In respect of higher university education organised by the French-speaking Community of Belgium we do have an overview of the number of third-country nationals with a non-Belgian diploma of secondary or higher education who were registered on 1 December of each year (cf. Table 6).

ANNEX 3: LIST OF INTERVIEWS (Frank Caestecker, Carla Mascia, Marie Godin)

Patricia De Clopper, Inge Caenen en Piet Van Hove, respectievelijk International office en afdelingshoofd van de dienst Internationale Samenwerking, Antwerpen 7.6.2012 (FC).

Ingeborg Vandenbulcke van het Centrum Internationalisering en Projecten van de Hogeschool-Universiteit Brussel (HUB), Brussel 15.5.2012 (FC).

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ANNEX 6: LIST OF ABBREVIATIONS

ABOS	Algemeen Bestuur voor Ontwikkelingssamenwerking
BG	Belgian Official Gazette or Belgian State Gazette
BIVR	Bewijs inschrijving Vreemdelingenregister
BTC	Belgische Technische Coöperatie
BuZa	Federale Overheidsdienst Buitenlandse Zaken
CERIS	Centre Européen de recherches
CM	Carla Mascia
CTB	Coopération Technique Belge
CRef	Conseil des Recteurs des Universités francophones de Belgique
CUD	Commission Universitaire pour le Développement
DGENORS	Direction Générale de l'Enseignement non obligatoire et de la Recherche scientifique
DGOS	Directie-Generaal voor Ontwikkelingssamenwerking
DHO	Databank Hoger Onderwijs
DTO	Databank Tertiair Onderwijs, Ministerie Vlaamse Gemeenschap
DVZ	Dienst Vreemdelingenzaken (IO)
ECOOM	Expertisecentrum Onderzoek en Ontwikkelingsmonitoring van de Vlaamse Gemeenschap
EFAP	EFAP international – école des métiers de la communication
ETNIC	Entreprises des Technologies Nouvelles de l'Information et de la Communication: Service de statistiques de la Communauté française.
EQF	European Qualifications Framework
EU	Europese Unie
FC	Frank Caestecker
FVG	Faculteit Vergelijkende Godsdienst Wetenschappen
IFCAD	Institut de Formation des Cadres
IO	Immigration office
KUL	Katholieke Universiteit Leuven
LLL	Life long learning
MG	Marie Godin
SATURN	Base de données relative aux étudiants qui fréquentent les Hautes Ecoles, les Instituts supérieurs d'architecture et les Ecoles supérieures des arts (collecte Saturn), c'est-à-dire les établissements de l'enseignement supérieur hors université de plein exercice
VLIR	Vlaamse Inter-Universitaire Raad
UE	Union européenne
UA	Universiteit Antwerpen
UCL	Université Catholique de Louvain
UGent	Universiteit Gent
Ulg	Université de Liège
ULB	Université Libre de Bruxelles
ULI	Université Libre Internationale
UOS	Universitaire Ontwikkelingssamenwerking
VUB	Vrije Universiteit Brussel