The European Migration Network (EMN) has been set up by the Council of the European Union. The EMN collects up-to-date, objective, reliable and where possible comparable information on migration and asylum. The EMN publishes reports on a variety of subjects in the field of asylum and migration. The establishment of the EMN is consistent with the aim of the EU to establish an effective asylum and migration policy.

The EMN was established via Council Decision 2008/381/EC of 14 May 2008 and is financially supported by the European Commission.
IMMIGRATION OF INTERNATIONAL STUDENTS TO THE NETHERLANDS

August 2012
Colophon

Title  Immigratie van internationale studenten naar Nederland
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EXECUTIVE SUMMARY

This report was commissioned by the European Migration Network (EMN) and aims to provide an overview of Dutch immigration policies regarding international students. In addition, it includes an analysis of the obligations to which the Netherlands are subject under the European Student Directive. The European Commission intends to review this Directive and will, among other things, use the input from this study. Students from outside the EU constitute a large portion of the migration flow to the EU Member States. In 2010, 20% of the total number of residence permits issued in the EU, were granted for the purpose of study. In the Netherlands, the total number of residence permits granted in the same year was 5%.

Chapter 2 includes a description of the Dutch higher education system and the national policy in place to accommodate entry and residence of international students. Dutch policy both at national and institutional level focus on increasing in the percentage of incoming international students by taking measures to promote the Netherlands as a Knowledge Society and provide information on the attractive study climate for international students. Financial restrictions are alleviated by providing grants. As statistics show, these policies have been successful so far. The number of residence permits, granted for the purpose of study (on first application) has increased on a yearly basis from nearly 8,000 in 2006 to more than 10,000 in 2011.

Number of residence permits granted for the purpose of study

![Graph showing the increase in residence permits granted for study from 2006 to 2011](image)

Source: INDIS
For many years, the largest group of international students from outside the EU come from China (in 2011 more than 2,400 students, 23%), followed at a distance by students from the United States (in 2011 more than 1,400 students, 13%), Indonesia (in 2011 640 students, 6%), Turkey (in 2011 more than 600 students, 6%), and India (in 2011 more than 440 students, 4%).

One of the instruments that is implemented to improve the quality of internationalisation through selection, qualification and socialisation of international students is the preparatory year. During this period, students with a foreign qualification are given the opportunity for an additional training to comply to the course requirements for admission to a Bachelor or Master Degree programme. The number of residence permits granted for this purpose of stay has fluctuated from nearly 700 in 2005 to approximately 900 in 2011.

**Number of residence permits granted for preparatory year**

![Graph showing the number of residence permits granted for preparatory year from 2005 to 2011.](image)

Source: INDIS

Chapter 3 offers a description of the legal and practical measures that apply to the admission to (higher) education and entry into the Netherlands. For the granting of residence permits ‘for the purpose of study’, the IND works exclusively on the basis of covenants with the educational institutions, in their role as which serve as sponsor/guarantor. This procedure facilitates the granting of residence permits within a short period of time and simplifies the administrative procedure for the international student. In practice and in anticipation of future legislation, most educational institutions can already, submit a combined application for an entry visa and a residence permit.
The Code of Conduct for International Students in Higher Education agreed upon by the educational institutions includes regulation on information provision, recruitment and selection, accreditation of the study programmes and proficiency of the English language, in addition to quality requirements included in – or ensuing from – legislation on education and on foreign nationals. The Code of Conduct also includes a complaints procedure for international students and other stakeholders.

In addition to attending the study programme, international students are permitted to work a limited number of hours. A working permit is required in this case. A survey of this group of students carried out by the former Labour Inspectorate\(^1\) showed a slight downward trend in the number of violations.

Chapter 4 deals with the different forms of trans-national cooperation in the field of international students. Among other things the Dutch government implements its policies in this field, by providing financial support to Nuffic, the Netherlands Organisation for International Cooperation in Higher Education, responsible for marketing and providing generic information about Dutch higher education and providing support to the international students when choosing a suitable study programme in the Netherlands. Support is also provided through the Dutch support offices abroad, in China, South Korea, Taiwan, Vietnam, Indonesia, Mexico, Russia, Brazil, Thailand and India.

The impact of the infl ow and residence of international students on Dutch economy and society is discussed in Chapter 5. International students are of great importance to the Netherlands, not only to enhance the quality of Dutch higher education but also to strengthen the Dutch economy. The Dutch government has therefore taken specific measures of binding talented higher educated foreigners to the Netherlands. By introducing the one year the job-seeking scheme and the Highly Educated Migrants Scheme, the international students are given the opportunity to work and remain in the Netherlands as highly educated migrants after graduation.

The conclusion of the findings, are provided in Chapter 6.

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\(^1\) As from 1 January 2012 incorporated in the Social Affairs and Employment Inspectorate.
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<tr>
<td>ABRvS</td>
<td>Administrative Division of the Council of State</td>
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<td>ACVZ</td>
<td>Advisory Committee on Aliens Affairs</td>
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<td>AD</td>
<td>Associate Degree</td>
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<tr>
<td>AIVD</td>
<td>Dutch General Intelligence and Security Service</td>
</tr>
<tr>
<td>CBHO</td>
<td>Higher Education Appeals Tribunal</td>
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<tr>
<td>CDA</td>
<td>Christian Democratic Appeal (Christen-Democratisch Appèl)</td>
</tr>
<tr>
<td>CINOP</td>
<td>Centre for Innovation in the Education and Training sector</td>
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<td>DUO</td>
<td>Education Executive Agency</td>
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<tr>
<td>EC</td>
<td>European Community</td>
</tr>
<tr>
<td>ECA</td>
<td>European Consortium for Accreditation in Higher Education</td>
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<td>ECTS</td>
<td>European Credit Transfer System</td>
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<td>EEA</td>
<td>European Economic Area</td>
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<td>EMBC</td>
<td>European Molecular Biology Conference</td>
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<td>EMBL</td>
<td>European Molecular Biology Laboratory</td>
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<td>EMN</td>
<td>European Migration Network</td>
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<tr>
<td>ENIC-NARIC</td>
<td>European Network of Information Centres-National Academic (&amp; Professional) Recognition and Information Centre</td>
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<td>ENQA</td>
<td>European Association for Quality Assurance in Higher Education</td>
</tr>
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<td>ESA</td>
<td>European Space Agency</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
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<tr>
<td>GBA</td>
<td>Municipal Personal Records Database</td>
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<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
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<tr>
<td>GLOBE</td>
<td>Equal collaboration in education with countries outside Europe</td>
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<td>HAEC</td>
<td>Holland Arab Education Consortium</td>
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<td>HAVO</td>
<td>Upper General Secondary Education</td>
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<td>HBO</td>
<td>Higher Professional Education</td>
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<tr>
<td>HKS</td>
<td>Identification System</td>
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<tr>
<td>IND</td>
<td>Immigration and Naturalisation Service</td>
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<tr>
<td>INQAAHE</td>
<td>International Network for Quality Assurance Agencies in Higher Education</td>
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<tr>
<td>ISCED</td>
<td>International Standard Classification of Education</td>
</tr>
<tr>
<td>ITER</td>
<td>International Thermonuclear Experimental Reactor</td>
</tr>
<tr>
<td>JOQAR</td>
<td>Joint Programmes; Quality Assurance and Recognition of Degrees awarded</td>
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<tr>
<td>KNAW</td>
<td>Royal Netherlands Academy of Arts and Sciences</td>
</tr>
<tr>
<td>LJN</td>
<td>National Case-Law Number</td>
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<tr>
<td>MBO</td>
<td>Upper Secondary Vocational Education</td>
</tr>
<tr>
<td>MINT</td>
<td>Mapping Internationalisation Tool</td>
</tr>
<tr>
<td>MVV</td>
<td>Regular Provisional Residence Permit</td>
</tr>
<tr>
<td>NCP</td>
<td>National Contact Point</td>
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<tr>
<td>NESO</td>
<td>Netherlands Education Support Office</td>
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<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>NFP</td>
<td>Netherlands Fellowship Programme</td>
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<tr>
<td>NICHE</td>
<td>Netherlands Initiative for Capacity Development in Higher Education</td>
</tr>
<tr>
<td>NPT</td>
<td>Netherlands Programme for Institutional Strengthening of Post-secondary Education and Training Capacity</td>
</tr>
<tr>
<td>NSIS</td>
<td>National Schengen Information System</td>
</tr>
<tr>
<td>NVAO</td>
<td>Dutch-Flemish Accreditation Organization</td>
</tr>
<tr>
<td>NWO</td>
<td>Netherlands Organization for Scientific Research</td>
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<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
</tr>
<tr>
<td>PAYE</td>
<td>Pay As You Earn Tax</td>
</tr>
<tr>
<td>PhD</td>
<td>Doctor of Philosophy</td>
</tr>
<tr>
<td>PvdA</td>
<td>Labour Party (Partij van de Arbeid)</td>
</tr>
<tr>
<td>RNW</td>
<td>Radio Netherlands International</td>
</tr>
<tr>
<td>SBB</td>
<td>Co-operation Vocational Education, Training and the Labour Market</td>
</tr>
<tr>
<td>TB</td>
<td>Tuberculosis</td>
</tr>
<tr>
<td>TEV</td>
<td>Entry and Residence Procedure (toegang en verblijf procedure)</td>
</tr>
<tr>
<td>TiUSO China</td>
<td>Tilburg University Support Office China</td>
</tr>
<tr>
<td>TU Delft</td>
<td>Delft University of Technology</td>
</tr>
<tr>
<td>UE</td>
<td>University Education</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>US</td>
<td>United States of America</td>
</tr>
<tr>
<td>UWV</td>
<td>Netherlands Employees Insurance Agency</td>
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<tr>
<td>VAT</td>
<td>Value Added Tax</td>
</tr>
<tr>
<td>VNO-NCW</td>
<td>Confederation of Netherlands Industry and Employers VNO-NCW</td>
</tr>
<tr>
<td>VSNU</td>
<td>Association of Universities in the Netherlands</td>
</tr>
<tr>
<td>VV</td>
<td>Aliens Regulations (Voorschrift Vreemdelingen 2000)</td>
</tr>
<tr>
<td>VW</td>
<td>Aliens Act 2000 (Vreemdelingenwet 2000)</td>
</tr>
<tr>
<td>VWO</td>
<td>Pre-University Education</td>
</tr>
<tr>
<td>WAV</td>
<td>Foreign Nationals Employment Act (Wet arbeid vreemdelingen)</td>
</tr>
<tr>
<td>WBV</td>
<td>Decree amending the Aliens Act Implementation Guidelines (Wijzigingsbesluit Vreemdelingencirculaire)</td>
</tr>
<tr>
<td>WHW</td>
<td>Higher Education and Research Act</td>
</tr>
<tr>
<td>WML</td>
<td>Minimum Wage and Minimum Holiday Allowance Act (Wet minimum loon en minimum vakantiebijslag)</td>
</tr>
<tr>
<td>WODC</td>
<td>Research and Documentation Centre</td>
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## GLOSSARY

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>ACP States</td>
<td>African, Caribbean and Pacific Group of States</td>
</tr>
<tr>
<td>CERN</td>
<td>European Organisation for Nuclear Research</td>
</tr>
<tr>
<td>E&amp;R Procedure</td>
<td>Entry and Residence Procedure</td>
</tr>
<tr>
<td>Ecorys-NEI</td>
<td>European Research and Consulting Agency-Netherlands</td>
</tr>
<tr>
<td>ESO</td>
<td>European Organisation for Astronomy Research</td>
</tr>
<tr>
<td>Flow</td>
<td>The new flow of a population</td>
</tr>
<tr>
<td>FSS.VU</td>
<td>Faculty of Social Sciences of VU University Amsterdam</td>
</tr>
<tr>
<td>HBO Council</td>
<td>Council for Higher Professional Education</td>
</tr>
<tr>
<td>INDIAC</td>
<td>Information and Analysis Centre of the Immigration and Naturalisation Service</td>
</tr>
<tr>
<td>INDiGO</td>
<td>Customer Information System of the Immigration and Naturalisation Service</td>
</tr>
<tr>
<td>INDIS</td>
<td>Information System of the Immigration and Naturalisation Service</td>
</tr>
<tr>
<td>Kences</td>
<td>Student Housing Knowledge Centre</td>
</tr>
<tr>
<td>Ministry of EAI</td>
<td>Ministry of Economic Affairs, Agriculture and Innovation</td>
</tr>
<tr>
<td>Ministry of ECS</td>
<td>Ministry of Education, Culture and Science</td>
</tr>
<tr>
<td>Ministry of SAE</td>
<td>Ministry of Social Affairs and Employment</td>
</tr>
<tr>
<td>Nuffic</td>
<td>Netherlands Organisation for International Cooperation in Higher Education</td>
</tr>
<tr>
<td>OPS</td>
<td>Police register of wanted persons</td>
</tr>
<tr>
<td>Stock</td>
<td>The total population of a group in the country</td>
</tr>
<tr>
<td>StuNed</td>
<td>Study in the Netherlands</td>
</tr>
<tr>
<td>TNO</td>
<td>Netherlands Organization for Applied Scientific Research</td>
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</table>
1 INTRODUCTION

This report was commissioned by the European Migration Network (EMN). The EMN, established by the European Commission, collects and analyses information on migration and asylum. This information includes, among other things, social debates, academic research, statistical data, policy and case law. The information and analysis, both at European and national level, support the process of policy-making in the field of migration and asylum.

The EMN Steering Board approved the topic of the main study in the autumn of 2011: “Immigration of International students to the EU”. Each national contact point for the EMN will draw up a national report in this framework, based upon the most recent public data available. As the National Contact Point for the EMN in the Netherlands, the Information and Analysis Centre (INDIAC), operating under the Directorate for Implementation Strategy and Advice of the Immigration and Naturalisation Service (IND), is responsible for the Dutch report. This report and the reports issued by the other EU Member States, will serve as input for an EU-wide comparative Synthesis Report to be published by the EMN.

1.1 Cause and study framework

Students from outside the EU constitute a large portion of the migration flow to the EU Member States. Out of the total number of residence permits issued in the EU in 2010, 20.6% were granted for the purpose of study.

The international student population is a mixed group, originating from different countries and with different backgrounds. Some students come to the Netherlands for a short language course or cultural studies; others come here to attend a full degree programme at a university of applied sciences or a research university. These students contribute to the Dutch economy by paying tuition fees and daily living expenses, among other things. In addition, these students often work during their studies and sometimes they remain in the Netherlands as highly educated migrants or to set up a business of their own.

The conditions of admission for international students for the purposes of following studies in the EU Member States have been laid down in Directive 2004/114/EC. The general objective of the Directive is to promote Europe as a world centre of education and training. Providing the opportunity to third-country nationals to acquire knowledge and skills in Europe, will promote mobility of highly educated migrants and encourage cooperation with third countries in terms of human capital and employment, to the benefit of both host and home countries.

However, access to education, residence permits and the labour market during and after the period of study show considerable variations across Member States. The size of this
group of migrants, the complexity of its composition and the importance of these students to the economy, the labour market and the educational systems of the Member States are such, that a survey of immigration policies regarding international students in the Netherlands and in the other Member States is called for.

It is important in the European context, to share information on the patterns of immigration, the policies and practices with regard to this issue, in order to support policy development both in the individual Member States and at a European level. Information of this nature may help to create immigration systems which do not impede the EU's attempts to attract international students, while at the same time effectively managing the immigration of large numbers of students and preventing misuse.

1.2 Aim

First of all, the aim of this study is to provide an overview of Dutch policies regarding international students. At the same time it aims to support policymakers and those who implement the policies, in achieving a balance between actively attracting international students into the EU for the purpose of study and preventing the misuse of the international student migration track.

In this report an ‘international student’ is defined as a third-country national coming to the EU from a third country for the purpose of study. Migrants who have entered the EU for other reasons and then decide to enrol in an educational institution do not fall into this category.

In September 2011, the European Commission published a report on the application of Directive 2004/114/EC. This report evaluates the extent of the transposition and application of the Directive and identifies steps required to attain a correct and unambiguous interpretation of the Directive. Partly as result of this report, the ultimate EU-wide comparative Synthesis Report aims to explore the expectations or legislative shortcomings in the Member States and to determine how these could best be dealt with in the revision of the Directive. Bearing this in mind, the present study will explore the following:

a) Measures to attract international students: are specific measures in place to attract international students and which are most effective?

b) Procedures facilitating international students’ admission: are there any fast-track or simplified procedures in place in the Netherlands?

c) The right to be issued a residence permit versus other national provisions on visas and residence permits: do the international students, who meet the conditions of the Directive, obtain a residence permit or must they apply for a visa first and do the same or additional conditions apply?


3 Article 12(1) of Directive 2004/114/EC provides that international students who meet the conditions of Articles 6 and 7 have the right to be issued a residence permit.
d) Access to information which allows students to comply with the admission conditions: how and through which kind of organisations are they directed to the sources and provision of information?

e) Access to the labour market both during and following completion of studies: how is access to the labour market regulated and under what conditions are graduates allowed to stay on in the Netherlands to work or find a job?

f) Synergies with (EU) programmes stimulating mobility: to what extent do international students attend components of their studies in another Member State? Does the visa/residence permit issued allow access to study opportunities in another Member State?

1.3 Methodology

This study is largely based on desk research. Dutch aliens law, policy reports, policy rules, parliamentary papers and newspaper articles presented a picture of Dutch policy on migration for the purpose of study and the related political and social debate on this issue. Other research reports, project descriptions and websites of executive organisations provided further insight into the practice of migration for the purpose of study.

Additionally several interviews were held with employees of the organisations involved. These interviews provided a further insight into the framework where policies are outlined and how they are implemented. The draft report was sent to the organisations involved for comments and revision and additional information to fill gaps and obtain additional insights.

Quantitative data have also been collected. The Inspectorate of the Ministry of Social Affairs and Employment provided data on students who were found working without work permits. The Netherlands Employees Insurance Agency (UWV) provided files on the numbers and sectors where work permits had been granted. The Ministry of Education, Culture and Science provided data on the numbers of international graduates. Finally, IND’s system INDIS was used to generate charts tables on the scale of migration for the purpose of study.

Please note that the percentages in this report have been rounded off to zero decimals. The total therefore may not always add up to 100% exactly.
1.4 Definitions

This report uses the definitions of relevant terms of the EMN Asylum and Migration Glossary. The terms and definitions in the glossary developed by the EMN, among other things, aim to increase the comparability of the information among the EU Member States. The following definitions reflect the Dutch context.

**Brain drain**
The loss a country suffers as a result of the emigration of a (highly) qualified person.

**Brain gain**
The benefit to a country as a result of the immigration of a highly qualified person.

**Third-Country National**
Any person who is not a citizen of the European Union as defined in Article 20(1) of the Treaty of the Functioning of the European Union and who is not a person executing the Union right to freedom of movement, as defined in Article 2(5) of the Schengen Borders Code. This definition implies that nationals of Norway, Iceland, Liechtenstein and Switzerland are not considered to be third-country nationals.

**Higher education**
Full-time course of study, concluded by a certificate leading to a higher education qualification recognised by the Member State, including diplomas, titles or doctoral degrees.

Article 31.8a of the Aliens Regulations 2000 defines the following educational institutions as providers of full-time programmes of higher education:

a. Institutions for higher educations that have signed the Code of Conduct for International Students in Higher Education and which are listed in the national register of educational institutions that have signed this Code of Conduct;

b. Institutions providing educational programmes and courses for the purpose of development cooperation policies of the Ministry of Foreign Affairs;

c. Institutions providing educational activities under the Cultural Policy (Special-Purpose Funding) Act (Wet op het specifiek cultuurbeleid).

**Illegal Employment**
Employment carried out in violation of provisions set by legislation. This covers both illegal employment of a third-country national found to be illegally present on the territory of a Member State, and that of a legally resident third-country national who is working outside the conditions of his residence permit and/or (working without a) work permit.

**Regular Provisional Residence Permit (MVV)**
The visa for admission to the Netherlands for a stay of longer than three months to apply for a residence permit in the Netherlands.
Migration
The action by which a person establishes his usual residence in the territory of another country for a period of time that is, or is expected to be, at least twelve months.

Sponsor
A natural person or entity that has an interest in a third-country national’s coming to the Netherlands and that acts as guarantor for this third-country national during his stay in the Netherlands.

Sponsor procedure
A procedure – initiated before a third-country national personally applies for a Regular Provisional Residence Permit himself, by which a sponsor residing in the Netherlands submits a request to the IND for advice in connection with the third-country national’s intention to apply for a Regular Provisional Residence Permit abroad. This is the so-called ‘MVV advisory procedure’. If all conditions for the purpose of residence for which the third-country national intends to come to the Netherlands have been met, the IND will authorise the diplomatic post in the country of origin or continuous residence to issue an MVV with reservation.

International student
A third-country national accepted by an institution of higher education and admitted to the territory of a Member State to pursue, as his main activity, a full-time course of study leading to a higher education qualification recognised by the Member State, including diplomas, qualifications or doctoral degrees in an institution of higher education, which may cover a preparatory course prior to such education, in accordance with the national legislation of that Member State.  

Entry and Residence Procedure
The procedure, as set out in the Modern Migration Policy Act, combining the request for a Regular Provisional Residence Permit with the application for a residence permit.

Residence permit
The permission of the Dutch authorities granted to a third-country national to stay legally on the territory of the Netherlands in accordance with Article 1(2)(a) of Council Regulation (EC) No 1030/2002 of the Council of 13 June 2002 which lays down a uniform format for residence permits for third-country nationals.

International researcher
A third-country national holding an appropriate higher education qualification, which gives access to doctoral programmes, who is selected by a research organisation for the purpose of carrying out a research project for which the above qualification is normally required.

5 Article 2 of Directive 2004/114/EC
1.5 Classification of Education

The International Standard Classification of Education (ISCED 2011) classifies the educational system in 8 levels. Students as referred to in Directive 2004/114/EC fall under the levels 6, 7, and 8. Level 6 is defined as higher education leading to a Bachelor’s Degree, with a duration of 3 or 4 years. Level 7 is higher education leading to a Master’s Degree, with a duration of 1 to 4 years following the completion of the Bachelor Degree programme. Level 8 is the Doctorate/PhD Degree level, which requires the submission of a thesis or dissertation on the basis of authentic research representing a significant contribution to knowledge in the respective field of study.7

In the Netherlands, candidates who are admitted to prepare for a Doctorate/PhD Degree at an educational institution are not admitted as students but obtain a permit as a professional researcher. If the researcher is paid wages, he will be admitted as a highly educated migrant. Due to the distinction between these two kinds of researchers, it is not possible to generate statistics for this group, as the group of highly educated migrants is wider than the category which includes only paid researchers.

Member States who are faced with a considerable inflow of international students, who fall outside the Directive, yet who belong to ISCED level 4, have the option to include this category in this study. This is the case in this Dutch study.

Level 4 is post-secondary education, such as the preparatory modules for higher education and vocational educational programmes at MBO-4 level (upper secondary vocational education). In this study, only level-4 students who have been admitted to the preparatory year are included. The number of international students admitted to vocational educational programmes in the Netherlands – due to the restrictive policy8 for these students – is limited. They are therefore not considered a representative group for the purposes of this study. The number of international students who first complete a preparatory year before moving on to higher education, however, is substantial.

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8 Legal access to the Netherlands and to vocational education is only possible in exceptional cases. It only applies to full-time programmes for which the Netherlands is the most suitable country and which contributes positively to the development of the country of origin of the international student. Positive contribution is explicit when there is proof of significant importance to the labour market of the country of origin.
The Netherlands is considered the most suitable country if a comparable type of training is not available in the country of origin and at least two of the following conditions are met:
- The student originates from Indonesia, Surinam or South Africa;
- The student has family ties with residents in the Netherlands;
- The student has command of the Dutch language.
2 THE NATIONAL EDUCATION SYSTEM AND INTERNATIONAL STUDENTS

2.1 The education system in the Netherlands

In the Netherlands, the political responsibility for the education system rests with the Ministry of Education, Culture and Science (Ministry of ECS). The higher education system is laid down in national legislation: the Higher Education and Research Act (Wet op het Hoger onderwijs en Wetenschappelijk onderzoek) and the Student Finance Act 2000 (Wet studiefinanciering 2000). The Ministry of ECS is largely responsible for the financing of education, general educational policy and admission requirements, structure and objectives of education in general terms. In addition, the Ministry of Health, Welfare and Sport and the Ministry of Economic Affairs, Agriculture and Innovation (Ministry of EAI) are involved in higher education in terms of content. The educational institutions are responsible for the implementation of government policy.

Education is provided by both public and private institutions at all levels of education. Many private institutions have been founded on a religious/ideological basis.

Higher education

The Dutch higher education system is a binary system with two sectors: higher professional education (HBO) and university education (UE). HBO prepares students for professional careers. In order to be admitted to HBO programmes, the student must have obtained a diploma of upper general secondary education (HAVO), pre-university education (VWO) or upper secondary vocational education (MBO). HBO programmes are offered by universities of applied sciences. The duration of a HBO programme leading to a Bachelor Degree is four years. The first year is the propaedeutic year. The students often do a compulsory work placement in the third year to gain work experience. In the fourth year, the students either complete a thesis or complete a graduation project. There are seven HBO sectors:

- agriculture;
- engineering and technology;
- economics and business administration;
- health care;
- fine and performing arts;
- education (teaching training);
- social welfare.

Upon graduation student obtain a Bachelor’s Degree and the right to use the title ‘Bachelor’
In 2006, a pilot project was launched to introduce an Associate Degree programme. An AD programme is a two-year HBO programme leading to a degree: the Associate Degree. This is a final diploma that gives direct access to the labour market. In addition, an AD gives the right to access the third year of a regular four-year Bachelor programme. On 8 February 2011, the programme and the degree were officially included in the higher education system.

University education (UE) focuses on independent academic research and/or applying scientific knowledge professionally. UE programmes are offered by research universities. In some cases academic research programmes are also provided by universities of applied sciences. The admission requirement for UE programmes is a VWO diploma or a HBO propaedeutic certificate. Admission to some programmes is subject to quota, a numerus fixus, for instance in medical programmes. Admission to programmes subject to a quota is regulated on the basis of drawing of lots.

The UE degree programme consists of a Bachelor programme of three years and a Master programme lasting one to three years. Upon completion of the Master programme, the graduate is entitled to use the title of Master.

A Master Degree entitles the graduate, in principle, for admission to doctoral research and the doctorate. Doctoral candidates are usually employed by a university after an application procedure. The doctoral candidates are often paid a salary. Consequently, doctoral candidates are considered professional researchers rather than students. A doctoral programme, the period in which a thesis is written and defended on the basis of research conducted by the candidate, usually takes four years. Upon completion of the doctoral programme, the graduate is entitled to use the title of Doctor.

Type of educational institutions
The Netherlands has three types of educational institutions providing higher education: state-funded institutions, approved institutions and private institutions. State-funded institutions (thirteen research universities, the Open University and more than fifty universities of applied sciences) are funded by the Ministry of ECS or by the Ministry of EAI and have the right to award degrees recognised by law. These institutions provide programmes for the legal tuition fee. Approved institutions are establishments that are not funded by the Dutch state, yet are entitled to award Bachelor or Master Degrees recognised by law. These institutions are not bound to the legal tuition fee and have the right to determine the tuition fee themselves.

13 Master programmes take 1 year, with the exception of science and technology programmes, programmes in dentistry (2 years), the Academy of Architecture, medicine/veterinary medicine programmes and programmes in pharmacy (3 years).
14 ISCED level 8.
16 http://www.euraxess.nl/research/phd, consulted on 22 February 2012.
Private institutions, like foreign universities, are establishments that are not subject to the regulations of the Dutch state. The Dutch-Flemish Accreditation Organization is responsible for the accreditation of the study programmes in the Netherlands.\textsuperscript{17}

**International Education**

The Dutch education system offers programmes to attract international students by providing high-quality education and research.\textsuperscript{18} This quality must be guaranteed by the system of quality assurance and the accreditation of the educational programmes.\textsuperscript{19} A comparative study conducted by Nuffic, the Netherlands Organisation for International Cooperation in Higher Education, shows that the Netherlands offers a relatively large number of programmes for international students. There are more than 1,500 international study programmes and courses, and out of this number approximately 850 Master degree programmes and 250 Bachelor degree programmes are taught entirely in English.\textsuperscript{20}

On 1 May 2006, the joint institutions of higher education agreed upon a code of conduct with regard to the procedures in dealing with international students. These quality standards have been laid down in the Code of Conduct for International Students in Higher Education. By signing this Code of Conduct, the relevant educational institutions agree to provide high-quality education to the international students. The Code of Conduct requires educational institutions to give reliable and accessible information on study programmes, admission requirements and rules and procedures for international students. The Code of Conduct also specifies the services to be rendered to the international students by the educational institution. Recruiting and selecting international students is restricted to institutions that have signed the Code of Conduct. These students will then be eligible for a residence permit for the purpose of study. International students who wish to study at an educational institution that has not signed the Code of Conduct will not be granted a regular residence permit for the purpose of study.\textsuperscript{21}

### 2.2 National policy framework regarding international students

The Netherlands provides international students with the opportunity to study at an institution of higher education (HBO or UE). The student needs to comply with the admission requirements as set out in the Dutch Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, WHW).\textsuperscript{22} Furthermore to be granted entry into the Netherlands, the student must subsequently comply with the conditions as specified in the Aliens Act.


\textsuperscript{18} [http://www.nuffic.nl/international-students/dutch-education/education-system](http://www.nuffic.nl/international-students/dutch-education/education-system), consulted on 22 February 2012.

\textsuperscript{19} [http://www.nuffic.nl/international-students/dutch-education/quality-assurance](http://www.nuffic.nl/international-students/dutch-education/quality-assurance), consulted on 22 February 2012.

\textsuperscript{20} International student recruitment: policies and developments in selected countries – Nuffic, January 2012.

\textsuperscript{21} [http://www.nuffic.nl/international-students/dutch-education/quality-assurance/code-of-conduct/code-of-conduct/?searchterm=quality%20standards%202006](http://www.nuffic.nl/international-students/dutch-education/quality-assurance/code-of-conduct/code-of-conduct/?searchterm=quality%20standards%202006) consulted on 22 February 2012. See also the Articles 3.41 of the Aliens Decree and 3.18a(a) of the Aliens Regulations.

\textsuperscript{22} With regard to the entry of international students, the Sections 7.25, 7.26, 7.28, and 7.29 of the WHW apply.
2.2.1 Policies on admission

Admission to higher education

When an international student wishes to enrol at a Dutch educational institution, admission will be assessed on the basis of the student’s previous qualifications, the content of the programme completed, the (recognised) diplomas obtained and the language skills geared to the study programme for which admission requested. Proficiency in English is a compulsory requirement which is tested by means of a language test. International students who have obtained their qualifications in a country where English is the language of tuition and the official working language are exempted from this test. See Section 3.4.2 for further information on the language requirement.

Arts school both in the fine and performing arts, may set specific requirements with regard to the level of proficiency in English. These institutions test the proficiency of English as part of the selection procedure and are exempted from the obligation to administer a language test. Given the specific nature of these programmes, the examination committee sets the required level of language proficiency which is then laid down in the Education and Examination Regulations. As laid down in section 7.26a of the WHW, additional specific requirements apply set for admission to programmes in the arts.

In case an international student does not comply to all the requirements for a specific study programme, yet the institution expects that this may be attained after completing a preparatory programme, the international student can matriculate in a preparatory bridging programme of one year at the most. The student will be granted a separate residence permit for this purpose, which cannot be renewed. Admission to the preparatory year is usually granted when the level of proficiency in the English or Dutch language is still insufficient or in case the student needs to complete additional subjects required for admission for a specific programme. After successful completion of the preparatory year, the student will enrol in a full-time course of study at an institution of higher education.

Some programmes in higher education only have a limited number of places available. This may be due to a limited capacity at the educational institution, yet this may also be due to government measures relating to the capacity on the labour market. Admission is those cases is regulated by a quorum, a numerus fixus.

Where a numerus fixus applies, admission is determined by selective recruitment by the educational institution and/or by the drawing of lots, carried out by the Education Executive Agency (DUO). Students with a high examination average (8 or higher in the

24 Registered in the subsection ‘degree programmes in the area of the fine arts and performing arts’ of the section ‘Language and Culture’ in the Central Register of Higher Education Study Programmes.
26 [Link](http://www.nuffic.nl/pdf/service/factsheet/preparatory-year.pdf), consulted on 22 February 2012.
27 DUO is part of the Ministry of Education, Culture and Science.
Dutch system) are guaranteed admission to the programme. Students with lower averages must take part in the lot drawing procedure.\(^\text{28}\)

The effect of grade point average on admission to specific programmes applies to Dutch students, but also to international students with comparable diplomas and a corresponding grade point averages, following a ruling by the Council of State of 7 September 2011.\(^\text{29}\) Apart from that, institutions may admit students with other qualifications individually. These students will then be subject to the lot drawing procedure for admission.\(^\text{30}\)

In order to be admitted to Dutch higher education study programmes - including programmes subject to a *numerus fixus* - specific requirements apply, which are published by the Ministry of Education, Culture and Science every year. Graduates with foreign qualifications must also comply to these requirements. Apart from that, the Dutch system has a ‘decentralised selection’ procedure, whereof the selection criteria are set and published by the individual educational institution. Until the academic year 2011/2012, the educational institution could select a maximum of 50% of their students on an individual basis. As from academic year 2012/2013, this percentage restriction will be abandoned.\(^\text{31}\)

**Entry to the Netherlands**

Third-country nationals who wish to enter the Netherlands for a longer period of time must apply for a Regular Provisional Residence Permit (MVV) before travelling to the Netherlands. An MVV is a visa for a stay longer than 90 days (Type D visa). The MVV grants entry into the Netherlands and enables him to apply for a residence permit for an intended stay for more than three months. The MVV requirement does not apply to nationals of the EU/EEA, Australia, Canada, Japan, Monaco, New Zealand, United States of America, Vatican City, South-Korea and Switzerland.\(^\text{32}\) The visa for a longer stay may be applied for at a Dutch diplomatic or consular representation abroad. After entry, the MVV is valid for a maximum of three months.\(^\text{33}\)

**General conditions**

The criteria on the basis of which an MVV is either granted or rejected are the same as those for a residence permit. These criteria for the MVV and the residence permit for the purpose of study correspond with the Articles 6 and 7 of the Directive 2004/114/EC. The third-country national must first satisfy a number of general conditions, as laid down in Section 16 of the Aliens Act. These conditions include that the third-country national does not pose a threat to public order or national security and that he has sufficient means of existence. In addition, the third-country national must satisfy the entry condi-

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\(^{29}\) ABRvS 7 September 2011, 201009806/1/H2, LJN: BR6920.


\(^{32}\) Section 17 of the Aliens Act, Schedule 2 to Article 2.2 of the Aliens Regulations.

tions related to the purpose of residence and submit various documents. As a rule, the application for an MVV may consequently be rejected if the conditions required in order to be granted a residence permit for that same purpose of residence are not satisfied.

The ‘public order check’ is performed on the basis of a personal declaration signed by the third-country national concerning criminal records; in addition to security checks carried out by consulting the registration systems of NSIS, OPS and HKS.

With regard to international students, sufficient means of existence means that they can pay for their studies and living expenses in the Netherlands independently. For the academic year of 2011/2012, the standard for a student attending higher education is 794.69 a month. This amount is exclusive of tuition fee.

Another condition is that the third-country national must sign a Declaration of Intent stating that he is willing to undergo a TB test upon arrival in the Netherlands.

International students are furthermore required to sign a written declaration of temporary stay. By signing this declaration, the student confirms that he is aware of the fact that residence in the Netherlands is granted solely for the purpose of study. Should the student drop out or not complete the programme in time, the student must leave the Netherlands.

Health insurance is not a condition for the granting of a MVV. It is, however, a regulation. This means that a residence permit is always granted with the instruction that a medical insurance should be taken out as soon as possible. A vicious circle is avoided by laying this requirement down as a regulation, as it is not possible to take out a medical insurance until a residence permit can be presented. A legal requirement set on the health insurance is that it must always cover the nursing costs in a sanatorium or a psychiatric institution. When a student is younger than 30 and does not work or does not have a paid work placement in the Netherlands or when the student is 30 years of age or older, but intends to stay in the Netherlands for a maximum of one year, for the purpose of study only, health insurance from his homeland with cover in the Netherlands suffices.

35 Reference date 1 January 2012 http://ind.nl/Leges/tabel-normbedragen-voldoende-geld.aspx
36 Persons exempted from this requirement are listed in the Aliens Act Implementation Guidelines 2000, Part B, Chapter 1, Section 4.5 Examples of persons who are exempted are nationals from the EU/EEA, where TB occurs relatively seldom.
37 Aliens Act Implementation Guidelines 2000, Part B, Chapter 6, Section 2.2.
Procedure for students who are subject to the MVV requirement

The sponsor procedure that applies to students who are subject to the MVV requirement has been in effect since 1 August 2008.40 The sponsor is the person or organisation who has an interest in the migration of a third-country national. In this case it is the educational institution that has signed a contract with the IND. The sponsor procedure implies that the student applies for admission to an educational institution of his choice and the educational institution, as a sponsor, checks whether the student complies with the requirements.41 To assess this, the institution needs a copy of the student’s passport, proof of financial resources and proof of previous education, diplomas and sufficient language skills. Chinese students who wish to attend education conducted in English must comply with an additional condition that they must submit a Nuffic certificate.42 This certificate is issued by Nuffic, the Netherlands Organisation for International Cooperation in Higher Education, at their Netherlands Education Support Office (Neso) in China. After a positive assessment of the English-language skills and confirmation of the authenticity of the school diplomas, the Nuffic Neso issues this certificate to the Chinese student.43

If an MVV application is submitted for a study programme at an educational institution that did not sign a contract with the IND, the IND will not grant an MVV.44 To sign a contract with the IND, the educational institution must have signed the Code of Conduct for International Students in Higher Education, it certifies that it will act as a guarantor for the costs ensuing from the stay of the international students in the Netherlands and it guarantees the student’s compliance with the conditions for the granting of a residence permit for the purpose of study. After obtaining the MVV, the educational institution is obliged to report to the IND if the student does not report to the institution, if the student terminates his studies permanently or drops out or if the student is no longer taking part in the course, without providing serious reasons for this behaviour.45 The educational institution that has signed a contract with the IND may, if desired, use the fast-track MVV procedure.

If the educational institution fails to comply with the obligation to report the student’s absence to the IND, the IND may impose a sanction on the institution by suspending the possibility of applying the fast-track MVV procedure and to process any further requests for advice from this institution within the regular 3 months, which is the reasonable period for ordinary MVV applications. In practice, this sanction has been imposed on institutions twice, with a suspension of the fast-track MVV procedure for the period of one year. In these two cases, moreover, it appeared that the institutions had failed to comply with quite a number of obligations. The institutions concerned did not seek a legal remedy against the sanction. At the end of the one year period, reassessment showed that, in one case no further complaints had been received, and this institution was

40 The Dutch Migration Map, WODC, 3 January 2012, p. 114.
41 Aliens Act Implementation Guidelines 2000, Part B, Chapter 1, Section 1
42 http://www.nuffic.nl/international-students/how-to-prepare/visas-and-permits/long-stay-visa/documents-for-application consulted on 29 February 2012.
43 International student recruitment: policies and developments in selected countries – Nuffic, January 2012, p. 19.
44 Aliens Act Implementation Guidelines 2000, Part B, Chapter 1, Section 1.
subsequently re-admitted and permitted to use the fast-track MVV procedure. The National Committee (for the Code of Conduct for international students in higher education) and the Inspectorate of Education carried out an inquiry against the other institution, after which this institution was subsequently removed from the Code of Conduct’s register and its accreditation was withdrawn. As a result of this, the contract was annulled with immediate effect. No legal remedy was sought in this case either. The school concerned no longer exists.46

The fast-track MVV procedure is meant for requests for advice on criteria that are clear and simple and which can consequently be easily tested by the IND.47 The processing time of the fast track MVV procedure is approximately 2 weeks.48 Apart from being faster, the fast-track MVV procedure is also cheaper. The fees for applications in the fast-track MVV procedure, submitted by the liaison of the educational institution, are € 300. The fees for the MVV procedure with a maximum decision period of 3 months are € 600.49 Fees are not refunded if the application is rejected.50

The student has the right to object to the decision not to issue an MVV.51 A counter-plea in MVV matters must be directed to the Foreign Affairs Minister, but sent to the IND. The objection procedure is characterised by the hearing of the person(s) concerned. In matters relating to the issue of an MVV for the purpose of study, this means that the educational institution in the Netherlands will be heard. The student has the right to appeal against a ruling in case of objection by submitting a notice of appeal to the court.52

Table 1 Decisions on MVV applications for the purpose of study

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>granted</td>
<td>6,583</td>
<td>6,800</td>
<td>7,554</td>
<td>8,172</td>
<td>8,293</td>
<td>7,768</td>
</tr>
<tr>
<td>rejected</td>
<td>870</td>
<td>412</td>
<td>209</td>
<td>82</td>
<td>32</td>
<td>27</td>
</tr>
<tr>
<td>other</td>
<td>112</td>
<td>1%</td>
<td>1%</td>
<td>1%</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>total</td>
<td>7,565</td>
<td>7,291</td>
<td>7,874</td>
<td>8,349</td>
<td>8,386</td>
<td>7,838</td>
</tr>
</tbody>
</table>

Source: INDIS

Table 1 shows, however, that in the last few years 99% of the MVV applications were granted, which means that in practice, there was little reason to submit an application for review. This high percentage of applications granted is due to the advisory procedure which precedes the actual MVV application. No legal remedy is available against a negative advice. The term ‘other decisions’ means that the applications were not considered, the applications were withdrawn or that the applications were changed into another purpose of stay.

46 Interview with IND Unit Manager, Study Unit on 29 March 2012.
47 Aliens Act Implementation Guidelines 2000, Part B, Chapter 1, Section 1.5.
49 http://ind.nl/leges/leges-studeren.aspx
50 http://www.nuffic.nl/international-students/how-to-prepare/upon-arrival/residence-permit/administration-fees consulted on 29 February 2012.
51 Article 10(1) opening words and under (b) of the Aliens Act Implementation Guidelines 2000 (B) 1 Regular general 10 Remedies at law; with reference to Section 72(2) of the Aliens Act.
52 B1/10.10 of the Aliens Act Implementation Guidelines.
If the student complies with the requirements, the educational institution will submit a request for advice to the IND. Once the IND has issued a positive advice to the Ministry of Foreign Affairs, which is responsible for the issue of visas, the Dutch diplomatic or consular representation in the student’s country of origin or country of permanent residence may issue the MVV.

Before the diplomatic or consular representation grants the MVV to the student, an identity check takes place on the basis of the student’s passport. It also offers the opportunity to verify whether there are indications of abuse or improper use of the procedure. If the assessment gives rise to propose the educational institution to reconsider the matter, the institution is given the choice of maintaining its position as a sponsor or deciding not to proceed with the migration of the student. If there are doubts concerning possible improper use of the procedure, but there is no reason to reject the student’s enrolment in the educational institution in terms of the WHW, consultations will be held, six months after the student’s arrival, between the educational institution and the IND, to discuss the student concerned. In some cases, the student had raised doubts about being seriously involved with his studies and in other cases, students have dropped out and were being reported to the IND. Sometimes the persons involved have applied for a change of the restriction with respect to the residence permit, for instance, for the purposes of residence with a partner.53

In anticipation of the coming into force of the Modern Migration Policy Act, see Section 2.2.2, 85% of the educational institutions that participate in the trial project concerning the Entry and Residence (TEV) Procedure have used the possibility of submitting a combined application for an MVV and a regular residence permit for the purpose of study.54 The educational institutions who do not participate in the TEV trial project must submit an application for the regular residence permit to the IND within five days after the student has arrived in the Netherlands. The fees for this application procedure are €300.55 The regular residence permit is usually granted for one year and may be renewed by one year. The fees for the renewal procedure are €150.56 The maximum period of residence for the regular residence permit that is subject to the restriction of study corresponds to the duration of the course of study, if necessary extended by 2 additional years if the programme cannot be completed within the set time. When the student switches study programmes, the years of study are subtracted from the maximum duration of the new study programme.57 The student will also be charged €600 in fees for the application to the study programme at the new educational institution.58 In case the

53 Interview with IND Unit Manager, Study Unit on 29 March 2012.
54 Ministry of the Interior and Kingdom Relations, Report on cooperating organisations in the immigration process (Rapportage Vreemdelingenketen) on the period July-December 2011, p. 23.
55 Whether the decree of the European Court of 26 April 2012, case no C-508/10, will have consequences for the amount of the fees payable by international students was not known at the time of writing this report. In its decree, the Court ruled that the fees levied by the Netherlands on long-term residents from non EU countries and their family members were disproportionally high. In its reply, the Minister for Immigration and Asylum Policy informed the Dutch House of Representatives by letter of 4 July 2012 (reference 2012--0000387574) that he will adjust the fees for this group to €130. The Minister is still examining the possible consequences of the decree for the other fees.
56 http://ind.nl/Leges/leges-studeren.aspx
57 EU Immigration Portal, consulted on 22 February 2012. See also Aliens Act Implementation Guidelines 2000, Part B, Chapter 6, Section 2.2.
58 International student recruitment: policies and developments in selected countries – Nuffic, January 2012, p. 17.
student has completed the study programme within the maximum period of stay and wants to enrol in a new programme, the maximum period of residence does not apply. When all conditions for granting a residence permit for the purpose of study are complied with and the student has paid € 600 in fees, the permit will be re-issued and the maximum period of residence starts again.59

The application for granting, changing or renewing the period of validity of the residence permit is submitted in time if it has, in any case, been received no later than the day before the date on which the period of validity of the permit for the purpose of study expires. In case the student fails to submit his application for a renewal or change in time and the student is to blame, a reasonable period of two years applies, to assess whether the conditions for continued residence are being complied with. In this case, it is not necessary to re-apply for a new MVV in the country of origin. The reasonable period of two years sets in on the date on which the formal residence period as a student ends. The permit will be granted with the date of application as commencement date or on the date when the third-country national has proved that all conditions have been complied with. This means that there may be an interval in the period of the third-country national’s right of residence, so there might be a specific period that is not counted against the build up of a right of residence.60 See also Section 3.4.1.

Application procedure for students who are not subject to the MVV requirement
International students who are not subject to the MVV requirement and who wish to study in the Netherlands must submit an application for a regular residence permit for the purpose of study just like students who are subject to the MVV requirement.61 In addition to the general conditions of Section 16 of the Aliens Act, the student must matriculate in an educational institution as a full-time student, with sufficient means of existence, as described above under the general conditions.62 The sponsor procedure also applies, which means that the educational institution must initiate the application procedure for the student.63 In case matriculation takes place when the student is already in the Netherlands, the institution will require proof of registration with the Aliens Police. Like any other third-country national, the student must report to the Aliens Police within three days after entry into the Netherlands.64 The fees for the application for a regular residence permit are € 600.65

Doctoral candidates
In the Dutch education system, doctoral candidates are not considered students under de EU Directive 2004/114/EC. This group falls under Directive 2005/71/EC for researchers. However, in the autumn of 2011, the State Secretary for ECS agreed with the Dutch uni-

59 Aliens Act Implementation Guidelines 2000, Part B, Chapter 6, Section 2.2.
60 Aliens Act Implementation Guidelines 2000, Part B, Chapter 1, Section 5.1.
61 Though it is not mandatory, it is also possible to use the MVV procedure voluntarily, in order to obtain clarity about the question of whether or not all conditions for an application for a regular residence permit for the purpose of study have been complied with.
versities that the route leading to the doctoral degree would be legally embedded as the third phase of university education.\(^66\) Once this has been implemented, the doctoral candidate will be given the status of student, within the meaning of Directive 2004/114/EC, instead of worker as is the case in the Netherlands at the time of writing.

To make it possible for an unpaid researcher to enter the Netherlands, the (research) institution must be accredited and show proof of a hosting agreement with the third-country national. The entry procedure is, just like the procedure for the purpose of study, a sponsor procedure and can therefore only be initiated by liaison of the educational institution. The institution will have to submit a request for advice, for the granting of an MVV, to the IND.\(^67\) With the application, the unpaid doctoral candidate must submit proof of having been granted a scholarship/grant. In addition, documents must be submitted showing that the doctoral candidate has sufficient means of existence to pay for his stay in the Netherlands. The doctoral candidate does not need a work permit to do research for a doctorate, but he is not permitted to do any other work during his stay in the Netherlands. The residence permit will be granted under the restriction ‘residence as an unpaid research worker’.\(^68\)

The IND aims to have the advice, regarding the request to issue an MVV, ready within 2 weeks. In accordance with Directive 2005/71/EC, the period of validity of the residence permit is at least one year and not more than five years. Any family members will be granted a residence permit with the same period of validity.\(^69\)

It is also possible to do paid research in order to obtain a doctorate. For Dutch policy purposes, this group of researchers are considered highly educated migrants. In accordance with the Foreign Nationals Employment Act (Implementation) Decree, highly educated migrants are permitted to work in the Netherlands without a work permit. Contrary to other highly educated migrants, this group is not subject to a wage criterion.\(^70\)

Labour migration policy does, however, also specify researchers who do require a work permit, namely:
- Trainee research assistants and trainee researchers at a research university;
- Third-country nationals who come to the Netherlands in the post-doctoral phase to perform specific research tasks in current research projects for a maximum period of two years; and
- Highly qualified researchers who come to the Netherlands to do research at the recommendation of the Royal Netherlands Academy of Arts and Sciences on a temporary appointment.

These researchers will be granted a temporary residence permit with the restriction of ‘work as an employee’.\(^71\)

\(^66\) Outline Agreement ECS-VSNU, for the period from the autumn of 2011-2015.
\(^69\) Aliens Act Implementation Guidelines 2000, Part B, Chapter 18, Sections 1 and 2.
\(^71\) Aliens Act Implementation Guidelines 2000, Part B, Chapter 5, Section 4.6.3.
2.2.2 Future admission policy

There are two recent legislative amendments that affect the policies on entry and residence for international students: the Modern Migration Policy Act and the amendment of the Aliens Act 2000 concerning national visas and other issues. In addition, a third Bill has been submitted pertaining to the increase in the number of biometric features to improve the establishment of identity in the migration track.

Modern Migration Policy Act

On 16 February 2010, the Dutch House of Representatives adopted the Bill on Modern Migration Policy. The Senate subsequently approved the Bill on Modern Migration Policy proposed by the former Minister of Justice on Monday 5 July 2010. Modern Migration Policy relates, in particular, to legal purposes of stay, such as work, study and family reunification.72

One reason for submitting the Bill was that, under the current entry and residence procedure, a third-country national is required to submit two nearly similar applications: one for entry into the Netherlands (MVV) and one for a residence permit. As early as in 2007, the Advisory Committee on Migration Affairs (ACVZ) identified this unnecessary doubling.73 Apart from rare exceptions, the application for a residence permit after entry with an MVV is a purely administrative procedure. In general, it is point of departure that a positive decision will be made considering that the assessment of compliance with the conditions for stay has already made in the MVV procedure.74 With the new Entry and Residence Procedure (E&R Procedure), the obstacle of a double testing has been removed.

Sponsors and third-country nationals subject to the MVV requirement have already been able to use this new E&R Procedure. The E&R Procedure trial project, in the Netherlands referred to as a ‘test plot’, was launched in March 2009 with 10 educational institutions. Since 2012 the majority of the educational institutions are participating. In the E&R Procedure, the educational institutions and the international students are no longer required to submit two separate applications: one for an MVV and one for a residence permit. Once the Modern Migration Policy Act has come into force, the IND will automatically grant the residence permit following an MVV. In the E&R Procedure, the effective date of this residence permit is the expected entry date or the day following the day the MVV has been issued by the diplomatic post. Once the Modern Migration Policy Act has come into force, the E&R Procedure will apply to all purposes of residence.

Under the new law sponsors will play a more important role in migration policy. The sponsors will then be permitted to submit applications for residence permits on behalf of the third-country nationals directly. They will also have the right to apply for an objection or to initiate an appeal procedure. The IND, on the other hand, will have more leeway to act against sponsors and third-country nationals who do not fulfil their legal obligations.

73 The Advisory Committee on Migration Affairs (ACVZ) (2007), report on the MVV procedure of 19 September 2007 issued to the former State Secretary for Justice.
74 INDIAC, Visa Policy as Migration Channel in the Netherlands, March 2012, p. 34.
According to the Cabinet, this Act will make the Netherlands more attractive to those migrants who are needed to strengthen Dutch economy, culture and the academia. The basic principle of the Modern Migration Policy Act is selectivity. This means that this policy will be inviting to migrants needed for Dutch economy and restrictive to others. It enhances the attractiveness of the Netherlands for international companies and highly educated migrants, which may contribute to strengthen the Dutch economy.75

With the implementation of the Modern Migration Policy Act, more responsibility concerning migration for the purpose of study will be given to the educational institutions, who will need to be approved as sponsors. A sponsor has an interest in the international student’s migration and stay, and it will therefore have to commit itself to the obligations associated with that stay.76 The line of approach of the Modern Migration Policy is that the recruitment and selection of international students is best be done by the institutions themselves. They are able to assess the prospective students on their qualities. In this light it is important that the institutions provide the students a clear picture of the Dutch education system, the admission criteria, the services and facilities, the fees and the living expenses. The students who have been recruited must be properly suited for higher education. The purpose of imposing the care on the educational institutions is to discourage abuse of the ‘student route’ and situations where students disappear into illegality.

By shifting a substantial part of the responsibility to the educational institutions, it will be possible to achieve more efficient procedures and to reduce the administrative burden for the IND.77

The new Act was expected to enter into force on 1 January 2011. On 12 November 2010, however, the Minister for Immigration and Asylum informed the Dutch House of Representatives that the Modern Migration Policy Act could not enter into force on 1 January 2011, largely due to the delay in the introduction of a new computer system at the Immigration and Naturalisation Service (IND). This new computer system, INDiGO, is required for the implementation of the Modern Migration Policy Act. At the moment of writing a new date for the coming into force of the Act was not yet known.

Until the date of coming into force, the preparations for the implementation of the Modern Migration Policy Act continue as planned. The trial projects, which have been set up to gain knowledge of and experience with the new act, will be continued and, where possible, expanded.

Since the summer of 2011, all educational institutions have been welcomed to participate in the broad-based E&R Procedure trial project. Under the new migration policy, the two entry procedures that are currently in use (the MVV and the regular residence permit) will be combined into one E&R Procedure. The granting of the MVV will then automatically lead to the granting of the regular residence permit by the IND. Upon

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75 Visa Policy as Migration Channel in the Netherlands, INDIAC, March 2012, p. 32-33.
entry, the IND will issue the residence document to the student at the educational institution or at the IND Desk. The sponsor can also submit an application for a residence permit in the Netherlands for those who are not subject to the MVV requirement, also when the third-country national is still abroad. For these students too, the IND will issue the residence document to the student at the educational institution or at the IND Desk upon arrival into the Netherlands.

Another amendment in the Modern Migration Policy Act is related to the duration of the residence permit. Under the new policy, the residence permit will be issued for the duration of the study programme, with a maximum period of five years. This entails a reduction of the number of applications for renewal. In case the student switches sponsors within the existing residence restriction, it will be sufficient to report this switch to the IND. As a result of this, the number of cases in which changes must be made to the residence permit will be substantially reduced. This amendment will lead to a reduction of the administrative burden for the IND and it will reduce the expenses for the student.78

With the implementation of the Modern Migration Policy Act, academic success in the will have to be satisfactory. Progress is regarded as satisfactory when 50% or more of the nominal study load for the academic year has been achieved. See also Section 3.4.2. If this level of success is not attained, the educational institution will determine the cause. If it turns out that the international student has not put in enough effort or cannot deal with the study load or level, the educational institution will have to cancel his enrolment and will have to deregister the student with the IND.79 The residence permit for the purpose of study will be withdrawn.

Amendments to the Aliens Act 2000
A Bill to amend the Aliens Act 2000 relating to national visas and other aspects80 was submitted on 5 August 2008 and adopted by the Dutch House of Representatives on 1 November 2011. The Senate approved this Bill on 22 May 2012. This Bill adds regulation to the Aliens Act 2000 pertaining to the granting of national visas for stays longer than 90 days.

Contrary to current legislation, the third-country national will no longer have to submit an application for an MVV personally if he has a sponsor representing him in the Netherlands. The application for an MVV will be submitted by the sponsor in that case. The ‘sponsor procedure’, which is currently still an advisory procedure, will thus be given a legal basis and will become an application procedure. When this Bill will come into force is yet to be announced.

The sponsor’s submission of an application does, however, does not release the third-country national from the obligation to appear in person at the Dutch representation in the country of origin, as the third-country national must still provide information in

person at the post. The issue of the MVV can also only occur in person to the third-country national for whom the MVV is intended.

Whether it is the sponsor – as the authorised representative of the third-country national – or the third-country national himself who initiates the procedure is not relevant for the legal nature of the decision: in both situations that decision is the decision on the application for the MVV.

When drafting this Bill, discussions were held - before designing the structure of the E&R Procedure - whether maintaining the MVV requirement was preferable or whether it should be made possible to apply directly for a residence permit in the country of origin. It was decided to maintain the requirement that the applicant should hold an MVV. Abolishing the MVV requirement would after all affect the rationale for the implementation. It furthermore provides clarity to the third-country national, as he will be notified whether he will be permitted to stay in the Netherlands for a longer period of time after entry while he is still in the country of origin or the country of continuous residence. In this respect, the Dutch approach corresponds with that of most EU Member States.  

**Bill on biometric features**

In March 2012, the Minister for Immigration, Integration and Asylum submitted a Bill to the Dutch House of Representatives to increase the number of biometric features to determine identity for organisations participating in the immigration process. With the implementation of this Act, it will be possible to introduce the use and saving of fingerprints and digital photos in the application procedure for residence permits for instance for the purpose of study. Biometric features are currently used and shared only with regard to third-country nationals who apply for asylum.

The possibility of checking fingerprints and photos will make it easier to tackle identity fraud, document fraud and illegality. All services concerned with issuing and checking residence permits are going to introduce fingerprints and digital photos: the IND, the Aliens Police, the Seaport Police, the Royal Netherlands Marechaussee, the Central Agency for the Reception of Asylum Seekers, the Custodial Institutions Agency, the Repatriation and Departure Service and the diplomatic posts abroad.

People who apply for a residence permit will be required to submit their fingerprints and digital photo only once. From then on, it will be possible to check their identity by means of a scan of these fingerprints and compare these with their photo. The biometric features will be saved in a central database digitally and in a chip on the residence permit.  

As far as international students are concerned, biometric features will be taken by the staff of the diplomatic or consular post upon submission of the application for an MVV. By using biometrics, it will be possible to guarantee that the MVV is actually issued to the person who has submitted the application. It will be easier then to check whether the

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81 Visa Policy as Migration Channel in the Netherlands, INDIAC, March 2012.

person entering the Netherlands with the MVV is the legitimate holder and whether the regular residence permit for the purpose of study is being granted to the right person. In addition, it will be possible to prevent students from assuming a different identity after entry, in cases where, for instance, the residence permit has expired and he does not wish to leave the Netherlands.83

2.2.3 Policies on residence

Registration
Each international student must register in the Municipal Personal Records Database (GBA) with the municipality where he has taken up residence. The GBA is a database that keeps the personal data of all inhabitants in the Netherlands. Government services who need personal data for their duties receive this information form the GBA.84

Work
International students holding a regular residence permit for the purpose of study are permitted to work to a maximum of 10 hours a week, or in the months of June, July and August not more than 40 hours a week, in addition to attending the study programme. The student who wishes to work must, however, first ensure that the employer has applied for a work permit at UWV WERKbedrijf.85 UWV WERKbedrijf is part of the Netherlands Employees Insurance Agency (UWV) and works on the instructions of the Ministry of Social Affairs and Employment (Ministry of SAE). The Social Affairs and Employment Inspectorate is charged with the supervision of the employment of third-country nationals and checks whether employers are complying with the Foreign Nationals Employment Act.

Mobility
As a result of the internationalisation of education, it regularly occurs that a student attends part of his study programme outside the Netherlands. The residence permit for the purpose of study may, however, be withdrawn or not renewed if the holder of this permit has moved from his principal place of residence to a location outside the Netherlands. In general, one’s principal place of residence outside the Netherlands is assumed if the student has not resided permanently in the Netherlands. This may, for instance, be apparent from the fact that the student has been deregistered with the GBA of a Dutch municipality or does not have a permanent address in the Netherlands. If the student has informed the Aliens Police prior to his departure that he intends to stay abroad temporarily, but not longer than nine months, it is assumed that he does not wish to establish his principal place of residence abroad.86

86 Aliens Act Implementation Guidelines 2000, Chapter B1, paragraph 5.3.2.
**Job-seeking year for graduates and Highly Educated Migrants Scheme**

After graduation, the international student in higher education in the Netherlands has the right to apply for a temporary residence permit valid for a maximum period of one year. Within this year, the international student graduate will be given the opportunity to find a job as a highly educated migrant.

This job-seeking year was introduced on 20 December 2007\(^8^7\), partly in response to the report of the Advisory Committee on Migration Affairs (ACVZ) based on a study ‘Benefiting from educational migrants.’ Prior to that date, the migrant who had graduated was permitted to stay in the Netherlands to seek a job for a maximum period of three months. This period proved too short for these graduates. According to the report of the ACVZ, the job-seeking period of one year would give the graduates a genuine chance to find a job at the appropriate level. \(^8^8\)

Furthermore, in anticipation of the implementation of the Modern Migration Policy Act, the Highly Educated Migrants Scheme was introduced on 1 January 2009. The purpose of this Scheme is to attract international top talents for the benefit of the Dutch knowledge economy. The Scheme is an experiment with a so-called supply-driven labour migration policy. Further explanation of the job-seeking year and the Highly Educated Migrants Scheme is given in Section 3.3.

**2.2.4 National strategy**

Following the Directive 2004/114/EC, the Netherlands aims to be a fertile ground for growth and development in the sectors of economy, culture and science. The government considers the admission of talented knowledge and student migrants as a means to achieve this. The quality of the working population and the attraction of the Netherlands as a hub of business for foreign investors will be enhanced by the admission of these migrants. \(^8^9\) On the other hand, the admission of international students is considered to be an opportunity to contribute positively to the development of the countries of origin. \(^9^0\)

The Dutch educational institutions wish to attract talented international students, because they contribute to the quality of education and research in the Netherlands. Once the international students have had a positive experienced in the Netherlands, they can, upon their return, fulfil a role as ambassadors for Dutch education. These alumni have been invited in growing numbers by educational institutions or by Nuffic to promote Dutch education abroad. On the other hand, the students who remain in the Netherlands to work will contribute to a reduction in the shortages on the labour market as well as to the growth of the Dutch economy.

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\(^8^7\) The Dutch Migration Map, WODC, 3 January 2012, p. 113-114.

\(^8^8\) Benefiting from educational migrants. A report on the labour market position of foreign graduates. ACVZ, 20 February 2007, p. 42.

\(^8^9\) Letter of the former State Secretary for Justice: Objectives of migration policy, Dutch House of Representatives, 20072007, 30573, no. 10, 27 June 2008.

\(^9^0\) Aliens Act Implementation Guidelines 2000, Part B, Chapter 6, Section.
Since the beginning of the 21st century, the concept of the international higher education market has been included in policy documents as a strategy. The idea that education is a commodity is mentioned more often and the government is encouraged to capitalize on the chances offered by this market: by improving the quality of higher education (among other things by promoting the entry of foreign students and talented persons), to provide an impulse to the international reputation of the Netherlands as a country of knowledge and culture.

This strategic choice has opened doors to competition. International experience is considered a means to strengthen Dutch competitiveness internationally. From a strategic point of view, participation in large-scale European initiatives, such as the Bologna process and the European Lisbon agenda, are examples that contribute to this international experience. In addition, efforts are made in regional cooperation with neighbouring countries and with others like the Baltic States and acceding countries.

Another motive for promoting international mobility and attracting talented persons is to seek alignment with the demand for higher education from the emerging economies, such as China and India. Dutch institutions will have to adopt a strategic position to encourage students from these countries to study in the Netherlands.

The Dutch Ministry of ECS has identified four international developments that endorse the importance of internationalisation:
1. Increased competition for highly educated persons for the national and international labour market in the light of demographic projections.
2. Increased competition with regard to attracting international students worldwide.
3. Internationalisation of the Dutch labour market calls for more international competencies.
4. Solving world problems (like climate, water) requires more and more international cooperation.

In its strategic agenda of 2011, the Dutch government refers to the growing international competition in higher education and the necessity to gear the national higher education system to this. An important element in this ambitious agenda is attracting talented students and excellent staff from abroad.

**Actors**
The Dutch Ministry of ECS is responsible for determining the basic principles of the strategy and policy, but the educational institutions have the freedom to set their own objectives. They have the freedom to enter into joint ventures, and students and researchers are free to choose their study programmes and research programmes. In addition, the government has an important role in the promotion and reputation management of Dutch higher education abroad. It fulfils its most important role, however, in promoting international mobility by making different types of grants available.
The Ministry of the Interior and Kingdom Relations is responsible for determining the policy on admission. The IND implements this policy. The Ministry of Social Affairs and Employment is responsible for policy on employment during the stay.

Countries of focus
The Netherlands focuses primarily on Europe. Outside Europe, the focus is on the Bric countries (Brazil, Russia, India and China), Indonesia and to a lesser degree on Taiwan, Thailand, South Korea, Vietnam and Mexico.91

Quality Requirements
The Education Council, the independent advisory body for the government and the Dutch House of Representatives, recommends a balanced language policy and quality requirements for higher education conducted in English. Degree programmes at institutions of higher education increasingly introduce programmes conducted in English. This is related to the increased mobility of the students and to the requirements of the labour market. Programmes in English should be subject to more quality requirements: lecturers should be able to demonstrate that they have sufficient command of this language and students should be able to demonstrate that they are capable of attending this education. The Council has recommended safeguarding the quality of education conducted in English by making it an explicit part of the accreditation framework. Lecturing at an educational institution that offers study programmes in English, whether entirely or in part, calls for a lecturer who is proficient in English with didactical skills and the ability to teach a heterogeneous group of students. Students who opt for a study programme that is conducted in English, whether entirely or in part, must have sufficient command of the language to attend education at a high level. For this purpose, it is important to have reference levels for English in secondary education. The Education Council feels that requirements imposed on Dutch students and international students must be comparable. The Council therefore thinks it is justified to administer a language test to establish the level of prospective students.

The Council furthermore recommends that international students should become acquainted with the Dutch language and culture if they decide to attend higher education in the Netherlands for more than one year. Institutions should facilitate this, for instance, by offering an introductory programme in the form of a summer school at the beginning the study programme. If international students and lecturers are given the opportunity to develop a bond with society during their stay, chances increase that they will invest their talents and knowledge to the Dutch knowledge economy.92

91 European and national policies for academic mobility. Linking rhetoric, practice and mobility trends.( Irina Ferencz, Brend Wächter (eds), ACA Papers in International Cooperation in Education, Lemmens 2012, chapter VII.
2.2.5 Political and social debates

Highly Educated Migrants Scheme

In response to the Evaluation of the Highly Educated Migrants Scheme, as carried out by the IND Information and Analysis Centre (INDIAC), questions have been asked in Parliament by the General Committee for Immigration and Asylum. The questions pertained, among other things, to the issue of the measures to be taken to increase the recognition of the Scheme and to attract more international top talent. On 25 May 2012, the Minister for Immigration, Integration and Asylum replied that the Highly Educated Migrants Scheme is used to a limited extent and that there is no evidence of improper use. Measures taken in response to the evaluation pertain primarily to improving the provision of information about the Scheme. The IND, for instance, will make the information about the Highly Educated Migrants Scheme more readily accessible on its website. No other promotional measures are foreseen and the Highly Educated Migrants Scheme will be continued unaltered. At the next evaluation in 2013, it will be possible to examine to what extent the Scheme links up with the recruitment of international top talent and whether other measures are required.93

Recruitment of top talent

In response to initiatives initiated abroad by Dutch educational institutions, questions were asked in Parliament on 26 October 2011 on the recruitment of talented Chinese students. The questions pertained to the international competitiveness of Dutch education on the one hand and on the investments in Dutch students on the other hand. In reply to these questions, the State Secretary for ECS explained that talented international students are an enrichment to Dutch higher education and that they can contribute to strengthening the knowledge economy. The measures the State Secretary intends to take to strengthen the position of the Netherlands as a knowledge economy include the promotion of intensive and activating education for students and the provision of enough leeway for differentiation and profiling. To recruit talents, the State Secretary feels that the Dutch educational institutions providing higher education must, on the one hand, provide more quality themselves and on the other hand, ensure that they are guided by defined standards of quality when carrying out activities of recruitment and selection.

In his questions, the Member of the Dutch House of Representatives of the PvdA party also expressed its concern about the high visa fees and the abolition of the Huygens Scholarship (scholarship for the recruitment of international top talent). In its answer, the Cabinet indicated it did not wish to lower the fees for the application for a residence permit. As the amount of the fees constitutes just a small part of the total expenses of studying and staying in the Netherlands, the Cabinet feels that the accessibility to the Netherlands for students from outside the EU is not threatened by the fees. According to the State Secretary, the abolition of the Huygens Scholarship Programme as a result of budget cuts will not result in the fact that the Netherlands would no longer be an attractive country to study. When government budgets cuts are required, it is of course

93 Answers to Parliamentary questions by the General Committee for Immigration and Asylum about the Evaluation of the Highly Educated Migrants Scheme, reference 2012D12519, 25 May 2012.
possible to have recourse to investments from the private sectors. The Nuffic, for instance, is currently examining the possibility of making grants available from private funds to talented students under the name of the Huygens Scholarship Programme.94

**Working hours for international students**

Members of the Dutch House of Representatives of the PvdA and CDA parties asked questions in Parliament on 15 July 2010 about the maximum number of 10 working hours for students from outside the EEA. According to these members, many students from outside the EEA cannot live on the standard set for expenses (means of existence as a condition for admission as a student) plus 10 working hours a week. The Minister of SAE was questioned whether he sees possibilities to increase the maximum number of working hours a week. The Minister was of the opinion that it is not desirable that, in the Netherlands, work functions as the principal source of income in order to study and stay in the Netherlands. Students from outside the EU/EEA will have to find other sources of funding to cover all study costs and living expenses if they wish to study in the Netherlands. The position of the Cabinet is that international students can only enter the Netherlands to attend a full-time study programme. The Netherlands implemented the minimum standard of 10 hours a week in accordance with the Directive 2004/114/EC as a maximum standard to emphasise that for this target group work should only be a secondary activity. The number of 10 hours a week was chosen in the past, because research had shown that work for more than 10 hours a week leads to significantly reduction in study progress than less hours or no work at all.95

94 Answers to Parliamentary questions from Jadnansing (PvdA) about recruiting talented Chinese students, reference 2011Z21000, 28 November 2011

95 Answers to Parliamentary questions from Jadnansing (PvdA) and Ferrier (CDA) about the maximum standard of 10 working hours a week for international students, reference 2010Z10977, 2 September 2010
3 NATIONAL LEGAL AND PRACTICAL CONDITIONS THAT APPLY TO INTERNATIONAL STUDENTS

3.1 Admission to the Netherlands

The international student population in the Netherlands has increased in the past few years. The following table shows the relationship, in absolute and relative figures, between the purpose of residence ‘study’ compared to other categories (other purposes of residence). It is also clear that in 2010 as well, when a decrease in the total migrant population could be observed, the student population still increased.

Table 2 Stock compared to other purposes of residence

<table>
<thead>
<tr>
<th></th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Study</td>
<td>13.927</td>
<td>16.629</td>
<td>17.841</td>
</tr>
<tr>
<td>Family</td>
<td>158.540</td>
<td>156.438</td>
<td>159.551</td>
</tr>
<tr>
<td>Work</td>
<td>22.738</td>
<td>24.164</td>
<td>26.176</td>
</tr>
<tr>
<td>Other</td>
<td>223.095</td>
<td>235.857</td>
<td>166.954</td>
</tr>
<tr>
<td>Total</td>
<td>418.300</td>
<td>433.088</td>
<td>370.522</td>
</tr>
</tbody>
</table>

Source: INDIS

The next figure shows an increase in the absolute numbers of residence permits granted for the purpose of study in the period 2008-2010. The subsequent table shows the nationalities for which residence permits were granted, per year.

Figure 1 Stock for the purpose of study in absolute numbers

Source: INDIS
The following two tables show the increase in new residence permits granted for a number of categories per year (period 2006-2011), including for the purpose of study, broken down by gender. A comparison with the tables and figure above show clearly that the increase in stock is larger than the increase in the flow. This points to the fact that the international students remain in the Netherlands for a longer period of time to attend a study programme.

Table 3  Stock for the purpose of study by nationality per year

<table>
<thead>
<tr>
<th>Nationality</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chinese</td>
<td>4,096</td>
<td>4,978</td>
<td>5,377</td>
</tr>
<tr>
<td>Indonesian</td>
<td>1,156</td>
<td>1,171</td>
<td>1,209</td>
</tr>
<tr>
<td>Surinamese</td>
<td>571</td>
<td>853</td>
<td>902</td>
</tr>
<tr>
<td>American</td>
<td>551</td>
<td>681</td>
<td>742</td>
</tr>
<tr>
<td>Indian</td>
<td>473</td>
<td>582</td>
<td>695</td>
</tr>
<tr>
<td>Turkish</td>
<td>440</td>
<td>569</td>
<td>574</td>
</tr>
<tr>
<td>Russian</td>
<td>353</td>
<td>406</td>
<td>466</td>
</tr>
<tr>
<td>Vietnamese</td>
<td>351</td>
<td>399</td>
<td>461</td>
</tr>
<tr>
<td>South-Korean</td>
<td>314</td>
<td>370</td>
<td>461</td>
</tr>
<tr>
<td>Iranian</td>
<td>313</td>
<td>366</td>
<td>376</td>
</tr>
<tr>
<td>Other</td>
<td>5,309</td>
<td>6,254</td>
<td>6,578</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>13,927</td>
<td>16,629</td>
<td>17,841</td>
</tr>
</tbody>
</table>

Source: INDIS

The flow of male and female students is fairly evenly distributed, with a somewhat larger flow of female students in the past few years.

Table 4  Flow for the purpose of study, compared to other purposes of residence

<table>
<thead>
<tr>
<th>Purpose</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Study</td>
<td>7,850</td>
<td>8,238</td>
<td>8,850</td>
<td>9,944</td>
<td>10,510</td>
<td>10,701</td>
</tr>
<tr>
<td>Family</td>
<td>25,051</td>
<td>18,992</td>
<td>24,092</td>
<td>23,078</td>
<td>21,565</td>
<td>22,327</td>
</tr>
<tr>
<td>Work</td>
<td>7,691</td>
<td>9,156</td>
<td>11,613</td>
<td>10,433</td>
<td>10,448</td>
<td>10,951</td>
</tr>
<tr>
<td>Other</td>
<td>-</td>
<td>-</td>
<td>18,034</td>
<td>13,034</td>
<td>11,955</td>
<td>11,085</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>-</td>
<td>-</td>
<td>62,589</td>
<td>56,489</td>
<td>54,478</td>
<td>55,074</td>
</tr>
</tbody>
</table>

Source: INDIS

Table 5  Flow for the purpose of study, by gender

<table>
<thead>
<tr>
<th>Gender</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>4,064</td>
<td>4,300</td>
<td>4,381</td>
<td>4,877</td>
<td>4,945</td>
<td>5,089</td>
</tr>
<tr>
<td>Female</td>
<td>3,784</td>
<td>3,938</td>
<td>4,469</td>
<td>5,057</td>
<td>5,565</td>
<td>5,609</td>
</tr>
<tr>
<td>Unknown</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>7,850</td>
<td>8,238</td>
<td>8,850</td>
<td>9,944</td>
<td>10,510</td>
<td>10,701</td>
</tr>
</tbody>
</table>

Source: INDIS
Below an explanation is given of the measures taken to attract international students. The measures vary from practical measures in the area of promotional activities, scholarships and the provision of information, to legal measures to speed up the application procedures for the entry of students. Judging by the tables above, which show the growing flow of international students, the measures appear to be effective.

3.1.1 Measures to promote the internationalisation of higher education

It is indisputable that acquisition, distribution and sharing of knowledge on an international scale are essential conditions for the successful development of the Dutch knowledge economy. Institutions of higher education are pre-eminently establishments for the circulation of knowledge. However, competition on the international market for higher education has become increasingly fierce. The Netherlands will therefore have to adopt a clear position in this respect, to exert a positive influence on the economic competitiveness of the Netherlands. The Dutch government consequently supports the internationalisation policy of the educational institutions.97

Promotional activities

International students must be made aware that education in the Netherlands is fitting and of a high quality. It is a pointed task for the Dutch representations abroad in the field of higher education: the Netherlands Education Support Offices (Nesos) of Nuffic. Nuffic Nesos are located in China, South Korea, Taiwan, Vietnam, Indonesia, Mexico, Russia, Brazil, Thailand and India, and are supported financially by the Dutch government. Among other things, Nuffic Nesos are responsible for the marketing and generic information on Dutch higher education and they assist international students in selecting a suitable study programme in the Netherlands. Nuffic also manages a database of available scholarship funds.

Other instruments used in the promotion of higher education in the Netherlands include educational fairs, campaigns and events, all of which serve to bring Dutch international study programmes to the attention of prospective international students abroad. In addition, Nuffic Holland Alumni organises activities and carries out market research and analyses.98

To market the Netherlands on the international education market as a country of studies and to put the quality of Dutch higher education and its large number of study programmes conducted in English on the map, a logo has been developed. It is a distinguishing feature for Dutch higher education promotion abroad.

Moreover, when the diversity of the educational institutions is made explicit in classifications, institutions will be able to identify their peers and

98 International student recruitment: policies and developments in selected countries – Nuffic, January 2012, p. 16-20.
invite comparison. In this way, the educational institutions will be able to distinguish
themselves by their profiles. A proper classification may furthermore provide a basis for
reliable and verifiable rankings, such as those that are being developed with the support
of the European Commission.

**Day of the International Student**
Each year, Nuffic organises the Day of the International Student together with the Munici-
pality of The Hague. The main objective of the meeting is to bring compatriots and
fellow students together. The meeting includes workshops about living in a different
culture, jobs coaching and how to present oneself. There is also room for folklore from
all over the world and socializing.

**Scholarships**
For Dutch and EU students, the tuition fee is laid down by law, but for students from
outside the EU this is no longer the case since 1 January 2009. Now that this group is
no longer funded by the government, they have to pay cost-effective rates. In 2009, the
government has however allocated approximately €5 million for Knowledge Grants, to
the institutions for their internationalisation activities, including scholarships for non-
subsidised students from outside the EU. See also Section 4.2 for more information
about scholarships.

Students coming to the Netherlands within the framework of development cooperation
may draw on the Netherlands Fellowship Programme (NFP). This a fellowship pro-
gramme is funded by the Ministry of Foreign Affairs from the budget for development
cooperation, aimed at reducing the shortage of skilled labour in third world countries.
The NFP was initiated to meet the demand for further education. The target group con-
sists of mid-career professionals from one of the 61 participating NFP countries. The
request for education and training must be directly relate to the institutional develop-
ment of the organisation where the candidate is employed. At least half of the available
 fellowships are awarded to women and another half are reserved for candidates from
Sub-Sahara Africa. Fellowships are
available for English-language Master Degree programmes (varying from 9 to 24
months), short courses (in English and French, varying from 2 to 52 months) and PhD
studies, of which one part of the programme is performed in the country of origin and
the other part in the Netherlands.

Section 4.2 includes information about EU scholarships and programmes. Nuffic further-
more supports networks, such as the Holland Alumni Network of international students,
and the Cospa Network of Dutch work placement coordinators. The scholarships and
capacity-building programmes facilitated by Nuffic include the following:

99 Standard for academic year of 2012/2013: 1,771.
100 Decree of 16 April amending the WHW (Implementation) Decree in connection with merging this Decree with the WHW
 Funding Decree and in connection with the amendments to the provisions regarding the general calculation method of the
government grant for institution of higher education, Government Gazette 16 April 2008, 146.
• StuNed, a scholarship programme for Indonesian students who wish to study in the Netherlands.
• NPT, a programme to strengthen the development of institutional capacity in higher education in developing countries.
• Tempus, the European Union’s programme which supports the modernisation and restructuring of higher education in the neighbouring countries of the EU.
• NICHE, a programme to strengthen the development of institutional capacity in higher education in developing countries. This programme will gradually replace NPT.

Early in 2012, the Brazilian governments launched a scholarship programme ‘Science without Borders’. The Netherlands participates in this programme through Nuffic. It offers Brazilian top students the opportunity to study or do research at a Dutch higher education institution for six months up to a year. The Dutch and Brazilian governments have agreed that 2,100 Brazilian students and 400 graduated researchers would be admitted to Dutch research universities and universities of applied sciences. Through the website www.swbholland.org, Brazilian students can select English-language Bachelor Degree programmes at Dutch research universities and universities of applied sciences. The focus particularly is on technical Bachelor Degree programmes. In the framework of these scholarship programmes, Nuffic cooperates closely with scientific and research organisations such as NWO, KNAW and the institutions of higher education.

3.1.2 Provision of Information

To make information on Dutch higher education easily accessible, the Dutch international study programmes are online on the site: http://www.studyfinder.nl. Through this on-line search engine international students are provided with a complete and reliable overview of the study programmes - following the Code of Conduct for International Students in Higher Education. The institutions can add information about their programmes to a central database. The number of study programmes in English offered by Dutch institutions is among the highest in Europe. In the academic year 2010/2011, more than 1,500 programmes were offered in English: 850 Master Degree programmes, 250 Bachelor Degree programmes, and more than 400 short courses.

In addition, the Dutch government has joined several (governmental) institutions on a website, http://www.newtoholland.nl, to provide potentially easy access to the required information for international students both on education and otherwise.

The European website Qrossroads also provides information about the quality and accreditation status of higher education in Europe. The Dutch-Flemish Accreditation Organization is involved in the expansion of this website. Enhancing quality of higher education.

104 See Section 3.4.2 for the Code of Conduct.
105 Source: International Student Recruitment: policies and development in selected countries, Nuffic 2012.
106 See: http://www.qrossroads.eu/home
education in Europe and mutual recognition of accreditation has and will have its effect on Dutch institutions and will only increase in the future. The quality provided by Dutch educational institutions will then be transparent and accessible across borders.

International students who want access to higher education in the Netherlands must have the required knowledge and skills. The Board of Governors of the institution is decides on the admission of an international student when it is satisfied that his diploma at least equivalent to the official admission requirements as laid down in law (Section 7.28.2.2 of the WHW). If so required the institution will make use the Credential Evaluation services. A foreign qualification for previous education will be assessed in terms of a Dutch equivalent and, as far as possible, the comparability will be established. These credential evaluations - on the basis of the subjects taken, the study load and the level of the study programme - are carried out by Nuffic, which has been designated by the Minister of ECS as the national academic recognition information centre for the European Union (NARIC) and the Council of Europe & UNESCO (ENIC). The evaluation of a foreign qualification may also be requested in view of access to the labour market. There is a consistent increase in the number of accreditation requests. Nuffic currently evaluates approximately eleven thousand diplomas a year.\(^{107}\)

In order to reduce paperwork and improve the way in which international students and researchers are received in the Netherlands, the ‘Red Carpet’ project was launched in 2011.\(^{108}\) This project, which is funded by the Dutch government, aims to simplify administrative procedures for enrolment in the educational institutions, registration with the GBA and the IND, with the Tax and Customs Administration for a citizen service number and with DUO (if applicable). One of the outcomes of this project is the search engine www.studyfinder.nl, referred to above. Another outcome of the project is to establish a central point to manage and present the administrative procedures that international students are confronted with and address topics such as the housing for international students.\(^{109}\)

### 3.1.3 Procedural measures

**Fast-track procedure**

For several years, the IND has worked with residence permits for the purpose ‘study in higher education’ on the basis of a system of contracts. Signing a contract with an educational institution is based on trust in the sponsor. On the basis of the agreements laid down in the contract, residence permits can be issues within a shorter period of time and administrative procedure for the international student are simplified. This procedure is available to all international students.\(^{110}\) Please refer to Section 2.2.1 for more information about the sponsor procedure.


\(^{108}\) The Red Carpet is an initiative of several agencies and organisations involved in the admission of international students: the IND, DUO, the VSNU, the HBO Council, Studiekeuze123, Nuffic, Kences, and Studielink.

\(^{109}\) Source: [www.rodeloperprogramma.nl](http://www.rodeloperprogramma.nl).

\(^{110}\) Students with scholarships are consequently not subject to a specific admission procedure.
A precondition for signing a contract with the IND and allowing international students to come to the Netherlands is the requirement that the educational institution is listed in the register of the Code of Conduct for International Students in Higher Education that is maintained by DUO. The Code of Conduct protects the interests of the international student and the position and reputation of Dutch higher education abroad.

In accordance with the contract, the sponsor has the responsibility to submit an application for admission to the IND, on behalf of the student. This takes place by means of the fast-track procedure. One of the conditions for the fast-track procedure is that the educational institution acts as a guarantor for the costs ensuing from the third-country student’s stay in the Netherlands towards the Dutch government. The educational institution will furthermore guarantee that the third-country student complies with the conditions for the granting of a residence permit and it is obliged to report to the IND, within two months, in case a student does not report to the institution after having obtained an entry visa or terminates his studies (in the interim).

Process for the issue of visas and residence permits for the purpose of study
As stated above in Section 2.2.1, the Netherlands has a Regular Provisional Residence Permit (MVV), which is used as the national visa for a stay longer than 90 days (Type D visa). The MVV grants the holder of this visa entry into the Netherlands, enabling him to apply for a residence permit for the intended stay of longer than three months. The requirement to apply for an MVV before travelling to the Netherlands enables the Dutch authorities to verify whether the third-country national complies with all entry requirements in accordance with, among other things, Articles 6 and 7 of Directive 2004/114/EC, without being presented with a fait accompli after the third-country national's presence in this country.

The third-country national himself must apply for the MVV in person at a diplomatic post in the country of origin or the country of permanent residence. In practice, it has become evident that, in anticipation of the amendments to the Aliens Act 2000, most applications are now being submitted on behalf of the student by the sponsor. The third-country national must await the decision on his application outside the Netherlands. This is to prevent the situation that the application should be submitted while the third-country national is already in the Netherlands. There are no exceptions to this
obligation, for instance, for students who participate in the Erasmus Mundus Programme. Please refer to Section 4.2 for more information about this Programme, the Lisbon Treaty and the Visa Code.

The applicant for an MVV must hold a valid international identity document to cross the border (passport). The student must also appear in person to have his identity established and verified. If there is no consular representation of the Netherlands in the country of origin or in the country of permanent residence, the MVV may be applied for and issued in the closest country where the Netherlands has a representation.

In Section 2.2.1 the sponsor procedure that applies to international students has been explained and that under specific conditions, the accelerated MVV procedure may be used. The student has access to general information on the procedure and the study opportunities through the immigration sites of the Dutch government www.newtohollland.nl, the website www.studyinholland.nl of Nuffic, the Nuffic Nesos abroad and the website www.internationalstudy.nl of DUO.

The first step to be taken by the international student is to enrol well in time, with the educational institution of his choice. This can be done through the website of the educational institution or through www.studielink.nl. The educational institution, which acts as sponsor, subsequently verifies whether the student complies with all requirements for studying in the Netherlands. If so and if all requirements for a residence permit for the purpose of study have been complied with, the IND will authorise the diplomatic post in the country of origin or in the country of permanent residence to issue an MVV with reservation. This reservation implies, among other things, that the application may still be rejected if further examination of the authenticity of the original documents submitted give cause. There might also be other reasons. The sponsor will be informed of a positive advice. It will also be informed that the student will have to contact the diplomatic post to obtain the MVV personally. The diplomatic post will inform the student as to which documents are required.

If the student does not comply with all conditions, or does not have the right documents, the MVV application will be rejected. An example of this is the situation in which the authenticity of a diploma is questioned and the application is rejected. In that case, the applicant will receive a negative decision through the diplomatic post.

In the event of a positive decision on the MVV application, whereby the conditions that correspond with Articles 6 and 7 of Directive 2004/114/EC are complied with, the student will be notified through the diplomatic post. He will be able to collect the MVV in person at the diplomatic or consular representation abroad.

The MVV cannot be issued until prior authorisation is granted by the Visa Service of the Ministry of Foreign Affairs, placed under the IND. This authorisation is valid for six

117 With regard to the academic year of 2012/2013, the enrolment for study programmes subject to numerus fixus had to be passed on to Duo through www.studielink.nl before 15 May 2012.

months, to be counted from the date of the notification from the Foreign Affairs Minister to issue an MVV. The student must collect the authorisation within this period. If he fails to do so he will have to submit a new application for an MVV. If the MVV has been issued within this period of six months, the student will have a period of another six months from the date of issue of the MVV to travel to the Netherlands. The maximum validity of the MVV issued is three months from the date of entry into the Schengen area, and cannot be renewed.

Before the diplomatic post issues the MVV, it will check the identity of the third-country national. The person concerned must present adequate proof of his identity. Once the application for a national visa has been granted, the visa can then be issued. Affixing the visa sticker in the applicant’s valid international identity document to cross the border and issuing this document to the applicant is the official notification of the decision on the application. This is done at the diplomatic post that has processed the MVV application.

An MVV is a national visa as referred to in the Convention Implementing the Schengen Agreement to enter Dutch territory. The holder of a valid MVV - just like holders of valid residence permits for short stays - has the right to travel through the territories of the Schengen countries (for a maximum period of three months per six-month period). This might be necessary to reach the Netherlands. It is not possible to apply for an MVV at a border crossing point. This is to prevent third-country nationals from circumventing the MVV requirement and the application procedure from abroad.

It should be noted that in exceptional cases the Royal Netherlands Marechaussee can stop the holder of an MVV at the border. This may the case for example, when it turns out at a later date, that the third-country national poses a danger to public order or public health. In these cases, the Royal Netherlands Marechaussee will always consult with the IND.

Upon granting the application for the issue of an MVV, the student must be notified of the fact that within three days after arrival in the Netherlands, he will as part of the aliens supervision procedures, have to report to the Commissioner of Police of the regional police force of the region in which the municipality is located and where he will have his temporary or permanent place of residence. In order to submit an application for a temporary regular residence permit subject to the restriction of study, the student will then have to go to the IND. Students who attend study programmes at educational institutions that participate in the E&R Procedure trial project are exempted from this requirement (see Section 2.2.2).

119 B1/1.2 of the Aliens Act Implementation Guidelines. In the E&R Procedure, a shortening of the collection period and the period in which the third-country national must travel to the Netherlands is envisaged, which would change these periods from 6 and 6 months to 3 and 3 months, respectively. See also the Act of 24 May 2012 amending the Aliens Act 2000 relating to national visas and several other aspects, in which these shorter periods of time have been enshrined. The date on which this Act will enter into force is not yet known.

120 Article 5.1 of the Aliens Act Implementation Guidelines 2000 (A) 2 Entry 5 External border control, granting entry, and refusal of entry.
Figure 2  MVVs granted for the purpose of study

![Graph showing MVVs granted for the purpose of study from 2006 to 2011.]

Source: INDIS

Table 6  Decisions on applications for regular residence permits for the purpose of study

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>granted</td>
<td>7.850</td>
<td>8.238</td>
<td>8.850</td>
<td>9.944</td>
<td>10.510</td>
<td>10.701</td>
</tr>
<tr>
<td>rejected</td>
<td>840</td>
<td>270</td>
<td>120</td>
<td>36</td>
<td>36</td>
<td>21</td>
</tr>
<tr>
<td>other</td>
<td>242</td>
<td>102</td>
<td>113</td>
<td>62</td>
<td>75</td>
<td>97</td>
</tr>
</tbody>
</table>

Source: INDIS

Until 2010, an upward trend could be observed in the number of MVV applications that were granted for the purpose of study. Although the number of regular residence permits for the purpose of study continued to increase, the number of MVVs granted for the purpose of study decreased in 2011. This may be explained by the fact that, in 2011, fewer students came from countries whose nationals are subject to the MVV requirement, whereas the number of students from countries whose nationals are not subject to the MVV requirement increased.
The number of rejections of regular residence permits is limited. These rejections relate, in particular, to regular residence permits from third-country nationals who are not subject to the MVV requirement. The applications for a residence permit for the purpose of study submitted by third-country nationals who are subject to the MVV requirement have, after all, already been tested against the conditions during the application for an MVV.

### Table 7  MVVs granted for the purpose of study, by nationality

<table>
<thead>
<tr>
<th>Year</th>
<th>Country</th>
<th>MVVs Granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>China (including Hong Kong)</td>
<td>1,248</td>
</tr>
<tr>
<td></td>
<td>Turkey</td>
<td>465</td>
</tr>
<tr>
<td></td>
<td>Indonesia</td>
<td>452</td>
</tr>
<tr>
<td></td>
<td>Pakistan</td>
<td>307</td>
</tr>
<tr>
<td></td>
<td>India</td>
<td>292</td>
</tr>
<tr>
<td></td>
<td>Bulgaria</td>
<td>219</td>
</tr>
<tr>
<td></td>
<td>Nepal</td>
<td>180</td>
</tr>
<tr>
<td></td>
<td>Ethiopia</td>
<td>170</td>
</tr>
<tr>
<td></td>
<td>Viet Nam</td>
<td>162</td>
</tr>
<tr>
<td></td>
<td>Russia Federation</td>
<td>154</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>2,034</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>6,583</td>
</tr>
<tr>
<td>2007</td>
<td>China (including Hong Kong)</td>
<td>1,517</td>
</tr>
<tr>
<td></td>
<td>Turkey</td>
<td>610</td>
</tr>
<tr>
<td></td>
<td>Indonesia</td>
<td>573</td>
</tr>
<tr>
<td></td>
<td>Pakistan</td>
<td>308</td>
</tr>
<tr>
<td></td>
<td>India</td>
<td>283</td>
</tr>
<tr>
<td></td>
<td>Russian Federation</td>
<td>180</td>
</tr>
<tr>
<td></td>
<td>Ethiopia</td>
<td>174</td>
</tr>
<tr>
<td></td>
<td>Taiwan</td>
<td>172</td>
</tr>
<tr>
<td></td>
<td>Mexico</td>
<td>171</td>
</tr>
<tr>
<td></td>
<td>Brazil</td>
<td>149</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>2,663</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>6,800</td>
</tr>
<tr>
<td>2008</td>
<td>China (including Hong Kong)</td>
<td>1,980</td>
</tr>
<tr>
<td></td>
<td>Turkey</td>
<td>564</td>
</tr>
<tr>
<td></td>
<td>Indonesia</td>
<td>549</td>
</tr>
<tr>
<td></td>
<td>India</td>
<td>352</td>
</tr>
<tr>
<td></td>
<td>Russian Federation</td>
<td>258</td>
</tr>
<tr>
<td></td>
<td>Ethiopia</td>
<td>197</td>
</tr>
<tr>
<td></td>
<td>Mexico</td>
<td>192</td>
</tr>
<tr>
<td></td>
<td>Taiwan</td>
<td>167</td>
</tr>
<tr>
<td></td>
<td>Indonesia</td>
<td>169</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>7,554</td>
</tr>
<tr>
<td>2009</td>
<td>China (including Hong Kong)</td>
<td>2,220</td>
</tr>
<tr>
<td></td>
<td>Turkey</td>
<td>670</td>
</tr>
<tr>
<td></td>
<td>Indonesia</td>
<td>537</td>
</tr>
<tr>
<td></td>
<td>India</td>
<td>437</td>
</tr>
<tr>
<td></td>
<td>Russian Federation</td>
<td>234</td>
</tr>
<tr>
<td></td>
<td>Ethiopia</td>
<td>223</td>
</tr>
<tr>
<td></td>
<td>Iran (Islamic Republic of)</td>
<td>202</td>
</tr>
<tr>
<td></td>
<td>Mexico</td>
<td>173</td>
</tr>
<tr>
<td></td>
<td>Taiwan</td>
<td>168</td>
</tr>
<tr>
<td></td>
<td>Viet Nam</td>
<td>163</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>3,143</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>8,172</td>
</tr>
<tr>
<td>2010</td>
<td>China (including Hong Kong)</td>
<td>2,190</td>
</tr>
<tr>
<td></td>
<td>Turkey</td>
<td>640</td>
</tr>
<tr>
<td></td>
<td>Indonesia</td>
<td>614</td>
</tr>
<tr>
<td></td>
<td>India</td>
<td>419</td>
</tr>
<tr>
<td></td>
<td>Russian Federation</td>
<td>293</td>
</tr>
<tr>
<td></td>
<td>Mexico</td>
<td>226</td>
</tr>
<tr>
<td></td>
<td>Iran (Islamic Republic of)</td>
<td>212</td>
</tr>
<tr>
<td></td>
<td>Ethiopia</td>
<td>190</td>
</tr>
<tr>
<td></td>
<td>Saudi Arabia</td>
<td>183</td>
</tr>
<tr>
<td></td>
<td>Viet Nam</td>
<td>176</td>
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<tr>
<td></td>
<td>Other</td>
<td>3,150</td>
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<tr>
<td></td>
<td>Total</td>
<td>8,293</td>
</tr>
<tr>
<td>2011</td>
<td>China (Including Hong Kong)</td>
<td>2,300</td>
</tr>
<tr>
<td></td>
<td>Turkey</td>
<td>608</td>
</tr>
<tr>
<td></td>
<td>Indonesia</td>
<td>558</td>
</tr>
<tr>
<td></td>
<td>India</td>
<td>464</td>
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<td></td>
<td>Russian Federation</td>
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<td></td>
<td>Iran (Islamic Republic of)</td>
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</tr>
<tr>
<td></td>
<td>Mexico</td>
<td>222</td>
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<tr>
<td></td>
<td>Taiwan</td>
<td>179</td>
</tr>
<tr>
<td></td>
<td>Singapore</td>
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<td></td>
<td>Viet Nam</td>
<td>162</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>2,579</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>7,768</td>
</tr>
</tbody>
</table>

Source: INDIS

The students who are subject to the MVV requirement originate in particular from China, Turkey, Indonesia, India and Russia. Since 2008, these nationalities have invariably occurred in the top 5 of MVVs granted by nationality, with China in the lead.
The regular residence permits granted for the purpose of study show a different top 5, because there is a large flow of American students, who are not subject to the MVV requirement. In this table, as well, the group of Chinese students continue to be in the lead.

Source: INDIS
Table 10  Appeal against applications for regular residence permits for the purpose of study

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>Totaal</th>
</tr>
</thead>
<tbody>
<tr>
<td>granted</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>rejected</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>other</td>
<td>2</td>
<td>5</td>
<td>3</td>
<td>-</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>total</td>
<td>2</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>15</td>
</tr>
</tbody>
</table>

Source: INDIS

The percentage of applications for regular residence permits for the purpose of study that are rejected has been very low, certainly during the last few years, as is clear from Table 6. As a result of this, it is not possible to observe a specific trend or to identify a commonly-occurring ground for rejection. With respect to the applications that were rejected, however, the remedy of review was frequently set in motion and in 40% of these cases with success. The remedy of appeal was, however, hardly ever put into use, only 15 times in the period 2006-2011 and in only 1% of the cases with success.

Table 11  Decisions on applications for renewal

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>granted</td>
<td>8.024</td>
<td>7.922</td>
<td>7.555</td>
<td>8.321</td>
<td>8.948</td>
<td>8.529</td>
</tr>
<tr>
<td>rejected</td>
<td>1.125</td>
<td>856</td>
<td>412</td>
<td>196</td>
<td>122</td>
<td>119</td>
</tr>
<tr>
<td>other</td>
<td>537</td>
<td>374</td>
<td>334</td>
<td>251</td>
<td>194</td>
<td>158</td>
</tr>
<tr>
<td>total</td>
<td>9.686</td>
<td>1.152</td>
<td>8.301</td>
<td>8.768</td>
<td>9.264</td>
<td>8.806</td>
</tr>
</tbody>
</table>

Source: INDIS

Although we previously saw that the number of applications for regular residence permits increased over the years, the table above shows that the number of applications for renewal of the regular residence permits for the purpose of study varies. This may be explained by the fact that the duration of the study programme often determines whether and how often, a renewal of the residence permit granted is necessary. When a larger number of students in a year are granted a residence permit for a 1-year course or a 1-year exchange period, the number of applications for renewal in the subsequent year will decrease.
Table 12  Change of purposes of residence into study, by nationality

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th></th>
<th>2007</th>
<th></th>
<th>2008</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 China (including Hong Kong)</td>
<td>823</td>
<td>581</td>
<td>822</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Indonesia</td>
<td>78</td>
<td>140</td>
<td>98</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Viet Nam</td>
<td>74</td>
<td>78</td>
<td>68</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Morocco</td>
<td>45</td>
<td>43</td>
<td>50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Thailand</td>
<td>43</td>
<td>38</td>
<td>49</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Suriname</td>
<td>40</td>
<td>37</td>
<td>45</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Pakistan</td>
<td>29</td>
<td>36</td>
<td>42</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 Nepal</td>
<td>28</td>
<td>33</td>
<td>29</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Bulgaria</td>
<td>25</td>
<td>26</td>
<td>25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 Turkey</td>
<td>22</td>
<td>22</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>849</td>
<td>797</td>
<td>623</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 China (including Hong Kong)</td>
<td>59</td>
<td>66</td>
<td>126</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Saudi Arabia</td>
<td>57</td>
<td>43</td>
<td>37</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Indonesia</td>
<td>35</td>
<td>28</td>
<td>32</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Vietnam</td>
<td>34</td>
<td>25</td>
<td>31</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Nepal</td>
<td>33</td>
<td>25</td>
<td>24</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Iran (Islamic Republic of)</td>
<td>32</td>
<td>25</td>
<td>19</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 Suriname</td>
<td>31</td>
<td>23</td>
<td>17</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 Indonesia</td>
<td>27</td>
<td>23</td>
<td>16</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Morocco</td>
<td>20</td>
<td>21</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 United States of America</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: INDIS

This table shows the changes of the purposes of residence for which permits had been granted previously into residence permits for the purpose of study. It is not possible from the source data to deduct what the previous purpose of residence has been before the change. It is obvious that in the majority of cases, the applications for changing the purpose of a residence permit will have been submitted on the basis of a residence permit for a different study programme or with a different educational institution or for the purpose of attending the preparatory year.

Preparatory year

One instrument that is being used to improve the quality of internationalisation by the selection, qualification and socialisation of international students is the preparatory year. In a preparatory year, students with foreign educational qualifications will be given the opportunity to take additional subjects required for admission to a Bachelor or Master programme. The preparatory year often focuses on improving English language skills and study skills to successfully embark on the main study. For information on the preparatory year, please refer to Section 2.2.1.

Table 13  Decisions on applications for MVV for preparatory year

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>granted</td>
<td>837</td>
<td>775</td>
<td>1.106</td>
<td>1.161</td>
<td>899</td>
<td>799</td>
</tr>
<tr>
<td>rejected</td>
<td>32</td>
<td>32</td>
<td>39</td>
<td>8</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>other</td>
<td>19</td>
<td>7</td>
<td>16</td>
<td>7</td>
<td>5</td>
<td>-</td>
</tr>
<tr>
<td>total</td>
<td>888</td>
<td>814</td>
<td>1.161</td>
<td>1.176</td>
<td>907</td>
<td>801</td>
</tr>
</tbody>
</table>

Source: INDIS
Figure 3  Regular residence permits granted for preparatory year

![Graph showing regular residence permits granted for preparatory year.](image)

Source: INDIS

Table 14  Decisions on applications for regular residence permits for preparatory year

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>granted</td>
<td>822</td>
<td>796</td>
<td>921</td>
<td>1.141</td>
<td>840</td>
<td>873</td>
</tr>
<tr>
<td>rejected</td>
<td>28</td>
<td>7</td>
<td>8</td>
<td>8</td>
<td>18</td>
<td>-</td>
</tr>
<tr>
<td>other</td>
<td>3</td>
<td>3</td>
<td>6</td>
<td>7</td>
<td>13</td>
<td>1</td>
</tr>
<tr>
<td>total</td>
<td>853</td>
<td>806</td>
<td>935</td>
<td>1.156</td>
<td>871</td>
<td>874</td>
</tr>
</tbody>
</table>

Source: INDIS

The table showing the decisions on applications for a preparatory year shows that the number of applications for an MVV for a preparatory year varies and that only a small percentage of the applications for an MVV is rejected. With regard to the applications for a regular residence permit, the percentage of applications that have been granted varies between 96% and 100%. It may be concluded from the figure above that, in this respect as well, the number of applications varies, with a peak of 1,141 applications granted in 2009. The explanation for this peak is not known.
Table 15  Regular residence permits for the purpose of study after the preparatory year

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>granted permits</td>
<td>689</td>
<td>822</td>
<td>796</td>
<td>921</td>
<td>1,141</td>
<td>840</td>
<td>873</td>
</tr>
<tr>
<td>% decisions after preparatory year</td>
<td>77%</td>
<td>77%</td>
<td>72%</td>
<td>71%</td>
<td>69%</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>% granted after preparatory year</td>
<td>58%</td>
<td>63%</td>
<td>56%</td>
<td>69%</td>
<td>66%</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: INDIS

Figure 4  Percentage of students that did not apply for a regular residence permit after the preparatory year

Source: INDIS

In the period 2005-2009, 31% to 44% of the students of the preparatory year did not move on to the intended main study programme. The percentages for the years 2010 and 2011 were not yet available, because applications for changing the purpose of a residence may be submitted up to 2 years after the expiry of the residence permit. The reason for the drop-out rate is not known. At what point the students leave is not known either.

3.1.4  Tuition fee

The funding of non-EU/EEA students by the Dutch government was abolished in January 2009. Since then, international students have been obliged to pay a full tuition fee. The minimal tuition fee is laid down by the law\(^{121}\) and is yearly determined by the universities of applied sciences or the research universities. The tuition fee may vary per educational institution and – within a specific institution – also by study programme. The Ministry of ECS does not give any guidelines for the determination of the amount of the tuition fee.\(^{122}\)

\(^{121}\) The statutory tuition fee for a full-time study programme in the academic year of 2011/2012 was € 1,713.
The fees charged by the educational institutions are, in practice, much higher than the legal tuition fee. The only exception is Radboud University Nijmegen, which charges the same amount as the statutory tuition fee for its programme in theology. The other fees for the academic year 2011/2012 vary greatly from € 5,280 for arts and social sciences at Leiden University to € 32,000 for the Bachelor programmes in medicine and dentistry at University of Groningen. In the academic year of 2012/2013, the fees charged will vary between € 5,500 and € 32,000.123

Figure 5  Regular residence permits granted for the purpose of study

Source: INDIS

The introduction of tuition fee for international students does not seem to have affected the flow of international students. The figure above shows that the number of international students has increased, even after the introduction of the tuition fee.

Whether the introduction of the tuition fee has resulted in a shift in the choice of studies is not known. A study conducted by the Sachverständigenrat Deutscher Stiftungen für Integration und Migration (SVR) showed, however, that – in 2011 – the most popular degree programme among international students in the Netherlands was technology (35.4%). With 8.1%, medicine was the least popular degree programme in the Netherlands.124 The universities of technology charge relatively lower tuition fees, whereas the tuition fees for medicine programmes are relatively high in the Netherlands.125 The differences in the percentages of the choice of studies between the Netherlands and the other countries126 included in the SVR study are, however, not so large that this would justify the conclusion that the amount of tuition fee is decisive in the choice of studies.

124 Mobile Talent? The Staying Intentions of International Students in Five EU Countries, Sachverständigenrat deutscher Stiftungen für Integration und Migration (SVR) GmbH, Berlin 2012, p. 34
126 The other countries are Germany, Sweden, France and the United Kingdom
### 3.1.5 Increase in application fees

On 1 September 2011, the application fees charged to international students were increased. The fees charged for an application for an MVV as well as the application for regular residence permits without MVV increased from €433 to €600. The fee charged for an application for a residence permit with an MVV increased from €188 to €300. The fee charged for an accelerated procedure used to be €250 and was fixed at €300 on 1 September 2011.

According to the Minister for Immigration, Integration and Asylum, this increase was introduced in order to cover the cost-effectiveness of the fees. The Minister felt that the accessibility to the Netherlands for international students would not be threatened as a result of this increase, as the fees constitute only a small portion of the total costs for staying and studying in the Netherlands. With the implementation of the Modern Migration Policy Act, the fees charged to international students will, however, decrease, as they will be granted a residence permit for the purpose of study for the duration of the study programme, with a maximum period of five years. The fees for switching from one institution to another, degree programmes, or the annual fees for renewals will be cancelled by the implementation of this Act.\(^{127}\)

As the increase in the application fees did not take effect until 1 September 2011, it is not possible to include its influence on the flow of international students in this report. The rise in costs with respect to education in the Netherlands for international students - since the abolition of the funding of international students in 2009 - has limited influence on the flow. For that reason also the rise in costs as a result of the application fees - of which the amounts concerned are much smaller compared to the tuition fees - is not expected to have a large influence on the flow of international students. It may, however, be concluded that the costs of education in the Netherlands have, partly due to the increase in application fees, increased considerably since 2009. As a result of the implementation of the Modern Migration Policy Act, the costs of education for international students are expected to go down.

On 26 April 2012, the European Court ruled in case number C-508/10 that the fees levied by the Netherlands on long-term residents from non-EU countries and their family members were disproportionately high. In a response to this, the Minister for Immigration, Integration and Asylum informed the Dutch House of Representatives on 4 July 2012 (reference 2012--0000387574) that the fees will be decreased for this group, to €130. Whether the decision will also have consequences for the amount of the application fees charged to international students was not known at the time of writing. The Minister is still examining the issue.

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\(^{127}\) Answers to Parliamentary questions from Schouw and Van der Ham (Democrats 66, D66) about the notification regarding the negative consequences of the increase in the application fees for the Dutch economy, reference 2011Z15294, 2 September 2011
3.2 Stay

3.2.1 International students
An international student who wishes to study in the Netherlands must have a medical insurance for the Netherlands, including the costs associated with admission to and nursing in a sanatorium or a psychiatric institution. Upon application for a renewal of the residence permit, the IND will check whether the student has complied with this obligation. If this is not the case the application for a renewal will be rejected, or the residence permit granted will be withdrawn. Upon an initial application for a residence permit, the student is not yet required to prove that he is sufficiently insured against medical expenses.

The international student must furthermore be prepared to take a tuberculosis test upon entry into the Netherlands. This obligation does not apply to students from Australia, Canada, Israel, Japan, Monaco, New Zealand, Surinam, United States of America, Switzerland and the EU/EEA countries.

The residence permit granted to the student for the purpose of study or the relevant preparatory programme, has a maximum validity of 1 calendar year. The residence permit for the purpose of study may be renewed each year, on the basis of a statement of the educational institution that the enrolment of the student concerned has been continued. Future legislation will make it possible to ensure that the student is immediately granted a residence permit that will be valid for the duration of the entire study programme and if applicable, including the preparatory period.

See also Chapter 2 for an explanation of the current and future admission policy and for information about the policy during the stay of international students.

During the international student’s stay in the Netherlands, he must have sufficient financial resources of his own in order to be able to pay for the stay, transit and/or the return journey. This can be seen in:
- a scholarship that has been granted;
- an amount deposited in advance (monthly amount of € 794.69 x the number of months that the student will be present in the Netherlands for his studies) in a Dutch bank account;
- an amount in a foreign bank account of which it has been established that the balance is available to the student during the course of his studies;
- a statement from the student’s parents that they will send money on a monthly basis (in which case it has been established that the parents have this money);
- a statement from a Dutch money lender who acts as a guarantor for the international student and who must have a monthly income consisting of the family standard + single person standard (roughly € 2,000).

Money the student earns himself (working during his studies) is not included.
Students from outside the EU and the EEA are permitted to work for a maximum of ten hours a week or full-time during the summer months. Working for more than ten hours a week is considered detrimental to study progress and displacement on the labour market.128

Employers in the Netherlands who wish to employ a student from a third country must apply for a work permit at the Netherlands Employees Insurance Agency (UWV). In this case, the employer must state, among other things, the number of hours for which the student will be employed. These requirements do not apply to EU nationals.

If an international student is required to do a work placement during his study programme, a work permit is not required. The employer must, however, make concrete agreements with the student and the educational institution concerned (laid down in a work placement contract) and the activities must be in line with the study programme. The international student who wishes to do a work placement in the Netherlands as a part of a study programme abroad is required to hold a residence permit as a trainee. The company where the trainee is placed will have to apply for a work permit.

The following figure provides an overview of the number of work permits granted in the period 2006-2010.

**Figure 6 Number of work permits granted**

Source: UWV

It should be pointed out here that the number of work permits may relate to the same student, for instance in the situation that this student worked for two or more employers within one year.

128 In September 2010, the Minister of Social Affairs and Employment in office at that time informed the Dutch House of Representatives that students from outside the EU may perhaps be allowed to work more hours if they make, or continue to make, sufficient progress in their studies. Source: Answers to Parliamentary questions of 2 September 2010 with reference AV/SDA/2010/15739.
The following tables show the total per year from the preceding figure in more detail. Figure 7 shows a breakdown by gender, which shows that more male than female students enter the labour market. Figure 8, in which a distinction by age is made, makes clear that the granted work permits are provided especially to students between 20 and 30 years of age. The validity of work permits is - with a few exceptions - no more than one year, as figure 9 shows. Table 16 shows an overview of the nationality of the students for whom a work permit was issued, which concerns particularly Chinese students. The sectors for which the work permits were mainly granted follow from figure 10 and table 17: food service industries and business services.

**Figure 7**  
Number of students on the labour market by gender

![Graph showing the number of students on the labour market by gender from 2006 to 2011.](image)

*Source: UWV Figures 2011 up to September*

**Figure 8**  
Number of work permits by age

![Graph showing the number of work permits by age from 2006 to 2011.](image)

*Source: UWV Figures up to September 2011*
Figure 9  Duration of work permits in months

Table 16  Number of work permits granted by nationality

Source: UWV Figures 2011 up to September
The decision to reject a work permit (see the table below) is often not made on grounds of performance but on administrative grounds, for instance, because a file is incomplete.  

Source: Interview with Team Leader of the Employment Law Services at UWV WERKbedrijf on 26 April 2012.
The international student population is a diverse group; the students originate from different countries and have different backgrounds. Some students have come to the Netherlands for a short language course or cultural studies, others have come here to attend a full-time programme at a university of applied sciences or a research university. The Ministry of ECS/DUO collects data about the number of the international students who are studying in the Netherlands on the basis of a residence permit for the purpose of study. These data relate only to students who attend full-time study programmes in state institutions. The data concerning holders of residence permits for the purpose of study who stay in the Netherlands for a study programme in private institutions, an exchange programme or a short course, or for study programmes in a cultural workshop or a programme for development cooperation are not recorded by the government at a central level.

### Table 18  
Rejection percentage regarding work permits

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>processed</td>
<td>2.869</td>
<td>2.930</td>
<td>2.695</td>
<td>2.500</td>
<td>2.163</td>
<td>1.230</td>
</tr>
<tr>
<td>rejected</td>
<td>485</td>
<td>553</td>
<td>420</td>
<td>472</td>
<td>371</td>
<td>152</td>
</tr>
<tr>
<td>reconsidered</td>
<td>8</td>
<td>6</td>
<td>6</td>
<td>10</td>
<td>23</td>
<td>8</td>
</tr>
<tr>
<td>rejection percentage</td>
<td>17%</td>
<td>19%</td>
<td>15%</td>
<td>18%</td>
<td>16%</td>
<td>12%</td>
</tr>
</tbody>
</table>

Source: UWV Figures 2011 up to September

Figure 11  
Higher education diplomas obtained by third-country nationals

Source: OCW/DUO
The data shown in the figure above and the table below relate to an academic year instead of a calendar year. The figure above shows the increase in the number of diplomas obtained by non-Dutch nationals, who also had completed their previous education abroad. It should be pointed out that this group cannot simply be compared with the group of third-country nationals who study here on the basis of a residence permit for the purpose of study. Third-country nationals with residence permits for other purposes of stay may have been included in this figure.

The above figure shows that the number of international students who obtained diplomas for UE programmes was considerably larger than the number of international students who obtained diplomas for HBO programmes. Furthermore, the number of diplomas obtained for UE programmes has been steadily increasing. These figures show nearly a doubling of this number in the period presented in the chart. The number of diplomas obtained for HBO programmes increased by more than 25%.

The following table shows the top 10 nationalities of this group of third-country nationals, both in absolute and relative numbers.

<table>
<thead>
<tr>
<th>Table 19</th>
<th>Top 10 nationalities of third-country nationals who have obtained higher education diplomas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chinese</td>
<td>514</td>
</tr>
<tr>
<td>Indonesian</td>
<td>153</td>
</tr>
<tr>
<td>American</td>
<td>108</td>
</tr>
<tr>
<td>South-Korean</td>
<td>53</td>
</tr>
<tr>
<td>Turkish</td>
<td>47</td>
</tr>
<tr>
<td>Russian</td>
<td>44</td>
</tr>
<tr>
<td>South-Korean</td>
<td>42</td>
</tr>
<tr>
<td>Belgian</td>
<td>40</td>
</tr>
<tr>
<td>Japanese</td>
<td>37</td>
</tr>
<tr>
<td>Mexican</td>
<td>39</td>
</tr>
<tr>
<td>Vietnamese</td>
<td>706</td>
</tr>
<tr>
<td>other</td>
<td>627</td>
</tr>
<tr>
<td>total</td>
<td>1,704</td>
</tr>
</tbody>
</table>

| Chinese  | 571       | 642       | 688       |
| Indonesian | 266       | 265       | 229       |
| American | 186       | 168       | 159       |
| Turkish | 93        | 124       | 147       |
| Indian | 79        | 118       | 142       |
| Russian | 70        | 86        | 88        |
| South-Korean | 60       | 79        | 84        |
| South-Korean | 55       | 66        | 80        |
| Mexican | 52        | 66        | 75        |
| Vietnamese | 1,010     | 1,068     | 1,184     |
| other   | 1,010     | other     | 1,184     |
| total   | 2,496     | total     | 2,939     |

Source: OCW/DUO
The figures in the chart above, compiled ‘by educational sector’, show that there is a difference between international UE students and HBO students where the choice of studies is concerned. Where the majority of UE students predominantly chose technology, the HBO students often chose economics. The choices made by the HBO students were furthermore largely determined by the two educational sectors of economics and language and culture. Technology was only a secondary choice here. With regard to UE students, it should be noted that the choice involved a large diversity of educational sectors.
The data also show that more women than men have graduated, both for UE and HBO. The difference in percentage for HBO programmes is even larger (54% of women) than that for UE (52%).

3.2.2 International students’ family members
Students holding residence permits for the purpose of study are not eligible for extended family reunification. The only provisions that apply are those with regard to family reunification, which means reunification with a married/registered partner and minors. For this purpose, the international student will have to sign a sponsor declaration, by which he declares to act as a guarantor for the costs incurred by the Dutch State in respect of the stay of the international student’s partner/children, as well as the costs of return to a country where admission of that foreign partner is guaranteed.

The issue of the residence permit is subject to the regulation of taking out an appropriate medical insurance, including the costs associated with the admission to and nursing in a sanatorium or a psychiatric institution. The residence permit will be granted to the partner subject to the restriction of ‘stay with spouse/partner/registered partner/parent’, with the endorsement (pertaining to the labour market) that employment is not permitted.130

The IND informs the third-country national in writing, in advance, of the fact that an appeal to public funds may have consequences for his right of residence. Appealing to public funds may imply that at least one of the restrictions, subject to which the residence permit has been granted, will then no longer apply, so that a renewal of the period of validity may be rejected.

130 Source: Aliens Act Implementation Guidelines 2000, Part B, Chapter 6, Section 7
Care allowance, housing allowance or childcare allowance, as paid by the Tax and Customs Administration, are not regarded as appeals to public funds. The decision to grant the aforementioned allowances consequently does not have any consequences for the right of residence.\footnote{Source: Aliens Act Implementation Guidelines 2000, Part B, Chapter 1, Section 2.5}

In order to ensure that family members will be granted residence solely during the period of studies of the international student (the principal person), the residence permits issued to them will be subject to the same period of validity as the international student’s residence permit.\footnote{Source: Aliens Act Implementation Guidelines 2000, Part B, Chapter 6, Section 7.4}

The exact figures of the number of students that request to bring family members to the Netherlands during their stay in this country are not known, but it is estimated that it concerns approximately 100 applications a year.\footnote{Source: Interview with IND Unit Manager, Study Unit on 29 March 2012}

Apart from this, all family members are permitted to stay in the Netherlands for a maximum period of three months without a residence permit for the purpose of family visit. Third-country nationals who are subject to the visa requirement will, however, need a Schengen visa.\footnote{Sources: Aliens Act Implementation Guidelines 2000, Part B, Chapter 2, Sections 1 and 6}

The study conducted by the Sachverständigenrat Deutscher Stiftungen für Integration und Migration (SVR)\footnote{Mobile Talent? The Staying Intentions of International Students in Five EU Countries, Sachverständigenrat deutscher Stiftungen für Integration und Migration (SVR) GmbH, Berlin 2012.} showed that 13% of the international students in the Netherlands are married and that 5% have one or more children. Compared to the other 4 countries included in this study, the Netherlands scored relatively low. The same study does not include any indications that the possibilities of family reunification play an important role in the decision to choose a specific country as the country for one’s studies.

3.3 Period following the completion of study

Students who wish to stay in the Netherlands after their studies or after having completed their studies on other grounds for stay - for instance in order to stay with a partner or as a highly educated migrant - may submit an application to the IND to this end. If it concerns a continuation of residence, by means of a timely application for changing the purpose of residence, the MVV requirement is not applicable and it will be possible for the international student to submit the application and to await the decision in the Netherlands. The application for changing the purpose of residence or for renewing the period of validity of the residence permit is submitted in time if it has been received at least on the day before the date on which the period of validity of the residence permit for the purpose of study expires.\footnote{Source: Aliens Act Implementation Guidelines 2000, Part B, Chapter 1, Section 5.1}
As stated in Section 2.2.3, the international graduate has the option to apply for a temporary residence permit, which will give him the opportunity to seek a job as a highly educated migrant for a maximum period of one year after having completed his studies. During this job-seeking year, the international student graduate is permitted to work to earn a living. A work permit is not required. This explains why there is no information available about the sectors in which these graduates have found work. International graduates are not entitled to social assistant benefit payments.

Once the international graduate has found a job in the Netherlands, with a gross annual salary of at least €26,931, he is eligible for a regular residence permit. This wage criterion is much lower for graduated international student migrants than for other highly educated migrants. For other highly educated migrants who are younger than 30 years, the minimum gross annual salary has been fixed at €37,575. For other highly educated migrants who are 30 years of age or older, the wage criterion is nearly twice the amount for international graduates, namely €51,239. The number of graduates that is finally granted a residence permit as a highly educated migrant in the Netherlands is not known, as this is not recorded in the systems of the IND. The study conducted by the Sachverständigenrat Deutscher Stiftungen für Integration und Migration (SVR) shows, however, that 64% of the international students attending Master programmes in the Netherlands have the intention of staying in the Netherlands after having completed their studies. At the same time, more than 43% of the respondents stated that they were poorly informed about the legal possibilities of staying in the Netherlands after having completed their studies, opposed to 15% who felt that they had been informed properly.

If the international graduate wishes to start a business of his own, he will have to submit an application for a residence permit to work on a self-employed basis, just like other third-country nationals who wish to perform work on a self-employed basis. The basic principle in this context is that in these cases, the third-country national will be granted a residence permit if an essential Dutch interest is served. This interest may relate to the areas of public health care, economy, culture or to the socio-economic sector. For the recruitment of highly educated third-country nationals who thus contribute to the Dutch economy as highly educated migrants in the form of entrepreneurship, by providing a service or product that is in demand, a system of points has been developed to facilitate the admission of this category of third-country nationals. This system of points forms the basis for the recommendation provided by the Minister of EAI to the IND about whether the contribution made by the third-country national is considered a ‘major contribution’ to the Netherlands.

The main features of this system of points are a classification and weighing of qualities and capacities on the basis of personal experience, a business plan and added value of the economic activities to the Dutch economy.

137 The Dutch Migration Map, WODC, 3 January 2012, p. 113-114
138 http://www.togetherabroad.nl/index.php/cmscategorie/77678/content/category/id/77841 consulted on 1 March 2012
139 Reference date: 1 January 2012 http://ind.nl/Werkgevers/Nieuwsbrieven/2012/nieuwe-looncriteria.aspx
140 Mobile Talent? The Staying Intentions of International Students in Five EU Countries, Sachverständigenrat deutscher Stiftungen für Integration und Migration (SVR) GmbH, Berlin 2012, p. 38 and 46
141 Aliens Act Implementation Guidelines 200, Chapter B5, paragraph 7
Since 1 January 2009, the Highly Educated Migrants Scheme has applied to third-country nationals who graduated from one of the top 200 universities in the world or who obtained their Master Degrees at an accredited educational institution in the Netherlands, as well as to third-country nationals who obtained a Doctorate Degree in the Netherlands. This means that international students who obtained their Master Degrees in the Netherlands can opt for either the job-seeking year for international graduates or the Highly Educated Migrants Scheme. It is not possible to use both schemes. Graduates who obtained a Doctorate Degree can only opt for the Highly Educated Migrants Scheme.

For the international graduate, the difference between the job-seeking year and the Highly Educated Migrants Scheme is that, in the case of the latter scheme, the student may leave the Netherlands, but that he is allowed to return to the Netherlands within a maximum period of three years in order to seek a job as a highly educated migrant for a period of one year. Contrary to the job-seeking year that is available to international graduates, the Highly Educated Migrants Scheme also provides highly educated migrants the possibility of setting up an innovative business in the Netherlands in aforementioned period. The residence permit issued on the basis of the Highly Educated Migrants Scheme cannot be renewed.

A disadvantage of the Highly Educated Migrants Scheme is that the highly educated third-country national and his family are not permitted to work without a work permit during this job-seeking year; this is contrary to the regulations applicable in the job-seeking year for international student graduates.

Please refer to Section 5.1 for the first results of the Highly Educated Migrants Scheme.

Another measure to facilitate the admission of top talent to the Netherlands is the fact that the MVV requirement does not apply to holders of residence permits to work as a researcher under the definition of the Directive 2005/71/EC, when the permit has been issued by another EU Member State. The researcher - or his spouse, partner or minor - can apply for a residence permit in the Netherlands, without the requirement of a valid MVV.

Preparation for the labour market
Several institutions of higher education have career services to support the international students in finding a job during the job-seeking year. Examples are Connect, an initiative of Saxion University of Applied Sciences and University of Twente and SUPAIR of TU Delft. The Connect International Traineeship Programme offers graduates of Saxion and University of Twente work placements in a company or organisation in the Netherlands for a period from six to twelve months, immediately after graduation. In this period, the trainees will earn a modest salary, the minimum wage, as laid down in Dutch law. The level of the work corresponds with the level of the study programme (Bachelor
or Master) completed by the graduate. After a selection procedure, the trainee is prepared for work in the Netherlands in trainee sessions in the area of communication, intercultural skills and Dutch language. In the meantime, they are presented to companies, in order to establish a good match. If the work placement is satisfactory on both sides, the contract can be renewed and the trainee can apply for a residence permit as a highly educated migrant. From then on, the salary must be competitive.\footnote{http://www.saxion.edu/connect/for-students/ consulted on 14 June 2012}

SUPAIR is an intermediary agency attached to TU Delft, that assists both Dutch and international students in finding suitable jobs. SUPAIR was established in 1995, on the initiative of TU Delft, because it was difficult for new graduates to access the Dutch labour market. TU Delft considered it important to help its engineers at the start of their career and this is how SUPAIR was born. With regard to engineers from outside the EU who have completed a HBO or UE programme in the Netherlands, SUPAIR is authorised to initiate the application procedure for a residence permit, in exchange for a payment from the employer.\footnote{http://www.tudelft.nl/live/pagina.jsp?id=2965d67e-0f66-4e39-aed4f-2710b97fd937&lang=nl Consulted on 14 June 2012}

**Tax facility**
Under specific conditions, employees who come to the Netherlands may be eligible for a tax-free allowance of 30% of the salary for the extraterritorial costs incurred by them, such as additional costs of living. In order to be able to use the 30% facility, the employee coming to the Netherlands must possess a specific expertise that is scarce on the Dutch labour market. With effect from 1 January 2012, this facility has been made subject to a salary standard: scarcity of a specific expertise is defined when the employee has a taxable income of €35,000 or more (excluding the allowance). No salary standard has been established with regard to researchers. A lower income criterion of €26,605 applies to employees who have obtained a Master’s Degree and who are 29 years of age or younger.

Third-country nationals who start working in the Netherlands with a Doctoral Degree from a Dutch university, could not, prior to 1 January 2012, use the 30% facility, because the period leading to the Doctoral Degree was seen as a period of stay in the Netherlands, as a result of which the Doctoral candidate was not regarded as an employee who came to the Netherlands from abroad. With effect from 1 January 2012, the period leading to the Doctoral Degree is no longer regarded as a period of stay in the Netherlands for the purposes of the 30% facility, as a result of which this group is also eligible for the 30% facility at their first job. This facility is intended to make staying and working in the Netherlands more attractive to Doctoral candidates.\footnote{http://www.rijksoverheid.nl/onderwerpen/belastingtarieven/loonbelasting/30-regeling, consulted on 13 June 2012}

### 3.4 Misuse of the student route to migration

The immigration procedure applies to students who wish to come to the Netherlands to attend a full-time study programme in higher education. International students are granted a temporary right of residence when they have been admitted to a recognised institution in higher education. If the student terminates his studies before graduation, the basis for the residence comes to an end and the permit is withdrawn. This is the re-
son why the educational institutions must notify the IND immediately of the fact that the student has ceased his studies. This obligation follows both from the Code of Conduct for International Students in Higher Education and from the contract signed between the educational institution and the IND.

Educational institutions are not obliged to register their students in a central government database as far as it concerns information about the educational institution, the study programme and diplomas. While staying in the Netherlands, students from third countries must comply with a number of conditions, including conditions in the field of study and access to the labour market. If the immigration procedure is used for other purposes (e.g. for work or family reunification), there could be a case of improper use or misuse. Various studies have established irregularities on these points.

3.4.1 Forms of misuse

Irregularities in the area of education

In the years 2006 and 2007, the drop-out rate among students in the Netherlands was unusually high, in particular, among Pakistani students and primarily in privately-funded higher education: in those years, 820 residence permits were issued to Pakistani for the purpose of study, out of which number 218 students dropped out. This drop-out rate was caused by the fact that incomplete or incorrect information had been provided to Pakistani students by agents and primarily took place at private educational institutions. For this reason, the Netherlands consulted the Member States through the EMN Network on comparable experiences.\(^{147}\) The problem was hardly present in the other Member States, mainly because the number of Pakistani students in many Member States was very low. Finland responded that it had experienced these problems to some extent. For this reason it had proceeded to verify the diplomas of prospective students at its embassy in Islamabad before departure and, in several cases, it had conducted interviews with the prospective students. The Netherlands followed this example and interviewed all prospective students at the Dutch embassy in the years 2008, 2009, and 2010. It led to a significant decrease in the number of applications from Pakistan.\(^{148}\)

Early in 2012, the Education Inspectorate published a report which also addressed possible violations of the Aliens Act and the Foreign Nationals Employment Act by specific Dutch institutions in higher education.\(^{149}\) It found that 22 international students had been admitted to part-time study programmes (instead of full-time) and that they had been working for more hours than the 10 hours they were permitted to work. In addition to this, the educational institution - who also acted as an employer - had failed to apply for work permits for these students. This led to an investigation initiated by the Social Affairs and Employment Inspectorate.

\(^{147}\) http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?sessionId=D4D8A06E08A755CEC2374F02A2F058D7entryTitle=Students.

\(^{148}\) Data in Eurostat shows that since 2007, the number of Pakistani to whom residence permits for the purpose of study were granted in the Netherlands decreased to 97 in 2008, 65 in 2007, and 56 in 2010.

\(^{149}\) See: http://www.onderwijsinspectie.nl/actueel/publicaties/stenden-hogeschool.html.
Irregularities in the area of the procedure
A possible problem area in existing legislation and regulations could be the situation in which the international student works on a self-employed basis. In this situation, the international student must apply for a residence permit subject to the restriction of ‘work on a self-employed basis’, or a client must apply for a work permit for the performance of a contract by this student (provided that the work is still of an incidental nature). The Social Affairs and Employment Inspectorate checks in individual cases whether the international students are self-employed persons. In these cases the Inspectorate checks whether the person concerned is working at his own risk, whether he is working at a full prize directly to himself and whether he is making his own decisions about the choice of work, the working conditions and the prices or fees set for the work. If the third-country national holds a residence permit for ‘work on a self-employed basis’, a work permit is not obligatory. A work permit must, however, always be applied for if a company or educational institution decides to employ a holder of a residence permit for the purpose of study or to have work done by a holder of such a residence permit.

In addition, the regulations include a ‘reasonable period of time’ in which third-country nationals (this therefore includes international students, as well) can still submit an application to renew the period of validity of the residence permit or to change the purpose of residence, if the period of validity of the residence permit has already expired. During this period, i.e. two years, the student could continue to stay in the Netherlands without a valid residence permit, after which period this student will obtain lawful residence again upon the granting of his application.150

A counterintelligence study carried out by the Dutch General Intelligence and Security Service (AIVD) shows that various foreign intelligence services are active in scientific institutions, local or regional authorities, government agencies and companies, to secretly gather intelligence.151 It is often easy to access knowledge and information. An undesired consequence of the migration of highly educated migrants encouraged by the Netherlands could be that foreign intelligence officers present themselves as researchers or students. The AIVD has regular contact with the universities in connection with incident reports and in order to raise awareness of the risks of espionage. Recognising intelligence activities is, however, not a primary task of a research university or a university of applied sciences. Educational institutions pursue a security policy, originally only directed at the physical security of students and employees, yet which has developed into an integrated security policy. The purpose of the AIVD study is to enable companies, institutions and local and regional authorities to take measures – that will protect them and consequently the Netherlands – against espionage risks.152

150 WBV 2008/32, see Section 3.82(1) of the Aliens Decree.
In 2010, the Public Prosecution Service launched the program ‘The Wall’, which focuses on tackling human trafficking and the smuggling of migrants by Chinese organised crime. This program, which will run for two years, is a cooperative effort by the former Social Intelligence and Investigation Service, the Royal Netherlands Marechaussee and the IND. The reason for launching this program is the suspicion that victims of the crime known as ‘smuggling of migrants’ are brought to the Netherlands via different migration routes. The student route could be one of these.

Irregularities in the area of work

2009 was the first time that the former Labour Inspectorate initiated targeted inspections on international students to check whether they were complying with the rules concerning work. The specific purpose of these inspections was to examine whether third-country nationals with a student visa had entered the Netherlands with the intention of working rather than studying. The companies, in particular in the retail sector and hospitality industry, which were inspected that year, had been selected on the basis of data from the UWV and the IND. The Labour Inspectorate found a total of 178 students who were working either not in line with regulations, or without work permits. The consequence was that fines amounting to more than one million euros were imposed on the employers involved. There was, however, no evidence that the educational institutions where the third-country nationals were studying had anything to do with the illegal employments.

In 2010, the Labour Inspectorate carried out other inspections on the basis of data of the IND and the UWV. It inspected 219 companies in the retail sector and the hospitality industry. In 71% of these inspections, the Labour Inspectorate established one or more violations, whereby a total of 204 illegally employed third-country nationals were found with residence permits for the purpose of study. With regard to 92% of these students, the employers did not have the required work permits. The other students had worked for more hours than permitted. In 2010, the fines imposed on the companies involved amounted to more than €2.7 million. The results over 2011 show a slight decrease in the percentage of violations: the Inspectorate inspected 202 employers - in particular in the hospitality industry and the cleaning industry - and established violations in 62% of the cases. The Inspectorate found 194 third-country nationals who were illegally employed. In the majority of cases (92%) the employers involved did not have the required work permits.

3.4.2 Policies to tackle misuse

In the past few years, measures have been taken to tackle misuse. A number of these measures have been developed jointly by the government and the education sector.
**Code of Conduct for International Students in Higher Education**
The Code of Conduct for International Students in Higher Education came into force on 1 May 2006.\(^{159}\) The core of the Code of Conduct is the importance of the protection of the international student, the international competitive position of Dutch higher education and the international positioning of the Netherlands as a knowledge society. The Code of Conduct is the outcome of a self-regulatory initiatives of the education sector and serves as an instrument of quality assurance for the provision of information, recruitment and admission of international students to higher education in the Netherlands.

Educational institutions that endorse the criteria are listed in the register of the Code of Conduct, which is administered by DUO.\(^{160}\) It is a public register and - on 1 June 2012 - it includes 78 educational institutions. Inclusion in this register is a precondition for a contract with the IND and admitting international students to higher education in the Netherlands.\(^{161}\) The Code of Conduct was included in 2006 in the Aliens Regulation (article 3:18a), making reference to educational institutions that qualify to admit international students to sign a contract with the IND and qualify for the accelerated admission procedure. Since mid-2008, signing a contract is mandatory for the application of residence permits for international students.\(^{162}\)

**English-language test**
Under Article 7 of the Student Directive the Member States may require proof from a student that he has sufficient proficiency in the language of the programme in which he intends to enrol. Under current Dutch the language requirement only applies as an admission requirement for programmes in Dutch (Section 7:28(2) of the WHW). Upon the implementation of the Student Directive in the Netherlands, reference was made to the Code of Conduct for International Students in Higher Education. The Code of Conduct contains language requirements as an admission requirement for study programmes conducted in English. Educational institutions have bound themselves to check, before admission to a study programme in English, whether the international student meets the required language skills.

On 15 June 2009, the Higher Education Appeals Tribunal ruled that an institution of higher education may refuse an international student in a study programme in English if this student refuses to take a language test to prove his language skills. Although a Dutch-language test can be made compulsory as an admission requirement for a study programme conducted in Dutch in accordance the WHW, the Tribunal held that, in setting the requirement that international students must take an English-language test as an admission requirement for a study programme in English, the WHW provision was not applied incorrectly.\(^{163}\)

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160 To be consulted through [http://www.internationalstudy.nl](http://www.internationalstudy.nl)
161 Regulation of the Minister for Immigration and Integration of 26 April 2006, no. INDuit06-572(AUB), for the amendment of the Aliens Regulations 2000, Government Gazette, 1 May 2006, no. 84, p. 15.
**Monitoring the progress of study**
The provision that a student’s residence permit may be withdrawn or not be renewed (Article (2)(b) of the Student Directive) if the student does not make acceptable progress in his studies, has not been converted into national legislation in the Netherlands. The Articles 18(1)(f) and 19 of the Aliens Act 2000 already provided the possibility of withdrawing or not renewing the residence permit if the third-country national was no longer complying with the purpose of residence for which the residence permit had been granted, because he had terminated his enrolment at the educational institution. In accordance with the Code of Conduct for International Students in Higher Education (and the contract signed with the IND), the educational institution must also to deregister the student with the IND, which leads to the termination of the right of residence.

Once the Modern Migration Policy Act has come into force, the international student must obtain at least fifty per cent of the credits (ECTS) in every academic year, as laid down in the Code of Conduct. In this case, the international student will have the non-recurring right to invoke a reason (from an exhaustive list of reasons) that will result in excusability. The educational institutions must inform the IND at the end of each academic year of any non-EU student who has failed to make acceptable progress (without valid reason), so the IND may decide to withdraw the residence permit (monitoring the progress of study).

**Information**
In 2010, the Labour Inspectorate, in consultation with the IND and the Ministry of ECS, provided additional information about the rules with regard to student working. In addition, an information campaign was launched towards employers. In this campaign, employers in specific sectors (retail trade, the hospitality industry and the cleaning industry) have received a direct mailing with information about employing foreign labours. This information is aimed at considerably reducing in the percentage of violations by the end of 2012.\(^{164}\)

**3.4.3 Measures**
By way of illustration a number of specific (policy) measures are discussed which have been taken to tackle fraud, improper or undesirable use of the student route.

**Introduction of the Nuffic certificate for Chinese students**
The largest group of international students in the Netherlands comes from China. In order to ascertain the authenticity of the documents presented for admission to a Dutch programme, Nuffic has introduced a certificate, issued by the Nuffic Neso (Netherlands Education Support Office), which confirms the authenticity of the Chinese diplomas and Degrees. Proof is also provided of the student’s required proficiency in the English language. This certificate is mandatory for Chinese students to be admitted to a programme in English and for a Dutch educational institution to apply for a visa for a Chinese student.

\(^{164}\) Source: Labour Inspectorate, Project Report on Compliance with the WAV and the WML by Students 2010 (Projectverslag naleving Wav en WML Studenten 2009), The Hague, 19 May 2011.
In the academic year 2009-2010, Nuffic Neso China received approximately 3,200 applications for a Nuffic certificate. This is an increase of 30% compared to the preceding year.165

Sanctions Regime for Iran
On 1 July 2008, the (new) Sanctions Regime for Iran166 entered into force. This Sanctions Regime implies that, without prior exemption granted in advance, it is prohibited to provide knowledge to Iranian nationals that may contribute to proliferation-sensitive activities or to the development of systems for the transport of nuclear weapons. The (amended) Sanctions Regime is an elaboration of the sanctions imposed against Iran by the UN Security Council in order to prevent the proliferation of nuclear weapons. Iranian nationals, or person with a double Dutch/Iranian nationality, who study and work at Dutch universities, may be refused access to a number of Degree programmes and locations for this reason.

The Degree programmes concerned are in the area of nuclear knowledge, rocket science and associated technologies and sciences. Research universities and universities of applied sciences that violate this prohibition may be prosecuted.

The Hague Court ruled in a case involving, among others, a student and a Doctoral candidate, each holding Iranian nationality as well as Dutch nationality, that the Sanctions Regime for Iran constituted a situation of discrimination based on nationality and declared the regime as having no binding force.167 The current outgoing Cabinet feels that the ruling is only effective with respect to the parties directly involved in this case. As a result, the educational regulation currently still applies in full. Since the implementation of the Sanctions Regime for Iran, eight applications for exemption have been submitted. In three cases, the exemption was deemed not necessary; the exemption was granted twice and was rejected in three cases.168

Protection of the concept of ‘university’
In order to implement the motion of members of the Dutch House of Representatives169 concerning the protection of the term ‘university’, a study was carried out in 2009, commissioned by the Ministry of ECS, to establish terms as ‘universiteit’, ‘university’, and ‘university of applied sciences’ should be exclusively reserved for institutions that provide study programmes that have been accredited by the Dutch-Flemish Accreditation Organization (NVAO) or for similar institutions.

167 Judgment of the Hague Court of 3 February 2010, case number 334949, cause-list number HA ZA 09-1192, appealed by the State of the Netherlands, confirmed by the Hague Court of Appeal, 26 April 2011, 200,063,360/01, LJN BQ4781. The State of the Netherlands announced in July 2011 to lodge an appeal in cassation.
168 Source: Letter of the State Secretary for ECS to the Dutch House of Representatives, 27 February 2012, reference 334295. The figures relate to the situation following the expiry of the period within which an application for a review could have been submitted against the rejection of the applications for exemption.
The researchers concluded that - in the relatively open system that characterises Dutch higher education - the Dutch government has the possibility of taking measures to protect the name ‘universiteit’ and related names.170

In the Netherlands, 30 ‘diploma mills’ are active; ‘diploma mills’ are organisations that offer fake higher education diplomas for sale through the Internet. In a response to these ‘diploma mills’, the Ministry of ECS is currently developing measures to ensure more effective protection of higher education quality marks (names of the institutions in higher education, Degrees, and titles) by reserving the use for institutions or study programmes that have been recognised in accordance with the WHW.

170 ‘De universiteit’: Onderzoek naar de bescherming van instellingsbenamingen, graden en titels (The ‘universiteit’: A study into the protection of names of educational establishments, Degrees, and titles), P.J.J. Zoontjens and A.J. Nijssen, Sardes, Utrecht 26 January 2010.
Dutch immigration policy is partly aimed at acting as an intermediary for the development of initiatives in the area of cooperation with other countries, organisations and educational institutions. The Netherlands consequently participates in the European Mobility Partnerships entered into with Moldova, Cape Verde, Georgia and Armenia. The Netherlands has also expressed the wish to participate in the future agreements with Morocco, Tunisia and Azerbaijan. As a result of the renewed Mobility Partnerships, it has become easier for Moldovans, Cape Verdeans, Georgians and Armenians to enter the EU. On the basis of the Partnerships, agreements have been made concerning seasonal work, visas, exchange of students and labour. Other agreements have been entered into with regard to the return of irregular migrants and with regard to border control. The Dutch government attaches great value to entering into Partnerships which include sound policies regarding the return and readmission of migrants.

4.1 Bilateral and multilateral agreements

4.1.1 Policies

Where it is difficult for educational institutions or students themselves to obtain access to other countries, bilateral cooperation is effected by means of Memoranda of Understanding. A good example in this case is China. A joint programme, in which the Netherlands and China participate with all kinds of organisations, is aimed at strengthening the partnership, increase the quality of joint research and publishing joint scientific publications. Since 2009, the Netherlands has invested €2.25 million in this programme, which also contributes to increasing knowledge of the Netherlands among Chinese students and researchers and facilitating the migration of these students and researchers to the Netherlands. Other bilateral partnership agreements that have been entered into is with, for instance, Indonesia.

Synergy and creating mass by intergovernmental cooperation may have considerable added value. For this reason, the Netherlands is co-founder and has been a member of several large intergovernmental research organisations. Although these memberships entail financial commitments, they also provide the Dutch and international students and researchers access to the research facilities they need for scientific progress and which – because of their extent – cannot be funded by one single country. The concen-

173 Source: http://www.eerstekamer.nl/eu/edossier/e090143_mededeling_over_circulaire, consulted on 19 June 2012.
174 For example: the European Organisation for Nuclear Research (CERN), European Molecular Biology Laboratory (EMBL), European Molecular Biology Conference (EMBC), International Thermonuclear Experimental Reactor (ITER), European Organisation for Astronomy Research (ESO), and European Space Agency (ESA).
tration of researchers in these research organisations has provided great scientific added value. The Netherlands is active in these organisations both at a scientific and an administrative level.

Recognition
The Lisbon Convention (1997), the multilateral international convention on the administrative procedures in place in the international recognition of qualifications, ensures that international students are treated fairly by the educational institutions. These procedures and their application – which have by now been published in the European Area of Recognition Manual, adopted by the European networks – are applied in the Netherlands. This manual ensures international ‘good practices’ with regard to the recognition of foreign qualifications in view of access and admission of international students into Dutch higher education.

In the Netherlands, the Dutch-Flemish Accreditation Organization (NVAO) is responsible for the accreditation of the study programmes provided by government-funded educational institutions and approved private educational institutions (insofar as those study programmes have been submitted to the NVAO for assessment). The NVAO participates actively in three international networks of quality assurance organisations, all of which are aimed at improving the quality of the study programmes involved. In 2007, the NVAO entered into agreements concerning the mutual recognition of accreditation decisions with several sister organisations abroad (France, Norway, Austria, Poland and Switzerland).

Mutual recognition of accreditation decisions facilitates the mobility of Dutch and Flemish students and graduates, and makes it easier for international students and graduates to study or to work in the Netherlands and Flanders. Educational institutions providing international study programmes benefit from the simplification of the procedures as a result of mutual recognition agreements.

Attaché
In order to strengthen the cooperation with the Arab world, the universities of Groningen and Maastricht, with the Dutch Ministry of ECS, posted an higher education attaché at the Dutch Embassy in Riyadh, Saudi Arabia, in 2011. The attaché, among other things, encourages the recruitment of students, establishing of relationships with Saudi universities, research institutions and industrial partners. His activities include providing information about Dutch higher education by organising ‘Study in Holland’ workshops, holding consultation hours and paying visits to secondary schools. He focuses specifically at Saudi students who are interested to come to the Netherlands on the basis of a scholarship granted under the King Abdullah Scholarship Programme. The medical centres of Groningen and Maastricht have conducted several large projects in Saudi Arabia, for a number of years. Maastricht, for instance, is the motor behind the establishment of a new medical faculty in the town of Bukayrah and Groningen has

175 Source: http://www.nuffic.nl/nederlandse-organisaties/services/beursprogrammas/erasmus-mundus, consulted on 19 June 2012.
176 The European Consortium for Accreditation in Higher Education (ECA), the European Association for Quality Assurance in Higher Education (ENQA), and the International Network for Quality Assurance Agencies in Higher Education (INQAAHE).
assisted in developing a medical curriculum. Since 2007, Maastricht and Groningen have cooperated intensively with Saudi Arabia by training groups of Saudi medical students in the Netherlands. In answers to questions in Parliament about the recruitment activities, in particular, with regard to medical students, the State Secretary answered that the recruitment of international students is a common example of knowledge export. The funding of the presence of an attaché for higher education in Riyadh by the Ministry of ECS and the two universities contributes to the international positioning and orientation of Dutch higher education. Although the medical degree programmes in the Netherlands are subject to *numerus fixus*, the Saudi students do not take the places of Dutch students, as it concerns contract education.

**Twinning**

After the independence of Surinam in 1975 and the conversion of the currency, the Netherlands made approximately 1.6 billion euros available for the development of its former colony. This was followed by the introduction of the Suriname-Netherlands Twinning facility: a funding scheme with a budget of 12 million euros for projects that focused on strengthening knowledge development in community-based organisations, with the government adopting a hands-off approach where possible. Approximately 2 million euros were available for cooperation in higher education. Dutch institutions of higher education frequently used the funds. Erasmus University Rotterdam, for instance, was involved in setting up a Bachelor Degree programme in psychology at Anton de Kom University of Suriname in Paramaribo, and Fontys University of Applied Sciences in Eindhoven cooperated with the Foundation for the Advancement of Journalism (Stichting ter bevordering van de journalistiek). The first evaluation was published early in 2012; the twinning initiative may be considered successful. The intended deepening and broadening of the cooperation between the Dutch and Surinamese organisations has been achieved. On this basis, the government has decided to continue the subsidised cooperation.

4.1.2 **Instruments and measures**

Various instruments have been developed and measures have been taken to facilitate the mobility of international students to and between countries, both inside and outside Europe. The measures are accompanied by procedures that are aimed at enhancing the quality of the education offered to international students.

**Joint programmes**

Nearly all Dutch educational institutions are active in joint programmes and participate in different international networks. Since July 2010, it has been possible by law for the Dutch educational institutions, as well, to offer these joint programmes. Upon completion of such a programme, the student obtains a diploma from the two educational institutions.

179 Source: ‘Twinning’-experiment met Suriname krijgt vervolg (Twinning experiment with Surinam will be continued), Transfer 5 March 2012.
institutions. This type of programme, which varies in length, makes it possible to join the best study programmes from different countries and to make a special contribution to realising the convergence among the systems for higher education of the Bologna countries and it aims to increase an understanding for each other’s cultures. One of the results of the joint programmes is that it leads to an efficient stay abroad for both the Dutch and the international students, without loss of time in the study programme and is accompanied by courses supporting a specific subject or language.

The criteria for educational institutions to participate in the joint programmes are joint curriculum development, availability of teaching staff and the organisation of institutionalised student exchange programmes. A joint programme must be accredited in the Netherlands.

**Offering study programmes abroad**

One of the effects of internationalisation is that a number of educational institutions set up branches abroad, or intend to do so. Offering study programmes abroad gives international students the opportunity to become acquainted with Dutch culture in general and Dutch education culture in particular. Current legislation, however, does not permit Dutch educational institutions to grant recognised Dutch Degrees and certificates abroad. As long as Dutch research universities and universities of applied sciences are not yet permitted to provide full-time study programmes abroad, the Dutch and international students must have attended at least one academic year in the Netherlands to entitle them to obtain a Dutch degree.

**Excellence**

Since 2009, the Dutch Ministry of ECS has enabled research universities and universities of applied sciences to facilitate the flow of international students and to challenge excellent students intellectually through the Sirius Program. An important result that has emerged is a number of excellence programmes in alignment with foreign educational institutions. Many programmes have been attended by international students. Some excellence programmes specifically aim at alignment with the top-level graduates in demand at the international level. A number of these programmes are in English and the work placements are sometimes done in the international environment of a company. Special attention is paid to mobility in the context of international development. Twenty educational institutions currently participate in the excellence programmes leading to Bachelor Degrees. Out of this number, six institutions receive funds for an excellence programme leading to Master Degrees. Compared to 2009-2010, the institutions have observed an increase in participation of 20% to 30%. In the Outline Agreement

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180 The Bologna countries are: Albania, Andorra, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Germany, Estonia, Finland, France, Greece, Hungary, Ireland, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia (FYROM), Malta, Netherlands, Norway, Austria, Poland, Portugal, Romania, Russia, Serbia & Montenegro, Slovenia, Slovakia, Spain, Czech Republic, Turkey, Vatican City, United Kingdom, Sweden, Switzerland.


182 Letter to the Dutch House of Representatives on auxiliary branches of higher education abroad, reference 372845, 21 February 2012.

between the Ministry of ECS and the Association of Universities in the Netherlands (VSNU), it was agreed to increase the efforts to realise a rise in the percentage of students who have been enrolled in excellence programmes at Dutch universities, from the current 3.5% to 7% in 2015.

Accreditation of joint programmes

In Europe, the educational institutions in the different countries currently provide approximately 2,500 study programmes together. This does not only increase the recognisability of the study programme, but it also makes it easier for Dutch and international students to migrate within Europe for the purpose of study. Yet before these joint programmes - often in different countries – can be offered as recognised programmes, the programmes must undergo national accreditation procedures or other external quality assurance procedures. The European Consortium for Accreditation in Higher Education (ECA) is carrying out the project JOQAR (Joint Programmes; Quality Assurance and Recognition of degrees awarded), a project which aims at simplifying the accreditation of joint programmes. The NVAO is responsible for the coordination of this project, which is subsidised by the European Commission and is being carried out in cooperation with the nine other accreditation organisations and four recognition organisations (ENIC-NARICs).

The aim of the project - which runs from 2010 up to and including 2013 - is to make it possible for the joint programmes - in the future - to undergo one single full-scale external evaluation procedure for the purpose of accreditation and external quality assurance. If the accreditation organisation makes a positive decision, this decision will be adopted by the other accreditation organisations of the joint programme consortium, so that it will no longer be necessary to undergo the full-scale procedure again in each of those countries.

In order to realise this harmonisation of the evaluation procedure, the number of mutual recognition agreements will be increased by eight accreditation organisations. Furthermore, a European Coordination Point for external quality assurance and accreditation of joint programmes will be established. The task of this coordination point - which falls under the ECA - is to facilitate the setting up of single accreditation procedures by giving information to the educational institution providing the joint programmes and to the accreditation organisations and to assist them in or to give advice about setting up such a procedure. The coordination point will also manage a database with information about quality assurance and the recognition of joint programmes.

MINT

Nuffic has developed a digital tool for Dutch educational institutions in order to map internationalisation activities and objectives: MINT. The Mapping Internationalisation Tool, which was launched in 2009, provides educational institutions with the possibility of evaluating themselves at the level of the institution, but also at the level of the

184 Source: http://www.nuffic.nl/nederlandse-organisaties/docs/euexpresse/expresse33.pdf
faculty or the study programme. On the basis of on-line questionnaires, the institution can determine whether and the extent to which, the objectives of its internationalisation policy have been achieved, which activities have been undertaken, which services have been developed and whether the quality is adequately assured. The educational institutions also have the possibility of comparing themselves with other institutions and benchmarking is possible if at least five educational institutions participate.

4.2 Cooperation with EU or international organisations

*Erasmus Programme*

Erasmus is a programme of the European Commission (credit mobility) and is part of The Lifelong Learning Programme. The aim of this programme is to enhance the quality of European higher education, to promote European higher education throughout the world and to facilitate the cooperation with countries outside the EU. This is realised by facilitating individual mobility and by offering intensive programmes, as well as language courses. In addition, the European Commission developed the Erasmus Mundus Programme (diploma mobility), which is aimed at cooperation with partners inside and outside Europe (including scholarships).

In 2009/2010, 1.24% of the total student population in the Netherlands were Erasmus students. The average monthly grant received by students within the context of the Erasmus Student Mobility Programme was €266 in 2007/2008, €240 in 2008/2009, and €244 in 2009/2010.186

<table>
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<th>Table 20</th>
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<td>2006/07</td>
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<td>Incoming</td>
<td>468</td>
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Source: Nuffic

*Erasmus Mundus Programme*

The minimum requirement for Master Degree students in the Erasmus Mundus Programme, is that they must attend their programme in two EU Member States that participate in the consortium. Each of these two compulsory mobility periods must have a study load that corresponds with at least 20 ECTS for a one-year study programme, or at least 30 ECTS for a longer Erasmus Mundus Master Programme. The mobility conditions are determined by the Erasmus Mundus Programme itself. Admission to the Programme is only possible when all selection criteria - including academic criteria - have been met. It concerns a specific target group, for which other funding is available, as well. In principle, each educational institution of higher education has counsellors/coordinators to assist the students in the application procedure for the Erasmus Mundus

187 In the Erasmus Mundus Programme guide.
Programme. The students receive guidance during the application procedure with regard to academic issues as well as administrative issues.

Students who participate in the Erasmus Mundus Programme are not treated as a specific group in the Netherlands and they must consequently follow the regular admission procedures that must be followed by all international students. See also Section 2.2.1 above. For a period of stay shorter than 3 months, international students are permitted to stay in the Netherlands on the basis of a valid residence permit issued in another EU Member State. If the international student does not have a valid residence permit from another EU Member State, a short-stay visa is required (dependent on the student’s nationality).

For a period of stay in the Netherlands of more than 3 months, the international student requires an MVV (if the international student is subject to the MVV requirement), which may be applied for in the country where the student has lawful residence. In order to be able to attend an Erasmus Mundus Master Programme in the Netherlands, the international student subsequently requires a residence permit for the purpose of study (exchange student).

Nuffic, the Erasmus Mundus National Structure, is working on increasing the awareness of the specific mobility requirements of incoming students under the Erasmus Mundus Programme and has formed a work group in the area of visa issues. This work group is composed of representatives and relevant stakeholders of the Ministry of ECS, the Ministry of the Interior and Kingdom Relations, the IND and Nuffic.

There are no data available on students who have been admitted to a Dutch educational institution, but who did not follow the required entry and residence procedure. However, international students who are not subject to the MVV requirement, such as Americans, Canadians and Australians, are permitted to enter the Netherlands without a visa (a valid passport is sufficient). Once in the Netherlands, these students are obliged to apply for a residence permit if their stay will be longer than 3 months.

The following two situations could be considered as possible obstacles. Firstly, it is not possible to stay in another EU Member State for the purpose of study for a period longer than 8 months if a residence permit for the purpose of study has been issued in the Netherlands: if the student stays outside the Netherlands for a period longer than 8 months, his residence permit will lapse. Upon return in the Netherlands, the student will, once again, have to follow the whole application procedure for a new residence permit. Secondly, and more in general, visa problems are sometimes considered obstacles that hinder the Erasmus Mundus Programme and consequently the visibility and attractiveness of European higher education. Considering the mobility requirements of the Erasmus Mundus Programme, this obstacle will not be removed by the fact that one, two or three EU Member States have flexible and fast-track visa procedures. If student mobility within the EU is to increase, the visa problems should be tackled EU wide.
Visa Code
It is not known whether third-country nationals who come from another EU Member State to the Netherlands to continue their studies use/can use the procedures and conditions that apply to the issue of short-stay visas under the Visa Code if they transit through the territory of the Member States of the EU. No data are registered in this context.\textsuperscript{188}

EU cooperation
At the European level, there are a large number of partnerships in the area of higher education in which the Netherlands participates.\textsuperscript{189} The cooperation with countries (both inside and outside Europe) and educational institutions is encouraged by means of a number of action programmes, scholarships and subsidies. Examples are:

- EDULINK: a programme that has been set up to facilitate cooperation in the field of higher education between the European Union and the countries of the African, Caribbean and Pacific Group of States (ACP States).
- Atlantis: a programme that stimulates the cooperation between the EU and the US in the field of higher education and vocational education.
- Jean Monnet: a subsidy to support the activities of European institution of higher education and associations of teachers and researchers who are active in the field of European integrations studies.
- In addition to the Erasmus programme for student exchange in higher education, The Lifelong Learning Programme of the European Union also has other programmes, including exchange programmes for teachers.
- Marie Curie: a programme that supports mobility and career development of researchers.
- Asia-Link: a programme that seeks to facilitate regional and multilateral cooperation in higher education between educational institutions in Asia and Europe.

The Netherlands has not developed a specific policy for students from outside the EU who participate in other exchange programmes. They are consequently not treated as a specific group and they follow the regular admission procedures for international students. See also Section 2.2.1 above. Please refer to Section 3.1.3 for an explanation of the fast-track procedure. No other information is available about any difficulties or obstacles for international students who wish to continue their studies elsewhere in Europe than the information provided to describe the Erasmus Mundus Programme.

4.3 Other forms of (non-legislative) cooperation with countries

Cooperation and partnerships
The educational institutions have entered into partnerships among themselves, in particular in the area of student exchange. Maastricht University, for instance, has entered into partnerships with universities in China and India. The purpose of these partnerships is to enable students from outside Europe to attend Master programmes or programmes

\textsuperscript{188} Source: Nuffic, Erasmus Mundus National Structure
\textsuperscript{189} Source: http://www.go-europe.nl/smartsite.dws?id=108685&toon=themalijst&c_theme=Onderwijs&c_themid=EU0010000054.
leading to the Doctoral Degree. The intention is that these students start working in their home country after graduation (brain circulation).\(^{190}\)

The number of Chinese students and researchers who study at Dutch universities has increased sharply in the past few years, to more than 3,000 students in the academic year of 2010/2011. The leader is Erasmus University Rotterdam with 774 students, an increase of 26% in five years. At TU Delft, the number of Chinese students increased in the same period by 47%, to 362 students. TU Delft also employs the most Chinese researchers and Doctoral candidates. In total, there are nearly one thousand Chinese researchers and Doctoral candidates in the Netherlands. Particularly popular are study programmes in the area of technology and economics, but an increase can also be observed in political and social sciences and language studies.

Conversely, every year, only several dozens of Dutch students go to China. Universities have, however, entered into dozens of partnerships. TU Delft was the first Dutch university to open a branch in Beijing, founded together with the Chinese Academy of Arts and Sciences, which specialises in innovations around LED technology.\(^{191}\) Tilburg University has opened its own office in the Chinese city of Beijing. With the Tilburg University Support Office China (TiUSO China), the university intends to increase name recognition and to increase the flow of Chinese students and PhD candidates.\(^{192}\)

Early in 2011, the universities of Groningen, Leiden, Maastricht, Twente, and Wageningen formed the Holland Arab Education Consortium (HAEC) in order to expand cooperation in the area of research with educational institutions in the Middle East and the Gulf Region and to recruit students there. For the time being, the HAEC will focus, in particular, on Saudi Arabia, Oman, the United Arab Emirates, Jordan and Syria.\(^{193}\)

Wageningen University, University of Twente, Tilburg University, Leiden University, Stenden University of Applied Sciences, Hanze University of Applied Sciences and HAN University of Applied Sciences furthermore formed the Holland Education Consortium. The aim of this partnership is the joint representation abroad. The Holland Education Consortium provides a complete overview of the Bachelor and Master programmes of the participating educational institutions in the area of business & management, engineering, humanities and social sciences.\(^{194}\)

Finally, the activities of specific universities\(^{195}\) may be given as examples. VU University Amsterdam entered into agreements with a few non-European institutions of higher education (e.g. in China, South Africa and the United States) for the purpose of student

192 Source: http://universonline.nl/2012/02/16/eigen-kantoor-uvt-in-china/
193 Source: http://www.haec.nl/.
194 Source: http://www.hollandeducationconsortium.nl/.
exchange. In addition, also other cooperation agreements have been signed which facilitate the choice of Dutch and international students for a study programme at a non-European partner institution, by offering a GLOBE scholarship. 196 This scholarship consists of a contribution towards the additional costs - such as those incurred in order to familiarise oneself with a language, for travel expenses and housing - and was introduced to facilitate student mobility from and to third countries. The GLOBE partner list includes universities from Argentina, Australia, Brazil, Japan, South Korea, Mexico, Taiwan, Thailand, United States, South Africa, Canada, Chilli, Kenya, Surinam, Tanzania, Aruba, Botswana, Curaçao, Indonesia, Zambia, Israel, China, Peru and Russia.
IMPACTS OF INTERNATIONAL STUDENTS IN THE NETHERLANDS

The number of international students studying in the Netherlands is much larger than the number of Dutch students studying abroad. In the academic year of 2007/2008, 16,000 Dutch students had been enrolled for a diploma/degree programme at institutions of higher education abroad, as opposed to 39,000 international students in the Netherlands. In addition, more than 6,000 Dutch students participated in the European Erasmus programme for a part of their studies.\textsuperscript{197} The policy\textsuperscript{198} of the Dutch government is aimed at further increasing the outgoing mobility of Dutch students. This will result in a better balance between outgoing and incoming mobility and more Dutch students will be able to prepare themselves for the international labour market by staying abroad for the purpose of study.

With regard to Dutch students and students holding the nationality of one of the other EU Member States, the Dutch legislator has made a legal tuition fee compulsory\textsuperscript{199}; this is the fee that must be paid for a full-time study programme in higher education. The Dutch educational institutions are funded by the Dutch government for the number of students who have paid the legal tuition fee. At the time of writing, there was political debate about the costs of the large number of, especially German students in the Netherlands and the incentives to achieve a better balance in the proportion of outgoing students and incoming students.\textsuperscript{200}

Since 1 January 2009, the educational institutions no longer receive funds for international students from outside the EU.\textsuperscript{201} These students will therefore have to pay a cost-effective annual fee to the institutions for their participation in the study programme. Partly because of the fact that these students are a source of income, this may cause competitiveness between countries and educational institutions. See also Section 2.2 for an explanation of the policies of the Dutch government with regard to international students in higher education.

It is not easy to estimate the consequences of these measures for the countries of origin of the student migrants and highly educated migrants. Dutch policies are primarily aimed at attracting international students who come to the Netherlands to attend full-time study programmes. The quality of the incoming students is the most important criterion in this context. The focus is on attracting talent and excellence. The presence of international students furthermore contributes to creating an international context in higher education (the ‘international classroom’), which is also seen as a means to tackle

\textsuperscript{198} Parliamentary Papers II 2011/2012, 31288, no. 44.
\textsuperscript{199} Standard for the academic year of 2010/2011: €1,672; standard for the academic year of 2011/2012: €1,771.
\textsuperscript{200} Source: Letter ‘International Mobility’ from the State Secretary of Education to the Dutch House of Representatives of 23 December 2011, with reference 352301.
\textsuperscript{201} Decree of 16 April amending the WHW (Implementation) Decree in connection with merging this Decree with the WHW Funding Decree and in connection with the amendments to the provisions regarding the general calculation method of the government grant for institution of higher education, Government Gazette 16 April 2008, 146
‘brain drain’. ACVZ’s report ‘Benefiting from educational migrants’ shows that the Netherlands does not cause large-scale ‘brain drain’. Although it is clear that the departure of talents in some sectors, such as the medical sector, may have disastrous consequences, the countries of origin are also able to benefit from the money transfers and more direct investments made by migrants. The strong economic ties generated by the migrants – in the areas of both knowledge and development – may result in economic and social gains. Finally, the ACVZ considers it justified to assume that – given the continued worldwide shortage of class talents – it is unrealistic to assume that the international top talents who are studying in the Netherlands will be encouraged to return to their countries of origin by raising barriers during their search for work. Due to the ‘battle for brains’, the world lies, after all, at their feet.202

At the time of writing, no information was available about the possible relationship between the impact of international students and demographic challenges, such as the ageing of the Dutch population. The presence of international students from outside the EU has – insofar as is known – led to any social debates. There have, however, been political debates about the relationship between the number of EU students in the Netherlands and the number of Dutch students studying in another EU Member State.203

No data are available about the exact number of international students that remain in the Netherlands to work following the completion of their studies. Figures from the OECD show, however, that – in 2007 – it was estimated that 15% of the international students had continued to live in the Netherlands following the completion of their studies. A majority of this group, 65%, applied for a residence permit in order to be able to work here. In most of the other cases, family formation was the purpose for applying for a residence permit. In the OECD study204, efforts were made to determine, in respect of a number of countries, how many international students had decided in 2007 to remain in the host country in order to work, or for other reasons. For this purpose, the researchers calculated the percentage of student visas that were not renewed but were changed into residence permits for other purposes. With regard to the subsequent years, the percentage of international students that remained in the Netherlands following the completion of their studies increased to approximately 27%. With this percentage, the Netherlands scored slightly above the OECD average.205

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203 Source: Letter ‘International Mobility’ from the State Secretary of Education to the Dutch House of Representatives of 23 December 2011, with reference 352301.
204 OECD, International Migration Outlook 2010, available through: http://www.oecd.org/document/41/0,3343, en_2649_33931_45591593_1_1_1_1,00.html.
5.1 Impact on the labour market

At the end of 2007, the regulation ‘job-seeking year for graduates’ was introduced, on the basis of which non-EU students are permitted to remain in the Netherlands for another year after having obtained a recognised diploma to seek a job as a highly educated migrant. In addition to this, the ‘Highly Educated Migrants Scheme’ was introduced on 1 January 2009. This scheme provides international students who have obtained their Master Degrees at a recognised educational institution in the Netherlands or those who have obtained a doctorate in the Netherlands the opportunity - for a maximum period of one year - to seek a job as a highly educated migrant or to start an innovative business. Third-country nationals who obtained their Master Degree or PhD outside the Netherlands at an educational institution that is included in the top 200 of the lists published in the Times Higher Education Supplement or the Jiao Tong Shanghai University are eligible for this scheme, under certain conditions. See Section 2.2.3 for more information about the job-seeking year for graduates and the Highly Educated Migrants Scheme.

The purpose of this scheme is to attract foreign top talent for the benefit of the Dutch economy. Before the scheme came into force, the aim was to admit 500 highly educated migrants under the scheme in a period of two years. The evaluation of the Highly Educated Migrants Scheme shows that in the period between 1 January 2009 and 31 December 2010, 392 third-country nationals submitted an application for a residence permit in the framework of this scheme. Out of this number, 198 residence permits were granted, 93 applicants were granted residence permits on the basis of other purposes of residence, 70 applications are yet to be decided, and 31 applications were rejected. Out of the 198 residence permits that were granted, 78 residence permits were granted in 2009 and 120 residence permits were granted in 2010. With regard to not more than 65 third-country nationals, the granting of the application meant that they were granted residence in the Netherlands for the first time. The other 133 residence permits concerned changes of the purposes of residence of existing residence permits. They were already present in the Netherlands on the basis of other rights of residence.

Out of the 78 third-country nationals who were granted residence permits under the Highly Educated Migrants Scheme in 2009, 29 third-country nationals actually found jobs as highly educated migrants, which is 37% of the highly educated migrants. None of the highly educated migrants received residence permits to work on a self-employed basis. The results over 2010 were not included in the evaluation, because at the time of the reference date of 1 January 2011, the job-searching year for this group had not yet passed. With regard to those third-country nationals who did not qualify for continued residence, the residence permits were not renewed after the period of validity had expired.

The Evaluation of the Highly Educated Migrants Scheme shows that the scheme has turned out to be less effective in the first two years then foreseen. In addition, the majority of the highly educated migrants already had residence permits in the Netherlands and few ‘new’ talents were attracted. The scheme was, nevertheless, not considered ineffective. It is expected that the numbers will increase in the future as the recognition of the scheme increases and the economic climate improves. The Dutch government furthermore considers every highly educated migrant that has been recruited or maintained an asset for the Dutch knowledge economy.  

5.2 Impact on revenues and costs

International students contribute to the Dutch economy in general and the Dutch knowledge economy in particular. This contribution can, in part, be expressed in figures. A study conducted by TNO (the Netherlands Organization for Applied Scientific Research) in 2009\textsuperscript{210} showed that — on an annual basis — the knowledge sector is responsible for a contribution of 14.5 million euros to the Dutch economy. This is 25,000 euros per student. In addition, the sector generates 288,000 jobs. TNO also calculated the indirect impact on the Dutch economy. This calculation showed that the actual interest is significantly larger. According to the study, the knowledge industry generates a contribution of another 6.5 billion euros and 69,000 jobs outside its own sector. The total impact is 21 billion euros and 357,000 jobs.\textsuperscript{211} See Section 3.4 for information about the irregularities established in the area of work.

In response to a motion of members of the Dutch House of Representatives about the cost/revenues ration of the mobility policy, the Ministry of ECS shed light on the revenues of international students in Dutch higher education in 2011. This study showed that — for the Dutch government — there was a difference in the costs of both incoming and outgoing mobility of approximately 90 million euros a year. These costs are brought about, in particular, by the group of EU students (65\% of the total group of international students) who attend a study programme in the Netherlands. These students pay the legal tuition fee and the associated costs incurred by the educational institutions are funded by the government. This does not apply to non-EU students. On the other hand, other countries pay part of the costs incurred in respect of the Dutch students that study abroad. In 2007, this concerned more than 16,000 students.

In this calculation, however, only the short-term impacts on government expenses were taken into consideration. VAT revenues on spending and PAYE tax from sidelines have not yet been included in this calculation. This also applies to a number of potentially important welfare effects, which are hard to quantify, including the following:

- Revenues from a positive effect on the quality of higher education and the fact that this subsequently results in a better trained working population. It is also possible that an international classroom with international students can improve the performances of the average Dutch students and that this subsequently contributes to a more ambitious learning environment.
- Revenues from stronger international relationships, trading relationships or otherwise. Once international students return to their countries of origin, they may contribute towards securing revenues for the Netherlands; if these students are employed in internationally-oriented jobs, they may possibly also use their Dutch networks for trading and investment activities.

- Revenues in the form of more knowledge and innovation. International students who continue to work in the Netherlands increase the knowledge level and increase the innovation capacity of the Netherlands. If international students continue to work or continue to do research in the Netherlands following the completion of their studies, this will result in a higher GDP.\(^\text{212}\)

A recent study into the net effect of incoming and outgoing mobility, carried out by the CPB Netherlands Bureau for Economic Policy Analysis, shows that international students (both EU-students and non-EU students) contribute positively to government finance in the Netherlands.\(^\text{213}\) If 2.5% of all graduated international students would remain in the Netherlands to work here, their presence alone would already have a positive effect. A more realistic percentage of 19% of the international student migrants that remains in the Netherlands generates 740 million euros of tax revenues.

Good international students may be a stimulus to Dutch fellow students and subsequently improve Dutch education. There are, however, additional costs during the study programme, but these are compensated by the revenues (tax revenues) when students enter the Dutch labour market following the completion of their studies. An added advantage is that these students have become acquainted with the Netherlands and that Dutch people have gained intercultural skills, thanks to their interactions with international students. This contributes to the Dutch trading relationships with the rest of the world.

\(^{212}\) Source: Parliamentary Papers II 2011/2012, 33000 VIII, no. 158.

\(^{213}\) Source: De economische effecten van internationalisering in het hoger onderwijs, (The Economic Impacts of Internationalisation in Higher Education), a memorandum of the CPB Netherlands Bureau for Economic Policy Analysis, The Hague, 18 April 2012, sent to the Dutch House of Representatives as an enclosure with the letter of the State Secretary for Education on 16 May 2012, about the costs and revenues of international students in higher education, Parliamentary Papers II, 2011/2012, 31288, no. 290.
6 CONCLUSION

The policies of the Dutch government and the educational institutions are aimed at increasing the percentage of incoming international students. Therefore, many investments have been made and many measures have been taken with a view to promoting the Netherlands as a knowledge society. In addition, efforts have been made to provide a study climate that is attractive to international students and to provide information about this. Financial restrictions will be removed by making scholarships available to international students who qualify for these scholarships.

Judging by the available statistics of the IND, the policies have been successful: the number of residence permits for the purpose of study has increased every year. On the one hand, the students concerned are third-country nationals who come to the Netherlands to attend full-time study programmes and on the other hand, the students concerned are third-country nationals who come here to study only to obtain a number of credits, for instance, within the framework of an exchange programme. The figures show a gradual increase, from no more than 8,000 residence permits granted for the purpose of study in 2006, to nearly 11,000 in 2011.

Regular residence permits granted for the purpose of study

Source: INDIS

For years, the largest group of international students from outside the EU has originated from China (in 2011 more than 2,400 students, 23% of the total), followed at a distance by students from the United States (in 2011 more than 1,400 students, 13%), Indonesia
(in 2011 640 students, 6%), Turkey (in 2011 more than 600 students, 6%) and India (in 2011 more than 440 students, 4%).

The figures of ECS/DUO show that the number of diplomas obtained by third-country nationals has also increased each year, from 1,700 in the academic year of 2005/2006 to nearly 3,000 in the academic year of 2010/2011. It should be noted in this context that these figures pertain exclusively to study programmes provided by government-funded higher education.

**Diplomas for higher education obtained by third-country nationals on the basis of previous education completed abroad**

![Graph showing the increase in diplomas obtained by third-country nationals from 2005/2006 to 2010/2011.](source: ECS/DUO)

One instrument that may be used to improve the quality of internationalisation through the selection, qualification and socialisation of international students is the preparatory year. In this period, students with foreign educational qualifications will be given the opportunity to eliminate their educational deficiencies so as to enable their admission to a Bachelor or Master programme. In this context as well, it has been observed that, on average, there has been an upward trend in the number of residence permits granted for this purpose by the IND over the years, from no more than 700 in 2005 to nearly 900 in 2011, with a peak of nearly 1,150 in 2009.
Number of residence permits granted for the purpose of the preparatory year

Since 2008, the Netherlands has had a fast-track admission procedure for international students (on the basis of a contract), in which the educational institution acts as a sponsor. In addition, new legislation is being developed (Modern Migration Policy Act), on the basis of which the procedures for the entry visa and the residence permit will be merged and international students will be granted a residence permit immediately that is valid for the entire duration of the study programme. On a voluntary basis (in a trial project), the IND and the educational institutions have worked according to these future procedures in more than 85% of the cases.

In this context, the emphasis is on quality, with regard to both the educational institution and the study programme provided as on the international student who wishes to be admitted. Therefore, the government has included regulations in the Dutch Higher Education and Research Act (WHW) and the Aliens Act, supplemented by the rules and standards formulated by the educational institutions themselves in the Code of Conduct for International Students in Higher Education. Upon indications of misuse or improper use of the procedure by the student, the educational institution, or the student’s employer, action is taken by either the government (e.g. through the Education Inspectorate and the Social Affairs and Employment Inspectorate) or one of the other supervisory bodies or implementing organisations and institutions (e.g. the IND and the National Committee for the Code of Conduct for International Students in Higher Education). A targeted study of this group of students conducted by the former Labour Inspectorate\(^{214}\) has shown a slightly downward trend in the number of established violations.

\(^{214}\) Incorporated in the Social Affairs and Employment Inspectorate since 1 January 2012
What is notable, however, is that the number of work permits granted by UWV WERK-bedrijf with regard to international students has decreased since 2007. A possible reason may be that the study load, with which the students are confronted, does not allow the students to work in addition to studying.

**Number of work permits granted**

![Graph showing the number of work permits granted from 2006 to 2010](image)

Source: UWV

International students are of great importance to the Netherlands. Not only to the quality of Dutch higher education, but also to the Dutch economy, as these students pay tuition fees and spend money on their daily costs of living. The Dutch government intends to ensure that it is a fertile soil for growth and development in the areas of economy, culture and science. The government views the admission of talented knowledge migrants and student migrants as a means to realise this aim. Specific measures have been taken to bind foreign talents to the Netherlands, for instance, by giving international students the opportunity to continue to stay and work in the Netherlands as a highly educated migrant on the basis of the job-seeking year and the Highly Educated Migrants Scheme. These measures have resulted in an increase in the quality of the working population and the attraction of the Netherlands as a place of business for foreign investors. In addition, the admission of international students is viewed as a possibility of contributing positively to the development of the countries of origin.
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The European Migration Network (EMN) has been set up by the Council of the European Union. The EMN collects up-to-date, objective, reliable and where possible comparable information on migration and asylum. The EMN publishes reports on a variety of subjects in the field of asylum and migration. The establishment of the EMN is consistent with the aim of the EU to establish an effective asylum and migration policy.

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