

# IMMIGRATION OF INTERNATIONAL STUDENTS

SPAIN



The European Migration Network (EMN) is an initiative of the European Commission. The EMN has been established via Council Decision 2008/381/EC and is financially supported by the European Union.

Its objective is to meet the information needs of EU institutions and of Member States' authorities and institutions by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the European Union in these areas. The EMN also serves to provide the general public with such information.

To that end, the EMN has a network of National Contact Points (NCPs).

In Spain, the NCP is composed of experts from four ministries (Ministry of Employment and Social Security, Ministry of the Interior, Ministry of Foreign Affairs and Cooperation and Ministry of Justice) and the General Prosecutor's Office. It is coordinated by the Permanent Observatory for Immigration, a collegial body attached to the Ministry of Employment and Social Security. The NCP also collaborates with independent experts for the elaboration of EMN studies and reports.

#### Contact

Permanent Observatory for Immigration  
(Co-ordinator of the National Contact Point for the European Migration Network)

José Abascal, 39. 28071 Madrid

E-mail: [opi@meyss.es](mailto:opi@meyss.es)

<http://extranjeros.empleo.gob.es>

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# Immigration of International Students

**Spain**

This National Report provides an overview of the presence of third-country nationals who come to Spain with the purpose of pursuing higher studies in the Spanish educational system and analyzes the educational policies and strategies and migration linked to this group of international students.

This Report has been developed by the Spanish National Contact Point of the European Migration Network.

August 2012



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## Executive summary

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This study provides a general overview of the presence of international students from third countries in the higher education system in Spain. It deals with matters such as: the structure of Spanish university teaching; national policies and strategies regarding students from third countries; the legal framework in place for their admission, during their stay and at the end of their studies; and the abuse of student status as an illegitimate means of migration to European Union territory. The study also deals with aspects relating to Spanish international cooperation in the context of international education, and the impact of these students in Spain.

In Spain, the number of international students entering into higher education is not high if we take into account the total number of students of national origin. Spain was nevertheless among the ten favourite destinations for international students according to OECD data for 2009, and in fourth position in the EU for the number of higher education students from third countries that year (latest available data from Eurostat) One of the challenges for Spanish universities is to open up more to the global environment, thus becoming more competitive and visible, and an even more attractive destination for a greater number of international students.

Access for international students to Spanish universities, both public and private, is in direct competition with and under the same academic conditions as national students, especially in more advanced courses such as Masters and PhDs. The institutions that are responsible for higher education in Spain follow a decentralised education model in which different authorities share responsibilities. A great effort has been made to develop strategies and programmes to attract international talent to universities. These actions go beyond merely encouraging student mobility and signing international agreements. They are intended to

modernise Spanish universities and improve their quality in order to respond to a dynamic global environment in the production of knowledge. Spanish universities need to compete in a globalised world with other higher education institutions in order to be able to attract international talent to their lecture theatres and campuses. This is the ultimate purpose of the modernisation and internationalisation strategy of the Spanish university system, and the presence of international students will be a good indicator of whether it is achieved.

With regards to the legal and political framework (Chapter 3) that applies in Spain for international students, it must be pointed out that specific European Directives relating to this have been transposed to the internal legal system. The inclusion of European Union rules has enabled a framework to be defined that provides regulatory certainty, and clear and simple procedures for students to access Spanish universities, remain there throughout the time of their course, and subsequently stay in Spain to pursue other activities should they so wish and should they meet the necessary requirements. This clarity in regulations and procedures can be found within the current immigration legislation, with due regard to the guarantees necessary to ensure that students who are admitted are done so in good faith and have a genuine interest in studying in Spain. Achieving a balance between genuine interests such as studying in Spain and avoiding the abuse of the student route as a means to immigrate to the European Union is not currently a significant problem for Spain.

The signing of international, bilateral and multilateral agreements (Chapter 4) relating to the migration of third country nationals to study in Spain falls within the parameters of Spanish foreign policy. At the same time there is a plethora of non-legislative institutional cooperative initiatives being undertaken within educational spheres, whose purposes include strengthening mobility among students, teaching staff and researchers. These have a positive impact on improving quality and opening up higher education institutions, in line with the strategy of the relevant public institutions. The gradually increasing presence of international students in Spanish campuses will enrich the lives of all university students and mutually benefit national and foreign students.

How much impact (Chapter 5) these international students have in Spain is yet to be clearly determined. There are still not enough data to allow us to assess their economic, demographic and social impact. This lack of quantifiable data is due to the fact that the number of these students is not that high and that they have had a minimal impact in these aforementioned aspects.

The presence of international students in Spanish campuses should be a priority issue in the discussion about universities. An increase in their number and specific weight would be a symptom of the greater international visibility of Spanish universities. In this process of modernisation and improving quality, the increasing presence of international students could be considered one of the fundamental elements.



# 1 Introduction: purposes and methodology of the study

The aim of the study is to provide an overview of the immigration policies that are being implemented by (Member) States regarding international students, with a view to assisting policymakers and practitioners to achieve a balance between actively attracting international students into the EU for the purposes of study, and preventing the misuse of international student routes to migration.

The national study by the European Migration Network (EMN) on immigration by international students to Spain provides an overview of the presence of third country nationals who arrive with the specific purpose of studying in the Spanish education system. The study focuses on students from third countries who come to study higher education courses, which in Spain are taught in public or private Universities.

The presence of these international students is part of a broad, general modernisation process and an attempt to transform the Spanish university system. This process, which is shared and coordinated between the Regional Authorities and the universities themselves, seeks to configure a new university system (in Spain) that will open up this institution to a globalised world of knowledge, employment and investments relating to the production of knowledge. A fundamental aspect of this modernisation process is student mobility, for Spanish students going abroad as much as for foreign students coming to Spain to begin or finish their studies in further education.

## 1.1. Methodology

The study was prepared by the National Contact Point (NCP) for the EMN in Spain and coordinated by the Permanent Observatory for Immigration.

The study was drawn up using various open documentary sources, with public access to the information used. The different institutions involved in the subject are a prime source of documentation. The national authorities, regional authorities and the universities themselves have specific powers in the national higher education system. Various documentary sources were consulted in each of the institutional areas, ranging from current legislation to specific documents prepared by each of the institutions involved. Various data sources were also consulted.

## 1.2. Definitions used in the study

For the purposes of this study the terminology employed is defined as follows:

**International students:** *A third-country national arriving in the EU from a third country for the purposes of study.*

Spanish immigration legislation does not consider the term «international students» when it comes to regulating the legal situation of foreigners who come to Spain to study.

**Third country national:** Any person who is not a citizen of the European Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union and who is not a person enjoying the Union **right to freedom of movement**, as defined in Article 2(5) of the Schengen Borders Code.

**Academic qualification:** A qualification (usually a degree) awarded by universities, certifying the successful completion of an official degree course, valid academically and professionally throughout the whole country (definition given by Royal Decree 55/2005<sup>1</sup>, of 21 January, which establishes the structure of university teaching and regulates official university undergraduate studies).

**Degree course:** A specific curriculum designed for certain teaching programmes, drawn up by a university, subject to the general common guidelines and the university's own corresponding general guidelines. Completing this successfully leads to the awarding of an official university undergraduate degree which is valid in the whole of Spain (definition given by Royal Decree 55/2005)<sup>2</sup>.

**Credit:** The unit of measurement of academic achievement regulated in Royal Decree 1125/2003 of 5 September, encompassing theory-based teaching and practical classes, and including other academic activities such as any personal study or work experience time that the student must complete in order to reach the particular educational goals of each of the subjects within the corresponding degree course. This unit represents the quantity of work the student must do in order to meet the objectives of the degree course and is obtained by passing each of the subjects taken within the course, with the different educational approaches, leading to the awarding of official university degrees that are valid in the whole of Spain (definition given by Royal Decree 55/2005)<sup>3</sup>.

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<sup>1</sup> Royal Decree 55/2005 of 21 January, which establishes the structure of university teaching and regulates university studies. BOE no. 21, 25 January 2005.

<sup>2</sup> See Note 1.

<sup>3</sup> See Note 1.

**Researcher:** In the EU migration context, a **third-country national** holding an appropriate higher education qualification, which gives access to doctoral programmes, who is selected by a research organisation for carrying out a research project for which the above qualification is normally required.

In Spain<sup>4</sup> any foreigner whose sole or main purpose of stay in the country is to carry out research projects, shall be considered a researcher, in the framework of a reception agreement signed by a research body.

**Research body:** Any individual or legal entity, public or private, with their principal or secondary establishment based in Spain, which carries out research activity or technological development and has been authorised to endorse reception agreements with foreign scientists.

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

**Visa Code:** The procedures and conditions for issuing visas for transit through or intended stays in the territory of the EU Member States not exceeding three months in any six-month period.

**Worker on unpaid work experience:** Third country national admitted into the territory of a Member State for unpaid work experience in accordance with the relevant national legislation.

**Worker on paid work experience:** Third country national admitted into the territory of a Member State for paid work experience in accordance with the relevant national legislation.

**Validation:** Official recognition of the validity for academic purposes of higher education studies abroad, whether or not the degree has already been awarded or is still to be finished, regarding unfinished studies in Spanish universities, and permitting students to pursue these studies in a Spanish university (definition given by Royal Decree 285/2004, of 20 February, which regulates the validation and standardisation of foreign higher education studies and qualifications).

**Standardisation of qualifications in the official university qualification catalogue:** Official recognition of successfully completed training, in order to obtain a foreign

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<sup>4</sup> Definition of a researcher used in Organic Law 4/2000 of 11 January 2000, on the rights and freedoms of foreign nationals in Spain and their social integration.

qualification, as an equivalent to the requirements to obtain one of the Spanish qualifications included in the aforementioned catalogue (definition given by Royal Decree 285/2004).

**Standardisation of academic degrees that university studies in Spain are structured around:** Official recognition of successfully completed training, in order to obtain a foreign qualification, as an equivalent to what is required in order to obtain an academic degree equivalent to any of the levels that Spanish university studies are structured around and not to a specific qualification (definition given by Royal Decree 285/2004).

With regard to *researchers* from third countries, Spain has transposed Council Directive 2005/71/EC, relating to specific procedures for admission of third country nationals for scientific research purposes, into its legal system. Legislation applied to these third country nationals is presented in:

- Organic Law 4/2000<sup>5</sup>, of 11 January 2000, on the rights and freedoms of foreign nationals in Spain and their social integration, as amended by Organic Laws 8/2000, of 22 December, 11/2003, of 29 September, 14/2003, of 20 November, 2/2009, of 11 December, and 10/2011, of 27 July and by Royal Decree-law 16/2012 of 20 April (henceforth *LOEX*).
- Royal Decree 557/2011<sup>6</sup> of 20 April, which approves the Regulations of Organic Law 4/2000, on the rights and freedoms of foreign nationals in Spain and their social integration, as amended in Organic Law 2/2009 (henceforth *RLOEX*).

This is the general legal framework that regulates the entrance, period of stay, residence and departure of foreigners in Spain. Researchers are subject to the application of this legal framework. Article 25b section 2.g) of *LOEX* establishes that third country nationals who wish to enter Spain in order to carry out a research project must be provided with a research visa allowing them to remain in Spain to develop the research project within the framework of the reception agreement signed by the research body. Article 38b of this same law provides details about the legal conditions for researchers. These legal precepts are developed in the *RLOEX* in Articles 73 to 84.

<sup>5</sup> Organic Law 2/2009 of 11 December 2009, which amends Organic Law 4/2000 of 11 January 2000, on the rights and freedoms of foreign nationals in Spain and their social integration. BOE no. 299 of 12 December 2009.

<sup>6</sup> Royal Decree 557/2011 of 20 April, which approves the regulations of Organic Law 4/2000, on the rights and freedoms of foreign nationals in Spain and their social integration, as amended by Organic Law 2/2009 (*RLOEX*), BOE no. 103 of 30 April 2011.

## 2 The national education system and international students

In this chapter, we first describe the formal structure of the national higher education system to which international students have access in Spain. Second, we refer to the general political framework concerning international students, considering both of the following aspects:

- the strategies used to attract international students, and
- the legal/institutional framework concerning the presence of international students in the Spanish higher education system.

### 2.1. Structure of the national education system (higher education)

The structure of higher education in Spain, for both national and international students, is regulated by Organic Law 2/2006 of 3 May, on Education<sup>7</sup> (henceforth Organic Law on Education) and by Organic Law 6/2001 of 21 December, modified by Organic Law 4/2007 of 12 April, on Universities (henceforth Organic Law on Universities). According to Article 1 of Organic Law on Universities, section 1 on University functions:

*«1. University provides the public service of higher education through research, teaching and study»<sup>8</sup>.*

The Organic Law on Universities also states that higher education shall be their exclusive corporate purpose. Universities can be either public or private according to Article 3 of this Organic Law.

Universities are the institutions that Spanish society has created to meet the demand for professionals with a high cultural, scientific and technical level. Society also demands lifelong learning, not only for macroeconomic and structural reasons, but also as a means for individual self-fulfilment. A society that seeks to provide access to information on a massive scale needs individuals capable of turning it into knowledge by sorting through it, preparing it and interpreting it. Universities must formulate our country's knowledge society.

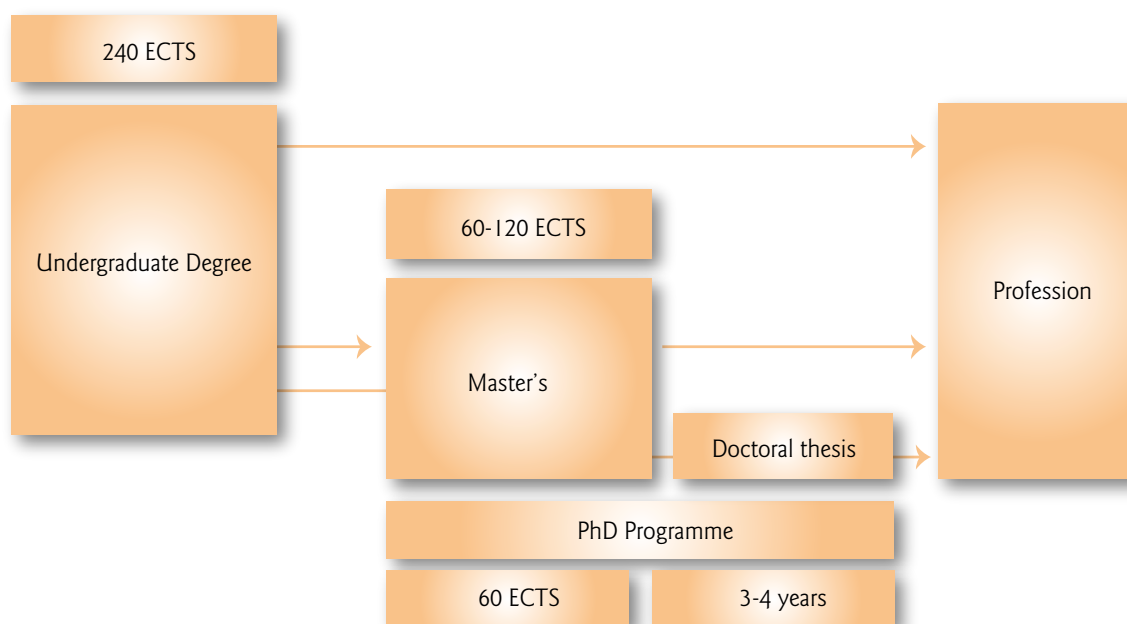
<sup>7</sup> Organic Law 2/2006 of 3 May, on Education. BOE no. 106, 4 May 2006.

<sup>8</sup> Organic Law of 6/2001, of 21 December, on Universities. BOE no. 307, 24 December 2001.

In its preamble, Organic Law 4/2007<sup>9</sup>, of 12 April, which modifies Organic Law 6/2001 on Universities, expresses clearly its support for the harmonisation of higher education systems in the framework of the European Higher Education Area (EHEA) focused on principles of a common area based on mobility, recognition of qualifications and lifelong training. It is therefore about offering quality education that rises to the challenges of knowledge and responds to the needs of Spanish and European society.

Royal Decree 1393/2007<sup>10</sup> of 29 October elaborates on the structure of official university teaching in Spain, in accordance with the general guidelines coming out of the European Higher Education Area (EHEA) and in compliance with the provisions in Article 37 of Organic Law on Universities 6/2001 of 21 December. These provisions shall apply to the three different stages of higher education: Undergraduate, Master and PhD.

#### Structure of university higher education in Spain<sup>11</sup>



<sup>9</sup> Organic Law 4/2007 of 12 April, which modifies Organic Law 6/2001 of 21 December on Universities. BOE no. 89 of 13 April 2007.

<sup>10</sup> Royal Decree 1393/2007, of 29 October, establishing the organisation of official university studies. BOE no. 260 of 30 October 2007.

<sup>11</sup> Diagram available on the web page of the Ministry for Education, Culture and Sport.

### First stage: Official university Undergraduate degrees

The undergraduate degree requires 240 ECTS credits to be obtained over a period of 4 years. The qualification is ascribed to one of the following branches of knowledge:

- Arts and humanities.
- Science.
- Health sciences.
- Social sciences and law.
- Engineering and architecture.

This first stage of university studies includes basic teaching and a general formation, together with other teaching that is aimed at preparing students for carrying out professional activity.

Official Undergraduate studies are specifically detailed in Royal Decree 1393/2007<sup>12</sup> of 29 October, which establishes the organisation of official university studies.

### Second stage: Official university Master's degrees

The purpose of Master's degrees is to provide advanced, specialised or multidisciplinary training for academic, professional or research specialisation. The Master's degree requires between 60 and 120 ECTS to be obtained over one or two academic years. These studies culminate in the preparation of a final project which is then presented publicly.

This is regulated in Royal Decree 1393/2007<sup>13</sup> of 29 October, which establishes the organisation of official university studies.

### Third stage: PhD courses

The purpose of PhD courses is to enable students to obtain the competencies and skills needed in high-quality scientific investigation. The PhD course includes organised aspects

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<sup>12</sup> See Note 10.

<sup>13</sup> *Idem*.

of research training that do not need to be structured according to the ECTS credit system. These aspects include cross-disciplinary as well as specific training within the scope of each course, although the essential activity involved in the PhD is always research-based and leads to the preparation of an original piece of research work, the doctoral thesis, which must be defended publicly. This consists of the student making a presentation and then answering questions about their research work in front of members of a panel. Successfully passing this stage leads to the awarding of the title of Doctor (PhD), which is the highest existing level in higher education, accredits the highest academic achievement and qualifies a person to go into teaching and research. PhD studies have a maximum duration of three years full time and five years part time.

These provisions are found in Royal Decree 99/2011<sup>14</sup> of 28 January, which regulates official PhD courses.

Since the 2005/2006 academic year, the Ministry of Education, Culture and Sport has published a document about the Spanish university system called *Data and figures for the Spanish university system*<sup>15</sup>, and the last available edition, for the 2011/2012 academic year, presents the following general information about the Spanish university system: there are 79 universities in Spain, of which 50 are publicly owned and 29 privately owned, and there are 236 university campuses located in different Spanish towns and cities.

In 2011 Spanish universities offered a total of 2,413 undergraduate degree courses, 2,785 official Master's degree courses and 1,680 PhD courses.

For the year 2011/2012 it was forecast that 1,650,000 students would matriculate in Spanish universities, of which 125,000 students would matriculate for Master's degree courses and 39,000 students for PhD courses, with the rest of matriculations for undergraduate degrees and first and second stage studies.

The estimated percentage of foreign students (including EU-27), studying in Spanish universities out of the total number of students was 4.6% in the 2011/2012 academic year, representing approximately 70,000 foreign students, 50,000 of which are third country nationals.

There are more foreign students in the higher university levels, so only 3.3% of undergraduates are foreign, as opposed to 16.9% of Master's students and 24.7% of students studying PhDs.

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<sup>14</sup> Royal Decree 99/2011 of 28 January, which regulates official PhD courses. BOE no. 35, 10 February 2011.

<sup>15</sup> Data and Figures of the Spanish University System. 2011/2012 academic year. General Secretariat for Universities Ministry of Education, Culture and Sport. 2011.



## 2.2. National political framework regarding international students

### a) National political framework concerning international students

The policy of Spain regarding international students is mainly enacted by the Ministry of Education, Culture and Sport and the Ministry of Employment and Social Security. The Regional Authorities and the Universities are also involved in drafting these legislative regulations. The preamble to Organic Law 4/2007<sup>16</sup>, of 12 April, which modifies Organic Law 6/2001 on Universities, mentions the need to coordinate the complex organisational task between the national authorities, the regional authorities and the Universities, with the object of reaching a harmonious, clear and functioning relationship between all the bodies involved in the higher education system in Spain. This coordination responds to a decentralised administration model of the Spanish education system, where powers are shared among the State, regional authorities, local authorities and places of learning. The distribution of powers between different levels makes coordination between the educational authorities necessary in order to ensure the effective performance of some functions, such as educational policy decisions that affect the whole system and the general planning related to teaching or the exchange of information for teaching statistics, as well as the development of educational research, general management and constant improvements in terms of teaching staff and regulating learning centres.

### Institutional framework for higher education in Spain

The entire Spanish education model is decentralised: «from the 1980s a radical change occurred in the jurisdictional and administrative organisation of the Spanish education system, with exclusive powers in many aspects of education being transferred to regional governments»<sup>17</sup>. For this reason the legal framework, the institutional structure and the organisation of higher education in Spain have parts that must be drafted with specific rules for each Regional Authority and the universities themselves. Below we will give details about the role that each administrative level plays in the institutional structure of the Spanish higher education system.

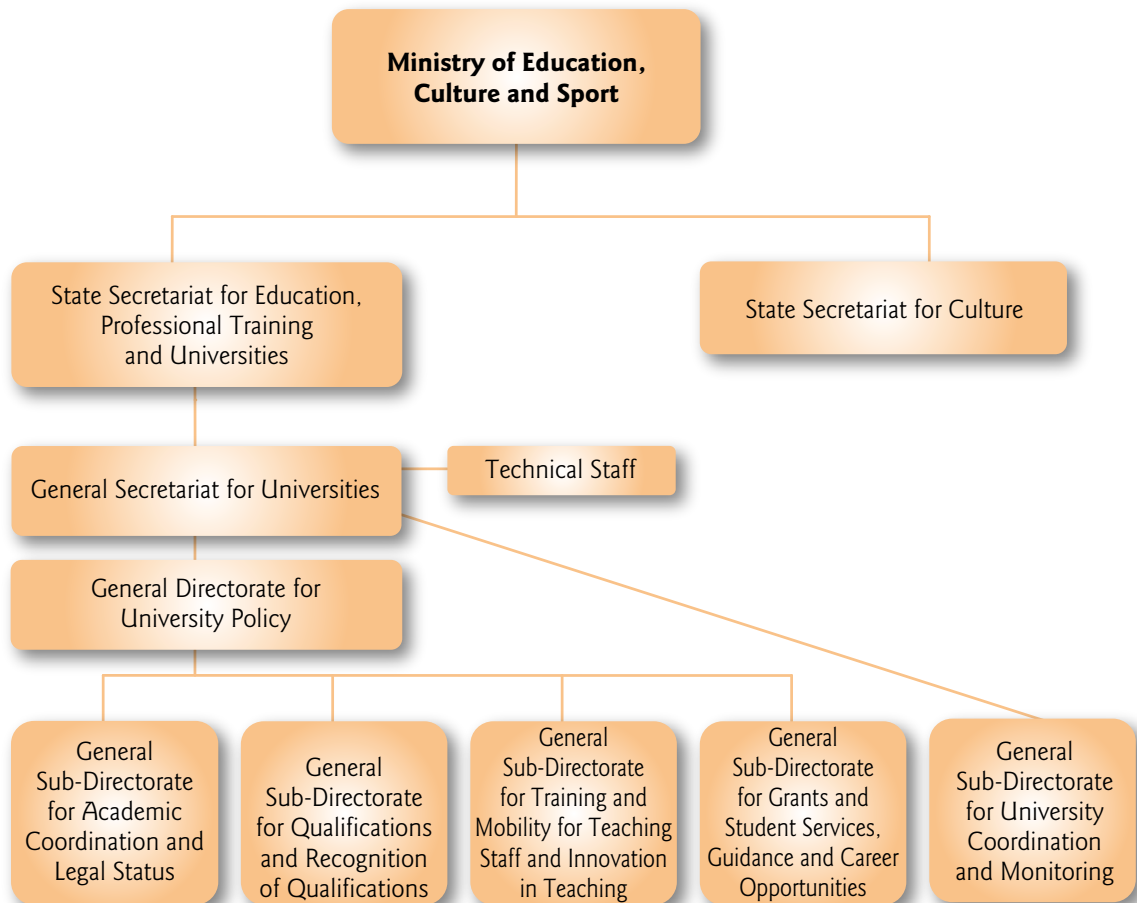
The *Ministry of Education, Culture and Sport* is the ministerial department of the national authorities in charge of drawing up and executing Government policy for education, professional training and for universities, and is responsible for driving through cooperative

<sup>16</sup> See Note 9.

<sup>17</sup> Joaquim Prats and Francesc Raventós (Directors), «European Education Systems: Crisis or Transformation?», Social Studies Series, no. 18, Fundació La Caixa, 2005, p. 178.

actions. In coordination with the Ministry of Foreign Affairs and Co-operation, it is also responsible for international relations in education, culture and sport.

In the higher education field, the bodies performing the functions corresponding in legal terms to the Ministry of Education, Culture and Sport are<sup>18</sup>:



Some of the functions of the General Secretariat for Universities are:

- The development of university policy, in coordination with the Universities Board.
- The regulation, planning and management of actions falling under the jurisdiction of the national authorities relating to university higher education.
- Coordinating relations with the Regional Authorities relating to universities, through the General Conference on University Policy.

<sup>18</sup> Institutional Chart created on the basis of Royal Decree 257/2012 of 27 January, which develops the basic organic structure of the Ministry of Education, Culture and Sport.

- Preparing proposed general provisions relating to jurisdiction, as well as relations and consultation with the Regional Authorities and the legal operators involved during the process.
- Steering and driving international relations relating to university higher education, and monitoring of the actions of the European Union in this area, without prejudice to the coordination and management functions corresponding to the Sub-Secretariat of the department.
- Developing and managing the integrated university information system, and the necessary indicators for evaluating and monitoring the Spanish University System.
- Managing the technical unit and the permanent secretariat of the University Observatory of Grants, Study Assistance and Academic Performance.
- Planning and monitoring the models for finance and accounting costs in Spanish universities.
- Coordinating the collegiate bodies for universities.

The *Regional Authorities* are responsible for university policy in areas such as regulating the legal status and payment of teaching staff, establishing additional remuneration for professors, approving multi-annual funding agreement programmes and public service contracts, including their purposes, funding and assessment of fulfilment, and evaluating the quality of the Universities within their remit. Their areas of responsibility and powers are found in the respective Statutes of Autonomy and the Organic Law on Universities.

The independent status of the *Universities* is recognised in the Organic Law on Universities and they have their own legal personality. The independence of the universities as recognised by law includes the following aspects:

- Drawing up their Statutes and, in the case of private Universities, their own organisational and operational standards, as well as other internal rules and standards.
- Drawing up and approving degree course and research programmes and specific teaching for lifelong learning. Universities can provide official teaching which leads to the awarding of the corresponding qualifications that are valid and official throughout the whole of the country, with full academic status and qualifying graduates to enter

into regulated professional activities. Similarly, they can also offer unofficial diplomas that do not qualify the student to enter a particular profession.

- Admission, rules governing ongoing student status and verification of student knowledge.
- Establishing relations with other entities in order to promote and develop their institutional purpose. In this aspect universities work very closely with diverse socio-economic sectors. Instrumental in this respect is the University Social Council, which allows society to participate and engage in the university world. Likewise, setting up and maintaining long term strategic alliances between the academic and the business world represents an approach that is oriented towards service to society through inventing and transmitting knowledge.

The intervention of each of the administrative levels —Ministry, Regional Authority and University— in the exercise of their respective powers and functions is fundamental when planning higher education. This is true also for deciding upon the resources needed, allocating and using them appropriately, as well as for a proper coordination between the different players, and the organisation and development of programmes and activities considered necessary at any time to ensure the quality of education.

### **b) National strategy for international students**

Spanish higher education is currently immersed in a modernisation and transformation process which is aligned with the creation and consolidation process of the European Higher Education Area. Higher education in Spain must provide its students with the training and skills necessary for working in a globalised environment. Student mobility enriches and opens up possibilities for a more complete learning experience. Mobility must be facilitated by universities; students and teaching staff should be able to choose freely the centres and qualifications that are best suited to their personal and professional interests. Thus one of the essential purposes of the Organic Law on Universities, as expressed in its explanatory statement, is to create mobility for students, professors and researchers within the Spanish university system but also within the European and international system. And in the preamble to Organic Law 4/2007 of 12 April, which modifies Organic Law 6/2001 on Universities, the need to strengthen the international reach of the Spanish university system and inter-university mobility by promoting available courses and research opportunities in Spanish universities is also mentioned. The Sixteenth Additional Provision<sup>19</sup>, referring to the external reach of universities, states:

<sup>19</sup> See Note 9.

«The Government shall authorise the setting up of a public sector foundation to strengthen the international scope of the Spanish university system and inter-university mobility, with the purpose of promoting available courses and research opportunities in Spanish universities abroad, contributing to improving the reception and period of stay of international students, professors and researchers in Spain, and of Spanish students abroad, and encouraging the European Higher Education Area and the Ibero-American Knowledge Space, after a report by the University Board and the General Conference on University Policy».

Also, the Royal Decree 1393/2007<sup>20</sup> of 29 October, which established the organisation for the official university studies, clearly states that access and admission procedure to the various official higher education programmes should promote that the system becomes open to students from European Higher Education Area and other geographical areas. This marks a new strategy in the Spanish higher education context. One of the main goals of the new strategy for higher education is to promote the mobility of students in Europe and abroad and also between Spanish universities and between the different campuses of one university.

One of the main strategies undertaken to achieve the above is the Estrategia Universidad 2015<sup>21</sup> (EU2015), an initiative that is being coordinated by the Spanish Government, the Regional Authorities and the Universities themselves, designed to modernise Spanish universities through the promotion of excellence in learning and research. Within its scope and action points, a cross-disciplinary strategy of internationalisation for universities is envisaged.

This EU2015 strategy is in keeping with the processes of modernisation of European universities advocated by the European Commission in its May 2006 communication «Delivering on the modernisation agenda for universities: education, research and innovation»<sup>22</sup> and with the Lisbon Strategy and the Europe 2020 Strategy, which identify as one of their priorities the need for the European Union to become a knowledge-based society and economy.

Internationalisation is one of the aspects dealt with in the institutional strengthening of Spanish universities' capabilities in the EU2015 Strategy. This strategy must be characterised by its international scope, being able to engage not only the best professionals and scientists

<sup>20</sup> See Note 10.

<sup>21</sup> 2015 University Strategy: <http://www.educacion.gob.es/eu2015/la-eu2015.html>

<sup>22</sup> COM (2006) 208 final Communication from the Commission to the Council and the European Parliament: «Delivering on the modernisation agenda for universities: education, research and innovation», Brussels, 2006.

on the international circuit, but also attracting the best students. This internationalisation must take place in cooperation with universities, related associations (Spanish University Committee for International Relations (CEURI by its Spanish acronym), Spanish University Rectors' Association (CRUE by its Spanish acronym), Social Councils, Student Associations, and the Fundación Universidad-Empresa (Businesses-Universities Foundation) as well as Regional Authorities and the economic and social agents involved. With this in mind the specific purposes of internationalisation are considered to be:

- Increasing the internationalisation of available university courses:
  - \* Offering inter-university and international Master's degrees.
  - \* Hiring university professors and lecturers from the international arena.
  - \* Incentivising courses in foreign languages (English, French, etc.).
  - \* Creating internationally renowned PhD programmes.
- Consolidating a highly internationalised university system:
  - \* Encouraging skills and training to prepare students for working in an open, international environment. Employing staff with international experience to support the internationalisation of the students.
  - \* Incentivising high-quality education in priority areas, using English and/or other foreign languages.
  - \* Increasing the number of foreign lecturers, researchers and students.
- Enhancing the international attraction of universities:
  - \* Improving the international visibility and recognition of the best campuses as attractive places to live, study and do research.
  - \* Support services for the arrival, period of stay and departure of foreign students and visitors.
  - \* Participating in international education and research networks, projects and programmes.
  - \* Improving the international positioning of education provided and research carried out in Spanish campuses.

- Encouraging universities' global perspective and social responsibility.
  - \* Consolidating a university community and a multicultural society that contributes to global understanding, peace and prosperity.
  - \* Equal participation from the most disadvantaged groups in mobility programmes.
  - \* Giving back knowledge to society, helping to resolve society's needs and the major social challenges.

One instrument within the UE2015 strategy is the *International Campus of Excellence (ICE)* model, a programme designed to bring about changes to improve the efficiency, effectiveness and international competitiveness of our universities. This process attempts to promote the excellence of the best Spanish university campuses, encouraging universities to collaborate with other research or technological organisations and/or business entities, on aspects such as the improvement of teaching, scientific and technological research and its transferral to society. The Spanish International Campus of Excellence programme can be defined on the basis of its three key words or concepts within its policy of university modernisation. The one which directly affects the presence of international students in Spanish higher education is the concept of internationalisation which can be understood as an increase in the number of foreign students and teachers on undergraduate courses, on international and inter-university Masters and on international doctorate programmes of excellence. For 2015 the goal is to increase both the percentage of Spanish students studying abroad and the percentage of foreign students matriculating in our universities (from 4.9% in 2012 to 10% in 2015)<sup>23</sup>. The International Campus of Excellence (ICE) programme tries to broaden the international nature of life on Spanish university campuses.

The internationalisation activities of the International Campus of Excellence include:

- Developing cross-border campuses.
- Establishing international bridges to facilitate mobility between campuses.
- Establishing world-class centres of excellence.
- Organising international events on university higher education.

<sup>23</sup> «Internationalisation strategy for the Spanish university system». General Secretariat for Universities, Ministry of Education, September 2011, p. 30.

- Participating in international projects, associations and networks for education and innovation, and with a social dimension.
- Institutional programmes and strategies for mobility in learning and knowledge.

The ICE project began towards the end of 2008 with an initial funding of €105 million in refundable credit. The programme has held three meetings, in 2009, 2010 and 2011. The Spanish Government, together with the Regional Authorities, has invested over 693,9 million Euros in the Campus of International Excellence programme since it was set up<sup>24</sup>.

Another strategy adopted is that of the *Ibero-American Knowledge Space*, an initiative that has been developed within the framework of the Ibero-American Summits of Heads of State and Government since 2005. This initiative seeks to create a shared space in the higher education of the Ibero-American region. Suggested action points include the strengthening of national and regional systems for accrediting and evaluating the standard of higher education, the academic mobility of students, professors and researchers, and the development of research, development and knowledge transfer activities. In 2008 the «*Pablo Neruda*» initiative for postgraduate academic mobility was approved, with the participation of Argentina, Colombia, Cuba, Spain and Mexico. The core objective of this initiative is to contribute, through the mobility of young researchers and professors on Master and PhD courses, to the training of highly qualified human resources in what are considered the priority areas for the Ibero-American region's development.

### **c) Discussions about the immigration of international students to Spain**

Discussions about the presence of international students in Spain are confined to certain specific areas. It is a subject that holds little interest for the media, and does not occupy a prominent place in the public eye in general.

The presence of international students has grown over the last few years. In fact, the OECD report «Education at a glance 2011», highlights the fact that Spain was in ninth position as a destination for foreign students<sup>25</sup>.

The discussion about the attraction for international students of Spanish universities does not go beyond specialised areas, academic and/or political, and forms part of a broader and more general discussion about the entire higher education system in Spain. The issue

<sup>24</sup> Data and figures for the Spanish University System. 2011/2012 academic year. General Secretariat for Universities Ministry of Education, Culture and Sport. 2011, p. 4.

<sup>25</sup> OECD, «Education at a glance 2011», Chart C 3.2, p. 322.



of the presence of international students in the higher education system is approached as part of the broader vision of transforming the Spanish university system to adapt it to a new world context, as we have indicated throughout this report. These matters relating to international students are directly connected to the need to obtain a greater presence for the Spanish university system in the globalised world of higher education and knowledge. According to OECD figures, the number of international students in higher education rose from 2.1 million in the year 2000 to 3.7 million in 2009<sup>26</sup>. This internationalisation of higher education must attract international students, teaching staff and researchers to the university system in order to enhance the general standard, openness to the outside world and global competitiveness.

Finally, the context of the economic crisis in Spain has focused the debate on economic and budgetary aspects which affect higher education. Spanish universities' funding model will to a large extent dominate the debate about higher education in political and academic spheres. The government thus approved Decree-Law 14/2012 of 20 April, on urgent rationalisation measures in public spending for education. This adopts provisions that modify Organic Law 6/2001 of 21 December on Universities, with the aim of gaining budgetary stability. Amongst other things, it establishes that public prices can cover up to 100% of the cost of university undergraduate and Master degree courses in the case of foreign students over 18 who are non-residents, excluding EU nationals and any other students to whom the European Union rules apply.

## **3 Legal and practical conditions at national level that apply to international students**

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### **3.1. Admission of international students**

#### **a) Specific measures to encourage third country nationals to pursue their university studies in Spain**

**T**he measures undertaken by Spain to favour the arrival in our country of students from third countries who intend to study in Spanish universities are included in the internationalisation strategy for higher education, as we have mentioned above. These promotional measures mainly go through the Universidad.es Foundation, an institution which is in charge of creating campaigns and taking part in international events in order to publicise the Spanish university system, amongst its other duties. The Universidad.es

<sup>26</sup> OECD, «Education at a glance 2011». Chart C 3.1, p. 320.

Foundation is present in the most important strategic markets, fairs, conferences and international forums in the sector. In cooperation with Spanish universities, it takes part in strategic events such as NAFSA, EAIE, EuroPosgrados, Forum International de l'Étudiant, China Education Expo, etc. These activities are carried out in collaboration with the External Network of the Ministry of Education, Culture and Sport, which is present in over 40 countries, with Diplomatic Missions and other public bodies such as the Spanish Foreign Trade Institute (ICEX) and the Instituto Cervantes.

Spain has introduced specific measures into its legislation to enable international students wanting to come to Spain to enter or complete higher education studies to fulfil this wish. These regulations appear dispersed throughout various legal texts, particularly the Organic Law on Education (henceforth LOE), the Organic Law on Universities and the Organic Law on the rights and freedoms of foreign nationals in Spain and their social integration (LOEX). In turn, each of these Organic Laws is further developed in secondary legal texts.

Access for international students to Spanish Universities is guaranteed in Article 38, Section 5 of Organic Law 2/2006 on Education, which establishes that:

*«5. Students from the education systems of Member States or other States subscribing to the applicable International Agreements shall be able to gain admission to Spanish universities, without needing to sit the entrance exam, as part of the reciprocal agreement, as long as these students meet the academic requirements of their own education systems for gaining admission to their universities».*

However, Article 44 of Organic Law 6/2001 on Universities establishes the following restriction to student admission:

*«The Government, with prior agreement of the General Conference on University Policy, can set maximum limits for the admission of students onto certain study courses, in order to meet the requirements of European Community Directives or international conventions, or for reasons of general interest likewise agreed in the General Conference on University Policy. These limits will affect all public and private Universities as a whole».*

Royal Decree 1892/2008<sup>27</sup> of 14 November regulates the conditions for access to official university undergraduate courses and the admission procedures to Spanish public universities. Chapter III establishes the special characteristics relating to access to Spanish universities for international students coming from other education systems. In accordance with this rule, international students are classified into two large groups:

<sup>27</sup> Royal Decree 1892/2008, of 14 November, which regulates the conditions for access to official university undergraduate courses and the admission procedures to Spanish public universities. BOE no. 283 of 24/11/2008.

- A first group formed of those students coming from European Union Member State education systems, of from other countries with which Spain has signed a relevant Agreement. These students are exempt from taking the university entrance exam if they meet the requirements of their respective countries for gaining admission into university. These students do not need to prove the equivalence of their secondary school qualifications to the Bachillerato in order to gain admission to University (in accordance with the aforementioned Article 38.5 of the LOE);
- A second group of students made up of international students coming from other education systems where Article 38.5 of the Organic Law on Education (LOE) does not apply.

For this first group of students these conditions are currently regulated in the Ministry of Education Mandate EDU/1161/2010. This ministerial mandate establishes that the verification of fulfilling the university admission requirements for these international students shall be carried out by the National Distance Education University (UNED by its Spanish acronym), who shall issue if necessary a document indicating the qualifying grade needed to access Spanish universities. This ministerial mandate also qualifies universities to carry out language competency tests for the courses taught and/or to establish special conditions or tests for admission to these courses. If these international students should meet the academic requirements stipulated by their respective education systems for gaining admission to universities in their own countries, they shall be able to gain admission to Spanish universities under the same conditions as national students who have passed the Spanish entrance exam. Furthermore, they will not need to go through the process of validating their qualifications in order to gain admission to universities in Spain.

The remaining international students, coming from education systems that are not included in the previous scenario, shall have to take the entrance exam for Spanish universities with the special characteristics for foreign students. The purpose of this entrance exam is to assess in an objective way the academic maturity of the student, as well as the knowledge and skills acquired in their secondary schooling and their ability to successfully follow official undergraduate university courses. The organisation of this entrance exam comes under the jurisdiction of the National Distance Education University mentioned above and it takes place in its various centres. The UNED can also organise this exam in countries where the Embassy has an Education Board. These international students must request validation of the equivalence of their secondary school qualifications to the Spanish Bachillerato in order to be able to sit the entrance exam.

Access to postgraduate studies —Masters and PhDs— is regulated by specific rules. Access to official Master's courses for foreign students is regulated in Royal Decree 1393/2007

of 29 October, which establishes the regulation of official university education, and in which Article 16, Section 2 establishes that:

*«...those holding qualifications from education systems outside of the European Higher Education Area shall be able to access higher education without needing to validate their qualifications, after the University has verified that they have an equivalent level of training to the corresponding official Spanish university qualifications and that the qualifications are authorised to gain admission to postgraduate education in the issuing country...».*

Admission to official **PhD** courses is regulated in Royal Decree 99/2011 of 28 January, with Article 6, Section 2 D) on access requirements establishing that international students must:

*«d) Be in possession of a qualification obtained from a foreign education system, without needing to validate it, with the university checking beforehand that the qualification equates to the same level of education as the official Spanish university Master's degree and that it is valid for accessing PhD courses in the issuing country...».*

In accordance with these provisions, all international students who possess a higher education qualification originating from a foreign education system are eligible to be admitted onto official courses where the official Spanish title of Master's or PhD is awarded, the University having checked beforehand that these studies are equivalent and without needing to officially validate them.

Apart from these requirements, international students must have an adequate knowledge of the language in which the course is taught. In order to assess this, Universities may establish tests to prove this linguistic competency. The University may also consider the student's previous studies and experience in order to accredit this competency.

Universities may also set further tests for the selection and admission of national and foreign students to the various official university undergraduate, Masters and PhD courses. These tests will be carried out taking into account the special characteristics of the course to be studied or the necessary skills directly related to the university studies in question<sup>28</sup>.

Funding for international students to study in Spain comes from many different sources, both private and public. Particularly important are some of the training programmes that are channelled through the External Action Plan led by the Ministry of Foreign Affairs and Co-operation: the MAEC-AECID scholarship programmes for postgraduate studies, particularly Master's courses, PhDs and Post-Doctorate courses; Bilateral Programmes and

<sup>28</sup> For example, the research abilities of the student wishing to study a PhD are evaluated, or specific subjects such as drawing are assessed for students of architecture or fine arts.

Projects linked to educational standards targets and staff training, amongst others; and Lector Programmes<sup>29</sup>.

Spanish External Action in Latin America is particularly important and is coordinated through numerous public and private cooperation initiatives within the field of cultural and educational relations. One example is the Fundación Carolina<sup>30</sup>, a public-private institution created to promote cultural relations and cooperation in education and science between Spain and countries of the Ibero-American Community of Nations as well as other countries with special historic, cultural or geographical links. It has developed a Training Programme with scholarships and grants for university graduates from Latin America.

Private sector institutions (Santander Bank, Universia, etc.) also take part in promoting the Ibero-American Knowledge Space, through scholarship programmes and other financial assistance, favouring academic exchanges of bachelor degree students and postgraduates, lecturers and researchers.

Another source of funding for international students are the agreements signed between universities, which often include a budget for the students selected for the mobility programmes of these agreements.

## **b) Information for international students**

International students who want to study at higher education institutions in Spain have various different sources of general or specific information at their disposal, which can be consulted in different ways. Article 4, Section 3 of Law 6/1997<sup>31</sup> of 14 April, on the Organisation and Functioning of the National Authorities, states that all Ministries must keep the following permanently up to date and available to citizens in the corresponding information units: their organisational structure and that of their subsidiaries or agencies, and information on such applicable administrative processes and services as come under the jurisdiction of the Ministry or of its public entities.

The Ministry of Education, Culture and Sport is responsible for providing the necessary information for all students, whether national or international, and they must publish organised information about the Spanish education system in general on their website. The Information and Citizen's Advice Bureau of the Ministry of Education is responsible

<sup>29</sup> <http://www.aecid.es/es/convocatorias/becas/lectorados/>

<sup>30</sup> <http://www.fundacioncarolina.es/es-ES/Paginas/index.aspx>

<sup>31</sup> Law 6/1997 of 14 April, on the Organisation and Functioning of the National Authorities. BOE no. 90 of 15/4/1997, pp. 11755 to 11773.

for informing and guiding citizens on the procedures and services of the Ministry in the areas under its remit. This service is provided in person, online or by telephone.

Specifically, the Universidad.es Foundation web page can be consulted to provide foreign students from EU Member States or third countries with access to full information on the higher education system in an integrated, standardised, accessible, manageable and convenient format<sup>32</sup>. As already mentioned, the Foundation for the international reach of Spanish universities, *Universidad.es*, formally created on 23 December 2008, is a state-run, public sector foundation devoted to promoting the Spanish university system around the world. It is a Spanish Government initiative, provided in conjunction with the governments of the Regional Authorities and the universities.

The goals of this entity include:

- Contributing to a greater internationalisation of the Spanish university system.
- Putting Spain on the map as an important destination for international students and researchers.
- Increasing the presence of Spanish students and researchers around the world.
- Encouraging transnational education led by Spanish universities.
- Supporting universities in the development of their internationalisation strategies, and in setting up programmes for university cooperation in development.

On the [www.universidad.es](http://www.universidad.es) website there is full information offering essential resources for international students to prepare for their stay in Spain, organised into various aspects:

#### ◇ Before moving

This part includes information about accommodation, healthcare, living costs in Spain (including an online currency converter), as well as general information about Spain.

#### ◇ During your stay

This deals with subjects such as the organisation of the calendar for the academic year, obtaining the Student Card (only for those who are enrolled for one academic year or

<sup>32</sup> [www.universidad.es](http://www.universidad.es)

more), registering on the Municipal register, procedures for opening a bank account in Spain, learning Spanish, university sports activities, getting paid work and volunteering.

#### ◇ Scholarships

Here information is provided on financial aid, grants and scholarships in Spain for international students and researchers. It includes a scholarship search tool which redirects the user to the most up-to-date information on the available aid.

#### ◇ Visas

This section provides information on student and researcher visas: procedures, documents needed and requirements to be fulfilled, as well as where to present applications.

On the [www.universidad.es](http://www.universidad.es) website, general information is also given on Spanish universities, university qualifications, research and innovation, learning Spanish, international higher education fairs and events and an online customer service help desk. The website is available in English and the Foundation has also published an institutional brochure in English, French and Chinese, which is also available on the website. You can also find contact information for international student and researcher services in Spanish universities on this website.

Another source of information for international students is the ENIC- NARIC Network (National Academic Recognition Information Centres), a European Commission initiative set up in 1984 with the aim of improving academic recognition of qualifications and periods of study in European Union Member States (EU), the European Economic Area (EEA) and Turkey. The network forms part of the Lifelong Learning Programme, which encourages the mobility of students and staff among higher education institutions in these countries. All participants in this network have appointed national centres, whose goal is to collaborate in promoting mobility of students, teaching staff and researchers, providing advice and information on the academic recognition of qualifications obtained and periods of study in other States.

The NARIC Spain Centre<sup>33</sup> reports to the General Sub-Directorate for Qualifications and Recognition of Qualifications of the Ministry of Education, Culture and Sport. On the NARIC website, Spain provides information on the Spanish education system, university teaching, the national agency for assessing standards and accreditations, links to the websites

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<sup>33</sup> <http://www.enic-naric.net/index.aspx?c=Spain>



of different Spanish universities, and explanations relating to validating foreign higher education qualifications and the qualifications framework for higher education in Spain. The Spanish NARIC Centre provides information on official validation and professional recognition processes in Spain and other countries, and how to initiate these processes, although it cannot be used for actually soliciting or arranging these processes.

One convenient information source for possible students from third countries is the offices of the Ministry of Education, Culture and Sport abroad. The Ministry has a permanent presence in over 40 countries through various institutions: *Education Boards*, in 17 countries (Germany, Andorra, Argentina, Australia, Belgium, Brazil, Bulgaria, China, USA, France, Italy, Morocco, Mexico, Poland, Portugal, the UK and Switzerland); *Education Attachés* who are subsidiaries of the Boards and are located in cities or countries where there is no Board: Canada, Colombia, Slovakia, USA (Los Angeles, Miami, New York), Hungary, the Czech Republic, Romania and Russia; and finally, *Technical Teaching Advisers* in cities where there is no Board or Attaché for running the Resources Centre or Education Bureaus: Australia (Adelaide, Melbourne and Sydney), Austria (Vienna), Brazil (Belem, Belo Horizonte, Cuiaba, Curitiba, Porto Alegre, Rio de Janeiro, Salvador de Bahia and Sao Paulo), Canada (Edmonton), Chile (Santiago de Chile), USA (Albuquerque, Atlanta, Austin, Baton Rouge, Bloomington, Boston, Chicago, Hartford, Houston, Indianapolis, Lincoln, Los Angeles, Miami, Nashville, Olympia, Provo, Raleigh, Sacramento, Salt Lake City, San Francisco, Seattle, Storrs and Tallahassee), The Phillippines (Manila), Finland (Helsinki), France (Montpellier), Greece (Athens), the Netherlands (Amsterdam), Ireland (Dublin), Morocco (Rabat, Agadir, Casablanca), Norway (Oslo), New Zealand (Auckland), the UK (Edinburgh and Manchester), Sweden (Stockholm), Tunisia (Tunis). In this external network representing the Ministry of Education, Culture and Sport, international students can get first-hand information and advice about the Spanish education system and the different requirements for access, and take the official steps in order to study in Spanish higher education.

International students can also find information in Spanish Diplomatic Missions and Consulates around the world. Here, anyone can get first-hand information about the Spanish higher education system and the study visa requirements.

One further source of information for higher education are the universities where students wish to matriculate. Spanish universities, both public and private, have international student services. As an example of the latter, the two Spanish universities which are ranked in the league tables of the best universities in the world (*Times Higher Education Supplement* and *Academic Ranking of World Universities*), the University of Barcelona and the University Pompeu Fabra; They provide services and assistance for international students giving detailed information about different aspects, such as services offered by the universities,



the necessary legal procedures, study grants, information about accommodation and practical guides on student life, to name a few. This information can be obtained from their websites or in person at the international student reception and attention centres.

### **c) Procedure for getting a stay permit for study and study visa for Spain**

International students wishing to study official university courses in Spain, apart from the academic requirements, must also meet the stipulated obligations in the specific immigration rules that apply to all third-country nationals, which can be found in a basic form in the following provisions:

Organic Law 4/2000 of 11 January 2000, on the rights and freedoms of foreign nationals in Spain and their social integration, amended by Organic Law 8/2000 of 22 December, by Organic Law 11/2003 of 29 September, by Organic Law 14/2003 of 20 November, by Organic Law 2/2009 of 11 December, by Organic Law 10/2011 of 27 July and by Royal Decree-law 16/2012 of 20 April (henceforth LOEX); and Royal Decree 557/2011 of 20 April, the Aliens Act Implementing Regulation (RLOEX) which approves the regulations of Organic Law 4/2000 (henceforth RLOEX).

These rules regulate the general conditions and process of entry, stay, residence and departure of foreigners in Spain, to which international students are also subject.

In compliance with this legal framework, it should be noted that the legal conditions to enter and remain in Spain for study reasons can vary depending on the duration of the study activities planned.

Therefore, international students who wish to take a course of less than 3 months, with the possibility of extending it a further 3 months, may enter Spain on a short stay visa (Schengen Visa type C), in accordance with the stipulations on the Visa Code<sup>34</sup>, and in compliance with the provisions in Council Regulations 539/2001 of 15 March 2001<sup>35</sup>, as long as they are third-country nationals subject to the visa requirements for crossing the external borders of the Schengen area. Should this not be the case, this visa is not

<sup>34</sup> Regulation (EC) no. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) and determines that third-country nationals are subject to visa requirements for crossing external borders with the Schengen area (Schengen Borders Code).

<sup>35</sup> Council Regulation (EC) no. 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

necessary. Similarly, it should be noted that as soon as the VIS<sup>36</sup> comes into operation, it will not be necessary to request the visa in person if the fingerprints taken for a previous request were introduced less than 59 months before the date of the new request.

The extension of the short stay visa will be granted in accordance with European Union law. Visa extensions will be dealt with at the Aliens Affairs Office or, failing that, at the corresponding Police Station.

It is important to take into account here the provisions established in the visa facilitation agreements between the EU and Albania, the Former Yugoslav Republic of Macedonia, Bosnia and Herzegovina, Georgia, Moldova, Montenegro, Russia, Serbia and Ukraine, which provide for, amongst other things, a simplification of the documentation and time limits for processing visas to allow citizens of these nationalities to study for a maximum period of 90 days per semester. Those requesting a short stay visa may be called in person to the diplomatic mission or consulate whenever it may be deemed necessary during the visa processing period, in order for their identity, the validity of documentation presented or other relevant aspects to be verified for the purposes of the process.

When international students wish to take a course of study in Spain longer than 3 months they must obtain a national study visa, regulated in Article 25 bis 2 f) of the LOEX and a stay permit for study, referred to in Articles 37 and 44 of the aforementioned RLOEX.

Our analysis focuses on the requirements and necessary formalities for the study visa, since this constitutes the specific channel for entering Spain for these study purposes.

The first feature that distinguishes this administrative procedure is that the study visa incorporates the stay permit for study. This is established in Article 37.2 of the RLOEX, according to which «*The study visa shall incorporate the stay permit for study and shall permit the foreigner to remain in Spain as a student in order to carry out the activity for which the visa was granted*».

This circumstance determines that the application for a study visa will be concurrent with an application for a stay permit for study. This unification means that in practice there is a sole administrative procedure where both requirements are examined (visa and residence permit) and that these procedures are carried out before entering into Spanish territory and are channelled through the Diplomatic Mission or the Consulate.

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<sup>36</sup> On 11 October 2011, the Visa Information System (VIS) came into force. With this system visa requests will be managed much more quickly, thanks to the use of biometric data (fingerprints and digital facial imaging) which will facilitate the identification of visa holders and will help to combat identity theft.

The administrative formalities that the foreign student must follow in order to study in Spain fall into two different categories:

- First, and as a previous requirement, the procedures for meeting the academic conditions for admission to an officially recognised place of learning (public or private) and obtaining the supporting documentation from this place of learning after being accepted. The supporting documents are issued by the universities themselves and may consist of an official admission letter or a proof of matriculation at the university in question (This aspect was dealt with in the previous point).
- Secondly, the specific legal immigration procedures for obtaining a study visa from the Diplomatic Mission or the Consulate in the student's country of residence.

In order to present this clearly and systematically, we analyse below the different phases of the administrative procedure leading to the issuing of a study visa.

### ***Presenting the visa application***

The visa application should be *presented at* the Diplomatic Mission or Consulate that corresponds to the place of residence of the foreign national. When the visa application is presented, the established fee of €60 must be paid<sup>37</sup>, this fee corresponding to the administration process, not the actual granting of the visa should the application be successful. The legislation stipulates that the request must be made in person by the interested party, with the official form, as per the provisions in Article 39.1 of the RLOEX.

### ***Requirements and documents to present***

Apart from the general requirements for any visa, the applicant must fulfil a series of specific requirements related to the study activities that the student wishes to take, which will be evaluated by the Aliens Affairs Office and the Diplomatic Mission or Consulate as set out in Article 38 of the RLOEX.

As a general rule, the Consulate will be responsible for checking the following specific requirements are met:

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<sup>37</sup> See Order AEC/4004/2006, of 22 December, establishing the fees for processing visa applications. BOE no. 312 of 30 December 2006.

- Students can guarantee the financial means needed to bear the costs of their stay and return to their country of origin and, if applicable, that of their family members, according to the established amounts. These amounts are calculated monthly according to the Multipurpose Public Income Indicator (IPREM by its Spanish acronym)<sup>38</sup> which for 2012 is set at €532.51 per month unless the foreign student can prove he/she has paid the accommodation costs for the whole duration of his/her stay in advance. The amount used towards paying study fees is not taken into consideration when guaranteeing the financial means of the student.
- A public or private health or medical insurance policy is held through an insurance company or institution authorised to operate in Spain.
- The administration process fee has been paid.
- The student has no illness or disease which could have serious repercussions on public health, in compliance with the 2005 International Health Regulations (WHO), when the duration of the stay will be more than six months.
- Students who are of legal age and whose requested period of stay exceeds six months must have had no criminal record in their previous countries of residence during the last five years, relating to offences or crimes that would be considered as such in the Spanish legal system.

Furthermore, the competent authority must check the other requirements which apply to any type of visa, such as: 1) Holding a valid current passport or travel document, recognised as valid in Spain, with a minimum expiry time covering the period of stay requested by the applicant, 2) That the applicant is not banned from entering Spain, 3) That the application is not a repetition of a previously refused application.

The competent Aliens Affairs Office, with jurisdiction in the province where the University is, must carry out the necessary checks to verify that the applicant meets the following conditions:

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<sup>38</sup> The Multipurpose Public Income Indicator (IPREM by its Spanish acronym) is the index which is used as a reference for calculating income in any field other than the field of employment: for example, the IPREM is used in scholarship applications, housing assistance, in order to establish financial limits in the calculation of and access to social benefits, etc. In 2012 the amount of €532.51 per month remains the same as that established in the Finance Law for 2011, an amount that has been frozen since 2010. It is below the National Minimum Wage (SMI in Spanish), which for the same period went up to €633.30 per month. In terms of immigration this index is used to set the financial requirements for granting certain types of visa and permits.

- The student has been admitted to a University in order to attend a full-time course of studies leading to the awarding of a qualification or study certificate, or has been admitted into a centre that is officially recognised in Spain, to carry out research or training activities<sup>39</sup>.
- For stays of over six months, the Aliens Affairs Office shall check ex officio that the applicant has had no criminal record in Spain during the last five years, and shall request the relevant police report to be evaluated in the course of the decision.

### **Processing of visa/residence permit application**

After the request has been presented, the Consulate may make new requests in order to ensure the documentation is complete, and may in some justified cases summon the person to appear for an interview. The notice period for this interview is 15 days and, should it be ignored, the visa application shall be suspended and archived, and the applicant notified of this.

The Consulate will make a preliminary evaluation in order to process the application. It should be noted that the LOEX, in its Fourth Additional Provision, provides for a series of grounds which may lead to the rejection of the visa application request at this stage<sup>40</sup>.

<sup>39</sup> For the research activities the Royal Decree 99/2011 of 28 January, which regulates official PhD courses, establishes PhD admission requirements for international students, as stated in Article 6, Section d.

<sup>40</sup> Two sections of the Fourth Additional Provision of the LOEX regulates on cases for rejecting an application request:

Section 1:

- a) The lack of legitimacy of the applicant, or in the case of his representation, insufficient accreditation;
- b) The submission of an application after the legally established time limit;
- c) When the application is the reiteration of one that has previously been rejected, if the circumstances that motivated said rejection have not varied;
- d) When there exists a penalty administrative procedure against the applicant in which his deportation may be proposed, or when a judicial or administrative order of deportation has been issued against him, unless, in the latter case, the 89 deportation order has been revoked or one of the circumstances mentioned in Articles 31 *bis*, 59, 59 *bis* or 68.3 of this Statute is applicable;
- e) When the applicant is prohibited from entering Spain;
- f) When the application submitted is manifestly groundless;
- g) When the application submitted refers to aliens who are irregularly present in Spain, unless one of the circumstances mentioned in Article 31.3 applies;
- h) When the application is not made in person and this circumstance is required by law.

Section 2:

- a) When the application is submitted outside the limit of three months prior to the date of travel;
- b) When the application is submitted on a document other than the form officially prescribed for this purpose;

Once the application request has been accepted, the applicant receives the passport with a stamp to indicate that a visa has been applied for, as well as a stamped and registered copy of the visa application, plus the receipt for the fee paid. These documents are proof of receipt of the request (Tenth Additional Provision in the RLOEX).

The Diplomatic Mission or Consulate shall request the Central Government Office or Sub-Office, the competent authority for this request, to deal with the residence permit application electronically.

As mentioned above, the visa and residence permit applications are dealt with simultaneously in this procedure. This fact means that the residence permit application will be immediately sent on to the Central Government Office or Sub-Office, so that they can come to a resolution on residence before the decision about the visa is made.

The Central Government Office or Sub-Office must come to a resolution on this request within a maximum of 7 days (the Aliens Affairs Office or, failing that, the Police Station will be responsible for processing it). If these 7 days should pass without an express response being given, it shall be understood that the decision is positive. If, on the other hand, the Government Office or Sub-Office decides to refuse the permit, the Diplomatic Mission or Consulate must notify the applicant, informing him or her of the avenues of appeal and then proceed to archive the visa application request (Art. 39.4 of the RLOEX).

### ***Decision on the visa request***

Once the stay permit for study is granted, the procedure continues to the visa phase, which the Diplomatic Mission or Consulate is responsible for processing and granting. For these purposes, they may carry out checks and consultations, and if necessary, interview the candidate in order to check his identity, and the validity and veracity of the reasons given by the applicant (Tenth Additional Provision of the RLOEX). Article 39 of the RLOEX stipulates that the visa can be denied should the applicant have any record of criminal behaviour for the last five years in any of their previous countries of residence, for

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- c) When no submission is made of a travel document valid for at least three months following the date (or, if applicable, the final date) scheduled for leaving the territory of European Union Member States; such a document must contain at least two blank pages, and have been issued during the ten years prior to the submission of the visa application;
  - d) When a photograph of the applicant is not provided in accordance with the regulations set out in the European Union Visa Information System;
  - e) When the applicant's biometric data are not taken;
  - f) When the relevant visa fee is not paid.

crimes or offences under Spanish law, or if there are any deliberate inaccuracies or false information in the documents presented by the applicants in bad faith, or when there are found to be legal grounds for it being inadmissible which were not detected when the application was presented.

The maximum period for notifying applicants of the resolution is one month (Twelfth Additional Provision, point 2 of the RLOEX), starting from the day after the request is presented. Should this one month period expire without the applicant receiving news on the resolution, it shall be understood to have been refused, in accordance with the regulations on administrative silence stipulated in the Thirteenth Additional Provision of the RLOEX and in the First Additional Provision of the LOEX. The decision to refuse, whether express or by administrative silence, can be appealed or contested using the administrative and jurisdictional means of appeal legally provided for by the law (Fourteenth Additional Provision of the RLOEX).

With regards to appeals, it must be noted that the refusal of a visa ends the administrative proceedings (Fourteenth Additional Provision of the RLOEX). The following appeals can be brought against the resolution:

- Administrative reconsideration appeal to the Consulate or the Diplomatic Mission within a one month period.
- And/or a judicial review in front of the High Court of Justice within a two month period.

It should be noted that applicants receive full information about the procedures when they present their visa application request, and particularly, that an information letter is included in the application documents they receive, which indicates the maximum period of time for notification of the decision, the administrative silence rule and the possibilities for appeal (Tenth Additional Provision of the RLOEX).

The duration of the visa shall be the same as the period of stay authorised, except when the duration of the stay is longer than six months, during which the international student must request the Aliens' Identity Card within one month of effectively arriving in Spain.

The study visa must be collected within two months after notification and if it is not collected within these two months it shall be understood that the applicant has relinquished the issued visa, meaning that the proceedings shall be archived (Art. 39.6 of the RLOEX).

For family members of a student stay permit holder, different rules for visa applications are expected to apply (Article 41 of the RLOEX) to those which generally pertain to family reunification cases. In particular, a previous period of residence by the foreign study visa

holder is not required for family visas, and either the visa holder or his/her family members may apply for a family visa.

The term family is understood, for these purposes, to refer to spouse, unmarried partner and children under 18 or who have a disability and are therefore not objectively capable of providing for themselves due to their state of health.

Requirements to be met for the family visa to be granted are:

- That the foreign national holds a valid stay permit for study.
- That the foreign national has sufficient financial means to support the family unit, proving that he or she has an amount equating to 75% of the IPREM for the first family member, and 50% of the IPREM for each of the remaining people who will form part of their household in Spain, unless the foreigner can duly prove that they have paid for their accommodation for the whole stay in advance.

The amount used or to be used towards paying study fees shall not be taken into consideration when guaranteeing this support.

- That the family connection or relationship between both parties is proven.

Family members who have been granted this visa may only remain legally in Spanish territory for the same period of time and under the same conditions as the main visa holder. If the period of stay should be longer than six months they must request an Aliens' Identity Card within one month of arriving in Spain.

A preferential procedure favouring mobility of foreign students within the EU is also provided for, since a visa is not required for any foreign student who has been admitted into another Member State of the European Union in order to begin or complete a course of study and then wishes to continue or finish their studies in Spain (Article 44 of the RLOEX).

International students previously admitted into a Member State may present a stay permit for study application at any time before entering Spanish territory and one month at the latest after entering. The request must be made either at the Consulate of the previous place of residence within the European Union, or at the Aliens Affair Office corresponding to the province where the university is located. The request must be accompanied by documentation accrediting to their having been already admitted as a student into another Member State of the European Union, and documentation proving



they meet the requirements for all international students<sup>41</sup> and that they have been admitted into an authorised higher education centre for a full-time course leading to an official qualification or certificate of study.

The Aliens Affair Office shall provide notification of the decision within a maximum period of one month, giving a period of three months in which they can enter Spain if they are not already in the country.

When the residence permit is for more than six months, the international student must request the Aliens' Identity Card in person.

Furthermore, they may come accompanied by family members under the previously mentioned terms in Article 41.

International students who wish to study for specialised healthcare training courses in Spain, as defined in Law 44/2003 of 21 November, on the regulation of medical professions, must be in possession of the corresponding University Diploma or Bachelor's Degree, and must take the entrance exam for specialised medical courses, which is held annually in Spain. Passing these exams will lead to gaining a place on a specialised medical course in the residency system in accredited centres.

The qualified medical professions mentioned in Law 44/2003 include doctors, pharmacists, veterinary surgeons, nurses, physiotherapists, speech therapists, etc. and any other professional activity that is formally declared as a qualified and regulated medical profession.

International students compete directly in the national entrance exams for specialised healthcare training courses under the same conditions as Spanish students<sup>42</sup>, although they must hold either a Spanish Bachelor's degree or Diploma qualification or a foreign qualification that has been duly recognised or officially validated as equivalent to the corresponding Spanish qualification. Once the entrance exam has been held and all the places that were offered in the annual selection process have been allocated according to the scores of each candidate in decreasing order, international students will be subject to the residency system provided for in Article 33 of the LOEX on admission for study purposes, student exchanges, unpaid work experience or volunteering.

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<sup>41</sup> Article 44 of the RLOEX establishes that the request must be accompanied by documentation accrediting their status of having been admitted into another Member State and by the same documents needed for obtaining a study visa.

<sup>42</sup> This can be consulted in Order SPI/2549/2011 of 19 September, which approves the 2011 selection process for 2012 admissions to specialised medical courses for Doctors, Pharmacists and other university graduates in the fields of Psychology, Chemistry, Biology and Physics. BOE no. 231 of 26 September 2011.

In accordance with Article 43 of the RLOEX on the *special system for specialised studies in the medical field*, the Consulate in the place of residence may issue the study visa after verifying that a place on a specialised medical course has been offered.

During their stay, this specific group of international students may work in the activities that come under the provisions of Royal Decree 1146/2006 of 6 October, which regulates the special employment situation in terms of legal residency for training specialists in Health Sciences. Among other relevant aspects this Royal Decree stipulates the form, content and effectiveness of the work contract, its duration, rights and duties, working hours and breaks, salaries, rotations, leaves of absence and termination of the contract.

#### **d) Main grounds for the rejection of study visa and stay permit for study applications**

Reasons for not permitting an international student to study in Spain are determined by non-compliance with any of the stay permit for study requirements or by refusal of a study visa. Reasons for not authorising a permit or visa may include:

- Not having permission from the student's parents or legal guardians in the case of minors.
- Not having the guaranteed financial means to cover the period of stay and return to the country of origin after finishing the course, and for those who are accompanied by authorised family members likewise not possessing the financial means to be able to support them during their stay.
- Not having guaranteed health cover, either via public or private insurance.
- Having an illness mentioned in the 2005 International Health Regulations.
- Having a criminal record in the last five years whether in Spain or the former countries of residence for crimes and offences under Spanish law.
- Not having been admitted into an authorised centre of learning in Spain.
- Deliberately presenting false documents or making inaccurate claims.
- Not appearing in person when required to do so by the competent authority.
- Not having sufficient proof of the applicant's personal identity.
- Not having paid the corresponding administrative fees.
- When legal grounds for the application being inadmissible are found to exist that were not detected when the application was initially received.

### e) Cost of university courses in Spain

The fee for processing a visa application has not gone up since 2007, and remains at €60 (Order AEC/4004/2006, of 22 December).

Regarding the costs of university studies in Spain, there is a big difference in matriculation fees for public universities and private Universities. The former are subject to the public fees system established by law according to the public fees for university teaching and Article 81 of Organic Law 6/2001 on Universities. Moreover, until the 2011/2012 academic year, international students have paid the same university matriculation fees as Spanish nationals. Royal Decree-law 14/2012 of 20 April, on urgent rationalisation measures in public spending on education, establishes that international students will have to cover the total costs of university undergraduate studies and Master's degree courses.

According to OECD data<sup>43</sup> in 2011, Spain is in the group of countries with low university matriculation fees, which do not exceed 1,200 USD.

Private Universities independently establish their own fees, which are much higher than fees for public universities. Nevertheless, according to the WORLD Geographic Trend Report 2011<sup>44</sup>, drawn up by the *Graduate Management Admissions Council* (GMAC), Spain is the eighth favourite destination in the world for studying Business Management and Administration (MBA).

## 3.2. Residence for international students

### 3.2.1. Stay for international students<sup>45</sup>

The duration of the stay permit for study is regulated in Article 37, Section 3 of the RLOEX, which stipulates that the length of stay shall be the same as the activity for which permission was granted, with a maximum limit of one year. The duration of the stay permit will thus depend on the education activity for which the international student has matriculated. The stay will be extended annually as long as the interested party proves that they still meet all the requirements for obtaining a study visa. They must also show

<sup>43</sup> OECD, «Education at a glance 2011», p. 263.

<sup>44</sup> GMAC, «World Geographic Trend Report 2011», p. 8.

<sup>45</sup> Foreigners may be in Spain either with permission to stay or as residents. International students in Spain are here obtain a stay status and not as resident status. This time for stay to study does not give the student the right to accumulate time spent in Spain in order to consolidate a legal status and, therefore, neither is it taken into consideration for purposes of acquiring Spanish nationality by being resident in Spain.

that they have passed the exams or relevant requirements to continue their studies or that they are making progress with their research (Art. 40.1 of the RLOEX). Extension of the permission to stay must be requested using the official form via the Government Office or Sub-Office within sixty calendar days prior to the expiry date. Presenting this request shall extend the validity of the previous permission until process is resolved.

In accordance with Article 42 of the RLOEX, international students with stay permits for study may be permitted to work, whether as an employee or as self-employed. They must meet the general requirements for first work permits as employees or self-employed, stipulated respectively in Articles 64 and 105 of the RLOEX, with the following exceptions: those working as employees are exempt from the requirements stipulated in Section 2b) of Article 64 referring to criminal records inside and outside of Spain and Section 3a) of Article 64 referring to the national employment situation. Those working as self-employed are exempt from the requirement stipulated in Section 2b) of Article 105, referring to criminal records inside and outside of Spain and in Section 3d) of Article 105, referring to sufficient financial means for living costs and accommodation.

It is therefore important to emphasise that the hiring of international students shall not be subject to the requirement concerning the national employment situation.

Work permits for students who have the corresponding stay permit for study must be requested by the employer for employees, or by the interested parties themselves for those who are self-employed. Authorised employment activity must be compatible with the studies for which the stay permit for study was granted. The law states that income earned from employment must not be a necessary resource for supporting the international student financially, and it shall not be considered within the framework of the procedures for extending the permission either.

The employment contract shall be part-time. In the event of work being on a full-time basis, or in the case of full-time self-employed activities, the contract must be no longer than three months duration and cannot coincide with periods of study or research.

For employment contracts, Article 64, Section 3 c) of the RLOEX establishes that *«the conditions in the work contract must be in line with what is established in current regulations as well as in the collective agreement relating to the activity, professional category and locality»*. If the contract is part time, *«the wages must be equal to or higher than the national minimum wage for full-time work on an annual pro-rata basis»*.

For self-employment, Article 105, Section 3 a) of the RLOEX establishes that it must: *«fulfil the requirements that current legislation demands of nationals for setting up and operating in the planned activity»*.

The validity of the work permit may not under any circumstances exceed the duration of the stay permit for study.

International students are obliged to take out a public or private health insurance policy with an insurance company or institution authorised in Spain. Private insurance must cover medical expenses in case of an accident or a sudden illness for the whole period of stay in Spain.

Similarly, and in line with Directive 2003/109/EC<sup>46</sup>, and with the purpose of being granted long-term EU residency status, Article 152 of the RLOEX states that for periods of stay for study, student mobility or unpaid work experience, 50% of the period of residence shall be taken into account, as long as when the request is made the foreign national is already a resident in Spain.

### **3.2.2. Family members of international students**

International students may bring their family. The article 41 of the RLOEX regulates the situation of family members who accompany a student stay permit holder.

Family members, which include spouse, unmarried partner and children under 18 or that are disabled or for health reasons cannot look after themselves, may request a stay visa in order to enter the country and remain there legally for the period of stay of the student with permission to stay.

The student must have a valid residence permit, sufficient financial means to support the family unit and be able to prove the family connection of relationship between them in order for this visa to be granted.

Family members who have been granted this visa may remain legally in Spanish territory for the same period of time and under the same conditions as the main visa holder. Their stay will always be connected to the status of stay of the main visa holder. Family members may not carry out activities that generate income.

There is no information available in Spain about whether being able to bring one's family members over represents a pull factor for international students when deciding to come and study in Spain.

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<sup>46</sup> See Art. 42 of Directive 2003/109/CE of the Council of 25 November 2003 relating to the status of third-country nationals who are long-term residents.

### 3.3. International students after finishing their studies in Spain

International students may modify their legal situation in Spain after completing their studies. They can go from the status of student residence for study, research, training or unpaid work experience reasons, to residency and work permit or residency permit with exemption from work status.

Students may change from a stay permit for study:

- to a residence and work permit as an employee;
- to residence and work permit self-employed person;
- to residence without a work permit;
- to residence and work permit for researchers;
- to residence and work permit as a highly-qualified professional.

Change of status for international students is regulated in Title XII of the RLOEX on *Modification of status of foreigners in Spain*. Article 199 specifically regulates changes from one legal status to another for international students.

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

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

- That they have remained in Spain for at least the last three years with a residence permit, although this requirement may be reduced as an exception on the basis of a previous report from the General Secretariat for Immigration and Emigration, on the grounds of exceptional proven professional and scientific merit.
- That they have passed their studies, or finished their research work, training or experience successfully.

- They did not receive grants or scholarships from public or private organisations that are part of cooperation and development programmes in Spain or the international student's country of origin.

These requirements are also necessary for obtaining a residence and work permit for self-employment, a residency without a work permit, a residence and work permit for researchers and a residence and work permit for highly-qualified professionals, without preventing the international student from, according to the type of permission he or she is requesting, having to meet all the other legal conditions in the RLOEX depending on the permit concerned.

It is important to note that international students, who having met all of the previously mentioned requirements, obtain the relevant first residence and work permit as an employee, will enter the labour market under employment conditions that must be in line with current regulations and the collective agreement for this activity, professional category and locality (Article 64.3 c of the RLOEX).

No data exists about the sectors and profiles of students who enter self-employment when they finish their studies.

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

### **3.4. Misuse of the «student route» as a means to emigrate**

#### **a) Main forms of misuse of student status**

In the statistics prepared by the Ministry of the Interior there is no information about the number of students who remain illegally in our country after their stay permit for study has expired, or separate data on fraudulent use of stay permit for study, since investigations carried out in this area fall under different categories, such as facilitation of illegal immigration or falsification of documents.

It is worth pointing out that when an application is made for a stay permit for study or extension, a police check is carried out as well as a check on any judicial summons

and entry bans, even if there is no statistical use of specific data about fraudulent use of documentation in renewals or the significance of this for refusals.

It is also worth pointing out that experience shows that the majority of fraud cases happen immediately after entry and not during the extension request stage.

### **b) Extent of the different forms of misuse of student status**

It is not possible to provide data about the extent of the different types of misuse or fraud per type of study or student nationality without considering this type of category in the statistics available.

Neither has the Ministry of the Interior developed any specific programme to combat fraud in study permits. These matters are dealt with by the Unit to Combat Immigration and Document Falsification Networks (UCRIF by its Spanish acronym), deployed throughout national territory and coordinated by the central UCRIF office. These units specialise in investigating illegal immigration and document falsification networks. They are in contact with the Consulates and Aliens Affairs Offices that deal with visa concessions and student cards.

### **c) Practical measures implemented to detect and prevent misuse of the student route as a means to emigrate to the EU**

International students who wish to enter higher education studies in Spain must prove their level of education in order to be able to study in any public Spanish university. The level of education they must accredit varies according to the stage of university education they wish to enter.

#### **Undergraduate courses**

This is the first stage of university education and international students who wish to enter into education at this stage in Spain must take a university entrance exam, just as Spanish students do, but with the particular features applying to foreign students.

International students who wish to sit the university entrance exam must request official validation of the equivalence of their qualifications to the Spanish Bachillerato (secondary school leaving certificate) qualification. This validation of the equivalence of foreign students' qualifications to the Spanish Bachillerato qualification goes through the Ministry



of Education, Culture and Sport in the Education Boards and the Spanish Embassies abroad, regardless of the applicant's nationality or the education system concerned. The General Sub-Directorate for Academic Coordination and Legal Status issues the supporting credentials for resolutions made for concessions, validations and standardisations of qualifications and studies in obligatory secondary education, secondary school leaving certificates, art courses and sports courses.

Exceptions to the required university entrance exam are only made for international students, detailed in Article 38.5 of the Organic Law on Education, when referring to students coming from education systems of Member States or other States subscribing to the applicable International Agreements, as part of the reciprocal agreement, as long as these students meet the academic requirements of their own education systems for gaining admission to their universities. This exception applies to the education systems of the People's Republic of China, Andorra, Iceland, Norway, Liechtenstein, Switzerland and EU Member States. In this case the international students included in this Article shall not need to get their qualifications officially validated.

This situation applies without prejudice to any specific tests that may need to be taken depending on the special characteristics of the course they are going to study, or tests of linguistic competency in the language that the undergraduate course is taught in.

### **Master's degree courses**

This is the second stage of university study in Spain and international students shall be able to access this stage without needing to validate their qualifications, after the University has verified that they have an equivalent level of training to the corresponding official Spanish university qualifications and that the qualifications are authorised to gain admission to postgraduate education in the issuing country. Moreover, international students, in the same way as Spanish students, can be required to meet specific previous educational requirements, which could be particular to that Master's Degree or set by the individual university where the course is run. In Section 3.1 a) these aspects are explored more fully.

### **PhD courses**

This is the third stage of university study in Spain and international students must possess a qualification obtained from a foreign education system that equates to the same level of education as the official Spanish Master's degree, and that would allow them to be admitted onto PhD courses in the issuing country. This must be checked by the university

and it is not necessary for the qualification to be officially validated in Spain. In the same way as for Master's degrees, universities can establish requirements and additional criteria for selecting and admitting students to a specific PhD programme through their PhD course academic committees. In Section 3.1 a) these aspects are explored more fully.

## 4 Transnational cooperation in the area of international students

### 4.1. Bilateral/Multilateral International Agreements including Mobility Partnerships

Spain has signed a series of bilateral agreements, treaties, conventions and international standards in general, with different countries. International agreements where Spain is a signatory and that either mention or exclusively refer to the subject of education, come under a more general context such as Spanish external cultural activities and international relations, and Spanish foreign policy.

Particularly, international bilateral and multilateral agreements where the subject of education is mentioned not only allude to the mobility of third-country nationals for study purposes, but also deal with other specific issues relating to education. For example, Spain has signed currently valid cooperation agreements relating to education, culture and tourism with many (third) countries. These agreements may relate directly to the subject of education or may have a broader scope, such as the promotion of culture.

The currently valid agreements that Spain has signed with other countries dealing specifically or generally with educational issues are:

Albania:

Cultural and educational cooperation convention between the Kingdom of Spain and the Republic of Albania, signed in Madrid on 25 November 1999.

Andorra:

Convention on education between the Kingdom of Spain and the Principality of Andorra, signed in Madrid on 22 December 2003.

Agreement on university access between the Kingdom of Spain and the Principality of Andorra, signed in Madrid on 4 May 2010.

Saudi Arabia:

Cultural agreement between Spain and the Kingdom of Saudi Arabia, signed in Riyadh on 1 April 1984.

Algeria:

Scientific, Technical, Cultural and Educational Framework Convention between the Kingdom of Spain and the People's Republic of Algeria, signed «ad referendum» in Algiers on 5 April 1993.

Australia:

Cultural, educational and scientific cooperation agreement between Spain and Australia, signed in Madrid on 18 January 1991.

Cameroon:

Educational, Scientific and Cultural Cooperation Convention between the Kingdom of Spain and the Republic of Cameroon, signed in Yaoundé on 27 May 1988.

Canada:

Agreement between Spain and Canada on mobility programmes for young people, signed in Ottawa on 10 March 2009.

China:

Agreement on recognition of qualifications and diplomas between the Kingdom of Spain and the Government of the People's Republic of China, signed in Beijing on 21 October 2007.

Costa Rica:

Cultural and educational cooperation convention between the Kingdom of Spain and the Republic of Costa Rica, signed in San José de Costa Rica on 20 November 2000.

Croatia:

Agreement on cultural, educational and scientific cooperation between the Kingdom of Spain and the Republic of Croatia, signed in Madrid on 21 July 1997.

United States of America:

Agreement between the Kingdom of Spain and the United States of America on Educational, Cultural and Scientific Cooperation, signed in Madrid on 27 October 1994.

Agreement which extends the Agreement between the Kingdom of Spain and the United States of America on Educational, Cultural and Scientific Cooperation of 27 October 1994.

Philippines:

Agreement on cultural, sport and scientific cooperation between the Kingdom of Spain and the Republic of the Philippines, signed in Madrid on 3 December 2007.

Gabon:

Cultural Agreement between the Kingdom of Spain and the Republic of Gabon, signed in Madrid on 9 November 1977.

Georgia:

Agreement on cultural, educational and scientific cooperation between the Kingdom of Spain and the Republic of Georgia, signed «ad referendum» in Madrid on 11 March 1993.

Honduras:

Agreement on cultural, educational and scientific cooperation between the Kingdom of Spain and the Republic of Honduras, signed in Tegucigalpa on 19 July 1994.

Japan:

Cultural agreement between the Kingdom of Spain and the Japanese Government, signed in Madrid on 05 March 1982.

Kazakhstan:

Cultural, Educational and Scientific Cooperation Convention between the Kingdom of Spain and the Republic of Kazakhstan.

Kuwait:

Agreement between the Kingdom of Spain and the State of Kuwait on Cultural, Educational and Scientific Cooperation, signed in Kuwait on 26 May 2008.

Macedonia:

Agreement on Cultural, Educational and Scientific Cooperation between the Kingdom of Spain and the Macedonian Government, signed in Madrid on 20 June 2005.

Mauritania:

Agreement on cultural, educational and scientific cooperation between the Kingdom of Spain and the Islamic Republic of Mauritania, signed in Nouakchott on 29 March 1989.

Montenegro:

Agreement on cultural, educational and scientific cooperation between the Kingdom of Spain and Serbia and Montenegro, signed in Madrid on 24 September 2003.

Nepal:

Cultural Convention between the Government of the Kingdom of Spain and His Majesty's Government of Nepal, signed in Madrid on 19 September 1983.

Russia:

Cultural and Educational Cooperation Agreement between the Kingdom of Spain and the Russian Federation, signed in Madrid, 11 April 1994.

Serbia:

Agreement on cultural, educational and scientific cooperation between the Kingdom of Spain and Serbia and Montenegro, signed in Madrid on 24 September 2003.

Singapore:

Agreement on Cultural, Educational and Scientific Cooperation between the Kingdom of Spain and the Government of the Republic of Singapore, signed in Singapore on 13 April 2011.

South Africa:

Cooperation Agreement for Art and Culture between the Kingdom of Spain and the Government of the Republic of South Africa, signed in Pretoria on 3 February 2004.

Thailand:

Cultural agreement between the Kingdom of Spain and the Kingdom of Thailand, signed in Madrid on 17 March 1987.

Ukraine:

Cultural and educational cooperation convention between the Kingdom of Spain and the Ukrainian Government, signed in Madrid on 7 October 1996.

Vietnam:

Cultural, Educational and Scientific Cooperation Agreement between the Kingdom of Spain and the socialist Republic of Vietnam, signed in Madrid on 11 June 2005.

Yemen:

Cultural, Educational and Scientific Cooperation Agreement between the Kingdom of Spain and the Republic of Yemen, signed in Sana on 18 April 2006.

As already mentioned, these bilateral international agreements pave the way for developing specific aspects in the educational field, including mobility of international students. The different public and private university institutions, as independent entities, are provided with a legal framework for establishing cooperation conventions with education institutions in countries with which Spain has signed agreements, without prejudice to any collaboration agreements that the universities themselves may have independently signed.

In all cases the above international agreements refer to the provisions of the respective internal legislation of the participating States. The procedures for admission and duration of stay, and the requirements for obtaining a stay permit for study and/or the study visa and work permit shall fulfil the provisions of current legislation in Spain on immigration relating to international students as already discussed throughout this report.

In Spain, public and private Universities establish private agreements or conventions with other similar educational institutions and/or foreign universities, and not with the third countries themselves. These conventions or agreements are signed between universities in order to establish cooperative academic relations, including those relating to mobility of students on undergraduate, Master's degree and PhD courses. The framework convention is signed on the Spanish side by the Rector of the Spanish university, as the legal representative of his university, and defines the scope and objective of the collaboration between both higher education institutions. Full details about this type of convention are given in Section 4.3.

Within the framework of the European Union, Spain participates in the Mobility Partnership Agreement between the European Union and the Republic of Cape Verde signed in June 2008. This partnership concerns the facilitation of short stays in the EU for Cape Verde nationals and the intensification of Cape Verde's efforts to readmit illegal immigrants and to combat this practice. The EU and Cape Verde are committed to lessening the harmful effects of the brain drain by implementing temporary or permanent return policies specifically directed to emigrants from Cape Verde with a high level of education, and European nationals of Cape Verdean origin. The document «Annex on proposed activities» includes specific actions for developing the partnerships already established between the University of Cape Verde and higher education institutions in the European Union, especially for promoting the mobility of students and teaching staff. On a national level, Spain has no specific bilateral agreements relating to student exchanges with Cape Verde.

## 4.2. Cooperation with the European Union or international organisations

### a) Mobility programmes within the European Union (Erasmus Mundus)

International students who participate in the «Erasmus Mundus» mobility programmes, and have been selected by the institutions responsible for this programme at the national level, must meet the same requirements as all international students, as previously mentioned in this report. The same immigration rules apply to these students as to all other third country nationals.

International students who come from third countries and enter Spain under the Erasmus Mundus programme with a period of studies of less than ninety days must request a Type C short stay visa, in accordance with the provisions of the Visa Code and Council Regulation 539/2001 of 15 March 2001, as long as they are third country nationals subject to the visa requirements for crossing external borders with the Schengen area (Schengen Borders Code). Should they be exempt from the visa requirement, a visa will not be necessary.

If the period of studies is longer than ninety days, international students on the national Erasmus Mundus programme must apply for a study visa as would any other international student, as stipulated in Article 37 of the RLOEX. This study visa incorporates the stay permit for study and will enable the international student to remain in Spain in order to take the course of studies for which they have been accepted.

However, whether or not they participate in the Erasmus Mundus programme, any international student admitted to begin or continue their studies in another European Union Member State, may request to continue or complete part of their studies in Spain, without needing to obtain a study visa. The only procedure these international students must follow is to apply for a stay permit for study. This application must be made by the international student either at the Spanish consulate corresponding to the previous place of residence in the European Union Member State, or within one month after entering Spanish territory, at the Aliens affair Office corresponding to the province where the centre of learning is located. The requirements that international students must meet are the same as for any other international student: having the financial means to support themselves and their family members, private or public medical insurance, no criminal record for crimes or offences within Spanish law if the stay for study reasons is longer than six months, not posing a risk to public health, having paid the corresponding administrative fee and having been accepted into an authorised education institution in Spain.

The measures that Spain has implemented for facilitating the mobility of international students participating in EU mobility programmes can be found in the legislation

on immigration. Specifically, the LOEX establishes that it will be made easier for international students participating in European Union mobility programmes with the European Union as destination or within the European Union, to enter and remain. These students need not apply for a visa if they have already been admitted as students in another European Union Member State. It is also expected that Spanish authorities will provide the relevant information at the request of the competent authorities of another Member State when an international student studying in Spain applies to study part of a course they have already started or to finish their studies in another European Union Member State. The RLOEX also establishes that in order to extend a stay permit for study in Spain, study or research carried out in another Member State will be valid for accrediting that they have passed the exams or requirements for continuing studies or research in Spain.

Spain has not had significant problems relating to international students admitted into the country as beneficiaries of European Union mobility programmes in order to continue their studies in another Member State. Neither have there been any significant problems with students admitted from other Member States to study in Spain who have not made their stay legally official before entering Spain.

#### **b) Mobility programmes outside of the EU framework**

International students who study in other Member States that are not included in European Union mobility programmes are exempt from having to apply for the study visa in order to study in Spain, in the same way as those who participate in the European Union mobility programmes discussed above. Current Spanish immigration legislation establishes that international students from other Member States must request a stay permit for study under the same terms stated in Section 4.2 a).

As for Erasmus Mundus students, the competent authority, in this case the Aliens Affairs Office will have a maximum period of one month to process and communicate their decision to the applicants.

#### **c) Cases of international students extending their studies in another Member State through mobility programmes**

There is no evidence in Spain of international students making use of mobility programmes in order to remain beyond the authorised period of stay in another Member State.



### 4.3. Other types of international cooperation

The most common type of non-legislative international cooperation for international students is established by the universities themselves with their third-country counterparts. Spanish universities may establish collaboration agreements with universities from other countries on the basis of the competencies stipulated in Article 20.1 of the Organic Law on Universities, and in exercise of the powers conferred by the Universities' own Statutes, approved by the respective Regional Authorities. These agreements or conventions are signed by universities for different reasons, such as establishing agreements about student mobility, scientific cooperation, technical cooperation, teaching cooperation, developing institutional relations or developing joint academic qualifications for undergraduate degrees, Master's degrees and PhDs. These conventions or agreements establish a general framework between higher education institutions subsequently developed by technical committees from both universities, which deal with specific aspects of the framework convention. All Spanish public and private Universities, without exception, have signed this type of convention with other universities from third countries.

The Spanish University Rectors' Association (CRUE), a non-profit association made up of Rectors of both private and public universities, who take part voluntarily, can also sign collaboration agreements with similar associations from other countries. The Spanish University Rectors' Association has signed programme agreements for student exchanges with the Consejo Interuniversitario Nacional (CIN) of Argentina, the Associação Nacional de Instituições Federais de Ensino Superior (ANDIFES) of Brazil, the Asociación Colombiana de Universidades (ASCUN) of Colombia, the Asociación Nacional de Universidades e Instituciones de Educación Superior (ANUIES) of Mexico and the Asamblea Nacional de Rectores de Peru. These exchange programmes establish the institutional channels through which different universities can set up international student exchange programmes, this not affecting any agreements signed between the universities themselves.

Another type of cooperation between universities is the creation of cross-border campuses, between Spain, France, Portugal and Morocco. For the purposes of this study we will focus only on the Spain-Morocco cross-border campus. In 2010 and 2011, within the framework of the Campus of International Excellence programme (see Chapter 2.2 b), cross-border excellence projects were presented between Spanish and Moroccan universities to develop joint research programmes. One such project is the Strait of Gibraltar Cross-border Campus, an initiative that unites the University of Cadiz and Abdelmalek Essaâdi University, creating a space for inter-university cooperation which has brought about a common seminar programme, developed throughout the 2010/2011 academic year. The activities presented in the international campus take place in the Algeciras Bay Campus, through the Straits of Gibraltar University Teaching Space and in the Abdelmalek Essaâdi University, on the

Tétouan and Tangier campuses, and they are open to participation from professionals as well as the university community.

In October of last year the Spanish Ministry of Education signed a «Memorandum of Understanding on the Development of Cross-border University Campuses» with its Moroccan counterpart, which incentivises the increasing level of knowledge transfer and alliances with the most innovative industries, in this way allowing greater competitiveness and mobility of students, teaching staff and researchers.

It is the private Spanish universities that have been able to initiate an internationalisation process in their higher education by opening up university campuses in third countries. In the current economic situation, opening a campus abroad throws up a major economic challenge that only a few private Universities have been able to take on with reasonable assurance, and these to only a limited extent. The IEDE Business School, part of the European University of Madrid (UEM), has two international university campuses in Santiago de Chile (Chile) and Shanghai (People's Republic of China) and the ESADE Business School, part of the Ramón Llull University, has a campus in Buenos Aires (Argentina). Others, such as the IESE Business School, part of the University of Navarra, have a teaching centre in New York City which is not yet considered a campus.

Finally, and at the Council of Europe level, in December 2009 Spain ratified the Lisbon Convention on the Recognition of Qualifications concerning Higher Education in the European Region. The application of this convention means that, as a general rule, all European credits and qualifications shall be recognised unless it can be demonstrated that there are substantial differences between a higher education course studied in another State Party to the Lisbon Convention and higher education courses studied in Spain.

## 5 Impact of international students on Spain

As an introduction, it can be observed the slight impact of international students on Spain in areas such as employment, economy or the demographic situation. International student numbers are not high in Spain when compared to the total number of national university students. Nevertheless, in absolute terms Spain was in fourth position in the EU for the number of students in higher education coming from third countries in 2009 (latest available data in Eurostat).

### **a) Competition for available university places**

There is no evidence relating to competition between international students for available places on higher education courses in Spain. Spain receives the highest number of students in Europe for the Erasmus programme and is also the country that sends the highest number of students, receiving around 30,000 European students every year. There is no evidence of competition between Erasmus students and other international students within the European Economic Area for the available places. The procedures for selection and place assignment are different, meaning there is no competition for places between different types of students.

### **b) International students remaining in Spain to work after the completion of their studies**

The number of international students that stay in Spain to work once they have finished their university studies, should they meet the necessary requirements, is low: 1764 first residence and work permits were granted in 2008 to third country nationals that were in Spain with stay permits for study; 1851 were granted in 2009; in 2010 the number granted was 1279; and this went up to 1661 in 2011, according to Eurostat.

The statistics do not provide a breakdown of which economic sectors and activities international students are employed in when they finish studying for their academic qualification.

### **c) Measures to prevent «brain drain»**

In order to prevent as much as possible the phenomenon known as the «brain drain», current regulations relating to international students, researchers or those doing unpaid work experience include legal provisions that attempt to mitigate this. In this way, the conditions for modifying the individual's administrative status from that of a student to residence and work status stipulate that the international student must not have received a scholarship or grant from any public or private organisation within a cooperation or development programme, whether from Spain or from the country of origin (Article 199 of the RLOEX). Likewise, for highly skilled workers holding an EU Blue Card, the application for a temporary residency and work permit can be refused if the post offered affects sectors for which in the worker's country of origin there is a labour shortage, in accordance with the provisions of the International Agreement on the subject (Article 90, Section 1 f) of the RLOEX).

#### d) Possible effects caused for misuse of students status in relation to National strategy for international students

The policies and strategies that Spain has put into practice to encourage and attract international students into higher education do not seem to have been conditioned by a possible misuse of these entry channels into the European Union. This is due to the fact that the number of students arriving in Spain is still not very high compared to the recent migratory flows in Spain, as well as the fact that the rigorous checks Spain makes before granting study visas make it difficult to use the student route as a means to emigrate to the EU illegally.

#### e) Impact of international students in higher education funding

The economic impact of international students in public higher education institutions cannot be measured because in fact, all Spanish and foreign students matriculated in Spanish universities have part of their university studies subsidised by public funds regardless of their socio-economic status. This subsidy is around 80-85% of the actual cost to the university and therefore to the Spanish people. In global and general terms this means that national and international students do not pay more than 15-20% towards the matriculation cost<sup>47</sup>. This has been modified this year with Royal Decree-Law 14/2012 of 20 April, on urgent rationalisation measures in public spending on education, which states that foreign students over eighteen without residency status, excluding European Union Member States nationals and those to whom European Community rules apply, may have to pay up to 100% of the costs of university undergraduate and Master's degree courses.

The economic impact of international students on private higher education institutions must be much higher since these private institutions are mainly funded by individuals paying for the services they offer. «Income generated by provision of learning services comes chiefly from the direct users of these services, and for a high percentage of these institutions (private Universities) it constitutes the principal, almost only, source of funding, representing over 80% of the total resources»<sup>48</sup>. Private Universities charge a substantially higher matriculation fee to all students, national and international, meaning this is likely to be an important part

<sup>47</sup> «Document on improvement and monitoring of University Funding Policies in order to promote academic excellence and increase the socio-economic impact of the Spanish University System (SUE)», University Funding 2010. Documento. University Board - General Conference on University Policy, April 2010, p. 45.

<sup>48</sup> «Document on improvement and monitoring of University Funding Policies in order to promote academic excellence and increase the socio-economic impact of the Spanish University System (SUE)», University Funding 2010. Documento. University Board - General Conference on University Policy, April 2010, p. 61.

of their income, although there is no data available enabling us to measure the specific impact of international students on private Universities in economic terms.

#### **f) Impact of international students in relation to demographic challenges and student population**

In Spain the number of students going to university is not diminishing. Data provided by the National Statistics Institute (INE), corresponding to the years 2006 to 2011, shows that the number of students matriculating at universities raises every year.

This same tendency can also be perceived for third-country nationals, as can be seen in the number of first permits granted for educational reasons, which went up in 2011 by 41% in relative terms compared to 2010.

*First permits granted to third-country nationals for educational reasons*

	2008	2009	2010	2011
Total	21,665	22,068	24,864	35,037

Source: Eurostat.

#### **g) International students in public debate**

As was broadly discussed in Section 2.2c), the presence of international students is not an important subject of public debate in Spanish society, although there is a notably positive opinion regarding the mobility of EU students, driven by the Erasmus programme.

Consequently, the strategies and policies for attracting third-country international students are barely visible in the public agenda, albeit constituting a central topic within the university sphere.

## **6 Conclusions**

The description given throughout this report of the presence of international students in the Spanish higher education system enables us to verify that there has been an increase in the number of international students holding student status. While this number may not be significant when compared to the total number of students present on Spanish campuses, and especially to the total number of foreigners residing in Spain, it is true

that these students represent over 20% of the total number of students matriculated on postgraduate higher education courses. In other words, one in four students matriculated on a PhD course would come from abroad.

This positive trend reveals, first, the suitability of the migratory instruments that allow the entry of these students from third countries to be channelled in a secure and organised way, and second, the earliest results of programmes forming part of the internationalisation strategy for our Universities.

The new missions of Universities in the current knowledge society have highlighted the importance of strengthening the capabilities of Spanish universities and setting goals in areas which have not been considered a priority until now. These include reinforcing the international impact of Spanish scientific publications, encouraging the mobility of national and international students and increasing participation in international research, innovation and technological development networks. Spanish universities have an acknowledged history of service to Spanish society thanks to their contribution to its development and modernisation, and they can rise confidently to the current challenges of modernisation and internationalisation.

Spanish universities are presently absorbed in a process of change and adaptation to the European Higher Education Area. With this adaptation process it is hoped that the quality and visibility of Spanish universities will also improve, making them more attractive to international talent, not only international students but also teaching staff and researchers. The strategies put into place in Spain aim to achieve a «strong and internationally attractive university system, open to the world, that contributes towards improving international competitiveness in Spain, that promotes society's ability to operate in an international environment and that also responds to society's needs, developing its scope and global social responsibility».

In April of this year the Council of Ministers, following a proposal by the Ministry of Education, Culture and Sport, approved the creation of an Expert Committee that will be in charge of reforming the Spanish university system. The High Level Expert Committee will be in charge of preparing a bill to reform the Spanish university system. This planned reform shall revolve around three essential points: the search for excellence, competitiveness and internationalisation.

In the Spanish education system, Spanish universities have a great deal of autonomy for developing and implementing their internationalisation strategies and actions, and in some cases can attest to very successful experiences. Business schools for example, have now set an international benchmark thanks to their good practices.

In Spain the balance between attracting international students to university campuses and preventing fraudulent use of the student route as a means to emigrate illegally to

the European Union, is one of the objectives of Spanish migration policy. At the present time misuse of the student route as a means of emigrating to the European Union has still not become a migration problem in Spain. The migration policies themselves contribute to this, since they have created an adequate access route which nevertheless impedes abuse of the system. To add to this there is the fact that the opening up and internationalisation of the Spanish university system is a relatively recent process. For this reason how the process has been implemented is still too early to assess.

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All Spanish legislation that has been referred to throughout this report can be consulted online on the Spanish Official State Bulletin (BOE), web page. [www.boe.es](http://www.boe.es)



# Annex

## 1. First permits issued for education reasons

TABLE 1.1. Overall trend of first permits issued for education reasons 2007-2011

	2007	2008	2009	2010	2011
Total	33,178	21,665	22,068	24,864	35,037

Source: Permanent Observatory for Immigration (2007) and Eurostat (2008-2011).

TABLE 1.2. First permits issued for education reasons by reason 2009-2011

	2009	2010	2011
Education reasons: Study	20,056	22,882	32,769
Education reasons: Other educational reasons	2,012	1,982	2,268

Source: Eurostat.

TABLE 1.3. First permits issued for education reasons by duration 2008-2011

	2008	2009	2010	2011
From 3 to 5 months	570	32	602	3,544
From 6 to 11 months	12,348	14,197	21,155	20,384
12 months or over	8,747	7,839	3,107	11,109

Source: Eurostat.

TABLE 1.4. *First permits issued for education reasons. Main countries of citizenship 2007-2011*

2007		2008	
Mexico	4,947	Mexico	2,660
Colombia	3,831	United States	2,488
Brazil	2,758	Colombia	2,308
United States	2,684	Brazil	1,655
Peru	1,938	China	1,537
Chile	1,764	Venezuela	961
Morocco	1,560	Morocco	895
Venezuela	1,488	Chile	845
China	1,462	Peru	833
Argentina	981	Dominican Republic	808

2009		2010		2011	
United States	2,995	United States	3,628	United States	7,772
Mexico	2,483	Colombia	2,751	Mexico	3,768
Colombia	2,290	Mexico	2,430	Colombia	3,113
China	1,871	China	1,939	China	2,500
Brazil	1,300	Brasil	1,326	Brazil	1,763
Dominican Republic	1,102	Venezuela	1,170	Venezuela	1,503
Venezuela	1,023	Peru	957	Dominican Republic	1,069
Peru	889	Dominican Republic	946	Peru	970
Chile	732	Chile	821	Ecuador	950
Morocco	574	Russia	629	Russia	948

Source. Permanent Observatory for Immigration (2007) and from 2008 data extracted from Eurostat.

## 2. All valid permits issued for education reasons

TABLE 2.1. Overall trend of all valid permits issued for education reasons 2006-2011

	2006	2007	2008	2009	2010	2011
Total	33,293	40,132	38,759	42,377	44,582	49,435

Source: Permanent Observatory for Immigration (2006 and 2007) and from 2008 data extracted from Eurostat.

TABLE 2.2. All valid permits issued for education reasons by duration. 2008-2011

	2008	2009	2010	2011
From 3 to 5 months	374	693	445	2,075
From 6 to 11 months	11,328	13,289	15,139	18,033
12 months or over	27,057	28,395	28,998	29,327

Source: Eurostat.

TABLE 2.3. All valid permits issued for education reasons. Main countries of citizenship 2006-2011

2006		2007		2008	
Mexico	5,261	Mexico	5,618	Mexico	4,765
Colombia	3,605	Colombia	4,598	Colombia	4,476
Brazil	2,527	Brazil	3,336	United States	3,152
United States	2,455	Morocco	3,245	Brazil	2,986
Morocco	2,257	United States	2,840	Morocco	2,596
Peru	1,808	Peru	2,177	China	2,414
Chile	1,784	Chile	2,048	Peru	1,996
Venezuela	1,302	Venezuela	1,744	Venezuela	1,801
Argentina	1,076	China	1,625	Chile	1,705
China	908	Argentina	1,112	Dominican Republic	1,220

TABLE 2.3. All valid permits issued for education reasons.  
Main countries of citizenship 2006-2011 (cont.)

2009		2010		2011	
Colombia	4,786	Colombia	5,194	United States	7,242
Mexico	4,596	United States	4,484	Colombia	5,176
United States	3,888	Mexico	4,243	Mexico	4,897
China	3,471	China	4,002	China	4,156
Morocco	2,570	Venezuela	2,438	Venezuela	2,645
Brazil	2,559	Peru	2,287	Brazil	2,216
Venezuela	2,165	Brazil	2,206	Peru	2,123
Peru	2,118	Dominican Republic	1,902	Dominican Republic	1,754
Dominican Republic	1,578	Morocco	1,801	Chile	1,559
Chile	1,572	Chile	1,573	Morocco	1,463

Source: Permanent Observatory for Immigration (2006 and 2007) and from 2008 data extracted from Eurostat.

### 3. Change of immigration status from/to education reasons. 2008-2011

TABLE 3.1. Changes of status

	2008	2009	2010	2011
Total number of permits changed from family to education reasons	232	101	86	98
Total number of permits changed from remunerated activities to education reasons	55	55	22	18
Total number of permits changed from other to education reasons	17	28	11	28
Total number of permits changed from education to family reasons	1,550	1,583	1,198	1,757
Total number of permits changed from education to remunerated activities reasons	1,764	1,851	1,297	1,661
Total number of permits changed from education to other reasons	928	74	34	43

Source: Eurostat.

TABLE 3.2. *Change of status to education reasons. Main countries of citizenship*

2008		2009	
Mexico	47	Mexico	34
Brazil	44	Colombia	22
Chile	39	Brazil	20
Colombia	28	Peru	16
Venezuela	19	Chile	14
Morocco	16	Venezuela	13
Peru	16	Unitet States	10
Unitet States	14	Argentina	6
China	11	China	5
Cuba	8	Egypt	5

2010		2011	
Chile	16	China	25
Mexico	12	Mexico	12
Colombia	10	Colombia	12
Brazil	8	Venezuela	11
Venezuela	7	Peru	10
Morocco	6	Chile	9
Peru	6	Brazil	7
Dominican Republic	5	Unitet States	4
Russia	3	Libya	3
Ukraine	3	Bolivia	3

Fuente: Eurostat.

TABLE 3.3. *Change from education reasons to any other reasons. Main countries citizenships*

2008		2009	
Colombia	606	Colombia	433
Mexico	468	Mexico	396
Morocco	454	Morocco	350
Peru	310	Peru	250
Brazil	267	Brazil	225
Venezuela	232	Venezuela	190
Argentina	221	Chile	161
Chile	159	Argentina	159
United states	131	United States	131
China	118	Dominican Republic	129

2010		2011	
Colombia	397	Colombia	541
Mexico	267	Venezuela	334
Peru	206	Mexico	311
Morocco	196	Dominican Republic	275
Venezuela	185	Peru	269
Brazil	142	China	167
Dominican Republic	136	Brazil	159
Chile	100	Morocco	145
Argentina	91	United States	135
China	88	Cuba	130

Source: Eurostat.

#### 4. D visas issued for education reasons. 2007-2011

TABLE 4.1. *D-visas issued for education reasons*

	2007	2008	2009	2010	2011
Total	42,543	49,546	46,511	51,560	59,245

Source: Permanent Observatory for Immigration.

TABLE 4.2. *D-visas issued for education reasons. Main countries of citizenship*

2007		2008	
United States	14,268	United States	16,510
Mexico	5,189	Mexico	6,153
Colombia	3,375	Colombia	3,756
Brazil	3,272	Brazil	3,564
Chile	1,526	China	2,098
China	1,300	Chile	1,712
Peru	1,261	Venezuela	1,349
Venezuela	1,199	Peru	1,177
Dominican Republic	860	Dominican Republic	1,134
Russian	850	Morocco	940

2009		2010		2011	
United States	15,936	United States	16,603	United States	18,058
Mexico	4,713	Mexico	5,505	Mexico	6,829
Colombia	3,902	Colombia	4,697	Colombia	4,212
Brazil	2,706	Brazil	2,911	Brazil	3,338
China	2,145	China	2,470	China	3,301
Chile	1,393	Venezuela	1,450	Chile	1,700
Dominican Republic	1,340	Chile	1,435	Peru	1,601
Venezuela	1,316	Peru	1,301	Venezuela	1,567
Peru	1,262	Dominican Republic	1,252	Russia	1,391
Turkey	833	Turkey	1,102	Ecuador	1,337

Source: Permanent Observatory for Immigration.

