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# Stakeholder Dialogue

## Brain Circulation in Europe



# Students and Researchers' Directive

Challenges of transposition

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# Conditions of entry and residence of third-country nationals for the purpose of research Directive (EU) 2016/801

# Introduction

Directive (EU) 2016/801 adopted on 11 May 2016,  
deadline for transposition: 23 May 2018

Previous instruments:

- Students – Directive 2004/114/EC
- Researchers – Directive 2005/71/EC

Ireland will keep on applying Directive 2005/71/EC

# Proposal to reform Students and Researchers Directives (March 2013)

Rationale: Make the EU more attractive for talented/highly-skilled third-country nationals (in particular researchers and students), by

- facilitating their admission to the EU
- improving their rights during their stay, and
- increasing retention rates.

# Application procedure

- Admission conditions for the individual remain essentially unchanged:
  - Hosting agreement (or contract)
  - Valid travel document
  - Sickness insurance
  - Sufficient resources
  - (address, fees, written undertaking host entity)
- Applications from the EU possible
- Processing time of application: maximum of 90 days (60 days if approved host entity); in Directive 2005/71/EC, no deadline indicated

# Rights: Family reunification for researchers' family members

Directive 2005/71/EC: No mandatory provisions, although in practice many MSs allowed family reunification

New Directive:

- Immediate family reunification for non-EU family members of non-EU researchers
- Access to the labour market
- Intra-EU mobility

# Rights: Intra-EU mobility

Directive 2005/71/EC: Up to three months on the basis of a hosting agreement

## New Directive:

- mobility for up to 6 months per Member State: no procedure or notification procedure
- mobility for more than 6 months per Member State: notification or application (or no procedure)
- Also for family members (same rules as for the researcher)

|    | Researchers' short-term mobility | Researchers' long-term mobility |
|----|----------------------------------|---------------------------------|
| BE | notification                     | application                     |
| BG |                                  |                                 |
| CZ | no procedure                     | no procedure                    |
| DE | notification                     | application                     |
| EE | notification                     | notification                    |
| EL | notification                     | notification                    |
| ES | notification                     | notification                    |
| FR | notification                     | notification                    |
| HR | notification                     | application                     |
| IT | notification                     | application                     |
| CY | notification                     | application                     |
| LV | no procedure                     | application                     |
| LT | no procedure                     | application                     |
| LU | notification                     | application                     |
| HU | notification                     | application                     |
| MT | notification                     | application                     |
| NL | notification                     | application                     |
| AT | no procedure                     | application                     |
| PL | notification                     | application                     |
| PT | no procedure                     | application                     |
| RO | notification                     | application                     |
| SI | notification                     | application                     |
| SK | notification                     | notification                    |
| FI | notification                     | notification                    |
| SE |                                  |                                 |

# Rights: Access to job-seeking

Directive 2005/71/EC: no provision

New Directive:

- Stay on the territory for job-searching or setting up a business for a period of at least 9 months following completion of research
- Application needed, permit to be granted if conditions are fulfilled
- No right to get a work permit

# More information

EU Immigration Portal (currently being updated)

<http://ec.europa.eu/immigration>

