



National Youth  
Council of Moldova



**POLICY PAPER**

**“THE IMPACT OF EU  
VISA LIBERALIZATION  
ON YOUTH MOBILITY IN  
REPUBLIC OF MOLDOVA”**

Denis Cenusă



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# **“The impact of EU visa liberalization on youth mobility in Republic of Moldova”**

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The policy paper **“The impact of EU visa liberalization on youth mobility in Republic of Moldova”** was released by the **Denis Cenusa** at the request of the **National Youth Council of Moldova (CNTM)**.

The present paper is part of the partnership between CNTM and European Youth Forum (YFJ) within revision of Visa Directive by the European Commission, aiming at promoting higher mobility among young people. In this context, the purpose of the paper is to point out and present the potential impact of the visa liberalization on youth and its mobility. Furthermore, it brings out the particularities related of the Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, and, the Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research. The paper is a first attempt to put into discussion the benefits the visa free regime (short stay visits) will bring to young people. It presents an outline of the advantages generated by visa liberalization, and a list of relevant recommendations is proposed in the end. However, it would be worth to be carried out larger researches and studies in this area in order to deepen the public debates and increase the information available to various social categories, in particular to the young persons.

The author expresses his gratitude to the interviewers, who represent the principal stakeholders directly or collaterally involved in the process of EU’s visa liberalization, without which the paper would lack the official position and inside vision on the researched problematic: the Ministry of Foreign Affairs and European Integration of Moldova (interviewed on 23 of July, 2013); the Consular Section, Embassy of Romania to the Republic of Moldova, (interviewed on 24 of July, 2013); the Delegation of the European Union to the Republic of Moldova (interviewed on 25 of July, 2013).

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*The views expressed in this document are the responsibility of the author and do not necessarily reflect the view of National Youth Council of Moldova or other persons that contributed directly or indirectly to its realization.*

## Acronyms and Abbreviations

**CAC** - Common Application Center

**CEEPUS III** - Central European Exchange Program for University Studies

**CNTM** – National Youth Council of Moldova

**EaP** - Eastern Partnership

**EFT** - European Federation for Trainings

**ENP** - European Neighborhood Policy

**ERASMUS MUNDUS** - is a new EU programme for education, training, youth and sport proposed by the European Commission on 23 November 2011

**eTwinning** - programme offers a portal which takes advantage of the possibilities offered by the Internet and digital media to promote European methodology and practices of teaching.

**EU** - European Union

**FP7** - 7th Framework Programme, a framework of international cooperation in research and innovation between non-EU countries and the EU

**GAMM** - Global Approach to Migration and Mobility

**IOM** - International Organization for Migration

**MP** - Mobility Partnership

**NBS** - National Bureau of Statistic of the Republic of Moldova

**TEMPUS** - international academic cooperation programme promoting the modernization of higher education in the EU's neighborhood countries.

**VLAP** - Visa Liberalization Action Plan

**YFJ** - European Youth Forum

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## Methodology

The research is conducted with the use of qualitative methods such as interviews with different relevant stakeholders in the field of visa liberalization, European affairs and Moldova-EU relations. In addition, the paper casts a special attention on the original documents related to the visa regime between Moldova and the EU (VLAP, Visa Facilitation and Readmission Agreements, including the amended VFA agreement).

Moreover, it depicts the principal aspects related to the mobility of youth stemming from the Directives on students and researchers (Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service; and, the Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research).

In addition, there other important reports, studies and analysis are analyzed, which unveil the information related the migration problematic and the mobility principle and the existing prospects in this area (issued by the European Commission, IOM and other relevant stakeholders).

## Research limitations

During the research, the author has encountered migration scarce availability of migration statistics and the one related to youth mobility, which makes it difficult detecting and anticipating the future trends of youth migration and mobility. The shortcoming is acknowledged by the authorities in official documents<sup>1</sup>, as well as by the European officials<sup>2</sup>.

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<sup>1</sup> Finding based on the information delivered during the interviews with the representative of the Ministry of Foreign Affairs and European Integration of the Republic of Moldova, July 2013.

<sup>2</sup> Adapted Global Assessment of the National Statistical System of Moldova, Available at: [http://epp.eurostat.ec.europa.eu/portal/page/portal/european\\_neighbourhood\\_policy/documents/AGA\\_Report\\_Moldova\\_final\\_02072013.pdf](http://epp.eurostat.ec.europa.eu/portal/page/portal/european_neighbourhood_policy/documents/AGA_Report_Moldova_final_02072013.pdf)

## SUMMARY

The purpose of the paper is to highlight the context of visa liberalization process, giving an outline about the prospects that will result for youth from the Republic of Moldova. Over the last decade, the EU developed a variety of instruments to build the relations with its neighbors, including in the field of migration and free movement of persons. In case of Moldova, the cornerstone consists of the Mobility Partnership, which allowed implementing measures to promote legal migration and to facilitate the returning actions.

In addition, EU launched bilateral Visa Dialogues with Moldova, Ukraine and Georgia. In this framework Visa Liberalization Action Plans were developed by the EU with each of these Eastern Partner. Before that Visa Facilitation and Readmission Agreements were negotiated, signed and implemented. Recently, Ukraine and Moldova have signed amending visa facilitation agreements. According to the amendments a range of facilities for short term visits have been offered. Hence, the visa facilitation procedures have been supplementary eased, by introducing new categories of beneficiaries and extending the facilities for multi-entry visa issuance.

Besides, the paper unveils the problematic nature of migration, presenting its origins and the way it affects the life of youth. To address these issues, the EU's Global Approach to Migration and Mobility proposes greater mobility for students and researchers within the existing Mobility Partnerships and urges for more actions aiming at increasing the mobility for non-EU nationals.<sup>3</sup> Mainly, that refers to students, researchers (and highly qualified workers), which brings into discussion the Directive on students (2004/114/EC) of 13 December 2004, and the Directive (2005/71/EC) of 12 October 2005 related to researchers. At present, a process of unification of the two Directives takes place that appears to yield a more consistent and completed framework regulating the conditions of entry and

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<sup>3</sup> European Commission, [\*The Global Approach to Migration and Mobility\*](#), Brussels, 18.11.2011 COM(2011) 743 final, p. 14. "This issue could be further explored, taking into account Member State competence and measures to combat brain drain, e.g. through circular migration. This could be done, in particular, by making better use of existing Mobility Partnerships to enhance and facilitate exchanges, of current international mobility programmes and, from 2014 on, of the future single programme for education, training and youth, and Horizon 2020 (the future Framework Programme for research and innovation)".



residency for students, researches and other categories. Moldova appears to undertake steps towards legislation approximation with EU's acquis, which also touches the Directives. That is justified with visa liberalization process and advancing of the Mobility Partnerships towards mobility.

Overall, the visa-free regime implies a large list of positive aspects, bringing obvious benefits for the most mobile category of Moldovan society – youth. Among the most outstanding outcomes stemming from visa liberalization the increase of mobility can be distinguished; as well as strengthening the ties within emigrants' families (that refers only to short term visits); the strengthening of the cultural bonds between Moldovans and citizens from different member states; the fostering of “brain circulation” and values sharing and exchange.

However, there are a set of constraints that should be taken into account. The latter refers to the duration of stay that cannot exceed 90 days; and, the purpose of travel, which should be related to “people-to-people” activities, tourism or business. To harness these possibilities, authorities should raise awareness among the youth concerning their rights and obligations stemming from the visa-free regime provisions. Furthermore, to motivate youth to apply these opportunities, clear actions towards mobility should be implemented (e.g. developing and/or improving the informative tools related to academic and mobility programmes, funded by the EU and/or the Member States).

## Overview

Freedom of movement and policies ensuring that, both national and external ones has a tight correlation with the country's profile from the perspective of migration. In this respect, Moldova is considered to be primarily a country of origin of migration, and less one of destination or transit.<sup>4</sup> The main reason which stands behind emigration has an economic roots, and it consists of scarce economic conditions (small salaries, lack of well paid jobs etc.) in Moldova and the common perception about higher living standards abroad (especially when it comes about European countries). Moreover, the country's European integration brings about additional attention towards migration, bearing in mind the variety of policies developed by the EU setting frameworks for management and coordination of migration from countries of its neighborhood (Mobility Partnerships, Visa Facilitation and Readmission Agreements, Visa Liberalization Action Plans). Also, Moldova emphasizes continuously the interest for implementing the best practices applied in the EU.

According to the data findings obtained by International Organization for Migration (IOM), the share of emigration is a matter of concern and interest for Moldova, which faces a population and workforce decline. The report on Extended Migration Profile of the Republic of Moldova, issued by IOM in 2012, shows that the educated migrants, with secondary to higher education, opt to migrate to the EU. While less skilled persons are attracted by Russia as leading destination of Community of Independent States (CIS) migration corridor, Turkey or Israel. Noticeably, an important group among those with higher education consists of young persons aged 25–34 years old, who due to a variety of reasons (lack of experience, skills, or, small salaries) faced difficulties in finding a job after graduation.<sup>5</sup>

To minimize the negative impact of migration on population, a list of measures was proposed. That refers to fostering return migration and circular labour migration or actions aiming to improve the national migration management, with an emphasis on institutional capacity development, and implementing the commitments coming from visa facilitation and readmission agreements. When it

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<sup>4</sup> European Commission, *Report on Preliminary Assessment on Possible Migratory and Security Impacts of Future Visa Liberalisation for the Republic of Moldova on the European Union*, (COM/2012/0443 final), Available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0443:FIN:EN:HTML>

<sup>5</sup> International Organization for Migration, *Extended Migration Profile of the Republic of Moldova*, 2012, Available at:

[http://iom.md/attachments/110\\_emp\\_report.pdf](http://iom.md/attachments/110_emp_report.pdf)

comes to young persons, it was proposed to adjust the national education system to national labour market needs. Furthermore, the improvement of academic mobility and the boosting of skills are seen as means to minimize the effect of brain drain.<sup>6</sup>

Public perceptions about education's quality and labour market constitute significant factors with high potential of influencing the decisions to emigrate, especially among young persons.

The State of the Country Report of 2013 shows that the negative perception about the education's quality is spread among all age categories, this attitude being shared across the entire society. Particularly, less people believe that education bring real opportunities for life achievements. The share of pessimistic persons has increased in 2013 in comparison with 2009. Today, 31% of citizens underestimate the role of education qualification in order to succeed afterwards (answer "to small extent" – 15% in 2009 versus 31% in 2013). The same report underscores that there is a mismatch of educational specializations of graduates with the jobs offered by the labour market, and that makes the population of young people prone to look for a job abroad. Hence, according to data delivered for 2013, the answer "surely yes" for leaving the country constitutes 39.1% by the age category of 18-19-years-old. Therefore, emigration is seen as an option by people among all categories, even though predominantly among youth.<sup>7</sup>

The share of higher education has grown steadily with a rate of 63% from 2005 to 2010, and in 2010 represented 40 per cent of all graduates with upper secondary to higher education. While the labour market demands skilled workers, about 80% of registered vacancies are for candidates with a secondary vocational education. However, the candidates with higher education can afford easily to obtain a position. That leads to the situation when young persons with higher education get employed in areas, which don't correspond with their specialization. This phenomenon was dubbed as "skills waste". According to the IOM, a similar aspect is correlated to migration. Hence, a 2007 survey emphasized that 35% of returning migrants with university education had worked in construction, while 28% had worked as domestic workers.<sup>8</sup> In fact, the described situation depicts duly the

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<sup>6</sup> Ibid.

<sup>7</sup> Think tank "Expert-Grup", *Republic of Moldova 2013: State of the Country Report*, July 2013, Available at: <http://expert-grup.org/en/biblioteca/item/828-republica-moldova-2013-raport-de-stare-a-%C8%9B%C4%83rii&category=7>

<sup>8</sup> IOM, Available at: [http://iom.md/attachments/110\\_emp\\_report.pdf](http://iom.md/attachments/110_emp_report.pdf)

“brain drain”<sup>9</sup> process turned into the “brain waste”, when Moldovan emigrants obtain jobs with lower qualifications than their educational background.<sup>10</sup>

Hence, the mobilization phenomenon among youth has a multi-dimensional character that is correlated with economic and educational incentives. The latter together with the country’s engagement in approximation with the EU’s norms, including in the field of migration, appear to become another factor that can considerably spur the mobility of young people.

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<sup>9</sup> The proportion of migrants with higher education was 10% in 2010, but it tends to increase. European Commission, *“Possible Migratory and Security Impacts of Future Visa Liberalisation for the Republic of Moldova on the European Union”*, Brussels, 3.8.2012, COM(2012) 443 final, p.7.

<sup>10</sup> Think tank “Expert-Grup”.

## Youth Mobility – legal and policy frameworks

Since 2008 the short-term mobility (3 months) for Moldovan nationals was significantly eased due to the EU-Moldova agreement on the facilitation of the issuance of visas<sup>11</sup>. The latter foresaw two important categories of facilities that also covered the youth: multi-entry visa issuance and fees for visa application. Firstly, different categories of young persons were considered eligible for multi-entry visas available up to one year.<sup>12</sup> Secondly, the facilitations envisaged the free of charge visa application, which would cost 35 EUR as for all citizens (in fact, Moldova's nationals should pay 35 EUR for a Schengen visa due to Visa Facilitation Agreement, while before that the tax was 60 EUR), for a short number of groups of population that included young persons.<sup>13</sup>

The inauguration of the Common Application Center (CAC) in 2007 allowed the youth, along with other age categories of citizens, to apply for visa of the European countries without accredited diplomatic missions to Moldova. In 2011, the Center represented 13 member states, including Norway and Switzerland (non-EU states), and Hungary that is hosting the CAC.<sup>14</sup>

A more specific framework focused on cooperation between the Union and third countries in the field of migration, known as Mobility Partnership, was established by the EU and Moldova on 5 June 2008. The Partnership aims at facilitating legal migration, cooperation on migration and development, preventing and combating irregular immigration and human trafficking, as well as readmission and return actions.

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<sup>11</sup> European Union, *Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas*, 2007, Available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:334:0169:0179:EN:PDF>

<sup>12</sup> According to the EU-Moldova agreement on visa facilitation, the youth entitled to apply for multi-entry visas could be represented primarily by the following categories: (i) representatives of civil society organisations travelling regularly to Member States for the purposes of educational training, seminars, conferences, including in the framework of exchange programmes; (ii) persons participating in scientific, cultural and artistic activities, including university and other exchange programmes, who regularly travel to the Member States; (iii) students and post-graduate students who regularly travel for the purposes of study or educational training, including in the framework of exchange programmes; (iv) participants in international sports events and persons accompanying them in a professional capacity etc.

<sup>13</sup> The categories of youth benefiting from visa fee waving along with other groups of population were consisted of the following: (i) pupils, students, post-graduate students and accompanying teachers who undertake trips for the purposes of study or educational training, including in the framework of exchange programmes as well as other school related activities; (ii) participants in international sports events and persons accompanying them in a professional capacity; (iii) persons participating in scientific, cultural and artistic activities including university and other exchange programmes; and others.

<sup>14</sup> Official page of the Common Application Center, Available at: <http://www.cac.md/>

The latter refers mainly to promoting of legal migration, migration and development and the combating of the illegal migration, which are the major purposes of various projects developed by the fifteen EU Member States taking part at the Partnership. The project implemented by the Swedish Public Employment Service<sup>15</sup>, involving eleven other EU Member States, seeks to strengthen the Moldova's capacity to manage labour and return migration.<sup>16</sup> However, the activities included in this project tackled in general the issues referred to migrants, and only indirectly targeted the youth. In this sense, in order to prevent a potential youth massive migration targeted and permanent actions are necessary (related both on mobility informing and public awareness campaigns with a focus on the consequences of the irregular migration)<sup>17</sup>.

The Partnership's goals mention circular migration as well; in practice, Moldovan migration patterns are characterized by the emigration-return-remigration cycle.<sup>18</sup> The experts in the field of circular migration pointed out that Moldova is interested in applying various forms of circular migration, but that depends on the facilitations generated by the EU Member States, which can be developed under the Mobility Partnership. However, the experts concluded that the circular mobility is fairly limited. In case of Moldova that refers to the cooperation with Poland, which set possibilities for Moldovan circular migrant workers.<sup>19</sup>

Overall, the Mobility Partnership aims to ensure that the conditions required for well-managed migration and mobility in a secure environment are in place, especially in relation with European Neighborhood. The latter is possible due to the existent legal instruments (visa facilitation and readmission agreements) and political instruments (policy dialogue and action plans). In case the political and legal tools are efficiently implemented, the EU may consider doing steps towards visa liberalization, but on gradual basis and with a considerable conditionality.<sup>20</sup>

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<sup>15</sup> Consolidation of Migration Management capacities in the Republic of Moldova, <http://www.legal-in.eu/en/archive/116-final-conference-of-the-eu-funded-project>

<sup>16</sup> Raúl Hernández i Sagrera, *Assessing the Mobility Partnerships between the EU and Moldova and Georgia*, Available at: [http://www.easternpartnership.org/publication/mobility-and-migration/2011-08-23/assessing-mobility-partnerships-between-eu-and-moldova#\\_ftn9](http://www.easternpartnership.org/publication/mobility-and-migration/2011-08-23/assessing-mobility-partnerships-between-eu-and-moldova#_ftn9)

<sup>17</sup> Communication on the Final Conference of the EU funded project, Available at: <http://www.legal-in.eu/en/archive/116-final-conference-of-the-eu-funded-project>

<sup>18</sup> Anna Di Bartolomeo, Shushanik Makaryan, Sergo Mananashvili, Agnieszka Weiner, *"Circular Migration in Eastern Partnership Countries An overview"*, CARIM-EAST. Available at: <http://www.carim-east.eu/media/CARIM-East-2012-RR-30.pdf>

<sup>19</sup> Ibid.

<sup>20</sup> European Commission, *The Global Approach to Migration and Mobility*, Brussels, 18.11.2011 COM(2011) 743 final, p. 11, Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0743:FIN:EN:PDF>

According to the EU's new policy framework on migration and mobility (Global Approach to Migration and Mobility (GAMM)), the Mobility Partnerships should include even more aspects related to mobility. In fact, mobility of nationals from European Neighborhood third across the external EU borders has a strategic importance. It refers to a wide range of people, which include also students, researchers, and foresees a broader concept than migration.<sup>21</sup>

The GAMM clearly specified that Partnerships can be used for promoting greater mobility for students and researchers for citizens from ENP's countries. Hence, it foresees that Partnerships would enhance and facilitate exchanges of the future single programme for education, training and youth, facilitating also Horizon 2020 (a future Framework Programme for research and innovation). On the other hand, it is proposed to be established institutional networks and twinning of universities in EU Member States, involving partner countries, and adapting curricula, qualifications and certification processes that would correspond to the labour market needs of both sides. Also, GAMM emphasizes that the EU should support Member States to extend their range of bilateral youth mobility agreements, offering them also to Mobility Partnership countries, where Moldova takes part as well.

As one of the top priority related to organising and facilitating legal migration and mobility, the GAMM has recommended to implement, and also to amend the Directives<sup>22</sup> on students and researchers in case it is necessary. Moreover, the Migration and Mobility Resource Centers within the Mobility Partnerships was suggested to be set up. The Centers would be designed to provide information from available sources of EU Immigration Portal. Besides, the Centers can also carry out actions dedicated to pre-departure measures focusing on skills matching, skills upgrading and proficiency in EU languages, in cooperation with Public Employment Services, EU agencies and other stakeholders.<sup>23</sup> However, the Bureau for Migration and Asylum of the Republic of Moldova works and its branches in Cahul and Balti work with issues related to migration, the documentation of foreign citizens, invitations issuing and visa extension<sup>24</sup>. In this

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<sup>21</sup> Ibid.

<sup>22</sup> The mentioned Directives include: (i) Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service; and, (ii) Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.

<sup>23</sup> The Global Approach to Migration and Mobility.

<sup>24</sup> Interview, "New regional centers of the Bureau for Migration and Asylum were opened in Balti and Comrat", Radio Free Europe, September 20, 2012. Available in Romanian at:

<http://www.europalibera.org/content/article/24770031.html>



sense, the possibility to add to the current Bureau's activity some of the functions foreseen for the above mentioned Centers can be analyzed.

Among future priorities underpinned by the EU-Moldova Mobility Partnership, the actions mostly affecting youth are the following<sup>25</sup>:

- Setting up a legal framework for recognition of diplomas, academic qualifications, skills and competencies (including skills obtained as a result of non-formal and informal learning);
- Improving the information on academic mobility opportunities in partner countries, using innovative tools (electronic database with aggregated information about academic opportunities in all member states).

The recently amended visa facilitation agreement of 2008 envisages a number of steps boosting the people-to-people contacts, entering into force since 1<sup>st</sup> July. The amendments extend largely the benefits<sup>26</sup> for Moldovan citizens, and provide clearer facilities that stretch primarily over the civil society, including the young persons.

Notably, it should be underscored that the amended agreement foresees an extension of visa fee wave on: (i) participants aged 25 years or less in seminars, conferences, sports, cultural or educational events, organised by nonprofit organisations; (ii) representatives of civil society organisations undertaking trips for purposes of educational training, seminars, conferences, including in the framework of exchange programmes.<sup>27</sup>

In June 2010, the EU-Moldova Visa Dialogue was launched in order to start the process on a potential visa liberalization regime, as a long-term objective. Later, the Action Plan on Visa Liberalization (VLAP) was proposed on 16 December 2010.<sup>28</sup> Consequently, during two days visit on 24-25 January 2011 to Chisinau,

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<sup>25</sup> According to information delivered during the interviews with the representative of the Ministry of Foreign Affairs and European Integration of the Republic of Moldova, July 2013.

<sup>26</sup> The member states are enabled to issue multiple-entry visas with a term of validity of five years and not "up to 5 years" to the preferential categories of persons like public servants, business, journalists and other specific groups. Also, the visas can be issued for one year instead of "up to one year" for a variety of categories of citizens, but also for youth on the basis of relevant motivation.

<sup>27</sup> European Union, *Agreement between the European Union and the Republic of Moldova amending the Agreement between the*

*European Community and the Republic of Moldova on the facilitation of the issuance of visas*, Official Journal of the European Union, June 26, 2013, Available at:

[http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2013/docs/20130701\\_vfa\\_agreement\\_moldova\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2013/docs/20130701_vfa_agreement_moldova_en.pdf)

<sup>28</sup> European Commission, *First progress report on the implementation by the Republic of Moldova of the Action Plan on Visa Liberalization*, Available at:

the European Commissioner for Home Affairs, Cecilia Malmström, presented the Action Plan on visa liberalization to Moldovan counterpart. The document lays down a set of technical conditions (benchmarks), divided into 4 blocks<sup>29</sup> of prescribed actions, to be met by Moldova to make possible the establishment of a visa-free travel regime.<sup>30</sup>

Notwithstanding the visa liberalization is seen as one of the priorities of the Eastern Partnership, and it is also being considered as an effective tool promoting the mobility of citizens, it is emphasized as a long-term objective that can take place “only and after the well-managed and secure mobility will be ensured”<sup>31</sup>.

Also, it should be highlighted that the visa liberalization will not change the conditions for entry and stay laid down in the Schengen Borders Code for short stays and in national law for long stays. Consequently, the visa-free regime doesn't imply an automatic right of entry and stay for Moldovan citizens. Neither does it mean an absence of controls of the conditions for entry and stay. In particular, even after the introduction of a short-term visa-free regime, Moldovan citizens, when crossing the external borders of the Member States, would have to justify their visit by providing documentary evidence, the purpose and conditions of their journey as well. It also will include the presentation of information related to the intention to leave the territory of a Member State before the maximum duration of authorized stay (90 days in any 180-day-period). Nevertheless, visa liberalization will reduce the preparation time and costs associated with travelling to the Schengen area.<sup>32</sup>

### **Recommendations proposed to improve the legal and policy frameworks on youth mobility:**

- Elaborating youth oriented projects within Mobility Partnership focused on mobility and educational programmes (including training, seminars, etc.);

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[http://ec.europa.eu/home-affairs/news/intro/docs/20110920/MDVLAP1stProgressReportSEC20111075\\_F\\_EN\\_DOCUMENT\\_TRAVAIL\\_SERVICE.pdf](http://ec.europa.eu/home-affairs/news/intro/docs/20110920/MDVLAP1stProgressReportSEC20111075_F_EN_DOCUMENT_TRAVAIL_SERVICE.pdf)

<sup>29</sup> The 4 blocks of benchmarks envisage: 1. Document security, including biometrics; 2) irregular migration, including readmission; 3) public order and security; 4) external relations and fundamental rights.

<sup>30</sup> European Commission, *Action Plan on Visa Liberalization for the Republic of Moldova*, Available at: [http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2011/20110124\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2011/20110124_en.htm).

<sup>31</sup> Joint Declaration of the Prague Eastern Partnership Summit, Prague, 7 May 2009, Available at: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/er/107589.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/107589.pdf)

<sup>32</sup> European Commission, *Possible Migratory and Security Impacts of Future Visa Liberalization for the Republic of Moldova on the European Union*, Brussels, 3.8.2012 COM (2012) 443 final, p. 4.

- Promoting through public informative campaigns the advantages of the new amendments to the visa facilitation regime, with common efforts of youth NGOs, state institutions and EU's representation in Moldova.

## Moldovan government's policies

Given the consequences (“brain-drain”<sup>33</sup>, “brain-waste”, family disintegration) caused by the emigration over last ten years, the Government’s actions seem to be oriented to diminish the negative impact of migration and transform it into a source of development. But the existing fragmented and scarce statistic reporting prevents from charting an overall picture over migration and migrant’s profile, thus helping to improve the efforts to manage migration. Moreover, the measures carried out to minimize the negative outcomes are undermined by delayed or slowed corrections of shortcomings stemming from economic and educational systems. Notwithstanding that, the central authorities tend to deal with two persisting phenomena coupled with migration - “brain drain” and “brain waste”.

To address the problem of “brain drain” among young people, since 2008 the authorities implement the National Program for Economic Empowerment of Youth aiming at helping the young persons from rural areas to start their own businesses, by providing reimbursable commercial credits from the external loan proceeds, including 40% grant component to persons aged between 18-30 years old. By May 2010, 377 projects were approved for financing. At the same time, it lacks the information about the number of businesses initialed by youth that are sustainable and workable at present day.<sup>34</sup>

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<sup>33</sup> “The brain drain phenomenon is still an issue in Moldova, particularly among the young, but intellectual migration becomes more opportunity-driven rather than needs-driven”. Olga Kupets, The Economic and demographic effects of labour migration in the EU Eastern partners and Russia: a synthesis report, Research Report CARIM-East RR 2012/26. Available at: <http://www.carim-east.eu/media/CARIM-East-2012-RR-26.pdf>

<sup>34</sup> The official information is missing the data about the current state of businesses started by youth since 2008, which raises questions about the real impact of the project over the young people. Both the information obtained during the interview and the one available on official page of the state institution report the data on amounts of credits and number of the projects. But they overlook data about the business that continue to be functional after the credits were allocated. National Program of Economic Empowerment of Youth (NPEEY) for years 2008-2013

Available at: <http://www.mf.gov.md/en/istitutii/subdivcoord/DLC/PNAET/>

Also, together with European Training Foundation (ETF)<sup>35</sup>, the authorities carry out actions dedicated to vocational education, in particular aiming at approving of the Qualifications System for Vocational Education and Training in Moldova.<sup>36</sup> With the project SIMP developed by IOM, the Government was assisted in bringing back Youth from the Republic of Moldova that graduated abroad. Although the project had a temporary result, it encouraged Moldovan young professionals and graduates to be enrolled in the labour market. However, it is hard to assess the final outcome of the project and to conclude that young beneficiaries didn't leave the country once the project ended.<sup>37</sup>

Another perverse side of the migration that is tackled by central authorities refers to “brain wasting”. In this sense, the action that can be relevant for youth envisages the promoting of competences and qualifications acknowledgement, which is integrated in the National Action Plan for Strategy on Migration and Asylum (2011-2015).

### **Recommendations proposed to improve the Moldovan government's policies on youth:**

- Bringing out the information about the specific actions implemented by European stakeholders using more accessible tools (extending the existing web-pages related to youth or/and developing new online tools), ensuring higher transparency and public visibility that will generate higher participation from youth.

## **Eastern Partnership implications on youth mobility**

As was previously mentioned, visa liberalization is part of top priorities of Moldova within the Eastern Partnership, considered as a significant mean to boosting the mobility of citizens and increasing the people-to-people contacts, although it is emphasized as a long-term goal.

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<sup>35</sup> European Training Foundation is an EU agency that helps transition and developing countries to harness the potential of their human capital through the reform of education, training and labour market systems in the context of the EU's external relations policy. We are based in Turin, Italy, and are operational since 1994. Available at:

<http://www.etf.europa.eu/web.nsf/pages/home>

<sup>36</sup> Workshop On Qualifications System For Vocational Education And Training In The Republic Of Moldova, Available at:

[http://www.etf.europa.eu/web.nsf/pages/EV\\_2013\\_Workshop\\_on\\_Qualifications\\_system\\_for\\_vocational\\_education\\_and\\_training\\_in\\_the\\_Republic\\_of\\_Moldova?opendocument](http://www.etf.europa.eu/web.nsf/pages/EV_2013_Workshop_on_Qualifications_system_for_vocational_education_and_training_in_the_Republic_of_Moldova?opendocument)

<sup>37</sup> According to the information provided during the interview is not endorsed by data about the number of young persons or professionals that keep working in the country even after the finalization of the project.

Primarily, the visa liberalization abolition will refer to all Moldovan nationals, who possess valid biometric passports<sup>38</sup>. As result, the requirement to apply for visa to travel to the EU will be eliminated, but that will imply only the visa for short stay (Visa C). It will allow a stay for a period of maximum 90 days on the territories of the Member States. The exemption from the visa obligation for Moldovan nationals won't introduce the right to travel seeking for a job in the EU and other Schengen countries. The idea of visa liberalization is to foster the people-to-people contacts, but also it will have positive effects over the tourism and business environment. In case of young people the visa liberalization<sup>39</sup> will envisage primarily the areas depicted in the document on European Neighborhood<sup>40</sup>, issued in the eve of the big-bang of 2004. This refers to the facilities for the movement of citizens from neighboring countries participating in EU programmes and activities.

Later, once the EaP got emphasized, specific activities take place in the area related to "Contacts between people", which is part of the 4<sup>th</sup> multilateral platform<sup>41</sup> of the cooperation between EU and partner countries. The Platform on contacts between people supports a closer interaction between EU and partner countries' citizens, focusing in particular on students, academic staff, researchers, young persons, and cultural actors.<sup>42</sup>

The 4<sup>th</sup> platform group composes of 6 policies, while 3 of them are exclusively related to young persons – **education, research and innovation, and youth**:

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<sup>38</sup> The 4th Report on the implementation by Moldova of the Action Plan of Visa Liberalization reveals that from 2 514 335 passports of Moldovan citizens in circulation by 31 December 2012, only 487 745 (or 19.3%) were biometric passports. The same source underscored that the complete phasing out of non-biometric passports is casted for the fall 2020, Available at: [http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/international-affairs/general/docs/4th\\_report\\_on\\_progress\\_on\\_kosovo\\_visa\\_liberalisation\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/international-affairs/general/docs/4th_report_on_progress_on_kosovo_visa_liberalisation_en.pdf)

<sup>39</sup> Actually, mobility and visa policy are interlinked and around 11 million visas were granted by the Member States issuing Schengen visas in 2009. Visa policy is an influential instrument for a forward-looking policy on mobility, as stated in the Commission's Communication of 4 May 2011. *The Global Approach to Migration and Mobility*, Brussels, 18.11.2011 COM(2011) 743 final, p. 3, Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0743:FIN:EN:PDF>

<sup>40</sup> European Commission, *Wider Europe — Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*, Brussels, 11.3.2003 COM(2003) 104 final, p. 11. Available at: [http://ec.europa.eu/world/enp/pdf/com03\\_104\\_en.pdf](http://ec.europa.eu/world/enp/pdf/com03_104_en.pdf)

<sup>41</sup> The Eastern Partnership Multilateral Platforms, Available at: <http://eeas.europa.eu/eastern/platforms/>

<sup>42</sup> European Commission, *Eastern Partnership: A Roadmap to the autumn 2013 Summit*, Brussels, 15.5.2012 JOIN(2012) 13 final, Available at: [http://ec.europa.eu/world/enp/docs/2012\\_enp\\_pack/e\\_pship\\_roadmap\\_en.pdf](http://ec.europa.eu/world/enp/docs/2012_enp_pack/e_pship_roadmap_en.pdf)

	Actions for 2012-2013 <sup>43</sup>		Actions drafted for 2014-2020
<b>Education</b>	TEMPUS, MUNDUS, e-Twinning	ERASMUS	ERASMUS for all <sup>44</sup> and Marie Skłodowska-Curie Actions <sup>45</sup>
<b>Research &amp; innovation</b>	7 <sup>th</sup> Framework Programme (FP7), Horizon 2020		Horizon 2020 <sup>46</sup> - will be open for the EU Neighbourhood starting 2014. <sup>47</sup>
<b>Youth</b>	EaP Youth Programme <sup>48</sup> , EaP Youth in Action Windows		

**Actions that are undertaken or/and planned within the 4<sup>th</sup> Platform – Contact between people (for period 2012-2013<sup>49</sup> and 2014-2020<sup>50</sup>)**

According to data recorded by the Ministry of Education, the number of young people staying in the EU's countries is steadily increasing (from 2417 in 2010 to 3603 in 2011 or a growth of 49%)<sup>51</sup>. Although the latter shows a positive increasing, the overall number is fairly low. Also, an emerging number of young persons submitted their applications for studies within Erasmus Mundus (from 60 in 2007 to 173 in 2010). On the other hand, there are a number of European

<sup>43</sup> See the Annex 1.

<sup>44</sup> ERASMUS for all is a new EU programme for education, training, youth and sport proposed by the European Commission on 23 November 2011, Available at: [http://ec.europa.eu/education/erasmus-for-all/index\\_en.htm](http://ec.europa.eu/education/erasmus-for-all/index_en.htm)

<sup>45</sup> Marie Skłodowska-Curie Actions, Available at: <http://ec.europa.eu/research/mariecurieactions/>

<sup>46</sup> Horizon 2020 is the financial instrument implementing the Innovation Union, a Europe 2020 flagship initiative aimed at securing Europe's global competitiveness. Running from 2014 to 2020 with an 80 billion euro budget, the EU's new programme for research and innovation is part of the drive to create new growth and jobs in Europe, Available at:

[http://ec.europa.eu/research/horizon2020/index\\_en.cfm?pg=h2020](http://ec.europa.eu/research/horizon2020/index_en.cfm?pg=h2020)

<sup>47</sup> Flash Report of the Eastern Partnership Platform 4 Meeting, Brussels, 4 December 2012, 7 December 2012. Available at:

[http://ec.europa.eu/dgs/education\\_culture/international/doc/8report\\_en.pdf](http://ec.europa.eu/dgs/education_culture/international/doc/8report_en.pdf)

<sup>48</sup> It is expected that until the end of 2013 around 1.500 additional projects involving about 21.000 young people and youth workers will be financed through this window having additional 31,5 mil. EUR allocated in order to reach this goal. Flash Report of the Eastern Partnership Platform 4 Meeting, Brussels, 4 December 2012, 7 December 2012.

Available at: [http://ec.europa.eu/dgs/education\\_culture/international/doc/8report\\_en.pdf](http://ec.europa.eu/dgs/education_culture/international/doc/8report_en.pdf)

<sup>49</sup> The Work Program 2012-13 of the Platform 4 of the Eastern Partnership, Available at:

[http://ec.europa.eu/dgs/education\\_culture/international/doc/wp12\\_en.pdf](http://ec.europa.eu/dgs/education_culture/international/doc/wp12_en.pdf)

<sup>50</sup> Flash Report of the Eastern Partnership Platform 4 Meeting, Brussels, 4 December 2012, 7 December 2012.

Available at: [http://ec.europa.eu/dgs/education\\_culture/international/doc/8report\\_en.pdf](http://ec.europa.eu/dgs/education_culture/international/doc/8report_en.pdf)

<sup>51</sup> This data excludes the young persons who obtained individually the scholarships in the EU. This finding is mentioned in the information provided during the interview through conducted research.

citizens coming for studies in Moldova, but their share is fluctuating (230 in 2008; 504 in 2009; 593 in 2010; 463 in 2011).<sup>52</sup>

At the same time, the exchange of researchers appears to have a more limited participation. For example, during 2011 the EU's countries were only visited by 20 Moldovan researchers (19 EU's countries researchers were hosted by Moldova). However, Moldova takes part in different research frameworks set up in Europe like FP7 or CEEPUS III (Central European Exchange Program for University Studies).<sup>53</sup>

The slim share of Moldovan applicants for studies in the EU is determined by the difficulties of obtaining Schengen visa rather than because of the limited academic opportunities. Moreover, there is a gap related to academic mobility within the Mobility Partnership, which prevents from active using of academic mobility by youth. At the same time, the IOM together with Academy of Sciences of Moldova (ASM) developed a project aiming at returning the researches to Moldova for a short-term visit of 7 – 11 days, in order to perform research activities and share their experience at one of R&D institutions or universities of Moldova<sup>54</sup>. The information published on the official web-page envisages only one call for the period 2010-2011. Such projects have are valuable, taking into account the existing demand for mitigating the impact of “brain-drain”. Given that, the number and the periods for return consisted in such projects should be increased. The state institutions like Ministry of Education acknowledged the necessity to develop bilateral and multilateral framework within the Partnership, which would boost the academic mobility with EU's member states.<sup>55</sup>

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<sup>52</sup> According to the information provided during the interview, the number of Moldovan students who benefited from studies in the EU is smaller than the share of European citizens studying in Moldova. At the same time, this information cannot be conformed due to the lack of data.

<sup>53</sup> CEEPUS III is based on an international Agreement signed by the member states and open for accession, including by Moldova. CEEPUS is a university networks operating joint programs ideally leading to Joint Degrees, Joint Doctoral Programs. CEEPUS covers mobility grants for students and teachers in this framework, Available at: <http://www.ceepus.info/>

<sup>54</sup> The project was carried out within the initiative: „Addressing brain-drain through temporary return of expatriated Moldovan scientists and overseas young researchers to strengthen Moldova as a research & development hub and to promote temporary and permanent return and skill transfer”, funded by the EU, implemented by IOM within the project: “Supporting the implementation of the migration and development component of the EU-Moldova Mobility Partnership”. Available at: <http://www.romania.mfa.md/news-archive/482388/>

<sup>55</sup> This finding is based on the information provided during the interviews through conducted research.



### **Recommendations related to youth mobility and Eastern Partnership:**

- Developing more specific project within the Mobility Partnership dedicated to academic mobility across EU's member states;
- Creating additional media tools for promoting the existing academic programmes that are open to Moldovan citizens (FP7, ERASMUS for all, Marie Skłodowska-Curie Actions, CEEPUS III). One of them can look like the page dedicated to “Consolidation on migration management capacities in the Republic of Moldova” ([www.legal-in.eu](http://www.legal-in.eu)) or to Educational Advising Center ([www.eac.md](http://www.eac.md)), and will integrate complete information (both in English and Romania) about all academic opportunities financed by the EU and the member states.

## Students and research Directives' significance

Overall, the EU is in a perpetual process of harmonization of national immigration policies, in order to create a common legal framework. It refers to conditions of entry and residence for certain categories of immigrants, which also include students and researchers. The specific conditions were laid down "to simplify their admission procedures and to provide them with rights that are homogeneous throughout the Union. [...] granting them a range of economic and social rights similar to those of EU citizens".<sup>56</sup>

Immigration with the purpose of studies and research foresees harmonized admission procedures for those who aim at: (i) pursuing studies for achieving a higher education qualification (students); (ii) following recognized secondary education programmes (schoolchildren); (iii) applying for unpaid internships (interns); parting in national or EU volunteer programmes (volunteers)<sup>57</sup>; taking part in researching programmes. In this respect, the EU adopted the Directive on students (2004/114/EC) of 13 December 2004, and the Directive (2005/71/EC) of 12 October 2005 related to researchers. As it was already pointed out, in order to organize and facilitate better the legal migration and mobility, the GAMM has recommended the implementation and further amendment of the Directives.<sup>58</sup> In early 2013, the European Commission has presented a proposal regarding the Directive<sup>59</sup> on the conditions of entry and residence for purposes related to studies, research etc. According to this proposal, the two separated Directive mentioned above shall be unified. Thereby there will be covered the gaps generated by current circumstances that differ from those tackled in the period 2004-2005. Hence, the Commission has suggested updating the current framework regulating mobility by making it more consistent, coherent and comprehensive. Also, the proposal on new Directive broadens the concept of mobility over the entry and residence conditions, moving it beyond the admission

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<sup>56</sup> European Commission, *"Migration and asylum: building and open and safe Europe"*, Available at: [http://europa.eu/pol/justice/flipbook/migration/en/files/migration-and-asylum\\_en.pdf](http://europa.eu/pol/justice/flipbook/migration/en/files/migration-and-asylum_en.pdf)

<sup>57</sup> Ibid.

<sup>58</sup> The mentioned Directives include: (i) Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service; and, (ii) Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.

<sup>59</sup> European Commission, *Proposal (Brussels, 25.3.2013 COM(2013) 151 final) for the Directive of the European Parliament and the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing*, Available at: [http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/immigration/study-or-training/docs/students\\_and\\_researchers\\_proposal\\_com\\_2013\\_151\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/immigration/study-or-training/docs/students_and_researchers_proposal_com_2013_151_en.pdf)

procedures<sup>60</sup>. Moreover, the proposal introduces new categories such as “remunerated trainings” and “au pairing”<sup>61</sup>, which are not taken into consideration by existing Directives. However, the proposal underscores the principles of subsidiarity<sup>62</sup> and proportionality<sup>63</sup> that should be preserved through its implementation. That entitles the Member states to decide on the way of implementing and prevent the EU from asking for a common and perfectly harmonized approach.

According to European Youth Forum, the depicted proposal of the Directive can be improved in terms of reducing the level of bureaucracy, the costs for procedures and for visa, easing the legal conditions for receiving residence permits, and simplifying the conditions of accreditation.<sup>64</sup> Consequently, the EYF’s demand envisages the following recommendations: (1) maximum 60 days for a reaction on an appeal from a decision; (2) abolition of visa fees; (3) visas should be granted for the entire territory of the EU/Schengen Area; (4) immediate implementation by all Member States of the provisions of the Directive, without derogations; (5) automatic and timely provision of residence permits for the full period of any granted visa; (6) an accreditation system for organisations that facilitates and eases the application.<sup>65</sup>

Although the two existing Directives prescribe a set of responsibilities exclusively for Member states, the former are part of requirements demanded within the visa

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<sup>60</sup> Ibid. The current rules under the existing Directives are not sufficiently clear or binding, fully coherent with existing EU funding programmes. Sometimes they fail to address the practical difficulties that applicants face. When combined, these problems put into question whether third-country nationals consistently receive fair treatment under the existing instruments. Also, it consists of shortcomings concerning the admission procedures including visas, rights (including mobility aspects) and procedural safeguards.

<sup>61</sup> Ibid.

<sup>62</sup> The principle of subsidiarity therefore applies, which involves ensuring that the objectives of the proposed action could not be achieved sufficiently by the Member States (necessity test), and considering whether and how these objectives could be better achieved by action on the part of the EU, Available at:

[http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/immigration/study-or-training/docs/students\\_and\\_researchers\\_proposal\\_com\\_2013\\_151\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/immigration/study-or-training/docs/students_and_researchers_proposal_com_2013_151_en.pdf)

<sup>63</sup> The principle of proportionality applies, meaning that ‘the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Treaties’ - Article 5(4) of the Treaty on European Union. The proposal complies with the proportionality principle for the following reasons: (i) the instrument chosen is a Directive, which gives Member States a high degree of flexibility in terms of implementation; (ii) the content of the action is limited to what is necessary to achieve its aim, Available at:

[http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/immigration/study-or-training/docs/students\\_and\\_researchers\\_proposal\\_com\\_2013\\_151\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/immigration/study-or-training/docs/students_and_researchers_proposal_com_2013_151_en.pdf)

<sup>64</sup> Youth Forum (YEF) Reaction & Demands for Improvement of the European Commission’s Proposal on the Conditions of Entry of Third-Country Nationals for the Purposes of Research, Studies, Pupil Exchange, Remunerated and Unremunerated Training, Voluntary Service and Au-Pairing, Available at:

[http://intranet.youthforum.org/sites/default/files/0256-13\\_Reaction\\_to\\_Visa\\_Directive\\_Revision\\_FINAL.pdf](http://intranet.youthforum.org/sites/default/files/0256-13_Reaction_to_Visa_Directive_Revision_FINAL.pdf)

<sup>65</sup> Idem.

liberalization dialogue with countries of Western Balkans.<sup>66</sup> At the same time, in case of EaP countries, neither one of these Directives is directly mentioned. Some stakeholders explain that bringing in the middle the highly advanced relationship between the EU and Western Balkan countries, which have clear and guaranteed perspectives for EU's membership. Other voices expressed the opinion that the Moldovan side has started to harmonize the national legislation with the EU's acquis in the areas covered by the Directives, which excluded the need to specify them in the VLAPs.<sup>67</sup> In this sense, the latter mentions the Law no. 200 on the regime of foreigners in the Republic of Moldova, adopted on 16 July 2010 and entered into force on 24 December 2010. This Law envisages partially the provisions of the Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service.<sup>68</sup> The articles 37 and 41 of this law present the procedure for granting and extension of temporary stay right for studies and humanitarian activities, voluntary or religious ones.

Additionally, the Parliament adopted the Law no. 303, on December 26 2012, which allowed amendments to the Law no. 180 of 10 July 2008 on labor migration. The latter encompasses the provision allowing the foreigners with temporary residence to study to work in accordance with labor legislation, for a period not exceeding 10 hours per week or the equivalent in days during a year.

Besides, the Law no. 200 from 16 July 2010 on the regime of foreigners doesn't reflect the Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research. Nevertheless, the Law no. 180 of 10 July 2008 on labor migration underlines that foreigners visiting Moldova to perform scientific work on the basis of an individual work contract benefits from the right of residence.

Furthermore, the continuous harmonization of the legislation to the Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of

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<sup>66</sup> For in the Roadmap of visa liberalization with Kosovo, the requirements on migration management consist of adopting and implementing the legislation on legal migration in accordance with the EU acquis. That inserts the Directive on the conditions of admission of third-country nationals for studies and training (Directive 2004/114/EC), the Directive on admitting third country nationals for research (Directive 2005/71/EC) as well, Available at:

[http://eeas.europa.eu/delegations/kosovo/documents/eu\\_travel/visa\\_liberalisation\\_with\\_kosovo\\_roadmap.pdf](http://eeas.europa.eu/delegations/kosovo/documents/eu_travel/visa_liberalisation_with_kosovo_roadmap.pdf)

<sup>67</sup> According to the interviews held in July through conducting the research.

<sup>68</sup> Ministry of Foreign Affairs and European Integration of the Republic of Moldova, *Second Progress Report of the implementation by Republic of Moldova of the Action Plan on Visa Liberalisation*. Available at: [www.mfa.gov.md/img/docs/md-2nd-progress-report-final.doc](http://www.mfa.gov.md/img/docs/md-2nd-progress-report-final.doc)

third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service is enclosed in the National Strategy on migration and asylum 2011-2020<sup>69</sup>, approved by the Government in the fall of 2011.

The integration with EU's legal framework dealing with mobility of students, researches and other categories increases the opportunities for Moldova to attract the EU's member states youth. Given the implementation of the Directives, it will be generated more openness for European citizens who desire to study, conduct volunteering activities and have residency in Moldova. That can bring about different benefits in terms of "brain circulation", European values and ideas sharing, mutual enrichment and people-to-people contact fostering.

### Recommendations related to Students and research Directives':

- To be ensured the quickly implementation of the newly proposed Directive once it is adopted, bearing in mind the existence of EU's countries that are less open in the field of immigration. The recommendation belongs to the Youth European Forum and it is addressed to all Member States.<sup>70</sup>
- Adopting measures in accordance with the recently drafted Directive (Brussels, 25.3.2013 COM (2013))<sup>71</sup> by the Moldovan authorities, in order to integrate the country in the European common rules and conditions for youth mobility. That relates to provisions that were lacking in the previous two Directives<sup>72</sup> discussed above – remunerated trainings and au pairing.

<sup>69</sup> National Strategy on migration and asylum 2011-2020. Available at:

[http://gov.md/public/files/ordinea\\_de\\_zi/06.07.2011/Intr02.pdf](http://gov.md/public/files/ordinea_de_zi/06.07.2011/Intr02.pdf)

<sup>70</sup> European Youth Forum (YFJ) Reaction & Demands for Improvement of the European Commission's Proposal on the Conditions of Entry of Third-Country Nationals for the Purposes of Research, Studies, Pupil Exchange, Remunerated and Unremunerated Training, Voluntary Service and Au-Pairing, Available at:

[http://intranet.youthforum.org/sites/default/files/0256-13\\_Reaction\\_to\\_Visa\\_Directive\\_Revision\\_FINAL.pdf](http://intranet.youthforum.org/sites/default/files/0256-13_Reaction_to_Visa_Directive_Revision_FINAL.pdf)

<sup>71</sup> European Commission, *Proposal (Brussels, 25.3.2013 COM(2013) 151 final) for the Directive of the European Parliament and the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing*, Available at:

[http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/immigration/study-or-training/docs/students\\_and\\_researcher\\_sproposal\\_com\\_2013\\_151\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/immigration/study-or-training/docs/students_and_researcher_sproposal_com_2013_151_en.pdf)

<sup>72</sup> Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service. Available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:375:0012:0018:En:PDF>

Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research. Available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:289:0015:0022:EN:PDF>

## Impact<sup>73</sup> of EU's visa liberalization on youth

**Increasing mobility** – higher and more active participation at the EU funded programs (Twinning programs, projects financially supported by the Council of Europe, projects within regional platforms – Black Sea etc.).<sup>74</sup> That refers to new created opportunities (initiatives, frameworks) as a result of visa liberalization. Additionally, it can foster the ties between the youth organizations from Moldova and the member states due to the removal of procedural barriers previously obligatory during the application for Schengen short term visas. Particularly, that can intensify the people-to-people contacts with the member state from the immediate neighborhood (for instance, in relation with Romania<sup>75</sup>).

**Growing participation** – eliminating the restrictions will strengthen the interest of young persons to participation at public and narrow specialized youth events organized in Europe, which today still face different obstacles related to Schengen visa procedures. That means a higher motivation produced among young people to take part in European educational and mobility projects, being related to pulling effects of the European integration as such.

**Sharing and exchange values** – Moldovan youth as the most mobile social and age category will become an active promoter of Moldovan values abroad, building a positive image in EU's member states, which is extremely important from the point of view of public diplomacy in the context of European integration. Moreover, a larger access to events carried out in Europe will step up the transfer

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<sup>73</sup> As a result of the visa liberalization, the incentives for strengthening the bonds with Romania can be generated. According to the opinion expressed during the interviews, once the Schengen visa requirements will be lifted, it might alter automatically the visa regime between Romania and Moldova, which will be also liberalized due to implementation by Romania of all directives and amendments on them (including in the area of Justice and Internal Affairs). That will allow to fostering the cultural and people-to-people contacts between youth on both sides of the Prut River. In the same time, it will ease the costs coming from processing national visa free of charge for Moldovan citizens by Romania. Hence, the saved financial sources could be channeled into developing programmes and initiatives for strengthening the communication and interaction between Moldovan youth and Romanian one (who are European citizens). In this way, the sharing and transferring of European values and ideas can be spurred up.

<sup>74</sup> According to the interviews held in July through conducting the research.

<sup>75</sup> As EU member state Romania should implement duly the EU's norms and the corresponding amendments to them. Hence, Romania will apply automatically the revisions to the Council Regulation (EC) No 539/2001 once the EU-Moldova visa liberalization will enter into force, and Moldovan nationals will be exempt from the requirement to possess Schengen visa for short stay travel to the EU. Consequently, Romania will be entitled to stop issuing short stay national visa for Moldovan citizens. That will allow citizens to benefit from visa-free travel, which can spur up the bilateral cultural bonds (including the cross border cooperation) with a positive impact on Moldovan youth mobility. Opinions expressed during the interview with the representative of the Consulate Section of the Embassy of Romania in Chisinau, Chisinau, July 24.

of knowledge and ideas, and at the returning they can play a significant role in transferring European values (such as European diversity and multiculturalism) and boosting the creativity and innovation in Moldova. Also, that will contribute to promote better familiarity among cultures.

**Strengthening family bonds** – the visa-free regime (short stay visits) will allow the return of parents to Moldova and the possibility of the young people to visit their families settled in the member states.

**“Brain circulation” or youth exchange** - the visa-free regime for Youth from the Republic of Moldova will encourage them to take part in European programmes<sup>76</sup> (both developed by Member States or/and by the EU). That will allow them to acquire skills and knowledge through a period and then bringing them to Moldova due to the mobility frameworks, established by the EU namely with its neighbors.

**Table 1.<sup>77</sup> Visa free regime’s advantages for Moldovan youth redistributed by local (national), regional and European levels.**

	Local/national level	Regional level	European level
<b>Local/ national level</b>	- Increasing mobility; - Growing participation; - Family reintegration.		
<b>Regional level</b>		- Increasing mobility; - “Brain circulation”; - Sharing and exchange values.	
<b>European level</b>			-Family reintegration (short stay visits); - Sharing and exchange values; - Increasing mobility; - “Brain circulation”.

<sup>76</sup> The programmes envisage the activities of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing.

<sup>77</sup> The Table outlines the advantages of the visa free regime on Moldovan at the local (national), regional and European levels. That unveils the levels of impact anticipated for the case when Moldovan youth will be entitled to move across EU’s countries without visa (it refers to short term visas – Visa C).



## Constraints

Mainly, the abolishment of the visa regime will imply a set of constraints that refer to: (1) duration of stay that cannot exceed 90 days; and, (2) the purpose of travel, which should be related to “people-to-people” activities, tourism or business duly respecting the conditions of legal stay on the territories of member states. Thus, all attempts to break the rules of short stay can conduct to subsequent restrictions for travelling in the EU. In other words, the visa liberalization is a clearly configured regime that depends on the way the third countries comply with Schengen’s requirements. It refers to cases of misuse or abuse of stay conditions of stay, including the travel with the purpose to get employed on the territories of member states. Recently, the European Parliament approved a new visa waiver suspension mechanism in order to avoid irregularities or abuse that can be generated by visa liberalization. According to the Commissioner for Home Affairs Cecilia Malmström<sup>78</sup>, visa waiver suspension mechanism will contribute to preserving the integrity of the visa liberalization processes. Actually, the latter includes the temporary reintroduction of the visa requirement for citizens of a certain third country, under strict conditions and after thorough assessment by the European Commission. The new tool doesn’t target specific countries, and will be applied equally to all countries that benefit or will benefit from visa-free travel to the EU in the future. This refers to Moldova as a potential beneficiary of the visa-free regime.

To sum up, even if Moldova is not yet part of such a regime, the national authorities should undertake all the necessary actions to avoid in the future possible abuses of the visa-free regime by all its nationals, including by the youth.

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<sup>78</sup> Cecilia Malmström on the adoption of a visa waiver suspension mechanism. Available at: [http://europa.eu/rapid/press-release\\_MEMO-13-784\\_en.htm](http://europa.eu/rapid/press-release_MEMO-13-784_en.htm)

## CONCLUSIONS

The visa liberalization consists of a range of benefits that will serve Moldovan youth interested in gaining academic, volunteering or other relevant experiences. The major direct effect will stem from the higher possibilities for mobility and participation to the various events, seminars, trainings and programmes held across Europe.

To obtain higher results from the visa-free regime a set of informative tools should be set in order to inform better and to attract larger groups of Moldovan youth to apply for European programmes or the initiatives led by the Member states.

Furthermore, the authorities of Republic of Moldova should ensure that Moldovan youth, as well as other categories of citizens, will not breach the rules accompanied by the visa liberalization. In this sense, the main recommendation contains the organization of awareness raising campaigns, both at the local level and for the Moldovan temporary settled abroad. This task can be accomplished with the participation of main stakeholders in the field (Ministry of Foreign Affairs and European Integration, Ministry of Youth and Sport, Ministry of Education, Bureau for Diaspora Relations, National Youth Council of Moldova and other youth organizations, EU Delegation and other Member states' diplomatic missions, business and other relevant institutions).

## General Recommendations

- **Raising awareness campaigns**<sup>79</sup> – to be conducted by the Moldovan authorities in order to inform the population, in particular the youth, about both benefits and limitations of the visa liberalization. Also, the information provided to young people should refer to the legal conditions for returning in case of overstays.<sup>80</sup> The actions should refer both to media tools (especially social networks), public events (roundtables, seminars etc.), in collaboration with youth NGOs (for example, Youth Euro clubs<sup>81</sup>), the authorities at the central and local levels, and to the EU Delegation.
- **Developing public-private partnerships** - designed to facilitate the youth with enrolling it into the labor market after the graduation, which would reduce the interest for migration as an option to escape from an environment without clear economic opportunities. This proposal should be developed within discussions with both youth NGOs and the interested business representatives.
- **Setting-up of a data base with information on migrants among youth** - elaborating with common effort of NBS and “Centre for State Information Resources “Registru” a data base with relevant information (also, available for the general public) on migration among youth, in order to set a clear migrant profile and to adopt actions to manage efficiently the migration.

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<sup>79</sup> Informative actions are qualified as essential by the European Commission. Hence, the 4<sup>th</sup> Report of assessment of VLAP is suggesting keeping on “targeted information campaigns aiming to clarify the rights and obligations of visa-free travel, and on rules regulating access to the EU”, Available at:

[http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/internationalaffairs/general/docs/4th\\_report\\_on\\_progress\\_on\\_kosovo\\_visa\\_liberalisation\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/internationalaffairs/general/docs/4th_report_on_progress_on_kosovo_visa_liberalisation_en.pdf)

<sup>80</sup> The raising awareness campaigns can use the positive experience of activities conducted (together with local administrative authorities, sport associations, tourist agencies) by the representatives of Romanian diplomatic mission geared towards informing the population on the conditions for local border traffic permits. The campaigns consisted of delivering informative brochure in the moment of issuing of permits and informative actions target to different categories of citizens (e.g. during the public events). Opinion expressed during the interview with the representative of the Consulate Section of the Embassy of Romania in Chisinau, Chisinau, July 24

<sup>81</sup> Euroclubs were first launched in Portugal in 1990 as youth associations based on the common values and interests of its members with the main goal to inform young people about the European Union, European values and standards. The idea to sett up Euroclubs in Moldova was launched by the EU Delegation to Moldova in early 2011. So far, there were created five Euroclubs in Moldova (in Chisinau, Balti and Cahul). Available at:

<http://www.allmoldova.com/en/moldova-news/1249053890.html>

- **Integrating with European framework on mobility** - adopting measures in accordance with the recently drafted Directive (Brussels, 25.3.2013 COM (2013)) by the Moldovan authorities, in order to integrate the country in the European common rules and conditions for youth mobility.
- **Developing and improving the informative tools related to academic and mobility programmes** - creating additional media tools for promoting the existing academic programmes that are open to Moldovan citizens (FP7, ERASMUS for all, Marie Skłodowska-Curie Actions, CEEPUS III). Fostering the actions towards creating Migration and Mobility Resource Centres within the Mobility Partnership aiming to provide detailed information and consultancy from the available sources of EU Immigration Portal. Or, empowering the existing institutions (Bureau for Migration and Asylum) in order to provide such kind of activities.

To entirely achieve these goals, the actions should be carried out by different frameworks of cooperation and co-ordination between various stakeholders as follows: **state institutions** (Ministry of Foreign Affairs and European Integration, Ministry of Youth and Sport, Ministry of Education, Bureau for Diaspora Relations, Bureau for Migration and Asylum); **civil society** (National Youth Council of Moldova and other youth organizations, including other relevant NGOs), the **EU Delegation and other diplomatic missions of the EU's member states**, and **business** representatives.

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## Annex 1. The most important programmes foreseen by the Work Programme of the Platform 4 of the Eastern Partnership for 2012-13

Education	Research and Innovation	Youth
Tempus - international academic cooperation programme which promotes the modernization of higher education in the countries surrounding the EU, and their close collaboration with EU universities. The budget allocated to Tempus in EaP countries may be increased for the period 2012-13, following the publication of the Communication on "A new response to a changing Neighborhood" 2. Its average annual budget consists of 19 million euro for EaP countries.	7 <sup>th</sup> Framework Programme (FP7)- <sup>82</sup> a framework of international cooperation in research and innovation between non-EU countries and the EU. Information sessions on the calls in the Cooperation, Capacities and People programmes of FP7 will be carried out through 2012 and 2013. As part of awareness raising campaigns was planned information session and video conferences, to allow exchanges of ideas with local universities, research centres, companies and individual researchers.	EaP Youth Programme – a regional programme with a timeframe 2012-2015. The programme aims to support capacity development of government and civil society actors in the youth sector, and to help involve young people in youth policy formulation, implementation and evaluation. Fostering a cross-sectoral approach to responding to the needs of young people, the programme seeks to boost regional cooperation in youth policy development among stakeholders in the Eastern Partnership region. <sup>83</sup> It includes two components: capacity development support and a grants scheme. The grants scheme will support practical projects involving

<sup>82</sup> Moldova became the 14<sup>th</sup> country that joined the EU's Seventh Research Framework Programme (FP7), after a Memorandum of Understanding for the association of Moldova to the EU's Seventh Research Framework Programme (FP7) was signed in October 2011. Moldova was fully associated to FP7 starting with January 2012, Available at: [http://ec.europa.eu/research/iscp/pdf/moldova\\_association\\_fp7.pdf](http://ec.europa.eu/research/iscp/pdf/moldova_association_fp7.pdf)

<sup>83</sup> Description of the Eastern Partnership Youth Programme, Available at: [http://www.enpi-info.eu/maineast.php?id=457&id\\_type=10](http://www.enpi-info.eu/maineast.php?id=457&id_type=10)



young people. This will take the shape of the "EaP Youth in Action Window". The budget constitutes 5.5 million euro.

Erasmus Mundus - aims to enhance quality in higher education through scholarships and academic cooperation between Europe and the rest of the world. The programme offers financial support for institutions and scholarships for individuals. In line with the Communication on "A new response to a changing Neighbourhood, the budget was already increased by 10 million euro in 2011 and will be increased further for the period 2012-13 up to 15 million euro.

**EaP Youth in Action Window** – derives from grant schemes dimension of EaP Youth Programme. It pursues to reinforce the support to concrete initiatives and projects to the benefit of young people and youth workers from the EaP partner countries already available under the Youth in Action Programme. These include Youth Exchanges, European Voluntary Service and Training and Networking opportunities for youth workers and youth organisations from the EaP region and from the EU. It will also be supported by other additional resources from ENPI funding instruments, in complement to the current Youth in Action budget allocated to EaP countries for the period 2012-13.

eTwinning - programme offers a portal which takes advantage of the possibilities offered



by the Internet and digital media to promote European school cooperation, collaborative learning and project based pedagogy. The partial opening of the eTwinning programme to EaP countries will continue in 2012-13, including the adaptation of the e-platform, and the start of partnerships between EaP and EU schools as of 2012.

The information included in the table stems from the Work Program 2012-13 of the Platform 4 of the Eastern Partnership<sup>84</sup>

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<sup>84</sup> The Work Program 2012-13 of the Platform 4 of the Eastern Partnership, Available at: [http://ec.europa.eu/dgs/education\\_culture/international/doc/wp12\\_en.pdf](http://ec.europa.eu/dgs/education_culture/international/doc/wp12_en.pdf)



**EUROPEAN COMMISSION**

## **MEMO**

Brussels, 25 March 2013

# **Clearer and more consistent rules for non-EU nationals coming to the EU for studies, scientific research and other exchanges**

## **What are the current rules?**

The overall objective of the current EU legislative framework is to promote Europe as a world centre of excellence for studies, scientific research and other exchanges. This framework consists of:

- [Directive 2004/114/EC](#) on students, which sets out mandatory rules for the admission of non-EU national students, with an option for Member States to apply the Directive for school pupils, volunteers and unremunerated trainees. If they fulfil the conditions, students are entitled to a residence permit, have certain rights with regard to employment or self-employment which allows them to cover a part of the cost of their studies as well as limited rights to intra-EU mobility in order to pursue their studies in different Member States.
- [Directive 2005/71/EC](#) on researchers, which provides for a fast-track procedure for the admission of non-EU national researchers who have signed a hosting agreement with a research organisation approved by the Member State. The hosting agreement confirms the existence of a valid research project, and that the researcher has the necessary scientific skills to complete the project as well as sufficient resources and health insurance. Researchers can teach and can go to another Member State for up to three months as part of their research project.

These EU rules allow non-EU nationals to acquire skills and knowledge and contribute to Europe's competitiveness. They encourage mutual enrichment between different actors and better familiarity among cultures.

## **Why does the Commission propose to amend these rules?**

In 2011 the Commission presented implementation reports on these Directives<sup>1</sup>, which identified a number of weaknesses.

In 2012 the Commission launched a series of different stakeholders' consultations, including an on-line public consultation. The results of the consultation clearly demonstrated that non-EU national students, researchers and the other groups covered by the current Directives often do encounter difficulties when they want to move to the EU, such as:

- Conditions to enter and stay in the EU are not clear enough and vary between Member States: a number of identified problems were related to the divergent frameworks for issuing visas and/or residence permits. For instance, in the case of researchers, the fact that the residence permit may be given for a shorter period than the duration of the research project can lead to unnecessary complications (cost, time invested, insecurity etc.) related to the need to re-apply for a permit. In addition, often rules on conditions for admission are also not adequately communicated. Such lack of transparency makes it more difficult for students, researchers and other groups of non-EU nationals to come to the EU.
- Applicants often do not know when to expect a decision by Member States on their application for admission: the absence of time limits for assessing applications creates additional uncertainty regarding the outcome of their application which may determine whether they move to another country or not. This may also affect the research organisations and educational establishments concerned, and ultimately undermine the objectives of the Directive.
- Students have limited possibilities to fund their stay through work and there is often no possibility for students and researchers to identify working opportunities in the EU following graduation or the termination of their research project. Also, under current legislation researchers' family members are not guaranteed access to the labour market.
- Moving from one Member State to another can be difficult or even impossible, which has a negative impact on the transfer of skills and knowledge between Member States. This affects for example Erasmus Mundus students enrolled in joint programmes who study in at least two different EU countries (compulsory mobility), but are facing difficulties obtaining the necessary visa.
- Rules are optional for school pupils, volunteers and unremunerated trainees, leading to wide variations between Member States in terms of coverage of groups. Remunerated trainees and au-pairs, who are not covered by any common rules at EU level despite facing similar challenges, would also benefit from increased protection.

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<sup>1</sup> [COM \(2011\) 901 final](#); [COM \(2011\) 587 final](#)



## **Why do we need students and researchers from third countries to come to the EU?**

It is crucial to bear in mind that the EU is facing important structural challenges. Despite the current economic downturn and the rising unemployment levels, many EU Member States still struggle to fill many skilled labour positions. There is evidence that this struggle is going to persist during the decade ahead for both economic and demographic reasons. As an example, according to the Commission's Agenda for new skills and job, it is estimated that by 2015 shortages of ICT practitioners will be between 384 000 and 700 000 jobs, whereas in the health sector there will be a shortage of about 1 million professionals in the by 2020 - and up to 2 million if ancillary healthcare professions are taken into account.

One of the problems is that the EU is not able to attract the workforce it needs while other countries worldwide are doing much better when it comes to making it more appealing for these talents to join them at the earlier stage of universities studies and research projects. The U.S., Australia and Japan, for example, have better incentives to attract talents and to convince them to join their job market, in turn benefitting from the skills and knowledge they have acquired. It is therefore in the EU's own interest to become more attractive for foreign students and researchers and to increase its appeal as a world centre for excellence. More exchange students and international scholars will lead to economic growth, spur innovation and lead to more jobs in the long run.

## **What will change?**

An efficient migratory system that attracts talents from abroad requires one common set of admission conditions and requirements, as well as clear rights and opportunities. Moreover, intra-EU mobility, due to its cross-border character, can only be achieved by common rules at EU level.

The objective is to improve the legal framework applied to non-EU nationals willing to come and temporarily stay in the EU for more than three months for specific purposes.

This entails an increased level of harmonisation through a single and more coherent legislative instrument in the form of a proposal for a recast Directive<sup>2</sup> with a broader scope, which will modify and replace the existing Directives on Students and Researchers.

Concretely, the recast Directive will ensure:

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<sup>2</sup> Denmark and United Kingdom did not take part in the existing Directives and are therefore not bound to apply them. Ireland took part in the Researchers Directive but not in the Students Directive. For the new Directive, DK has an opt out; UK and IE have the possibility to opt in. If IE does not opt in, a legal solution will have to be found in relation to their 'old' opt in for the Researchers Directive.

## **Clearer procedural safeguards regarding the assessment of applications**

With the introduction of time limits the application process will become more straight-forward and transparent, also facilitating non-EU nationals' mobility.

While some parts of the EU immigration acquis already provides for time limits (for example the Blue Card Directive), the proposed Directive lays down a time-limit of 60 days for Member States' authorities to decide on an application. The proposed time limit is further reduced to 30 days in the case of non-EU national students and researchers who come to the EU under Union mobility programmes such as Erasmus Mundus and Marie Curie Actions and their successors.

## **Increased mobility between Member States**

This will allow non-EU national students and researchers, as well as the researcher's family members to circulate between Member States on the basis of the initial authorisation for a given period of six up to twelve months. This is in line with the approach taken under the EU Blue Directive<sup>3</sup>.

Currently, in particular for students, the intra-EU mobility provisions are relatively weak, when non-EU national students should be able to reap the benefits of being mobile within the European Higher Education Area. The new mobility provisions will also cover remunerated trainees.

For Erasmus Mundus students and Marie Curie researchers (and successor programmes), the initial authorisation will cover the whole period of study, no matter how many Member States are involved. No new application or specific information will be needed, when the information on those Member States where the student or researcher intends to go is known in advance. This will avoid situations when a non-EU national may have succeeded in applying for an Erasmus Mundus scholarship, but he or she may have been refused entry into the EU on the basis of immigration rules.

In order to facilitate mobility, Member States will need to set up contact points for receiving and transmitting information needed to implement intra-EU mobility. This would follow the example of the contact points already established under existing migration acquis, such as the Blue Card Directive and the proposal for a Directive on intra-corporate transferees.

## **Increased access to the job-seeking markets**

Students during their studies will obtain the right to work for a minimum period of 20 hours per week, allowing for more possibilities to be autonomous and fund themselves (under the current Students Directive this right is limited to minimum 10 hours). Yet, their access to the labour market may be restricted by Member States depending on the situation of the labour market.

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<sup>3</sup> [Council Directive 2009/50/EC](#), on the conditions of entry and residence of third country nationals for the purposes of highly qualified employment.

Both students and researchers after graduation or after their research contract comes to an end could be granted the possibility to remain under certain conditions on the territory of the respective Member State for a period of 12 months to identify job opportunities or set up a business. In a period of more than 3 and less than 6 months, Member States could ask the non-EU nationals to provide documentation that they are genuinely looking for a job (for example, copies of the letters and CVs sent to employers) or are in the process of setting up a business. After 6 months, they could also ask the non-EU nationals to provide evidence that they have a genuine chance of being hired or of launching a business. In order to be able to make use of this possibility, non-EU national students and researchers have to comply with the general conditions for admission of the Directive, notably by proving that they have sickness insurance for all the risks normally covered by the host Member State and that they are not considered a threat to public policy, public security or public health.

This would not amount to an automatic right to work, as, granting a work permit remains a national responsibility.

## **Who is concerned?**

Under the existing Student Visa Directive rules for non-EU national schools pupils, volunteers and unremunerated trainees were optional. Some countries applied these rules whereas others did not, as evidenced in the implementation report. Today's proposal makes the provisions for these groups mandatory, which will increase the EU attractiveness as a destination for them.

The scope of the proposal is broadened to cover also au-pairs and remunerated trainees.

Au pairs are not covered by any EU legislation despite their specific vulnerability which is linked to the family context in which they work (which cannot be subject to regular controls). There is evidence that au-pairs can be exploited by host families in terms of long hours or underpayment. In order to address their specific needs, the proposal gives a common definition to this group and provides for specific conditions for admission, in particular regarding: the age range (i.e. not less than 17 but not more than 30 with possibility for 'justified exceptions' regarding the upper age limit) and evidence that the host family undertakes responsibility for them as regards subsistence, accommodation and social security risks.

Similarly, remunerated trainees face challenges comparable to those met by unpaid trainees (such as underpaid forced labour work or disguised employment). As they fall outside the scope of the proposal on intra-corporate transferees (ICTs), and would therefore risk not to be covered by any type of EU legislation, their protection is now foreseen under the recast.

## STATISTICAL ANNEX

### Number of residence permits to non-EU national students and researchers:

#### Students: All educational reasons

The available information shows that the widest number of non-EU national students for 2011 in Member States covered by the 'Students Directive'<sup>4</sup> reside in: France (64,794), Spain (35,037), Italy (30,260) and Germany (27,568).

Member State	2008	2009	2010	2011
Belgium	6.743	7.222	5.695	4.035
Bulgaria	1.168	1.623	1.492	1.058
Czech Republic	4.220	4.142	5.153	4.988
Denmark	19.279	6.406	6.068	6.115
Germany	29.985	31.345	30.035	27.568
Estonia	339	383	399	395
Ireland	12.538	12.263	13.653	15.131
Greece	1.449	1.489	1.323	1.297
Spain	21.665	22.068	24.864	35.037
France	52.226	58.738	65.538	64.794
Italy	28.609	32.634	25.676	30.260
Cyprus	4.023	5.407	2.698	1.907
Latvia	346	212	296	459
Lithuania	447	422	422	297
Luxembourg	:	96	150	291
Hungary	7.760	4.234	3.995	4.067
Malta	202	191	157	136
Netherlands	8.850	9.944	10.510	10.701
Austria	2.853	3.233	3.735	5.031
Poland	6.145	7.066	9.098	7.876
Portugal	4.344	4.302	5.414	6.478
Romania	2.969	3.541	3.265	3.179
Slovenia	246	666	628	1.038
Slovakia	449	334	353	403
Finland	4.441	3.949	4.433	5.370
Sweden	11.695	13.968	13.972	6.766
United Kingdom	222.711	268.506	271.273	247.044

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<sup>4</sup> Denmark, Ireland and the United Kingdom are not bound by it. Source: [Eurostat](#).

## **Remunerated activities reasons: Researchers – first permits**

<b>Member State</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Belgium	96	0	154	145
Bulgaria	:	:	:	0
Czech Republic	45	61	0	0
Denmark	:	783	860	737
Germany	39	94	129	167
Estonia	7	15	15	18
Ireland	169	166	89	111
Greece	16	31	23	28
Spain	501	390	488	447
France	1.925	2.243	2.271	2.075
Italy	35	118	336	353
Cyprus	0	0	0	0
Latvia	3	1	7	3
Lithuania	1	2	5	0
Luxembourg	:	14	15	26
Hungary	33	35	34	22
Malta	0	0	0	0
Netherlands	864	1.305	1.485	1.616
Austria	151	143	228	184
Poland	11	11	69	317
Portugal	:	:	0	0
Romania	:	:	12	8
Slovenia	5	8	8	17
Slovakia	10	10	5	9
Finland	:	:	:	510
Sweden	478	812	823	817
United Kingdom	:	:	:	:

## **Non-EU national remunerated trainees, volunteers, school pupils or unremunerated trainees**

Here are some examples on the basis of available information for 2011:

- remunerated trainees: FR (973), IT (299), FI (171);
- unremunerated trainees: NL (380), PT (41)
- volunteers: IT (128), SK (47)
- school pupils: PT (3,569), AU (2,023), SE (535)

## **Non-EU national au pairs**

Many au pairs are not counted in the figures as their registration is not compulsory or a work permit is not needed. The available information shows for 2011 that: 5,080 au pairs coming from outside the EU were residing in DE; 1,181 in NL; 134 in SE for example.

### EUROPEAN YOUTH FORUM AMENDMENTS PROPOSAL:

Conditions of Entry of Third-Country Nationals for the Purposes of Research, Studies, Pupil Exchange, Remunerated and Unremunerated Training, Voluntary Service and Au-Pairing.

The European Youth Forum welcomes the draft report of the European Parliament, presented in the Committee on Civil Liberties, Justice and Home Affairs by Rapporteur Cecilia Wikström. The Youth Forum appreciates that the Parliament's Rapporteur has further outlined the necessary rights and conditions for researchers, students, pupils, remunerated and unremunerated trainees, volunteers and au-pairs.

In order to ensure the right of young people for mobility, the European Youth Forum is sharing the amendment proposals below. Each refers to the relevant article, indicating the Commission's proposal and Parliament Rapporteur's proposal. Youth Forum Proposals are written in bold.

Article	3 – Definitions
Commission Proposal	(la) n.a.  (g) 'volunteer' means a third-country national admitted to the territory of a Member State to participate in a recognized voluntary service scheme;
European Parliament Draft Report	→ Amendment 4 (la) 'host entity' means the educational establishment, research organisation, enterprise or vocational training establishment or organisation responsible for the voluntary service scheme to which the third-country national is assigned, regardless of its legal form, established in accordance with national law in the territory of a Member State;
Amendment proposal	(g) n.a. (la) 'host entity' means the educational establishment, research organisation, <b>organisation operating pupil exchanges</b> , enterprise or vocational training establishment or organisation responsible for the voluntary service scheme to which the third-country national is assigned, regardless of its legal form, established in accordance with national law in the territory of a Member State;  (g) 'volunteer' means a third-country national admitted to the territory of a Member State to participate in a recognised voluntary service scheme <b>carrying out activities benefiting society, by free will. These activities are undertaken for a non-profit cause, benefiting personal development of the volunteer, who commits her/his time and energy for the general good without financial reward, often in cooperation with volunteering providers that act as hosting entity.</b>



Justification	<p><b>(g1 = addition) ‘Volunteering providers’ are organisations responsible for the voluntary service scheme to which the third-country national is assigned. These organisations and groups are independent and governing themselves as well as other non-profit entities, such as public authorities. They are active in the public arena and their activity must be aimed, at least in part, at contributing to the public good.<sup>1</sup></b></p> <p>(1a) Pupil exchanges, which are also under the scope of this Directive, are mostly operated by organisations established for this purpose and not by the educational establishments (secondary schools) themselves. These organisations guarantee the placement of the pupils, provide them with preparation and on-going support and are generally concerned with the well being of the pupils and with the quality of their exchange experience. Thus, they should be seen as hosting entities as well. Moreover organisations operating pupil exchanges are mentioned several times in the Directive proposal and should not be left out from the definition.</p> <p>(g) Considering the achievements and results of the European Year on Volunteering 2011 and the variations in the definition of the terms volunteer and volunteering providers, both deserve more attention and should be described more in detail. Additionally, volunteering providers play a central role for volunteering and active citizenship in Europe, reinforcing the need for an explicit reference.</p>
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Article	5 - Principle
Commission Proposal	2. Once all the general and specific conditions for admission are fulfilled, applicants shall be entitled to a long-stay visa and/or residence permit. If a Member State issues residence permits only on its territory and not elsewhere and all the admission conditions laid down in this Directive are fulfilled, the Member State concerned shall issue the third country national the requisite visa
European Parliament Draft Report	n.a.
Amendment proposal	2. Once all the general and specific conditions for admission are fulfilled, applicants shall be entitled to a long-stay visa and <b>(delete: or)</b> residence permit <b>which have the same validity period</b> . If a Member State issues residence permits only on its territory and not elsewhere and all the admission conditions laid down in this Directive are fulfilled, the Member State concerned shall issue the third country national the requisite visa <b>automatically</b> .
Justification	A stronger link needs to be made, so that a successful visa applicant cannot be refused a residence permit in that Member State and that the permit is granted for the full period of the visa.

<sup>1</sup> COMMUNICATION FROM THE COMMISSION on PROMOTING THE ROLE OF VOLUNTARY ORGANISATIONS AND FOUNDATIONS IN EUROPE, COM(97) 241 final

Article	6 – General Conditions
Commission Proposal	(f) provide the evidence requested by the Member State that during his/her stay he/she will have sufficient resources to cover his/her subsistence, training and return travel costs, without prejudice to an individual examination of each case.
European Parliament Draft Report	<p>→ Amendment 7</p> <p>(f) provide the evidence requested by the Member State that during his/her stay he/she will have sufficient resources to cover his/her subsistence, training and return travel costs, without prejudice to an individual examination of each case. <b>The provision of such evidence shall not be necessary if the third-country national is in receipt of a grant or scholarship, or has received an undertaking of sponsorship from a host family or a firm offer of work;</b></p>
Amendment proposal	(f) provide the evidence requested by the Member State that during his/her stay he/she will have sufficient resources to cover his/her subsistence, training and return travel costs, without prejudice to an individual examination of each case. The provision of such evidence shall not be necessary if the third-country national is in receipt of a grant or scholarship, <b>or if he/she</b> has received an undertaking of sponsorship from a host family or a firm offer of work, <b>or if an organisation operating pupil exchanges or the voluntary service scheme declares itself responsible for the subsistence of the pupil or the volunteer throughout his/her period of presence in the territory of the Member State;</b>
Justification	<p>The aim of this Directive is to make the visa and residence permits application process for third-countries nationals easier and more transparent. Therefore we welcome the reduction of this specific administrative burden. However, the group of school pupils and volunteers is not covered by the original provision. Usually organisations operating pupil exchange schemes are responsible for the subsistence of their participants and this is usually carried out through placing them in host families. This service is a part of the exchange programme fees paid by the pupils. Because of current regulations, in certain cases exchange pupils need to <u>additionally</u> provide proof of a large amount of money on a bank account on their name, playing the role of a deposit guarantee. This is the reason why many Latin American exchange pupils, usually aged 15-18, are discouraged from coming to the EU on exchanges. Though adding the group of exchange pupils in this article, this proposed amendment should eliminate this problem. In the same way, organisations operating voluntary service schemes will be able to ensure subsistence for volunteers.</p> <p>The role of organisations operating pupil exchange schemes as a provider of evidence that participants can sustain themselves during their stay abroad is explicitly foreseen under the specific conditions for school pupils (Chapter 1, Art 11d), however this is not consistent with the general conditions (Chapter 1, Art 6f) – as outlined above.</p>

Article 11 – Specific conditions for school pupils	
Commission Proposal	<p>1 A third-country national who applies to be admitted in a pupil exchange scheme shall, in addition to the general conditions laid down in Article 6:</p> <p>(a) not be below the minimum age nor above the maximum age set by the Member State concerned.</p> <p>2. Member States may confine the admission of school pupils participating in an exchange scheme to nationals of third countries, which offer the same possibility for their own nationals.</p>
European Parliament Draft Report Amendment proposal	n.a.
Justification	<p>1. A third-country national who applies to be admitted in a pupil exchange scheme shall, in addition to the general conditions laid down in Article 6:</p> <p>(a) not be below the minimum age nor above the maximum age set by the Member State concerned. <b>Member states are encouraged to set an age limit, which allows participation in a pupil exchange scheme for pupils for a period after they have finished secondary school.</b></p> <p><b>2. Delete this paragraph</b></p> <p>11.1. In many countries (especially Latin American countries) it is still common practice to participate in a pupil exchange scheme just after finishing secondary school, in order to avoid interruptions in the regular secondary education in their home country. 18-19 year old students are therefore above the set age limit and not regarded as “pupils”, they are therefore disadvantaged under the current regulation.</p> <p>11.2. This provision prevents intercultural dialogue and the development of contacts and friendships between young people from countries that might face difficult diplomatic relations. In order to foster intercultural understanding we suggest to remove the possibility of Member States to follow the principle of reciprocity of exchanges under the scope of the directive.</p>

Article 13 – Specific Conditions for volunteers	
Commission Proposal	<p>A third-country national who applies to be admitted to a voluntary service scheme shall, in addition to the general conditions laid down in Article 6:</p> <p>(a) produce an agreement with the organisation responsible in the Member State concerned for the voluntary service scheme in which he/she is participating, giving a description of tasks, the conditions in which he/she is supervised in the performance of those tasks, his/her working hours, the resources available to cover his/her travel, subsistence, accommodation costs and pocket money throughout his/her stay and, if appropriate, the training he/she will receive to help him/her perform his/her service;</p>

European Parliament Draft Report	(b) provide evidence that the organisation responsible for the voluntary service scheme in which he/she is participating has subscribed to a third-party insurance policy; (c) and, if the host Member State specifically requires it, receive a basic introduction to the language, history and political and social structures of that Member State. n.a.
Amendment proposal Justification	Addition: <b>(e) After successful authorisation and the granting of a visa, the hosting entity will be registered in an accreditation system, in order to facilitate future application procedures.</b> To ensure smooth procedures and speedy decision-making, the European Youth Forum encourages the development of accreditation systems for hosting organisations such as the one used for European Voluntary Services in the Framework of the Youth in Action Program, asking for registration 6 weeks before the activity.

Article	16 – Duration of residence
Commission Proposal	3. For school pupils and au pairs, Member States shall issue an authorisation for a maximum period of one year
European Parliament Draft Report	3. n.a.
Amendment proposal	3. For school pupils and au pairs, Member States shall issue an authorisation for <b>the whole length of their stay up to</b> a maximum period of one year
Justification	The proposed directive foresees a maximum period of one year for stay for school pupils and au pairs (Chapter III, Art 16.3). Under article 16.6 it is guaranteed that when the validity of the visa is shorter than the authorised duration of the stay, a residence permit should be granted for the rest of the stay without additional formalities. These provisions still leave uncertainty and administrative burden on the school pupils and au pairs. With this amendment, the European Youth Forum is asking for a guarantee of the authorisation covering the entire length of the stay abroad

Article	26 - Right to mobility between Member States for researchers, students and remunerated trainee
Commission Proposal	<p>1. A third-country national who has been admitted as a researcher under this Directive shall be allowed to carry out part of his/her research in another Member State under the conditions as set out in this Article.</p> <p>If the researcher stays in another Member State for a period of up to six months, the research may be carried out on the basis of the hosting agreement concluded in the first Member State, provided that he has sufficient resources in the other Member State and is not considered as a threat to public policy, public security or public health in the second Member State.</p> <p>If the researcher stays in another Member State for more than six months, Member States may require a new hosting agreement to carry out the research in that Member State. If Member States require an authorisation in order to exercise mobility, such authorisations shall be granted in accordance with the procedural guarantees specified in Article 30 members should not require the researchers to leave the territory in order to submit applications for authorization.</p> <p>2. For periods exceeding three months, but not exceeding six months, a third-country national who has been admitted as a student or as a remunerated trainee under this Directive shall be allowed to carry out part of his/her studies/traineeship in another Member State provided that before his or her transfer to that Member State, he/she has submitted the following to the competent authority of the second Member State:</p> <ul style="list-style-type: none"> <li>(a) a valid travel document;</li> <li>(b) proof of sickness insurance for all risks normally covered for the nationals of the Member State concerned;</li> <li>(c) proof that he/she has been accepted by an establishment of higher education or a training host entity;</li> <li>(d) evidence that during his/her stay he/she will have sufficient resources to cover his/her subsistence, study and return travel costs.</li> </ul> <p>3. For the mobility of students and trainees from the first Member State to a second Member State, the authorities of the second Member State shall inform the authorities of the first Member State on their decision. The cooperation procedures set out in Article 32 shall apply.</p> <p>4. For a third-country national who has been admitted as a student, transfers to a second Member State exceeding six months may be granted under the same conditions as those applied for mobility for a period exceeding three months but less than six months. If Member States require a new application for an authorisation to exercise mobility for a period exceeding six months, such authorisation shall be granted in accordance with Article 29.</p> <p>5. Member States shall not require students to leave the territory in order to submit applications for authorisations for mobility between Member States.</p>
European Parliament Draft Report	<ul style="list-style-type: none"> <li>➔ Amendment 25 - in order to introduce gender- neutral terminology.</li> <li>➔ Amendment 26 - Technical amendment on reference to article 30 instead of 29.</li> <li>➔ Amendment 27 “For periods exceeding three months, but not exceeding six months, a third-country national who has been admitted as a student, or as a remunerated <b>or unremunerated</b> trainee <b>or as a volunteer</b> under this Directive shall be allowed to carry out part of his/her studies/traineeship in another Member State provided that before his or her transfer to that Member State, he/she has submitted the following to the competent authority of the second Member State: ...”</li> <li>➔ Amendment 28 - “For the mobility of students, <b>trainees and volunteers</b> from the first Member State to a second Member State, the authorities of the second Member State shall inform the authorities of the first Member State on their decision.</li> </ul>

<p><b>Amendment proposal</b></p>	<p>The cooperation procedures set out in Article 32 shall apply.”</p> <p>26. Right to mobility between Member States for researchers, students, <b>pupils, volunteers, au pairs, unremunerated</b> and remunerated trainees.</p> <p>1. A third-country national who has been admitted as a researcher, under this Directive shall be allowed to carry out part of his/her research in another Member State under the conditions as set out in this Article.</p> <p>If the researcher stays in another Member State for a period of up to six months, the research may be carried out on the basis of the hosting agreement concluded in the first Member State, provided that he has sufficient resources in the other Member State and is not considered as a threat to public policy, public security or public health in the second Member State.</p> <p>If the researcher stays in another Member State for more than six months, Member States may require a new hosting agreement to carry out the research in that Member State. If Member States require an authorisation in order to exercise mobility, such authorisation shall be granted in accordance with the procedural guarantees specified in Article 30 members should not require the researchers to leave the territory in order to submit applications for authorization.</p> <p>2. For periods exceeding three months, but not exceeding six months, a third-country national who has been admitted as a student, <b>pupil, volunteer, au pair</b> or as a remunerated <b>or unremunerated</b> trainee under this Directive shall be allowed to carry out part of his/her studies/traineeship/<b>volunteer activity</b> in another Member State provided that before his or her transfer to that Member State, he/she has submitted the following to the competent authority of the second Member State:</p> <p>(a) a valid travel document;</p> <p>(b) proof of sickness insurance for all risks normally covered for the nationals of the Member State concerned;</p> <p>(c) proof that he/she has been accepted by an establishment of higher education, <b>school, family</b> or a training/ <b>volunteer</b> host entity;</p> <p>(d) evidence that during his/her stay he/she will have sufficient resources to cover his/her subsistence, study and return travel costs.</p> <p>3. For the mobility of students, school <b>pupils, au pairs, volunteers</b> and <b>remunerated or unremunerated</b> trainees from the first Member State to a second Member State, the authorities of the second Member State shall inform the authorities of the first Member State on their decision. The cooperation procedures set out in Article 32 shall apply.</p>
<p><b>Justification</b></p>	<p>Young people entering into the EU from third countries are often unable to travel to other EU countries, which jeopardises their ability to fully learn about Europe’s people, culture and values. For example, some young people cannot participate fully in their volunteer programme, course or work as they cannot enter another EU Member State</p> <p>The Youth Forum welcomes improved rules in Article 26, as they would facilitate students and paid trainees to spend periods of between three and six months in another EU Member-State. However, the Youth Forum notes that this does not equal freedom of mobility within the EU. The Forum also notes the unfortunate exclusion of unpaid trainees and volunteers from these improved rules.</p>

Article	27 - Rights for researchers and students covered by Union programmes including mobility measures
Commission Proposal	<p>1. Member States shall grant third-country nationals, who have been admitted as researchers or students under this Directive and who are covered by Union programmes including mobility measures, an authorization covering the whole duration of their stay in the Member States concerned where:</p> <p>(a) the full list of Member States that the researcher or student intends to go to is known prior to entry to the first Member State;</p> <p>(b) in the case of students, the applicant can provide evidence of acceptance by the relevant establishment of higher education to follow a course of study.</p> <p>2. The authorisation shall be granted by the first Member State that the researcher or student resides in.</p> <p>3. Where the full list of Member States is not known prior to entry into the first Member State:</p> <p>(a) for researchers, the conditions as set out in Article 26 for stays in another Member States for periods of up to six months shall apply;</p> <p>(b) for students, the conditions as set out in Article 26 for stays in another Member States for periods between three and six months shall apply.</p>
European Parliament Draft Report Amendment proposal	<p>→ Amendment 29 - in order to introduce gender- neutral terminology.</p> <p>27. Rights for researchers, <b>school pupils, volunteers, unremunerated and remunerated trainees</b> and students covered by Union programmes including mobility measures</p> <p>1. Member States shall grant third country nationals, who have been admitted as researchers, <b>pupils, volunteers, unremunerated or remunerated trainees</b> or students under this Directive and who are covered by union programmes including mobility measures, an authorization covering the whole duration of their stay in the member States concerned where:</p> <p>(a) the full list of Member States that the researcher, <b>school pupil, volunteer, unremunerated or remunerated trainee</b> or student intends to go is known prior to the entry to the first Member State;</p> <p>(b) in the case of students or <b>pupils</b>, the applicant can provide evidence of acceptance by the relevant establishment of <b>(delete: higher)</b> education to follow a course of study;</p> <p>(c) <b>in case of volunteers, the applicant can provide evidence of acceptance by the relevant volunteering provider organisation or programmes, such as the European Voluntary Service.</b></p> <p>2. The authorization shall be granted by the first Member State that the researcher, <b>pupil, volunteer, unremunerated or remunerated trainee</b> or student resides in.</p> <p>3. Where the full list of Member States is not known prior to the entry into the first Member State</p> <p>(b) for students, <b>school pupils, volunteers, unremunerated and remunerated trainees</b>, the conditions as set out in article 26 for stays in another Member State for periods between three and six months shall apply.</p>
Justification	<p>As the original wording leaves volunteers out of the provision, it could mean that volunteers would not take part in cross-border aspects of the EU's own programmes such as EVS (European Voluntary Service). Similarly, trainees and pupils might not be able to fully participate in their course or work, as they cannot enter another EU Member State.</p>

Article	29 - Procedure and transparency
Commission Proposal	<p>1. The competent authorities of the Member States shall decide on the complete application for an authorisation and shall notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned, as soon as possible and at the latest within 60 days from the date on which the application was lodged, and within 30 days in the case of third-country national researchers and students covered by Union programmes including mobility measures.</p>
European Parliament Draft Report	<p>(a) n.a.</p> <p>→ Amendment 32: 1 The competent authorities of the Member States shall decide on the complete application for an authorization and shall notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned, <b>including on any appeals lodged against decisions rejecting an application for an authorisation</b>, as soon as possible and at the latest within <b>30 days</b> from the date on which the application was lodged.</p> <p>→ Amendment 35: (a – addition) Fast track procedure for issuing residence permits or visas to students, school pupils and researchers.</p> <p>An agreement on the establishment of a fast-track admission procedure allowing residence permits or visas to be issued in the name of the third country national concerned may be concluded between the authority of a Member State with the responsibility for the entry and residence of students, school pupils and researchers who are third country nationals and an education establishment, organisations operating pupils exchange schemes which has been recognized for this propose or a research organization which has been approved by the Member State concerned in accordance with its national legislation or administration practice.</p>
Amendment proposal	<p>1 The competent authorities of the Member States shall decide on the complete application for an authorisation and shall notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned, <b>including on any appeals lodged against decisions rejecting an application for an authorisation</b>, as soon as possible and at the latest within <b>30 days</b> from the date on which the application was lodged. <b>Furthermore, Member States shall examine the completeness of an application as soon as it is submitted and inform applicants within 5 days if any necessary document is missing in order to take a final decision.</b></p> <p>(a) Fast track procedure for issuing residence permits or visas to students, school pupils, <b>volunteers</b>, and researchers.</p> <p>An agreement on the establishment of a fast-track admission procedure allowing residence permits or visas to be issued in the name of the third country national concerned <b>shall</b> be concluded between the authority of a Member State with the responsibility for the entry and residence of students, school pupils, <b>volunteers</b> and researchers who are third country nationals and an education establishment, organisations operating pupils exchange schemes which has been recognized for this propose, <b>a volunteer hosting entity</b> or a research organisation which has been approved by the Member State concerned in accordance with its national legislation or administration practice. <b>Furthermore, the agreement should give the educational establishments, research organisations, volunteer hosting entities and pupil exchange organisations the right to handle the residence permit and or</b></p>



Justification	<p><b>long-term visa application procedure on behalf of the beneficiaries of their programmes. Educational establishments, research organisations, volunteer hosting entities and pupil exchange organisations shall automatically receive updated information on visa and residence permit procedures in case procedures change.</b></p> <p>1. The Youth Forum welcomes that the time limit for decision on application for authorisations has been unified for all the groups within the scope of this directive. Inclusion of appeals lodged against the decisions rejecting an application for an authorisation within this limit will also help to build up a transparent application process.</p> <p>A further beneficial improvement would be a verification step in the procedure, checking that applications are complete, right after they are submitted, so that no additional documents are required at the end of the procedure – which often has the effect of re-starting the application procedure. The required documents for visa applications for the groups of interest in this directive are often very specific, while at the same time these requirements are not explicit in all EU member states.</p> <p>(a) We are very pleased that the European Parliament reintroduced the fast-track procedure for students, school pupils and researchers with this amendment, as it was already part of the EC Directive 2004/114.</p> <p>Often visa applications (and in some cases residence permits applications) must be made in person in the third country, which is particularly reinforced by the introduction of the new biometric documents (electronic visa / electronic residence permit). With our proposed amendment we would like to ensure that educational establishments, research organisations, a volunteer 'hosting entity' and pupil exchange organisations will be able to handle the residence permit and or long-term visa application procedure on behalf of the applicants participating in their programmes and receive automatically updated information on visa and residence permit procedures. This will make the process easier for the applicants. Besides, in the current version of the proposal of the European Parliament, this article could be understood as optional because of the phrasing "agreements <u>may</u> be concluded". The European Youth Forum believes Member States should conclude such agreements more systematically.</p>
Article	<b>31 - Fees</b>
Commission Proposal	Member States may require applicants to pay fees for the processing of applications in accordance with the Directive. The amount of such fees shall not endanger the fulfillment of its objectives.
European Parliament Draft Report	<p>Amendments 36:</p> <p>Member States may require payment of fees for handling applications in accordance with this Directive. The level of such fees shall not be excessive or disproportionate. When those fees are paid by the third country national trainee or au-pair, third country national shall be entitled to be reimbursed by host entity or the host family respectively.</p>
Amendment proposal	<p><i>Addition to text:</i></p> <p><b>The visa fee shall be waived for applicants belonging to one of the following categories: researchers, school pupils, students, postgraduate students, remunerated and unremunerated trainees, au pairs and volunteers from third countries as outlined in article 3, with special attention to representatives of non-profit organisations aged 35 years or less.</b></p>

Justification	High application fees constitute a great barrier for young people to make applications, they can range from €23 in Malta to €433 in the Netherlands. A stronger guarantees need to be given so the high application price does not act as a deterrent to young people making applications. A young third country national volunteer could, for example, pay travels to the embassy, support documents and visa fees and will not receive any of these investments back in case of refusal.
Article	32 – contact points
Commission Proposal	n.a.
European Parliament Draft Report Amendment proposal	n.a.
Justification	<b>(3 - addition) Member states are encouraged to conclude agreements between each other to ensure that third-country students, school pupils volunteers, au pairs, remunerated and unremunerated trainees or researchers are able to complete the application procedure and the granting of a visa for any EU country in the EU member state embassy or consulate most convenient for the applicant,.</b> Currently applicants coming from smaller countries need to apply for and receive their visa in a bigger neighbouring country when no embassy is present in their home country. This increases costs greatly and discourages these applicants. These problems could be reduced if applicants had the opportunity to apply and receive the needed documents in the embassies of other Member states cooperating with the authorities of the hosting Member state, as foreseen in article 8 of the Regulation 810/2009 establishing a Community Code on Visas (Visa Code). This is especially relevant for school pupils that have to be accompanied by their parents.
Article	35 – Transposition
Commission Proposal	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [two years after the entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.
European Parliament Draft Report Amendment proposal	n.a.
Justification	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by <b>[6 months]</b> after the entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions. The European Youth Forum calls on all Member States to accept and quickly implement the Directive once adopted. We especially make this call to those countries that currently have derogations from implementing the existing Directive.