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Ad-Hoc Query on 2024.31 Intra-EU mobility for international students (Directive 2016/801/EU)

Requested by EMN NCP France on 21 May 2024

Compilation produced on 18 July 2024

Responses from EMN NCP Austria, EMN NCP Belgium, EMN NCP Croatia, EMN NCP  
Cyprus, EMN NCP Czech Republic, EMN NCP Estonia, EMN NCP Finland, EMN NCP France,  
EMN NCP Germany, EMN NCP Greece, EMN NCP Hungary, EMN NCP Italy, EMN NCP  
Latvia, EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Netherlands, EMN NCP  
Poland, EMN NCP Portugal, EMN NCP Slovakia, EMN NCP Slovenia, EMN NCP Spain, EMN  
NCP Sweden (22 in Total)

Exported for: Wider Dissemination

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## 1. BACKGROUND INFORMATION

On 29 May, representatives of the Sub-directorate for Residence and Employment (Directorate for Immigration) of the Directorate-General for Foreigners in France within the ministry of the Interior and Overseas Territories will be leading a workshop for policy officers in charge of the reception of international students in higher education establishments, organised as part of Campus France's Welcome Conference, on the topic of intra-European mobility for the purposes of study by TCNs (Campus France is the French Agency for the promotion of higher education, international student services, and international mobility).

During this workshop a working group on this topic will be launched.

In order to prepare this workshop and the working group, they would like to have information about the reception arrangements put in place by each Member State for third-country nationals admitted for study purposes by another EU Member State, under an EU programme or a multilateral programme and coming to stay on their territory for a maximum period of 360 days (application of Directive 2016/801)?

**We would like to ask the following questions:**

- 1. 1. Has your country implemented the conditions for notifying mobility set out in Directive 2016/801? YES / NO**
- 2. 2. If YES, can you describe the mobility notification process? (ie. notification by the home higher education institution, by the host higher education institution or by the student)?**

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**3. 3) Please indicate whether your MS considers that Article 31 requires a notification procedure to be put in place, or is this only an option.**

**4. 4) If no notification procedure has been set up in ,your country, what arrangements apply to third-country nationals admitted by your country for study purposes under an EU programme or a multilateral programme involving mobility measures or an agreement between two or more higher education establishments?**

**5. 5) How do the rules applicable to these students differ from those applicable to students who are not covered by an EU programme, a multilateral programme involving mobility measures or an agreement between two or more higher education institutions?**

**6. 6) In your country, which proof are students entitled to benefit from the "mobility" part of Directive 2016/801 required to provide with? : Please select : proof of membership of an EU programme or a multilateral programme involving mobility measures or an agreement between two or more higher education establishments OR a residence permit bearing the words "student - mobility programme"**

We would very much appreciate your responses by **18 June 2024**.


## 2. RESPONSES

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		ination 2	
	<b>EMN NCP Austria</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. YES (Art. 15 para 4 subpara 7 Aliens Police Act, Art. 31 para 1 subpara 8 Aliens Police Act)</li> <li>2. The notification procedure pursuant to Art. 31 para 2 of the Directive is not implemented in Austria.</li> <li>3. From our point of view, the instrument of the notification procedure is only an option and not an obligation.</li> <li>4. Either the programme or agreement in question is indicated on the residence permit or the student provides evidence of the programme or agreement in question on the basis of other documents (e.g. confirmation from a university that the student is completing part of the studies in the second Member State under a Union or multilateral programme with mobility measures or an agreement between two or more higher education institutions; proof that the student has been admitted to mobility by a higher education institution in the second Member State; evidence of the planned duration and dates of mobility).</li> </ol>

<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<p>5. Students who are covered by an EU programme, a multilateral programme with mobility measures or an agreement between two or more higher education institutions do not require a residence permit under the Settlement and Residence Act. For persons who come to AT to study and to whom the "mobility part" of Directive 2016/801 does not apply, the residence title "Residence Permit Student" is provided for in accordance with Art. 64 Settlement and Residence Act.</p> <p>6. - proof of participation in an EU programme or a multilateral programme with mobility measures or an agreement between two or more higher education institutions - <b>or</b> a residence permit with the endorsement "Student - Mobility Programme" indicating the relevant programme or agreement on the residence permit</p>
	EMN NCP Belgium	Yes	<p>1. Yes (Article 61/1/6 of the Immigration Act).</p> <p>2. The mobility notification process is done by the host higher education institution in Belgium. Student with a valid European residence permit (based on studies) from another Member State who temporarily come to Belgium in the framework of a mobility programme are eligible for the document 'Annex 33 – mobility student', valid for a maximum of 360 days for their stay in Belgium. Students must submit all of the required documents to the university at the latest 45 days before the intended start date (legal 30 days + processing time).</p> <p>Any intended mobility must be reported <b>by the university</b> to the Immigration Office as soon as it is</p>


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		<p>known and no later than 30 days before the intended start date, via a mandatory notification document. The following information must also be present:</p> <ul style="list-style-type: none"> <li>• Valid passport or equivalent travel document</li> <li>• Valid residence permit issued by another EU Member State to the third-country student and still valid for the duration of the intended mobility</li> <li>• Admission letter to the programme with inherent mobility</li> <li>• Proof of health insurance during your stay in Belgium</li> <li>• Proof of sufficient means of subsistence for the duration of the stay in Belgium</li> <li>• Residence address in the first Member State responsible for issuing the European residence permit</li> <li>• Possibly already known residence address in Belgium</li> </ul> <p>The Immigration Office can object or agree to the notification procedure within 30 days. The written agreement is also provided to the university, which then provides it to the student. Upon presentation of this written agreement, the complete notification document, the valid passport and and residence permit, students can obtain the document 'Annex 33 - mobility student' from the local municipality of residence after their arrival in Belgium.</p> <p>3. Article 61/1/6 of the Immigration Act (which transposes Article 31 of the Directive) requires a notification procedure to be put in place (notification by the host institution to the Belgian authorities).</p> <p>4. N/A</p> <p>5.</p>
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			<p>Third-country nationals who wish to study in Belgium and who are not covered by a mobility programme must apply for a student permit (Article 60 of the Immigration Act). The full procedure and conditions can be found here: <a href="https://dofi.ibz.be/fr/themes/third-country-nationals/study/1ere-autorisation-de-sejour-demande-de-visa-d-autorisation-de">https://dofi.ibz.be/fr/themes/third-country-nationals/study/1ere-autorisation-de-sejour-demande-de-visa-d-autorisation-de</a></p> <p>6. Both (see Q1): residence permit in first Member State and admission to the programme with inherent mobility.</p>
	<b>EMN NCP Croatia</b>	<b>Yes</b>	<p>1. Yes</p> <p>2. A student who has a valid authorization issued by another EEA member state and who is covered by a Union programme or a multilateral programme that includes mobility or an agreement between two or more higher education institutions, can spend part of his studies at a higher education institution in the Republic of Croatia during the period of a maximum of 360 days, without the obligation to regulate temporary stay for the purpose of studying, if it does not pose a danger to public order, national security and public health, and the student will inform the competent police department or police station according to the place of residence of the intention to stay when registering for a short-term stay. A citizen of a third country (student) who is covered by a Union programme or a multilateral programme that includes mobility or an agreement between two or more higher education institutions when applying for a short-term stay (a stay of up to 90 days in any period of 180 days) in the police administration or police station submits:</p> <ol style="list-style-type: none"> <li>1. valid residence permit in another EEA member state</li> <li>2. proof that it comes on the basis of Union programmes or multilateral programmes that include</li> </ol>

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			<p>mobility or agreements between two or more higher education institutions, and if the length of stay is not visible from the same, and a written notification about the length of stay that will be given by the higher education institution or an authorized organization</p> <p>3. It's just an option.</p> <p>4. N/A</p> <p>5. A student who has a valid permit issued by another EEA member state, and is not covered by a Union programme or a multilateral programme that includes mobility measures or an agreement between two or more higher education institutions, is required to apply for a temporary residence permit in order to spend part of his studies at higher education institution in the Republic of Croatia, and for approval of temporary residence must meet the conditions prescribed in Articles 59 and 73, Paragraph 1 of the Aliens Act.</p> <p>6. Proof that it comes on the basis of a Union or multilateral programme that includes mobility measures or an agreement between two or more higher education institutions.</p>
	<p>EMN NCP Cyprus</p>	<p><b>Yes</b></p>	<p>1. Yes</p> <p>2.</p>


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		<p>The conditions of entry to, and residence in, the territory of Cyprus, for a period exceeding 90 days, of third-country nationals for the purpose of studies are based on the the European Directive (EU) 2016/801, which was transposed in national law, the Aliens and Immigration (Conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects) Law of 2019, L. 7(I)/2019.</p> <p>The research organization in the first Member State has to notify the competent authorities of the first Member State and the competent authority in Cyprus, which is the Migration Department, of the intention of the researcher to carry out part of the research in the research organization in Cyprus. In such cases the notification takes place either:</p> <p>(a) at the time of the application in the first Member State, where the mobility to the Republic of Cyprus is already envisaged at that stage; or</p> <p>(b) after the researcher was admitted to the first Member State, as soon as the intended mobility to Cyprus is known.</p> <p>Where the notification has taken place in accordance and where Cyprus has not raised any objection with the first Member State, the mobility of the researcher to Cyprus may take place at any moment within the period of validity of the residence permit. The mobility may be initiated after the notification to Cyprus immediately or at any moment thereafter within the period of validity of the residence permit. The notification shall include the valid travel document and the valid residence permit issued by the first Member State covering the period of the mobility.</p> <p>The notification has to include the transmission of the following documents and information:</p> <p>(a) the hosting agreement in the first Member State and a hosting agreement concluded with the research organization in Cyprus;</p> <p>(b) where not specified in the hosting agreement, the planned duration and dates of the mobility;</p> <p>(c) evidence that the student has health insurance for all the risks normally covered for Cypriot nationals;</p> <p>(d) evidence that during the stay the researcher will have sufficient resources to cover subsistence</p>
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			<p>costs without having recourse to the social assistance system of Cyprus, as well as the travel costs to the first Member State. All supporting documents and information shall be submitted in Greek or English language.</p> <p>3. Notification procedure is required according to art.31 of the Directive.</p> <p>4. N/A</p> <p>5. Please see answer in q.2</p> <p>6. Proof of membership of an EU programme or a multilateral programme involving mobility measures or an agreement between two or more higher education establishments.</p>
	<b>EMN NCP Czech Republic</b>	<b>Yes</b>	<p>1. Yes. One-year visa-free stay for holders of a long-term residence permit or long-term visa for the purpose of studies issued by another EU member state and a possibility to file an application for a long-term residence permit for the purpose of studies in the Czech Republic for these students are stated in the Law on the Residence of Foreigners.</p> <p>2. Holders of a long-term residence permit or long-term visa for the purpose of studies issued by another EU member state, whose permit was issued under an exchange programme including mobility</p>


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		<p>programmes or under agreements between universities and the exchange programme is noted in their residence permit document or visa can (subject to conditions) stay in the Czech Republic without a visa for as long as 1 year from their first entrance into the country if the purpose of their residence will be studies. These students must get registered with the Foreign Police within 3 days from the day they arrive in the Czech Republic. During the whole stay, they must have a valid residence permit or a long-term visa issued by another EU member state. During their whole legal stay, they can file an application for a long-term residence permit for the purpose of studies in the Czech Republic.</p> <p>Holders of a long-term residence permit or long-term visa for the purpose of studies issued by another EU member state, <u>whose exchange programme is not noted in their residence permit document or visa</u> can stay in the Czech Republic for 90 days. They must get registered with the Foreign Police within 3 days from the day they arrived in the Czech Republic and must have a valid residence permit or a long-term visa issued by another EU member state during the whole stay too. These students can file an application for a long-term residence permit for the purpose of studies in the Czech Republic during these 90 days of their stay.</p> <p>The university that accepts these students for studies must notify the Ministry of the Interior about the start, suspension or termination of their studies.</p> <p>3. See answer to question 2.</p> <p>4. N/A</p> <p>5. See answer to question 2. + Students who have no long-term residence permit or long-term visa for the purpose of studies issued by another EU member state must apply for a long-term residence permit or long-term visa for the purpose of studies in the Czech Republic in person at the Czech Republic's</p>
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			<p>diplomatic missions, it is not possible to apply in the Czech Republic. + If the study is covered by an EU programme, a multilateral programme involving mobility measures or an agreement between two or more higher education institutions, the long-term residence permit can be issued for up to 2 years (if it is not, the long-term residence permit is issued for a maximum of 1 year).</p> <p>6. Residence permit bearing the words "student - mobility programme"</p>
	<p><b>EMN NCP Estonia</b></p>	<p><b>Yes</b></p>	<p>1. Yes, directive is implemented to the national Aliens Act § 40 p 1(10) allowing temporary stay in Estonia on a basis a long-stay visa or a residence permit issued to a researcher for the purposes of research or a student for the purposes of studies by a competent agency of a member state of the European Union for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.</p> <p>2. Our national legislation does not foresee the notification process.</p> <p>3. This is an option.</p> <p>4. The Police and Border Guard Board (the PBGB) advises these students to keep their confirmation letters issued by educational institutions, confirming that the person is here for a study purposes. There is no need to make separate notification to the PBGB or to other authorities. They can stay up to 360 days, depending on the length of their studies.</p>

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			<p>5. Students coming directly to Estonia for study purpose must apply for a visa or residence permit in order to study here. Students coming from another MS and who already have a residence permit or a visa for the purpose of study, issued in accordance with the requirements of the directive, do not need to apply anything additionally in case they are exchange students and stay here temporarily.</p> <p>6. Although they don't have to provide any proof, persons who come to Estonia must have a sufficient financial resources and health insurance.</p>
<b>+</b>	<b>EMN NCP Finland</b>	<b>Yes</b>	<p>1. Yes.</p> <p>2. The student submits a mobility notification to the Finnish Immigration Service by post or email. The notification is subject to a fee of 100 €. The student fills a notification form and adds the following attachments/information:</p> <ol style="list-style-type: none"> <li>1. A copy of a passport that is valid throughout the entire mobility period.</li> <li>2. Copy of a valid residence permit for studies granted by another EU Member State. The residence permit must be valid throughout the entire mobility period.</li> <li>3. The planned duration and dates of the studies in Finland, if they are not specified in the agreement or in other documents.</li> <li>4. A document proving that the student has enough money to cover their living costs in Finland, for example bank statements for the past three months.</li> <li>5. Receipt proving that the processing fee for the mobility notification (EUR 100) has been paid.</li> </ol>

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		<p>6. Evidence of the programme covering the studies in Finland.</p> <p>7. Admission letter from a Finnish higher education institution.</p> <p>8. Evidence that the the tuition fees charged by the Finnish higher education institution have been paid, if the studies require a tuition fee.</p> <p>9. Insurance certificate. The insurance must cover medical expenses up to EUR 120,000.</p> <p>The student receives a certificate of their right of residence in Finland within 30 days of the date when the mobility notification is received. The decision will be sent to the student by email. After submitting the mobility notification, the student can arrive in Finland at any time within the period of validity of the permit issued to the student by the EU Member State in question. If an objection is made against the student's mobility notification, the student will receive a decision within 30 days and will need to leave Finland.</p> <p>3. Finland has put in place a notification procedure, i.e. has considered (nationally) that a notification procedure is required.</p> <p>4. N/A</p> <p>5. Students who are not covered by an EU programme, a multilateral programme involving mobility measures or an agreement between two or more higher education institutions have to apply for a student's residence permit.P</p> <p>6. Proof of membership of an EU programme or a multilateral programme involving mobility measures or an agreement between two or more higher education establishments</p>
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■	EMN NCP France	Yes	<p>1. YES</p> <p>3. Since point "2" of Article 31 provides that the second Member State "may impose" the procedure, it may be understood that the introduction of a notification procedure is generally optional. In France, we understand point 2 of Article 31 as requiring EU Member States to set up a notification procedure, but leaving it up to the Member States to decide on the issuing entity, i.e. either the educational establishment in State 1, or the host establishment in State 2 (France's choice), or the student. We would like to know whether some EU Member States have interpreted point 2 differently and have not set up any notification procedure.</p> <p>4. This question is not applicable in France, which has a specific notification procedure.</p> <p>5. In France, students who do not benefit from a mobility programme may be issued with another residence permit. They can apply for :  <ul style="list-style-type: none"> <li>- a Schengen short-stay visa if their stay is less than 3 months</li> <li>- or a long-stay visa valid as a residence permit for the first year of their stay in France, if their stay is equal to or greater than 3 months.</li> </ul>           These permits do not give students the same rights and the procedure for obtaining them is more or less restrictive for applicants.</p>

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			6. In France, students are entitled to benefit from the 'mobility' section of Directive 2016/801 on presentation of proof of membership of an EU programme or a multilateral programme involving mobility measures, or of an agreement between two or more higher education establishments.
	<b>EMN NCP German y</b>	<b>Yes</b>	<p>1. Yes.</p> <p>2. The mobility notification process is carried out only by the host higher education institution (Art 7 Nr. 5. Directive 2016/801). This is done through a dedicated IT application platform - MoNa (Mobility National Contact Point). After TCNs have notified the competent authorities of the first Member State and of the second Member State of the intention to carry out part of the studies in the higher education institution in the second Member State, their documents are then submitted in the form of notification to the NCP through the hosting higher institution (in accordance with Section 16c Residence Act). The NCP checks if the requirements are met. If the requirements are met, the NCP sends a confirmation to TCNs through the receiving higher education institution. A 30 days objection period/deadline before TCNs can enter Germany is set, while the notification is further processed. Under this period further documents may be requested. If there is no objection after the expiration of the 30 days, the mobility certificate is issued. Also, the notification can be withdrawn within these 30 days period to avoid denial, if the requested documents are not provided. If the requirements are not met, TCNs will be contacted via the host higher education to submit the requested documents. The affected notifications remain open pending when the requested documents</p>

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			<p>will be submitted. In this case, no 30 days period/deadline is set since there is no confirmation yet of the notification.</p> <p>If the residence title of TCNs is not clear, the NCP sends an inquiry to the competent NCP of the first Member State that issued the residence title for clarity.</p> <p>If the requirements are not fulfilled e.g. a TCN's residence title was not issued in line with the Directive (EU) 2016/801, the mobility notification will be rejected. In this case TCNs students will be advised to apply for visa for study purposes at the German diplomatic mission abroad in the respective first Member State.</p> <p>Please note:</p> <p>The students' data/documents are transmitted through the IT-Platform MoNa for data protection reasons and as part of the digitalisation strategy for an efficient notification procedure for intra-EU mobility to Germany. This allows for digital, media-break-free and secured communication and exchange of data/documents of TCNs between the National Contact Point (NCP) and the receiving educational institutions for the transmission of mobility messages. For these reasons, the transmission of mobility notifications other than by the IT-Platform MoNa, e.g. by email, cannot be accepted or processed.</p> <p>3. The notification procedure in this case is rather optional, although Germany has put in place the notification procedure (please see the response to Q2 above).</p> <p>4. Please see the response to Q3.</p> <p>5. <b>A) TCNs covered by mobility measures:</b></p>
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			<p>Students under these rules are not required to apply for study visa or a German residence title, if they already hold residence titles issued by another Member State for study purposes in accordance with Directive 2016/801 and can stay in Germany up to 360 days.</p> <p>The rule falls under Section 16c Residence Act. The notification process is done by the receiving German higher education institution on behalf of the students.</p> <p>Students enjoy a shorter waiting period of 30 days prior to entering Germany after the notification has been positively confirmed and there is no objection. After entry into Germany, students are exempted from personally reporting their arrival at the local foreigners' authority.</p> <p>TCNs cannot, under this rule, directly take part in a preparatory language course. TCNs are not required to show proof of knowledge of the language of instruction required for the specific course of study.</p> <p><b>B) TCNs not covered by mobility measures:</b></p> <p>TCNs students who are not covered by the programs mentioned above have to apply for a German national visa for study purposes at the German diplomatic mission abroad prior to entering Germany or, in case visa free entry is possible, at the local foreigners' authority and both are subject to a longer waiting period. The rule falls under Section 16b Residence Act.</p> <p>TCNs students must show proof of the knowledge of the language of instruction required for the specific course of study if this language knowledge was neither tested in the admission decision nor is to be acquired through the study preparatory measure.</p> <p>The period of validity of residence permit is usually two years when it is first issued and extended.</p> <p>TCNs entitled to international protection in another Member State of the European Union, who have been studying in another Member State of the EU for at least two years and have met the requirements of Section 16c Paragraph 1 Sentence 1 Numbers 2 and 3 Residence Act, should be granted a residence permit for the purpose of studying.</p> <p>6.</p>
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			All of the proof mentioned above. A student must present proof of one of the programmes mentioned above <b>and</b> a valid residence permit bearing the word student as well as, at least generally, mobility programme. If the specification on the mobility programme is missing and there is doubt whether the permit is allowing for mobility, the NCP of the first Member State will be contacted for clarification.
	EMN NCP Greece	Yes	<p>1. YES</p> <p>2. The higher education institution in Greece is required to notify the competent Greek authorities, as well as the authorities of the first member state, of the student's intention to carry out part of his/her studies at the higher education institution in Greece. In this case, the notification is sent either:</p> <p>a) at the time of submitting the application to the first MS, if mobility to Greece is already foreseen at this stage or</p> <p>b) after the student has been accepted in the first MS, as soon as the intention to exercise the right of mobility towards Greece is declared.</p> <p>Attached to the notification is a valid travel document and the valid residence permit issued by the first MS the duration of which covers the total period of mobility.</p> <p>If the notification takes place:</p> <p>-in accordance with case (a) and the competent Greek authority does not raise any objection with the first MS, the student's mobility to Greece may take place at any time within the validity period of the residence permit</p> <p>-in accordance with case (b) and the competent Greek authority does not object to the student's mobility, the student's mobility to Greece is considered to be approved and may begin.</p> <p>3.</p>

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			<p>Greece has transposed the relevant provision in the national legislation and is required a notification procedure to be put in place.</p> <p>4. -</p> <p>5. A student, who is not covered by an EU or multilateral program involving mobility measures or by an agreement between two or more higher education institutions, submits an application for a permit to enter (visa application) and reside (application for residence permit) in Greece, in order to carry out part of the studies at a higher education institution education in accordance with relevant articles of national legislation.</p> <p>6. In addition to the evidence of Q 2, the notification must be accompanied by evidence that the student carries out part of his studies in Greece within the framework of an EU or multilateral program involving mobility measures, or within the framework of an agreement between two (2) or more higher education institutions, that he/she has been accepted by a higher education institution in Greece, as well as information on the intended duration and dates of the mobility. The above shall be written in the Greek language.</p>
	EMN NCP Hungary	Yes	<p>1. Yes</p> <p>2.</p>

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		<p>Based on section 56 (4) of Act XC of 2023 on General Rules for the Admission and Residence of Third-Country Nationals (hereinafter referred to as Act XC of 2023), students who are holders of a residence permit issued by another Member State of the European Union for the purpose of studies and who are covered by a European Union or multilateral program that comprises mobility measures or by an agreement between two or more higher education institutions, and who are holders of a valid residence permit for the purpose of studies, issued by the first Member State, shall be entitled to a student mobility certificate if – with a view to exercising student mobility – they notify the immigration authority, using the notification form and with data content provided for by other legislation of their student mobility plan, including the planned duration of mobility and the dates of the mobility.</p> <p>Based on section 56 (5) of Act XC of 2023, in addition to what is contained in Subsection (4), students shall enclose with the notification provided for in Subsection (4):</p> <ul style="list-style-type: none"> <li>a) the agreement with a Hungarian higher education institution or a certificate of admission;</li> <li>b) documents evidencing compliance with the conditions set out in Paragraphs <i>f)</i> and <i>g)</i> of Subsection (1) of Section 17;</li> <li>c) proof of payment of the fee charged by the higher education institution; and</li> <li>d) a document showing the actual place of accommodation in the territory of Hungary.</li> </ul> <p>As a holder of a student mobility certificate, a third-country national may stay within the territory of Hungary up to 360 days.</p> <p>3.</p> <p>Yes, Hungary applies provisions of the named Article. Section 42 of Government Decree no. 35/2024 (of 29 February) on the Implementation of Act XC of 2023 on General Rules for the Admission and Residence of Third-Country Nationals (hereinafter referred to as: Government Decree no. 35/2024) regulates the relevant procedure, under which information and cooperation with the competent authorities of the Member States concerned in relation to aliens policing procedures for the approval or certification of students' mobility within the European Union is provided by NDGAP as national contact</p>
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			<p>point, which notifies the Member State which issued the residence permit by electronic means of any objection to or approval of a mobility notification.</p> <p>4. See answer to Question 3.</p> <p>5. Pursuant to Section 56 (2) of Act XC of 2023, students who are holders of a residence permit issued by another Member State of the European Union for the purpose of studies and who are not covered by a European Union or multilateral programme that comprises mobility measures or by an agreement between two or more higher education institutions, and who are holders of a valid residence permit for the purpose of studies issued by the first Member State, shall be entitled to a student mobility residence permit if they intend to carry out part of the studies in the higher education institution provided for in other legislation. Based on Section 56 (3) of Act XC of 2023, simultaneously with submitting the application for student mobility residence permit, students shall enclose:</p> <ul style="list-style-type: none"><li>a) the agreement with a Hungarian higher education institution or a certificate of admission;</li><li>b) documents evidencing compliance with the conditions set out in Paragraphs <i>f</i>) and <i>g</i>) of Subsection (1) of Section 17;</li><li>c) proof of payment of the fee charged by the higher education institution; and</li><li>d) a document indicating the applicant's actual place of accommodation within the territory of Hungary.</li></ul> <p>6.</p>
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			See answers to previous questions. As per Government Decree no. 35/2024, the respective third-country national is to present his/her valid travel document and valid residence permit for the purpose of studies issued by the first Member State when submitting a student mobility notification.
■	EMN NCP Italy	Yes	<p>1. No.</p> <p>2. NA</p> <p>3. It is considered that Article 31 is only an option.</p> <p>4. Directive 2016/801/EU was transposed in Italy by Legislative Decree No. 71 of May 11, 2018, which amended some articles of Legislative Decree No. 286 of July 25, 1998, Immigration Act (<i>Testo Unico Immigrazione</i> - T.U.I.) A third country national who holds a valid authorization, , issued by a Member State of the European Union because he or she is enrolled in a course of higher technical education or higher training, or in an institution of higher education that benefits from an European Union or multilateral program including mobility measures, or an agreement between two or more institutions of higher education, may enter and reside in Italy for a maximum period of three hundred and sixty days without a visa or residence permit to continue their academic path already begun in the other Member State or to integrate it with a related program of study. The third country national must supplement the application for a residence permit with the documentation from the academic authorities of the European Union country where he or she</p>


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			<p>completed the course of study, which certifies that the study program to be carried out in Italy is complementary to the study program already undertaken.</p> <p>Third-country nationals studying under an EU program or a multilateral program that includes mobility measures, or an agreement between two or more institutions of higher education, must apply for a visa by submitting documentation related to the mobility program or agreement between institutions of higher education to the Italian Diplomatic Representation. Once in Italy, they must apply for a residence permit for <b>STUDY</b> at the competent <i>Questura</i> (Police Headquarters) in the city where they intend to establish their residence.</p> <p>5. The participation in exchanges mobility program for training credit, always take place through agreements between the Italian educational institution and the foreign one. Otherwise, the student would enter by enrolment in a higher education course. In that case the Ministry of University and Research (MUR) issues guidelines, updated annually, which provide for a pre-enrolment in educational institutions, via the University portal <a href="https://www.universitaly.it/">https://www.universitaly.it/</a></p> <p>6. The option is: Proof of membership of an EU programme, or a multilateral program involving mobility measures, or an agreement between two or more higher education establishments.</p>
	EMN NCP Latvia	Yes	<p>1. No.</p> <p>2. N/a</p>


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			<p>3. Latvia considers that a notification procedure regarding Article 31 is only an option.</p> <p>4.</p> <p>5. Students who are not covered by an EU programme, a multilateral programme involving mobility measures or an agreement between two or more higher education institutions are subject to the regular migration procedure, they have to apply for a visa or student's residence permit. There currently are no special arrangements for third-country nationals admitted for study purposes. Upon inquiry from any controlling institutions, the third-country nationals are required to provide proof of their admittance in any student mobility programme.</p> <p>5. Students who are not covered by an EU programme, a multilateral programme involving mobility measures or an agreement between two or more higher education institutions are subject to the regular migration procedure, they have to apply for a visa or student's residence permit.</p> <p>6. A residence permit bearing the words "student – mobility programme"</p>
	<p>EMN NCP Lithuania</p>	<p><b>Yes</b></p>	<p>1. No</p> <p>2. N/A</p> <p>3.</p>

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			<p>It is considered to be optional.</p> <p>4. According to Article 11(7) of the Law on the Legal Status of Foreigners, a foreign national with a valid temporary residence permit or a national visa for study purposes issued by another European Union Member State, and who is part of a programme funded by the European Union or its Member States to enhance the mobility of third-country nationals within the EU, or under an agreement between two or more higher education institutions, may come to the Republic of Lithuania to pursue part of their studies and stay without a visa for up to 360 days. Additionally, the foreign national has the right to work during their stay.</p> <p>5. Students who hold a valid temporary residence permit or national visa issued by another EU Member State for study purposes and who are enrolled in the program can enter and stay in Lithuania without any formalities (no visa or residence permit application required). Other foreigners intending to study in Lithuania must apply for a national visa or temporary residence permit.</p> <p>6. N/A</p>
	EMN NCP Luxemb ourg	Yes	<p>1. YES.</p> <p>2. Article 58 (1) of the amended law of 29 August 2008 on free movement of persons (Immigration Law) states that "A third-country national who holds a valid residence permit issued by a first Member State</p>


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		<p>as a student and who is covered by a Union program or a multilateral program involving mobility measures or by an agreement between two or more higher education establishments may enter and reside in the territory of the Grand Duchy of Luxembourg and carry out part of his or her studies in a higher education establishment for a maximum period of 360 days, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. The higher education establishment in the Grand Duchy of Luxembourg or the third-country national notifies the competent authorities of the first Member State and the Minister of the third-country national's intention to carry out part of his or her studies at a higher education establishment in the Grand Duchy of Luxembourg, as soon as the mobility project is known (article 58 (3)).</li> <li>2. The notification to the minister has to include the following: <ol style="list-style-type: none"> <li>a) a valid travel document ;</li> <li>b) a valid residence permit issued by the first Member State, covering the entire period of mobility;</li> <li>c) proof that the third-country national is studying in the Grand Duchy of Luxembourg as part of an EU or multilateral program involving mobility measures, or under an agreement between two or more higher education establishments;</li> <li>d) a document giving details of the planned duration and dates of the mobility, if this information is not provided in the above-mentioned document;</li> <li>e) proof that the third-country national has been accepted by a higher education establishment in the Grand Duchy of Luxembourg;</li> <li>f) proof that the third-country national has sufficient resources during his/her studies to cover his/her living expenses without recourse to the social assistance system, as well as his/her return travel costs, as specified by Grand-Ducal regulation;</li> <li>g) proof that the third-country national has health insurance.</li> </ol> </li> <li>3. Luxembourg transposed article 31 of the Directive 2016/801/EU in article 58 of the Immigration Law so Luxembourg required a notification procedure (it is not an option).</li> </ol>
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			<p>4. N/A.</p> <p>5. Article 58 (2) states that third-country nationals who are not covered by a Union or multilateral program involving mobility measures, or by an agreement between two or more higher education establishments, must submit an application for authorization as an international student in accordance with articles 56 and 57 of the Immigration Law.</p> <p>6. Article 58 (4) points b) requires proof that the third-country national is studying in the Grand Duchy of Luxembourg as part of an EU or multilateral program involving mobility measures, or under an agreement between two or more higher education establishments.</p>
	EMN NCP Netherlands	Yes	<p>1. Yes.</p> <p>2. The student or the Dutch university of applied sciences or academic university sends a written notification to the Immigration- and Naturalisation Service (<i>Immigratie- en Naturalisatiedienst</i>, IND).[1]</p> <p>[1] IND, 'Intra-EU-mobiliteit studie (richtlijn (EU) 2016/801)', <a href="https://ind.nl/nl/verblijfsvergunningen/studie/intra-eu-mobiliteit-studie-richtlijn-eu-2016801">https://ind.nl/nl/verblijfsvergunningen/studie/intra-eu-mobiliteit-studie-richtlijn-eu-2016801</a>, last accessed on 22 May 2024.</p>

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			<p>3. Yes, a notification procedure is required to be followed.</p> <p>4. N/A.</p> <p>5. Third-country national students who are not covered by an EU programme, a multilateral programme involving mobility measures or an agreement between two or more higher education institutions, will not be able to benefit from the intra-EU mobility rules and the approved sponsor (academic university / university of applied sciences) will have to apply for a residence permit on behalf of the student.[1]</p> <p>[1] Government Gazette (<i>Staatscourant</i>), 2018, no. 26646, <a href="https://zoek.officielebekendmakingen.nl/stcrt-2018-26646.pdf">https://zoek.officielebekendmakingen.nl/stcrt-2018-26646.pdf</a></p> <p>6. Proof of membership of an EU programme or a multilateral programme involving mobility measures or an agreement between two or more higher education establishments.</p>
	EMN NCP Poland	Yes	<p>1. YES</p> <p>2. The notification is made by the higher education institution in the second Member State (in Poland).</p>



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		<p>The details of notification process in Poland were published in the document “Compilation of Member State responses on modalities of students’ mobility under the Students and Researchers Directive (EU) 2016_801”. Only slight changes have occurred since then.</p> <p>3. We consider that a notification procedure is an option but we required it.</p> <p>4. Poland has set up the notification procedure.</p> <p>5. Poland has set up the notification procedure.</p> <p>6.</p> <ul style="list-style-type: none"> <li>• A residence permit bearing the word "STUDENT" + proof of membership of an EU programme or a multilateral programme involving mobility measures or an agreement between two or more higher education establishments OR</li> <li>• A residence permit bearing the words "STUDENT – MOBILITY PROGRAMME" + proof of membership of an EU programme or a multilateral programme involving mobility measures or an agreement between two or more higher education establishments (at least the name of a programme or an agreement on mobility) OR</li> <li>• A residence permit bearing the words: „STUDENT” and the name of a programme or an agreement on mobility.</li> </ul>
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	<b>EMN NCP Portugal</b>	<b>Yes</b>	<p>1. The Portuguese government has adopted the 2016/801/EU Directive on third-country nationals engaged in scientific research and study, or working as "au pairs". This directive further define entry rights and periods of stay for applicable foreign nationals and bring Portugal in line with EU-wide standards.</p> <p>2. No data available</p> <p>3. No data available</p> <p>4. No data available</p> <p>5. No data available</p> <p>6. No data available</p>
	<b>EMN NCP Slovakia</b>	<b>Yes</b>	<p>1. Yes.</p> <p>2. In the Slovak Republic the notification has to be done by the host higher education institution. The notification has to be done before the arrival of the third country national to the Slovak Republic and it has to be accompanied by:</p> <ul style="list-style-type: none"> <li>• a document stating that the third country national is undertaking the part of his studies in the Slovak Republic within EU programme, governmental programme, multilateral or interinstitutional programme,</li> <li>• a document that the school admitted the student – third country national - for studies,</li> </ul>


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		<ul style="list-style-type: none"> <li>• valid residence permit for the purpose of (university) studies issued by another EU MS,</li> <li>• valid travel document,</li> <li>• information on the date of start and end of the mobility,</li> <li>• a document proving the financial coverage of the stay, study costs and the costs of traveling back to the Member State together in the amount of the subsistence minimum for each month of stay or a confirmation from the higher education institution in the territory of the Slovak Republic that it will provide the third-country national during his/her stay in the territory of the Slovak Republic with sufficient resources to cover subsistence, study and return travel costs to the Member State.</li> </ul> <p>3. The Slovak Republic requires the host institution to notify in this case the Foreign Police. See also question 2.</p> <p>4. NA</p> <p>5. Students not covered by mobility programmes can within the visa free regime/Schengen visa (depending on their country of citizenship) study in the Slovak Republic without any further permits for the period of up to 90 days. For the stay longer than 90 days they need to apply for a residence permit for the purpose of studies.</p> <p>6.</p>
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			In the Slovak Republic they have to prove that they are coming within any type of mobility programme (EU, governmental, multilateral, interinstitutional) and at the same time they have to have a prove of a residence for the purpose of (university) studies in other EU MS. See also question 2.
	<b>EMN NCP Slovenia</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. Yes.</li> <li>2. A foreigner (student), a higher education institution from a member state of the European Union that first issued the foreigner a residence permit for the purpose of studies, or a higher education institution from the Republic of Slovenia in which the student will complete part of his studies (informant), must inform the competent authority in the Republic of Slovenia in writing (official notification) about the foreigner's intended mobility, as soon as it is known that the foreigner will complete part of his studies in the Republic of Slovenia, but before the foreigner's intended entry into the Republic of Slovenia.</li> <li>3. It is only an option (may clause).</li> <li>4. N/A</li> <li>5. For a foreigner who has a valid residence permit for study, first issued by another member state of the European Union, who does not participate in European Union programs or in multilateral programs that include measures to promote mobility, or in an agreement between two or more higher education institutions, and intends to complete part of his studies at a higher education institution in the Republic</li> </ol>

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of Slovenia, the provisions of Article 44 of the Foreigners Act apply to the issuance of a temporary residence permit for the purpose of studies.

6.

- a valid travel document, the validity of which is at least three months longer than the intended stay in the Republic of Slovenia;
- proof of adequate health insurance that covers at least emergency medical services in the territory of the Republic of Slovenia;
- proof of sufficient means of subsistence during his stay in the country, or he must be otherwise guaranteed subsistence, monthly at least in the amount equal to the basic amount of the minimum income in the Republic of Slovenia, whereby the funds allocated by the educational organization to the foreigner are also taken into account. Fulfillment of the condition of sufficient means of support can also be proven by a written statement from the student's parents or legal representative stating that they will support him during his studies or education, if the parents are obliged to support him under the law of the country of which he is a citizen;
- official notification about the intended study in the Republic of Slovenia;
- proof of admission to a higher education institution in the Republic of Slovenia, from which the estimated duration of study is derived;
- a residence permit for the purpose of study, which was first issued by another member state, valid for the entire duration of the intended stay and study in the Republic of Slovenia;
- a certificate from the criminal record of the EU member state that first issued the foreigner a residence permit for the purpose of study, and if the authority so requests a certificate from the criminal record of the home country.


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	<b>EMN NCP Spain</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. YES</li> <li>2. Notification must be done by the host higher education institution who notifies but in the case of a researcher he/she can directly notify. Basically is an electronic process where one has to justify to be a holder of an European card issued under the Directive premises, to prove to have health assurance and enough means to earn a living while in Spain.</li> <li>3. Spain requires a compulsory notification procedure</li> <li>4. This does not apply to</li> <li>5. Foreign students who have been admitted to complete or extend their studies in another EU Member State, but who are not covered by an EU or multilateral programme that includes mobility measures or by an agreement between two or more higher education institutions, may apply for authorisation to enter and stay in Spain to study or complete part of their studies in a Spanish higher education institution without the need to obtain a visa. A general immigration regime is allowed, but not the 360 days granted to those who are part of a programme.</li> <li>6.</li> </ol>
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			<p>A valid travel document and the valid authorisation issued by the first Member State for the entire period of mobility.</p> <p>In addition, the communication must include proof that the student is undertaking part of his/her studies within the framework of a Union or multilateral programme involving mobility actions or an agreement between two or more higher education institutions, and proof that the student has been accepted by a Spanish higher education institution.</p>
	EMN NCP Sweden	Yes	<p>1. Yes.</p> <p>2. Notification is made by the student. For more information, see <a href="https://www.migrationsverket.se/English/Private-individuals/Studying-in-Sweden/Notification-of-planned-mobility-studies.html">https://www.migrationsverket.se/English/Private-individuals/Studying-in-Sweden/Notification-of-planned-mobility-studies.html</a></p> <p>3. It is required.</p> <p>4. N/A.</p> <p>5. There is no application fee for notification, and students covered by an EU programme, a multilateral programme involving mobility measures or an agreement between two or more higher education</p>

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			<p>institutions can only apply through a physical form. Otherwise the required documents for application are the same.</p> <p>6. Documents showing that the student has been granted a residence permit for higher education (copies of both sides of the residence permit issued by another EU/EEA country) and a certificate that they will study in Sweden, issued by the Swedish higher education provider.</p>
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