

Open summary of the EMN Ad-Hoc Query No. 2017.1136

Transposition of Directive 2016/801

24.04.2017, prepared by BE NCP

1. KEY POINTS TO NOTE

- ★ A proof of adequate financial resources is required from international students in the 23 responding countries. A wide variety of ways to provide such proof is reported. Bank accounts with a required balance, guarantors, grants or scholarships are accepted in most countries as a proper way to establish sufficient resources.
- ★ In only 3 of the 23 countries, a system of frozen/blocked accounts is sometimes used for international students to meet their living costs. This practice is used at the educational institutions' discretion in 2 of the 3 countries and required by the embassy/government in the 3rd country.
- ★ The required amount of financial resources varies widely between the 23 countries. The amount can range from +/- €135 to €1454 per month.
- ★ In certain countries it is not possible for TCNs to get a permit for the primary purpose of being an au pair. In the other countries, the government/immigration services do not work with approved/recognized organizations mediating au pairs, except in one of them where such organizations play a formal role in the application process.

2. BACKGROUND AND CONTEXT

On 11.05.2016 the European Parliament and the Council of the European Union approved the directive 2016/801 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

This directive harmonizes EU entry and residence rules to make it easier and more attractive for people from third countries to study or do research at EU universities. The new rules also clarify and improve conditions for non-EU interns, volunteers, school pupils and au pairs. Member States have two years in which to transpose its provisions into their national laws, that is to say by 23.05.2018 at the latest.

The Belgian authorities are looking into the transposition to best comply with the above-mentioned directive. In this context the Belgian NCP asked in January 2017 more information on how Member States are currently dealing with some aspects of the directive, in particular types of financial resources used by international students, the use of frozen/blocked accounts by international students, and approved/recognized organizations mediating au pairs.

3. MAIN FINDINGS

Q 1. What types of financial resources do you take into account when examining proof of adequate financial resources from international students? Please indicate/estimate, for every type of financial resources, how often it is used by international students to prove adequate financial resources.

In all of the 23 countries who responded to this query, a **proof of adequate financial resources** is required from international students.

The responding countries reported a **wide variety** in ways international students can provide this proof.

Most of the countries reported **bank accounts** with a required balance as one of the ways international students can prove adequate financial resources. Finland, Germany, Slovak Republic and Latvia reported that in their countries, a majority of international students use a bank account to demonstrate adequate financial resources. Internationally valid cash substitute payment instruments like credit cards and checks (Czech Republic, Hungary, Ireland and Poland) are also accepted, provided that a certificate indicates that the student may and can withdraw the money.

Grants or scholarships declarations and **guarantor agreements** are also widely accepted as a proof of resources in most countries.

Other types of financial resources that can be taken into account, depending from State to State, are for example loans, lawfully earned remuneration for work, income received from lawful business activities or property, benefits provided by the educational institution (e.g. housing and meals), income or means of family (e.g. maintenance payments), cash, and benefits paid by a foreign state.

Some countries accept **certain types of social benefits** as proof of adequate financial resources. In Estonia, unemployment benefits, family allowances and pensions are considered as legal income for residence permit applications. In France, housing and family allowances are also taken into account.

Some countries reported the possibility to combine different types of financial resources to cover the required amount.

The **required amount** of financial resources varies widely between the responding countries. For example +/- €135 (Kuna 1000) a month in Croatia, €615 a month in France, and +/- €1454 (£ 1265) in the UK (in London, outside of London it's £ 1015). More information on the required amounts can be found in the compilation of answers to the EMN Ad-Hoc Query on verification of the reliability of potential students (launched by Slovenia in October 2016).

Reported types of proof of adequate financial resources that can be used by students:

	Bank account / deposit book	Grant scholarship	Guarantor	Cash substitute payment instr	Social benefits host country	Student loan	Employment	Income property business	Income means family	Benefits third country	Benefits educ instit	Cash
AT	x						x		x			
BE	x	x	x									
HR	x	x										
CY	x	x										
CZ	x	x	x	x							x	
EE		x			x		x	x	x	x		
FI	x	x									x	
FR			x		x							

DE	x	x	x						x			
HU	x		x	x			x	x				
IE	x			x								
IT		x	x									
LV	x		x									
LT	x	x										x
LU	x	x	x			x						
NL	x	x	x									
PL	x	x		x								
SK	x	x	x									
SI			x									
SE	x	x										
UK	x	x				x						
NO	x	x				x	x					
Total	18	16	11	4	2	3	4	2	3	1	2	1

Q 2. In Belgium a system of frozen/blocked accounts is used by certain universities. Does your Member State use frozen/blocked accounts for students to provide proof of adequate financial resources? If yes, are costs for a possible forced return as well frozen/blocked and reimbursed to students upon return on their own initiative and at which exact moment in time are they reimbursed?

In only three of the 23 responding countries (Belgium, the Netherlands and Germany) a system of **frozen/blocked accounts** can be used. With this system, a certain amount of money becomes available every month while the rest of the money remains blocked in the bank for the remaining duration of course of study. The student can use the money that is released every month to for example pay the rent. In both Belgium and the Netherlands the accounts may be frozen/blocked by educational institutions but all of them do not use the system. In Germany it is the aliens authority of the city of the student's university that blocks the account. In Germany this system is used in about 85% of the cases. In the three countries the money on the frozen/blocked account never includes costs for a possible forced removal.

Cyprus and the Netherlands reported that the **educational institutions** might have to **pay** for the **removal costs**. In the Netherlands the educational institution might be a recognized sponsor. In that case the educational institution is – after signing the student out – responsible for the return of the student and guarantees the costs that can be associated with return up to one year after withdrawal of the residence permit. Cyprus obliges academic institutions to submit a group bank guarantee, to secure possible costs of a forced return. In the EMN Ad-Hoc Query on verification of the reliability of potential students, Estonia reported that educational institutions are reliable for the costs if a student needs to be expelled from the country.

Q 3. Does your Member State work with a system of approved/recognized organizations mediating au pairs? If yes, how much applications have been submitted through these approved/recognized organizations mediating au pairs in 2014, 2015 and 2016?

Only the Dutch authorities work with a system of approved/recognized **organizations mediating au pairs**. In most of the other countries there are organizations mediating au pairs, but they do not have any formal role in the application process.

It should be noted that certain countries (Croatia, Latvia and Ireland, the latter has not opted into directive 2016/801) reported they do not prescribe the possibility of granting a temporary residence permit to TCNs for the primary purpose of being an au pair. The term au pair as a category of foreign nationals does not exist in the Czech Republic. In Lithuania the au pair program is not regulated.

EMN NCPs participating: Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom (23 in total).